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THE
REVISED STATUTES
OF
CANADA

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VOL. II.



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TABLE OF CONTENTS.

VOL. II.

CHAPTER.	TITLE.	PAGE
94.	An Act respecting Fishing by Foreign Vessels - - -	1251
95.	An Act respecting Fisheries and Fishing - - -	1257
96.	An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels - - -	1273
97.	An Act respecting Ferries - - - - -	1275
98.	An Act respecting Tolls on Government Works for the trans- mission of Timber - - - - -	1279
99.	An Act respecting the Inspection of certain Staple Articles of Canadian produce - - - - -	1283
100.	An Act to prohibit the manufacture and sale of certain sub- stitutes for Butter - - - - -	1329
101.	An Act respecting the Inspection of Gas and Gas Meters -	1331
102.	An Act respecting the Inspection of Petroleum - - -	1345
103.	An Act respecting the Culling and Measuring of Lumber in the Provinces of Ontario and Quebec - - -	1359
104.	An Act respecting Weights and Measures - - - - -	1375
105.	An Act respecting Canned Goods - - - - -	1399
106.	An Act respecting the traffic in Intoxicating Liquors -	1401
107.	An Act respecting the Adulteration of Food, Drugs and Agri- cultural Fertilisers - - - - -	1443
108.	An Act respecting Agricultural Fertilisers - - - - -	1453
109.	An Act respecting Railways - - - - -	1457
110.	An Act respecting the sale of Railway Passenger Tickets -	1527
111.	An Act respecting Dominion Day - - - - -	1531
112.	An Act respecting Oaths of Allegiance - - - - -	1533
3.	An Act respecting Naturalization and Aliens - - -	1535

CHAPTER	TITLE.	PAGE
114.	An Act respecting Inquiries concerning Public Matters	1553
115.	An Act respecting the making of certain Investigations under oath	1555
116.	An Act to avoid the necessity of having Public Documents engrossed on parchment	1557
117.	An Act respecting defective Letters Patent and the discharge of Securities to the Crown	1559
118.	An Act respecting Joint Stock Companies	1561
119.	An Act respecting the incorporation of Joint Stock Companies by Letters Patent	1571
120.	An Act respecting Banks and Banking	1599
121.	An Act respecting Government Savings Banks	1631
122.	An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec	1637
123.	An Act respecting Bills of Exchange and Promissory Notes	1649
124.	An Act respecting Insurance	1663
125.	An Act respecting Loans in Canada by British Companies	1689
126.	An Act respecting returns by certain persons and corporations receiving moneys on deposit at interest	1691
127.	An Act respecting Interest	1693
128.	An Act respecting Pawnbrokers	1699
129.	An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations	1703
130.	An Act respecting the incorporation of Boards of Trade	1733
131.	An Act respecting Trade Unions	1741
132.	An Act respecting Electric Telegraph Companies	1749
133.	An Act respecting Marine Electric Telegraphs	1753
134.	An Act respecting secrecy by Officers and persons employed on Telegraph Lines	1759
135.	An Act respecting the Supreme and Exchequer Courts	1761
136.	An Act respecting proceedings against the Crown by Petition of Right	1785
137.	An Act respecting the Maritime Court of Ontario	1791
138.	An Act respecting the Judges of Provincial Courts	1797

CHAPTER	TITLE.	PAGE
139.	An Act respecting Evidence - - - - -	1805
140.	An Act respecting the taking of evidence relating to proceedings in Courts out of Canada - - - - -	1809
141.	An Act respecting Extra judicial Oaths - - - - -	1811
142.	An Act respecting the Extradition of Fugitive Criminals -	1813
143.	An Act respecting Fugitive offenders in Canada from other parts of Her Majesty's Dominions - - - - -	1823
144.	An Act respecting the application of the Criminal Law of England to the Provinces of Ontario and British Columbia	1829
145.	An Act respecting Accessories - - - - -	1831
146.	An Act respecting Treason and other Offences against the Queen's authority - - - - -	1833
147.	An Act respecting Riots, unlawful Assemblies, and Breaches of the Peace - - - - -	1837
148.	An Act respecting the improper use of firearms and other weapons - - - - -	1841
149.	An Act respecting the seizure of arms kept for dangerous pur- poses - - - - -	1843
150.	An Act respecting Explosive Substances - - - - -	1845
151.	An Act respecting the Preservation of Peace in the vicinity of Public Works - - - - -	1849
152.	An Act respecting the Preservation of Peace at Public Meetings	1857
153.	An Act respecting Prize Fighting - - - - -	1859
154.	An Act respecting Perjury - - - - -	1863
155.	An Act respecting Escapes and Rescues - - - - -	1865
156.	An Act respecting Offences against Religion - - - - -	1869
157.	An Act respecting Offences against Public Morals and Public Convenience - - - - -	1871
158.	An Act respecting Gaming Houses - - - - -	1875
159.	An Act respecting Lotteries, Betting, and Pool-selling -	1879
160.	An Act respecting Gambling in Public Conveyances - - -	1883
161.	An Act respecting Offences relating to the Law of Marriage	1885
162.	An Act respecting Offences against the Person - - - - -	1887
163.	An Act respecting Libel - - - - -	1897

CHAPTER	TITLE.	PAGE
164.	An Act respecting Larceny and similar offences - - -	1899
165.	An Act respecting Forgery - - - - -	1927
166.	An Act respecting the fraudulent marking of Merchandise -	1945
167.	An Act respecting Offences relating to the Coin - - -	1955
168.	An Act respecting Malicious Injuries to Property - - -	1963
169.	An Act respecting offences relating to the Army and Navy	1979
170.	An Act respecting Military and Naval Stores - - - - -	1981
171.	An Act respecting the protection of the property of Seamen in the Navy - - - - -	1985
172.	An Act respecting Cruelty to Animals - - - - -	1987
173.	An Act respecting Threats, Intimidation and other Offences	1991
174.	An Act respecting Procedure in Criminal Cases - - - - -	2001
175.	An Act for the speedy trial, in the Provinces of Ontario, Quebec and Manitoba, of certain indictable offences - - - - -	2097
176.	An Act respecting the summary administration of Criminal Justice - - - - -	2105
177.	An Act respecting Juvenile Offenders - - - - -	2115
178.	An Act respecting summary proceedings before Justices of the Peace - - - - -	2123
179.	An Act respecting Recognizances - - - - -	2179
180.	An Act respecting Fines and Forfeitures - - - - -	2187
181.	An Act respecting Punishments, Pardons and the Commutation of sentences - - - - -	2189
182.	An Act respecting Penitentiaries - - - - -	2203
183.	An Act respecting Public and Reformatory Prisons - - - - -	2225
184.	An Act respecting the Police of Canada - - - - -	2243
185.	An Act respecting actions against persons administering the Criminal Law - - - - -	2245



THE
REVISED STATUTES

OF
CANADA.

Vol. II.

CHAPTER 94.

An Act respecting fishing by Foreign Vessels.

A.D. 1886.

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

1. The Governor in Council may, from time to time, grant to any foreign ship, vessel or boat, or to any ship, vessel or boat not navigated according to the laws of the United Kingdom or of Canada, at such rate and for such term not exceeding one year, as he deems expedient, a license to fish for, take, dry or cure any fish of any kind whatsoever, in British waters, within three marine miles of any of the coasts, bays, creeks or harbors of Canada, not included within the limits specified and described in the first article of the convention between His late Majesty King George the Third and the United States of America, made and signed at London, on the twentieth day of October, one thousand eight hundred and eighteen. 31 V., c. 61, s. 1;—46 V., c. 27, s. 1.

Governor may grant licenses to foreign vessels, &c., to fish in Canadian waters.

2. Any commissioned officer of Her Majesty's navy, serving on board of any vessel of Her Majesty's navy cruising and being in the waters of Canada for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, or any commissioned officer of Her Majesty's navy, fishery officer or stipendiary magistrate, on board of any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, or any officer of the customs of Canada, sheriff, justice of the peace or other person duly commissioned for that purpose, may go on board of any ship, vessel or boat within any harbor in Canada or hovering in British waters within three marine

Certain British or Canadian officers may board vessels hovering in such waters.

miles of any of the coasts, bays, creeks or harbors in Canada, and stay on board so long as she remains within such harbor or distance. 31 V., c. 61, s. 2.

Vessels found hovering in British waters may be brought into port and examined.

3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel or boat, being within any harbor in Canada, or hovering in British waters, within three marine miles of any of the coasts, bays, creeks or harbors in Canada, into port, and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of four hundred dollars; and if such ship, vessel or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (a) has been found fishing or preparing to fish, or to have been fishing in British waters within three marine miles of any of the coasts, bays, creeks or harbors of Canada, not included within the above mentioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel or boat, under the first section of this Act, or (b) has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force, such ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited. 49 V., c. 114, s. 1.

Forfeiture for fishing without a license, &c.

And for entering such waters for an unlawful purpose.

Vessels, &c., forfeited may be seized.

4. All goods, ships, vessels and boats and the tackle, rigging, apparel, furniture, stores and cargo liable to forfeiture under this Act, may be seized and secured by any officers or persons mentioned in the second section of this Act; and every person opposing any officer or person in the execution of his duty under this Act, or aiding or abetting any other person in any such opposition, is guilty of a misdemeanor, and liable to a fine of eight hundred dollars and to two years' imprisonment. 31 V., c. 61, s. 4.

Penalty for resisting seizure.

Custody of vessels, &c., seized.

5. Goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized as liable to forfeiture under this Act, shall be forthwith delivered into the custody of such fishery officer, or customs officer or other person, as the Minister of Marine and Fisheries, from time to time, directs, or shall be retained by the officer making the seizure in his own custody, if so directed by the Minister,— and in either case shall be secured and kept as other goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized are directed by the laws in force in the Province in which the seizure is made, to be secured and kept. 34 V., c. 23, s. 1.

Sale of goods, vessels, &c., seized.

6. All goods, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo condemned as forfeited under this Act, shall be sold by public auction, by direction

of the officer who has the custody thereof, under the provisions of the next preceding section of this Act, and under regulations made, from time to time, by the Governor in Council ; and the proceeds of every such sale shall be subject to the control of the Minister of Marine and Fisheries, who shall first pay thereout all necessary costs and expenses of custody and sale ; and the Governor in Council may, from time to time, apportion three-fourths, or less, of the net remainder, among the officers and crew of any of Her Majesty's ships or Canadian Government vessel, from on board of which the seizure was made, as he thinks right,—reserving to the Crown and paying over to the Minister of Finance and Receiver General, at least one-fourth of such net remainder, to form part of the Consolidated Revenue Fund of Canada ; but the Governor in Council may, nevertheless, direct that any goods, vessel or boat, and the tackle, rigging, apparel, furniture, stores and cargo seized and forfeited, shall be destroyed, or be reserved for the public service. 34 V., c. 23, s. 2.

Applica-
tion of
proceeds.

Proviso.

7. Every penalty or forfeiture under this Act may be recovered or enforced in any court of vice-admiralty within Canada. 31 V., c. 61, s. 7.

Forfeiture,
how enforced.

8. The judge of the court of vice-admiralty may, with the consent of the person who seizes any goods, ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo, forfeited under this Act, order the re-delivery thereof, on security by bond to be given by the party, with two sureties, to the use of Her Majesty ; and if any goods, ship, vessel or boat, or the tackle, rigging, apparel, furniture, stores and cargo so re-delivered are condemned as forfeited, the value thereof shall be paid into court and distributed as hereinbefore directed. 31 V., c. 61, s. 8.

Vessel, &c.,
may be
released on
security being
given.

Value to be
distributed in
case of con-
demnation.

9. The Attorney General of Canada may, in Her Majesty's name, sue for or enforce any penalty or forfeiture incurred under this Act. 31 V., c. 61, s. 9.

Attorney
General of
Canada to
sue.

10. If a dispute arises as to whether any seizure has or has not been legally made or as to whether the person who seized was or was not authorized to seize under this Act, oral evidence may be taken and the burden of proving the illegality of the seizure shall lie upon the owner or claimant. 31 V., c. 61, s. 10.

As to proof of
legality of
seizure.

11. No claim to anything seized under this Act and returned into any court of vice-admiralty for adjudication shall be admitted unless the claim is entered under oath, with the name of the owner, his residence and occupation, and the description of the property claimed,—which oath shall be made by the owner, his attorney or agent, and to the best of his knowledge and belief. 31 V., c. 61, s. 11.

Claims must
be made on
oath.

And security must be given.

12. No person shall enter a claim to anything seized under this Act until security is given, in a penal sum not exceeding two hundred and forty dollars, to answer and pay costs occasioned by such claim; and in default of such security, the things seized shall be declared forfeited, and shall be condemned. 31 V., c. 61, s. 12.

Protection of officers, &c., acting under this Act.

13. No writ shall be sued out against any officer or other person authorized to seize under this Act for anything done under this Act, until one month after notice in writing has been delivered to him or left at his usual place of abode by the person intending to sue out such writ, his attorney or agent,—in which notice shall be contained the cause of action, the name and place of abode of the person who is to bring the action, and of his attorney or agent; and no evidence of any cause of action shall be admitted except such as is contained in such notice. 31 V., c. 61, s. 13.

Limitation of suits.

14. Every such action shall be brought within three months after the cause thereof has arisen. 31 V., c. 61, s. 14.

If judgment is for the claimant but there was probable cause of seizure, no costs allowed.

15. If on any information or suit brought to trial under this Act on account of any seizure, judgment is given for the claimant, and the court or judge certifies that there was probable cause for seizure, the claimant shall not be entitled to costs, and the person who made the seizure shall not be liable to any indictment or suit on account thereof; and if any suit or prosecution is brought against any person on account of any seizure under this Act, and judgment is given against him, and the court or judge certifies that there was probable cause for the seizure, the plaintiff, besides the thing seized or its value, shall not recover more than four cents damages, and shall not recover any costs, and the defendant shall not be fined more than twenty cents. 31 V., c. 61, s. 15.

Tender of amends.

16. Every officer or person who has made a seizure under this Act may, within one month after notice of action received, tender amends to the person complaining, or to his attorney or agent, and may plead such tender. 31 V., c. 61, s. 16.

Limitation of suits for penalties.

17. All actions for the recovery or enforcement of penalties or forfeitures imposed by this Act shall be commenced within three years after the offence committed. 31 V., c. 61, s. 17.

As to appeals from decrees under this Act.

18. No appeal shall be prosecuted from any decree, or sentence of any court, in respect of any penalty or forfeiture imposed by this Act, unless the inhibition is applied for and decreed within twelve months from the decree or sentence being pronounced. 31 V., c. 61, s. 18.

Governor in Council may

19. In cases of seizure under this Act, the Governor in Council may direct a stay of proceedings; and in cases of con-

demnation, may relieve from the penalty, in whole or in part, and on such terms as are deemed right. 31 V., c. 61, s. 19. relieve from penalty.

20. This Act shall apply to every foreign ship, vessel or boat in or upon the inland waters of Canada; and the provisions hereinbefore contained in respect of any proceedings in a court of vice-admiralty shall, in the case of any such foreign ship, vessel or boat, apply to the Maritime Court of Ontario and to the superior courts, and any penalty or forfeiture under this Act may be recovered or enforced in any of such courts in the Province within which the cause of prosecution arises. 31 V., c. 61, s. 20. Act to apply to inland waters; and other courts substituted for vice-admiralty in such case.

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CHAPTER 95.

An Act respecting Fisheries and Fishing.

A. D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Fisheries Act.*" 31 V., Short title. c. 60, s. 24.

FISHERY OFFICERS.

2. The Governor in Council may appoint fishery officers, whose powers and duties shall be as defined by this Act and the regulations made under it, and by instructions from the Department of Fisheries; and every such officer, if he is authorized by the Governor in Council to exercise the powers of a justice of the peace, shall for all the purposes of this Act and the regulations made under it, be *ex-officio* a justice of the peace, within the district for which he is appointed to act as such fishery officer. 31 V., c. 60, s. 1, *part*.

Fishery officers may be appointed.
Powers and duties.

3. Every fishery officer shall take and subscribe an oath in the form following, that is to say:—

Oath of office.

"I, A. B., a fishery officer in and for the district described in my appointment, do solemnly swear, that to the best of my judgment, I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such officer according to the true intent and meaning of "*The Fisheries Act*" and regulations, and in accordance with my instructions. So help me God." 31 V., c. 60, s. 1, *part*.

Form.

FISHERY LEASES AND LICENSES.

4. The Minister of Marine and Fisheries may, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued fishery leases and licenses for fisheries and fishing wheresoever situated or carried on; but leases or licenses for any term exceeding nine years shall be issued only under authority of the Governor in Council. 31 V., c. 60, s. 2.

Fishery leases and licenses.
If for more than nine years.

COD FISHERY.

5. No one shall use mackerel, herring or caplin seines for taking codfish, and no codfish seine shall be of a less

Nets for taking cod.

sized mesh than four inches in extension in the arms, and three inches in the bunt or bottom of the seine. 31 V., c. 60, s. 4.

WHALE, SEAL AND PORPOISE FISHERY.

Seals, &c., not to be killed by rockets or shells.
Penalty.

6. Every one who hunts or kills whales, seals or porpoises by means of rockets, explosive instruments or shells, shall be liable to a penalty not exceeding three hundred dollars, and in default of payment to imprisonment for a term not exceeding six months. 31 V., c. 60, s. 5.

Sedentary fisheries not to be disturbed.

Penalty.

7. Every one who, with boat or vessel, during the time of fishing for seals, knowingly or wilfully disturbs, impedes or injures any sedentary seal fishery, or prevents, hinders or frightens the shoals of seals coming into such fishery, shall, for each offence, be liable to a penalty not exceeding sixty dollars and, in default of payment, to imprisonment for a term not exceeding one month; and shall also be liable to pay such damages as are assessed by the fishery officer or justice of the peace before whom the person injured complains:

Disputes as to seal fisheries, how settled.

2. Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting nets, shall be decided summarily by any fishery officer or justice of the peace, by whom arbitrators may be appointed to assess damages; and any damages assessed or which arise out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any fishery officer or justice of the peace. 31 V., c. 60, s. 6.

SALMON FISHERY.

Close season for salmon.

8. Salmon shall not be fished for, caught or killed, between the thirty-first day of July and the first day of May, in the Provinces of Ontario and Quebec, and in the river Restigouche; or between the fifteenth day of August and the first day of March, in the Provinces of New Brunswick and Nova Scotia; or between the first day of September and the thirty-first day of December, in the Province of Prince Edward Island: Provided always, that it shall be lawful to fish for, catch and kill salmon with a rod and line, in the manner known as fly-surface-fishing, between the thirtieth day of April and the thirty-first day of August, in the Provinces of Ontario and Quebec, and between the first day of February and the fifteenth day of September, in the Provinces of New Brunswick and Nova Scotia:

Proviso: as to fly fishing.

Foul salmon.

2. Foul or unclean salmon shall not be, at any time, caught or killed:

Fry, parr and smolt not to be killed.

3. Salmon fry, parr and smolt shall not, at any time, be fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed; but if caught by accident in nets lawfully used for other fish, they shall be liberated alive, at the cost and risk of the owner of

the fishery, on whom, in every case, the proof of such actual liberation shall devolve:

4. Meshes of nets used for capturing salmon shall be at least five inches in extension, and nothing shall be done to practically diminish their size:

Size of meshes of salmon nets.

5. The use of nets or other apparatus for the capture of salmon shall, except in the Provinces of Nova Scotia and New Brunswick, be confined to tidal waters, and any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of Canada; but nothing contained in this section shall prevent the use of nets for catching salmon in the lakes of the Province of Ontario, or preclude the Minister of Marine and Fisheries from authorizing, by special fishery licenses or leases, the capture of salmon by nets in fresh water streams: Provided, that no one shall fish for or catch salmon with swing nets in any of the waters of Canada:

Use of nets regulated.

Proviso: as to Ontario, &c.

Proviso: as to swing nets.

6. The Minister, or any fishery officer authorized to such effect, shall have power to define the tidal boundary of estuary fishing for the purposes of this Act; and every one who, without the special fishery lease or license above provided for, fishes for salmon above the actual limit so laid down, except with a rod and line, in the manner known as fly-surface-fishing, shall be liable to a penalty not exceeding one hundred dollars, and in default of payment to imprisonment for a term not exceeding two months:

Boundaries of estuary fishing may be defined.

Penalty for fishing above limits, except with a rod and line, &c.

7. All nets, or other lawful appliances for the capture of salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing materials of any kind being set or used in and about any other part of the stream:

Distance of nets apart, &c.

8. No one shall drift for salmon, except in British Columbia, where drifting with salmon nets shall be confined to tidal waters; but drift nets for salmon in the said Province shall not be so set or used as to obstruct more than one-third of the width of any river:

No one to drift for salmon. Exception.

9. Any fishery officer may direct, either in writing or orally on sight, that a greater space than two hundred and fifty yards shall be left between salmon nets, or other fishing apparatus, and may prescribe their dimensions and extension: but gill or float nets shall not be used to lengthen, extend or enlarge any other kind of fishery:

Further distance between nets may be prescribed.

Proviso.

10. No salmon shall be captured within two hundred yards of the mouth of any tributary, creek or stream which salmon frequent to spawn:

As to spawning rivers.

11. Except in the manner known as fly-surface-fishing with a rod and line, salmon shall not be fished for, caught or killed at any artificial pass or salmon leap, or in any pool where salmon spawn:

Mode of killing at certain places.

12. Except under the authority and for the special purpose provided for in this Act, no one shall take, buy, sell,

Salmon spawn.

destroy, use or possess any salmon roe, or injure any spawning bed. 31 V., c. 60, s. 7;—38 V., c. 33, s. 1.

TROUT AND WHITEFISH FISHERY.

- As to trout. **9.** The following provisions shall be observed with respect to trout, that is to say:—
- In Ontario. (a.) In the Province of Ontario, no person shall fish for, catch, kill, buy, sell or have in his possession any speckled trout, "*salmo fontinalis*," between the fifteenth day of September and the first day of May, or any salmon trout between the first and tenth days of November, both days inclusive, in each year; or any lake trout between the fifteenth day of October and the first day of December, or any brook or river trout between the fifteenth day of September and the first day of January in each year;
- In Quebec. (b.) In the Province of Quebec, no person shall fish for, catch, kill, buy, sell or have in his possession any salmon trout, lake trout or lunge, between the fifteenth day of October and the first day of December, or any speckled trout, between the first day of October and the thirty-first day of December, or any brook or river trout, between the fifteenth day of September and the first day of January in each year;
- In Prince Edward Island. (c.) In the Province of Prince Edward Island, no person shall fish for, catch, kill, buy, sell or have in his possession any trout between the first day of October and the first day of December in each year, and they shall not, at any time, be fished for or taken by spears, sweep nets or seines in any river, stream or pond;
- In other parts of Canada. (d.) In all other parts of Canada no person shall fish for, catch, kill, buy, sell or have in his possession any kind of trout or lunge in any way whatever, between the first day of October and the first day of January:
- In inland waters. 2. No one shall, at any time, fish for, catch or kill trout by other means than angling by hand with hook and line, in any inland lake, river or stream, except in tidal waters:
- Exception as to Indians. 3. In the Province of Manitoba and the North-West Territories, Indians may, at any time, catch or kill speckled trout for their own use only, and not for purposes of sale or traffic:
- Exception as to fish used for bait, &c. 4. Nothing in this section shall prevent the use of small sized trout for the purpose of baiting traps, or affect the taking and using the same by fishermen as bait for cod fishing in tidal waters, or subject fishermen to penalty if by accident in fishing for herrings or whitefish by means of nets, trout are inclosed or taken. 31 V., c. 60, s. 8.
- Close season for whitefish. **10.** No one shall fish for, catch, kill, buy, sell or have in his possession, whitefish—
- In Ontario. (a.) In the Province of Ontario, between the first and tenth days of November, both days inclusive, in each year,

or by means of any kind of seine, between the thirteenth day of May and the first day of August ;

(b.) In the Province of Quebec, between the tenth day of November and the first day of December in each year, or by means of any kind of seine between the thirty-first day of July and the first day of December ;

(c.) In the Province of Manitoba and the North-West Territories, between the twentieth day of October and the first day of November, in each year : Provided that Indians may there catch or kill the same for their own use only, but not for purposes of sale or traffic, and provided that whitefish shall not be taken or used, bought, sold or possessed for making oil or feeding domestic animals ;

(d.) In any other part of Canada, between the nineteenth day of November and the first day of December in each year :

2. The fry of whitefish shall not be, at any time, destroyed :

3. Gill nets for catching salmon trout or whitefish shall have meshes of at least five inches extension measure ; and gill nets shall not be set within two miles of any seining ground :

4. Seines for catching whitefish shall have meshes of not less than four inches extension measure. 31 V., c. 60, s. 9.

OTHER FISHERIES.

11. Close seasons for bass, pike, pickerel (*doré*), maskinongé and other fish, may be fixed by the Governor in Council to suit different localities. 31 V., c. 60, s. 10.

POSSESSION OF FISH.

12. No one shall, without lawful excuse, (the proof whereof shall lie on him), buy, sell or possess any fish, or portion of any fish named in this Act, caught or killed at a time or in a manner prohibited by law :

2. Every customs officer, excise officer, police officer or constable, clerk of a market or other person in charge of any market-place in any village, town or city, shall seize and, upon view, confiscate to his own proper use, any fish mentioned in this Act, caught or killed during prohibited seasons, or which appears to have been killed by unlawful means ; but every such seizure and appropriation, with the date, place and circumstances thereof, shall be duly reported, together with the name, residence and calling of the person in whose possession such fish was found, to the fishery officer who has jurisdiction over the district within which such seizure, confiscation and appropriation took place. 31 V., c. 60, s. 11.

CONSTRUCTION OF FISH-WAYS.

13. Every dam, slide, or other obstruction across or in any stream where the Minister of Marine and Fisheries deter-

such manner
as fishery
officer directs.

mines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fish-way, which shall be maintained in practical and effective condition, in whatever place and of whatever form and capacity will admit of the passage of fish through the same; and the place, form and capacity of the fish-way may be prescribed by any fishery officer by notice in writing:

Penalty for
violation.

2. Every one who violates the foregoing provisions of this section shall incur a penalty of four dollars for each day during which any such obstruction remains unprovided with a fish-way, after three days' notice in writing to the owner or occupier thereof:

To be kept
open, &c.

3. Fish-ways shall be kept open and unobstructed and shall be supplied with a sufficient quantity of water to fulfil the purposes of this enactment, during such times as are required by any fishery officer:

Minister may
pay one half
the cost.

4. The Minister may authorize the payment of one-half of the expense incurred by such owner or occupier in constructing and maintaining any fish-way:

May construct
and recover
the cost in
certain cases.

5. The Minister, in order to procure the construction of any fish-way, pending proceedings against any owner or occupier for the penalty imposed by this Act, may give directions to make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and materials, and may recover from the owner or occupier the whole expense so incurred by action before any competent tribunal:

Not to be ob-
structed or
injured.

6. No person shall injure or obstruct any fish-way, or do anything to deter or hinder fish from entering and ascending or descending the same, or injure or obstruct any authorized barrier. 31 V., c. 60, s. 12.

GENERAL PROHIBITIONS.

Penalty for
fishing in
limits leased
to another.

14. Every one who fishes for, takes, catches or kills fish in any water, or along any beach, or within any fishery limits described in any lease or license, or places, uses, draws or sets therein any fishing gear or apparatus, except by permission of the occupant under such lease or license for the time being, or disturbs or injures any fishery, shall be liable to a penalty not exceeding one hundred dollars and costs, or to imprisonment for a term not exceeding two months; and the fishing apparatus so used, and all fish taken or caught, shall be forfeited, and any fishery officer or the holder of any such lease or license may, on view, forthwith seize and remove any net or apparatus so used, to be dealt with according to law: Provided always, that the occupation of any fishing station or waters so leased or licensed for the express purpose of net fishing shall not interfere with the taking of bait used for codfishing, or prevent angling for other purposes than those of trade and commerce:

Apparatus,
&c., may be
seized.

Proviso: as
to taking bait
or angling.

2. Seines, nets or other fishing apparatus shall not be set in such a manner or in such places as to obstruct the navigation with boats and vessels, and no boats or vessels shall be permitted to destroy or wantonly injure in any way any seines, nets or other fishing apparatus lawfully set:

Navigation not to be obstructed.

3. Every person using stakes or other timber placed for fishing purposes in any water shall remove the same within forty-eight hours after ceasing to use them, and in all cases at the expiry of the fishing season:

Stakes to be removed.

4. The main channel or course of any stream shall not be obstructed by any nets or other fishing apparatus; and one-third of the course of any river or stream, and not less than two-thirds of the main channel at low tide, in every tidal stream, shall be always left open, and no kind of fishing apparatus or material shall be used or placed therein: Provided that the use of weirs for catching eels exclusively, and the use of mill-dams for catching eels, shall be prevented only in cases where, and at times when they injure other fisheries or, by completely barring any passage, they deprive other weirs of a share in the run of eels: and such place, time and circumstances may be determined by any fishery officer:

Main channels not to be obstructed.

Proviso: as to eel fishing.

5. No net or other device shall be so used as entirely to obstruct the passage of fish to or from any of the waters of Canada, by any of the ordinary channels connecting such waters, or prevent their passage to and from accustomed resorts for spawning and increasing their species:

No net, &c., to obstruct entirely the passage of fish.

6. No one shall catch, kill or molest fish when passing or attempting to pass through any fish-way, or fish-pass, or in surmounting any obstacle or leap,—or shall use any invention to catch, kill or molest fish in the mill-dams, fish-ways, mill-heads and water courses appurtenant thereto:

Killing fish at certain places forbidden.

7. No one shall use a bag-net, trap-net or fish-pound, except under a special license, granted for capturing deep-sea fish other than salmon:

Certain nets forbidden

8. No one shall fish for, catch or kill salmon, trout or lunge of any kind, maskinongé, winaniche, bass, barfish, pickerel, whitefish, herring, or shad, by means of spear, grapnel hooks, negog, or nishagans: Provided, that the Minister of Marine and Fisheries may appropriate and license or lease certain waters in which certain Indians shall be allowed to catch fish for their own use in the manner and at the time specified in the license or lease, and may permit spearing in certain localities:

Fish not to be killed in certain ways.

Proviso: as to Indians.

9. No one shall fish for, catch, kill, buy, sell or possess the young of any of the fish mentioned in this Act, or in any regulation under it:

Young of fish not to be taken.

10. Seines for barfish shall have meshes of not less than three inches, extension measure:

Seines for barfish.

11. Fishery officers may determine or prescribe the distance between each and every fishery (*pêcherie*), and shall forthwith remove any fishery which the owner neglects or refuses to remove; and such owner shall be moreover liable

Distance between fisheries.

for a violation of this Act, and for the cost and damages of removing such fishery :

Fascine fisheries with box-traps.

12. Every fascine fishery with a box-trap (*coffre*), instead of pound, shall have across the outside end of such box-trap a wire covering or a net work, the meshes of which shall be at least one inch square ; but this shall not apply to eel weirs during autumn :

Nets, &c., in small rivers.

13. Nets or other fishing apparatus shall not be so used as to impede or divert the course of fish in any small river :

Fish to be allowed free passage on Sunday.

14. From the time of low water nearest six of the clock in the afternoon of every Saturday, to the time of low water nearest six of the clock in the forenoon of every Monday, in tidal waters, and from six of the clock in the afternoon of every Saturday to six of the clock in the forenoon of the following Monday in non-tidal waters—seines, nets or other apparatus used for catching fish shall be so raised or adapted as to admit of the free passage of fish through, by or out of the same, for the purpose of affording a free passage from six of the clock on every Saturday afternoon to six of the clock on every following Monday forenoon, and during such close time no one shall catch fish by such means ; and any fish so taken, caught or killed, together with the nets or other apparatus used, shall be forfeited : Provided always, that this subsection shall, as affects the deep-sea and coast fisheries in tidal waters, apply only to salmon, and the salmon fishery with nets and other apparatus, within a distance of three miles on either side of the mouth of any river or harbor frequented by salmon. 31 V., c. 60, s. 13.

And forfeited if then taken.

Proviso : as to certain fisheries in tidal waters.

INJURIES TO FISHING GROUNDS AND POLLUTION OF RIVERS.

Penalty for throwing overboard certain substances prejudicial to fisheries.

15. Every one who throws overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or any water where fishing is carried on, or throws overboard or lets fall upon any fishing bank or ground, or leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offal of fish, or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, shall be liable, for each offence, to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding two months ; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, shall be liable for each such offence : Provided always, that such remains or offal may be buried ashore, beyond high water mark, and that at establishments situated inside of the mouths of rivers for carrying on deep-sea fisheries, the same may be dropped into perforated boxes or inclosures built upon the beach, or under

Proviso : as to the disposal of offal.

stage-heads, in such manner as to prevent the same from being floated or drifted into the streams, or may be disposed of in such other manner as any fishery officer prescribes :

2. Lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or any other deleterious substance, shall not be thrown into, or allowed to pass into, or be left or remain in any water frequented by any of the kinds of fish mentioned in this Act; and every one who throws or allows to drift into any stream frequented by fish, saw dust or mill rubbish, shall incur a penalty not exceeding one hundred dollars: Provided always, that the Minister of Marine and Fisheries may exempt from the operation of this sub-section, wholly or partially, any stream or streams in respect to which he considers that its enforcement is not requisite in the public interest. 31 V., c. 60, s. 14.

Poisonous substances.

Mill rubbish.
Saw dust.

Proviso:
Minister may exempt any stream, &c.

FISHERY REGULATIONS.

16. The Governor in Council may, from time to time, make regulations for the better management and regulation of the sea-coast and inland fisheries,—to prevent or remedy the obstruction and pollution of streams,—to regulate and prevent fishing, to prohibit the destruction of fish, and to forbid fishing except under authority of leases or licenses,—which regulations shall have the same force and effect as if herein enacted, notwithstanding that such regulations extend, vary or alter any of the provisions of this Act respecting the places or modes of fishing or the times specified as prohibited or close seasons, and may fix such other modes, times or places as are deemed by the Governor in Council adapted to different localities, or otherwise expedient :

Governor in Council may make fishery regulations.

And may thereby vary certain provisions of this Act.

2. Such regulations shall take effect from the date of the publication thereof in the *Canada Gazette* :

Publication of regulations.

3. Every offence against any regulation made under this Act may be stated as in violation of this Act. 31 V., c. 60, s. 19.

Offences against regulations.

POWERS OF FISHERY OFFICERS AND OTHER JUSTICES.

17. Any fishery officer or other justice of the peace may, on view, convict of any of the offences punishable under the provisions of this Act, and may remove instantly and detain any materials unlawfully in use :

Fishery officer may convict on view.

2. Any fishery officer or other justice of the peace may search, or grant a warrant to search, any vessel or place where there is reason to believe that any fish taken in violation of this Act, or anything used in violation thereof, is concealed :

Search may be made.

3. If any offence under this Act is committed in, upon or near any waters forming the boundary between different counties or districts, or fishery districts, such offence may be prosecuted before any justice of the peace in either of such counties or districts, or before the fishery officer for either fishery district :

In what locality offence shall be prosecuted.

Right of fishery officer to pass over lands.

4. In the discharge of his duties any fishery officer, or other person or persons accompanying him or authorized to such effect, may enter upon and pass through or over private property without being liable for trespass :

Disputes as to boundaries.

5. Disputes between persons relative to fishing limits or claims to fishery stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery officer :

Gurry grounds.

6. Gurry grounds may be designated or defined by any fishery officer :

Certain officers to have powers of a justice of the peace under this Act.

7. Any fishery officer, stipendiary magistrate, or commissioned officer of Her Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, employed in the service of protecting fisheries, and every commissioned officer of Her Majesty's navy serving on board of any vessel cruising and being in the waters, harbors or ports of Canada, shall, for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, exercise the powers of a justice of the peace, without property qualification and without taking any oath of office, in all the waters, harbors or ports, and on all the coasts of Canada where, for the time being and for the purposes above described, they are so engaged :

Property seized, how dealt with.

8. Property seized by any fishery officer, stipendiary magistrate or naval officer, acting as aforesaid, may be removed for disposal to the nearest or most convenient port where any revenue officer or other public officer empowered to deal with the matter resides :

Powers of officer, &c., as to detention of prisoners.

9. Whenever it is impracticable for any fishery officer, stipendiary magistrate or naval officer, acting in such capacity, to cause any prisoner to be conveyed to, and committed to the nearest common gaol, he may detain him on board of the vessel, or transfer him to another vessel for conveyance to and delivery at the most convenient place, and with all convenient dispatch, where he can be duly committed into the custody of the sheriff or other officer of the county or district in which the common gaol is situated to which he is ordered to be committed ; and until such prisoner is so delivered into the immediate custody of any sheriff or gaoler the fishery officer, stipendiary magistrate or naval officer having him in charge, shall have, in all places through which it is necessary to convey such prisoner, the same authority and power in regard to such prisoner, and to command the aid of any of Her Majesty's subjects in preventing his escape, or in retaking him in case of escape, as any county or district sheriff or peace officer has while lawfully conveying a prisoner from one part of his own district to another :

Conveyance of prisoners.

Where the offence shall be held to have been committed.

10. Every such offence shall be deemed to have been committed in the county or district to the common gaol of which the commitment has been actually made. 31 V., c. 60, s. 18.

PENALTIES AND FORFEITURES.

18. Except as herein otherwise provided, every one who violates any provision of this Act, or of the regulations under it, shall be liable to a penalty not exceeding twenty dollars and costs, and in default of payment, to imprisonment for a term not exceeding one month and not less than eight days ; and any fishery officer or justice of the peace may grant a warrant of distress for the amount of such penalty and costs : but whenever it appears to the satisfaction of the justice of the peace or fishery officer that the offence was committed in ignorance of the law, or that because of the poverty of the defendant the penalties imposed would be oppressive, a discretionary power may be exercised :

Penalty in cases where no other is provided.

2. If any defendant has goods and chattels whereon the costs may be levied, the complainant may distrain for the amount under warrant by any fishery officer or other justice of the peace, notwithstanding the imprisonment of the person convicted :

Distress for penalty, &c.

3. All materials, implements or appliances used, and all fish caught, taken or killed in violation of this Act or any regulation under it, shall be confiscated to Her Majesty, and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any justice of the peace ; and the proceeds arising from the disposal thereof may be applied towards defraying expenses under this Act :

Forfeiture of articles used in violation of this Act.

4. A moiety of every penalty levied by virtue of this Act shall belong to Her Majesty, and the other moiety shall be paid to the prosecutor, not being a fishery officer, together with costs taxed to him in respect thereof ; but if a fishery officer is the informer, the whole shall belong to Her Majesty :

Application of pecuniary penalties.

5. Her Majesty's share of each penalty and all proceeds derived from the sale of confiscated articles under this Act, shall be paid to the Minister of Finance and Receiver General through the Department of Fisheries, and be applied towards the expenses incurred for the protection of the fisheries :

Crown's share.

6. Persons aggrieved by any such conviction may appeal by petition to the Minister of Marine and Fisheries, who may remit penalties and restore forfeitures under this Act. 31 V., c. 60, s. 16, *part.*

Appeal to Minister.

MODE OF RECOVERY.

19. Every penalty or forfeiture imposed by this Act, or regulations made under it, may be recovered or enforced on parol complaint, before any fishery officer, stipendiary magistrate or justice of the peace, in a summary manner, on the oath of one credible witness :

Before whom to be sued for.

2. Three days shall elapse between the service and the return day of the summons to any defendant served within fifteen miles, and one day more for each additional fifteen

Service of summons, &c.

Proviso: for cases not admitting of delay.

miles of the distance between the place at which the summons is issued and the place of service: Provided, that if it is expedient to proceed against a defendant without delay, any fishery officer or justice of the peace may issue a summons, returnable immediately, to compel the defendant to appear before him forthwith, or may issue a warrant for the apprehension of such defendant simultaneously with the summons:

Limitation of suits.

3. Penalties incurred under this Act, or the regulations made under it, shall be sued for within two years from the commission of the offence:

Who shall be liable.

4. When not otherwise specified, every proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of this Act or of any regulation made under it:

No quashing for want of form &c.

5. No proceeding or conviction under this Act or under any regulation made under it shall be set aside or quashed for irregularity or defect in form, and no warrant of arrest or commitment shall be held void by reason of any defect therein, if it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same. 31 V., c. 60, s. 17.

FORMS OF PROCEDURE.

Forms of proceedings under this Act.

20. The forms in the schedule to this Act may be used when applicable; and the "*Act respecting summary proceedings before Justices of the Peace*" shall apply to proceedings under this Act. 31 V., c. 60, s. 23.

GENERAL PROVISIONS.

Waters may be set apart for the propagation of fish. Penalty for trespass.

21. The Minister of Marine and Fisheries may authorize to be set apart, and to be leased, any river or other water for the natural or artificial propagation of fish; and every person who wilfully destroys or injures any place set apart or used for the propagation of fish, or who fishes therein without written permission from a fishery officer, or from the holder thereof under lease or license, or uses therein any fishing light or other implement for fishing, during the period for which such waters are so set apart, shall be liable to a penalty not exceeding two hundred dollars, and in default of payment, to imprisonment for a term not exceeding four months:

Licenses to take spawn, &c.

2. Nothing contained in this Act shall preclude the granting by the Minister of written permission to obtain fish and fish spawn for purposes of stocking or artificial breeding, or for scientific purposes:

Fishery lessees in arrears, &c.

3. Lessees or licensees of fisheries shall have no claim to renewal of leases or licenses if in arrears of rent or percentage during four months after the same is due, and any lessee

or licensee convicted of a violation of this Act, or any regulation under it, shall be liable to forfeit his lease or license :

4. Special licenses and leases for any term of years may be granted to any person who wishes to plant or form oyster beds in any of the bays, inlets, harbors, creeks or rivers, or between any of the islands on the coast of Canada ; and the holder of any such lease or license shall have the exclusive right to the oysters produced or found on the beds within the limits of such lease or license :

5. The Minister may authorize to be expended annually any sum appropriated by Parliament for the formation of oyster beds in various waters and places found adapted for that purpose, and for transplanting oysters and re-stocking exhausted fisheries by natural or artificial means, and for improving streams where natural obstructions exist, and may authorize the construction, erection or placing of any artificial barrier or grating in any stream or river, or in any water-course, and in the channels or beds thereof :

6. Every one who takes oysters from the oyster beds, or in any way injures or disturbs such oyster beds, except during the times and on the terms permitted by regulation under this Act, shall be liable to a penalty not exceeding one hundred dollars and not less than forty dollars, and in default of payment, to imprisonment for a term not exceeding two months and not less than one month ; and the vessel and all apparatus used in the taking of such oysters, or the injury or disturbance of such oyster beds, shall be forfeited :

7. Shell-fish fisheries shall be subject to the provisions of this Act and any regulations made under it. 31 V., c. 60, s. 15.

22. Every subject of Her Majesty may use vacant public property, such as by law is common and accessory to public rights of fishery and navigation, for the purposes of landing, salting, curing and drying fish, and may cut wood thereon for such purposes, and no other person shall occupy the same station unless it has been abandoned by the first occupant for twelve consecutive months ; and at the expiration of that period any new occupier shall pay the value of flakes and stages and other property thereon, of which he takes possession, or the buildings and improvements may be removed by the original owner ; and all subjects of Her Majesty may take bait or fish in any of the harbors or roadsteads, creeks or rivers, subject to the provisions of this Act respecting the leasing or licensing of fisheries and fishing stations ; but no property leased or licensed shall be deemed vacant. 31 V., c. 60, s. 3.

Whereas complaint has been made before me that C. D. did (*state the offence as in the summons*), and I am informed that you can give material evidence in the case: Therefore you are commanded to appear before me, at _____, on the day of _____, at _____ o'clock in the _____, to testify what you know concerning the matter of the said complaint.

Witness my hand and seal, this _____ day of _____, 18 _____.

J. S.,
(*as in summons.*)
[L. S.]

Form of Conviction.

Province of _____ }
County (or District) of _____ }

Be it remembered, that on this _____ day of _____, 18 _____, at _____ in the said County (or District), C. D., of _____, is convicted before me, for that he did, &c. (*stating the offence briefly, and the time and place where committed*), in contravention of "*The Fisheries Act*"; and I adjudge the said C. D. to forfeit (and pay) the sum of _____ (*or mention the thing forfeited under this Act*), to be applied according to law, and also to pay to A. B. (*the complainant*) the sum of _____ for costs:

(*If the penalty be not forthwith paid, add*), and the said C. D. having failed to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the Common Gaol of the County (or District) of _____ for the period of _____

Witness my hand and seal, this _____ day of _____, 18 _____.

J. S.,
(*as in summons.*)
[L. S.]

Form of Warrant of Commitment for non-payment of penalty or forfeiture and costs.

Province of _____ }
County (or District) of _____ }

To the Constable and Peace Officers of the County (or District) of _____ and the Keeper of the Common Gaol of the said County or District), at _____

Whereas C. D., of _____, was on the _____ day of _____, 18 _____, convicted before me, for that he, &c. (*as*

in conviction), and I did thereupon adjudge the said C. D. to forfeit and pay to A. B., &c. (*as in conviction*); And whereas the said C. D. hath not paid the said penalty or forfeiture and costs: Therefore, I command you, the said Constables and Peace Officers, or any of you, to convey the said C. D. to the Common Gaol for the _____ of _____, at _____ and deliver him to the keeper thereof with this warrant; and I command you the said keeper of the said gaol to receive the said C. D. into your custody, and keep him safely imprisoned in the said gaol for the space of _____, and for so doing this shall be your sufficient warrant.

Witness my hand and seal, this _____ day of _____, 18 _____.

J. S.,

(*as in summons.*)

[L.S.]

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CHAPTER 96.

An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels. A.D. 1886.

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

1. The Governor in Council may authorize the payment, out of the Consolidated Revenue Fund of Canada, of an annual grant not exceeding one hundred and fifty thousand dollars, to aid in the development of the sea fisheries of Canada, and the encouragement of the building and fitting out of improved fishing vessels, and the improvement of the condition of the fishermen. 45 V., c. 18, s. 1, *part*. Annual grant of \$150,000 in aid of sea fisheries.

2. Such grant shall be appropriated for the said purposes at such times and by such instalments, in each year, as the Governor in Council directs. 45 V., c. 18, s. 1, *part*. How to be appropriated.

3. During each session, a statement shall be laid before both Houses of Parliament, of the mode in which it is proposed to distribute the grant in the ensuing year, and the assent of Parliament shall be obtained thereto. 45 V., c. 18, s. 2, *part*. Yearly statement for Parliament and what it shall show.

4. A statement shall be laid before both Houses of Parliament within the first twenty days of each session, of the mode in which the said grant has been expended, together with copies of all Orders in Council relating to such grant and expenditure. 45 V., c. 18, s. 2, *part*. Yearly report to Parliament and what it shall show.

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CHAPTER 97.

An Act respecting Ferries.

A. D. 1886.

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

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

(a.) The expression “ferry” means any ferry between any Province and any British or foreign country, or between any two Provinces ;

(b.) The expression “license,” or “renewal,” includes all ferry licenses or renewals thereof. 33 V., c. 35, ss. 1 and 12.

Interpretation.
“Ferry.”
“License” or
“Renewal.”
- 2.** Every license of ferry shall be under the Great Seal, and shall be issued by the Governor in Council, after public competition, as hereinafter provided. 33 V., c. 35, s. 2.

Licenses to be
under the
Great Seal.
- 3.** Whenever any ferry is established or becomes vacant, the Minister of Inland Revenue shall offer the license or renewal of license for such ferry to public competition, and for that purpose give notice in the English and French languages in the *Canada Gazette*, and in one or more newspapers published or circulated in the locality in which the ferry is situate, of the time and place at which tenders will be received for the license, or renewal of license, for such ferry ; and the Minister of Inland Revenue shall report the result of such competition to the Governor in Council, and the license, or renewal thereof, shall be granted accordingly. 33 V., c. 35, s. 3.

Licenses to be
granted only
after compe-
tition.
- 4.** Ferry licenses issued after such public competition, may be granted for any period not exceeding five years. 33 V., c. 35, s. 4.

Duration of
license.
- 5.** The Governor in Council may, from time to time, make such regulations as he deems expedient, for any of the following purposes, that is to say :—

(a.) Establishing the extent and limit of all, or any such ferries as aforesaid ;

(b.) Defining the manner in which, the conditions (including any duty or sum to be paid for the license) under which, and the period for which, licenses shall be granted in respect of such ferries, or any one or more of them ;

Power to Gov-
ernor in Coun-
cil to make
regulations.
Extent of
ferries.
Conditions.

Vessels to be used.	(c.) Determining the size and description of the vessels to be used on any such ferries by the persons holding licenses in respect thereof, and the nature of the accommodation and conveniences to be provided for passengers carried in such vessels ;
Tolls.	(d.) Fixing the tolls or rates at which persons and chattels shall be carried over such ferries, and the manner and places at which such tolls or rates shall be published or made known ;
Enforcing payment.	(e.) Enforcing the payment of such tolls or rates, by the persons carried, or for whom chattels are carried, over such ferries ;
Conducting ferries.	(f.) Regulating the conduct of persons holding licenses, in respect of such ferries, and fixing the times and hours and parts of hours during and at which vessels employed on such ferries shall cross and recross, or depart from either side of any such ferry for that purpose ;
Forfeiture of license.	(g.) Annulling and declaring the forfeiture of any ferry license, in consequence of the conditions thereof, or any of them, not having been fulfilled, or in consequence of such license having been obtained by fraud or misrepresentation or through error ;
Penalties.	(h.) Imposing penalties, not exceeding ten dollars in any case, for the violation of any such regulation :
Effect of regulations.	And all such regulations shall, during the time for which they are intended to be in force, have the same force and effect as if contained in and enacted by this Act. 33 V., c. 35, s. 5.

Regulations to be published in English and French. **6.** The Minister of Inland Revenue shall cause all regulations made as aforesaid, to be published in the English and French languages, in the *Canada Gazette*, at least three times during the three months following the date thereof. 33 V., c. 35, s. 6, *part.*

Minister may make inquiries. **7.** Whenever reasonable grounds are shown to the Minister of Inland Revenue, he may, either himself or by any person specially appointed by him for that purpose, make inquiry under oath, as to any matter connected with any ferry or ferry license ; and the said Minister or such person shall have the same power as is vested in any court of justice in civil cases, of summoning witnesses, of enforcing their attendance, and of requiring and compelling them to give evidence on oath, whether orally or in writing, and to produce such documents and things as he deems requisite to the full investigation of such matter. 33 V., c. 35, s. 13, *part.*

Penalties on persons interfering with ferry rights. **8.** Every person who interferes with the rights of any licensed ferryman, by conveying passengers or goods, for hire or profit, or with intention to lessen the tolls or revenue of any ferry, within the limits assigned to such ferryman by the Crown, shall, upon conviction thereof before a justice of

the peace for the county, city or district in which either terminus of the ferry is situate, incur a penalty not exceeding twenty dollars. 33 V., c. 35, s. 9.

9. All fines or penalties imposed by this Act, or by any regulations under the authority thereof, shall be recoverable in a summary manner before any one justice of the peace, on the oath of any credible witness other than the informer; and one moiety of every such penalty shall be paid to the informer, and the other moiety shall belong to the Crown. 33 V., c. 35, s. 7. Recovery of penalties.

10. All moneys arising out of such ferry licenses, and out of fines and penalties incurred in regard to the same, or otherwise, under this Act, shall form part of the Consolidated Revenue Fund of Canada. 33 V., c. 35, s. 8. Application of proceeds and penalties.

11. Nothing in this Act shall extend to the owner or master of any vessel plying between two ports in Canada, or regularly entered or cleared by the officers of Her Majesty's Customs at any such port, or shall, in any way, affect any privilege in respect to ferries heretofore granted by the Parliament of Canada, or granted by the legislature of any of the Provinces now composing Canada, before such Province became a part of Canada, to the proprietor of any bridge, or to any railway or other company. 33 V., c. 35, s. 10. This Act not to apply to certain vessels, bridges, railways, &c.

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CHAPTER 98.

An Act respecting Tolls on Government Works for the transmission of Timber. A.D. 1886.

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

1. In this Act, unless the context otherwise requires,—
- (a.) The expression "works" means and includes the slides, booms, dams, bulkheads, and other works and improvements for facilitating the transmission of timber and lumber down any river or stream, which is under the control of the Government of Canada; Interpretation.
"Works."
- (b.) The expression "collector of tolls and dues" means and includes every officer authorized by competent authority to receive any tolls, dues or charges whatsoever, payable by any person using or taking advantage of any works to which this Act applies. 46 V., c. 16, s. 1. "Collector of tolls and dues."
2. The collection of tolls and dues on any timber, lumber or saw-logs passing through or using any works to which this Act applies, shall be under the control of the Minister of Inland Revenue. 46 V., c. 16, s. 2, *part.* Control.
3. The Governor in Council may, from time to time, make, revoke, alter or amend regulations as respects matters relating to such works as aforesaid, and not specially provided for by this or any other Act, and for fixing the rates of toll and the dues to be charged for the use of any such works, or of any series of such works (the rates in such latter case to be denominated through rates), and providing for the manner in which such tolls and dues shall be ascertained and collected, and also for imposing fines and penalties for any violation of such regulations, not exceeding, in any one case, five hundred dollars; and such fines and penalties shall be recoverable in any court of competent jurisdiction. 46 V., c. 16, s. 3, *part.* Regulations may be made for certain purposes.
Recovery of penalties.
4. The Governor in Council may make regulations authorizing a collector of tolls and dues on any works, in any case or class of cases specified in the regulation, to require any assertion of fact or any statement in relation to any matter to which this Act or any regulation made under it relates, Statement may be required to be under oath.

to be verified by the oath of the person making such assertion of fact or statement; and the oath so authorized may be administered by any judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits for use in any court in Canada, or by the collector of tolls and dues. 46 V., c. 16, s. 3, *part.*

Tolls and dues a first charge on the timber.

Seizure for non-payment.

Lien not affected by transfer.

Proviso: in case of *bonâ fide* sale.

If product is mixed with other timber, the whole liable.

5. All tolls and dues chargeable for the transmission of timber, lumber or saw-logs through or over any works shall be a first charge or lien on all or any part of such timber, lumber or saw-logs (each part being liable for the whole), and the same shall be liable for the payment of the tolls and dues thereon, so long as and wheresoever the said timber, or any part of it, is found, whether it is or is not converted into deals or boards; and all officers or agents, employed in the collection of such tolls and dues, and all persons acting under the authority of such officers or agents may follow all such timber and may seize and detain the same wherever it is found, until the dues thereon are paid or secured, as provided by this Act or by any regulation made thereunder; and no transfer, assignment, sale, mortgage or delivery to another person, or change of owner, shall affect the claim or lien of the Crown on any timber, lumber or saw-logs, or sawn lumber, in respect of which, or of the timber, lumber or saw-logs, out of which such sawn lumber was manufactured, any tolls or dues for the use of any works remain due and unpaid,—saving always the right of the innocent holder to any remedy which he has at law against the person from whom he received such timber, lumber or saw-logs, or the product thereof: Provided always, that no part of any such timber, lumber, saw-logs or the product thereof, when *bonâ fide* sold, assigned or transferred, shall be liable for more than double the tolls or dues accrued, in proportion to the amount chargeable upon the whole, upon such timber, lumber or saw-logs, or upon the timber, lumber or saw-logs from which the product was manufactured, in addition to the costs, if any, incurred in connection therewith. 46 V., c. 16, s. 4, *part.*

6. If any timber, lumber or saw-logs, in respect of which tolls or dues are chargeable, have been converted into sawn lumber and placed in any yard or piling ground with other sawn lumber, in such way that the identity thereof cannot be ascertained, all the sawn lumber in such yard or piling ground shall be deemed to be the product of timber, lumber or saw-logs which have passed over or through works to which this Act applies, and shall be liable for all tolls and dues with which the timber, lumber or saw-logs, the product of which has been so placed with other sawn lumber in such yard or piling ground, are chargeable. 46 V., c. 16, s. 4, *part.*

7. If any timber, lumber or saw-logs, or product thereof, so seized and detained for non-payment of tolls, dues, penalties and expenses remain more than thirty days in the custody of the collector or person appointed to guard the same, without the tolls, dues, penalties and expenses being paid, the Minister of Inland Revenue may order a sale of the said timber, lumber or saw-logs, or product thereof, to be made after such notice as he deems sufficient; and the balance of the proceeds of such sale, after retaining the amount of tolls, dues, penalties and costs incurred, shall be paid to the owner or person claiming such timber, lumber or saw-logs, or product thereof; and if a sufficient sum is not realized from such sale to defray such tolls, dues, penalties and expenses, the amount remaining unpaid shall be recoverable, with costs, in any court of competent jurisdiction, by the collector of tolls and dues in his own name, or in the name of Her Majesty: Provided always, that the whole amount of tolls and penalties shall be recoverable in like manner, with costs, from the owner or person in possession of such timber, lumber or saw-logs, or product thereof, by the collector of tolls and dues, if he, with the permission of the Minister of Inland Revenue, chooses that method of collection: Provided also, that all pecuniary penalties imposed by any regulation made by the Governor in Council under this Act may be recovered by the collector of tolls and dues, if he sees fit, under the "*Act respecting summary proceedings before Justices of the Peace.*" 46 V., c. 16, s. 5.

Sale of timber seized if tolls and dues are not paid.

Application of balance of proceeds.

Proviso: as to recovery by suit.

Proviso: recovery by summary proceedings.

8. Any officer or person who seizes timber, lumber or saw-logs, or any product thereof, in the discharge of his duty under this Act may, in the name of Her Majesty, call in any assistance necessary for securing and protecting the property so seized. 46 V., c. 16, s. 6, *part*.

Officer may call in assistance.

9. All collectors of customs, officers of canals, and all other Government officers, when requested so to do, shall co-operate with the collector of tolls and dues and his assistants, with the view of preventing the transport of timber, lumber or saw-logs, and the products thereof, until the tolls and dues thereon are secured. 46 V., c. 16, s. 7.

Other officers to assist.

10. All managers and officers of railways, when requested by the collector of tolls and dues so to do, shall render a correct account of all timber, lumber and saw-logs which are being forwarded by their respective railways, stating kinds and quantities, and specifying the owners thereof or by whom the same are sent; and if any such manager or officer refuses or neglects to give the required information, the collector of tolls and dues or person acting for him may, if he has reasonable cause to believe that the tolls and dues thereon have not been paid, seize and detain such timber, lumber or saw-logs, together with the cars employed in

Returns to be made by railway officers.

Detention and forfeiture if tolls and dues are not paid.

removing them ; and such cars and timber, lumber or saw-logs, shall be forfeited to Her Majesty, unless it is proved that the tolls and dues on such timber, lumber or saw-logs have been paid, or that the timber, lumber or saw-logs are not liable for any such tolls or dues ; and the Minister of Inland Revenue may, in his discretion, order the same, when so forfeited, to be sold ; and every manager or officer of any railway who so refuses or neglects to give the information above required, or who gives false information, shall incur a penalty not exceeding five hundred dollars and not less than one hundred dollars, which shall be recoverable in any court of competent jurisdiction. 46 V., c. 16, s. 8.

Penalty if such returns are not made.

Burden of proof of payment to lie on owner or claimant.

11. When any timber, lumber or saw-logs, or product thereof, are seized for non-payment of tolls or dues, or any prosecution is brought for tolls or dues and penalties under this Act, and any question arises whether the tolls or dues have been paid on such timber, lumber or saw-logs, or product thereof, or whether the same are liable to tolls or dues for having used the works in respect of which the same are charged, the burden of proving payment or that the works were not used, shall lie on the owner or person claiming such timber, lumber or saw-logs, or product thereof, and not on the officer seizing the same or instituting such prosecution. 46 V., c. 16, s. 10.

Release of property if security is given.

12. The collector of tolls and dues may, with the sanction of the Minister of Inland Revenue, release from seizure any timber, lumber or saw-logs, or product thereof, seized under this Act, and deliver the same to the alleged owner, on receiving security by bond, with two good and sufficient sureties, satisfactory to him, to pay double the amount claimed as chargeable in respect of such timber, lumber or saw-logs, or product thereof ; and such bond shall be taken in the name of Her Majesty ; and if such seizure is maintained by competent authority, the amount actually due, with interest and costs, shall be paid forthwith to the proper officer,—otherwise the penalty of such bond shall be enforced and recovered. 46 V., c. 16, s. 11.

Enforcement, if amount due is not paid.



CHAPTER 99.

An Act respecting the Inspection of certain Staple Articles of Canadian produce. A. D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The General Inspection Act.*" Short title. 37 V., c. 45, s. 98.

GENERAL PROVISIONS.

2. The Governor in Council may, from time to time, designate the several cities, counties, towns and other places or inspection divisions in Canada at and for which, respectively, it is expedient to appoint inspectors of the several articles hereinafter mentioned, or any of them; and the Governor in Council may, from time to time, determine the limits of such inspection divisions and appoint at and for each of such cities, counties, towns, places or divisions, an inspector of any of the following articles, that is to say:—

- (a.) Flour and meal;
- (b.) Wheat and other grain;
- (c.) Beef and pork;
- (d.) Pot ashes and pearl ashes;
- (e.) Pickled fish and fish-oil;
- (f.) Butter;
- (g.) Leather and raw hides:

2. Such inspectors shall hold office during pleasure, and shall act respectively within such local limits as the Governor in Council assigns to them; and they and their deputy inspectors shall be appointed only from among duly qualified persons, certified as such by the examiners hereinafter mentioned:

3. The Governor in Council may appoint a chief inspector of any of the articles hereinbefore enumerated, who shall hold office during pleasure and shall perform the duties hereinafter assigned to him. 37 V., c. 45, s. 1;—48-49 V., c. 66, s. 1.

3. The board of trade at each of the cities of Quebec, Montreal, Toronto, Kingston, Hamilton, London, Ottawa,

how and when appointed. Winnipeg and St. John, N.B., and at Port Arthur, and the chamber of commerce at the city of Halifax and at the city of Victoria, shall annually appoint in the said localities respectively, and the Governor in Council may, from time to time, appoint in any county in Canada or for any inspection division, five fit and skilful persons, any three of whom shall be a quorum, for each class of articles to be inspected in such locality or county, to examine and test the ability and fitness of applicants for the office of inspector or deputy inspector of such articles; and no person shall be appointed such inspector or deputy inspector, who has not been examined by and received a certificate of qualification from the proper board of examiners; and the board may, at any such examination, permit the attendance of any person or persons of experience and skill in the subject of such examination, and allow them to propose questions pertinent thereto to the candidate in order to test his knowledge and skill:

Inspectors and deputies must have been examined.

Who may be present at examination.

To whom certificates may be granted.

2. Every such board shall grant such certificates, and such only, as to the qualification of the candidates who present themselves for examination, as the knowledge and proficiency of such candidates require or justify. 37 V., c. 45, s. 2, *part*; —46 V., c. 29, s. 1; —48-49 V., c. 66, s. 2.

Examiners to take oath.

4. Each such examiner shall, before acting as such, take before a justice of the peace, an oath in the form following, or to the same effect:—

Form of oath.

“ I, A. B., do swear that I will not, directly or indirectly, personally or by means of any person or persons in my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my office of examiner of applicants for the office of inspector or deputy inspector of _____, except such as I am entitled to receive by law, and that I will therein well and truly, in all things, act without partiality, favor or affection, and to the best of my knowledge and understanding. So help me God.” 37 V., c. 45, s. 3, *part*.

How inspector may be appointed in case of failure of proper boards of examiners to certify.

5. If any board of examiners, appointed under this Act, neglects or refuses to meet for the purpose of examining applicants for the office of inspector of any staple article, after having been required so to do by the Minister of Inland Revenue, or if any such board, having met, is unable to certify that any applicant who appears before it is duly qualified for appointment as an inspector, the Governor in Council may appoint as inspector any person who has obtained from any other board, duly constituted under this Act, a certificate of qualification for the office of inspector of such staple article; and any inspector may examine candidates for the position of deputy inspectors, and may, if he finds them qualified, grant them certificates of qualification and may appoint them as deputy inspectors, subject to the approval of the Governor in Council; but no such cer-

Inspector may examine candidates for becoming deputies.

tificate of qualification shall entitle any such deputy inspector to act for any other inspector, or in any inspection division other than that in respect of which he is originally appointed under this section. 47 V., c. 33, s. 1.

6. No inspector shall deal or trade in, or have any interest directly or indirectly, in the production of any article subject to inspection by him, or sell or, except for consumption by himself and his family, buy any such article; and every inspector who violates the provisions of this section shall incur a penalty of two hundred dollars and shall forfeit his office:

Inspector not to trade in articles which he inspects.

2. Any deputy inspector may engage in the purchase and sale of articles inspected by him; but whenever such deputy inspector inspects any article in which he has a direct or an indirect pecuniary interest, he shall brand such article under his name as branded thereon with the words, "deputy inspector and owner:"

Deputy inspector may deal in articles inspected. Conditions.

3. Every deputy inspector who violates any provision of this Act shall be liable to a penalty not exceeding one hundred dollars and shall forfeit his office. 37 V., c. 45, s. 4;—48-49 V., c. 66, s. 3.

Penalty for contravention.

7. Every inspector shall, before acting as such, take and subscribe before a justice of the peace, an oath of office in the form or to the effect following:—

Inspector to take oath of office.

"I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office of an inspector; and that I will not, directly or indirectly, by myself or by any other person or persons, manufacture or prepare, deal, trade in or sell or buy, except only for consumption by myself and family, any (*insert the description of the articles he is to inspect*) on my account, or upon the account of any other person or persons, while I continue such inspector. So help me God." 37 V., c. 45, s. 5, *part*.

Form of oath.

8. Each inspector, except an inspector of grain, may, and shall, when thereunto required by the Governor in Council, in any inspection division, or by the board of trade or chamber of commerce, as the case may be, at any of the places hereinbefore mentioned by name, appoint a deputy inspector or so many deputy inspectors as are necessary for the efficient and speedy performance of the duties of his office; and they shall be the deputies of the inspector for all the duties of his office, and their official acts shall be held to be the official acts of the inspector, and he shall be responsible for them as if done by himself; and each deputy inspector shall make such returns and reports of his official acts as are required of him by the inspector whose deputy he is:

Appointment of deputy inspectors when required.

2. The appointment by an inspector of each deputy inspector shall be at once reported by him to the Minister of Inland Revenue. 48-49 V., c. 66, s. 6, *part*.

Report to Minister.

Tenure of office and duty of deputy inspector.

Security to be given by him.

To act in person.

Oath of deputy inspector.

Form of oath.

Custody of oaths.

Security to be given by inspector.

Custody of bond and evidence thereof.

When senior deputy shall act as inspector.

9. Every deputy inspector shall be paid by and shall hold office at the pleasure of the inspector by whom he is appointed, and shall, before acting as deputy inspector, give security for the due performance of the duties of his office in such sum as the Minister of Inland Revenue directs, by bond to the inspector, with two sureties to his satisfaction, to be bound jointly and severally with him; and such bond shall avail to the inspector for any breach of the conditions thereof: and no inspector shall allow any person to act for him in respect of the duties of his office, excepting his sworn deputy inspector or deputy inspectors appointed as aforesaid. 48-49 V., c. 66, s. 6, *part*.

10. Every deputy inspector, shall, before acting as such, take and subscribe before a justice of the peace, an oath of office in the form or to the effect following:—

“I, A. B., do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office of a deputy inspector of _____, and that I will not inspect, brand or certify to the quality of any article or thing in which I have any direct or indirect interest on my own account or upon the account of any other person, except as permitted by “*The General Inspection Act*,” while I continue to hold office as a deputy inspector. So help me God.” 48-49 V., c. 66, s. 4, *part*.

11. The oaths taken by any examiner, inspector or deputy inspector, under this Act, shall remain in the custody of the justice administering them, and any copy thereof certified by the said justice of the peace shall be *prima facie* evidence of such oaths. 37 V., c. 45, s. 3, *part*;—48-49 V., c. 66, s. 4, *part*.

12. Every inspector shall, before acting as such, give security for the due performance of the duties of his office, in such sum as the Governor in Council directs, by bond to Her Majesty, with two sureties to the satisfaction of the Minister of Inland Revenue, under the provisions of the “*Act respecting Public Officers*,” and such bond shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof; and such bond shall remain in the custody of the Secretary of State of Canada, and any copy thereof certified by him shall be *prima facie* evidence of such bond, and of the contents thereof, and such copy shall be furnished when required on payment of a fee of one dollar. 37 V., c. 45, s. 6;—43 V., c. 20, s. 1;—48-49 V., c. 66, s. 5.

13. In the event of the death, resignation, dismissal or suspension of any inspector, his senior deputy inspector shall perform all the duties of the inspector until his successor is appointed, or until such suspension ceases. 48-49 V., c. 66, s. 6, *part*.

14. The Governor in Council may, from time to time, require every inspector to make such returns or reports of his official acts to any public department or officer, board of trade, chamber of commerce or municipal authority, and in such form and containing such particulars and information as he deems expedient,—and may, from time to time, make such regulations for the guidance and government of inspectors under this Act or any of them, and of persons employing them as such, as he thinks proper,—and may, by such regulations impose penalties not exceeding fifty dollars on any person offending against them; and such regulations shall be obeyed by such inspectors and persons employing them, as if embodied in this Act; and a violation of any such regulation shall be deemed an offence against this Act and punishable as such. 37 V., c. 45, s. 10.

Returns or reports of official acts.

Regulations by Governor in Council.

Penalty for contravention of regulations.

15. The Governor in Council may, from time to time, modify the classification hereinafter provided for, in respect to any article subject to inspection under this Act; and such modified classification shall be published in four successive issues of the *Canada Gazette*, and upon completion of such publication shall have like force and effect as if herein enacted. 48-49 V., c. 66, s. 7.

Classification may be varied by O. C.

16. If any dispute arises between any inspector or deputy inspector and the owner or possessor of any article inspected by him, with regard to the quality or condition of such article, or relating thereto, any justice of the peace for the place in which such inspector or deputy inspector acts, upon application to him by either of the parties to the dispute, shall issue a summons to three persons of skill and integrity, requiring them forthwith to examine such article and report their opinion of the quality or condition thereof under oath (which oath the justice of the peace shall administer), and their determination, or that of the majority of them, expressed in writing, shall be final and conclusive :

Settlement of disputes by experts when there is no board of trade, &c.

2. One of such persons shall be named by the inspector or deputy inspector, another by the owner or possessor of the article in question, and the third by such justice of the peace who, failing the attendance of either of the parties to the dispute, shall name a person for him :

Appointment of referees.

3. Such inspector or deputy inspector, shall immediately conform to such determination, and brand, stamp or mark such article, or the package containing the same, of the quality or condition ascertained by the determination aforesaid, or shall grant a certificate of inspection in accordance with such determination, as the case requires :

Inspector to be governed by decision.

4. If any dispute arises between the inspector or deputy inspector for any of the places hereinbefore mentioned by name, where there is a board of trade or a chamber of commerce, and the owner or possessor of any article inspected under this Act, with regard to the quality or condition of

When there a board of trade, &c.

Board of
examiners to
act.

such article, or relating thereto, such dispute shall not be decided in the manner in this section before provided, but upon application by either of the parties to the dispute, to the secretary of the board of trade or the chamber of commerce for the place where the dispute has arisen, the secretary shall forthwith summon a meeting of the board of examiners for the said place, who, or a majority of whom, shall immediately examine such article and report their opinion of the quality or condition thereof; and their determination, or that of a majority of those present, expressed in writing, shall be final and conclusive, and the inspector or deputy inspector, shall immediately attend and conform himself thereto, and shall brand, stamp or mark, or cause to be branded, stamped or marked, such article or the package containing the same, of the quality or condition ascertained by the determination aforesaid, or shall grant a certificate of inspection in accordance with such determination, as the case requires :

Additional
examiners
may be
named.

5. In the absence of a sufficient number of the examiners to form a quorum, as many additional examiners may be named for the occasion by the council of the board of trade or chamber of commerce for the place where the inspection is to be made, as will form a board of three, and such additional members of the board shall be sworn in the same manner as the original members were :

By consent,
dispute may
be referred to
chief inspec-
tor.

6. If any dispute arises between any inspector or deputy inspector, and the owner or possessor of any article inspected by him, in respect of which article a chief inspector has been appointed, with regard to the quality or condition of such article, or relating thereto, and the parties agree to refer the question to the chief inspector, the matter in dispute shall not be decided by either of the methods in this section before provided, but shall be referred to the chief inspector, who shall immediately examine such article and report his opinion of the quality or condition thereof; and his determination, expressed in writing, shall be final and conclusive, and the inspector or deputy inspector shall immediately conform thereto, and shall brand, stamp or mark, or cause to be branded, marked or stamped, such article, or the package containing the same, of the quality or condition ascertained by the determination aforesaid, or shall grant a certificate of inspection in accordance with such determination, as the case requires :

As to costs.

7. If the opinion of the inspector or deputy inspector is confirmed by the determination arrived at by any of the methods in this section provided for, the reasonable costs and charges of re-examination shall be paid by the owner or possessor of such article, and if otherwise, by the inspector or deputy inspector, with all damages :

Difference
between
inspectors.

8. Whenever any difference arises between inspectors as to the true quality or grade of any article inspected by one of them and re-inspected by another, such difference shall be

definitely determined by reference to the chief inspector, if one has been appointed, or to such board of arbitration or other authority as the Governor in Council appoints for that purpose. 48-49 V., c. 66, s. 8.

17. The council or executive committee of the board of trade, or chamber of commerce, shall, from time to time, make a tariff of the fees and charges to be allowed for such re-examination and all services and matters connected therewith, and may also establish rules and regulations for the government of the persons re-examining any article on appeal from the decision of the inspector or deputy inspector :

Fees for re-examination, how to be fixed.

2. If there is no such council or executive committee for any of the said cities or places where inspectors are appointed, or if such council or executive committee fails to make such tariff or establish such rules and regulations, the Governor in Council shall, from time to time, make such tariff and may establish such rules and regulations :

Provision if there is no council or executive committee.

3. All such fees shall be payable before the delivery of the bill of inspection, or the re-delivery by the inspector of the articles inspected, on which he shall have a special lien for such fees. 37 V., c. 45, s. 12.

When payable.

18. Whenever any article is sold subject to inspection, the person applying for such inspection shall be entitled to reimbursement of the cost of inspection from the vendor, if such applicant is not himself the vendor, unless an express stipulation to the contrary is made at the time of the sale or of the agreement to submit to inspection ; and such agreement to submit to inspection shall imply a warranty that the article in question is of the quality for which it is sold, and that all the requirements of this Act have been complied with as to such article and the packages in which it is contained, unless it is otherwise expressly stipulated. 37 V., c. 45, s. 18.

By whom cost of inspection shall be paid when article is sold subject to inspection.

What such agreement shall imply.

19. Nothing in this Act shall oblige any person to cause any article to be inspected, but if inspected it shall be subject to the provisions of this Act, and shall not be branded or marked as inspected unless the said provisions have been in all respects complied with, in respect to such article and the packages in which it is contained :

Inspection not compulsory.

2. Inspectors and deputy inspectors shall be paid their fees upon the articles inspected by them by privilege and preference over all other creditors, and may retain possession of the articles inspected until the fees to which they are entitled under this Act are paid :

Lien for fees.

3. The Governor in Council may make regulations whenever he deems it necessary so to do, for the apportionment of the fees paid under this Act between the inspectors and deputy inspectors, and for providing for the payment of fees to the examiners appointed under this Act by persons who

Governor in Council may make regulations as to apportionment of fees, &c.

present themselves for examination. 37 V., c. 45, s. 19;—
48-49 V., c. 66, s. 9.

Penalty in
case of neglect
or refusal of
inspector
to act.

20. Every inspector or deputy inspector who, on application to him, made personally or by writing, left at his dwelling-house, store, office or warehouse, on any lawful day between sunrise and sunset, by any owner or possessor of any article which such inspector or deputy inspector is appointed to inspect, neglects or refuses, forthwith or within two hours thereafter, to proceed to such inspection, if he is not at the time of such application employed in inspecting elsewhere, shall, for every such neglect or refusal, forfeit and pay to the person so applying twenty dollars over and above all the damages occasioned, to the person complaining, by such neglect or refusal,—recoverable in a summary way before any one justice of the peace, on the oath of one credible witness other than such complainant. 37 V., c. 45, s. 13.

How recover-
able.

Certain fraud-
ulent acts.
Altering or
effacing
marks.

Counterfeit-
ing marks.

Altering
contents of
marked
packages.

Using old
packages.

Giving false
certificate.

Penalty.

Persons
employed by
inspector.

Lending
marking
instruments.
Conniving
at evasion of
Act
Penalty.

Offences by
inspector or
deputy.
Acting out of
his district.

21. Every person who, with a fraudulent intention—
(a.) Alters, effaces or obliterates wholly or partially, or causes to be altered, effaced or obliterated any inspector's brands or marks, on any article which has undergone inspection, or on any package containing any such article, or—

(b.) Counterfeits any such brand or mark, or brands, impresses or otherwise marks on any such article or package any mark purporting to be the mark of any inspector or of the manufacturer or packer of such article, either with the proper marking instruments of such inspector, manufacturer or packer, or with counterfeit imitations thereof, or—

(c.) Empties or partially empties any such package marked, after inspection, in order to put into the same any other article (of the same or any other kind), not contained therein at the time of such inspection, or—

(d.) Uses for the purpose of packing any article, any old package bearing inspection marks, or—

(e.) Not being an inspector or deputy inspector of any article, brands or marks any package containing such article with the inspector's marks, or gives any certificate purporting to be a certificate of inspection of any article,—

Shall incur a penalty of forty dollars. 37 V., c. 45, s. 14, *part.*

22. Every person who, being in the employ of any inspector or deputy inspector, or of any manufacturer or packer of any article subject to inspection,—

(a.) Hires or lends the marks or marking instruments of his employer to any person, or—

(b.) Connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid,—

Shall incur a penalty of forty dollars. 37 V., c. 45, s. 14, *part.*

23. Every inspector or deputy inspector who—

(a.) Inspects or brands or marks any article out of the local limits for which he is appointed or,—

(b.) Hires out or lends his marking instruments to any person, or—

Lending instruments.

(c.) Gives any certificate of inspection without having personally performed the inspection, or any wilfully false or untrue certificate, or—

Giving untrue certificate.

(d.) Connives at or is privy to any fraudulent evasion of this Act,—

Conniving at evasion of Act.

Shall, for each such offence, incur a penalty of one hundred dollars, and shall forfeit his office, and be disqualified from ever after holding the same. 37 V., c. 45, s. 14, *part*, and s. 22, *part*.

Penalty.

24. Every person not thereunto duly authorized under this Act, who in any manner whatever assumes the title or office of inspector or deputy inspector, or issues any bill, certificate or declaration purporting to establish the quality of any pot ashes or pearl ashes, flour or meal, beef or pork, grain, pickled fish or fish oil, butter, leather or raw hides, shall for every such offence incur a penalty not exceeding one hundred dollars. 37 V., c. 45, s. 15.

Assuming title of inspector or deputy, &c., without authority.

Penalty.

25. Every penalty and forfeiture imposed under this Act, or under any regulation made under it, not exceeding forty dollars, shall, except when it is otherwise herein provided, be recoverable by any inspector or deputy inspector, or by any other person suing for the same in a summary way before any two justices of the peace under the "*Act respecting summary proceedings before Justices of the Peace*," and shall, in default of payment, be levied by warrant of distress, issued by such justices, against the goods and chattels of the offender :

Penalty not over \$40, how recoverable.

2. If such penalty or forfeiture exceeds forty dollars, it may be sued for and recovered by any such inspector, deputy inspector or any other person, in any recorder's court or in any other court having jurisdiction in civil cases to the amount, and may be levied by execution, as in case of debt :

Penalty over \$40, how recoverable.

3. A moiety of every such penalty, except as herein otherwise provided, shall belong to Her Majesty for the public uses of Canada, and the other moiety shall belong to and be paid to the inspector, or deputy inspector or other person who sues for the same. 37 V., c. 45, s. 16.

Application of penalties.

26. Every action brought against any person for anything done under this Act, or contrary to its provisions, shall be commenced within six months next after the right to bring such action accrued, and not afterwards ; and the defendant therein may plead the general issue, and that the same was done under this Act, and may give this Act and the special matter in evidence at any trial thereof ; and if it appears so to have been done, then the judgment shall be for the defendant ; and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment

Limitation of time for commencing suits under this Act.

Costs.

is given against the plaintiff, the defendant shall recover recover treble costs and have the like remedy for the same as defendants have in other cases. 37 V., c. 45, s. 17.

FLOUR AND MEAL.

“Meal”
interpreted.
Imported and
re-inspected
flour and
meal.

27. In the following provisions respecting the inspection of flour and meal, the word “meal” includes oatmeal, Indian corn meal, and rye meal; and the said provisions extend and apply to flour and meal imported into Canada, and the re-inspection of flour and meal at any place to which it is removed within Canada, whenever such re-inspection is declared, by the Governor in Council, to be necessary in the public interest. 37 V., c. 45, s. 34.

Mode of
inspection of
flour and
meal.

28. The inspector or deputy inspector shall examine and inspect every barrel and half barrel of flour or meal on application made for that purpose by the owner or possessor thereof, and shall ascertain the quality and condition thereof, by boring the head of each barrel or half barrel, and proving the contents to the whole depth thereof, by an instrument for that purpose, not exceeding five-eighths of an inch in diameter within its gauge or bore, and after inspecting such flour or meal, the inspector or deputy inspector shall cause the hole bored in each barrel or half barrel for inspection to be well and sufficiently plugged; and such inspection may be made either at the store or warehouse of such inspector, or at some store within the limits of the place for which the inspector is appointed, at the option of the owner or possessor of such flour or meal; and each inspector may provide and keep in some convenient situation in the place for which he is appointed, a proper store or warehouse for the reception and inspection of flour and meal. 37 V., c. 45, s. 21.

Where to be
made.

Store to be
provided.

Inspector's
brands, &c.

29. Every inspector shall provide and have a sufficient number of iron or other metal brands; and every inspector or deputy inspector shall, in the inspection of flour and meal, observe the following rules:—

How barrels
shall be
branded.

(a.) He shall, immediately after inspection, brand or mark on each and every barrel or half barrel of flour or meal, the words “Quebec,” “Montreal,” “Toronto,” “Halifax,” “St. John,” or the name of any other place where the inspection is made, and the initial of the christian name and the surname at full length of the inspector, with the quality of the flour or meal, as hereinafter directed;

Sour.

(b.) On each and every barrel or half barrel of flour or meal which on inspection is found sour, without any other damage or unmerchantable quality, he shall brand or mark the word “sour” in letters as large as those upon the rest of the brand or mark, in addition to the brand or mark designating the quality;

(c.) Whenever flour or meal is found to be of unsound or unmerchantable quality from other causes, he shall brand or mark the word "rejected" at full length, in plain, legible characters, in addition to the brand or mark designating the quality;

Rejected.

(d.) Whenever the quality of the flour or meal inspected appears to be inferior to the brand or other mark of the manufacturer, and not to be thereby properly designated, the inspector or deputy inspector shall erase and correct the same; he shall also brand or mark on each barrel or half barrel of flour or meal inspected by him, the month and year in which it is inspected, with the quality of the flour or meal therein;

Incorrect brands to be erased.

Date of inspection.

(e.) All the said brands and other marks shall be branded or marked on one head of the barrel or half barrel;

Where to be branded.

(f.) For such inspection and branding or marking, the person who required the inspection thereof shall pay to the inspector for each and every barrel and half barrel of flour or meal so inspected and branded or marked, the sum of two cents, exclusive of the charge for cooperage, before such flour or meal is removed; and when any less quantity than one hundred barrels of flour or meal is offered for inspection at one time, the inspector shall be entitled to receive the full fees that would accrue to him on one hundred barrels;

Fees.

On less than 100 barrels.

(g.) As soon as any flour or meal is inspected, a bill of inspection shall be furnished by the inspector or deputy inspector without fee or reward, specifying neatly and legibly the quantity and quality ascertained by inspection, the gross weight of five per cent. thereof, and the tare of one per cent. thereof, and the charges therefor, and the name of the mill at which the flour or meal was manufactured;

Bill of inspection to be furnished.

(h.) All flour or meal which has been so inspected, branded or marked in one month or year, and re-inspected and examined in another, shall bear in addition to such previous brand or mark the mark and brand of the year and month when last inspected;

Brands in case of re-inspection.

(i.) The inspector or deputy inspector shall examine each and every barrel of flour or meal offered for inspection, and shall in no case brand or mark the same, unless the name of the manufacturer or packer, the place of packing, and the quality of the flour or meal, and the tare and net weight are branded or marked legibly thereon;

Name of packer, &c., to be marked on barrel.

(j.) The inspector or deputy inspector shall note in his certificate the character of any unsoundness in the flour or meal to which it relates, such as "musty;" and when flour has been wet and the wet part removed by the inspector or owner, as the case may be, the inspector shall note in his bill of inspection "cleaned;" and when the inspector in his judgment deems it necessary to strip or empty out the flour to find out if there is the proper weight of flour in any cask he shall be entitled to two cents for each barrel so stripped or emptied, if it proves to be of short weight, in

Character of unsoundness to be noted.

Fee if required to empty the barrel.

addition to the two cents per barrel for inspecting and branding ;

Inspector to return flour taken out by instrument if required.

(*k.*) The inspector or deputy inspector shall, if required, deliver all flour or meal taken from any barrel or half barrel by the instrument used for the purpose of inspection, to the person requiring such inspection, and shall incur a penalty of twenty dollars every time he fails in so doing. 37 V., c. 45, s. 22.

Provision as to qualities.

30. The inspector or deputy inspector shall govern himself, as far as is possible, by the standards of quality for each description of flour or meal, and shall brand or mark, within a space not exceeding fourteen inches long by eight inches broad, on every barrel and half barrel of flour or meal inspected by him, all brands and marks required by this Act, and in default of so doing shall incur a penalty of ten cents for each barrel or half barrel inspected and branded, or inspected and marked, otherwise than as required by this Act. 37 V., c. 45, s. 23.

Branding.

Qualities of flour.

31. In branding or marking the different qualities or descriptions of flour, the same shall be designated as follows :—

That of a very superior quality, by the words “superior extra ;”

That of the second quality, by the words “extra superfine ;”

That of the third quality, by the words “fancy superfine ;”

That of the fourth quality, by the words “spring extra ;”

That of the fifth quality, by the word “superfine ;”

That of the sixth quality, by the word “fine ;”

That of the seventh quality, by the words “fine middlings ;”

That of the eighth quality, by the words “ship stuffs,” or “pollards ;”

That of another quality to be called “strong bakers’.” 37 V., c. 45, s. 24, *part.*

Qualities of meal.

32. In branding or marking the different qualities of rye flour, Indian corn meal or oatmeal, the words “rye flour,” “Indian corn meal,” or “oatmeal” (as the case may be), shall be plainly branded or marked on every barrel and half barrel, to designate the grain from which the same is made ;—and the qualities shall be designated as follows :—

The superior quality of rye flour, by the word “superfine ;”

The second quality by the word “fine ;”

The superfine qualities of Indian corn meal or oatmeal, by the word “first ;”

The second quality, by the word “second ;” and—

The third quality, by the word “third.” 37 V., c. 45, s. 24, *part.*

33. One or more members, not exceeding three, of each of the boards of examiners, for the cities of Quebec, Montreal, Toronto, Hamilton, London; Ottawa, Halifax and St. John, N.B., shall meet together in the city of Montreal, between the fifteenth day of August and the fifteenth day of November in each year, for the purpose of choosing samples of flour and meal of the various grades, to be the standards, by which the inspectors of flour and meal throughout Canada shall be governed in the work of inspection; and such standards shall be chosen and approved by the said examiners, or a majority of them present at such meeting, notice of which shall be given by the council of the board of trade of Montreal:

Uniform standards, how to be established.
Meeting of examiners for the purpose.

2. In the absence of the representative of any board or boards of examiners herein mentioned, such representatives as are present in the said city of Montreal, and representing not less than three of the places herein mentioned, shall proceed to establish the Dominion standards for flour and meal as herein provided; and if the requisite number of representatives are not present on or before the fifteenth day of November, or if from any other cause the board hereby constituted fails to assemble or to establish the standards herein mentioned, then such standards shall be established by such means as the Governor in Council directs. 37 V., c. 45, s. 25; —48-49 V., c. 66, s. 10.

Provision in case of absence of proper number of examiners.

34. The secretary of the board of trade of Montreal shall send samples of such standards so chosen by the said members of the boards of examiners at such meeting as aforesaid, to the Minister of Inland Revenue, to be by him distributed to the several inspectors for their guidance in such manner as they are directed by the Governor in Council; and the said secretary shall also furnish samples of such standards to all applicants on being paid a reasonable price therefor. 37 V., c. 45, s. 26.

Transmission of samples of qualities.

35. Every barrel of flour or meal shall contain one hundred and ninety-six pounds, and every half barrel shall contain ninety-eight pounds. 37 V., c. 45, s. 27, *part*.

How much barrels of flour and meal shall contain.

36. The manufacturer or packer shall brand, paint or mark the initials of his christian name and his surname at full length, and the name of his mill or place of packing, the quality and weight of the flour or meal therein contained, and the tare of the barrel or half barrel on one end of such barrel or half barrel of flour or meal packed for sale, in a plain and distinguishable manner; and he shall incur a penalty of two cents for each and every barrel or half barrel offered for sale or inspection, in respect of which the requirements of this section are not complied with,—which penalty shall be paid to the inspector before delivery of the flour or meal. 37 V., c. 45, s. 27, *part*.

Packer, &c., to mark his name, &c., on the barrel.

Penalty for default.

Description of barrels in which flour shall be packed.

37. All flour packed in Canada for sale, shall be packed in good and strong barrels or half barrels, of seasoned oak, elm or other hardwood or basswood timber, made as nearly straight as may be ; the barrels shall be not less in weight than twenty pounds, and the staves of such barrels shall be twenty-seven inches in length from croe to croe, and those of half barrels twenty-two inches in length, from croe to croe, with heads of the same ; the diameter of the heads of the barrels shall be from sixteen and a-half inches to seventeen inches, and of half barrels from thirteen and a half to fourteen inches ; and such barrels and half barrels shall be well seasoned and sufficiently hooped, with a lining hoop within the chimes, the whole well secured by nails :

Penalty for contravention.

2. Every person who offers for sale or exports any cask of flour in violation of the provisions of this section shall incur a penalty of two cents for each cask of flour so offered for sale or exported which is not one of the foregoing descriptions of barrels and half barrels. 37 V., c. 45, s. 28.

Inspector to verify weight.

38. The inspector or deputy inspector shall ascertain by examination the weight of the flour or meal in every cask which he suspects not to contain the full weight required by this Act, and if it does not contain such full weight, he shall cause it to be filled up at the expense of the person requiring such flour or meal to be inspected, so as to contain the weight required by this Act, and he shall, when required, certify the expense thereby incurred :

Proportion of each lot to be verified.

2. The inspector or deputy inspector shall weigh such proportion of every lot of flour or meal offered for inspection (being not less than ten per cent. of each lot), as is necessary to verify whether the contents come up to the weight required by law, and shall enter such weight on his inspection bill ; and if such lot, or any part thereof, is deficient in legal weight, then he shall make or cause the deficiency to be made good by or at the expense of the owner thereof, so that each and every barrel shall contain the weight required by law ; and the inspector or deputy inspector shall, when required, certify the cost and expense thereby incurred :

Deficiency to be made good.

Penalty for neglect.

3. Every inspector or deputy inspector who neglects so to examine and ascertain and weigh such flour or meal, and to cause the barrels or half barrels to be weighed as required by this section, shall, for every such neglect, incur a penalty of forty dollars, and shall be liable for all damages which the buyer or seller of such flour or meal suffers in consequence of such neglect. 37 V., c. 45, s. 29.

If foreign matters are mixed with flour or meal.

39. If, upon the inspection of any barrel or half barrel of flour or meal, the inspector or deputy inspector discovers any foreign substance mixed or blended therewith, or packed therein, he shall forthwith seize and detain the package, and make report thereon to any justice of the peace, under oath ;

and such justice may, if he sees fit, authorize the detention of the same in some safe place until the suit to be instituted for the penalty thereby incurred is determined : and every person who wilfully and fraudulently mixes or blends any flour or meal by him packed for sale or exportation with any foreign matter, shall, for each offence, incur a penalty not exceeding one hundred dollars ; but no prosecution, suit or action for the recovery of any such penalty, shall be commenced after the end of one month from the seizure and report so made by the inspector or deputy inspector ; and if such penalty is recovered, the flour or meal in respect of which it has been incurred shall thereupon be forfeited to and belong to the municipal corporation of the place. 37 V., c. 45, s. 30.

Penalty.

Proviso.

Forfeiture of the flour or meal.

40. Every manufacturer or packer of flour or meal who undermarks the tare of any barrel or half barrel, or puts therein a less quantity of flour or meal than is branded thereon, shall incur a penalty of two cents for every barrel or half barrel so undermarked or deficient, unless such deficiency of weight appears to be occasioned by some accident unknown to such manufacturer or packer, and happening after the packing of the barrel or half barrel. 37 V., c. 45, s. 31.

Penalty for undermarking tare.

41. Every person who knowingly offers for sale any barrel or half barrel of flour or meal in which there is a less quantity of flour or meal than is branded thereon, shall incur a penalty of one dollar for every cask so deficient, without prejudice to the civil remedy of any person aggrieved, for any damage sustained by him. 37 V., c. 45, s. 32.

Penalty for offering for sale flour deficient in weight.

42. Every inspector shall, on Monday in every week, make out, sign and transmit to the secretary of the board of trade or chamber of commerce for the city, county or place, for which he is appointed, or if there is no such board then to the chairman of the board of examiners in such city or county, or in the county in which such place is situated, a statement of the quantity and quality of all flour and meal inspected or re-inspected by him or by the deputy inspectors during the next preceding week, and of all flour or meal by him or them weighed during such week, and found deficient in weight, or in respect of which the tare was falsely marked,—stating also the brand and manufacturers' names, and the amount of fines levied by him for the violation of this Act ; and a duplicate of every such statement shall also be sent to the Department of Inland Revenue at Ottawa. 37 V., c. 45, s. 33.

Inspector to furnish weekly statement to board of trade, &c.

Duplicate to Inland Revenue Department.

43. All flour or meal submitted for inspection under this Act shall be branded or marked by the inspector in accordance with the grade or quality determined by him or the deputy inspector. 37 V., c. 45, s. 35.

Flour, &c., inspected to be marked as under this Act.

WHEAT AND OTHER GRAIN.

Qualities of grain. **44.** The grades of grain shall be as follows :—

Spring Wheat.

Spring wheat. Extra Manitoba hard wheat shall be sound and well cleaned, weighing not less than sixty-two pounds to the bushel, and shall be composed of red Fife wheat grown in Manitoba or the North-West Territories of Canada ;

No. 1 Manitoba hard wheat shall be sound and well cleaned, weighing not less than sixty pounds to the bushel, and shall be composed of at least eighty-five per cent. of red Fife wheat grown in Manitoba or the North-West Territories of Canada ;

No. 2 Manitoba hard wheat shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel, and shall be composed of at least eighty-five per cent. of red Fife wheat, grown in Manitoba or the North-West Territories of Canada ;

No. 1 Canada hard wheat shall be sound and well cleaned, weighing not less than sixty pounds to the bushel, and shall be composed of at least eighty-five per cent. of hard wheat ;

No. 2 Canada hard wheat shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel, and shall be composed of at least eighty-five per cent. of hard wheat ;

No. 1 northern spring wheat shall be sound and well cleaned, weighing not less than sixty pounds to the bushel, and shall be composed of at least fifty per cent. of red Fife wheat, grown in Manitoba or the North-West Territories of Canada ;

No. 2 northern spring wheat shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel, and shall be composed of at least fifty per cent. of red Fife wheat, grown in Manitoba or the North-West Territories of Canada ;

No. 3 northern spring wheat shall comprise all wheat of the above mentioned varieties, fit for warehousing, and weighing not less than fifty-six pounds to the bushel, not good enough to be graded as No. 2 ;

No. 1 spring wheat shall be sound and well cleaned, weighing not less than sixty pounds to the bushel ;

No. 2 spring wheat shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel ;

No. 3 spring wheat shall comprise all wheat fit for warehousing, not good enough to be graded as No. 2, weighing not less than fifty-six pounds to the bushel ;

Rejected spring wheat shall comprise all wheat fit for warehousing, but too low in weight or otherwise unfit to be graded as No. 3 ;

Goose wheat No. 1 shall be plump and well cleaned, weighing not less than sixty-one pounds to the bushel ;

Goose wheat No. 2 shall be plump and reasonably well cleaned, weighing not less than fifty-nine pounds to the bushel ;

Goose wheat No. 3 shall comprise such as is not good enough to be graded as No. 2, reasonably clean and weighing not less than fifty-five pounds to the bushel :

Winter Wheat.

Extra white winter wheat shall be pure white winter wheat, choice in color, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel ;

No. 1 white winter wheat shall be pure white winter wheat, sound, plump and well cleaned, weighing not less than sixty pounds to the bushel ;

No. 2 white winter wheat shall be white winter wheat, sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel ;

No. 1 red winter wheat shall be pure red winter wheat, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel ;

No. 2 red winter wheat shall be red winter wheat, sound and reasonably clean, weighing not less than sixty pounds to the bushel ;

No. 1 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel ;

No. 2 mixed winter wheat shall be white and red winter wheat mixed, sound and reasonably clean, weighing not less than fifty-nine pounds to the bushel ;

No. 3 winter wheat shall include winter wheat not clean and plump enough to be graded as No. 2, weighing not less than fifty-seven pounds to the bushel ;

Rejected winter wheat shall include winter wheat damp, musty, or from any cause so badly damaged as to render it unfit to be graded as No. 3 ;

All good wheat that is slightly damp shall be reported and entered on the inspector's books as "no grade" with the inspector's notations as to quality and condition ;

All wheat that is in a heating condition, or too damp to be considered safe for warehousing or that has any considerable admixture of foreign grain or seeds, or is badly burnt, whatsoever grade it might otherwise be, shall be reported and entered on the inspector's books as "condemned," with the inspector's notations as to quality and condition ;

Any material admixture of "rice wheat," otherwise known as "goose" or "California" wheat, or of red chaff wheat with other descriptions of wheat, shall exclude the parcel from regular inspection ;

All wheat shall be weighed, and the weight per bushel entered on the inspection book :

Indian Corn.

- Corn. No. 1 white corn shall be white, and in all other respects No. 1 corn ;
 No. 1 yellow corn shall be yellow, and in all other respects No. 1 corn ;
 No. 1 corn shall be sound, dry, plump and well cleaned, white and yellow ;
 No. 2 corn shall be dry, reasonably clean, but not plump enough to be graded as No. 1 ;
 All damp, dirty, or otherwise badly damaged corn, shall be graded as "rejected."

Oats.

- Oats. No. 1 oats shall be sound, plump, clean and free from other grain ;
 No. 2 oats shall be sound, reasonably clean, and reasonably free from other grain ;
 Rejected oats shall include such as are damp, unsound, dirty or from any cause unfit to be graded as No. 2.

Rye.

- Rye. No. 1 rye shall be sound, plump and well cleaned ;
 No. 2 rye shall be sound, reasonably clean, and reasonably free from other grain ;
 All rye which is damp, musty or dirty, or which is from any cause unfit to be graded as No. 2 rye, shall be graded as "rejected :"

Barley.

- Barley. No. 1 barley shall be plump, bright, sound, clean and free from other grain ;
 No. 2 barley shall be reasonably clean and sound, but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than forty-eight pounds to the bushel ;
 No. 3 extra barley shall be in all respects the same as No. 2 barley, except in color, weighing not less than forty-seven pounds to the bushel ;
 No. 3 barley shall include shrunken, or otherwise slightly damaged barley, weighing not less than forty-five pounds to the bushel ;
 No. 4 barley shall include all barley equal to No. 3, weighing less than forty-five pounds to the bushel ;
 All barley which is damp, musty, or from any cause badly damaged or largely mixed with other grain, shall be graded as "rejected :"

Peas.

- Peas. No. 1 peas shall be white, clean, sound and not worm-eaten ;

No. 2 peas shall be moderately clean and sound ;

No. 3 peas shall be such as are too dirty to be graded as No. 2, or are worm-eaten ;

All peas which are damp, wormy or otherwise unfit to be graded as No. 3 peas shall be graded as "rejected :"

Provisions as to all Grain.

No grain that is warm, or is in a heating condition, shall be graded ; Provisions as to all grain.

In the inspection of grain, the weight shall not alone determine the grade ;

All inspectors shall make their reasons for grading grain, when necessary, fully known by notation on their books :

Rates of Inspection for Grain.

2. The rates of inspection for grain shall be as follows :— Rates of inspection.

For inspecting grain in sacks per cental, one-third of one cent ;

For inspecting grain in bulk per cental, one-sixth of one cent. 48-49 V., c. 66, s. 11.

General provisions.

45. One or more members, not exceeding three, of each of the boards of examiners of applicants for the office of inspectors of wheat and other grain, for the cities of Quebec, Montreal, Toronto, Hamilton, London, Ottawa, Winnipeg, Halifax, St. John, N.B., and for Port Arthur, shall meet together in the city of Toronto between the fifteenth day of August and the first day of October in each year, for the purpose of choosing samples of grain of the various grades, to be the standards by which the inspectors of grain throughout Canada shall be governed in the work of inspection ; and such standards shall be chosen and approved by the said examiners, or a majority of them present at such meeting,—notice of which shall be given by the Council of the Board of Trade of Toronto : Uniform standard of grain, how to be established.

2. In the absence of the representative of any board or boards of examiners herein mentioned, such representatives as are present in the said city of Toronto, and representing not less than three of the places herein mentioned, shall proceed to establish the Dominion standards for grain as herein provided ; and if the requisite number of representatives are not present on or before the first day of October, or if from any other cause the board hereby constituted fails to assemble or to establish the standards herein mentioned, then such standards shall be established by such means as the Governor in Council directs. 48-49 V., c. 66, s. 12. If proper number of examiners are not present.

46. As soon as any wheat or other grain is inspected, a bill of inspection (with a certificate to the shipper when required), shall be furnished by the inspector or deputy in- Bill of inspection to be furnished.

Samples of standards.

spector, without fee or reward, specifying the quantity and quality, and weight per bushel, ascertained by inspection, and the charges thereon, with the name of the store, vessel, or number of the car wherein the wheat or other grain was when inspected: and every inspector of grain shall furnish to all applicants, samples of his standard on his being paid a reasonable price therefor. 37 V., c. 45, s. 37.

Inspector to make weekly statement.

47. The inspector shall, on Monday in every week, make out, sign and transmit to the secretary of the board of trade or chamber of commerce of the city or place for which he is appointed, or if there is no such board or chamber of commerce, then to the chairman of the board of examiners in such city, or place or in the county in which such city or place is situate, a statement of the quantity and quality of all wheat and other grain inspected or re-inspected by him or the deputy inspector during the next preceding week. 37 V., c. 45, s. 38.

BEEF AND PORK.

"Package" defined.

48. In the following provisions respecting the inspection of beef and pork, the expression "package" includes barrel, half barrel, tierce and half tierce.

Inspection of beef and pork how to be made.

49. The inspector or deputy inspector shall cut up, salt, pack and cure, or if already packed, shall unpack and examine throughout, adding salt if necessary, and coopering the same according to the requirements of this Act, every package of beef or pork submitted to him for inspection; and such inspection may be made either at the store, shop or warehouse of the inspector, or at some store within the limits of the city or place for which he is appointed, at the option of the owner or possessor of such beef or pork submitting it for inspection; and every inspector shall provide in some convenient position, in the city or place for which he is appointed, a proper store or place for the reception and inspection of beef and pork. 37 V., c. 45, s. 39.

Inspector's brands.

50. Each inspector and deputy inspector shall provide and have a sufficient number of iron or other metal brands for his use, and in inspecting beef or pork, shall observe the following rules:—

Brands, what to show.

(a.) He shall brand, immediately after inspection, on every package of beef or pork, the words, "Quebec," "Montreal," "Toronto," "Halifax," "St. John, N. B.," or other the name of the place for which he is appointed, as the case may be, and the initial of the Christian name of the inspector and his surname at full length, with the quality of the beef or pork, as hereinafter directed;

Soft.

(b.) He shall brand every package of beef or pork which on inspection is found to be soft or still fed, although it is in all other respects fat and of good quality, with the word

“soft,” in letters as large as those upon the rest of the brand, in addition to the brand designating the quality ;

(c.) Whenever beef or pork is found to be of unsound and unmerchantable quality, from other causes than those aforesaid, he shall brand the same with the word “rejected” at full length, and in plain legible characters ;

(d.) Whenever the beef or pork appears inferior to the mark of the packer, or of any former inspection, the inspector or deputy inspector shall erase and correct the same ;

(e.) He shall also brand upon each package of beef or pork inspected by him the month and year in which it is inspected, with the net weight and quality of the beef or pork therein ;

(f.) For such inspection and branding the inspector shall be entitled to receive from the person submitting the same for inspection, for each barrel and half barrel, tierce or half tierce of beef or pork so inspected, salted, packed, pickled and branded, the following fees, that is to say : twenty-five cents for each barrel, fifteen cents for each half barrel, thirty-five cents for each tierce and twenty-five cents for each half tierce, exclusive of charges for cooperage and repairs,—the charges for which said cooperage and repairs shall not exceed fifteen cents for each package ; in consideration of which charges, all packages shall be delivered in good shipping order ;

(g.) Such fee or allowance shall be paid by the owner or possessor of such beef or pork before it is removed ;

(h.) As soon as any beef or pork is inspected, a bill of inspection shall be furnished by the inspector or deputy inspector without fee or reward, specifying neatly and legibly the quantity of beef or pork so delivered to him, and the owner's mark or marks thereon, and the quantity and quality ascertained by inspection and the charges therefor ;

(i.) No beef or pork inspected and branded in one month or year, and re-inspected and repacked in another, shall bear any other brand of the year and month than that originally affixed to it,—except that on the package containing any beef or pork re-inspected, the date of such re-inspection, with the other particulars required in case of inspection, may be branded ; but no preceding inspection brand, or any part thereof, shall be effaced, except in the case hereinbefore provided for ; and every re-inspection made without complying with the requirements of this section, shall be held to be an inspection made contrary to this Act ;

(j.) All pork or beef offered for re-inspection, and which has been packed, or inspected, twelve months or more previously, shall be branded in addition to its grade of quality, with the word “old” in large letters ;

(k.) All the said brand marks shall be branded on one head of the package ; all such brand marks shall be large and legible, and all such marks shall be branded within a space not exceeding fourteen inches long by eight inches broad, on each of the packages inspected ; and every person who vio-

lates any of the provisions of this section, shall incur a penalty of eighty dollars for each package inspected and not branded, or otherwise branded than as required by this Act;

By whom fees shall be payable.

(l.) Whenever any beef or pork is sold subject to inspection, the person applying to the inspector to have the same inspected, shall be entitled to reimbursement of the price of inspection from the vendor, if such applicant is not himself the vendor, or unless an express stipulation to the contrary was made at the time of sale, or of the agreement to submit the beef or pork to inspection; and any such agreement shall imply a warranty that all the requirements of this Act have been complied with, as well with regard to the beef or pork to which it relates as to the packages in which they are contained, and the marks upon such packages. 37 V., c. 45, s. 40.

Warranty by seller.

Qualities of beef.

51. All beef which the inspector finds on examination to have been killed at a proper age and to be fat and merchantable, shall be cut into pieces as nearly square as may be, not more than eight or less than four pounds weight, and shall be sorted and divided for packing and re-packing in packages into four different sorts, to be denominated respectively,—“mess,” “prime mess,” “prime” and “cargo” beef:

“Mess beef.”

2. Mess beef shall consist of the choicest pieces only, that is to say: briskets, the thick of the flank, ribs, rumps and sirloins of oxen, cows or steers, well fattened; and each package containing beef of this description, shall be branded on one of the heads with the words “mess beef:”

“Prime mess beef.”

3. Prime mess beef shall consist of pieces of meat of the second class, without shanks or necks, from good fat cattle; and packages containing beef of this description shall be branded on one of the heads thereof with the words “prime mess beef:”

“Prime beef.”

4. Prime beef shall consist of choice pieces of fat cattle, amongst which there shall not be more than the coarse pieces of one side of a carcass, the houghs and neck being cut off above the first joint; and packages containing beef of this description, shall be branded on one of the heads thereof with the words “prime beef:”

“Cargo beef.”

5. Cargo beef shall consist of the meat of fat cattle of all descriptions of three years old and upwards, with not more than half a neck and three shanks with the houghs cut off above the first joint, and the meat otherwise merchantable; and packages containing such beef shall be branded on one of the heads “cargo beef:”

What packages shall contain.

6. Each barrel in which beef of any one of the foregoing descriptions is packed or re-packed, shall contain two hundred pounds of beef, and each half barrel one hundred pounds, each tierce three hundred pounds, and each half tierce one hundred and fifty pounds. 37 V., c. 45, s. 41.

Qualities of pork.

52. All pork which the inspector finds on examination to be fat and merchantable, except when classified as mess

shall be cut in pieces as nearly square as may be, and not more than six or less than four pounds weight, and shall be sorted and divided into five different sorts, to be denominated respectively,—“mess” “extra prime,” “prime mess,” “prime,” and “cargo” pork:

2. Mess pork shall consist of the rib pieces only, of good hogs, weighing not less than two hundred pounds each; and packages containing such pork shall be branded on one of the heads “mess pork:”

3. Extra prime pork shall consist of heavy untrimmed fat shoulders, cut into three or four pieces:

4. Prime mess pork shall consist of the pieces of good fat hogs weighing not less than one hundred and ninety pounds each, the barrel to contain the coarse pieces of one hog only, that is to say,—two half heads (not exceeding together sixteen pounds in weight), with two shoulders and two hams, and the remaining pieces of a hog,—the tierce to contain the relative proportion of heads, shoulders and hams, and the remaining pieces of one hog and a half hog; but when the pork under inspection is from hogs exceeding two hundred pounds each in weight, the inspector shall make “mess pork” of such rib and side or flank pieces thereof, cut in the manner and of the weight above prescribed, as shall, in his judgment, be equal in quality on the average to “mess pork,” as above defined; and packages containing pork of the foregoing description shall be branded on one of the heads “prime mess pork:”

5. Prime pork shall consist of the pieces of good fat hogs, weighing not less than one hundred and fifty pounds each, the barrel to contain the coarse pieces of one hog and a half only, that is to say,—three half heads (not exceeding together twenty-four pounds in weight), three hams and three shoulders and the remaining pieces of a hog and a half hog,—the tierce to contain the relative proportions of heads, shoulders and hams, and the remaining pieces of two hogs and a quarter of a hog; and packages containing pork of this description shall be branded on one of the heads “prime pork:”

6. Cargo pork shall consist of the pieces of fat hogs, weighing not less than one hundred pounds each, the barrel to contain the coarse pieces of not more than two hogs, that is to say,—four half heads (not exceeding together in weight thirty pounds), four shoulders and four hams, and the remaining pieces of two hogs, and the whole to be otherwise merchantable pork,—the tierce to contain the relative proportions of heads, shoulders and hams and the remaining pieces of three hogs; and packages containing pork of this description shall be branded on one of the heads “cargo pork:”

7. In all cases the following parts shall be cut off and not packed, namely:—the ears close to the head, the snout above the tusks, the legs above the knee joint; the tail shall also be cut off, and the brains, tongue and bloody gristle taken out:

What parts to be cut off in all cases.

What weight
packages
shall contain.

8. Each barrel in which pork of any of the foregoing descriptions is packed or re-packed, shall contain two hundred pounds, and each tierce three hundred pounds; and each half barrel or half tierce one-half those quantities respectively, of the several kinds and qualities of pork aforesaid, and shall be branded accordingly. 37 V., c. 45, s. 42.

Rejected beef
or pork, how
to be marked,
&c.

53. On the head of every package containing any thin, rusty, measly, tainted, sour or unmerchantable pork, or unmerchantable or spoiled beef, branded "rejected," in consequence of its being so, the true character both as to quality and condition of such pork or beef shall also be marked with black paint; and each inspector shall certify, whenever required, the quality of any beef or pork by him inspected, the state and condition thereof, and the packages containing the same, specifying the extent of damage appearing on inspection, and the apparent cause thereof, whether exposure, injury in transportation, originally defective packing or putting up, and also specifying the brands or other marks upon the packages inspected, and the name of the owner or possessor thereof. 37 V., c. 45, s. 43.

Quality and
quantity of
salt.

54. The salt used in packing and re-packing beef and pork inspected and branded under this Act, shall be clean St. Ubes, Isle of May, Lisbon, Turk's Island, or other coarse grained salt of equal quality; and every barrel of fresh beef or pork shall be well salted with seventy-five pounds, and every tierce with one hundred and twelve pounds of good salt, as aforesaid, exclusive of a sufficient quantity of pickle as strong as salt will make it; and to each barrel of beef or pork shall be added four ounces, and to each tierce six ounces of saltpetre; and each half barrel or half tierce of fresh beef or fresh pork shall be salted with the same proportions of salt and saltpetre above mentioned, with a sufficiency of pickle as strong as salt will make it; and in all cases of packing and re-packing beef or pork to be inspected and branded under the authority of this Act, the inspector may use salt, saltpetre and pickle in his discretion. 37 V., c. 45, s. 44.

Pickle.

Saltpetre.

How pack-
ages shall be
made.

55. Every package containing beef or pork inspected in the Provinces of Ontario or Quebec shall be made of good seasoned white oak staves, and the heads shall not be less than three-quarters of an inch thick; and each stave on each edge at the bilge shall not be less than half an inch thick when finished for barrels, nor less than three-quarters of an inch thick when finished for tierces; and the wood of half barrels or half tierces shall be in the same proportion to their size, and shall in all cases be free from every defect:

Hoops, &c.

2. Every package shall be hooped and covered two-thirds of its length with good oak, ash, or hickory hoops, leaving one-third in the centre uncovered; and each package shall be bored in the centre of the bilge with a bit not less in diameter than one inch, for the reception of pickle:

3. Each barrel shall be not less than twenty-seven inches or more than twenty-eight inches and a half long; and the contents of each barrel in which beef is packed or re-packed shall be not less than twenty-three gallons and two-sixths of a gallon, or more than twenty-four gallons and one-sixth of a gallon; and the contents of each barrel in which pork is packed or re-packed shall be not less than twenty-five gallons or exceed twenty-five gallons and five-sixths of a gallon:

Length, &c.,
of barrel.

4. Each tierce shall be not less than thirty inches, or more than thirty-one inches long; and the contents of each tierce in which beef is packed or re-packed, shall be not less than thirty-six gallons and four-sixths of a gallon, or exceed thirty-seven gallons and three-sixths of a gallon; and the contents of each tierce in which pork is packed or re-packed shall be not less than thirty-seven gallons and three-sixths of a gallon, or exceed thirty-eight gallons and two-sixths of a gallon:

Length, &c.,
of tierces.

5. Half barrels or half tierces in which beef or pork is packed and re-packed shall severally contain half the number of gallons above mentioned, and no more:

Half barrels
and half
tierces.

6. And the inspector shall examine carefully and ascertain the sufficiency of each package before branding the same, and shall brand none with regard to which the requirements of this Act have not been complied with. 37 V., c. 45, s. 45.

Inspector to
examine
packages.

56. Nothing in this Act shall prevent any inspector of beef and pork from furnishing salt, saltpetre or packages if necessary; but it shall be optional with the owner or possessor of such beef or pork, to furnish such salt, saltpetre, or packages himself, if he sees fit, whether the same is for new packing or to replace unsound old packages, or bad salt, and whether the same is at the stores of the inspector or of such owner or possessor. 37 V., c. 45, s. 46.

Furnishing of
salt and other
requisites.

57. Every inspector who suffers any beef or pork, if left in his charge after it has been inspected, to be exposed to the heat of the sun or inclemency of the weather longer than six days, shall incur a penalty of forty dollars for every such offence; and every inspector who neglects to provide a suitable store in a convenient situation, shall incur a penalty of four dollars per day for every day he neglects to provide himself with such store after his appointment as inspector. 37 V., c. 45, s. 47.

Beef and pork
to be protect-
ed from the
weather.

58. No inspector of beef and pork shall, when he inspects any beef or pork at the store hereinbefore required to be kept by him for the purpose, charge any storage thereon, unless the same has been left in his store more than five days after he has delivered to the owner or possessor thereof a notice of its having been inspected, or an inspection bill thereof. 37 V., c. 45, s. 48.

As to storage.

59. Every person, other than an inspector or deputy inspector duly qualified under this Act, not being the actual

Penalty if in-
spection is
made by any

other than
an inspector
or deputy.

owner of the beef or pork inspected, who inspects any beef or pork, or brands or marks any package or cask or vessel of any kind, containing such beef or pork, and every person other than such inspector or deputy inspector who gives any certificate of inspection, shall incur a penalty of forty dollars for each package, cask or vessel of beef or pork so inspected or branded, or with regard to which such certificate is given :

Penalty if the
owner neg-
lects to
mark date on
packages.

2. If any owner of any beef or pork brands any such package or vessel as aforesaid containing beef or pork, without affixing to his surname and the initial of his christian name, the date at which the same was branded, and the word "owner" or "owners," he shall be held to have inspected and branded the same contrary to the provisions of this Act, and shall incur the said penalty. 37 V., c. 45, s. 49.

Inspection not
compulsory;
but certain
conditions to
be observed.

60. Nothing in this Act shall prevent any person from packing for exportation or exporting any beef or pork without inspection, provided such beef or pork is packed in tierces or half tierces, barrels or half barrels, of the dimensions hereinbefore prescribed for such packages respectively, and is marked with black paint or branded on one end thereof with the name and address of the packer, the date and place of packing, the weight and the quality of the beef or pork contained in each package :

Rounds and
briskets of
beef, &c.,
excepted.

2. Nothing in this Act shall prevent any person from packing for exportation or from exporting without inspection any rounds of beef, rounds and briskets of beef, the meat of young pigs called pig pork, the tongues of neat cattle, the tongues of pigs, hams of pigs or pig's cheek, or any smoked or dried meat of any description contained in tubs, casks or barrels or other packages of any kind, if each package is marked in the manner above mentioned :

But must be
marked.

Penalty for
contraven-
tion.

3. Every person who exports any meat of the kind last mentioned, not so marked as aforesaid, or beef or pork of any other kind not so marked or not packed in barrels or half barrels, tierces or half tierces, of the dimensions hereinbefore prescribed, shall incur a penalty of one dollar for each and every barrel or half barrel, tierce or half tierce, tub, cask or other package with regard to which the provisions of this section are violated. 37 V., c. 45, s. 50.

POT AND PEARL ASHES.

Inspection of
ashes, how to
be made.

61. Every inspector or deputy inspector, on proceeding to inspect any pot or pearl ashes, shall, either by emptying the whole of the pot or pearl ashes out of the barrel, or by opening both ends of the barrel, and if necessary by scraping the barrel and cakes of ashes, carefully examine, try and inspect and sort the same into three different sorts or qualities, to be denominated "first sort," "second sort" and "third sort," determining the several sorts as follows:—

First sort pot ashes shall contain seventy-five per cent. of pure alkali, at the least ; Qualities of pot ashes.

Second sort pot ashes shall contain sixty-five per cent. of pure alkali, at the least ;

Third sort pot ashes shall contain fifty-five per cent. of pure alkali, at the least ;

First sort pearl ashes shall contain sixty-five per cent. of pure alkali, at the least ; Qualities of pearl ashes.

Second sort pearl ashes shall contain fifty-five per cent. of pure alkali, at the least ;

Third sort pearl ashes shall contain forty-five per cent. of pure alkali, at the least ;

Each quality shall be in all other respects entitled to rank of the quality designated thereon :

2. The inspector or deputy inspector shall re-pack the ashes into good and sufficient barrels of the size and description hereinafter specified, to be properly coopered and branded, and shall weigh each barrel, and mark on the branded head, with black, the weight thereof, including tare, and the weight of the tare under the same : Ashes to be re-packed.

3. He shall brand in plain letters and figures on each and every barrel by him inspected containing ashes of the first quality, the words " first sort ; " of the second quality, the words " second sort ; " and of the third quality, the words " third sort ; " together with the words " pot ash," or " pearl ash," as the case may be, with his own name and that of the place where the ashes are inspected, and the year when such inspection is made : Branding.

4. He shall also collect the crustings or scrapings of the barrels, and cakes of pot and pearl ashes, if any, of each separate lot, and deduct the value of the same from the inspection charges to be paid by the proprietor of such lot, or deliver them to him : Crustings and scrapings, how disposed of.

5. He shall mark the word " unbrandable No. 1 " (2, 3, 4 or 5, according to its strength), on every barrel which he discovers to contain ashes so adulterated with stone, sand, lime, salt or any other improper substance, as not to admit of their being classified as " first," " second " or " third " sort : Adulterated ashes.

6. He shall also make and deliver a separate weigh note or bill of each quality of ashes, whenever required so to do by the owner thereof or his agent. 37 V., c. 45, s. 51. Weigh note or bill.

62. No pot or pearl ashes shall be inspected in barrels of any size or description other than the following : pot ashes, in barrels to be constructed of oak or white ash timber ; and pearl ashes, in barrels to be constructed of oak, white ash, black ash or elm timber,—and such timber shall be of the best description, and thoroughly seasoned, and such barrels shall be made perfectly tight, and shall be well and completely hooped, with at least fourteen sound oak, ash, hickory, blue beech or elm hoops, or ten good iron hoops each ; the said barrels shall not exceed thirty-two inches in Description of barrels to be used.

Tare or weight of barrel to be marked on it.

length by twenty-two inches in diameter on either head, or be less than thirty inches in length by twenty inches in diameter on either head, and the chime thereof shall not exceed one inch; and the inspectors shall reject all barrels not constructed according to the foregoing directions, or which, in their opinion, are insufficient to resist the tear, wear and usage to which they are liable; and from the gross weight of the barrel when filled up, the actual weight of such barrel, as tare, shall be deducted; and every manufacturer of ashes shall mark, in legible characters, on the end of each barrel, before it is filled, the exact weight thereof. 37 V., c. 45, s. 52.

Inspectors to provide warehouse.

63. In every place where there is an inspector of ashes, except in the city of Montreal, each inspector shall provide himself with suitable and convenient premises for the storage and inspection of ashes; and he shall keep all barrels of ashes delivered to him for inspection, while in his possession, in some dry place, safe from the injuries of the weather or of floods; and every inspector who violates any of the provisions of this section shall incur a penalty of two dollars for every barrel not stored as aforesaid, and shall forfeit and pay to the owner thereof two dollars besides the actual damages sustained by such owner. 37 V., c. 45, s. 53.

Special provision as to the city of Montreal.

64. The inspector (which word in this section includes the joint inspector) for the city of Montreal, shall provide suitable and convenient buildings, for the storage and inspection of ashes, of that description commonly known as first class buildings, or such as are approved of by the council of the board of trade of that city:

Ashes to be insured.

2. Such inspector, at all times and at his own cost and charges, shall keep the ashes stored in the said premises insured to the amount of not less than one hundred thousand dollars,—and shall deposit the policies therefor with the secretary of the said board of trade for the time being, and renew such policies, from time to time, as occasion requires; but such insurance shall not be effected until after the names of the company or companies with whom he is desirous of effecting the same have been submitted to the council of the said board of trade of the said city for their approval, and such approval has been signified to the inspector in writing:

Further provisions as to insurance.

3. If the said insurance, at any time, is less than the actual value of the ashes stored in the said premises, the said inspector shall, at his like costs and charges, and subject to the conditions above prescribed, effect additional insurance sufficient to cover the extra value of the said ashes during the time they remain so stored as aforesaid; and the said inspector shall be bound to deliver to the owner thereof, in good order, all ashes received into the inspection stores. 37 V., c. 45, s. 54.

65. Every inspector may charge on the inspection bill for all services performed by him in respect to pot or pearl ashes—

Fees for inspection, &c.

(a.) The sum of ten cents for every hundred pounds of pot or pearl ashes by him so inspected ;

(b.) The actual cost of every barrel by him furnished ;

(c.) The sum of twenty-five cents for each new head so furnished, and the sum of eighteen cents for cooperage and repairs, on each barrel of pot or pearl ashes by him so inspected,—and cooperage shall include nails and the end hoops of the barrel ;

(d.) The sum of twenty-five cents for putting in a barrel, partly filled with pot or pearl ashes, the additional quantity thereof necessary to fill the same whenever duly required so to do ;

(e.) The sum of twenty-five cents per barrel whenever lime, raw ashes, damaged ashes or other trash have been packed or mixed with pot or pearl ashes, for his services in extracting and separating the same ;

And in consideration of such charges all barrels shall be delivered in good shipping order, and the charges shall be paid or allowed to the purchaser by the person offering such pot or pearl ashes for inspection or his agent. 37 V., c. 45, s. 55.

How paid and for what services.

66. Each inspector shall have all ashes sent to him for inspection inspected, and the inspection bills prepared for delivery, and the whole well and duly coopered and prepared for shipment within a period not exceeding thirty-six working hours from the date such ashes are received into the inspection stores ; and such inspector shall further be entitled to receive ten cents per barrel for the storage of each barrel of ashes which remains stored with him as aforesaid more than five days after the date of the invoice, weigh note or inspection bill, and five cents per barrel for each subsequent month they remain stored (reckoning the second month to commence thirty-five days from and after the date of the invoice, weigh note or inspection bill) ; and such storage and all other charges shall be paid by the person receiving or shipping the said ashes or by his agent ; but in no case shall any storage be paid or required when the ashes have not remained stored as aforesaid during five days from and after the date of the invoice or weigh note. 37 V., c. 45, s. 56 ;—48-49 V., c. 66, s. 13.

Time for inspection.

Storage.

Proviso.

67. The inspector of ashes for the city of Montreal, shall further be entitled to charge a sum not exceeding three cents per barrel for insurance on each barrel of pot or pearl ashes sent to his premises for inspection ; and such insurance shall be considered as chargeable from the day such barrel is received into the said premises, and the said ashes shall be held to be insured from the period of such reception,—but

Fees for insurance in Montreal, and what to cover.

such rate shall cover all insurance on the said ashes during the whole period they remain stored in the said premises ; and the said insurance shall be charged by the inspector in the inspection bill. 37 V., c. 45, s. 57.

Inspector for Montreal to make returns to board of trade.

68. The said inspector for the city of Montreal shall, from time to time, make returns of the business of his office to the council of the board of trade of the said city of Montreal, whenever duly required so to do by the said council ; and duplicates of all returns so made shall be forwarded to the Department of Inland Revenue at Ottawa. 37 V., c. 45, s. 58.

Offences and penalties.

69. Every inspector or deputy inspector who, during his continuance in office, permits any cooper or other person by him employed, to retain or keep any pot or pearl ashes,—or who brands any barrel of ashes of any description or size other than as prescribed by this Act,—or who dates any weigh note or bill of inspection otherwise than of the day when the ashes were actually inspected,—or who delivers out of his possession any such weigh note or bill of inspection without any date,—or who does not conform to the provisions of this Act—shall, for every such offence, incur a penalty not exceeding four hundred dollars, and be forever thereafter disqualified from holding and exercising the office of inspector of pot and pearl ashes, or of deputy inspector ; and every inspector or deputy inspector or clerk, or other person, who makes or causes to be made any false or fraudulent inspection bill of ashes, is guilty of felony, and liable to seven years' imprisonment. 37 V., c. 45, s. 59.

False bill of inspection, felony.

Inspection not compulsory, subject to certain conditions.

70. Nothing in this Act shall prevent any person from exporting pot and pearl ashes, without inspection, if, on one end of the barrel containing the same, there is neatly and legibly branded or marked the name and address of the manufacturer, the weight and tare of the barrel, and the quality of ashes contained in it ; but every person who exports any pot or pearl ashes not so marked as aforesaid, or who marks any such barrel falsely, shall incur a penalty of twenty dollars for every barrel or other package so marked or exported. 37 V., c. 45, s. 60.

Penalty for contravention.

PICKLED FISH AND FISH OILS.

Definition of " fish oils."

71. The expression " fish oils," in the following provisions respecting fish and fish oils, includes whale, seal, porpoise, cod, herring, sturgeon, siskawitz and all other kinds of oils derived from fishes or marine animals. 37 V., c. 45, s. 67, *part.*

Inspector to provide branding irons.

72. Every inspector shall provide himself with proper branding irons, or stencil plates, for the purpose of branding or marking such casks, barrels and boxes as are by him

inspected pursuant to this Act; and every inspector shall see that all the deputy inspectors under him are duly provided in this respect. 37 V., c. 45, s. 61.

73. The inspecting, culling, classing, weighing, packing and branding or marking of any fish or fish oil shall be done in the immediate presence and sight of an inspector or deputy inspector. 37 V., c. 45, s. 62.

Inspecting, &c., to be done in presence of inspector.

74. The inspector or deputy inspector shall see that all kinds of split, whole, pickled or salted fish, intended for packing or barrelling, and submitted to him for inspection, have been well struck with pickle and salt, in the first instance, and preserved sweet, free from taint, rust, saltburn, oil or damage of any kind; and all fish and fish oil intended for market or exportation, and branded or marked as inspected and merchantable, shall be well and properly packed in good, tight and substantial packages or casks, and in the case of fish with clean salt,—except green codfish packed without pickle, which may be packed in barrels or packages which are not tight; and all other packages shall be made of the materials and in the manner following:—

Duty of inspector of fish.

(a.) Tierces, barrels and half barrel shall be made of sound, well seasoned split or sawed staves, free from sap, and in no case of hemlock, and the heading shall be of hardwood, pine, fir or spruce, free from sap, and planed on the outside, and shall be at least three-quarters of an inch in thickness; the staves shall be five-eighths of an inch in thickness; staves for salmon and mackerel barrels shall be twenty-nine inches in length, and the heads between the chimes seventeen inches; staves for barrels for herring shall be twenty-seven inches in length, and the heads between the chimes shall be sixteen inches; and the bung staves of all such barrels shall be of hardwood: all casks shall be hooped with not less than fourteen sound, good hoops of not less than five-eighths of an inch at the small end for all tierces and barrels, and in no case to be of alder: the makers of all tierces, barrels and half barrels, shall brand the initials of their christian names and their whole surnames, and also the letters S., M. or H., according as the package is intended for salmon, mackerel or herring, at or near the bung staves, and in default of so doing shall incur a penalty of twenty cents for every package not so branded:

Tierces, barrels, &c., how to be made.

Hoops.

How to be marked by makers.

(b.) Barrels of the following dimensions may also be used for a special quality of fish, that is to say: the stave shall be twenty-eight inches long, the head seventeen inches between the chimes; the chimes shall be one and a-quarter inches and the head three-fourths of an inch in thickness, and the bung stave shall be of hardwood: every such barrel shall be branded with the words "special size:"

Size of barrels for special quality of fish.

2. Every inspector or deputy inspector who inspects, marks or brands any fish packed in barrels, tierces or other

Penalty for falsely branding.

packages, which are not in accordance with the requirements of this Act, shall incur a penalty of one dollar for each such barrel, tierce or package inspected, branded or marked 48-49 V., c. 66, s. 14.

Inspection,
&c., to be in
accordance
with this Act.

75. All pickled and smoked fish cured for market or exportation, and all fish oils, codfish tongues and codfish sounds, shall be inspected, weighed, or gauged and branded or marked, only in accordance with this Act; and all green codfish, in boxes or packages, shall be inspected and culled, and a certificate of inspection for the latter, stating the quality and quantity thereof so inspected, and shipped on board any vessel, shall be granted by any inspector or deputy inspector. 37 V., c. 45, s. 65;—43 V., c. 20, s. 2.

Qualities of
fish.

76. The various kinds of fish to be inspected under this Act shall be branded or marked of the following denominations respectively:—

Salmon.

(1.) Salmon branded or marked “No. 1” shall consist of the largest or best and choicest kind, well split, having the blood well washed out before being salted, well cured, in the best condition, and in every respect free from taint, rust or damage of any kind;

(a.) Those branded or marked “No. 2” shall comprehend the best salmon that remain after the selection of the first quality, and shall be good, sound, well split and cured fish, in the best condition, and in every respect free from taint, rust or damage of any kind;

(b.) Those branded or marked “No. 3” shall consist of those that remain after the selection of the first two qualities, but shall be good sound fish, and in every respect free from taint, rust or damage of any kind:

Mackerel.

(2.) Mackerel branded or marked “mess mackerel” shall consist of the best and fattest mackerel, well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, rust or damage of any kind, and shall be such as would have measured not less than fourteen inches from the extremity of the head to the crotch or fork of the tail, and shall have the heads and tails taken off;

(a.) Those branded or marked “Extra No. 1” shall consist of the best and fattest mackerel, well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, rust or damage of any kind, and shall measure not less than fourteen inches from the extremity of the head to the crotch or fork of the tail;

(b.) Those branded or marked “No. 1” shall consist of the best and fattest mackerel, well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, rust or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail;

(c.) Those branded or marked "No. 2" shall comprehend the best mackerel that remain after the selection of the first qualities, and shall be properly split and washed, well cured, and in every respect free from taint, rust or damage of any kind, and shall be divided into two qualities, those thirteen inches and upwards not sufficiently fat to make No. 1 being branded No. 2 large, and those from eleven inches up to thirteen inches being branded No. 2;

(d.) Those branded or marked "large No. 3" shall consist of good sound mackerel, properly washed, well cured, and free from taint, rust or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail;

(e.) Those branded or marked "No. 3" shall consist of good sound mackerel, properly washed, well cured, and free from taint, rust or damage of any kind, and shall measure eleven inches and upwards from the extremity of the head to the crotch of the tail;

(f.) All mackerel under eleven inches in length, of good, sound quality, and free from taint, rust or damage of any kind, shall be branded or marked with the words "small spring" or "small fall" in the place of a number;

(g.) All short, sunburnt or ragged mackerel, not otherwise defective, of whatever class, shall be branded or marked "No. 4:"

All spring mackerel shall be packed in coarse or ground West India salt:

(3.) Herrings, branded or marked "No. 1 Extra," shall be thirteen inches and upwards in length and fat, and shall be well struck with salt, thoroughly cured and cleaned, and bright in color; Herrings.

(a.) Those branded or marked "No. 1" shall be from ten to thirteen inches in length, well struck with salt, thoroughly cured and cleaned, and bright in color;

(b.) Those branded or marked "No. 2" shall be from eight to ten inches in length, and shall comprehend the best herrings that remain after the selection of quality No. 1;

(c.) Herrings under eight inches in length shall be branded or marked "No. 3," with the word "small" in addition to the other brands or marks;

(d.) All ripped herrings shall be branded or marked with the word "split," in addition to other brands or marks;

(e.) All gibbed herrings shall be branded or marked with the word "round" in addition to other brands or marks;

(f.) All herrings that are not gibbed or ripped shall be branded or marked with the word "gross" in addition to other brands or marks;

(g.) All spring-caught herrings shall be branded or marked with the word "spring," in addition to other brands or marks;—

The above shall be well cleansed and cured, and in every respect free from rust, taint or damage:

All spring and fall herrings shall be packed in coarse or ground West India salt :

Branding of
herrings
caught at cer-
tain places.

Herrings that are caught at the Magdalen Islands, Baie des Chaleurs, Labrador or Newfoundland, and brought into port in Canada in bulk and packed in Canada, shall be branded or marked "Magdalen Islands," "Baie des Chaleurs," "Labrador," or "Newfoundland," respectively, in addition to other brands or marks :

Smoked her-
rings.

(4.) Smoked herrings branded or marked "No. 1," shall comprehend the best and fattest fish ; and those branded or marked "No. 2" shall consist of the poorer, smaller and inferior fish ;

(a.) Both of these qualities shall be well smoked, free from taint, and not burnt or scorched ; and no red or smoked herrings shall be so branded or marked unless they are well and sufficiently saved and cured, and carefully packed in good and substantial barrels or half barrels ;

Size of boxes
and half boxes
of smoked
herrings.

(b.) If smoked herrings are packed in kegs or boxes, the same shall be of well-seasoned boards, the sides, top and bottom of not less than half an inch in thickness, and the ends at least three-quarters of an inch thick ; the inside measurement of each box shall be eighteen inches long, nine inches broad, and eight inches deep, the joints well nailed, and the tops or covers smoothed ;

How much
boxes, &c.,
shall contain.

And every such box of smoked herrings shall contain at least twenty pounds of fish ; half boxes shall be twenty-two inches long, four inches deep and eight inches wide, and shall contain not less than ten pounds of fish :

Tainted
herrings.

(c.) Tainted, burnt, scorched and badly smoked herrings shall be considered "refuse," and may be branded or marked as such without any other character :

Gaspereaux
and alewives.

(5.) Gaspereaux or alewives, branded or marked "No. 1," shall consist of the largest and best fish, measuring nine inches and upwards, well struck with salt, thoroughly cured and cleaned, and bright in color ;

Those branded or marked "No. 2" shall be from seven to nine inches in length, and shall be the best that remain after the selection of quality No. 1 ;

Those under seven inches in length shall be branded or marked "No. 3," with the word "small," in addition to the other marks or brands ;

All gaspereaux and alewives shall be packed in coarse or ground West India salt :

Sea trout.

(6.) Sea trout branded or marked "No. 1" shall consist of the largest, best and fattest kind, well split, and in every respect free from taint, rust or damage of any kind ;

(a.) Those branded or marked "No. 2" shall comprehend the best trout that remain after the selection of the first quality, and shall be good, sound fish, free from taint, rust or damage of any kind :

(7.) Lake and salmon trout branded or marked "No. 1, lake," shall consist of the largest and fattest fish, and be free from taint, rust or damage; Lake and salmon trout.

(a.) Those branded or marked "No. 2, lake," shall consist of the next best fish, free from taint, rust or damage :

(8.) White fish branded or marked "No. 1" shall consist of the largest and fattest kind, cured in good condition, and in every respect free from taint, rust or damage; White fish.

(a.) "No. 2" shall consist of those that remain after the selection of the first quality, and be free from taint, rust or damage :

(9.) Green codfish in barrels, with or without pickle, classed "No. 1, large," shall consist of the best and fattest fish, well split and cleansed, well cured, in first rate condition, and in every respect free from taint, salt-burn, rust or damage of any kind, and shall measure twenty inches and upwards to the crotch of the tail; Green codfish in barrels.

(a.) Those classed "No. 1" shall consist of the best and fattest fish remaining after the selection of quality No. 1, large, well split and cleansed, well cured, in first rate condition, and in every respect free from taint, salt-burn, rust or damage of any kind, and shall measure from sixteen to twenty inches to the crotch of the tail ;

(b.) Those classed "No. 2" shall consist of those remaining after selection of quality No. 1, and shall be sound, well-cured fish, and free from taint, salt-burn, rust or damage of any kind ;

(c.) Every barrel of pickled codfish shall contain two hundred pounds of fish, and every half barrel, one hundred pounds of fish; Pickled codfish.

(10.) All other kinds of fish not enumerated herein, such as ling, hake, haddock, pollock, catfish, halibut, shad, bass and eels, codfish tongues and codfish sounds, in casks or barrels, shall be branded or marked as such, and shall be sound and well cured, free from taint, salt-burn, rust or damage of any kind; Other fish.

(11.) Small fish, which are usually packed whole, with dry salt or pickle, shall be put into good casks of the size and materials required by this Act for the packing of split, pickled fish, and shall be packed close, edgeways in the cask, and properly salted with good, coarse, wholesome, dry salt, and the casks shall be filled full with the fish and salt, and no more salt shall be put with the fish than is necessary for their preservation ; and the casks containing such whole fish shall be branded or marked with the denomination of the fish, and a like designation as is prescribed by this Act in respect of the qualities of other pickled fish ; Small fish.

(12.) All rusty or sour fish, of whatever kind or class, shall be branded or marked with the word "rusty" or "sour," as the case may be, in addition to the other brands or marks ; Rusty and sour fish.

Fish which shall not pass inspection.

(13.) No foul or tainted fish, or fish mutilated for the purpose of concealing marks and appearances of illegal capture, or unsizeable fish, shall pass inspection ;

Fish in bulk.

(14.) Fish known as pickled fish, which are cured in bulk, if not inspected and certified as aforesaid, and afterwards packed in barrels, shall be branded or marked with the word " bulk " in addition to other brands or marks ;

Packing of fish.

(15.) Each cask or package of fish shall contain fish of the same kind, or parts of the same kind and quality, properly packed in separate layers, and on every layer of fish so packed in the cask, a sufficient quantity of good, clean suitable salt, free from lime, shall be regularly placed in the proportion of half a bushel for each barrel of fish, and in like proportion for other packages, at the discretion of an inspector or deputy inspector ; and after the cask has been properly packed and headed, it shall be filled with clean pickle, strong enough to float a fish of the kind so packed ;

Sound and unsound fish to be separated.

(16.) If it appears to any inspector or deputy inspector that a portion of the fish inspected by him is sound, and another portion unsound, he shall separate the sound from the unsound, re-pack the sound fish, and brand or mark the same according to its quality ; and such portion as the inspector judges incapable of preservation he shall condemn as bad, and mark " refuse," in addition to other marks ;

Re-packing to be in presence of inspector.

(17.) If any casualty renders it necessary to re-pack inspected fish, it shall, in all cases, be done by and in the presence of an inspector or deputy inspector ; and any other person attempting to re-pack or brand or mark the same shall incur a penalty not exceeding twenty dollars for every such offence ;

Inspector may correct packing, &c., of deputy inspector.

(18.) When any fish, branded or marked by a deputy inspector, proves unequal in quantity or quality to that which is indicated by the brand or mark, or deficient in any way in the requisites prescribed by this Act, the inspector may cause the same to be re-inspected ; and if it appears that the defect arose from the condition of the fish, or the bad quality of the cask, or the bad packing or pickling of the fish at the time of the inspection, he may recover the cost and charges of such re-inspection from the deputy inspector, who branded or marked the same ;

Inspected fish not to be re-inspected.

(19.) Pickled fish, duly inspected, packed and branded or marked, and fish oils, inspected and branded or marked under this Act, at any place in the Provinces of Nova Scotia, New Brunswick, Quebec, Ontario, or British Columbia, shall not be subject to re-inspection within Canada, except in cases already provided for in this Act ;

Contents of tierce, &c.

(20.) Each tierce shall contain three hundred pounds, and each half tierce one hundred and fifty pounds ; each barrel shall contain two hundred pounds, and each half barrel one hundred pounds ; each quintal shall weigh one hundred pounds ; each draft shall mean two hundred pounds ; and each box of herrings shall contain twenty pounds at least ;

and in each case the weight shall be clear avoirdupois, exclusive of salt and pickle;

(21) There shall be branded or marked on the head or butt of each cask of pickled or dry-salted fish, in plain, legible letters, after the same has been inspected, culled, classed, weighed and packed, in accordance with this Act, the description of the fish, the weight and quality contained in the package, the initials of the christian name or names, and the whole surname of the inspector or deputy inspector by whom the fish was inspected, and the name of the place where he acts as inspector, and the month and the year of inspection. 37 V., c. 45, s. 66, *part*;—39 V., c. 33, s. 3;—45 V., c. 25, s. 1;—47 V., c. 33, s. 5;—48-49 V., c. 66, s 15..

Brands on packages of fish.

77. Every inspector or deputy inspector shall seize, and any magistrate may confiscate to Her Majesty, all fish found or exposed for sale which have been killed or captured during prohibited seasons or by unlawful means, and all fish at any time offered for sale or barter, or attempted to be exported, whilst in an unwholesome condition. 37 V., c. 45, s. 66, *part*.

Fish unlawfully killed, &c., to be seized.

78. The boards of examiners of inspectors of fish and fish oils shall fix and have in charge the standard of fish oils in Nova Scotia, New Brunswick, Quebec and Ontario, respectively; and the same shall be classified and branded or marked according to such standards, as follows:—

Standards of fish oils, how fixed and kept.

(1) Whale oil shall be free from adulteration of every kind, and shall be branded as such, with the class according to quality appointed by standard,—if No. 1, "pale;" if No. 2, "straw;" if No. 3, "brown;"

Whale oil.

(2) Seal oil shall be free from adulteration of every kind, and shall be branded as such, with the quality per standard—if No. 1, "strictly pale;" if No. 2, "pale;" if No. 3, "straw;" if No. 4, "brown;" if No. 5, "dark brown;"

Seal oil.

(3) Porpoise oil shall be free from adulteration of every kind, and shall be branded as such, with the quality per standard—if No. 1, "pale;" if No. 2, "straw;" if No. 3, "brown;"

Porpoise oil

(4) Cod oil shall be free from adulteration, and be branded as such—first quality, "A;" second quality, "B;"

Cod oil.

(5) Herring, hake, pollock and dog-fish oil, and all other oils shall be branded as such—first quality, "A;" second quality, "B:"

Other fish oils.

2. An inspector or deputy inspector shall determine the gauge of each cask, and the outs thereof; and shall mark the same on the cask; and the barrels shall be in good order and condition, sound and staunch, and made of hard wood, and if any cask or casks are found to contain water or other adulteration, the fact shall be scribed or branded by the inspector or deputy inspector on the cask:

Duties of inspectors.

3. Casks containing fish oils shall be scribed or branded with such quality, the month and the last two figures of

Brands.

the year when inspected, the initials of the christian name or names, and the entire surname of the inspector, and also the place of inspection, and the initial letters of the name of the Province in which it is inspected. 37 V., c. 45, s. 67.

Fees for inspection.

79. Every inspector or deputy inspector who inspects and brands or marks any cask or package of pickled fish or pickled fish in bulk, or smoked fish, or any fish oil, in accordance with the provisions of this Act, shall be entitled to fees at the following rates, which shall be paid by the original owner or the person who employed him in the first instance, that is to say :—

(1.) For each tierce of salmon, salmon-trout or sea-trout, fifteen cents ;

(2.) For each half tierce of salmon, salmon-trout or sea-trout, ten cents ;

(3.) For each barrel of salmon, salmon-trout or sea-trout, fifteen cents ;

(4.) For each half barrel of salmon, salmon-trout or sea-trout, ten cents ;

(5.) For each barrel of mackerel, ten cents ;

(6.) For each half barrel of mackerel, five cents ;

(7.) For each barrel of herring, seven cents ;

(8.) For each half barrel of herring, four cents ;

(9.) For each barrel of shad, ten cents ;

(10.) For each half barrel of shad, seven cents ;

(11.) For each barrel of whitefish, ten cents ;

(12.) For each half barrel of whitefish, seven cents ;

(13.) For each barrel of pickled codfish, hake, haddock or cat-fish, five cents ;

(14.) For each half barrel of the same, three cents ;

(15.) For each quarter barrel or kit of pickled fish one and one-half cent ;

(16.) For each barrel of dry-salted codfish, hake, haddock, catfish, ling or pollock, five cents ;

(17.) For each half barrel of the same, three cents ;

(18.) For each barrel of bass, ten cents ;

(19.) For each half barrel of bass, seven cents ;

(20.) For each box of smoked herrings, one cent ;

(21.) For each half box of smoked herrings, one-half cent ;

(22.) For each quarter box of smoked herrings, one-quarter cent ;

(23.) For each barrel of cod tongues, cod sounds, halibut or eels, ten cents ;

(24.) For each half barrel of the same, seven cents ;

(25.) For inspecting, gauging and branding each puncheon of oil, twenty cents ;

(26.) For inspecting, gauging and branding each hogshead of oil, fifteen cents ;

(27.) For inspecting, gauging and branding each tierce of oil, twenty cents ;

(28.) For inspecting, gauging and branding each barrel of oil, fifteen cents ;

(29.) For inspecting empty packages, one cent :

2. The foregoing rates shall be calculated exclusive of salt, pickle, cooperage, storage and labor employed in washing, rinsing, cleaning, nailing, screwing or re-packing and pickling any fish :

Rates to be exclusive of salt, &c.

3. Provided always, that any person causing his fish or fish oil to be inspected, may employ, at his cost and charges, a cooper to attend upon and assist the inspector or deputy inspector in the performance of his duty,—in which case the inspector or deputy inspector shall not be allowed any charge for cooperage,—and the cooper so employed shall be governed and guided solely by the directions which he receives from the inspector or deputy inspector with respect to any fish or fish oil by him inspected, and not by any other person. 37 V., c. 45, s. 68 ;—44 V., c. 22, s. 1 ;—48-49 V., c. 66, s. 16.

Proviso : owner may employ his own cooper to act under the inspector.

80. Fish and fish oil may be inspected either at the place where they are packed or manufactured, or at the place of sale within Canada. 37 V., c. 45, s. 69.

Where inspection shall be effected.

81. Whenever fish are not inspected at the place of packing, the packer's name and the quality of the fish shall be marked in paint, on each barrel, half barrel or package ; and when they are inspected at the place of sale, the inspector shall empty out ten packages in each hundred of any lot submitted to him for inspection, and such inspection of ten packages out of every hundred shall regulate the grade of the fish so submitted for inspection. 37 V., c. 45, s. 70.

When not inspected at place of packing ; and when at place of sale.

82. So soon as any fish are inspected, a bill of inspection shall be furnished by the inspector or deputy inspector, specifying the quality as ascertained by inspection, and whether each package contains the weight prescribed by this Act, with the name of the packer, and of the inspector at the place of packing. 37 V., c. 45, s. 71.

Bill of inspection.

83. This Act shall not apply to fish landed at any port of Canada from United States fishing vessels for the purpose of re-shipment to the United States, unless the owners of such fish wish them to be inspected ; but such fish if so re-shipped without being inspected, shall not be branded or marked. 37 V., c. 45, s. 72.

As to fish landed from U. S. vessels for re-shipment thither. Proviso.

BUTTER.

84. No inspector or deputy inspector of butter shall brand, mark or certify any butter as inspected, unless it is packed in the manner hereinafter required ; but any butter not so packed, submitted for inspection, shall, by the in-

Inspection of butter, how to be made.

Re-packing.

inspector or deputy inspector to whom it is submitted, be re-packed in the manner hereby required, and the inspector or deputy inspector shall receive the actual cost of such new packages as are required for such re-packing, and the further sum of five cents for each firkin or keg of butter so re-packed as compensation of his time and labor :

How butter shall be packed.

2. All butter submitted for inspection shall be packed in kegs, firkins or tubs, containing each twenty-five pounds, fifty pounds, seventy-five pounds, or one hundred pounds ; and every such package shall be made of the best seasoned wood, shall be well bound with sufficient hoops, and shall be of such size respectively as will contain as nearly as may be the above mentioned quantities ; the actual weight of each package when dry, together with the names of the maker of such package, shall be legibly branded on the outside of one of the staves of such package :

Weight to be marked.

Further provisions as to packages.

3. The packages may be of such form and the heads or ends may be secured in such manner as the maker deems best, but the length of the stave shall in all cases be equal to the greatest diameter of the package, and the inspector may reject and refuse to stamp or brand any package that he considers insufficient for preserving the contents in good order, or for the prevention of fraud with reference to the stamps or brands. 37 V., c. 45, s. 73.

Mode of inspection.

85. The inspector or deputy inspector shall, in inspecting butter, take out the head of each firkin or keg, and shall pass the taster through the butter, from end to end, and shall empty out and throw aside all salt or pickle which, in his judgment is not necessary to the preservation of the butter ; and after he has ascertained the quality of the butter, he shall replace so much thereof as he has taken out, and if there is in his judgment a deficiency of loose salt, so that he thinks the preservation and condition of the butter would be promoted by an additional quantity of salt, he shall add such quantity :

Coopering and branding.

2. He shall then have the package securely headed and coopered, and shall inscribe or brand on the head of the package the gross weight thereof in pounds avoirdupois, excluding fractional parts of a pound, and the tare, which shall include for each package of twenty-five pounds, one-half pound, for each package of fifty pounds, one pound, and for each greater package two pounds weight, for soakage over and above the cooper's tare ; and he shall then brand on the head his own name, the month, year and place of inspection, and the quality of the butter as "first," "second," "third" or "fourth," or as "grease," according to the quality of the butter, and adopting such standard of quality and system of classification, as are approved by the Governor in Council ; first removing all such marks (the distinguishing mark of the owner of the butter excepted)

Quality and standard.

on the package as would interfere with the brands or marks of the inspector. 37 V., c. 45, s. 74.

86. Every inspector shall provide himself and his deputy with suitable and convenient premises for the storage and inspection of butter, and shall keep all packages of butter delivered to him for inspection, while they remain in his possession, in some place safe from the injuries of the weather or of floods, and under a tight roof; and every inspector or deputy inspector who violates the provisions of this section, shall forfeit and pay to the owner the sum of one dollar for every package not stored as aforesaid, besides the actual damages sustained by such owner. 37 V., c. 45, s. 75.

Fit premises to be provided.

Penalty for default.

87. For all the services to be performed as aforesaid, including unheading, weighing, salting, heading, tightening hoops, marking and branding, and ten days' storage, each inspector shall be entitled to receive ten cents for every package of butter by him inspected as aforesaid,—and if re-inspected, seven cents,—together with the actual cost or charge of any package by him furnished, or for extra coöperation or repairs done to packages containing butter by him inspected, and no more,—the charge for which extra coöperation and repairs shall not in any case exceed five cents per package,—in consideration of which all packages shall be delivered in good shipping order; and such charges shall be paid by the person offering such butter for inspection, or his agent:

Fees for inspection and services.

2. Every inspector shall further be entitled to receive two and a-half cents per month, per firkin, and one cent and two-thirds of a cent per keg, per month, for the storage of each package of butter which remains stored with him as aforesaid more than ten days after the date of the invoice, weigh note or inspection bill; and such storage shall be paid by the person receiving or shipping the said butter, or his agent; but in no case shall any storage be paid or required when the butter has not remained stored, as aforesaid, during ten days from the date of the inspection bill:

Storage.

3. All the charges for inspection and storage shall be payable before the butter is re-delivered by the inspector; and the inspector shall furnish a bill of inspection signed by him and specifying neatly and legibly the quantity and quality of the butter, the charges thereon, and the owner's name. 37 V., c. 45, s. 76;—48-49 V., c. 66, s. 17.

Charges, when payable.

88. Every inspector shall, at the end of every month, make a return to the Minister of Inland Revenue of the quantity of each quality of butter inspected by him or the deputy inspector under him; and such return shall be made in such form as is required by the said Minister. 37 V., c. 45, s. 77.

Inspector to make monthly returns of quantity and quality inspected.

RAW HIDES AND LEATHER.

- Interpretation.** **89.** The expression "raw hides" means and includes all green, untanned hides or skins, commonly used in the manufacture of leather, weighing six pounds or upwards. 39 V., c. 33, s. 5;—43 V., c. 20, s. 5.
- "Raw hides."**
- Governor may appoint inspectors.** **90.** The Governor in Council may, when he considers it necessary so to do, appoint in any city, town or other place an inspector of leather and an inspector of raw hides. 48-49 V., c. 66, s. 18.
- Inspection of leather, how to be made.** **91.** Every inspector or deputy inspector shall examine and inspect any raw hides or leather on application made to him for that purpose by the owner or possessor thereof, and ascertain the weight, quality and condition thereof. 37 V., c. 45, s. 79.
- Where inspection shall be made.** **92.** Every inspector shall keep in a convenient situation in the city, town or place for which he is appointed inspector, as store or warehouse for the purpose of such inspection; and such inspection shall be made either at the said store or warehouse, or if he thinks fit at the store or warehouse of the owner of the raw hides or leather:
- Storage and expenses.** 2. No charge for storage shall be made until twenty-four hours have elapsed after such inspection; but all trouble and expense attendant upon the loading, unloading, or moving such raw hides or leather shall be borne and paid by the person at whose request the same are inspected. 37 V., c. 45, s. 80.
- Quality to be marked, and weight.** **93.** Every inspector or deputy inspector shall mark or stamp on each hide the net weight of such hide; and such hides shall be inspected without the horns, muzzles, snouts or hoofs, and the inspector, if he is required so to do, shall give a certificate of the net weight of such hide, without any charge for such certificate. 37 V., c. 45, s. 81.
- Powers of inspector in respect of weight.** **94.** Every inspector or deputy inspector shall subtract from the weight of each raw hide all dirt and parts injured by knife cuts, and any other thing which ought not to be computed in the weight of the hides, and may add to such weight all that such hides have lost by drying; and the computation of the weight so to be subtracted or added shall be in his discretion; he shall also classify them as number one, two, three or damaged, as the case may be. 37 V., c. 45, s. 82.
- Fees.** **95.** Every inspector shall be entitled for the inspection of such hides to a fee of five cents for each hide in lots under one hundred in number, and four cents for each hide in lots over one hundred in number. 37 V., c. 45, s. 83.
- Harness leather.** **96.** The inspector or deputy inspector may inspect harness leather and certify the weight thereof, but he shall not

be liable in damages on account of any deficiency or excess in the weight of any such harness leather, unless such deficiency or excess amounts to more than five per cent. of the whole weight of the leather. 37 V., c. 45, s. 84.

97. The inspector or deputy inspector may also inspect calf, kip and red leather or moccasin leather, and certify its weight, quality and condition. 37 V., c. 45, s. 85.

Calf, kip, and red or moccasin leather.

98. The inspector or deputy inspector may inspect and measure all kinds of leather which are sold by superficial measure or by weight, and shall be entitled to charge two cents for each side or piece of such leather so inspected and measured by him. 37 V., c. 45, s. 86.

Leather sold by superficial measure, &c.

99. Every person, except the inspector or deputy inspector, who stamps or numbers any of the raw hides or leather above mentioned, and exposes them for sale, shall be liable to a penalty not exceeding twenty dollars; but he shall be at liberty to mark on the said leather in ordinary and legible figures the weight of the said leather, and in such cases the words "not inspected" shall be marked above the said figures, in letters of the same dimensions and as legible as the said figures; and every person who exposes for sale any leather the weight of which is so marked without the words "not inspected" as above prescribed, shall be liable to a penalty not exceeding twenty dollars. 37 V., c. 45, s. 87;—46 V., c. 29, s. 3.

None but inspector to stamp leather &c.

Exception.

Penalty.

100. Each inspector or deputy inspector shall provide and have a sufficient number of brands, stamps, stencil plates, or marking instruments, wherewith he shall brand, stamp or mark, or cause to be branded, stamped or marked, immediately after inspection, on both sides of each hide or piece of leather, the initials of the name of the inspector. 37 V., c. 45, s. 88.

Inspector to provide brands and stamps.

101. All brand or stamp marks shall be neat and legible and shall be made at one end of the hide or piece of leather, within a space of not less than two inches long by one inch and one-half broad. 37 V., c. 45, s. 89.

How leather shall be branded or stamped.

102. Sole leather so inspected shall be divided as to quality into three classes,—“number one,” “number two,” and “number three;” number one representing the first or best quality, number two representing the second quality, number three representing the damaged and rejected articles. 37 V., c. 45, s. 90, *part*.

Qualities of sole leather.

103. Such leather as is ordinarily distinguished among dealers, by its comparative weight, shall also be divided into three classes,—“heavy,” “middling” and “light weight;”

And of leather distinguished by its weight.

every piece or side of leather under fourteen pounds weight shall be considered light; every piece or side of leather of fourteen pounds weight and under twenty pounds weight shall be considered middling, and every piece or side of leather of twenty pounds weight and over shall be considered heavy or over weight. 37 V., c. 45, s. 90, *part*.

Liability for deficiency limited.

104. The inspector or deputy inspector shall not be liable in damages on account of any deficiency or excess in the weight of any such leather, unless such deficiency or excess amounts to more than five per cent. of the whole weight of leather. 37 V., c. 45, s. 90, *part*.

Moccasin and harness leather.

105. Red leather, or moccasin leather and harness leather shall, after inspection, be marked or branded, respectively with the figures one or two, according to the quality thereof. 37 V., c. 45, s. 91.

Brands or marks described.

106. The brand or mark may be fixed or attached to the raw hide or leather, by stamping or by any other process that will render such brand or mark indelible; each brand or stamp shall have the initials of the city or town where inspection is made and the initials of the inspector's name, and the weight of the raw hide or leather, as also the figure denoting the quality; and may be in the form following:—

Forms of.

1.	112 lbs.
T.,	J. B., I.

2.	90 lbs.
T.,	J. B., I.

The figure 1 representing the first quality; 112 lbs., the weight; T., Toronto; J. B., I., initials of inspector's name and office:

The figure 2 designating second quality:

3.	60 lbs.
T.	J. B., I.

The figure 3 designating a damaged or rejected article. 37 V., c. 45, s. 92.

Inspector to keep books, and what they shall show.

107. Every inspector of raw hides and leather shall keep a proper book or books which shall be open to public inspection, in which he shall, from time to time, enter a statement or account of all green, raw and salted hides and leather inspected by him or any of the deputy inspectors under him, showing the respective weight, quality and condition thereof,

how the same have been classified by him, for whom they have been inspected, and the amount paid for such inspection; and every inspector who neglects or refuses to keep such a book, or to make the entries required to be made therein, or neglects or refuses to make the returns required by the next following section of this Act, shall incur a penalty not exceeding eighty dollars for each offence, and be liable to be dismissed from his office, and disqualified from ever after holding the same. 37 V., c. 45, ss. 93 and 95.

Penalty for neglect to keep books, &c.

108. Every such inspector shall, twice in each year, and not later than the tenth day of January and the tenth day of July, respectively, make a return to the board of trade of the city or town in respect to which he has been appointed, of the particulars mentioned in the next preceding section; and a duplicate of such return shall be sent to the Minister of Inland Revenue at Ottawa. 37 V., c. 45, s. 94.

Inspector to make returns.

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CHAPTER 100.

An Act to prohibit the Manufacture and Sale of certain A.D. 1886.
substitutes for Butter.

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

1. No oleomargarine, butterine or other substitute for butter, manufactured from any animal substance other than milk, shall be manufactured in Canada, or sold therein, and every person who contravenes the provisions of this Act in any manner whatsoever shall incur a penalty not exceeding four hundred dollars and not less than two hundred dollars, and in default of payment shall be liable to imprisonment for a term not exceeding twelve months and not less than three months. 49 V., c. 42, s. 1.

Manufacture and sale of certain substitutes for butter prohibited.

Penalty.

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CHAPTER 101.

An Act respecting the Inspection of Gas and Gas A.D. 1886.
Meters.

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

1. This Act may be cited as "*The Gas Inspection Act.*" Short title.
36 V., c. 48, s. 48.

2. In this Act, unless the context otherwise requires,— Interpretation.
(a.) The expression "meter" means gas meter, and includes every kind of machine, apparatus or instrument used for measuring gas ; "Meter."

(b.) The expression "undertaker" means any company or person undertaking to furnish gas to any purchaser ; "Undertaker."

(c.) The expression "purchaser" includes any person to whom gas is to be furnished ; "Purchaser."

(d.) The expression "prescribed quality," means that quality of gas which the undertaker has undertaken to supply to the purchaser ; "Prescribed quality."

(e.) The expression "inspector" means an inspector of gas meters appointed under this Act. 36 V., c. 48, s. 1. "Inspector."

3. The only standard or unit of measure for the sale of gas by meter, shall be the cubic foot, containing sixty-two pounds and three hundred and twenty-one thousandths of a pound avoirdupois weight of distilled water, weighed in air at the temperature of sixty-two degrees of Fahrenheit's thermometer, the barometer being at thirty inches. 36 V., c. 48, s. 2. Standard of measure for gas.

4. In addition to the models of gasholders measuring the said cubic foot, and multiples and decimal parts of the said cubic foot, already made and verified, and deposited in the Department of Inland Revenue, models of such further multiples and decimal parts of the said cubic foot as the Minister of Inland Revenue, from time to time, thinks necessary, shall be carefully made with proper balances, indices and apparatus for testing the measurement and registration of meters ; and such models shall be verified under the direction of the Minister of Inland Revenue, and when so made and verified, shall be deposited in the Department of Inland Revenue ; Verification and deposit for use, of multiples, &c., of such cubic foot.

Copies. and copies of the models deposited and verified as aforesaid, shall be used under such regulations as are approved by the Governor in Council, for testing and verifying all meters used within Canada. 36 V., c. 48, s. 3.

Models of apparatus for testing gas.

5. Copies of the models of the apparatus described in the schedule to this Act, for testing the illuminating power and purity of gas, deposited in the Department of Inland Revenue, shall be used in the manner described in the said schedule, and in such further instructions, not inconsistent therewith, as are, from time to time, directed by regulations made by the Minister of Inland Revenue, for testing the illuminating power and purity of gas. 36 V., c. 48, s. 4.

INSPECTORS AND APPARATUS.

Appointment of inspectors.

6. In every city, town, village or place in Canada where gas is made for sale, one or more inspectors of gas and gas meters may be appointed by the Governor in Council, who shall have the custody of all measuring and testing apparatus and standards, and of all stamps and stamping apparatus supplied for use in the place for which he is appointed, hereinafter referred to as his "district;" and the inspectors so appointed shall verify all gas meters, and test the purity of gas used in their respective districts, and shall stamp the meters when found correct, and grant certificates as to the quality of the gas, in such manner and in such form as are prescribed by regulations under this Act; and any such inspector may, at all reasonable hours, enter any place within his district where any meter is used for measuring gas delivered to a purchaser, for the purpose of inspecting the meter so used. 36 V., c. 48, s. 6.

Their duties.

How paid.

7. Such inspectors shall be remunerated for their services by allowances or salary, as the Governor in Council, from time to time, orders, not exceeding what is voted by Parliament. 36 V., c. 48, s. 7.

Who may be appointed.

Proviso.

8. Inspectors of weights and measures, and other officers of Inland Revenue, may be appointed and act as gas inspectors under this Act; but no gas inspector appointed shall be a maker or seller of gas or gas meters, or employed by any maker or seller of gas or gas meters; and no gas inspector shall repair or adjust any gas meter inspected or verified by him. 36 V., c. 48, s. 8.

Standards, &c., to be furnished to inspectors.

9. Every inspector shall be supplied by the Department of Inland Revenue, under such regulations as are prescribed by the Minister of Inland Revenue, with the necessary apparatus for testing and verifying gas and gas meters,—which apparatus shall first be tested and verified by the primary models and apparatus hereinbefore mentioned. 36 V., c. 48, s. 9.

10. Every inspector, on appointment, shall take an oath for the faithful and impartial discharge of the duties assigned to him before a justice of the peace, who shall give him a certificate of his having done so, which shall be transmitted by him to the Minister of Inland Revenue, in whose office it shall be kept; and he shall be furnished with the necessary inspection standards, being copies duly authenticated, of the official standards and other apparatus: he shall give bonds, to an amount to be fixed by the Governor in Council, for the safe custody and careful preservation of such standards and apparatus and for their delivery over to his successor in the event of his resignation or of his removal from office, and for the due accounting for all moneys received by him as such inspector. 36 V., c. 48, s. 10.

Inspectors to be sworn and furnished with apparatus.

To give security.

11. Once in every five years at the least, and whenever required so to do by the Commissioner of Inland Revenue, each inspector shall present his inspection standards and other apparatus in his possession for the purpose of ascertaining and establishing their accuracy by comparison with the official standards, and shall obtain from the commissioner a certificate of their accuracy. 36 V., c. 48, s. 11.

Verification of standards.

12. No copy of the gas-measuring models shall be legal which has not been verified or re-verified by the Department of Inland Revenue, within a period of ten years after the next preceding verification; and no such copy, which has been altered or re-adjusted after verification by the Department of Inland Revenue, shall be legal until re-verified by the said department. 36 V., c. 48, s. 12.

Re-verification at certain periods.

VERIFYING AND TESTING METERS.

13. No gas meter shall be fixed for use which has not been verified and stamped as hereinafter provided. 36 V., c. 48, s. 13.

Unverified meters unlawful.

14. No meter for the purpose of ascertaining the quantity of gas sold or used, shall be fixed for use, unless the same has its measuring capacity at one revolution or complete action of the meter, and also the quantity per hour it is intended to measure in cubic feet or multiples or decimal parts of a cubic foot, conspicuously marked on the outside of such meter in legible letters and figures. 36 V., c. 48, s. 14.

Measuring capacity of meters to be marked on them.

15. Every gas meter so tested and verified shall be marked with the number of lights it is constructed to supply,—each light being computed to consume five cubic feet of gas per hour, under a pressure equal to a column of water five-tenths of an inch high. 36 V., c. 48, s. 15.

And number of lights they are to supply.

16. Within twelve months after the expiration of five years from each verification and stamping, every gas meter shall again be verified and stamped. 47 V., c. 35, s. 1, *part*.

Re-verification.

Must have certain qualities.

17. No meter shall be stamped which is found by the inspector to register, or capable of being made to register, quantities varying from the true standard measure of gas, more than three per cent. in favor of the seller, or four per cent. in favor of the consumer. 36 V., c. 48, s. 17.

Verification, how tested.

18. The verification of each meter shall be attested by affixing or impressing on some essential part thereof, a stamp or mark of such description and in such manner as is directed by regulations made by the Minister of Inland Revenue,—and further, by the granting of such certificate as aforesaid. 36 V., c. 48, s. 18.

Re-verification every five years.

19. No meter duly stamped as aforesaid shall be liable to be re-stamped within the period of five years from the then last verification or re-verification thereof, although the same is used in any other place than that at which it was originally stamped, but shall be considered as a lawful meter throughout Canada, unless found incorrect under this Act, or requiring re-verification by lapse of time, as aforesaid. 36 V., c. 48, s. 19.

What meters may be used by consumers.

20. Every consumer of gas may purchase and use for the measurement of the gas supplied to him, any meter duly verified and stamped as aforesaid, if the gas consumed in an hour does not exceed the quantity per hour which the meter is intended to measure, marked on the outside thereof, as herein provided. 36 V., c. 48, s. 20.

Owners to keep them in repair.

21. In every case the owner of the meter, whether such owner is the buyer or seller of the gas for the measurement whereof the meter is used, shall keep every such meter in good repair, and shall be responsible for the due inspection thereof—and, except as herein otherwise provided, shall pay the fee lawfully chargeable for such inspection, and shall be liable for all penalties incurred in respect of such meter. 36 V., c. 48, s. 21.

Rules for verification.

22. The verification and testing of meters and gas shall be performed in accordance with the provisions of this Act, and with such further regulations not inconsistent therewith as are, from time to time, made by the Governor in Council. 36 V., c. 48, s. 22.

The same.

23. The following rules shall be observed by the inspector in testing meters:—

Accuracy of wheelwork, &c.

(a.) The wheelwork and other appliances whereby the registering indices are moved, shall be verified in such manner as, from time to time, is prescribed by regulations made by the Minister of Inland Revenue ;

Testing meters for soundness

(b.) The meter shall be tested for soundness or leakage only, and not for percentage of error, when fixed on a hori-

zontal base, and with air or gas under a pressure equal to a column of water three inches high,—and passing not more than one-twentieth part of its measuring capacity per hour marked thereon, nor less than one-half of a cubic foot per hour for all meters of a measuring capacity not exceeding one hundred cubic feet per hour,—and not more than one-fortieth part of its said capacity per hour for all meters of any greater measuring capacity per hour than one hundred cubic feet ; and all meters found to work under such test, and none other, shall be deemed sound meters ;

(c.) The meter to be tested for percentage of error shall be fixed on a horizontal base, and shall be tested at a pressure equal to a column of water one inch high, and also under a pressure equal to a column of water five-tenths of an inch high, and passing the quantity of gas or atmospheric air per hour, which shall be marked thereon as its measuring capacity per hour ; and the water used in such testing, and the air of the room in which such testing is made, shall be as nearly as practicable of the same temperature as the gas or air passed through the meter. 36 V., c. 48, s. 23 ;—38 V., c. 37, s. 2, *part*.

For percent-
age of error.

24. During the inspection of any meter, or the testing of any gas under the provisions of this Act, the owner of such meter, or the manufacturer of such gas, and also the person to whom the gas is supplied, may be present, by himself or his agent ; and at least twenty-four hours' notice of the inspection of any gas meter shall be given, by the inspector or person at whose request the inspection is made, to the other party. 48-49 V., c. 69, s. 1.

Owner, &c.,
may be pre-
sent at in-
spection.

25. Any inspector may, at the request and expense of any buyer or seller of gas (who shall give twenty-four hours' notice, in writing, to the other party), at all reasonable times, enter any house or shop, store, yard or other place whatsoever within his district, where any meter, stamped or unstamped, is fixed or used, and remove such meter, doing as little damage thereby as may be ; and if, upon examination and testing, it appears that any such meter is incorrect or fraudulent, such meter shall not be refixed or used again until altered and repaired so as to measure and register correctly, and stamped. 36 V., c. 48, s. 25.

Inspector's
power to enter
for inspection.

If meter is
found
incorrect.

26. If any dispute arises between the buyer and seller of gas, or between any owner of a meter and the inspector, respecting the correctness of such meter, the inspector shall, if required by any person dissatisfied, give such party his reasons, in writing, for his decision ; and the dissatisfied party may require such meter to be examined and re-tested by two inspectors of adjoining or neighboring districts, named,—one by each party ; and the decision of such last mentioned inspectors shall be final ; and the expense of the

Disputes, how
settled.

Expenses.

proceeding, taken under the powers hereby granted, shall be borne by the party against whom the decision is given. 36 V., c. 48, s. 26.

Where the inspection of meters may be made.

Inspection may be required.

Proviso.

27. All meters made to supply not more than twenty-five lights, required to be verified and stamped, shall be delivered to the inspector at the place where his testing gas holder and apparatus are then kept: but meters intended to supply more than twenty-five lights may, when deemed necessary by the inspector, be tested without being removed from the place where they are used, by test meters or such other apparatus as are directed by the Minister of Inland Revenue; and every purchaser or seller of gas may, at his own expense, at any time after the date fixed as aforesaid, require any stamped or unstamped meter by which his gas is measured, to be examined and tested, and if found correct, to be stamped; or he may, at his own expense, substitute a stamped meter in the place of any such unstamped meter: Provided, that such purchaser or seller of gas shall, before removal of any such unstamped meter for the purpose aforesaid, give twenty-four hours' notice, in writing, of such intended removal, to the other party. 38 V., c. 37, s. 2, *part*.

TESTING THE QUALITY AND PURITY OF GAS.

What the gas maker shall be held to have undertaken.

Quantity.

Pressure.

Quality.

28. Every undertaker in any city, town or place for which there is an inspector of gas, shall be held to have undertaken—

- (a.) That the supply of gas shall be regular and sufficient;
- (b.) That it shall be supplied under sufficient pressure;
- (c.) That the quality of gas to be supplied to the purchaser shall be such, that the light produced by a standard burner consuming five cubic feet of gas per hour, shall be equal in intensity to that produced by sixteen sperm candles, as mentioned in Schedule A; and—

Shall exhibit no trace of sulphuretted hydrogen or any excess of sulphur or ammonia when tested, in accordance with the rules provided in that behalf in the schedule to this Act:

Standard quality.

2. Such quality shall be called the "standard quality," unless such undertaker has expressly undertaken to furnish gas of some other quality as to its illuminating properties, which shall be called the "prescribed quality;" but in any case gas furnished for lighting purposes shall be free from any trace of sulphuretted hydrogen as aforesaid, and from any greater quantity of sulphur or ammonia than is allowed by regulations made by the Minister of Inland Revenue:

As to ammonia and sulphur in gas.

3. Illuminating gas shall be considered as impure, when it contains ammonia in any quantity exceeding four grains per one hundred cubic feet, or sulphur in other forms than sulphuretted hydrogen, in any quantity exceeding thirty-five grains per one hundred cubic feet:

4. The testing place or places shall be approved by the inspector, and shall not be less than five hundred yards distant from the gas house or premises where the gas is produced and purified. 38 V., c. 37, s. 2, *part*;—47 V., c. 35, ss. 2 and 10. Testing place.

29. The inspector may, at any reasonable time, and at the request of either the undertaker or the purchaser, examine and test the gas furnished by the undertaker at the testing place approved or prescribed as aforesaid. 36 V., c. 48, s. 29. Power of inspector as to testing.

30. There shall be provided at the testing place or places, proper conveniences and apparatus therein for the purposes following, that is to say:— Apparatus to be provided for testing.

(a.) For testing the illuminating power of the gas supplied;

(b) For testing the presence of sulphuretted hydrogen in the gas supplied;

(c.) For testing the presence and quantity of sulphur and ammonia:

Provided always, that if there is a special agreement between the undertaker and the purchaser, there shall be provided proper conveniences and apparatus for such of the said purposes as are prescribed in the said agreement: Proviso: as to special agreements.

2. The said apparatus shall be in accordance with the regulations prescribed in the schedule to this Act, or according to such rules as are, from time to time, substituted in lieu thereof by regulations under this Act, and shall be so situated and arranged as to be conveniently used for the purpose of testing the illuminating power and purity of the gas supplied by the undertaker. 38 V., c. 37, s. 2, *part*. Apparatus to be according to schedule.

31. The inspector may test the illuminating power and purity of the gas supplied by the undertaker on any or every day, between the hours of five o'clock and eight o'clock in the afternoon, from the first day of October to the thirty-first day of March, both inclusive, and on any or every day between the hours of seven o'clock and ten o'clock in the afternoon, from the first day of April to the thirtieth day of September, both inclusive. 36 V., c. 48, s. 31. Time for testing.

32. The undertaker and purchaser, or either of them, may have an agent present at the testing; but such agent shall not interfere with the operation of testing, which shall be conducted in accordance with the rules prescribed in the schedule to this Act, or in any regulations made under this Act. 36 V., c. 48, s. 32. Parties may be represented.

33. The fees of the inspector shall be paid by the person requiring the inspection; but if the inspector finds and certifies that the gas inspected is inferior in quality to the standard or quality which the undertaker was bound to furnish to the purchaser, then the purchaser, if he has required the Fees; by whom paid.

inspection, may recover from the undertaker the fees so paid by him. 36 V., c. 48, s. 33.

Certificate of inspection.

Its effect.

34. The inspector shall give to either the undertaker or purchaser, or both, on payment of the proper fee, a certificate stating the result of his inspection, and the time at which it was made, and at whose instance, and any other particulars he thinks it right to insert for the information and guidance of the persons concerned; and such certificate shall be *prima facie* evidence of the quality of the gas inspected, and shall bear an adhesive stamp or stamps representing the fee lawfully chargeable for such certificate. 36 V., c. 48, s. 34.

BOOKS AND INSPECTORS' CERTIFICATES.

Companies to keep lists of their consumers open to the inspector.

Penalty for non-compliance.

35. Every undertaker shall, at all times, keep in his office, in a book or books, the names and addresses of his purchasers for the time being,—which book or books shall be open to the inspector during office hours, and from which he may take such extracts as he thinks fit; and for any failure to comply with the requirements of this section, the undertaker shall incur a penalty of fifty dollars. 47 V., c. 35, s. 9.

Certificate of quality to be procured and posted up.

Frequency of certificate according to number of company's consumers.

What certificate shall show.

Certificates as to ammonia and sulphur.

When certificate shall be posted up.

36. Every undertaker shall keep the public informed of the illuminating power of the gas supplied by him, and of its purity as affected by the absence or presence of sulphuretted hydrogen, by procuring a certificate from the inspector and posting it up in the chief office of the undertaker, from time to time, as follows: undertakers having more than four thousand purchasers shall procure such certificate once in each week; those having less than four and more than two thousand purchasers, once in each month; those having less than two thousand and more than five hundred purchasers, once in each interval of three months; and those having less than five hundred purchasers, once in each interval of six months:

2. Such certificate shall show the average result of the various tests taken by the inspector under regulations made by the Minister of Inland Revenue, during the period intervening between the date of any certificate and that of the preceding one, and shall remain so posted up until replaced by the next succeeding one as hereinbefore required:

3. Every undertaker in cities in which the requisite apparatus is furnished by the Minister of Inland Revenue, shall obtain during the first weeks respectively of January, April, July and October in each year, a certificate indicating the average quantity of ammonia and sulphur, in other forms than sulphuretted hydrogen, ascertained by official analysis during the preceding three months to have been contained in the gas:

4. Each certificate of tests made shall be posted as above required within twenty-four hours of its delivery by the

inspector, and shall remain so posted up until the issue of the next following certificate; and every undertaker who fails to comply with the foregoing requirements of this section shall, for each day during which such failure continues, incur a penalty of ten dollars :

5. Every undertaker shall pay to the inspector, on the receipt of each such certificate, such fees as are prescribed by the Governor in Council ; and such fees shall be applied as prescribed by the next following section. 47 V., c. 35, s. 8. Fees for certificate.

FEES, STAMPS AND ACCOUNTS.

37. The fees for testing and stamping gas meters or for testing the quality and purity of gas, shall be determined, from time to time, by the Governor in Council and published in the *Canada Gazette*, and such fees shall be regulated so that they will, as nearly as may be, meet the cost of carrying this Act into effect; and all fees received under this Act shall be accounted for and paid to the Minister of Finance and Receiver General, at such times and in such manner as the Minister of Inland Revenue directs, and shall form part of the Consolidated Revenue Fund. 36 V., c. 48, s. 35. Fees; how fixed and appropriated.

38. Such fees shall be paid, at the time of the inspection, stamping or verification, to the inspector, who shall affix to the certificate given by him, an adhesive stamp or stamps to the amount of such duty, and shall, at the time of affixing the same, write or stamp thereon the date at which such stamp or stamps is or are affixed; and no certificate shall be valid or avail for any purpose whatsoever, unless the requisite stamps have been duly affixed thereto and cancelled. 36 V., c. 48, s. 36. Payment of fees by stamps.

39. The Governor in Council may, from time to time, direct stamps to be prepared for the purposes of this Act, bearing such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund ; and the device on such certificate stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the fee hereby prescribed. 38 V , c 37, s. 2, *part*. Preparation of stamps. Device thereon.

40. Separate accounts shall be kept of all expenditure incurred and of all fees and duties collected and received under the authority of this Act ; and a correct statement of the same up to the thirtieth day of June, then last past, shall be yearly laid before Parliament within the first fifteen days of the then next session thereof. 36 V., c. 48, s. 38. Accounts.

PENALTIES.

41. Every person who, except under the authority of this Act, makes, causes or procures to be made, or knowingly Punishment for forging

stamps for
meters.

acts or assists in making, or who forges or counterfeits, or causes or procures to be forged or counterfeited, or knowingly acts or assists in the forging or counterfeiting any stamp or mark used for the stamping or marking of any meter under this Act, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars; and every person who knowingly sells, utters or disposes of, lets, lends or exposes to sale, any meter with such forged stamp or mark thereon, shall, for every such offence, incur a penalty not exceeding two hundred dollars and not less than twenty dollars; and all meters having on them such forged or counterfeited stamps or marks, shall be forfeited and destroyed. 36 V., c. 48, s. 39.

Knowingly
using meter
with forged
stamp.

And for
falsely alter-
ing meters,
&c., or ob-
structing
their action.

42. Every person who knowingly repairs or alters, or causes to be repaired or altered, or knowingly tampers with or does any other act in relation to any stamped meter, so as to cause such meter to register unjustly,—or who prevents or refuses lawful access to any meter in his possession or control,—or interferes with or obstructs the supply of water necessary for the proper action of the meter,—or obstructs or hinders any examination or testing authorized by this Act, shall incur a penalty not exceeding one hundred dollars and not less than fifty dollars, and shall pay the fees for removing and testing, and the expense of purchasing and fixing a new meter: Provided, that the payment of any such penalty as aforesaid shall not exempt the person paying it from liability to indictment or other proceeding to which he would otherwise be liable, or deprive any person of the right to recover damages against such person for any loss or injury sustained by such act or default. 36 V., c. 48, s. 40;—47 V., c. 35, s. 3.

Proviso.

Fixing un-
stamped
meter.

43. Every person who fixes for use, or causes to be fixed for use, any meter, before it has been verified and stamped as herein required, shall incur a penalty of twenty-five dollars for every such unverified or unstamped meter. 36 V., c. 48, s. 41.

Stamping in-
correct meter.

44. Every inspector who stamps any meter without duly testing and finding the same correct,—or who refuses or neglects, for three days after being required under the provisions of this Act, without lawful excuse, to test any meter, or gas, or to stamp any meter found correct on being so tested,—or who neglects to perform any duty imposed upon him by this Act, or by any regulations made under authority thereof, shall incur a penalty not exceeding fifty dollars and not less than ten dollars, and shall be liable to dismissal from office. 36 V., c. 48, s. 42;—47 V., c. 35, s. 4.

Forging cer-
tificates or
stamps.

45. Every person who forges or counterfeits, or causes or procures to be forged or counterfeited, any certificate purporting to be granted under this Act, or any stamp which,

under this Act, is to be affixed to any such certificate,—or wilfully uses any such counterfeited certificate or stamp knowing it to be forged or counterfeited, is guilty of forgery and shall be punishable accordingly; and every one who steals any such stamp is guilty of larceny. 36 V., c. 48, s. 43.

46. Every undertaker furnishing gas for illuminating purposes which exhibits traces of sulphuretted hydrogen, when tested in accordance with the rules provided in that behalf in the schedule to this Act, shall incur a penalty as follows: for the first offence, if such undertaker has more than four thousand purchasers, thirty dollars; if less than four thousand and more than one thousand, twenty dollars; if less than one thousand, ten dollars; and for every subsequent offence, double the above named penalties;—unless such undertaker shows, to the satisfaction of the Minister of Inland Revenue, that the occurrence was attributable solely to accident which could not, by reasonable care and foresight, have been avoided. 47 V., c. 35, s. 7.

Penalty for furnishing gas showing traces of sulphuretted hydrogen.
For first offence.
For any subsequent offence.
Proviso.

47. All penalties imposed by this Act, or by any regulation made under the authority thereof, shall be recoverable in a summary manner, with costs, before any justice of the peace for the district, county or place in which the offence was committed, if the penalty does not exceed twenty dollars, and before any two justices of the peace if the penalty exceeds twenty dollars, upon proof by confession, or by the oath of one credible witness,—and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the justice, by whom also any imprisonment to which the offender is liable may be awarded:

Recovery of penalties.

2. Every such prosecution shall be instituted by the inspector, as acting in pursuance of this Act, who shall account for the amount of the penalty to the Minister of Inland Revenue. 36 V., c. 48, s. 44;—47 V., c. 35, s. 5.

Form of suits for penalties.

48. All false meters seized as forfeited under this Act, shall be delivered to the inspector, in whose custody they shall remain, subject to the order of the Minister of Inland Revenue. 36 V., c. 48, s. 45.

False meters. how dealt with.

49. No action or prosecution shall be brought against any person for any fine or penalty under this Act, unless the same is commenced within six months after the offence is committed. 36 V., c. 48, s. 46;—47 V., c. 35, s. 6.

Limitation of suits.

REGULATIONS.

50. The Governor in Council may, from time to time, make such regulations, not inconsistent with this Act, as are necessary for giving effect to its provisions, and for declaring its true intent and meaning in all cases of doubt. 38 V., c. 37, s. 2, part.

Governor in Council may interpret Act in cases of doubt.

SCHEDULE.

APPARATUS FOR TESTING GAS.

The apparatus for testing the illuminating power of gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open sixty-inch photometer, or Evan's inclosed one hundred inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burners to be used for testing the gas shall be such as shall be prescribed by regulation.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

The apparatus for testing the presence in the gas of sulphuretted hydrogen, sulphur and ammonia, shall consist of—

A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

Such other apparatus for testing the presence and quantity of sulphur or ammonia as is directed by departmental regulations.

MODE OF TESTING FOR ILLUMINATING POWER.

The gas in the photometer is to be lighted at least ten minutes before the testing begins, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer, made at intervals of a minute.

The consumption of the gas is to be adjusted as nearly as may be to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent, and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains of sperm each per hour, and all candles shall be rejected as unsuitable when their rate of burning exceeds that quantity by more than ten per cent., or when it falls short of it by more than five per cent. During each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than the proper weight as aforesaid per hour, he shall make and record the calculation requisite to neutralize the effects of the difference.

The average of each set of ten observations is to be taken as representing the illuminating power ascertained by that testing.

MODE OF TESTING FOR PURITY.

For sulphuretted hydrogen, the gas shall be passed through the glass vessel containing the slip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as is prescribed by regulation, and if any discoloration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

For sulphur or ammonia, such process shall be used as is directed by departmental regulations. 38 V., c. 37, sch. A.

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CHAPTER 102.

An Act respecting the Inspection of Petroleum.

A.D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Petroleum Inspection Act.*" Short title.
43 V., c. 21, s. 30.

INTERPRETATION.

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

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

(b.) The expression "specific gravity" means the weight of any fluid as compared with the weight of distilled water, both being at the temperature of sixty-two degrees by Fahrenheit's thermometer, the barometer standing at thirty inches ; and in this Act specific gravity is expressed by stating in pounds and hundredths of a pound the weight of a gallon of the fluid compared or to be compared ;

(c.) The expression "petroleum" means and includes all the refined products, by distillation, of rock or mineral oil, coal, coal tar, or of any other mineral substance, and having a specific gravity of not less than seven pounds and seventy-five hundredths of a pound per gallon ;

(d.) The expression "naphtha" means and includes all the refined products, by distillation, of rock or mineral oil, coal, coal tar, or any other mineral substance having a specific gravity of less than seven pounds and seventy-five hundredths of a pound per gallon ;

(e.) The expression "flash-test" or "flash" means the momentary ignition or flash caused by applying a light or spark to the vapour arising from any fluid herein referred to, under conditions established by regulations made under this Act ;

(f.) The expression "fire-test" or "burning" means the ignition and continuous burning of any fluid herein referred

to, on the application of a light or spark, under conditions established by regulations made under this Act ;

“Inspector”
or “inspect-
ing officer.”

(g.) The expression “inspector” or “inspecting officer” means any officer of Inland Revenue or of Customs, and any person appointed by the Governor in Council as inspector of such articles, who is directed by Ministers of the respective departments to inspect petroleum or naphtha; 43 V., c. 21, s. 1.

“Department-
al regula-
tions.”

(h.) The expression “departmental regulations” means and includes all regulations and rules promulgated by the Minister of Inland Revenue, or the Minister of Customs, and duly authenticated by the Minister of Inland Revenue, or the Minister of Customs, as the case requires.

PROVISIONS AS TO SALE.

Tests of petro-
leum intended
for sale.

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

Flash tests.

(a.) If, at a lower temperature than ninety-five degrees by Fahrenheit’s thermometer, when tested by the pyrometer described in the schedule to this Act, it emits a vapor that will flash ; or—

Gravity test.

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

The same.

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

High test pet-
roleum may
be sold.

4. Petroleum designated and known as “high test petroleum,” may be sold for use in Canada, for illuminating purposes, when it weighs not more than eight pounds and thirty-two hundredths of a pound, and not less than eight pounds and twenty-three hundredths of a pound per gallon, if it will stand a fire test of two hundred and seventy-five degrees by Fahrenheit’s thermometer, or if when heated in an open cup to a temperature of two hundred and fifty degrees by Fahrenheit’s thermometer, it does not emit a vapor that will flash :

On what
conditions.

Packages to
be branded.

2. Packages containing high test petroleum, shall be branded as such and shall have marked on them the actual weight per gallon and the flash test or the fire test of the petroleum contained therein. 45 V., c. 26, s. 1.

Sale of
naphtha.

5. Naphtha shall only be sold or offered for sale in Canada—

For illumin-
ating.

(1.) For use for illuminating purposes—

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

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

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

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

- (a.) The flash-test of the petroleum contained therein; Flash.
 (b.) The weight per gallon in pounds and decimal parts of a pound; Weight per gallon.
 (c.) The gross weight in pounds; Gross weight.
 (d.) The tare or the weight of the empty package in pounds; Tare.
 (e.) The net weight of oil in pounds; Net weight.
 (f.) The number of gallons contained in the package; Gallons.
 (g.) The date when the package was filled; Date.
 (h.) The name of the refiner, manufacturer or other person, or the name of his authorized agent, by whom the petroleum was put into the package so marked. 43 V., c. 21, s. 5;— 44 V., c. 23, s. 3. Name of refiner.

INSPECTION.

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

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

- (a.) The flash test; Flash.
 (b.) The weight per gallon in pounds and decimal parts of a pound; Weight per gallon.
 (c.) The gross weight of the package and its contents; Gross weight.
 (d.) The number of gallons computed to be in each package; Gallons.
 (e.) The word "inspected," with the date of inspection; Date.
 (f.) The name of the inspector, with the name of his port or district. 44 V., c. 23, s. 4. Name.

8. Naphtha shall not be inspected for flash test, but only as to its gravity and quantity, but the marks on the packages in which it is contained shall be the same as on packages Rules for inspecting and marking naphtha.

containing petroleum, except that the word "naphtha" shall be substituted for the flash test; and the importer shall provide all necessary means for enabling the inspecting officer to inspect such naphtha in the same way as is herein required with reference to imported petroleum. 44 V., c. 23, s. 5.

No other mark.

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

Removal of petroleum without inspection.

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

Inspection by officers.

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

By others.

Instruments.

2. Such instruments shall be used and process adopted in making the inspection as are directed by regulations made by the Minister of Inland Revenue. 43 V., c. 21, s. 10.

Packages of petroleum or naphtha for export.

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

Forfeiture if sold in Canada.

Forfeiture for sale without inspection.

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

Responsibility for quality and quantity.

14. Every refiner, manufacturer or importer of petroleum or naphtha, and every person who deals in or keeps or offers any petroleum or naphtha for sale, shall be responsible, as to its quality and as to the quantity contained in each

package, that the same shall not be inferior to the quality nor less than the quantity designated by the marks and descriptions then on the packages in which it is contained, all of which marks and descriptions the person in whose possession it is shall maintain in a perfectly legible state. 43 V., c. 21, s. 14.

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

Inspection after being put into packages.

2. All petroleum and naphtha imported into Canada shall be in packages containing not more than fifty gallons each, and shall be inspected and the packages marked, as herein required, at the port where it enters Canada, and before such petroleum or naphtha is entered for consumption ; and any petroleum so imported which does not conform to the requirements of this Act shall be branded with the word "rejected," and shall, within ten days after the inspection, be exported from Canada,—and if not so exported within the prescribed time, it and the packages in which it is contained shall be seized and forfeited to Her Majesty, and shall be disposed of under regulations made by the Governor in Council. 43 V., c. 21, s. 15.

Inspection and packages of imported petroleum or naphtha.

If rejected.

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

What shall be sufficient inspection of a number of packages.

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

Of certain numbers of packages.

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

Marking packages.

As to fees for subsequent inspection.

Powers of inspectors to enter refineries, &c.

17. Any duly authorized inspector may, at any time during ordinary business hours, enter the refinery, shop or warehouse of any person who refines or keeps petroleum or naphtha for sale, and may take from any package of petroleum or naphtha found therein such quantity of the contents as is necessary for testing the quality thereof; and he may take similar samples from any package of petroleum or naphtha found in the possession of any hawker or pedler on the public streets or highways, or offered for sale by any person. 43 V., c. 21, s. 17.

What instrument shall be used.

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

In case of dispute as to any test.

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

Sample to be sent to department.

Final test.

FEEES.

Fees for inspection.

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

For every package of Canadian petroleum or naphtha containing more than ten, but not more than fifty gallons.....	10 cents.
For every package of Canadian petroleum or naphtha containing more than five and not more than ten gallons.....	5 cents.
For every package of Canadian petroleum or naphtha containing not more than five gallons.....	2½ cents.
For every package of imported petroleum or naphtha containing more than ten, but not more than fifty gallons.....	30 cents.
For every package of imported petroleum or naphtha containing more than five and not more than ten gallons.....	10 cents.

For every package of imported petroleum or naphtha containing not more than five gallons..... 5 cents.
43 V., c. 21, s. 20;—44 V., c. 23, s. 7, *part*.

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

PENALTIES.

22. Every person who keeps or offers for sale for use in Canada any petroleum or naphtha which is not in packages marked as herein required, is guilty of an offence against this Act, and for a first offence shall incur a penalty of twenty dollars for every package in his possession not so marked, and for each subsequent offence a penalty of forty dollars for every package in his possession not so marked; and the petroleum or naphtha so unlawfully kept or offered for sale shall be seized by any revenue officer or inspector having a knowledge thereof, and forfeited to Her Majesty. 43 V., c. 21, s. 22;—44 V., c. 23, s. 7, *part*. Penalty for keeping petroleum or naphtha in unmarked packages.

23. Every person who,—

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

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

(c) Keeps or offers for sale or sells any whole package of petroleum or naphtha in which there is a less quantity than is represented by the marks on the package in which it is contained,— Or if the marked quantity is not contained.

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

24. The petroleum, in respect of which any such penalty is imposed, for the reason that it will not stand the flash test hereby required, and the packages in which it is contained, shall be forfeited to Her Majesty, and shall be seized by any revenue officer or inspector having a knowledge Seizure of petroleum not standing flash test.

thereof, and disposed of under any general regulations made by the Governor in Council. 43 V., c. 21, s. 24.

Penalties for offences against this Act.

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

Other offences.
Altering marks.

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

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

Counterfeiting marks.

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

Emptying packages inspected, &c.

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

Improperly using inspector's brands.

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

Hiring or lending such brands.

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

Inspector hiring or lending them.

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

Giving false certificate.

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

Penalty.

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

Marks on casks emptied to be obliterated.

27. So soon as any package of petroleum or naphtha has been emptied, all marks or brands placed on it in pursuance of the requirements of this Act shall be obliterated; and

every such package from which such marks or brands have not been obliterated, as herein required, shall be seized and forfeited to the Crown; and the person in whose possession the same is found, is guilty of an offence against this Act, and on conviction shall pay a penalty not exceeding ten dollars and not less than one dollar, for each and every such package. 44 V., c. 23, s. 8.

Penalty for contravention.

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

Assuming title or office of inspector.

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

Recovery of penalties and enforcement of forfeitures.

Imprisonment if not paid or made.

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

By whom alone complaint shall be heard and determined.

30. No action or suit against any person for anything done under this Act or contrary to its provisions, shall be commenced except within six months next after the matter or thing is done or omitted to be done; and the defendant therein may plead the general issue, and that the matter or thing was done under this Act, and may give this Act and the special matter in evidence at any trial therein; and if it appears so to have been done, then the judgment shall be for the defendant; and if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover his costs and have the like remedy for the same as defendants have in other cases. 43 V., c. 21, s. 28.

Limitation of suits for things done under this Act.

Costs if plaintiff fails.

REGULATIONS.

Regulations
respecting
storage of
petroleum or
naphtha.

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

 SCHEDULE.

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

Specification of the Test Apparatus or Pyrometer.

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

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

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

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

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

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

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

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

manner to the one described. It measures from end of the collar to end of bulb two and one-quarter inches.

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

Directions for Applying the Flashing Test.

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

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

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

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

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

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

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds sixty-five degrees the samples to be tested should be cooled down (to about sixty-five degrees) by immersing the bottles containing them in

cold water, or by any other convenient method, or if the sample is much below that temperature, it should be raised so as not to be less than sixty degrees when placed in the test cup. The lid of the cup, with the slide closed, is then put on, and the cup is placed in the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not, under any circumstances, to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

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

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



CHAPTER 103.

An Act respecting the Culling and Measuring of Lumber A.D. 1886.
in the Provinces of Ontario and Quebec.

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

SHORT TITLE.

1. This Act may be cited as "*The Cullers' Act.*" 38 V., Short title.
c. 34, s. 14, *part.*

INTERPRETATION.

2. In this Act, unless the context otherwise requires:—
(a.) The expression "timber" or "lumber" includes all Interpreta-
tion. articles subject to inspection, culling or counting under "Timber" or
"lumber." this Act;
(b.) The expression "supervisor" means the supervisor "Supervisor."
of cullers;
(c.) The expression "deputy" or "deputy supervisor" "Deputy."
means deputy supervisor of cullers. 38 V., c. 34, s. 13.

APPLICATION OF ACT.

3. The provisions of this Act apply only to the Provinces Application
of Act. of Ontario and Quebec, and do not apply to any place below
the eastern end of the Island of Orleans. C. S. C., c. 46,
s. 46, *part.*

SUPERVISOR, DEPUTY SUPERVISORS AND CULLERS.

4. The Governor in Council may appoint a fit person, Supervisor
may be ap-
pointed. well skilled and practically acquainted with the lumber
trade of the said Provinces, to be the supervisor of cullers,
who shall supervise and control the culling, measuring and
examination of every description of lumber in the manner
hereinafter prescribed:

2. The office of collector of slide dues at Quebec and the Other duties
at Quebec. office of supervisor of cullers, shall be held by the same
person. C. S. C., c. 46, s. 1;—40 V., c. 16, s. 1.

5. The supervisor shall himself, with two responsible Supervisor to
give security. sureties, enter into a bond to Her Majesty, in the sum of four
thousand dollars each, for the faithful discharge of his duty;

and such bond shall inure to the benefit of all persons damnified by the misfeasance, malfeasance or nonfeasance of the supervisor, and any persons so damnified may recover, from the supervisor and his sureties, upon such bond, the amount in which they have been so damnified. C. S. C., c. 46, s. 2.

And take
oath of office.

6. The supervisor shall, before entering upon the duties of his office, take and subscribe, before any of Her Majesty's justices of the Queen's Bench or Superior Court in the district of Quebec, an oath in the form following, that is to say:—

Form of oath.

"I, A. B., solemnly swear that I will faithfully, truly and impartially, to the best of my skill and understanding, execute the office and perform the duty of supervisor of cullers, according to the true intent and meaning of '*The Cullers' Act*;' that I will not, either directly or indirectly, personally, or by means of any other person or persons on my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my office as supervisor, except such as are allowed to me by the said Act; and that I will not, directly or indirectly, be a dealer in or interested in the buying or selling of any article of lumber, either on my own account or on account of any other person or persons whomsoever; and that I will act without partiality, favor or affection, and to the best of my knowledge. So help me God." C. S. C., c. 46, s. 3.

Appointment
of deputies.

7. In addition to the supervisor of cullers, there shall be such number of deputy supervisors of cullers as the Governor in Council, from time to time, determines. 38 V., c. 34, s. 2, *part.*

Deputy to
give security.

8. Every deputy supervisor shall himself, with two responsible sureties, enter into a bond to Her Majesty, in the sum of two thousand dollars each, for the faithful discharge of his duty, and such bond shall inure to the benefit of all persons damnified by the misfeasance, malfeasance or nonfeasance of the deputy supervisor; and any of the persons so damnified may recover, from the deputy supervisor and his sureties, upon such bond, the amount in which they have been so damnified. 38 V., c. 34, s. 2, *part.*

And take oath
of office.

9. Every deputy supervisor shall, before entering upon the duties of his office, take and subscribe, before a justice of the peace, the oath prescribed for the supervisor, in so far as it is applicable to such deputy. 38 V., c. 34, s. 2, *part.*

New security
in certain
cases.

10. In the event of the removal from either of the said Provinces, or the declared or known insufficiency or the death of any of the sureties of the supervisor or of any deputy supervisor, such supervisor or deputy, as the case may be, shall immediately procure sufficient sureties, and enter into a new bond, as required by this Act, and in default of his so doing his appointment shall become void:

2. The oaths and bonds hereinbefore mentioned shall be filed in the office of the Registrar General of Canada. C. S. C., c. 46, ss. 4 and 15;—38 V., c. 34, s. 2, *part*. Oaths and bonds, where filed.

11. All appointments in the supervisor's office shall be made by the Governor in Council. C. S. C., c. 46, s. 7. Appointments by Governor in Council.

12. The council of the Quebec board of trade, when required by the supervisor so to do, shall elect four merchants, practically acquainted with the lumber trade, and the supervisor shall, by an instrument under his hand and seal, appoint four licensed cullers, and the said four merchants and four cullers shall constitute a board of examiners, of which board the supervisor shall *ex officio* be a member and chairman; and as often as vacancies occur in the said board, by death, change of residence or otherwise, such vacancies shall be filled by election in the case of the merchants, and by new appointment in the case of the cullers, forming the said board. C. S. C., c. 46, s. 8. Constitution of board of examiners.

13. The board shall meet at the office of the supervisor, or elsewhere, on the first Monday of May and August in each year, or upon any other day, when notified by the supervisor so to do,—and four members of the board shall constitute a quorum for the transaction of business,—and the decision of a majority of the members present at any such meeting shall be held to be the decision of the board. C. S. C., c. 46, s. 9. Meetings of the board. Quorum. Majority to decide.

14. Every member of the board, before acting as such, shall take an oath, which shall be administered by the supervisor, and shall be in the form following, that is to say:— Members to be sworn.

“I, A. B., solemnly swear that I will, to the best of my judgment and understanding, faithfully test the skill and qualification of any applicant who comes before me to be examined as to his fitness to be licensed as a culler, and that I will act according to the true intent and meaning of the law, and without partiality, favor or affection. So help me God.” C. S. C., c. 46, s. 10. Form of oath.

CULLERS.

15. Every certificate issued by the board of examiners appointed under the provisions of this Act, shall state the qualifications of the person to whom such certificate is issued, and what description of culling he is best qualified to perform. 38 V., c. 34, s. 3. What certificate of board shall contain.

16. Every culler shall take and subscribe, before a justice of the peace, an oath in the form following, that is to say:— Culler to be sworn.

“I, A. B., solemnly swear, that I will faithfully, truly and impartially, to the best of my knowledge and understand- Form of oath

"ing, execute the office and perform the duty of a culler of
 "(here insert the description of the lumber of which he is to be
 "a culler), according to the true intent and meaning of the
 "law concerning the culling and measuring of lumber, and
 "that I will give a true account and certificate of the num-
 "ber, quality and dimensions or measurement of the lum-
 "ber which is submitted to my inspection, according to the
 "best of my knowledge; and that I will not, directly or in-
 "directly, be a dealer in or interested in the buying or sell-
 "ing of any article of lumber, either on my own account or
 "on account of any other person or persons whomsoever;
 "and that I will not at any time purloin, or wilfully change
 "or omit, any article of lumber submitted to me for the pur-
 "pose of being measured, counted or culled. So help me
 "God."

Filing oath.

2. Such oath every such culler shall cause to be filed in the office of the supervisor; and when any applicant to be a culler has complied with the requirements of this Act, the supervisor shall report and certify the same to the Governor in Council, and shall procure for such applicant his license, without any fee to the supervisor, and subject only to the payment of such fees of office as are usual and reasonable for such documents. C. S. C., c. 46, s. 16.

Issue of license to cullers.

Appointment of cullers.

17. The Governor in Council may appoint such number of qualified cullers duly licensed in the manner provided in this Act, as are necessary for the proper performance of the work of culling timber, deals, boards, staves and other articles in the manner provided in this Act. 38 V., c. 34, s. 6, *part*.

Qualification of supervisor and deputy.

18. No person shall be appointed as supervisor or deputy supervisor or as a culler, unless he has obtained a certificate of qualification in the manner prescribed in this Act. 38 V., c. 34, s. 5.

Supervisor, &c., to be officers of Inland Revenue Department.

19. The supervisor and deputy supervisors, and all cullers appointed or holding office under this Act shall be officers of the Department of Inland Revenue, and shall be subject to all the provisions of the Acts respecting the collection and management of the public revenue, and as to security by public officers,—and shall also be subject to such departmental regulations as to hours of service, as are, from time to time, made. 38 V., c. 34, s. 7.

Duty of cullers.

20. Every culler employed by the supervisor shall obey his lawful commands, and shall hold himself in readiness, on all days except Sundays and holidays, to execute the duties of his office from daylight until dark; and for each neglect, refusal or delay, when not otherwise employed about the duties of his office, the culler shall forfeit eighty dollars to the use of the person injured by such neglect, refusal or delay; and every culler so employed, who is guilty of impro-

Penalty for non-compliance.

Suspension in certain cases.

priety of conduct or disobedience of orders, or who is found incompetent, may be suspended from office by the supervisor, subject to an appeal to the board of examiners. 40 V., c. 16, s. 5.

21. An office shall be opened in some convenient place at the Port of Quebec, which shall be known as the supervisor of cullers' office, and such other offices shall be opened for the deputy supervisors, and at such places as the Governor in Council determines; and such offices shall be kept open on all days, except Sundays and holidays, from six o'clock in the forenoon to six o'clock in the afternoon during the season of navigation, and during ordinary office hours at all other seasons. 38 V., c. 34, s. 11.

Offices to be opened.

Office hours.

22. The measurement books, and all other public documents in the office of the supervisor and deputy supervisors, shall be open to the perusal of the seller and buyer of lumber, with reference to any transactions between them, and to the perusal of any other person interested therein. C. S. C., c. 46, s. 34.

Inspection of books, &c.

23. The scribes of timber and holders of measuring tapes shall in all cases, when practicable, be apprentices or candidates for becoming cullers, for whose acts, in the performance of their duties, the cullers shall be responsible. C. S. C., c. 46, s. 21.

Certain duties to be performed by apprentices.

MODE OF CULLING AND MEASURING.

24. Square timber shall be measured only in some one of the three modes following, that is to say:—

How square timber shall be measured.

First.—Measured off, in the raft or otherwise, giving the full cubic contents without any allowance or deduction;

Second.—Measured in shipping order—which shall mean sound, fairly made timber—gum seams closed at the butt and sound knots not to be considered unsoundness—lengths under the merchantable standard hereinafter mentioned and not less than twelve feet long to be received, if, in the opinion of the culler, the same is fit for shipment;

Third—Culled and measured in a merchantable state, in accordance with the rules, standards and limitations hereinafter described. C. S. C., c. 46, s. 22.

25. In measuring timber, the culler employed for that purpose shall measure not only the girth of each piece of timber, but shall also measure, personally, with the aid of one competent assistant, the length of each piece of timber, in all cases where such measurement is practicable with the aid of only one assistant; and in the event of any case arising in which, in the opinion of the supervisor, or of any deputy, such measurement cannot be effected with the aid of one

Length of timber to be measured as well as girth.

assistant only, such culler may employ an additional competent assistant for that purpose, who, as well as the assistant first above mentioned, shall be approved of by the supervisor or deputy. C. S. C., c. 46, s. 23.

Culler to be provided with measuring instruments.

And with knives and stamps.

How quality shall be marked.

How marks shall be applied.

Entries to be checked and signed.

Copy of agreement as to mode of measurement to be filed.

Proviso.

Descriptions and classes of timber.

26. Every culler shall be provided with such measuring rods, tapes and other measuring instruments as are prescribed by departmental regulations, all of which shall be in accordance with the standard measures of Canada, and shall bear the verification marks of the Department of Inland Revenue :

2. Every culler shall also be provided with such scribing knives and such stamps as are necessary for marking the articles culled by him with the initials of his name, and with the capital letters distinguishing the quality, as follows:—

M. Which shall denote what is merchantable ;

U. Which shall denote what is sound and of merchantable quality, but under merchantable size ;

S. Which shall denote what is of second quality ;

T. Which shall denote what is of third quality ;

R. Which shall denote what is rejected and unmerchantable :

3. Such marks shall be indented or stamped on the end of each article of lumber culled in terms of the merchantable standard hereinafter prescribed, except as to West India and barrel staves, boards, deals, lathwood and hand-spikes. 38 V., c. 34, s. 8.

27. Every culler shall check and examine the entry of his measurements and of culling and counting on the books of the supervisor, and sign such entry and calculations on the said books. 38 V., c. 34, s. 9.

28. A copy of every agreement as to the adoption of any of the modes of measurement or culling mentioned in this Act, signed by the seller and buyer, shall be lodged in the office of the supervisor, or deputy supervisor, at the same time that a requisition is made to him for a culler to measure or cull any lumber, for the guidance of the supervisor, or deputy supervisor, and culler, in the performance of their duty,—and such requisition shall state the river and section of the Province wherefrom such lumber is produced ; but the owner of any lumber, or his agent, may cause it to be measured, culled or counted before any sale, in which case the specification of such lumber shall set forth the mode in which the measurement, culling or counting has been performed. C. S. C., c. 46, s. 25.

QUALITIES OF LUMBER.

29. In all cases the supervisor, deputy supervisor and cullers, respectively shall, in ascertaining and certifying the merchantable size and quality of lumber submitted to their

culling, be governed by the descriptions, rules, standards and limitations following, that is to say :—

(a.) Square white oak timber, first quality, shall be free from rot, rotten knots affecting the surrounding wood, open rings and grub or large worm holes, but small worm holes and shakes shall be allowed according to the judgment of the culler ; second quality shall be oak not coming within the definition of first quality, and which, in the judgment of the culler, is not culls ;

White oak.

(b.) Square hard grey or rock elm shall be free from rot, open rings and rotten knots affecting the surrounding wood, but shakes and slivers shall be allowed according to the judgment of the culler ;

Rock elm.

(c.) Square white or yellow pine timber shall be free from rot, rotten knots affecting the surrounding wood, worm holes, open shakes and open rings, but sound knots shall be allowed according to the judgment of the culler ;

White or yellow pine

(d.) Square red pine timber shall be free from rot, rotten knots affecting the surrounding wood, worm holes, shakes and splits, but sound knots shall be allowed according to the judgment of the culler ;

Red pine.

(e.) Square ash, basswood and butternut shall be of the same quality as white or yellow pine square timber ;

Ash, basswood and butternut.

(f.) Square birch shall be free from rot, rotten knots, splits and shakes, and shall be allowed two inches wane ;

Birch.

(g.) Masts, bowsprits and red pine spars shall be sound, free from bad knots, rents and shakes, and the heart shall be visible in spots at or near the partners ;

Masts, bowsprits and red pine spars.

(h.) Hickory handspikes shall be six feet long, and three and a-half inches square at the smaller end ;

Hickory handspikes.

(i.) Ash oars shall be three inches square on the loin, and five inches broad on the blade, the blade shall be one-third of the length of the oar, and such oars shall be cleft straight on all sides, and free from large knots, splits and shakes ;

Ash oars.

(j.) Lathwood shall be cut in lengths of from three to six feet, and measured by the cord of eight feet in length by four feet in height ; and, to be merchantable, shall be free from rot, shall split freely, and each billet may contain to the extent of three or four open case knots, provided they run in line or nearly so, and it shall not have more than one twist ;

Lathwood.

(k.) Pine or fir boards shall not be less than ten feet in length, one inch in thickness and seven inches in breadth, equally broad from end to end, edged with a saw, or neatly trimmed by a straight line, and shall be free from rot, bad knots, rents and shakes, and of equal thickness on both edges from end to end ; the color alone of any board shall not be a sufficient cause for its rejection, if it is in other respects sound and merchantable, and of the dimensions required by this Act ;

Pine or fir boards.

(l.) White or yellow pine deals, to be merchantable, shall be free from rot, rotten knots, grub-worm holes, open case

White or yellow pine deals.

knots, shakes and splits (a slight sun crack excepted), and sound knots and hard black knots shall be allowed as follows: If they do not exceed three in number, and do not exceed on the average one inch and a-quarter diameter; if they exceed three and are not more than six in number, and do not exceed, on the average, three-quarters of an inch in diameter; such proportion of knots shall be allowed for a deal eleven inches in width and twelve feet in length, and deals of greater or less dimensions shall be allowed for in proportion, according to the judgment of the culler; wane equal to half an inch on one edge, if running the whole length of the deal, shall be allowed, and if not exceeding half the length of such deal, three-quarters of an inch wane shall be allowed; the deals shall be free from black or dead sap, with a slight exception, in the discretion of the culler;

Red pine
deals.

(*m.*) Red pine deals, to be merchantable, shall be free from rot, rotten knots, grub-worm holes, open case knots and splits; several small sound knots shall be allowed, according to the judgment of the culler; heart shake shall be allowed, if it does not run far into the deal or form a split through at the ends; they shall be free, or nearly so, from black or dead sap, but sound sap on the corners or on a portion of one face of a deal shall be allowed, according to the judgment of the culler;

Spruce deals.

(*n.*) Spruce deals, to be merchantable, shall be free from rot, rotten knots, grub-worm holes, open case knots, splits and shakes,—a heart shake not exceeding one-fourth of an inch to half an inch in depth excepted; several small sound knots and hard black knots shall be allowed, according to the judgment of the culler, and in the exercise of such judgment he shall keep in view the peculiar nature of the wood, and govern his judgment accordingly; wane equal to half an inch on one edge, if running the whole length of the deal, shall be allowed, and if not exceeding one-quarter the length of such deal, three-quarters of an inch shall be allowed;

White or
yellow pine,
second quality
deals.

(*o.*) White or yellow pine second quality deals, shall be free from rot, rotten knots and splits, with slight exceptions, at the discretion of the culler, and sound knots and hard black knots shall be allowed as follows: if they do not exceed six in number and, upon the average, one inch and a-half diameter; if they exceed six and are not more than twelve in number, and do not exceed, upon the average, one inch and a-quarter in diameter,—but small knots under half an inch diameter shall not be counted or considered; such proportion of knots shall be allowed for a deal eleven inches in width and twelve feet in length, and deals of greater or less dimensions shall be allowed for in proportion, according to the judgment of the culler; heart shakes and sun cracks not exceeding three-fourths of an inch to one inch in depth shall be allowed, as also worm holes, according to the judgment of the culler; wane of half an inch to one inch shall be allowed according to the quality

of the deal in other respects, according to the judgment of the culler ; deals rejected as not coming within the standard of merchantable or second quality shall be classed as culls, —except that the culler may, if requested by buyer and seller, select and classify, as third quality, the best of the deals so rejected ;

(p.) Spruce and red pine second quality deals, shall be deals not coming within the definition of merchantable, and which, in the opinion and judgment of the culler, are not culls, and shall be classed as second quality ; and the culler, if required by seller and buyer, may select and classify as third quality the best of the deals unfit to be seconds ;

(q.) The Quebec standard hundred of deals shall be one hundred pieces twelve feet long, eleven inches broad, and two and a-half inches thick ; and deals of all other dimensions shall be computed according to the said standard ; deals of all qualities shall be not less than eight feet long, seven inches broad and two and a-half inches thick ; deal ends shall be not less than six feet long and shall be computed according to the Quebec standard ;

(r.) All merchantable deals shall be well sawn and squared at the end with a saw, and the color alone shall be no objection to their being merchantable ;

(s.) All deals when culled shall, in all cases, be stamped with the initials of the culler, and the capital letter denoting their quality as such ;

(t.) Spruce deals, if not sawn at the ends prior to or at the time of culling, shall be marked with the capital letter, denoting their respective qualities, with red chalk, in large bold letters ; and to prevent mistakes in piling, all other deals shall be marked with bold strokes in red chalk as follows :—

Merchantable shall be marked, I ;
 Second quality shall be marked, II ;
 Third quality (if made) shall be marked, III ;
 Rejected or culls shall be marked, X ;

(u.) Standard or measurement staves shall be of the dimensions set forth in the words and figures following :—

5½	feet long,	5	inches broad,	and from 1 to 3	inches thick.
4½	do.	4½	do.		
3½	do.	4	do.		
2½	do.	5	do.		

(v.) Head-staves, five and a-half feet long, and four and a-half inches broad, shall be received as if of merchantable dimensions ;

(w.) The standard mille shall be twelve hundred pieces of five and a-half feet long, five inches broad, and one and a-half inches thick ; and standard or measurement staves of other dimensions shall be reduced to the said standard by the tables of calculation now used ;

West India or puncheon staves.

(x.) West India or puncheon staves shall be three and a-half feet long, four inches broad, and three-fourths of an inch thick ;

Qualities requisite in all staves.

(y.) All staves shall be straight grained timber, properly split, with straight edges, free from the grub or large worm holes, knots, veins, shakes and splinters ; and small worm holes which do not exceed three in number, shall be allowed according to the judgment of the culler, provided there are no veins running from or connected therewith, and the culler shall measure the length, breadth and thickness of standard staves at the shortest, narrowest and thinnest parts ; and the thickness of West India and barrel staves exceeding the standard breadth shall be measured at such standard breadth, to wit : four and three and a-half inches respectively, provided the thinnest edge is not less than half an inch ;

Dimensions of merchantable timber.

(z.) The dimensions of merchantable timber shall be as set forth in the following words and figures :—

Oak.

Oak shall be at least twenty feet in length and ten inches square in the middle ;

Elm.

Elm shall be at least twenty feet in length and ten inches square in the middle ;

White pine.

White pine shall be at least twenty feet in length and twelve inches square in the middle, and fifteen feet and upwards in length, if it is sixteen inches square and upwards in the middle ;

Red pine.

Red pine shall be at least twenty-five feet in length and ten inches square in the middle, and twenty feet and upwards in length, if it is twelve inches square and upwards in the middle ;

Ash, basswood and butternut.

Ash, basswood and butternut shall be at least fifteen feet in length and twelve inches square in the middle, and at least twelve feet in length, if it is fifteen inches square and upwards in the middle ;

Birch.

Birch shall be at least six feet in length and twelve inches square in the middle ;

Taper of merchantable timber.

Taper of merchantable timber :—

Oak, 3 inches, under 30 feet, and in proportion for any greater length.

Elm, 2 do. do. for 30 do. do. do.

White pine, 1½ do. for 20 do. do. do.

Red pine, 2 do. for 25 do. do. do.

Ash, basswood and butternut, 1½ do. under 20 feet do. do.

Bends or twists not to exceed one in number ;

Hollow allowed.

Hollow allowed on merchantable timber :—

Oak, 3 inches for every 20 feet in length, and in proportion for any greater length ;

Elm, 3 do. do. 20 do. do. do.

White pine, 2½ do. 20 do. do. do.

Red pine, 3 do. 20 do. do. do.

Ash, basswood and butternut, 2½ do 20 feet do. do.

Dimensions of white pine masts, bowsprits and red pine spars :—

White pine masts of 23 inches and upwards at the partners, shall be 3 feet in length to an inch in diameter ;

22 inches do. 3 feet do. do. and 2 feet extreme length ;

21 do. do. 3 feet do. do. and 3 feet do.

20 do. and under 3 feet do. do. and 4 feet do.

Hollow or bend not to exceed six inches for seventy feet, and in proportion for any greater length ;

Bowsprits shall be two feet in length for every inch in diameter at the partners, adding two feet for extreme length ;

Red pine spars shall be three feet to the inch in diameter at the partners, and nine feet extreme length ; hollow not to exceed seven inches for sixty feet, and in proportion for any greater length. C. S. C., c. 46, s. 26.

Dimensions of masts, bowsprits and red pine spars.

30. Whenever it appears that timber, masts, spars, boards, planks, deals, staves, oars or any other description of lumber, are not properly hewn, squared, butted or edged, but are merchantable in other respects and sold as such, the supervisor, deputy and culler, respectively, shall order or cause the same to be properly dressed and chopped, at the expense of the seller or the buyer, as the case may be, previously to their being respectively received and certified to be merchantable ; and such dressing and chopping shall be done under the direction of the culler in charge of the measuring or culling. C. S. C., c. 46, s. 27.

Lumber improperly hewn, &c., to be dressed over.

31. If any dispute arises between the first buyer or seller, or the person making the requisition, and the culler employed to cull or measure any article of lumber, with regard to the dimensions or quality thereof, the supervisor or deputy shall, as soon as possible, upon a written complaint thereof being made, demanding a survey, cause a board of survey to be held for examining the quality and dimensions of such lumber ; and such board shall take into consideration the position of such lumber when measured or culled, and all other circumstances and considerations connected therewith, in reporting thereon ; and such board shall consist of three persons,—one to be appointed by the culler whose decision is disputed, one by the person complaining, and one by the supervisor or deputy, and their determination shall be final and conclusive ; and if the opinion and act of the culler is confirmed, the reasonable costs and charges of re-examination shall be paid by the person complaining, but if otherwise, by the culler :

Survey in case of dispute.

Composition of board of survey.

Costs.

2. Such survey shall be demanded when the culling or measuring is completed, or within two lawful days after the person demanding the survey has been furnished with the specification thereof ; and such right of survey shall cease on and after the fifteenth day of November in each year :

When survey must be demanded.

One culler may be appointed by consent.

3. The supervisor or deputy, for the more expeditious settlement of disputes, may, with the consent and at the request of buyer, seller and culler concerned, name one culler to act as surveyor; and if the culler so named is not objected to by any of the persons interested, he shall act in the capacity of a board of survey, and his determination shall be final and conclusive. C. S. U., c. 46, s. 28.

REGULATIONS.

- 32.** The Governor in Council may make regulations from time to time—
- Regulations may be made. Giving effect to Act. Number of cullers to be employed. Licenses. Fees. Tariff of fees. Average yearly fees to each. Annuities. Payment of annuities.
- (a.) For giving effect to the provisions of this Act;
- (b.) For reducing the number of cullers to be employed in each department of the supervisor's office, until the following numbers are reached: cullers of square timber, fifteen; cullers of deals, twelve; cullers of staves, masts, spars and lathwood, three,—or thirty in all; and such cullers shall be employed regularly in rotation in their respective departments, unless the Governor in Council, in any case or class of cases, otherwise prescribes;
- (c.) Prescribing the manner of granting licenses to cullers;
- (d.) Assigning to cullers such fees as he, from time to time, deems proper;
- (e.) Making, raising or lowering a tariff of fees and charges for culling, measuring, counting off or making out specifications for timber, deals, staves or other lumber, under this Act, in such manner as to meet and defray, as nearly as possible, the expenses of the supervisor's office, and the payment of salaries to the supervisor and the deputy supervisors, employed under this Act, and so as to give the cullers employed yearly average earnings of seven hundred dollars each;
- (f.) For granting annuities, not exceeding two hundred dollars per annum in each case, to such of the cullers as were employed on the first day of May, one thousand eight hundred and seventy-six, or as were employed up to the twentieth day of July, one thousand eight hundred and eighty-five only, and as are incapable, by reason of age, infirmity or otherwise, of pursuing their business of culling, or whose services are no longer required;
- (g.) For the payment of such annuities granted, as herein provided, out of such funds as have been collected, or as shall be hereafter collected, over and above the cost of the culling office. 48-49 V., c. 65, s. 1, *part*.
- 33.** In the event of there being no such surplus funds out of which the annuities granted, as provided in the next preceding section, can be paid, such annuities shall be paid out of the Consolidated Revenue Fund of Canada. 48-49 V., c. 65, s. 1, *part*.
- When payable out of Con. Rev. Fund.

CHARGES FOR CULLING AND MEASURING.

34. The fees and charges fixed by the Governor in Council shall be charged and collected by the supervisor and deputy supervisor, as the fees and charges for culling, measuring or counting off each description of lumber, and for making out specifications, and shall include all charges and expenses against such lumber, except in cases where extra labor for canting, dressing, butting, chopping and piling is necessary and required :

Collection of fees and charges.

2. One half of such fees and charges shall be paid by the buyer, and the other half by the seller ; but the whole of such fees and charges shall, in all cases, be paid to the supervisor or deputy, on the delivery of the specification or on the presentation of an account thereof, by the person, or by the persons jointly or severally, who filed a requisition or order for such measuring, counting or culling, whether such person or persons are buyers, sellers, owners, or possessors of such lumber. C. S. C., c. 46, s. 29, *part.*

By whom and when payable.

GENERAL PROVISIONS.

35. Any culler licensed under this Act, and not employed by the supervisor or a deputy, may engage or hire himself to merchants or others, as a shipping culler ; but such culler shall in no case measure, cull, count, stamp or mark any description of lumber before the same has been first measured by some licensed culler other than himself, under the direction of the supervisor or deputy, except with the written permission of the supervisor or deputy and in accordance with the same rules and on the same terms by which cullers acting under the supervisor or deputy are bound, according to this Act ; and he shall also keep a record of all his operations, returns of which he shall make monthly to the supervisor or deputy ; and every culler so hired and engaged, who offends against this Act, shall, for each such offence, be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding six months, in the discretion of the court. C. S. C., c. 46, s. 36.

Licensed culler may hire himself to a merchant on certain conditions.

Penalty for non-compliance with this Act.

36. Every person who is not licensed as a culler, who measures, culls, marks or stamps any article of lumber, shipped or intended to be shipped by such measurement, or measured, culled, marked or stamped, with intent to evade or elude the provisions of this Act, shall, for each such offence, be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding six months, in the discretion of the court ; and every culler employed by the supervisor or deputy, who privily, and without the knowledge and consent of the supervisor or deputy, or for hire or gain, and without the same being duly entered on the books of the supervisor or deputy,

Penalty for acting as culler without license.

And if culler acts without authority.

measures, culls, marks or stamps any article of lumber, shall, for each such offence, be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding six months, in the discretion of the court. C. S. C., c. 46, s. 37.

Penalty if supervisor or culler deals in lumber.

37. Every supervisor or deputy, or licensed culler, who buys or sells, directly or indirectly, or is a dealer in or interested in buying or selling any article of lumber, either on his own account or on account of any other person, shall, for each such offence, incur a penalty not exceeding four hundred dollars and not less than two hundred dollars, and shall forfeit his office. C. S. C., c. 46, s. 38.

Penalty if supervisor or culler is guilty of partiality, &c.

38. Every supervisor, deputy or licensed culler, and every clerk or assistant measurer, employed by the supervisor or deputy, or by any culler, who is at any time guilty of wilful neglect of his duty, or of partiality in the execution of the duties of his office, or of wilfully giving a false account or certificate of the articles of lumber submitted to his inspection, measurement or calculation, or of any other wilful neglect or prevarication with regard to the duty he is employed to discharge, shall, for every such offence, incur a penalty not exceeding four hundred dollars, and shall be dismissed from his office, and be for ever after incapable of holding any such situation or employment. C. S. C., c. 46, s. 39.

Assaults on cullers.

39. Every person who assaults any culler in the execution of his duty under this Act, or by threats, menaces or violence, impedes or prevents any culler from the performance of his duty, shall, upon summary conviction upon the oath of one credible witness, be liable to a penalty not exceeding forty dollars and not less than twenty dollars, and in default of payment, to imprisonment for a term not exceeding two months, unless the penalty is sooner paid. C. S. C., c. 46, s. 41.

Penalty.

Forging, counterfeiting or defacing stamps.

40. Every person who unlawfully uses, or counterfeits or forges, or procures to be counterfeited or forged, any stamp directed to be provided for use, in pursuance of this Act, or counterfeits or imitates the impression of the same on any article of lumber, or knowingly, wilfully and fraudulently defaces, obliterates or removes any of the marks or letters marked, indented or imprinted in or upon any article of lumber, after the same has been culled or measured as aforesaid, shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, in the discretion of the court. C. S. C., c. 46, s. 42.

Penalty.

Setting timber adrift.

41. Every person who wilfully and unlawfully, with the intention to set the same adrift, unmoors, by cutting or other-

wise, any timber, masts, spars, staves, oars, handspikes, planks, boards, saw-logs or other description of lumber, or any boat, bateau or scow, shall, for each offence, incur a penalty not exceeding four hundred dollars and not less than twenty dollars :

Penalty.

2. A moiety of such penalty shall belong to Her Majesty, for the public uses of Canada, and the other moiety to the informer or prosecutor, and the offender shall be imprisoned until such penalty is paid, --but no term of imprisonment shall, for any first offence, exceed three months; and if any person is a second or subsequent time convicted of any such offence, he shall be liable to imprisonment for a term not exceeding twelve months. C. S. C., c. 46, s. 43, *part*.

Application of penalties.

Imprisonment for non-payment.

42. Nothing in this Act shall make it compulsory to have any article of lumber measured, culled or assorted, under this Act, if such lumber is shipped for exportation by sea for account, in good faith, of the actual and *bonâ fide* producer or manufacturer thereof; but all other lumber shipped for exportation by sea, shall be either measured, culled or counted, at the option of the persons interested, by a licensed culler, under the control and superintendence of the supervisor or deputy; and the owner or shipper of such lumber, or the proprietor or lessee of the premises from which such lumber is so unlawfully shipped, shall incur a penalty equal to the market value of any article of lumber so unlawfully shipped :

Culling not compulsory in certain cases.

When culling shall be compulsory.

2. Proof of the fact of lumber having been placed alongside or taken on board of any sea-going ship or vessel, shall be sufficient evidence of such unlawful shipping for exportation by sea :

What shall be evidence of unlawful shipping.

3. The proof of the measuring, culling or counting of such lumber, in conformity with this Act, shall lie upon the person charged with such unlawful shipping; and the market value of any article of lumber so unlawfully shipped, shall be ascertained by the certificate of the council of the Quebec board of trade, or by a certificate under the hand of the supervisor. C. S. C., c. 46, s. 46.

Burden of proof to lie on person charged.

43. Every penalty and forfeiture incurred under this Act shall (except where otherwise provided) be sued for within twelve months after the offence is committed, and not afterwards, and shall be recoverable, with costs, either in any court of competent jurisdiction, or in a summary manner under the "*Act respecting summary proceedings before Justices of the Peace*":

Limitation of time for suits for penalties.

Recovery of penalties.

2. A moiety of all such penalties and forfeitures, except those for the disposal whereof other provision is made by this Act, shall belong to Her Majesty, for the public uses of Canada, and the other moiety shall belong to the person

Application.

aggrieved, or to the informer or person who prosecutes or sues for the same. C. S. C., c. 46, s. 44.

Time within
which actions
for things
done under
this Act must
be brought.

As to costs.

44. Every action, against any person, for anything done in pursuance of this Act, shall be commenced within twelve months next after the cause of action has arisen, and not afterwards; and the defendant in such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it appears so to have been done, then judgment shall be given, or a verdict found for the defendant; and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover costs and have the like remedy for the same as defendants have in other cases by law. C. S. C., c. 46, s. 45.

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CHAPTER 104.

An Act respecting Weights and Measures.

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

SHORT TITLE.

1. This Act may be cited as "*The Weights and Measures Act.*" 42 V., c. 16, s. 1. Short title.

THE LAW OF WEIGHTS AND MEASURES.

Uniformity of Weights and Measures.

2. Except as herein otherwise provided, the same weights and measures shall be used throughout Canada. 42 V., c. 16, s. 3. To be the same throughout Canada.

Standards of Measure and Weight.

3. The bronze bar and the platinum weights more particularly described in the first part of the first schedule to this Act, and deposited at the Department of Inland Revenue, in the custody of the Minister of Inland Revenue, as provided in the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act respecting Weights and Measures,*" shall continue to be the Dominion standards of measure and weight: Certain standards to be the Dominion standards.

2. The said bronze bar shall continue to be the Dominion standard for determining the standard yard for Canada; and the said platinum weights shall respectively continue to be the Dominion standards for determining the standard pound and the standard troy ounce for Canada. 42 V., c. 16, s. 4. Standard yard, pound and ounce, troy.

4. The two copies of the standards of measure and weight, described in the second part of the first schedule to this Act and deposited as therein mentioned, shall be deemed to be Parliamentary copies of the said Dominion standards. 42 V., c. 16, s. 5. Parliamentary copies.

5. If at any time either of the Dominion standards of measure and weight is lost, or in any manner destroyed, defaced or otherwise injured, the Minister of Inland Revenue may cause the same to be restored, by reference to or adop- Renewal of Dominion standards in case of loss,

tion of either of the Parliamentary copies of that standard, or of such one of them as remains available for that purpose. 42 V., c. 16, s. 6.

Renewal of
Parliamentary
standards.

6. If, at any time, either of the Parliamentary copies of either of the Dominion standards is lost or in any manner destroyed, defaced or otherwise injured, the Minister of Inland Revenue may cause the same to be restored, by reference either to the corresponding Dominion standard, or to the other Parliamentary copy of that standard. 42 V., c. 16, s. 7.

Secondary or
Departmental
standards.

7. The departmental standards of measure and weight which, having been derived from the Dominion standards, are in use under the direction of the Minister of Inland Revenue, and are mentioned in the second schedule to this Act, and no others (save as hereinafter mentioned), shall be secondary standards of measure and weight, and shall be called departmental standards :

Renewal in
case of loss.

2. If, at any time, any of such standards is lost or in any manner destroyed, defaced or otherwise injured, the Minister of Inland Revenue may cause the same to be restored, by reference either to one of the Dominion standards or to one of the Parliamentary copies of those standards :

Standards of
new denomi-
nations

3. The Minister of Inland Revenue shall, from time to time, cause such new denominations of standards, being either equivalent to or multiples or aliquot parts of the Dominion weights and measures ascertained by this Act, as are required in addition to those mentioned in the second schedule to this Act to be made and duly verified, and such new denominations of standards, when approved by the Governor in Council, shall be departmental standards in like manner as if they were mentioned in the said schedule :

Cancellation
of a depart-
mental
standard.

4. The Governor in Council may declare that a departmental standard for the time being, of any denomination, whether mentioned in the said schedule or approved by the Governor in Council, shall cease to be such standard. 42 V., c. 16, s. 8.

Local
standards.

8. The standards of measure and weight which are lawfully in use by inspectors or deputy inspectors of weights and measures, for the purpose of verification or inspection, and all copies of the departmental standards which are compared with those standards and verified by the Minister of Inland Revenue for the purpose of being used by inspectors of weights and measures under this Act as standards for the verification or inspection of weights and measures, shall be called local standards. 42 V., c. 16, s. 9.

Dominion Measures of Length.

Standard
yard defined.

9. The straight line or distance between the centres of the two gold plugs or pins (as mentioned in the first schedule

to this Act) in the bronze bar by this Act declared to be the Dominion standard for determining the Dominion standard yard, measured when the bar is at a temperature of sixty-one degrees and ninety-one hundredths of Fahrenheit's thermometer, and when it is supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar and to facilitate its free expansion and contraction from varying temperature, shall be the legal standard measure of length and shall be called the Dominion standard yard, and shall be the only unit or standard measure of extension from which all other measures of extension, whether linear, superficial or solid, shall be ascertained. 42 V., c. 16, s. 10.

10. One third part of the Dominion standard yard shall be a foot, and the twelfth part of such foot shall be an inch; and the rod, pole or perch in length, shall contain five such yards and a-half; and the chain shall contain twenty-two such yards, and the link shall be the one hundredth part of the chain; the furlong shall contain two hundred and twenty such yards; and the mile one thousand seven hundred and sixty such yards. 42 V., c. 16, s. 11.

Standard foot, inch, rod, chain, link, furlong and mile.

11. The rood of land shall contain one thousand two hundred and ten square yards, according to the Dominion standard yard; and the acre of land shall contain one hundred thousand square links,—being four thousand eight hundred and forty such square yards, or one hundred and sixty square rods, poles or perches. 42 V., c. 16, s. 12.

Standard rood and acre.

12. In the Province of Quebec, the measures of length and superficies for all lands comprised in those parts of the Province originally granted under the seigniorial tenure, shall be French measures, the ratio and proportion of which shall be to the Dominion standard measures as follows, that is to say:—

As to seigniorial lands in the Province of Quebec.

(a.) The foot—"French measure" or "Paris foot"—shall be held to contain twelve inches and seventy-nine hundredths of an inch, standard measure;

French foot.

(b.) The "arpent," when used as a measure of length, shall be one hundred and eighty French feet; and when used as a measure of superficies, shall contain thirty-two thousand four hundred square French feet; and the "perch," as a measure of length, shall contain eighteen French feet; and as a measure of superficies, three hundred and twenty-four square French feet;

Arpent. Perch.

(c.) Provided, that the provisions of this section shall apply only to territorial measurement; and the French measures "toise" and "ell" (*aune*) shall not be used as standard measures, but the standard yard, as described in the ninth section of this Act, shall be used instead thereof. 42 V., c. 16, s. 13.

French measure to be used only for such lands.

*Dominion Measures of Weight and Capacity.*Standard
pound

13. The Imperial pound, as established by the Act passed by the Parliament of the United Kingdom, in the session held in the forty-first and forty-second years of Her Majesty's reign, known as "*The Weights and Measures Act of 1878,*" as represented by the platinum iridium weight mentioned in the first schedule to this Act, and hereby declared to be the Dominion standard for determining the Dominion standard pound, shall be the legal standard measure of weight and of measure, having reference to weight, and shall be called the Dominion standard pound, and shall be the only unit or standard measure of weight from which all other weights, and all measures having reference to weight, shall be ascertained. 42 V., c. 16, s. 14.

Standard
ounce, dram
and grain.

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

Cental or
cwt., and ton.

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

Troy ounce.

Four hundred and eighty grains shall be an ounce troy :

All other
weights
avoirdupois

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

Standard
gallon.

15. The unit or standard measure of capacity, from which all other measures of capacity, as well for liquids as for dry goods shall be derived, shall be the gallon containing ten Dominion standard pounds weight of distilled water weighed in air against brass weights with the water and the air at the temperature of sixty-two degrees of Fahrenheit's thermometer, and with the barometer at thirty inches :

Quart and
pint

The quart shall be one-fourth part of the gallon, and the pint shall be one-eighth part of the gallon :

Peck and
bushel.

Two gallons shall be a peck, and eight gallons shall be a bushel. 42 V., c. 16, s. 16;—48-49 V., c. 64, s. 1.

Bushel of cer-
tain articles
determined
by weight.

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

- Wheat, sixty pounds ;
- Indian corn, fifty-six pounds ;
- Rye, fifty-six pounds ;
- Peas, sixty pounds ;
- Barley, forty-eight pounds ;
- Malt, thirty-six pounds ;
- Oats, thirty-four pounds ;
- Beans, sixty pounds ;
- Clover seed, sixty pounds ;

Timothy seed, forty-eight pounds ;
 Buckwheat, forty-eight pounds ;
 Flax seed, fifty pounds ;
 Hemp seed, forty-four pounds ;
 Blue grass seed, fourteen pounds ;
 Castor beans, forty pounds ;
 Potatoes, turnips, carrots, parsnips, beets and onions,
 sixty pounds ;
 Bituminous coal, seventy pounds :

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

17. In the Province of Quebec, the following shall be the standard weights for hay and straw, unless the same is sold by the ton, or unless it appears that the parties to the contract agreed to the contrary:— Standard weights of hay and straw in Quebec.

A bundle of timothy, clover or other hay with a timothy band..... 15 lbs.
 A bundle of timothy, clover or other hay bound with a withe..... 16 "
 A bundle of straw..... 12 "
 C. S. L. C., c. 63, ss. 8 and 9.

18. All apples packed in Canada for sale by the barrel shall be packed in good and strong barrels of seasoned wood made as nearly cylindrical as may be ; the staves of such barrels shall be twenty-seven inches in length from croe to croe, with heads from sixteen and one-half to seventeen inches in diameter ; and such barrels shall be sufficiently hooped, with a lining hoop within the chimes, the whole well secured by nails : How apples shall be packed for sale.

2. Every person who offers or exposes apples for sale by the barrel, otherwise than in accordance with the foregoing provisions of this section, shall be liable to a penalty of twenty-five cents for each barrel of apples so offered or exposed for sale. 48-49 V., c. 64, s. 3. Penalty for contravention.

19. In using a Dominion measure of capacity the same shall not be heaped, but either shall be stricken with a round stick or roller straight and of the same diameter from end to end, or if the article sold cannot, from its size or shape, be conveniently stricken, shall be filled in all parts as nearly to the level of the brim as the size and shape of the article admits of. 42 V., c. 16, s. 18. Heaped measure forbidden.

20. The table in the third schedule to this Act shall be deemed to set forth the equivalents in Dominion weights and measures of the weights and measures therein expressed in terms of the metric system ; and such table may be lawfully used for computing and expressing, in weights and Table in third schedule to be used for equivalents in metric system.

measures, weights and measures of the metric system. 42 V., c. 16, s. 19.

Use of Dominion Weights and Measures.

Contracts to be by standard weights and measures: all others void.

Exception as to metric system.
Tolls and duties.

"Trade," what to be deemed.

Local weights, &c., unlawful.

Penalty for using other than Dominion weights and measures

Weight to be avoirdupois;—
Except certain articles which may be sold by troy weight.

Penalty for contravention.

Proviso: as to metric weights or measures, or decimal divisions.

As to sales of articles in vessels.

21. Every contract, bargain, sale or dealing made or had in Canada in respect of any work, goods, wares or merchandise, or other thing which has been or is to be done, sold, delivered, carried or agreed for by weight or measure, shall be deemed to be made and had according to one of the Dominion weights or measures ascertained by this Act, or to some multiple or part thereof, and if not so made or had, shall be void, except when made according to the metric system; and all tolls and duties charged or collected according to weight or measure shall be charged and collected according to one of the Dominion weights or measures ascertained by this Act, or to some multiple or part thereof:

2. Such contract, bargain, sale, dealing and collection of tolls and duties, as is in this section mentioned, is in this Act referred to under the term "trade":

3. The use of local or customary measures, or of heaped measures, shall not be lawful:

4. Every person who sells by any denomination of weight or measure other than one of the Dominion weights or measures, or some multiple or part thereof, and every public weigher or measurer who uses any weight or measure, or who uses, in any certificate as to the weight or measure of any article weighed or measured by him, any other than one of the Dominion weights or measures, or some multiple or part thereof, shall be liable to a penalty not exceeding twenty dollars for every such sale, weighing or certificate. 42 V., c. 16, s. 20.

22. All articles sold by weight shall be sold by avoirdupois weight, except that,—

Gold and silver, platinum and precious stones, and articles made thereof, may be sold by the ounce troy or by any decimal part of such ounce, and all contracts, bargains, sales and dealings in relation thereto shall be deemed to be made and had by such weight, and when so made or had shall be valid:

2. Every person who violates this section shall be liable to a penalty not exceeding twenty-five dollars for each offence. 42 V., c. 16, s. 21.

23. No contract or agreement shall be invalid or open to objection on the ground that the weights or measures expressed or referred to therein are weights or measures of the metric system, or on the ground that decimal sub-divisions of Dominion weights and measures, whether metric or otherwise, are used in such contract or dealing. 42 V., c. 16, s. 22.

24. Nothing in this Act shall prevent the sale, or subject a person to a penalty under this Act for the sale of an article

in any vessel, such vessel being included in the sale, when such vessel is not represented as containing any amount of Dominion measures, nor subject a person to a penalty under this Act for the possession of a vessel when it is shown that such vessel is not used or intended for use as a measure. 42 V., c. 16, s. 23.

Unjust Weights, Measures and Weighing Machines.

25. Every person who uses or has in his possession for use, in trade, any weight, measure, scale, balance, steelyard or weighing machine, which is false or unjust, shall incur a penalty not exceeding twenty-five dollars and not less than ten dollars, or, in the case of a subsequent offence, of fifty dollars; and any contract, bargain, sale or dealing made by the same shall be void; and the weight, measure, scale, balance, steelyard or weighing machine shall be forfeited, and shall be forthwith seized as being so forfeited. 47 V., c. 36, s. 1.

Penalty for having false or unjust weights, scales or measures
Forfeiture.

26. When any fraud is wilfully committed in the using of any weight, measure, scale, balance, steelyard or weighing machine, the person committing such fraud, and every person party to the fraud, shall incur a penalty of twenty-five dollars, or in the case of a subsequent offence, of fifty dollars; and the weight, measure, scale, balance, steelyard or weighing machine shall be forfeited, and shall be forthwith seized as being so forfeited. 47 V., c. 36, s. 2.

Penalty for fraud by the use of false weights, &c.
Forfeiture.

27. Every person who wilfully makes or sells, or causes to be made or sold, any false or unjust weight, measure, scale, balance, steelyard or weighing machine, shall incur a penalty not exceeding fifty dollars and not less than twenty-five dollars, or, in the case of a subsequent offence, of one hundred dollars. 47 V., c. 36, s. 3.

Penalty for making or selling false weights, &c.

Stamping and Verification of Weights and Measures.

28. Every weight, except when the small size of the weight renders it impracticable, shall have the denomination of such weight stamped or engraved on the top or side thereof in legible figures and letters;

Lawful measures and weighing contrivances to be stamped.

Every measure of capacity shall have the denomination thereof stamped or engraved on the outside of such measure in legible figures and letters;

Every beam, steelyard or other weighing machine shall have marked upon some essential part of it the maximum weight which it is constructed to weigh, and also on the weights or poises used with it, their actual weight when truly adjusted, in parts or multiples of the avoirdupois pound;

A weight or measure not in conformity with this section shall not be stamped with such stamp of verification under this Act, as is herein mentioned. 42 V., c. 16, s. 27.

And no other.

Penalty for using un stamped weights or measures or weighing machines, in business.

29. Every trader, manufacturer, carrier, public weigher, gauger, measurer, surveyor, or other person, who uses, for any purpose of buying, selling or charging for the carriage of any goods, wares, merchandise or thing, or of measuring any land, goods, materials or other thing, for the purpose of charging for or ascertaining the amount or price to be paid, or the charge to be made therefor, any weight or measure, or weighing machine which has not been duly inspected and stamped according to this Act, is guilty of an offence against this Act, and shall, on conviction, incur a penalty not exceeding fifty dollars and not less than five dollars for each such offence; and every such unstamped weight, weighing machine or measure so used, found in his possession, shall, on being discovered by the inspector or his assistant, be forfeited and forthwith seized and broken by him, without suit or authority other than this Act:

Forfeiture, &c

Exception as to makers or dealers in weights, measures, &c.

2. Provided that no manufacturer of or dealer in weights, measures or weighing machines, who has in his possession for sale, any weight, measure or weighing machine, shall be bound to have the same inspected and stamped according to this Act, so long as the same remains in his manufactory or warehouse; but no such weight, measure or weighing machine shall be removed from his premises, sold or taken into use for trade without being inspected and stamped:

Penalty on trader having unlawful weights, &c., in possession.

3. Every trader who is not a manufacturer of or dealer in weights, measures or weighing machines, and who has in his possession any unstamped weight, measure or weighing machine, shall incur a penalty not exceeding fifty dollars and not less than five dollars for the first offence, and for each subsequent offence a penalty of fifty dollars; and such weights, measures or weighing machines shall be forfeited, and shall be forthwith seized by the inspector or his assistant. 42 V., c. 16, s. 28;—47 V., c. 36, s. 5.

Forfeiture.

As to weights of lead or pewter.

30. No weight made of lead or pewter, or of any mixture thereof, shall be stamped with a stamp of verification, or used for trade, unless it is wholly and substantially cased with brass, iron or copper, and legibly stamped or marked "cased:"

Penalty for violation.

2. Every person who violates any of the provisions of this section shall incur a penalty not exceeding twenty-five dollars, and in case of a second offence fifty dollars:

Proviso: as to plugs.

3. Nothing in this section shall prevent the insertion into a weight of such a plug of lead or pewter as is *bonâ fide* necessary for the purpose of adjusting it, and of affixing thereto the stamp of verification. 42 V., c. 16, s. 29.

Penalty for forging or counterfeiting stamps used under this Act

31. Every person who forges or counterfeits any stamp used for the stamping, under this Act, of any weight, balance, weighing machine or measure, or used before the commencement of this Act for the stamping of any weight, balance, weighing machine or measure under any enact-

ment repealed by this Act, or who wilfully increases or diminishes any weight or measure so stamped, or in any way alters or tampers with any balance, weighing machine or measure, which has been so stamped, so as to cause it to weigh or measure unjustly, shall incur a penalty of forty dollars for the first offence, and for each subsequent offence he shall be liable to a penalty of one hundred dollars and to imprisonment for a term of two months :

2. Every person who knowingly uses, sells, utters, disposes of, or exposes for sale, any weight, balance, weighing machine or measure, with such forged or counterfeit stamp thereon, or any weight, balance, weighing machine or measure so increased, diminished, falsified or tampered with, shall incur a penalty, for the first offence, not exceeding fifty dollars and not less than twenty-five dollars, and for each subsequent offence a penalty of one hundred dollars, and the weight, balance, weighing machine or measure shall be forfeited, and shall be forthwith seized as being so forfeited. 47 V., c. 36, s. 6.

Or for knowingly using counterfeits.

Forfeiture.

ADMINISTRATION.

Central.

32. The Minister of Inland Revenue shall have the custody of the Dominion standards of measure and weight, and of the departmental standards, and of all balances, apparatus, books, documents and things used in connection therewith or relating thereto. 42 V., c. 16, s. 31.

Minister of Inland Revenue to have custody of standards, &c.

33. The Parliamentary copies of the Dominion standards of measure and weight, mentioned in part two of the first schedule to this Act, shall continue to be deposited as therein mentioned *

Deposit of Parliamentary standards.

2. The Minister of Inland Revenue shall cause the Parliamentary copies of the Dominion standards of measure and weight to be compared with each other once in every five years, and once in every ten years with the Dominion standards of measure and weight. 42 V., c. 16, s. 32.

Periodical comparison of such standards.

34. Once, at least, in every five years, the Minister of Inland Revenue shall cause the departmental standards, for the time being, to be compared with the Parliamentary copies of the Dominion standards of measure and weight made and approved in pursuance of this Act, and with each other, and to be adjusted or renewed if requisite :

And of departmental standards.

2. A record shall be kept by the Minister of Inland Revenue of all standards verified or re-verified, showing full particulars of the results of such verification or re-verification. 42 V., c. 16, s. 33.

Record of verification.

35. The copies of the metric standards mentioned in the fourth schedule to this Act having been obtained and de-

Copies of metric standards and

their use for lawful purposes.

posited in the custody of the Minister of Inland Revenue, the Minister may cause to be compared with the said standards and verified, all metric weights and measures which are submitted to him for the purpose, and which are of such shape and construction as are, from time to time, directed under any Order in Council in that behalf, and which the Minister is satisfied are intended to be used for the purpose of science or of manufacture, or for any lawful purpose within the meaning of this Act. 42 V., c. 16, s. 34.

Comparisons, verifications, &c., how made.

36. All comparisons, verifications and other operations with reference to standards of length, weight and capacity, shall be conducted under the supervision of the Commissioner of Inland Revenue, and generally he shall have such powers and duties in relation thereto as are assigned to him by the Governor in Council. The Commissioner of Inland Revenue shall also conduct all such comparisons, verifications and other operations with reference to standards of measure and weight in aid of scientific researches, or otherwise, as the Minister of Inland Revenue deems expedient; and in consideration of the special qualifications and knowledge necessary for the proper discharge of such duties, the said commissioner may be paid, in addition to his salary as commissioner, such further allowance, out of any moneys voted by Parliament for the purposes of this Act, as is directed by the Governor in Council. 42 V., c. 16, s. 35.

Duty of Commissioner of Inland Revenue with respect to them, and as to standards generally. Compensation for such service.

Local.

Appointment and duties of inspectors.

And of assistants.

37. The Governor in Council may, from time to time, appoint one or more inspectors of weights and measures for each Province, and such number of assistants to each inspector as is, from time to time, found necessary, and may, from time to time, assign them inspection divisions, and their powers and duties shall be as defined by this Act, by the regulations made under it, and by instructions from the Minister of Inland Revenue; and the Governor in Council may assign to each inspector or assistant so appointed such remuneration or salary as is deemed expedient, not exceeding the amount voted by Parliament, and may also allow to each such inspector or assistant such further sum as will suffice to meet his actual expenses in the performance of his official duties. 42 V., c. 16, s. 36.

Remuneration.

District inspectors.

38. The Governor in Council may appoint any officer of the Department of Inland Revenue to the office of district inspector under this Act, and such officer shall discharge the duties assigned to him under this Act, in conjunction with and in addition to his other official duties. 42 V., c. 16, s. 37, *part.*

Oath of office.

39. Each inspector or assistant inspector shall, on appointment, take an oath for the faithful discharge of his duties, and

shall give a bond, in a sum fixed by the Governor in Council, for the safe custody and preservation of the standard weights and measures and other apparatus intrusted to him, for their delivery over to his successor in case of his resignation or removal from office, and for the duly accounting for all moneys collected by him. 42 V., c. 16, s. 37, *part*.

40. Each inspector shall be furnished by the Minister of Inland Revenue with one or more sets of standards, to be called "the local standards," carefully verified and authenticated by comparison with the departmental standards in the custody of the Minister of Inland Revenue, and with such apparatus as is requisite to enable him to perform his duties under this Act. 42 V., c. 16, s. 37, *part*.

Inspector to be provided with local standards.

41. No officer appointed under this Act shall be a maker or seller of weights, balances, measures or weighing machines, but, under special departmental instructions in that behalf, he may be allowed to adjust or alter any weight verified by him or submitted to him for verification, and to collect, therefore, such compensation as is authorized by the Governor in Council. 42 V., c. 16, s. 38, *part*.

Officers not to be makers or sellers of weights or measures, &c.

42. The "standards" and other apparatus shall be used by the inspector or assistant into whose custody they are given solely for the purpose of comparing and verifying weights, measures, balances and weighing machines used for purposes of trade. 42 V., c. 16, s. 38, *part*.

Use of standards by inspectors.

43. The inspector or his assistant shall perform such duties incident to the verification of weights and measures, and of beams, scales, steelyards and other weighing machines, comparing and trying the same with the standard weights and measures, and other apparatus in his possession, as are assigned to him under departmental regulations :

Duties of inspectors and assistants.

2. He shall, at all proper times, carefully examine and compare all weights and measures, and all beams, scales or other weighing machines of any kind, presented to him within his division; and when found correct and just he shall mark, stamp or brand the same in such manner as is, from time to time, directed by the Minister of Inland Revenue, - who shall furnish such stamps, brands and implements as he thinks proper for that purpose. 42 V., c. 16, s. 39.

Examination and marking of weights, &c.

44. Every inspector or his assistant shall, upon such days and at such places within his district as he, from time to time, appoints in pursuance of such departmental regulations as are made in that behalf—and of which days or places public notice shall be given in the manner provided by such regulations,—attend with his inspection standards and other apparatus for the purpose of inspecting all weights, balances, measures and weighing machines, and shall then

Times and places of inspection and verification.

Stamping,
&c., when
found correct.

and there inspect and verify, and if found correct, shall stamp and certify all weights and measures, balances and other weighing machines. 42 V., c. 16, s. 40.

Power of in-
spectors to
enter shops,
&c.

45. The inspector or his assistant may, at all reasonable times, without notice, enter any shop, store, warehouse, stall, yard or place whatsoever, within his division, where any commodity is bought, sold, exposed or kept for sale, or where a charge is made for the carriage or conveyance thereof by weight or measure, and there examine all weights, measures, beams, scales, steelyards or other weighing machines, and compare and try the same with the local standards of weight and measure in his possession; and he shall do so from time to time, and without previous notice, so as best to insure compliance with the provisions of this Act, and the discovery and punishment of any violation thereof: and he shall attend at any reasonable time and place, and when not otherwise engaged in the performance of his duties, for the purpose of inspecting and verifying any fixed and non-portable weighing machine in his division; and he may also, subject to regulations made by the Governor in Council in that behalf, at any time when not so engaged, as aforesaid, inspect, verify, stamp and certify any weights, measures or weighing machines, at the request of the owner thereof, and at any place in his division. 42 V., c. 16, s. 41.

Without
previous
notice.

To inspect
when called
on if not
otherwise on
duty.

Inspection on
request, sub-
ject to regula-
tions.

Penalty for
obstructing
inspector or
assistant.

46. Every person who wilfully obstructs or impedes any inspector or assistant inspector in the performance of his duty under this Act, or under any Order in Council or departmental regulation lawfully made under it, and every person who aids or assists him in so doing, shall incur a penalty of one hundred dollars. 47 V., c. 36, s. 7.

Inspector
to keep a
record of in-
spections, &c.

47. The inspector shall keep a book in which he shall enter minutes of all verifications made by him or his assistant, and at the time of every inspection he or his assistant shall deliver to the owner of any weight or measure, or weighing machine verified, or to the person procuring the verification, a certificate under his hand, setting forth the fact and date of such verification, and specifying the weight, measure or weighing machine inspected. 42 V., c. 16, s. 42.

Re-inspection
at certain
periods.

48. Within four months after the expiration of two years from the first verification and stamping, and within a period of two years after each subsequent verification, every weight, measure and weighing machine shall be again inspected and verified, and a new certificate of such inspection and verification obtained from the proper inspector; and the production of the certificate shall be *prima facie* evidence of the verification or stamping, or re-verification having taken place within the period prescribed by law. 42 V., c. 16, s. 43.

49. Every person, not being a manufacturer, dealer in or importer of weights, measures or weighing machines, who refuses to produce for inspection, when required so to do by any inspector or inspector's assistant appointed under this Act, all weights, measures and weighing machines in his possession, and used for any purpose of trade, and—

Refusing to produce weights, &c., for inspection.

Every manufacturer of, dealer in or importer of weights, measures or weighing machines, who refuses to permit the inspection, when required in the manner herein provided, of any weights, measures or weighing machines about to be removed from his premises to be used for purposes of trade, or who permits any such weights, measures or weighing machines to be so removed without having been first inspected and stamped as herein required,—

Or refusing to permit inspection.

Shall, for a first offence, incur a penalty not exceeding twenty-five dollars and not less than five dollars, and for each subsequent offence a penalty of fifty dollars :

Penalty.

Provided always, that the provisions of this section shall not be construed as imposing any penalty on a manufacturer of, dealer in, or importer of weights, measures or weighing machines in respect of any dormant scales, which cannot be properly verified until set upon a fixed foundation. 47 V., c. 36, s. 8.

Proviso: as to dormant scales.

50. No weight, measure or weighing machine duly stamped by any inspector, or other person hereby authorized to examine and stamp the same, shall be subject to be re-stamped, although the same is used beyond the limits of the inspection division within which it was originally stamped, but shall be considered as a lawful weight or measure or weighing machine throughout Canada, unless found defective or unjust on any subsequent periodical or other inspection—to which it remains subject, as provided by this Act—by the inspector or his assistant for the division in which it then is. 42 V., c. 16, s. 45.

As to weights and measures, &c., stamped in any division and used in another.

51. If any inspector or inspector's assistant stamps or marks any balance, beam, weight or measure or weighing machine, without having first duly compared and verified the same with the standard or other authorized instrument in his possession for the purpose, he shall, on conviction, incur a penalty not exceeding fifty dollars for each offence. 42 V., c. 16, s. 46.

Penalty for stamping any weight, &c., without verifying it.

52. Every inspector or assistant inspector, who, without authority from the Minister of Inland Revenue, knowingly stamps any balance, weight, measure or weighing machine, belonging to any person residing within the limits of any inspection division for which another inspector has been lawfully appointed, shall, on conviction, incur a penalty not exceeding five dollars for every balance, weight, measure or weighing machine so stamped. 47 V., c. 36, s. 9.

Penalty on inspector or assistant stamping out of his proper division.

Delivery of Liquids in Casks.

Interpretation.

53. For the purpose of the following sections of this Act, the expression "cask" means and includes every vessel constructed for holding liquids, and made of staves and headings bound together by hoops. 38 V., c. 36, s. 2.

How the capacity shall be ascertained in case of dispute.

54. The capacity of any cask shall, in all cases of dispute, be determined by the weight of rain water it holds, the water being at a temperature of sixty-two degrees of Fahrenheit's thermometer, and ten pounds of such water being reckoned as equal to one gallon; and the determination by such weighing by an inspector or deputy inspector of weights and measures, or by an officer of Inland Revenue, authorized thereto under departmental regulations, of the contents of any cask, shall be final and conclusive. 38 V., c. 36, s. 4.

Capacity of cask containing liquids subject to excise, to be marked on bung stave.

55. No malt liquors or any other liquids subject to excise that have been put into any cask in Canada, shall be delivered in the cask to the purchaser unless the capacity of the cask in which delivery is made is legibly marked in gallons, and parts of a gallon, on the bung stave thereof; and such marking shall be cut or branded in the wood, in characters not less than one inch and a-quarter in height; except only that such marking shall not be necessary on casks on which the quantity of liquid then contained in them has been marked or verified in compliance with excise regulations then in force. 38 V., c. 36, s. 1.

Exception.

Offences.

Wrongfully marking cask.

Using falsely marked cask.

Or unmarked cask.

Penalty for such offences.

56. Every public gauger or other person who—
 (a.) Marks or causes to be marked on any cask as its capacity, a quantity greater than such cask will hold, or—
 (b.) Who uses or causes to be used, for the delivery to a purchaser of any malt liquors or any other liquid subject to excise, put into a cask in Canada, any cask so falsely marked, or—
 (c.) Who, except as herein provided, delivers any such liquid put into a cask in Canada, in a cask not marked as herein required,—
 Is guilty of an offence against this Act, and shall incur a penalty of ten dollars for every cask so falsely marked or so used without being first properly marked, and a penalty of double the amount for every subsequent offence. 38 V., c. 36, s. 3.

GENERAL PROVISIONS.

Regulations by Governor in Council for certain purposes.

57. The Governor in Council may, from time to time, make regulations concerning any of the subjects following, that is to say:—

(a.) The guidance of the inspectors and their assistants in the performance of their duties;

- (b.) The replacement and use of the standards ;
 (c.) The methods of verifying local standards or weights, measures, weighing machines and balances, and of certifying such verification ;
 (d.) The amount of error that may be tolerated in weights, measures, balances and weighing machines ;
 (e.) The shapes, dimensions and proportions to be required in weights, weighing machines and measures, and the materials of which they may be made ;
 (f.) The marking on weights and measures authorized under this Act, of their several denominations ;
 (g.) The defining and specifying what weights, measures, weighing machines and balances shall or shall not be admitted to verification ;

And such regulations shall be published in the *Canada Gazette*. 42 V., c. 16, s. 48 ;—49 V., c. 40, s. 1. Publication.

58. The Governor in Council may, from time to time, make a tariff of fees to be paid to the inspectors or their assistants for inspecting and stamping weights and measures, balances, beams and other weighing machines, under this Act ; and the Order in Council containing such tariff and regulations, and any repeal or amendment thereof, shall be published in the *Canada Gazette* ; and the said fees shall form part of the Consolidated Revenue Fund of Canada. 42 V., c. 16, s. 49. Governor in Council may make tariff of fees.
Publication.
Application of fees.

59. Such fees shall be paid at the time of the inspection, stamping or verification, to the inspector or his assistant, who shall affix to the certificate given by him an adhesive stamp or stamps to the amount of such fee, and shall, at the time of affixing the same, write or mark thereon, in such manner as is directed by departmental regulations, the date at which it is affixed ; and no certificate shall be valid or avail for any purpose whatsoever unless the requisite stamp or stamps have been duly affixed and remain affixed thereto and cancelled. 42 V., c. 16, s. 50. When and how such fees shall be paid.
Unstamped certificate null.

60. If any person refuses to pay the inspection fees payable by him, on demand of the inspector or assistant inspector, such inspector or assistant inspector may seize sufficient of the weights, measures or weighing machines, for the inspection whereof such fees are due, to secure the same, and retain them until the fees and all expenses incurred are paid, and shall forthwith institute proceedings for the recovery thereof and costs, as provided by section sixty-three. 47 V., c. 36, s. 10. Power to seize weights, &c., if the inspector's fees are not paid.

61. The Governor in Council may, from time to time, direct adhesive stamps, bearing such device as he thinks proper, to be prepared for the purposes of this Act, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada : Adhesive stamps for use under this Act.

Device
thereon.

2. The device on such adhesive stamp shall express the value thereof, that is to say, the sum at which it is to be reckoned in payment of the duty hereby imposed. 42 V., c. 16, s. 51.

Accounts
under this
Act.

62. Separate accounts shall be kept of all expenditure incurred and of all fees and duties collected and received under the authority of this Act; and a correct annual statement of the same up to the thirtieth day of June then last past, shall be laid before Parliament within the first fifteen days of the then next session thereof. 42 V., c. 16, s. 52.

PROCEDURE.

Recovery of
penalties and
enforcement
of forfeitures.

63. All penalties imposed by this Act, or by any regulation made under its authority, shall be recoverable, with costs, before any civil court of competent jurisdiction,—or before any justice of the peace for the district, county or place in which the offence is committed, if such penalty does not exceed fifty dollars, and before any two such justices, if it exceeds fifty dollars,—upon proof by confession, or by the oath of one credible witness; and the amount may, if not forthwith paid, be levied by execution or distress and sale of the goods and chattels of the offender, by warrant, under the hand and seal of such justice or justices,—by whom also any imprisonment to which the offender is liable may be awarded; and the provisions of the "*Act respecting summary proceedings before Justices of the Peace,*" shall, subject to the provisions of this Act, apply to all proceedings thereunder. 42 V., c. 16, s. 53, *part.*

How levied,
if not forth-
with paid.

Application
of penalties.

64. A moiety of every penalty so recovered shall belong to the person who sues for the same, not being an inspector or an assistant inspector, and the other moiety or, if the person suing is an officer acting in pursuance of this Act, the whole penalty, shall belong to Her Majesty. 42 V., c. 16, s. 53, *part.*

Disposal of
forfeited
weights, &c.

65. All false weights, beams, balances and weighing machines seized as forfeited under this Act, shall be delivered to the district inspector, for the district in which the offence is committed, in whose custody they shall remain, subject to the order of the Minister of Inland Revenue. 42 V., c. 16, s. 53, *part.*

Forfeited
articles or
money
voluntarily
abandoned,
how to be
dealt with.

66. If any weight, beam, balance, measure or weighing machine is voluntarily given up or abandoned by the owner thereof to any inspector or assistant inspector of weights and measures, as forfeited under this Act, or if any sum of money is voluntarily paid to any such inspector or assistant inspector, with the consent and approval of the Minister of Inland Revenue, as the amount of any penalty under this Act, such abandonment or payment shall be deemed to be

a lawful abandonment or payment; and the weight, beam, balance, measure or weighing machine so abandoned or given up may be dealt with as if forfeited under this Act, and the sum of money so paid may be dealt with as if it was a penalty recovered under this Act. 48-49 V., c. 64, s. 4.

67. Every person aggrieved by the use of any weight or measure or weighing machine, which has not been duly inspected and stamped according to this Act, or which is found light, deficient or otherwise unjust, may recover treble damages and treble costs. 42 V., c. 16, s. 53, *part*.

Remedy of person aggrieved by false weights, &c.

68. No action or prosecution shall be brought against any person for any penalty imposed by this Act, unless the same is commenced within six months after the offence is committed. 47 V., c. 36, s. 11.

Limitation of suits.

SCHEDULES.

FIRST SCHEDULE.

PART I.

DOMINION STANDARDS.

The following standards were constructed under the direction of the Commissioner of Inland Revenue:—

The Dominion standard for determining the length of the Dominion standard yard is a solid square bar, thirty-eight inches long and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being thirty-six inches) to the depth of half an inch; at the bottom of each hole is inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter, and upon the surface of each pin are cut, a fine line transverse to the axis of the bar, and two lines at an interval of about one-hundredth of an inch parallel to the axis of the bar; the measure of length of the Dominion standard yard is given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line which is employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as the centres of the said gold plugs or pins, and such bar is marked "Mr. Baily's metal," "Standard Yard" "A," "Troughton and Simms, London." There are also, on the upper side of the bar, two holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature.

The Dominion standard for determining the weight of the Dominion standard pound is of platinum-iridium, the form being that of a cylinder nearly 1.35 inch in height and 1.15 inch in diameter, with a groove or channel round it, the middle of which is about 0.34 inch below the top of the cylinder, for insertion of the points of the ivory fork by which it is to be lifted; the edges are carefully rounded off, and such standard pound is marked "A." The weight of this standard in terms of the Imperial standard is 6999.97694 grains when both are weighed *in vacuo* and 6999.98387 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, and for which due allowance is to be made when comparing other standards.

The Dominion standard for determining the weight of the Dominion standard Troy ounce is of platinum-iridium, the form being that of a truncated cone, with a knob, nearly $\frac{1}{2}$ of an inch in height, including the knob, the knob being nearly $\frac{1}{4}$ inch and the base of the cone $\frac{1}{2}$ inch in diameter respectively, and such standard Troy ounce is marked "A." The weight of this standard in terms of the Imperial standard is 479.99197 grains when both are weighed *in vacuo*, and 480.03648 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, for which due allowance is to be made when comparing other standards.

PART II.

PARLIAMENTARY COPIES OF DOMINION STANDARDS.

The following copies of the standards above mentioned in part one of this schedule were constructed at the same time as the above standards. They are of the same construction and form as the above standards, and they are respectively marked and deposited as follows:—

(1) One of the copies of the Dominion standard for determining the Dominion standard yard, being a bronze bar marked "Mr. Baily's metal," "Standard Yard," "B," "Troughton and Simms, London," one of the copies of the Dominion standard for determining the Dominion standard pound, marked "B," and one of the copies of the Dominion standard for determining the Dominion standard Troy ounce marked "B," have been deposited with the Speaker of the Senate. This copy of the standard yard is standard at a temperature of 62.16° of Fahrenheit's thermometer, and the weight of this copy of the standard pound, in terms of the Imperial standard, when both are weighed *in vacuo*, is 6999.98312 grains.

(2.) One of the copies of the Dominion standard for determining the Dominion standard yard, being a bronze bar marked "Mr. Baily's metal," "Standard Yard," "C," "Troughton and Simms, London," one of the copies of the Dominion

standard for determining the Dominion standard pound, marked "C," and one of the copies of the Dominion standard for determining the Dominion standard Troy ounce, marked "C," have been deposited with the Speaker of the House of Commons. This copy of the standard yard is standard at a temperature of 61·45° of Fahrenheit's thermometer, and the weight of this copy of the standard pound, in terms of the Imperial standard, when both are weighed *in vacuo*, is 6999·98367 grains. 42 V., c. 16, 1st sch.

SECOND SCHEDULE.

DEPARTMENTAL STANDARDS.

Measures of Length.		Measures of Capacity.	
No. of each.	Denomination of Standard.	Denomination of Standard.	
		<i>Set marked "a."</i>	
1	100 feet.		Bushel.
1	66 feet or chain of 100 links.		Half-bushel.
2	10 feet end measures, with bed.		Peck.
1	6 feet end measure, with bed.		Gallon.
1	3 feet or 1 yard		Half-gallon.
1	1 inch divided into 10 decimal parts, one of which is again divided into ten subdivisions of $\frac{1}{100}$ th of an inch each.		Quart
			Pint.
			Half pint.
			Gill
			Half-gill.
		<i>Set marked "b."</i>	
			Bushel.
			Half-bushel.
			Peck.
			Gallon.
			Half-gallon.
			Quart.
			Pint.
			Half-pint.
			Gill.
			Half-gill.

WEIGHTS.

Denomination of Standard.	Denomination of Standard.	Denomination of Standard.
Avoirdupois Weights.	Troy Bullion Weights.	Decimal Grain Weights.
<i>Set marked "a."</i>	<i>Set marked "a."</i>	<i>Set marked "a."</i>
50 pounds.	500 ounces.	1,000 grains.
30 do	300 do	600 do
20 do	200 do	300 do
10 do	100 do	200 do
5 do	50 do	100 do
3 do	30 do	60 do
2 do	20 do	30 do
1 pound.	10 do	20 do
8 ounces.	5 do	10 do
4 do	3 do	6 do
2 do	2 do	3 do
1 ounce.	1 do	2 do
8 drams.	.5 do	1 do
4 do	.3 do	.6 do
2 do	.2 do	.3 do
1 dram.	.1 do	.2 do
$\frac{1}{2}$ do	.05 do	.1 do
.5 pound.	.03 do	.06 do
.3 do	.02 do	.03 do
.2 do	.01 do	.02 do
.1 do	.005 do	.01 do
.05 do	.003 do	
.03 do	.002 do	
.02 do	.001 do	
.01 do		
.005 do		
.003 do		
.002 do		
.001 do		
<i>Set marked "b."</i>	<i>Set marked "b."</i>	<i>Set marked "b."</i>
50 pounds.	500 ounces.	1,000 grains.
30 do	300 do	600 do
20 do	200 do	300 do
10 do	100 do	200 do
5 do	50 do	100 do
3 do	30 do	60 do
2 do	20 do	30 do
1 pound.	10 do	20 do
8 ounces.	5 do	10 do
4 do	3 do	6 do
2 do	2 do	3 do
1 ounce.	1 do	2 do
8 drams.	.5 do	1 do
4 do	.3 do	.6 do
2 do	.2 do	.3 do
1 dram.	.1 do	.2 do
$\frac{1}{2}$ do	.05 do	.1 do
.5 pound.	.03 do	.06 do
.3 do	.02 do	.03 do
.2 do	.01 do	.02 do
.1 do	.005 do	.01 do
.05 do	.003 do	
.03 do	.002 do	
.02 do	.001 do	
.01 do		
.005 do		
.003 do		
.002 do		
.001 do		

THIRD SCHEDULE.

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

1.—MEASURES OF LENGTH.

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

2.—MEASURES OF SURFACE.

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

3.—WEIGHTS.

Metric Denomination and Value.		Equivalents expressed in term ^s of the Standard of Canada.	
—	Grams.	In pounds Avoirdupois and decimal parts of a pound.	In grains and decimal parts of a grain Troy.
Millier.....	1000000	2204·62125	
Quintal.....	100000	220·46212	
Myrigramme.....	10000	22·046212	
Kilogramme.....	1000	2·204621	
Hectogramme.....	100	·220462	
Decagramme.....	10	·022046	
Gramme.....	1	·002204	15·4323487
Decigramme.....	$\frac{1}{10}$	·0002204	1·5432349
Centigramme.....	$\frac{1}{100}$	·0000220	·1543235
Milligramme.....	$\frac{1}{1000}$	·0000022	·0154323

4.—MEASURES OF CAPACITY.

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

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

FOURTH SCHEDULE.

METRIC STANDARDS.

List of Metric Standards in the custody of the Inland Revenue Department.

MEASURES OF LENGTH.

Metre.

The Dominion standard for determining the length of the metre is a solid square bar, forty-one and a-half inches long, and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being one metre or thereabout) to the depth of half an inch; at the bottom of each hole is inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter, and upon the surface of each pin is cut a fine line transverse to the axis of the bar, and two lines at an interval of about one hundredth of an inch parallel to the axis of the bar. The measure of length of the metre is given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as the centres of the said gold plugs or pins, and such bar is marked "Mr. Baily's metal," "Standard Metre," "Troughton & Simms, London." There are also on the upper side of the bar two holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature. This standard is shorter than the French standard "Metre des archives," by ·00147 of a millimetre at 0° Centigrade, or 32° Fahrenheit, or is standard at 32·16° Fahrenheit.

WEIGHTS.

Kilogramme.

The Dominion standard for determining the weight of the Kilogramme is of bronze, the form being that of a cylinder with a knob, the cylinder having a groove cut in it at about two-thirds of its height. Its value as compared with the French Standard Kilogramme is 1000002.45 milligrammes, or 1.00000245 of a Kilogramme.

METRIC WEIGHTS.

No. of each.	Denomination.	No. of each.	Denomination.
1	20 Kilogrammes.	1	5 Decigrammes.
1	10 do	1	2 do
1	5 do	2	1 Decigramme.
2	2 do	1	5 Centigrammes.
1	1 Kilogramme.	1	2 do
1	500 Grammes.	2	1 Centigramme.
2	200 do	1	5 Milligrammes.
1	100 do	2	2 do
1	50 do	1	1 Milligramme.
2	20 do		
1	10 do		
1	5 do		
1	2 do		
2	1 Gramme.		

42 V., c. 16, 4th sch.

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CHAPTER 105.

An Act respecting Canned Goods.

A.D. 1886.

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

1. In this Act the expression "package" means every Interpretation. can, tin or package in which articles or goods are put up for sale and which are closed by being hermetically sealed. "Package." 48-49 V., c. 63, s. 1.

2. Except in the case of goods packed previously to the twentieth day of July, one thousand eight hundred and eighty-five, every package of canned goods sold or offered for sale in Canada, for consumption therein, shall have attached thereto or imprinted thereon a label or stamp, setting forth in legible characters the name and address of the person, firm or company by whom the same was packed, or of the dealer who sells the same or offers it for sale : Name and address of packer to be stamped on packages.

2. Every such package containing goods prepared from Dried goods. products which have been dried previously to being so prepared, shall, in addition, be labelled or stamped with the word "soaked :"

3. Every person who sells or offers for sale any such goods in violation of any provision of this section shall, on summary conviction before a justice of the peace, for a first offence, incur a penalty of two dollars for each such package, and for a subsequent offence a penalty not exceeding twenty dollars and not less than four dollars, for each such package in respect of which any such provision has been violated. 48-49 V., c. 63, s. 2. Penalty for contravention.

3. Every person who places on any package any label, brand or mark which falsely represents the quantity or weight of the contents of such package, shall, on summary conviction before a justice of the peace, incur a penalty of two dollars for each package on which the quantity or weight is so falsely represented : Provided always, that a variation under the rate of three per cent. shall not be deemed a violation of the provisions of this section. 48-49 V., c. 63, s. 3. Penalty for misrepresentation of contents.

4. Every person who places on any package any label, brand or mark which falsely represents the date when the Or of date when packed.

article or goods contained therein were packed, shall, on summary conviction before a justice of the peace, incur a penalty of two dollars for each package on which such date is falsely represented. 48-49 V., c. 63, s. 4.

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CHAPTER 106.

An Act respecting the Traffic in Intoxicating Liquors. A.D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Canada Temperance Act.*" Short title. 41 V., c. 16, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
(a.) The expression "intoxicating liquors" means and includes any and every spirituous or malt liquor, and every wine, and any and every combination of liquors or drinks that is intoxicating, and any mixed liquor capable of being used as a beverage, and part of which is spirituous or otherwise intoxicating; Interpretation.
"Intoxicating
"liquors."

(b.) The expression "county" includes every town, township, parish and other division or municipality, except a city, within the territorial limits of the county, and also a union of counties united for municipal purposes; and as respects the Province of Manitoba, the expression "county" means the electoral districts therein, as designated by "*The Representation Act.*" 41 V., c. 16, s. 2;—42 V., c. 50, ss. 2 and 4. "County."
Provision as
to the word
"County" as
respects the
Province of
Manitoba.

DIVISION OF ACT.

3. This Act is divided into three parts,—
The first part relating to proceedings for bringing the second part of this Act into force: Division of
Act
The second part relating to the prohibition of traffic in intoxicating liquors:
The third part relating to penalties and prosecutions for offences against the second part.

FIRST PART.

PROCEEDINGS FOR BRINGING THE SECOND PART OF THIS ACT INTO FORCE.

Mode of obtaining Poll.

4. Any petition to the Governor in Council for the bringing of the second part of this Act into force in any county Form of
petition to
Governor
in Council.

or city, may be in the form A in the schedule to this Act, or in words to the same effect. 41 V., c. 16, s. 4.

Form of notice of desire to have votes of electors taken.

5. Such petition may be embodied as in form A in the schedule to this Act, in a notice in writing addressed to the Secretary of State of Canada and signed by electors qualified and competent to vote at the election of a member of the House of Commons in the county or city, to the effect that the signers desire that the votes of all of such electors, hereinafter termed electors, be taken for and against the adoption of the petition. 41 V., c. 16, s. 5.

Evidence of notice being given by one-fourth of electors, &c.

6. There shall be laid before the Secretary of State, together with, or in addition to, every such notice, evidence that there are appended to it the genuine signatures of at least one-fourth in number of all the electors in the county or city named in it,—and that such notice has been deposited for public examination by any person, for ten days preceding its being laid before the Secretary of State, in the office of the sheriff or registrar of deeds of or in the county or city, or in the Province of Manitoba, in any registry office in the respective electoral districts, or in any sheriff's office in such districts,—and that two weeks' previous notice of such deposit has been given in two newspapers published in or nearest to the county or city, and by at least two insertions in each paper. 41 V., c. 16, s. 6;—42 V., c. 50, s. 3.

In that case a proclamation may issue.

7. If it appears by evidence to the satisfaction of the Governor in Council that any such notice has appended to it the genuine signatures of one-fourth or more of all the electors in the county or city named in it, and has been duly deposited as aforesaid, after notice as aforesaid, the Governor in Council may issue a proclamation under this part of this Act. 41 V., c. 16, s. 7.

Proclamation to be published.

8. Such proclamation shall be inserted at least three times in the *Canada Gazette*, and three times in the official Gazette of the Province in which the county or city is situated. 41 V., c. 16, s. 8.

Contents thereof.
Notice.

Signatures.
Day of poll.

Hours.

Returning officer.

9. In such proclamation there may be set forth,—

(a.) The notice in full, with the proposed petition embodied in it;

(b.) The number of the signatures to the notice;

(c.) The day on which the poll for taking the votes of the electors for and against the petition will be held;

(d.) That such votes will be taken between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, by ballot;

(e.) The name of the sheriff, registrar or other person appointed returning officer for the purpose of taking, on that day, the votes of the electors for and against the peti-

tion, and of afterwards summing up the same and making a return of the result to the Governor in Council ;

(f.) The power of the returning officer to appoint a deputy returning officer at and for each polling place or station ; Deputies.

(g.) The place where, and the day and hour when, the returning officer will appoint persons to attend at the various polling stations, and at the final summing up of the votes on behalf of the persons interested in, and promoting or opposing respectively, the adoption of the petition ; Representatives.

(h.) The place where, and the day and hour when, the votes of the electors will be summed up, and the result of the polling declared by the returning officer ; Place and date of final summing up.

(i.) The day on which, in the event of the petition being adopted by the electors, the second part of this Act will go into force in the county or city in question ; Date when second part will go into force.

And any such further particulars with respect to the taking and summing up of the votes of the electors as the Governor in Council sees fit to insert therein : General matters.

2. No polling of votes under this Act shall be held in any city or county on the same day that any election takes place in such city or county for a member to serve in the Parliament of Canada or in the local Legislature of any of the Provinces of Canada. 41 V., c. 16, s. 9. No polling on certain days.

Returning Officers and their Duties.

10. Either the sheriff or the registrar of deeds, or one of the sheriffs, or one of the registrars of deeds, for the county or city, or for a portion of the county or city in which the poll is to be held, or the nearest sheriff or registrar, or any other person, may be appointed returning officer in any case under this part of this Act ; and the naming of any person in any proclamation issued under this Act shall be a sufficient appointment and sufficient evidence of the appointment of such person as returning officer for the purposes mentioned in the proclamation. 41 V., c. 16, s. 10. Who may be appointed returning officers.

11. On receiving a copy of the proclamation, the returning officer shall forthwith indorse thereon the date on which he receives the same ; and before taking any further action thereon he shall take, before a justice of the peace, the oath of office in the form B in the schedule to this Act. 41 V., c. 16, s. 11. Returning officer to take oath of office.

12. All persons qualified to vote at the election of a member of the House of Commons, in the county or city to which any proclamation issued under this Act relates, on the day on which a poll is held in compliance with such proclamation, and no others, shall be qualified to vote and to have their votes polled on that day, for or against the adoption of the petition mentioned in such proclamation. 41 V., c. 16, s. 12. Qualification of voters.

Returning officer to ascertain who are qualified to vote.

13. The returning officer shall ascertain from the lists of voters which, under the provisions of this Act, are to be used at the polling of votes—and, in any county or city where there are voters entitled to vote but there are no lists of voters, from such other information as is within his reach—the number of, or probable number of persons qualified to vote in each town, parish, township, local municipality or other locality in the county, or ward in the city where voters are so entitled to vote; and if such town, parish, township, local municipality or other locality or such ward, has not been subdivided for electoral purposes into polling districts by the Legislature, or by the local authorities under the legislation of the Province wherein such county or city is situate, or by the returning officer at the then last election of a member of the House of Commons in the county or city, he shall subdivide such town, parish, township, local municipality or other locality in the county, or ward in the city, into polling districts in a convenient manner, so that there shall be at least one polling district for every two hundred voters; and he shall also fix a polling station in a central and convenient place in each polling district; and the returning officer may, in his discretion, grant such additional polling places in such polling districts as the extent of the district and the remoteness of any body of its voters from the polling place renders necessary, although the voters thereof are less than the number above specified. 41 V., c. 16, s. 13, *part*.

To subdivide localities into polling districts.

And fix a polling station, or more, in each polling district.

Returning officer to post up notices indicating polling stations and limits of polling districts.

14. The returning officer shall, eight days at least before the day on which the poll for taking the votes of the electors for and against the petition is to be held, by a notice under his hand, indicate, with reference to the holding of such poll, the several polling stations fixed by him, and the territorial limits to which they shall respectively apply, and shall cause the said notice to be posted up at four of the most prominent and conspicuous places in each polling district. 41 V., c. 16, s. 13, *part*.

Further duties. Deputies.

15. Every person so appointed returning officer shall—
(a.) Appoint, by a commission under his hand, in the form C in the schedule to this Act, one deputy returning officer for each polling district comprised in the county or city, who shall, before acting as such, take before the returning officer or a justice of the peace, the oath of office, in the form D in the schedule to this Act;

Lists of voters.

(b.) Furnish each deputy returning officer with a copy of the list or of such portion of the list of voters as contains the names, arranged alphabetically, of the electors qualified to vote at the election of a member of the House of Commons, at the polling station for which he is appointed,—such copy being first certified by himself or by the proper custodian of the lists from which such copies are taken;

(c.) Deliver to each deputy returning officer, eight days at least before the polling day, a ballot box to receive the ballot papers of the voters,—which ballot box shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom, unless the box is unlocked ;

Ballot boxes.

(d.) Furnish each deputy returning officer with a sufficient number of ballot papers (all being of the same description, and as nearly as possible alike) to supply the number of voters on the list of such polling district, and with the necessary materials for voters to mark their ballot papers ;

Ballot papers.

(e.) Furnish to each deputy returning officer, at least ten copies of printed directions, for the guidance of voters in voting,—which printed directions the deputy returning officer shall, before or at the opening of the poll, on the day of polling, cause to be posted up in some conspicuous places outside of the polling station, and also in each compartment of the polling station. 41 V., c. 16, s. 14.

Directions.

16. The returning officer shall obtain the different lists of voters, or copies or extracts thereof, from the registrars, city or town clerks, clerks of the peace, clerks of the municipalities or such other officers as are, by law, the proper custodians of such lists, or of duly certified duplicates or copies thereof ; and the lists of voters which would be used at an election of a member of the House of Commons, in the same district at the same time, shall be the lists of voters which shall be used at every polling of votes under the provisions of this Act ; and every such officer who omits or refuses to furnish such lists, copies or extracts of the voters' lists, within a reasonable time, to the returning officer requiring the same, shall incur a penalty not exceeding two thousand dollars and not less than two hundred dollars. 41 V., c. 16, s. 15.

Obtaining lists of voters.

Penalty for refusing to furnish lists.

17. Whenever the returning officer fails to furnish to the deputy returning officer in any polling district, the ballot box within the time prescribed by this Act, such deputy returning officer shall cause one to be made. 41 V., c. 16, s. 16.

If ballot box is not furnished.

18. The ballot of each voter shall be a printed paper, in this Act called a ballot paper, with a counterfoil, and the ballot paper and counterfoil shall be according to the form E in the schedule to this Act. 41 V., c. 16, s. 17.

Form of ballot papers.

19. The printed directions to be furnished to the deputy returning officers shall be according to the form F in the schedule to this Act. 41 V., c. 16, s. 18.

Form of directions.

20. At the place and time named for that purpose in the proclamation, the returning officer shall, by an instrument

Appointment of agents in each interest.

in writing, signed by him, appoint from and out of such persons as apply to him to be so appointed, one person to attend at each polling station, and two persons to attend at the final summing up of the votes, as agents on behalf of the persons interested in and desirous of promoting the adoption of the petition, and one person to attend at each polling station, and two persons to attend at the final summing up of the votes, as agents on behalf of the persons interested in and desirous of opposing the adoption of the petition. 41 V., c. 16, s. 19.

Form of oath of person to be appointed agent.

21. Before any person is so appointed, he shall make and subscribe before the returning officer or any deputy returning officer, a declaration, in the form G in the schedule to this Act, to the effect that he is interested in and desirous of promoting, or of opposing, as the case may be, the adoption of the petition. 41 V., c. 16, s. 20.

Agent to produce appointment.

22. Every person so appointed, before being admitted to the polling station, or to the final summing up of the votes, as the case may be, shall produce to the deputy returning officer his written appointment. 41 V., c. 16, s. 21.

Appointment and oath of substitute for agent.

23. In the absence of any person authorized, as aforesaid, to attend at any polling station, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing before the deputy returning officer at the polling station, or the returning officer at the final summing up of the votes, as the case may be, a declaration in the form G in the schedule to this Act, be admitted to the polling station, or to the final summing up of the votes, as the case may be, to act for the person so absent. 41 V., c. 16, s. 22.

Provision respecting attendance of agents.

24. Whenever in this part of this Act any expressions are used, requiring or authorizing any act to be done, or inferring that any act or thing is to be done in the presence of the agents of the persons interested, such expressions shall be deemed to refer to the presence of such agents as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in any wise the act or thing done. 41 V., c. 16, s. 23.

The Poll.

Polls to be held; votes by ballot.

25. On the day and at the hour fixed by proclamation, a poll shall be held at each polling station in such county or city, and the votes shall be taken by ballot. 41 V., c. 16, s. 24.

26. The poll shall be held in each polling district in a room or building of convenient access, with an outside door for the admittance of the voters, and having, if possible, another door through which they may leave after having voted; and one or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper. 41 V., c. 16, s. 25.

Description of buildings in which polls shall be held.

27. Each deputy returning officer shall open the poll assigned to him at the hour of nine of the clock in the forenoon, and keep the same open until five of the clock in the afternoon; and shall, during that time, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling place. 41 V., c. 16, s. 26.

Hours for opening and closing polls.

28. In addition to the deputy returning officer, such persons as have been appointed or admitted under this Act, as agents, and no others, shall be permitted to remain in the room where the votes are given, during the time the poll remains open. 41 V., c. 16, s. 27.

Who may be present at the polling of votes.

29. Every agent, on being admitted to the polling station, shall take an oath to keep secret the space on the ballot paper in which any of the voters marks his ballot paper in his presence, as hereinafter required; which oath shall be in the form H in the schedule to this Act. 41 V., c. 16, s. 28.

Agent's oath of secrecy.

30. At the hour fixed for opening the poll the deputy returning officer shall, in the presence of such of the electors and agents as are present, open the ballot box and ascertain that there are no ballots or other papers in the same, after which the box shall be locked, and the deputy returning officer shall keep the key thereof. 41 V., c. 16, s. 29.

Opening, examining and locking ballot box.

31. Immediately after the ballot box is locked, as above provided, the deputy returning officer shall call upon the electors to vote. 41 V., c. 16, s. 30.

Calling voters.

32. Each elector shall vote at the polling station of the polling district in which he is qualified to vote, and no other; and the deputy returning officer shall secure the admittance of every elector into the polling station, and see that he is not impeded or molested at or about the polling station. 41 V., c. 16, s. 31.

Where electors shall vote.

33. The returning officer, on the request of any elector entitled to vote at one of the polling stations, who is appointed deputy returning officer, or who is appointed to attend as agent at a polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such elector is entitled to vote at such polling of votes at

Provision as to deputy returning officer or agent entitled to vote.

the polling station where such elector is stationed during the polling day; and on the production of such certificate such elector shall have the right to vote at the polling station where he is placed during the polling day, instead of at the polling station of the polling district where he would otherwise have been entitled to vote; but no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such deputy returning officer or agent during the day of polling. 41 V., c. 16, s. 32.

Proviso.

Proceedings preparatory to voting.

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

Elector may be sworn.

2. Such elector, if required by the deputy returning officer, or by any elector or agent, as aforesaid, present, shall, before receiving his ballot paper, take the oath or oaths of qualification required by the laws in force in the Province where the election is held, from a voter at the election of a member of the House of Assembly of that Province; the words "House of Commons of Canada" being in such case substituted for "House of Assembly," or such other change being made as is required to make the oath applicable to the election of a member of the House of Commons of Canada,—and which oath the deputy returning officer is hereby authorized to administer :

Deputy returning officer to instruct elector.

3. The deputy returning officer shall instruct him how and where to affix his mark, and how to fold his ballot paper, but without enquiring or seeing whether the elector intends to vote for or against the petition, except in the case provided for in section thirty-nine of this Act. 41 V., c. 16, s. 33

Declaration and form of oath of voter where no lists of voters are required by law.

35. If the county or city is one in or for which the election law of the Province where such county or city is situate does not require lists of voters to be made to entitle them to vote, any elector claiming his ballot paper shall declare his name, surname, addition and qualification, which shall be entered on a list kept for that purpose by the deputy returning officer; and before receiving his ballot paper such elector may be required by the deputy returning officer, or by any elector or agent present, to take the oath of qualification required by the law in force in such Province from a voter at the election of a member of the House of Assembly; the

words "House of Commons of Canada" being in such case substituted for "House of Assembly," or such other change being made as is required to make the oath applicable to the election of a member of the House of Commons of Canada, and which oath the deputy returning officer is hereby authorized to administer, 41 V., c. 16, s. 34.

36. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross in any part of the upper space if he votes for the petition, and in any part of the lower space if he votes against the petition, after which he shall fold it up so that the initials on the back can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials and the number upon the counterfoil, that it is the same that he furnished to the elector, and shall first detach and destroy the counterfoil, and shall then immediately, and in the presence of the elector, place the ballot paper in the ballot box. 41 V., c. 16, s. 35.

Mode of voting.

37. Every elector shall vote without undue delay, and shall quit the polling station so soon as his ballot paper has been put into the ballot box. 41 V., c. 16, s. 36.

Electors to vote without delay.

38. No elector shall be allowed to take his ballot paper out of the polling station; and every one who does so shall incur a penalty not exceeding two hundred dollars, and not less than fifty dollars. 41 V., c. 16, s. 37.

Ballot paper not to be taken out of station.

39. The deputy returning officer, on application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the sworn agents or of the sworn electors representing them in the polling station, and of no other person, and by placing such ballot paper in the ballot box:

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

2. The deputy returning officer shall require the voter making such application, before voting, to make oath of his incapacity to vote without such assistance, in the form following:—

Such voter to be sworn.

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

Form of oath.

3. Whenever the deputy returning officer does not understand the language spoken by any elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector, with reference to all matters required to enable such elector to vote:

Interpreter to be sworn in certain cases.

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

4. The returning officer shall cause a list to be kept of the names of voters whose ballot papers have been so marked, in pursuance of this section, with the reason why each ballot paper was so marked :

List of such voters to be kept.

5. The deputy returning officer shall enter opposite the names of the voters whose ballots have been so marked, in addition to what is required in the next following section of this Act, the reason why each ballot paper was marked by him. 41 V., c. 16, ss 38 and 39.

Entry of names of electors voting on voters' lists.

40. The deputy returning officer shall enter on the voters' list to be kept by him (in the form I in the schedule to this Act), opposite the name of each elector voting, the word "Voted," as soon as his ballot paper has been deposited in the ballot box ; and he shall enter on the same list the word "Sworn" or "Affirmed" opposite the name of each elector to whom the oath or affirmation of qualification has been administered, and the words "Refused to be sworn," or "Refused to affirm" opposite the name of each elector who has refused to take the oath or to affirm. 41 V., c. 16, s. 40.

If no voters' lists are required by law such names to be entered on a list made for the purpose.

41. When no lists of voters are required by the law in force in the county or city for which the voting takes place, the deputy returning officer shall cause the name, surname, and addition of every voter to be entered on a list to be made and kept for that purpose ; upon which list shall be entered the word "Voted" opposite the name of each voter who has voted ; or "Sworn" or "Affirmed" or "Refused to be sworn" or "Refused to affirm," as the case may be, as above provided. 41 V., c. 16, s. 41.

Voter refusing to swear or affirm not to vote.

42. No voter who has refused to take the oath or affirmation of qualification required as aforesaid by this Act, when requested so to do, shall receive a ballot paper or be admitted to vote. 41 V., c. 16, s. 42.

No elector to vote more than once.

43. No person shall vote more than once at the same polling of votes under the provisions of this Act. 41 V., c. 16, s. 43.

Case of elector in whose name another has voted.

44. If a person, representing himself to be a particular elector named on the register or list of voters, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath in the form J in the schedule to this Act, and otherwise establishing his identity to the satisfaction of the deputy returning officer, shall be entitled to receive a ballot paper, on which the deputy returning officer shall put his initials, together with a number corresponding to a number entered on the list of voters opposite the name of such voter,—and he shall thereupon be entitled to vote in like manner as any other elector :

2. The name of such voter shall be entered on the list of voters, and a note shall be made of his having voted on a second ballot issued under the same name, and of the oath or affirmation of qualification having been required and made, as well as of any objections made by any of the agents. 41 V., c. 16, s. 44. Entry on list.

45. A voter who has inadvertently dealt with the ballot paper given him, in such manner that it cannot be conveniently used, may, on delivering the same to the deputy returning officer, obtain another ballot paper in the place of that so delivered up. 41 V., c. 16, s. 45. Elector spoiling his ballot paper may obtain another.

Proceedings after close of the Poll.

46. Immediately after the close of the poll, the deputy returning officer shall, in the presence of the agents, and if the agents are absent, then in the presence of at least three electors, open the ballot box and proceed to count the number of votes given for and against the petition,—and in doing so he shall reject all ballot papers which have not been supplied by the deputy returning officer, and all those upon which there is any writing or mark by which the voter could be identified. 41 V., c. 16, s. 46. Counting of votes by deputy returning officer.

47. The other ballot papers being counted, and lists kept of the number of votes given for and of the number of votes given against the petition, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for and the votes given against the petition, respectively, shall be put into separate envelopes or parcels, and those rejected, those spoiled and those unused, shall also be put, respectively, into separate envelopes or parcels, and all such parcels, being indorsed so as to indicate their contents, shall be put into the ballot box. 41 V., c. 16, s. 47. Duty of deputy returning officer after counting the votes.

48. The deputy returning officer shall take a note of any objection made by any agent or any elector present to any ballot paper found in the ballot box, and shall decide any question arising out of the objection; and the decision of such deputy returning officer shall be final, subject only to reversal on a scrutiny as hereinafter provided. 41 V., c. 16, s. 48. Objections to ballot papers.

49. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the deputy returning officer. 41 V., c. 16, s. 49. To be numbered and initialed.

50. The deputy returning officer shall make out a statement of the accepted ballot papers, of the number of votes given each way, of the rejected ballot papers, of the spoiled and returned ballot papers, and of those unused and re- Statement to be inclosed in ballot box for returning officer.

turned by him ; and he shall make and keep a copy of such statement, and inclose in the ballot box the original statement, together with the voters' lists and a certificate, at the foot of each list, of the total number of electors who voted on such list, and such other lists and documents as have been used at such election :

Delivery to returning officer.

2. The ballot box shall then be locked and sealed, and shall be delivered to the returning officer, who shall receive or collect the same, and in case of his being unable so to do, then to one or more persons specially appointed for that purpose by the returning officer, who shall, on delivering the ballot boxes to the returning officer, take the oath in the form K in the schedule to this Act. 41 V., c. 16, s. 50.

Oath of person appointed to deliver ballot box.

Oath to be annexed to statement.

51. The deputy returning officer shall take the oath in the form L in the schedule to this Act, which shall be annexed to the statement above mentioned. 41 V., c. 16, s. 51.

Certificates to agents.

52. The several deputy returning officers, on being requested so to do, shall deliver to each of the agents, or in the absence of such agents, to the electors present representing them, a certificate of the number of votes given in each interest, and of the number of rejected ballot papers. 41 V., c. 16, s. 52.

Summing up the votes and returns.

Summing up of votes by returning officer.

53. The returning officer, at the place, day and hour appointed by the proclamation, and after having received all the ballot boxes, shall proceed to open them in the presence of the agents, if present, and of at least three electors if the agents are not present, and to add together the number of votes given in each interest, from the statements contained in the ballot boxes returned by the deputy returning officers. 41 V., c. 16, s. 53.

Adjournment if ballot boxes are missing.

54. If the ballot boxes are not all returned on the day fixed for adding up the number of votes given, the returning officer shall adjourn the proceedings to a subsequent day,—such subsequent day not being more than a week later than the day originally fixed, for the purpose of adding up the votes. 41 V., c. 16, s. 54.

Provision in case of loss of ballot boxes.

55. If the ballot boxes, or any of them, have been destroyed or lost, or for any other reason are not forthcoming within the delay so fixed, the returning officer shall ascertain the cause of the disappearance of such ballot boxes, and shall call on each of the deputy returning officers whose ballot boxes are missing, or on any other person having the same, for the lists, statements and certificates, or copies of the lists, statements and certificates, of the number of votes given in each interest, required by this Act, the whole verified

on oath—which oath the returning officer is hereby authorized to administer; and if such lists or statements, or any of them, or copies thereof, cannot be obtained, he shall ascertain, by such evidence as he is able to obtain, the total number of votes given in each interest at the several polling places, and he shall make his return accordingly, and shall mention specially in his report to be sent with the return, the circumstances accompanying the disappearance of the ballot boxes, and the mode by which he ascertained the number of votes given in each interest. 41 V., c. 16, s. 55.

Special mention in return.

56. If one half or more of all the votes polled are against the petition, the same shall be held not to have been adopted; and the returning officer shall make his return to the Governor in Council accordingly. 41 V., c. 16, s. 56.

Petition not adopted.

57. If more than half of all the votes polled are for the petition, the same shall be held to have been adopted; and the returning officer shall make his return to the Governor in Council accordingly. 41 V., c. 16, s. 57.

Petition adopted.

58. Within two weeks after the summing up of the votes, if no judge has appointed a day or place within the county or city for entering into a scrutiny of the ballot papers, as hereinafter provided for, and in case of such a scrutiny being entered into, then forthwith after the judge has determined whether the majority of the votes given was or was not in favor of the petition, the returning officer shall transmit his return to the Secretary of State, and shall send with it a report of his proceedings, in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him; and in the event of a judge having determined, after a scrutiny of the ballot papers, that the majority of the votes given was or was not in favor of the petition, such return shall be based upon, and shall be conformable to such decision. 41 V., c. 16, s. 58.

Return to be sent to Secretary of State.

59. The returning officer shall also transmit to the Secretary of State, with his return, the original statements of the several deputy returning officers referred to in section fifty of this Act, together with the voters' lists used in the several polling districts, and any other lists and documents used or required at such election, or which have been transmitted to him by the deputy returning officers:

What shall be transmitted with return.

2. Such return and report shall be sent through the post office, after being registered. 41 V., c. 16, s. 59.

How transmitted.

60. The property of the ballot boxes, ballot papers, and marking instruments procured for or used at any polling of votes under this Act, shall be in Her Majesty. 41 V., c. 16, s. 60.

Property of ballot boxes, &c.

Scrutiny.

A scrutiny may be had on application to a judge.

In Quebec.

In British Columbia.

In any other Province.

Notice of application to be given.

And recognizance entered into.

Date and place of scrutiny.

Notice of scrutiny.

Proceedings upon application for scrutiny.

Decision final; costs.

Provisions for maintenance of secrecy.

61. Within one week after the returning officer has summed up the votes and declared the result of the voting, any elector may apply for a scrutiny upon petition,—

(a.) In the Province of Quebec, to any judge of the Superior Court ordinarily discharging his duties in any judicial district in which the county or city is situated, in whole or in part;

(b.) In the Province of British Columbia, to a judge of the Supreme Court of that Province, or to a judge of the county court of any county or district within which the county or city is situate, in whole or in part;

(c.) In any other Province, to the judge of the county court of any county or district within which the county or city for which the polling of votes takes place is situate, in whole or in part :

2. The petitioner shall give such notice of the application and to such persons as the judge directs, and shall show, by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers :

3. The petitioner shall also enter into a recognizance to Her Majesty before the judge in the sum of one hundred dollars, with two sureties, to be allowed as sufficient by the judge upon affidavit of justification, in the sum of fifty dollars each, conditioned to prosecute the petition with effect, and to pay any costs which are adjudged against the petitioner, or shall deposit with the prothonotary or clerk of such court the sum of one hundred dollars as a security for such costs :

4. The judge shall thereupon appoint a day and place within the county or city for entering into the scrutiny :

5. At least one week's notice of the scrutiny shall be given by the petitioner to such persons as the judge directs. 41 V., c. 16, s. 61 and s. 62, *part.*

62. On the day and at the hour and place appointed, the returning officer shall attend before the judge, with the ballot papers in his custody, and the judge upon inspecting the ballot papers and hearing such evidence as he deems necessary, and on hearing the parties, or such of them as attend, or their counsel, shall, in a summary manner, determine whether the majority of the votes given was or was not in favor of the petition to the Governor in Council. 41 V., c. 16, s. 62, *part.*

63. The decision of the judge shall be final, and the costs shall be in his discretion, or he may apportion the costs as to him seems just. 41 V., c. 16, s. 63.

Secrecy of Voting.

64. Every officer and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of

the voting at such polling place; and shall not communicate, before the poll is closed, to any person any information as to whether any person on the voters' list has or has not applied for a ballot paper or voted at that polling place :

2. No officer or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain, at the polling place, information as to how any voter at such polling place is about to vote or has voted: No interference.

3. No officer, agent or other person shall communicate, at any time, to any person, any information obtained at a polling place as to how any voter at such polling place is about to vote or has voted: No information to be communicated.

4. Every officer and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and shall not attempt to ascertain, at such counting, or communicate any information obtained at such counting, as to how any vote is given in any particular ballot paper: Secrecy at counting of votes.

5. No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person how he has so marked his ballot paper: Inducing voters to display their ballots.

6. Any violation of this section shall be punishable by a penalty not exceeding two hundred dollars, or by imprisonment for any term not exceeding six months, with or without hard labor, in default of payment of such penalty. 41 V., c. 16, s. 66. Punishment for violation.

Preservation of the Peace and good order.

65. Every returning officer and every deputy returning officer, from the time he takes the oath of office until the day after the summing up of the votes, shall be a conservator of the peace, invested with all the powers appertaining to a justice of the peace. 41 V., c. 16, s. 71. Returning officers, &c., to be conservators of the peace.

66. Such returning officer or deputy returning officer may require the assistance of justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at such polling; and may also, on a requisition made in writing by any agent, or by any two electors, swear in such special constables as he deems necessary. 41 V., c. 16, s. 72. May require assistance and swear in special constables.

67. Such returning officer or deputy returning officer may arrest or cause to be arrested, by verbal order, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the polling, and may cause such person to be imprisoned under an order signed by him until any hour on that day, not later than the close of the poll. 41 V., c. 16, s. 73. May arrest disturbers of the peace.

May demand
offensive
weapons.

68. The returning officer or deputy returning officer may, during any day whereon any poll is begun, holden or proceeded with, require any person within half a mile of the polling station, to deliver to him any fire-arm, sword, staff, bludgeon or other offensive weapon in the hands or personal possession of such person; and any person refusing to deliver such weapon shall be liable to a penalty not exceeding one hundred dollars, and to imprisonment for a term not exceeding three months, in default of payment of such penalty. 41 V., c. 16, s. 74.

Punishment
for battery.

69. Every person convicted of a battery committed during any day whereon any poll is begun, holden, or proceeded with, within the distance of two miles of the place where such poll is begun, holden or proceeded with, is guilty of an aggravated assault, and shall be punished accordingly. 41 V., c. 16, s. 75.

Entering poll-
ing district
armed.

70. Except the returning officer or his deputy, or one of the constables or special constables appointed by the returning officer or his deputy, for the orderly conduct of the poll and the preservation of the public peace thereat, no person who has not had a stated residence in the polling district for at least six months next before the day of such polling, shall come, during any part of the day upon which the poll is to remain open, into such polling district armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons or the like; and no person being in such polling district shall arm himself during any part of the day with any such offensive weapons, and thus armed, approach within the distance of one mile of the place where the poll for such polling district is held, unless called upon by lawful authority so to do. 41 V., c. 16, s. 76.

Approaching
polling sta-
tion armed.

Treating elec-
tors forbid-
den.

71. No person shall, at any polling, either provide or furnish drink or other refreshment, at the expense of such person, to any elector during such polling, or pay for, procure or engage to pay for, any such drink or other refreshment. 41 V., c. 16, s. 77.

Flags, &c.,
not to be
furnished or
carried.

72. No person shall furnish or supply any ensign, standard or set of colors, or any other flag, to or for any person or persons whomsoever, with the intent that the same should be carried or used in the county or city on any day of polling under this Act, or within eight days before such day, or during the continuance of such polling, by such person or any other person, as a party flag, to distinguish the bearer thereof and those who follow the same as the supporters of the opinions entertained, or supposed to be entertained, by such person in either interest; and no person shall, for any reason, carry or use any such ensign, standard, set of colors or other flag as a party flag in either interest, within any

county or city on the day of any such polling, or within eight days before such day, or during the continuance of such polling. 41 V., c. 16, s. 78.

73. Every person who offends against any of the provisions of the three sections next preceding is guilty of a misdemeanor, and liable to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court. 41 V., c. 16, s. 79. Punishment for violation.

74. No intoxicating, spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern or shop or other place within the limits of any polling district, during the whole of any day on which any poll is begun, holden or proceeded with; and every one who violates the provisions of this section shall, for each offence, be liable to a penalty of one hundred dollars, and to imprisonment for a term not exceeding six months, at the discretion of the court or judge, in default of payment of such penalty. 41 V., c. 16, s. 80. Sale, &c., of liquor on polling day prohibited.
Penalty for violation.

Prevention of corrupt practices and other illegal acts.

75. The following persons are guilty of bribery, and shall be punishable accordingly:— Bribery.

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

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

(c.) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement, as aforesaid, to or for any person, in order to induce such person to procure or endeavor to procure, or to prevent or endeavor to prevent, the adoption of any petition under the provisions of this Act, or to procure or to endeavor to procure the vote Gifts or promises to induce or to prevent the adoption of the second part of this Act.

of any elector at any poll under this Act, or to prevent or endeavor to prevent any elector from voting at any polling under this Act ;

Accepting the same.

(d.) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or prevents, or engages or promises or endeavors to procure or prevent the adoption of any petition under the provisions of this Act, or the vote of any voter at any poll under this Act ;

Paying money to be used in bribery.

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

Punishment for bribery.

2. Every person so offending is guilty of a misdemeanor, and shall also incur a penalty of two hundred dollars, which may be recovered by any one who sues for the same to and for his own use, with full costs of suit : Provided always, that the actual personal expenses of any agent in either interest, his expenses for actual professional services performed, and *bonâ fide* payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a violation of this Act. 41 V., c. 16, s. 81.

Proviso : certain payments excepted.

Other acts, bribery.

76. The following persons are also guilty of bribery, and shall be punishable accordingly :—

Receiving gifts or promises during polling.

(a.) Every voter who, before or during any polling of votes under this Act, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any poll under this Act ;

And after the polling.

(b.) Every person who, after any polling under this Act, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting, at any polling under this Act :

Punishment for such offences.

2. Every person so offending is guilty of a misdemeanor, and shall also incur a penalty of two hundred dollars, which may be recovered by any one who sues for the same to and for his own use, together with full costs of suit. 41 V., c. 16, s. 82.

Offence of treating defined.

77. Every person who, corruptly, by himself or by or with any person, or by any other ways or means on his behalf, at any time either before or during any polling of

votes under this Act, directly or indirectly, gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision, to or for any person, in order to procure or prevent, or for having procured or prevented, the adoption of any petition under the provisions of this Act, or for the purpose of corruptly influencing such person, or any other person, to give or refrain from giving his vote at such polling of votes, is guilty of the offence of treating, and shall incur a penalty of two hundred dollars,—which may be recovered by any one who sues for the same to and for his own use, with full costs of suit, in addition to any other penalty to which he is liable under any other provision of this Act. 41 V., c. 16, s. 83. Penalty.

78. The giving or causing to be given to any voter on the day of polling, on account of such voter having voted or being about to vote, any meat, drink or refreshment, or any money or ticket to enable such voter to procure refreshment, shall be an unlawful act, and the person so offending shall incur a penalty of ten dollars for each offence, which may be recovered by any one who sues for the same to and for his own use, with full costs of suit. 41 V., c. 16, s. 84. Giving meat or drink to electors to be deemed an unlawful act.
Penalty.

79. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of any force, violence or restraint,—or inflicts or threatens the infliction, by himself or by or through any other person, of any injury, damage, harm or loss,—or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or to refrain from voting, or on account of such person having voted or refrained from voting at any polling under this Act,—or who, by abduction, duress or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any polling under this Act, shall be deemed to have committed the offence of undue influence and is guilty of a misdemeanor, and shall also incur a penalty of two hundred dollars, which may be recovered by any one who sues for the same to and for his own use, with full costs of suit. 41 V., c. 16, s. 85. Threats of violence, &c., forbidden.
Undue influence.
Penalty.

80. The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any agent or other person in either interest, to convey any voter or voters to or from the poll or to or from the neighborhood thereof, at any polling of votes under this Act, or the payment by any agent or other person in either interest of the travelling and other expenses of any voter, in going to or returning from any polling of votes under this Act, are unlawful acts; Paying for conveyance of voters to poll illegal.

and the person who so offends shall incur a penalty of one hundred dollars, which may be recovered by any one who sues for the same to and for his own use; and any voter hiring any horse, cab, cart, wagon, sleigh, carriage or other conveyance for any such agent, for the purpose of conveying any voter or voters to or from the polling place or places, shall, *ipso facto*, be disqualified from voting at such polling of votes under this Act,—and for every such offence shall incur a penalty of one hundred dollars, which may be recovered by any one suing for the same to and for his own use. 41 V., c. 16, s. 86.

Penalty.

Personation defined.

81. Every one is, for all the purposes of this Act, guilty of the offence of personation, who, at any polling of votes under this Act,—

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

(b.) Who, having voted once at any such polling, afterwards applies at the same polling for a ballot paper in his own name. 41 V., c. 16, s. 67.

Punishment for personation.

82. The offence of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation by any person, shall be punishable by a penalty not exceeding two hundred dollars and by imprisonment for a term not exceeding six months. 41 V., c. 16, s. 68.

Subornation of perjury or personation.

83. Every agent or other person in either interest, who corruptly, by himself or by or with any other person on his behalf, compels or induces or endeavors to induce any person to personate any voter, or to take any false oath in any matter wherein an oath is required under this Act, is guilty of a misdemeanor, and shall, in addition to any other punishment to which he is liable for such offence, incur a penalty of two hundred dollars which may be recovered by any one who sues for the same to and for his own use. 41 V., c. 16, s. 87.

Penalty.

Certain offences to be deemed corrupt practices.

84. The offences of bribery, treating or undue influence, or any of such offences as defined by this Act, personation or the inducing any person to commit personation, or any wilful offence against any of the nine sections next preceding, shall be corrupt practices within the meaning of the provisions of this Act. 41 V., c. 16, ss. 69 and 88.

Certain offences with respect to ballot papers

85. Every one who,—

(a.) Forges or counterfeits, or fraudulently alters, defaces or fraudulently destroys, any ballot paper or the initials of the deputy returning officer signed thereon, or—

(b.) Without authority supplies any ballot paper to any person, or—

(c.) Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in, or—

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

(e.) Without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll, or—

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

Is guilty of a misdemeanor and liable, if he is a returning officer, deputy returning officer or other officer engaged at the polling, to a fine not exceeding one thousand dollars, or to imprisonment for any term less than two years, with or without hard labor, in default of payment of such fine; and if he is any other person, to a fine not exceeding five hundred dollars, or to imprisonment for any term not exceeding six months, with or without hard labor, in default of payment of such fine. 41 V., c. 16, s. 64.

How punishable.

86. Every returning officer or deputy returning officer who refuses or neglects to perform any of the obligations or formalities required of him by this Act, shall, for each such refusal or neglect, incur a penalty of two hundred dollars, which may be recovered by any person who sues for the same to and for his own use. 41 V., c. 16, s. 91.

Penalty for neglect of duty by an election officer.

87. Every officer who is guilty of any wilful misfeasance or any wilful act or omission in violation of this part of this Act, shall forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person. 41 V., c. 16, s. 65.

Contravention by election officer, how punishable.

Procedure.

88. All penalties and forfeitures (other than fines in cases of misdemeanor) imposed by this part of this Act, shall be recoverable or enforceable, with full costs of suit, by any person who sues for the same by action of debt or information, in any court of competent jurisdiction in the Province in which the cause of action arises; and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common gaol of the county or district for any term less than two years, unless such penalty and costs are sooner paid: 41 V., c. 16, s. 92.

Enforcement of penalties.

2. No action or information for the recovery of any such penalty or forfeiture shall be commenced unless the person suing for the same has given good and sufficient security, to the amount of fifty dollars, to indemnify the defendant for the costs occasioned by his offence, if the person suing is condemned to pay the same.

No suit for penalty to be brought unless security is given for costs.

What it shall suffice to state in declaration.

89. It shall be sufficient for the plaintiff, in any action or suit under this Act, to allege, in his pleading or declaration, that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence in respect of which the action or suit is brought, and that the defendant has acted contrary to this Act. 41 V., c. 16, s. 93.

Time for bringing action or suit limited.

90. Every prosecution for any misdemeanor under this part of this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to the person suing for the same, shall be commenced within the space of six months next after the act committed, and not afterwards, unless the same is prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court, and when commenced, shall be proceeded with and carried on without wilful delay. 41 V., c. 16, s. 94.

General Provisions.

Mistakes of form only not fatal.

91. No polling of votes under this Act shall be declared invalid by reason of a non-compliance with the rules contained in this Act, as to the taking of the poll or the counting of the votes, under the provisions of this Act, or of any mistake in the use of the forms contained in the schedules to this Act, if it appears to the tribunal having cognizance of the question that the polling of votes was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the polling. 41 V., c. 16, s. 70.

No excuse of privilege, &c., allowed for not answering questions.

92. No person shall be excused from answering any question put to him in any action, suit or other proceeding in any court, or before any judge, commissioner or other tribunal, touching or concerning any polling of votes under this Act, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such person, other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers to the satisfaction of the judge, commissioner or tribunal. 41 V., c. 16, s. 89.

Such evidence not to be used against the witness.

Contracts or promises relating to polling of votes under this Act to be void.

93. Every executory contract, or promise or undertaking, in any way referring to, arising out of, or depending upon, any polling of votes under this Act, even for the payment of lawful expenses or the doing of some lawful act, shall be void in law; but this provision shall not enable any person to

recover back any money paid for lawful expenses connected with such polling. 41 V., c. 16, s. 90.

EFFECT OF DECISION.

94. When, in any county or city, one half or more of all the votes polled have been against the adoption of any petition embodied, as aforesaid, in any notice and in any proclamation under the first part of this Act, no similar petition shall be put to the vote of the electors of such county or city for a period of three years from the day on which such vote was taken. 41 V., c. 16, s. 95.

Effect of non-
adoption of
petition.

95. When any petition embodied, as aforesaid, in any notice and in any proclamation under this part of this Act, has been adopted by the electors of the county or city named therein and to which the same relates, the Governor in Council may, at any time after the expiration of sixty days from the day on which the same was adopted, by Order in Council published in the *Canada Gazette*, declare that the second part of this Act shall be in force and take effect in such county or city upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in such county or city will expire, provided such day is not less than ninety days from the day of the date of such Order in Council; and if it is less, then on the like day in the then following year; and upon, from and after that day, the second part of this Act shall become and be in force and take effect in such county or city accordingly:

If petition is
adopted, the
second part of
this Act may
be brought
into force by
Order in
Council.

2. If, in any county or city, there are no licenses in force in the county or city when the petition mentioned in the first part of this Act is adopted, the second part of this Act shall become and be in force and take effect in such county or city after the expiration of thirty days from the day of the date of such Order in Council to that effect, published in the *Canada Gazette*. 41 V., c. 16, s. 96;—47 V., c. 31, s. 1.

If there are no
licenses in
force in the
county or
city.

96. No Order in Council issued under this Act shall be revoked until after the expiration of three years from the day of the coming into force under it of the second part of this Act, nor until a petition to the Governor in Council, praying for such revocation, has been embodied in a notice in writing addressed to the Secretary of State and signed by one fourth or more of the whole number of the electors then qualified and competent to vote at the election of a member of the House of Commons, in the county or city named in such Order in Council, and such proceedings have been had thereon as are, by this Act, required to be had on a notice and petition for the bringing of the second part of this Act into force, and more than one half of all the votes polled have been found to be for the petition for the revocation of such Order in Council; and each and all of the provisions of the preceding

No Order in
Council to be
revoked for
three years,
and then only
on similar
petition, no-
tice and other
proceedings.

Application of provisions of the preceding sections.

sections of this Act shall apply, *mutatis mutandis*, to every case of a petition and notice for the revocation of an Order in Council under this section, and to the proceedings to be had and taken thereon, and in respect to the powers to be exercised and the offences that may be committed, and the penalties that may be incurred in the course of and in connection with such proceedings. 41 V., c. 16, s. 97.

REPEAL OF BY-LAWS PASSED UNDER THE TEMPERANCE ACT OF 1864, AND REPEAL OF CERTAIN SECTIONS OF THAT ACT.

Proceedings for repeal of by-law under Temperance Act, 1864.

97. If a petition to the Governor in Council, praying for the repeal of a by-law passed by the council of any county or city in the Provinces of Ontario or Quebec under the authority and for the enforcement of the Act of the Legislature of the late Province of Canada, passed in the session thereof held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chaptered eighteen, and known as "*The Temperance Act of 1864*," is embodied in a notice addressed to the Secretary of State and signed by one fourth or more of the electors of such county or city, and such proceedings are had thereon as are, by this Act, required to be had on a notice and petition for bringing the second part of this Act into force, and more than one half of the votes polled are found to be for the petition, the Governor in Council may, by Order in Council, repeal such by-law, and thereupon such by-law shall become and be repealed, upon, from and after the day of the publication of such Order in Council in the *Canada Gazette*; and each and all of the provisions of the preceding sections of this Act shall apply, *mutatis mutandis*, to every case of a petition and notice for the repeal of any such by-law, and to the proceedings to be had and taken thereon, and in respect to the powers to be exercised, and the offences that may be committed, and the penalties that may be incurred in the course of and in connection with such proceedings. 41 V., c. 16, s. 98.

Application of provisions of preceding sections.

Repeal of certain sections of Temperance Act, 1864, as to certain municipalities.

98. Sections one to ten, both inclusive, of the said "*Temperance Act of 1864*," are repealed as to every municipality within the limits of the said late Province of Canada in which no by-law passed and approved, or adopted and passed under the authority and for the enforcement of the said Act, is in force:

As to municipalities in which a by-law has been passed.

2. As to every municipality within the limits of the said late Province of Canada in which a by-law passed and approved, or adopted and passed, under the authority and for the enforcement of the said Act is in force, the said sections of the said Act shall be repealed forthwith, upon, from and after the day next following the day on which such by-law is repealed under the provisions of the said Act, or of this Act:

Proviso: if such municipality is

3. Provided always, that if such municipality is included in the limits of, or has the same limits as any county or city

in which the second part of this Act is brought into force before the repeal of such by-law, then such by-law shall thereupon *ipso facto* become and be null and void and of no effect whatsoever, and the said sections shall be repealed, upon, from and after the day on which the said second part of this Act comes into force and takes effect in such county or city. 41 V., c. 16, s. 3, *part*;—42 V., c. 50, s. 1.

included in a county or city in which the second part of this Act is brought into force.

SECOND PART.

PROHIBITION OF TRAFFIC IN INTOXICATING LIQUORS.

99. From the day on which this part of this Act comes into force and takes effect in any county or city, and for so long thereafter as the same continues in force therein, no person shall, within such county or city, by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, on any pretence or upon any device, sell or barter, or in consideration of the purchase of any other property, give to any other person any intoxicating liquor:

No liquor to be sold, &c., when and where this part of this Act is in force, except for certain purposes.

2. No act done in violation of this section shall be rendered lawful by reason of—

Possession of certain licenses not to render act lawful.

(a) Any license issued to any distiller or brewer; or—

(b) Any license for retailing on board any steamboat or other vessel, brandy, rum, whisky, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors; or—

(c) Any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whisky or other spirituous liquors; or—

(d) Any license of any other description whatsoever:

3. Provided always, that the sale of wine for exclusively sacramental purposes may, on the certificate of a clergyman affirming that the wine is required for sacramental purposes, be made by druggists and vendors thereto specially licensed by the Lieutenant Governor in each Province; but the number of such licensed druggists and vendors shall not exceed one in each township or parish, or two in each town, or one for every four thousand inhabitants in each city:

Proviso: sales for sacramental purposes.

4. Provided also, that the sale of intoxicating liquor for exclusively medicinal purposes or for *bonâ fide* use in some art, trade or manufacture, may be made by such licensed druggists and vendors; but such sale, when for medicinal purposes, shall be in quantities of not less than one pint, to be removed from the premises, and shall be made only on the certificate of a medical man having no interest in the sale, affirming that such liquor has been prescribed for the person named therein; and when such sale is for its use in some art, trade or manufacture, the same shall be made only on a certificate, signed by two justices of the peace, of the good faith of the

And for medicinal and mechanical purposes.

Certificate to be produced.

Annual re-
turn to be
furnished.

application, accompanied by the affirmation of the applicant, that the liquor is to be used only for the particular purposes set forth in the affirmation; and such druggist or vendor shall file the certificates and keep a register of all such sales, indicating the name of the purchaser and the quantity sold, and shall make an annual return of all such sales, on the thirty-first day of December in every year, to the collector of inland revenue within whose revenue division the county or city is situated :

Distiller, or
brewer, &c.,
may sell
liquor of his
own manu-
facture in
wholesale
quantities
and to certain
persons only.

5. Provided also, that any producer of cider in the county may, at his premises, and any licensed distiller or brewer, having his distillery or brewery within any county or city, may, at such distillery or brewery, expose and keep for sale such liquor as he manufactures thereat, and no other; and may sell the same thereat, but only in quantities not less than ten gallons, or in the case of ale or beer, not less than eight gallons at any one time, and only to druggists and vendors licensed as aforesaid, or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city in which this part of this Act is then in force, and to be wholly removed or taken away in quantities not less than ten gallons, or in the case of ale or beer, not less than eight gallons at a time :

As to sales by
vine-growing
companies.

6. Provided also, that any incorporated company authorized by law to carry on the business of cultivating and growing vines and of making and selling wine and other liquors produced from grapes, having their manufactory within such county or city, may thereat expose and keep for sale such liquor as they manufacture thereat, and no other; and may sell the same thereat, but only in quantities not less than ten gallons at any one time, and only to druggists and vendors licensed as aforesaid, or to such persons as they have good reason to believe will forthwith carry the same beyond the limits of the county or city and of any adjoining county or city in which this part of this Act is then in force, and to be wholly removed and taken away in quantities not less than ten gallons at a time :

As to sales by
manufactur-
ers of pure
native wines.

7. Provided also, that manufacturers of pure native wines made from grapes grown and produced by them in Canada, may, when authorized so to do, by license from the municipal council, or other authority having jurisdiction where such manufacture is carried on, sell such wines at the place of manufacture in quantities of not less than ten gallons at one time, except when sold for sacramental or medicinal purposes, when any number of gallons, from one to ten, may be sold :

Merchants
and traders
may sell
liquor in
wholesale
quantities
and to cer-

8. Provided also, that any merchant or trader, exclusively in wholesale trade and duly licensed to sell liquor by whole-
sale, having his store or place for sale of goods within such county or city, may thereat keep for sale and sell intoxicating liquor, but only in quantities not less than ten

gallons at any one time, and only to druggists and vendors licensed as aforesaid, or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city, in which this part of this Act is then in force, to be wholly removed and taken away in quantities not less than ten gallons at a time:

tain persons only.

9. In any prosecution against a producer, distiller, brewer, manufacturer, merchant or trader, under this section, it shall lie upon the defendant to furnish satisfactory evidence of having good reason for believing that such liquor would be forthwith removed beyond the limits of the county or city, and of any adjoining county or city in which this part of this Act is then in force, for consumption outside the same. 41 V., c. 16, s. 99.

Burthen of proof of reasons of belief of intention to remove the liquor sold.

THIRD PART.

PENALTIES AND PROSECUTIONS FOR OFFENCES AGAINST THE SECOND PART.

100. Every one who, by himself, his clerk, servant or agent, exposes or keeps for sale, or directly or indirectly, on any pretence or by any device, sells or barter, or in consideration of the purchase of any other property, gives to any other person any intoxicating liquor, in violation of the second part of this Act, shall, on summary conviction, be liable to a penalty of not less than fifty dollars for the first offence, and not less than one hundred dollars for the second offence, and to imprisonment for a term not exceeding two months for the third and for every subsequent offence:

Punishment of sale, &c., in violation of second part of this Act.

2. Every one who, in the employment or on the premises of another, so exposes or keeps for sale, or sells, or barter, or gives in violation of the second part of this Act, any intoxicating liquor, is equally guilty with the principal, and shall, on summary conviction, be liable to the same penalty or punishment:

Punishment of employee who sells.

3. All intoxicating liquors, in respect to which any such offence has been committed, and all kegs, barrels, cases, bottles, packages or receptacles of any kind whatever in which the same are contained, shall be forfeited. 41 V., c. 16, s. 100.

Forfeiture.

101. Any prosecution for any such penalty or punishment may be brought by or in the name of the collector of Inland Revenue within whose official division the offence was committed,—or by or in the name of any person. 41 V., c. 16, s. 101.

By whom penalties may be sued for.

102. Such collector of Inland Revenue shall bring such prosecution, whenever he has reason to believe that any such offence has been committed, and that a prosecution

When collector of Inland Revenue shall prosecute.

therefor can be sustained, and would not subject him to any undue measure of responsibility in the premises. 41 V., c. 16, s. 102.

JURISDICTION AND PROCEDURE.

- 103.** Such prosecution may be brought,—
- Prosecutions** (a.) In the Province of Quebec, if the offence was committed in the city of Montreal or in the city of Quebec, before the recorder or judge of the sessions of the peace at Montreal or Quebec, as the case may be ; or, if the offence was committed in any other part of the Province, then before a stipendiary magistrate, or before any two justices of the peace for the district wherein the offence was committed ; or, if the district is other than that of Quebec or that of Montreal, before the sheriff of such district ;
- In Quebec.**
- (b.) In the Province of Ontario, before any stipendiary magistrate or before any two justices of the peace for the county, city or district wherein the offence was committed ; or, if the offence was committed in any county, city or town having a police magistrate, then before such police magistrate or, in his absence, before the mayor or any two justices of the peace ; or, if the offence was committed in any city or town not having a police magistrate, then before the mayor thereof, or before any two justices of the peace ;
- In Ontario.**
- (c.) In the Province of Nova Scotia, before a stipendiary magistrate or before any two justices of the peace in and for the county in which the offence was committed ;
- In Nova Scotia.**
- (d.) In the Province of New Brunswick, before any police, stipendiary or sitting magistrate or commissioner of a parish court, or before any two justices of the peace in and for the county in which the offence was committed ;
- In New Brunswick.**
- (e.) In the Province of Manitoba, before the police magistrate within whose territorial jurisdiction the offence was committed, or before any two justices of the peace in and for the county in which the offence was committed ;
- In Manitoba.**
- (f.) In the Province of British Columbia, before any stipendiary magistrate or before any two justices of the peace in and for the territorial division or jurisdiction within the limits of which the offence was committed ;
- In British Columbia.**
- (g.) In the Province of Prince Edward Island, before the stipendiary magistrate for the city or town, or before any two justices of the peace in and for the county in which the offence was committed. 41 V., c. 16, s. 103.
- In Prince Edward Island.**

104. If such prosecution is brought before any such stipendiary magistrate, recorder, judge of the sessions of the peace, sheriff, police magistrate, sitting magistrate, commissioner or mayor, no other justice shall sit or take part therein. 41 V., c. 16, s. 104.

If before certain magistrates no other justice to sit.

105. If such prosecution is brought before any two other justices of the peace, the summons shall be signed by at least

one of them; and no justice, other than such two justices, shall sit or take part therein, except in the case of their absence or the absence of one of them, and not in the latter case except with the assent of the other of them. 41 V., c. 16, s. 105.

106. Every such prosecution shall be commenced within three months after the alleged offence, and shall be heard and determined in a summary manner, either upon the confession of the defendant or upon the evidence of a witness or witnesses. 41 V., c. 16, s. 106.

107. Every offence against the second part of this Act may be prosecuted in the manner directed by the "*Act respecting summary proceedings before Justices of the Peace*," so far as no provision is hereby made for any matter or thing which is required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions and to the judicial and other officers before whom the same are hereby authorized to be brought, in the same manner as if they were incorporated in this Act, and as if all such judicial and other officers were named in the said Act. 41 V., c. 16, s. 107.

DESTRUCTION OF LIQUOR.

108. If a credible witness proves, upon oath, before the stipendiary, police or sitting magistrate, commissioner of a parish court, recorder, judge of the sessions of the peace, justices of the peace, sheriff or mayor, or before one of the justices of the peace before whom any prosecution for an offence against the provisions of the second part of this Act is brought, that there is reasonable cause to suspect that any intoxicating liquor, in respect to which such offence has been committed, is in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft or other place or places, such stipendiary, police or sitting magistrate, commissioner of a parish court, recorder, judge of the sessions of the peace, justices of the peace, sheriff or mayor, may grant a warrant to search such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft or other place or places, for such intoxicating liquor, and if the same, or any part thereof, is there found, to bring the same before him; and any information to obtain a warrant under this section may be in the form M in the schedule to this Act; and any search warrant under this section may be in the form N in the said schedule. 41 V., c. 16, s. 108.

109. When any person is convicted of any offence against any of the provisions of the second part of this Act, the stipendiary, police or sitting magistrate, commissioner of a parish court, recorder, judge of the sessions of the peace, justices

warrant be destroyed.

of the peace, sheriff or mayor, before whom such person is convicted, may adjudge and order, in addition to any other penalty or punishment, that the intoxicating liquor in respect to which the offence was committed, and which has been brought before him under a search warrant as aforesaid, whether the same is or is not the property of such person, or not more than twenty gallons thereof, if there is more of it than twenty gallons, be forfeited, and that any and all kegs, barrels, cases, boxes, bottles, packages and other receptacles of any kind whatsoever found containing the same, or not more than twenty gallons thereof, if there is more of it than twenty gallons, be broken up and utterly destroyed, and the said intoxicating liquor, or not more than twenty gallons thereof, if there is more of it than twenty gallons, poured out, spilled, wasted and utterly destroyed; and thereupon such barrels, kegs, cases, boxes, bottles, packages and other receptacles of any kind whatsoever, as aforesaid, may be forthwith broken up and utterly destroyed, and the said intoxicating liquor, or not more than twenty gallons thereof, if there is more of it than twenty gallons, poured out, spilled, wasted and utterly destroyed, by the constable or peace officer who executed the search warrant under which the same was found, or in whose custody the same was afterwards placed by the convicting magistrate, commissioner, recorder, judge, justices, sheriff or mayor. 41 V., c. 16, s. 109.

NECESSARY ALLEGATIONS IN PROCEEDINGS.

What it shall suffice to state in describing offences.

Certain facts need not be alleged.

Exception.

110. In describing offences respecting the sale or other unlawful disposal of intoxicating liquor, or the keeping thereof for sale, in any information, summons, conviction, warrant or proceeding under "*The Temperance Act of 1864*," or under this Act, it shall be sufficient to state the unlawful sale, barter, disposal or keeping of intoxicating liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold, bartered or disposed of; and it shall not be necessary to state the quantity of liquor so sold, bartered, disposed of or kept, except in the case of offences where the quantity is essential, —and it shall then be sufficient to allege the sale or disposal of more or less than such quantity; and it shall not be necessary, in any such summons, conviction, warrant or proceeding, to negative the circumstances, the existence of which would make the act complained of lawful, but upon any such circumstances being proved in evidence, the defendant shall be acquitted; and this provision shall apply, whether such circumstances are stated by way of exception in the section under which the offence is laid or in a substantive section or otherwise. 41 V., c. 16, s. 115.

PROOF.

111. When in any house, shop, room or other place in any municipality in which the second part of this Act or in which any prohibitory by-law passed under the provisions of "*The Temperance Act of 1864*," is in force, a bar, counter, beer pumps, kegs or any other appliances or preparations similar to those usually found in taverns and shops where intoxicating liquors are usually sold or trafficked in are found, and intoxicating liquor is also found in such house, shop, room or place, such liquor shall be deemed to have been kept for sale contrary to the provisions of this Act or of "*The Temperance Act of 1864*," as the case may be, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who keeps therein such liquor for sale. 41 V., c. 16, s. 119.

The keeping of liquor for sale shall be inferred under certain circumstances.

112. In proving the sale or barter or other unlawful disposal of liquor for the purpose of any proceeding relative to any offence under "*The Temperance Act of 1864*," or under this Act, it shall not be necessary to show that any money actually passed, or that any liquor was actually consumed, if the justices, magistrate or other officer or court hearing the case is or are satisfied that a transaction, in the nature of a sale or barter or other unlawful disposal, actually took place. 41 V., c. 16, s. 120.

Passing of money need not be proved.

113. In any prosecution under "*The Temperance Act of 1864*," or under this Act, for the sale or barter or other unlawful disposal of intoxicating liquor, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered, or the precise consideration therefor, or to the fact of the sale or other disposal having taken place, with his participation or to his own personal and certain knowledge; but the justices or magistrate or other officer trying the case, so soon as it appears to them or him that the circumstances in evidence sufficiently establish the violation of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly. 41 V., c. 16, s. 121.

What evidence shall be necessary for a conviction.

114. On the trial of any proceeding, matter or question under any of the Acts or laws in the one hundred and twentieth section of this Act mentioned or under this Act, the person opposing or defending, or the wife or husband of such person opposing or defending, shall be competent and compellable to give evidence in such proceeding, matter or question. 41 V., c. 16, s. 123.

Wife or husband, a competent witness.

SUBSEQUENT OFFENCE.

Proceedings upon information for subsequent offence.

115. The proceedings upon any information for committing an offence against any of the provisions of this Act, in case of a previous conviction or convictions being charged, shall be as follows:—

Subsequent offence to be first inquired into, and then previous convictions.

(a.) The justices or magistrate or other officer shall, in the first instance, inquire concerning such subsequent offence only, and if the accused is found guilty thereof, he shall then, and not before, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be convicted accordingly; but if he denies that he was so previously convicted, or stands mute of malice, or does not answer directly to such question, the justices or police magistrate or other officer shall then inquire concerning such previous conviction or convictions;

Proof of previous convictions.

(b.) The number of such previous convictions shall be provable by the production of a certificate under the hand of the convicting justices or magistrate, or officer, or of the clerk of the peace, without proof of his signature or official character, or by other satisfactory evidence;

Conviction may be for first offence only.

(c.) A conviction may, in any case, be had as for a first offence, notwithstanding that there has been a prior conviction or convictions for the same or any other offence;

Conviction for several offences on same day.

(d.) Convictions for several offences may be made under this Act, although such offences have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be recoverable or be liable to be imposed in the case of offences committed on different days, and after information laid for a first offence;

Amendment of second conviction in event of first being set aside.

(e.) In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the justices or magistrate or other officer by whom such second or subsequent conviction was made, may, by summons under his or their hand, require the person convicted to appear at a time and place to be named in such summons, and may thereupon, upon proof of the due service of such summons, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid, to all intents and purposes, as if it had been made in the first instance;

What shall be deemed a conviction for a second or subsequent offence.

(f.) If any person who has been convicted of a violation of any provision of the second part of this Act is afterwards convicted of an offence against such provision or against any other provision of the second part, such conviction shall be deemed a conviction for a second offence, within the meaning of section one hundred of this Act, and may be dealt

with and punished accordingly, although the two convictions may be for acts of different descriptions; and if any such person is afterwards again convicted of a violation of any provision of the second part, whether similar or not to the previous offences, such conviction shall, in like manner, be deemed a conviction for a third offence, within the meaning of section one hundred of this Act, and may be dealt with and punished accordingly. 41 V., c. 16, s. 122.

VARIANCES, DEFECTS AND AMENDMENTS.

116. In the event of any variance between the information and evidence adduced in support thereof, the justices or magistrate or other officer may amend or alter such information, and may substitute, for the offence charged therein, any other offence against the provisions of "*The Temperance Act of 1864*," or of this Act, as the case may be; but if it appears that the defendant has been materially misled by such variance, such justices, magistrate or other officer shall thereupon adjourn the hearing of the case to a future day, unless the defendant waives such adjournment. 41 V., c. 16, s. 116.

Amendment of information and adjournment.

117. No conviction or warrant enforcing the same or other process or proceeding under either of the said Acts shall be held insufficient or invalid by reason of any variance between the information and conviction, or by reason of any other defect in form or substance, if it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of such Act, within the jurisdiction of the justices or magistrate or other officer who made or signed the same, and if there is evidence to prove such offence, and if no greater penalty is imposed than is authorized by such Act. 41 V., c. 16, s. 117.

Variance or defect of form not to affect conviction.

118. Upon any application to quash such conviction or warrant enforcing the same, or other process or proceeding, or to discharge any person in custody under such warrant, whether such application is made in appeal or upon *habeas corpus*, or otherwise, the court or judge to whom such appeal is made, or to whom such application is made upon *habeas corpus*, or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid; and such court or judge may, in any case, amend the same if necessary; and in all cases in which it appears that the merits have been tried and that the conviction, warrant, process or proceedings is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed, as the case may be; and any conviction, warrant, process or proceeding so affirmed, or affirmed and amended,

Application to quash conviction to be decided upon the merits.

may be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded. 41 V., c. 16, s. 118.

CERTIORARI AND APPEAL RESTRICTED.

No certiorari. 119. No conviction, judgment or order, in respect of any offence against the second part of this Act, shall be removed by *certiorari* or otherwise into any of Her Majesty's courts of record:

No appeal in certain cases.

2. No appeal shall be allowed from any such conviction, judgment or order to any court of general sessions, or other court whatsoever, if the conviction has been made by a stipendiary magistrate, recorder, judge of the sessions of the peace, sheriff, police magistrate, sitting magistrate or commissioner of a parish court. 41 V., c. 16, s. 111.

COMPOUNDING OFFENCES.

Compound ing offence and penalty therefor.

120. Every one who, having violated any of the provisions of this Act or of any Act in force in any Province, respecting the issue of licenses for the sale of fermented or spirituous liquors, or of "*The Temperance Act of 1864*," compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or, if a complaint has been made, with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, is guilty of an offence against this Act, and on conviction thereof, shall be liable to imprisonment at hard labor in the common gaol of the county or district in which the offence was committed, for any term not exceeding three months:

Punishment of parties to compromise.

2. Every one who is concerned in or is a party to the compromise, composition or settlement mentioned in this section, is guilty of an offence against this Act, and on conviction thereof, shall be liable to imprisonment in the common gaol of the county or district in which the offence was committed, for any term not exceeding three months. 41 V., c. 16, ss. 112 and 113.

TAMPERING WITH WITNESSES.

Penalty for tampering with witnesses.

121. Every one who, on any prosecution under any of the said Acts, tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding under any such Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such witness to absent himself, or to swear falsely, shall incur a penalty of fifty dollars for each offence. 41 V., c. 16, ss. 110 and 114.

SCHEDULE.

FORM A.

Forms of Notice and Petition for the bringing of the second part of this Act into force.

To the Honorable the Secretary of State of Canada :

SIR,—We the undersigned electors of the county (or city) of _____ request you to take notice that we propose presenting the following petition to His Excellency the Governor General, namely :—

To His Excellency the Governor General of Canada in Council.

The petition of the electors of the county (or city) of _____, qualified and competent to vote at the election of a member of the House of Commons in the said county (or city),—

Respectfully shows, that your petitioners are desirous that the second part of “*The Canada Temperance Act*,” should be in force and take effect in the said county (or city).

Wherefore your petitioners humbly pray that Your Excellency will be pleased, by an Order in Council under the ninety-fifth section of the said Act, to declare that the second part of the said Act shall be in force and take effect in the said county (or city).

And your petitioners will ever pray, &c.

And that we desire that the votes of all the electors of the said county (or city) be taken for and against the adoption of the said petition.

41 V., c. 16, Form A.

 FORM B.
Oath of the Returning Officer.

I, the undersigned, A. B., returning officer, under “*The Canada Temperance Act*,” for the county (or city) of _____, solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in that capacity, without partiality, fear, favor or affection. So help me God.

(Signature) A. B.,
Returning Officer.

Certificate of Returning Officer having taken Oath of Office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, 18____, A. B., the returning officer, under “*The Canada Temperance Act*,” for the county (or city) of _____, took and subscribed before

me the oath (or affirmation) of office, in such case required of a returning officer, by section eleven of "*The Canada Temperance Act.*"

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

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

41 V., c. 16, form B.

FORM C.

Commission of a Deputy Returning Officer.

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

Know you, that in my capacity of returning officer, under "*The Canada Temperance Act,*" for the county (or city) of _____, I have appointed and do hereby appoint you to be deputy returning officer for the polling district number _____, of the said county (or city) of _____, there to take the votes of the electors by ballot, according to law, at the polling station to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the poll, under the said Act, for the said polling district, on the day of _____, at nine o'clock in the forenoon, at (*here describe particularly the place in which the poll is to be held*), and there to keep the said poll open during the hours prescribed by law, and to take, at the said polling place, by ballot, in the manner by law provided, the votes of the electors voting at the said polling place, and after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot box, sealed with your seal, and inclosing the ballots, voters' list, and other documents required by law, together with this commission.

Given under my hand, at _____, this
day of _____, in the year 18 ____ .
(Signature) A. B.,
41 V., c. 16, form C. Returning Officer.

FORM D.

Oath of Deputy Returning Officer.

I, the undersigned, G. H., appointed deputy returning officer for the polling district, No. _____, of the county (or city) of _____, solemnly swear (or, *being one of the persons permitted by law to affirm in civil cases, solemnly affirm*) that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favor or affection. So help me God.

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

Certificate of a Deputy Returning Officer having taken the Oath of Office.

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

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

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

41 V., c. 16, form D.

FORM E.

Form of Ballot Paper.

18

Voting on the petition to the Governor General for the bringing into force of the second part of "The Canada Temperance Act."

Ballot paper form with two sections: 'For the Petition.' with a cross symbol, and 'Against the Petition.' with a cross symbol. Includes vertical text on the sides: 'N.B.—The crosses are for illustration.' and a decorative border at the bottom with a dotted line for perforation.

The dotted line will be a line of perforation for easily detaching the counterfoil.

41 V., c. 16, form E.

FORM F.

Directions for the Guidance of Electors in Voting.

The voter will go into one of the compartments, and with a pencil there provided, place a cross thus ×, in the upper space if he votes for the adoption of the petition, and in the lower space if he votes against the adoption of the petition.

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

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

If the voter places on the ballot paper more than one mark, or places any mark on it by which he can afterwards be identified, his vote will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or fraudulently puts any other paper into the ballot box than the ballot paper given him by the deputy returning officer, he will be subject to be punished by fine or by imprisonment for a term not exceeding six months, with or without hard labor.

41 V., c. 16, form F.

FORM G.

Form of Declaration of Agent.

I, the undersigned E. F., solemnly declare that I am desirous of promoting (*or* opposing) the adoption of a petition to the Governor General for the bringing into force in the said county (*or* city) of the second part of "*The Canada Temperance Act.*"

(Signature) A. B.

Made and declared at this day of
A.D., , before me.

C. D.,
Returning Officer.

41 V., c. 16, form G.

FORM H.

Form of Oath of Secrecy.

I, the undersigned E. F., agent for the electors of the county (*or* city) of , interested in promoting (*or* opposing) the adoption of a petition to the Governor General for the bringing into force in the said county (*or* city) of the

second part of "The Canada Temperance Act," solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm, promise and declare), that I will keep secret the way in which any of the voters at the polling station in the polling district No. , marks his ballot in my presence, at this polling of votes for or against such petition. So help me God.

(Signature,) E. F.

Sworn (or affirmed) at
A.D., , before me.

this day of

A. B.,
Returning Officer,
or C. D.

41 V., c. 16, Form H.

FORM I.

Form of Voters' List.

Number of the Voters.	Names of the Voters.	Their legal addition.	Their place of residence.	Owners.	Tenants or occupants.	Residence or other qualification.	Objections.	Sworn or affirmed.	Voters refusing to be sworn or affirmed.	Voters voting after others voted in their names.

NOTE.—The qualification need not be inserted except where there are no provincial lists of voters.

41 V., c. 16, form I.

FORM J.

Oath of identity by Voter receiving a Ballot Paper after another has voted in his name.

I solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm), that I am A.B., of (as on the voters' list) whose name is entered on the voters' list now shown me. So help me God.
41 V., c. 16, form J.

FORM K.

Oath of Messenger sent to collect the Ballot Boxes.

I, A. B., of _____, messenger appointed by C. D., returning officer for the county (or city) of _____, in the Province of _____, do solemnly swear that the several boxes, to the number of _____ now delivered by me to the said returning officer, have been handed to me by the several deputy returning officers at the present polling of votes, in the said county (or city, or by—here insert the names of the deputy returning officers who have delivered the said boxes), that they have not been opened by me, nor any other person, and that they are in the same state as they were when they came into my possession. (If any change has taken place, the deponent shall vary his deposition by fully stating the circumstances).

(Signature) A. B.

Sworn (or affirmed) and subscribed before me, at _____ this day of _____, in the year 18 _____.

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

41 V., c. 16, form K.

FORM L.

Oath of the Deputy Returning Officer after the closing of the Poll.

I, the undersigned, deputy returning officer for the polling district No. _____, of the county (or city) of _____, do solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that to the best of my knowledge and belief, the voters' list kept for the said polling district under my direction, has been so kept correctly; and that the total number of votes polled in the said list is _____, and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the polling station in the said polling district as the said votes were taken thereat; that I have faithfully counted the votes given for each interest, in the manner by law provided, and performed all duties required of me by law, and that the report, packets of ballot papers, and other documents required by law to be returned by me, to the returning officer, have been faithfully and truly pre-

pared and placed within the ballot box, as this oath (or affirmation) will be, to the end that the said ballot box being first carefully sealed with my seal, may be transmitted to the returning officer according to law.

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

Sworn before me at _____, in the county of _____,
, this _____ day of _____, 18 _____.

(Signature) X. Y.,
Justice of the Peace.
or A. B.,
Returning Officer.

41 V., c. 16, form L.

FORM M.

Information to obtain a Search Warrant.

CANADA,
PROVINCE OF
DISTRICT (or County, or as the
case may be) of } _____

The information of K. L., of the _____ of _____ in the said district (or county, or as the case may be, yeoman), taken this _____ day of _____ in the year _____ before me W. S., Esquire, _____ a justice of the peace, in and for the district (or, county, or, united counties, or as the case may be) of _____, who says that he has just and reasonable cause to suspect, and does suspect, that intoxicating liquor, in respect to which an offence against the second part of "*The Canada Temperance Act*," has been committed, is concealed in the (dwelling house, or as the case may be) of P. Q., of _____ in the said district (or county, or as the case may be), (here add the causes of suspicion and the particulars of the offence, whatever they may be.)

Wherefore he prays that a search warrant may be granted him to search the (dwelling house, or as the case may be), of the said P. Q., as aforesaid, for the said intoxicating liquor. Sworn (or affirmed) on the day and year first above mentioned, at _____ in the said district (or county, or as the case may be) of _____, before me.

(Signature) W. S.,
J.P.

41 V., c. 16, form M.

FORM N.

Form of Search Warrant.

CANADA,
 PROVINCE OF
 DISTRICT (or County, or as the
 case may be) of

To all or any of the constables or other peace officers, in the district (or county, or as the case may be) of

Whereas, K. L., of the of in the said district (or county, or as the case may be), has this day made oath before me the undersigned, a justice of the peace in and for the said district (or county, or as the case may be) of that he has just and reasonable cause to suspect, and does suspect, that intoxicating liquor, in respect to which an offence against the second part of "*The Canada Temperance Act*," has been committed, to wit, in respect to which (*here describe the offence, in the words of the information*) is concealed in the (dwelling house, or as the case may be) of one P. Q., of in the said district (or county, or as the case may be) of

These are therefore, in the name of Our Sovereign Lady the Queen, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day time into the said (dwelling house, or as the case may be) of the said P.Q., and there diligently search for the said intoxicating liquor; and if the same, or any part thereof, is found upon such search, that you bring the intoxicating liquor so found, or gallons thereof, if there are more than twenty gallons so found, and also all barrels, kegs, cases, boxes, packages and other receptacles of any kind whatsoever, containing the same, before me, to be disposed of and dealt with according to law.

Given under my hand and seal at in the said district (or county, or as the case may be), this day of in the year

(Seal)

W. S.,

J. P.

41 V., c. 16, form N.



CHAPTER 107.

An Act respecting the Adulteration of Food, Drugs and Agricultural Fertilizers. A.D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Adulteration Act.*" Short title. 48-49 V., c. 67, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a.) The expression "food" includes every article used for food or drink by man or by cattle ; Interpretation. "Food."
- (b.) The expression "drug" includes all medicines for internal or external use for man or for cattle ; "Drug."
- (c.) The expression "agricultural fertilizer" means and includes every substance imported, manufactured, prepared or disposed of for fertilizing or manuring purposes, which is sold at more than ten dollars per ton and which contains phosphoric acid, or ammonia or its equivalent of nitrogen ; "Agricultural fertilizer."
- (d.) The expression "officer" means any officer of Inland Revenue, or any person authorized under this Act or "*The Fertilizers Act*" to procure samples of articles of food, drugs or agricultural fertilizers and to submit them for analysis ; "Officer."
- (e.) Food shall be deemed to be "adulterated" within the meaning of this Act,— Adulterated food; what shall be deemed such.
- (1) If any substance has been mixed with it, so as to reduce or lower or injuriously affect its quality or strength ;
 - (2) If any inferior or cheaper substance has been substituted, wholly or in part, for the article ;
 - (3.) If any valuable constituent of the article has been wholly or in part abstracted ;
 - (4.) If it is an imitation of, or is sold under the name of, another article ;
 - (5) If it consists wholly or in part of a diseased or decomposed, or putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk or butter, if it is the produce of a diseased animal, or of an animal fed upon unwholesome food ;

(6.) If it contains any added poisonous ingredient, or any ingredient which may render such an article injurious to the health of a person consuming it;

Adulterated
drugs; what
shall be
deemed such.

(f.) Every drug shall be deemed to be "adulterated" within the meaning of this Act,—

(1.) If, when sold, or offered or exposed for sale, under or by a name recognized in the British or United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein;

(2.) If, when sold, or offered or exposed for sale, under or by a name not recognized in the British or United States Pharmacopœia, but which is found in some other generally recognized pharmacopœia or other standard work on *materia medica*, it differs from the standard of strength, quality or purity laid down in such work;

(3.) If its strength or purity falls below the professed standard under which it is sold or offered or exposed for sale;

Exceptions.

(g.) Provided, that the foregoing definitions as to the adulteration of food and drugs shall not apply,—

Addition of
non-injurious
matter.

(1.) If any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or to conceal the inferior quality thereof, if such articles are distinctly labelled as a mixture, in conspicuous characters, forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer;

Patented
articles.

(2.) If the food or drug is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;

Unavoidable
mixture.

(3.) If the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation;

Compounds
of articles not
injurious.

(4.) If any articles of food not injurious to the health of the person consuming the same are mixed together and sold or offered for sale as a compound, and if such articles are distinctly labelled as a mixture, in conspicuous characters, forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer;

Agricultural
fertilizers,
when to be
deemed
adulterated.

(h.) Every agricultural fertilizer shall be deemed to be "adulterated" within the meaning of this Act, if, when sold, offered or exposed for sale, the chemical analysis thereof shows a deficiency of more than one per cent. of any of the chemical substances, the percentages whereof are required to be specified in the certificate, by "The Fertilizers Act" required to be affixed to each barrel, box, sack or package containing the same, or (if the agricultural fertilizer is in bulk) to be produced to the inspector; or if it contains less than the minimum percentage of such substances required by the said Act to be contained in such fertilizer. 48-49 V., c. 67, s. 2.

ANALYSIS.

3. The Governor in Council may appoint one or more persons possessing competent medical, chemical and microscopical knowledge as analysts of food, drugs and agricultural fertilizers purchased, sold, or exposed or offered for sale within such territorial limits as are assigned to each of them respectively, and may also select from among the aforesaid analysts so appointed, or may appoint, in addition thereto, a chief analyst, who shall be attached to the staff of the Department of Inland Revenue at Ottawa :

Analysts may be appointed.

Chief analyst.

2. No analyst shall be appointed until he has undergone an examination before a special examining board appointed by the Governor in Council, and until he has obtained from such board a certificate setting forth that he is duly qualified to perform the duties attached to the office of analyst. 48-49 V., c. 67, s. 3 ;—49 V., c. 41, s. 1.

Analysts to be examined as to qualification.

4. The Governor in Council may cause such remuneration to be paid to such chief analyst and to such analysts as he deems proper, and such remuneration, whether by fees or salary, or partly in one way and partly in the other, may be paid to them out of any sums voted by Parliament for the purposes of this Act. 48-49 V., c. 67, s. 4.

Remuneration.

5. The officers of Inland Revenue, the inspectors and deputy inspectors of weights and measures, and the inspectors and deputy inspectors acting under "*The General Inspection Act*," or any of them, shall, when required so to do by any regulation made in that behalf by the Minister of Inland Revenue, procure and submit samples of food, drugs or agricultural fertilizers suspected to be adulterated, to be analyzed by the analysts appointed under this Act. 48-49 V., c. 67, s. 5.

Certain officers may obtain samples of articles.

6. The council of any city, town, county or village may appoint one or more inspectors of food, drugs and agricultural fertilizers ; and such inspectors shall, for the purposes of this Act, have all the powers by this Act vested in officers of Inland Revenue ; and any such inspector may require any public analyst to analyze any samples of food, drugs or agricultural fertilizers collected by him, if such samples have been collected in accordance with the requirements of this Act :

Inspectors of articles and their powers.

2. The said analyst shall, upon tender of the fees fixed for the analysis of such class of articles by the Governor in Council, forthwith analyze the same, and give the inspector a certificate of such analysis :

Analysis.

3. Such inspector may prosecute any person manufacturing, selling, or offering or exposing for sale within the city, county, town or village for which he is appointed inspector, any article of food, drug or agricultural fertilizer which has been certified by any public analyst to have been adulterated within the meaning of this Act :

Inspector may prosecute.

Application of penalties.

4. Notwithstanding any other provision of this Act in respect of the disposition of penalties, all penalties imposed and recovered at the suit of any such inspector shall be paid into the revenue of the city, county, town or village by the council of which such inspector was appointed, and may be distributed in such manner as the council of such city, county, town or village by by-law directs. 48-49 V., c. 67, s. 6.

How samples may be obtained.

7. Any officer may procure samples of food, drugs or agricultural fertilizers which have not been declared exempt from the provisions of this Act, from any person who has such articles in his possession for the purpose of sale, or who sells or exposes the same for sale; and he may procure such samples either by purchasing the same or by requiring the person in whose possession they are to show him and allow him to inspect all such articles in his possession, and the place or places in which such articles are stored, and to give him samples of such articles, on payment or tender of the value of such samples. 48-49 V., c. 67, s. 7.

Penalty for refusing to deliver sample, &c.

8. If the person who has such articles in his possession, or his agent or servant, refuses or fails to admit the officer, or refuses or omits to show all or any of the said articles in his possession, or the place in which any such articles are stored, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he requires, when required so to do in pursuance of this Act, he shall be liable to the same penalty as if he knowingly sold or exposed for sale adulterated articles knowing them to be adulterated. 48-49 V., c. 67, s. 8.

Duty of officer on obtaining sample.

9. The officer purchasing any article with the intention of submitting the same to be analyzed, shall, after the purchase has been completed, forthwith notify the seller or his agent selling the article, of his intention to have the same analyzed by the public analyst, and shall, except in specific cases, respecting which provision is made by the Governor in Council, divide the article into three parts,—to be then and there separated, and each part to be marked and sealed up or fastened up, as its nature permits,—and shall deliver one of the parts to the seller or his agent, if required by him so to do :

Division of sample.

Transmission of parts for analysis.

2. He shall transmit another of such parts to the Minister of Inland Revenue for submission to the chief analyst in case of appeal, and shall submit the remaining part to the analyst for the district within which the samples were taken, unless otherwise directed by the Minister of Inland Revenue. 48-49 V., c. 67, s. 9.

10. The person from whom any sample is obtained under this Act may require the officer obtaining it, to annex to the vessel or package containing the part of the sample which he is hereby required to transmit to the Minister of Inland Revenue, the name and address of such person, and to secure, with a seal or seals belonging to him, the vessel or package containing such part of the sample, and the address annexed thereto, in such manner that the vessel or package cannot be opened, or the name and address taken off, without breaking such seals; and the certificate of the chief analyst shall state the name and address of the person from whom the said sample was obtained, that the vessel or package was not open, and that the seals, securing to the vessel or package the name and address of such person, were not broken until such time as he opened the vessel or package for the purpose of making his analysis; and in such case no certificate shall be receivable in evidence, unless there is contained therein such statement as above, or a statement to the like effect. 48-49 V., c. 67, s. 10.

Seller may require seal to be affixed.

Certificate in such case.

When to be evidence.

11. When the officer has, by either of the means aforesaid, procured samples of the articles to be analyzed, he shall cause the same to be analyzed by one of the analysts appointed under this Act, and if it appears to the analyst that the sample is adulterated within the meaning of this Act, he shall certify such fact, stating in such certificate, in the case of an article of food or a drug, whether such adulteration is of a nature injurious to the health of the person consuming the same; and the certificate so given shall be received as evidence in any proceedings taken against any person in pursuance of this Act, subject to the right of any person against whom proceedings are taken to require the attendance of the analyst, for the purpose of cross-examination. 48-49 V., c. 67, s. 11.

Proceedings for analysis.

Certificate if sample is adulterated.

Effect of certificate as evidence.

12. If the vendor of the article respecting which such certificate is given, deems himself aggrieved thereby, he may, within forty-eight hours of the receipt of the first notification of the intention of the officer or other purchaser to take proceedings against him (whether such notification is given by the purchaser or by the ordinary process of law), notify the said officer or purchaser in writing that he intends to appeal from the decision of the analyst to the judgment of the chief analyst: and in such case the officer or purchaser shall transmit such notification to the chief analyst, and the chief analyst shall, with all convenient speed, analyze the part of the sample transmitted to the Minister of Inland Revenue for that purpose, and shall report thereon to the said Minister; and the decision of such chief analyst shall be final, and his certificate thereof shall have the same effect as the certificate of the analyst in the next preceding section mentioned. 48-49 V., c. 67, s. 12.

Appeal to chief analyst.

Proceedings in such case.

Report of chief analyst final.

Report for
Parliament
by analysts.

13. Every analyst appointed under this Act shall report quarterly to the Minister of Inland Revenue the number of articles of food, drugs and agricultural fertilizers, analyzed by him under this Act during the preceding quarter, and shall specify the nature and kind of adulterations detected in such articles of food, drugs and agricultural fertilizers; and all such reports, or a synopsis of them, and the names of the vendors or persons from whom obtained, and of the manufacturers when known, shall be printed and laid before Parliament as an appendix to the annual report of the said Minister. 48-49 V., c. 67, s. 13.

To be printed.

ADULTERATION.

No adulterated article to be sold.

14. No person shall manufacture, expose or offer for sale, or sell any food, drug or agricultural fertilizer, which is adulterated within the meaning of this Act. 48-49 V., c. 67, s. 14.

What shall be deemed adulterated milk.

15. If milk is sold, or offered or exposed for sale, after any valuable constituent of the article has been abstracted therefrom, or if water has been added thereto, or if it is the product of a diseased animal or of an animal fed upon unwholesome food, it shall be deemed to have been adulterated in a manner injurious to health, and such sale, offer or exposure for sale shall render the vendor liable to the penalty hereinafter provided in respect to the sale of adulterated food; except that skimmed milk may be sold as such if contained in cans bearing upon their exterior, within twelve inches of the tops of such vessels, the word "skimmed" in letters of not less than two inches in length, and served in measures also similarly marked; but any person supplying such skimmed milk, unless such quality of milk has been asked for by the purchaser, shall not be entitled to plead the provisions of this section as a defence to or in extenuation of any violation of this Act:

As to skimmed milk.

Proviso.

No water to be added, &c.

2. Nothing in this section shall be interpreted to permit or warrant the admixture of water with milk, or any other process than the removal of cream by skimming. 48-49 V., c. 67, s. 15.

What shall be deemed adulterated vinegar.

16. Vinegar sold, or offered or exposed for sale, shall be deemed to be adulterated in a manner injurious to health if any mineral acid has been added thereto, or if it contains any soluble salt having copper or lead as a base thereof—whether such mineral acid or salt is added, either during the process of manufacture or subsequently. 48-49 V., c. 67, s. 16.

And what adulterated liquors.

17. Alcoholic, fermented or other potable liquors sold, or offered or exposed for sale, shall be deemed to have been adulterated in a manner injurious to health if they

are found to contain any of the articles mentioned in the schedule to this Act, or any article hereafter added to such schedule by the Governor in Council. 48-49 V., c. 67, s. 17.

18. The Governor in Council may, from time to time, declare certain articles or preparations exempt in whole or in part from the provisions of this Act, and may add to the schedule to this Act any article or ingredient, the addition of which is by him deemed necessary in the public interest; and every Order in Council in that behalf shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication. 48-49 V., c. 67, s. 18.

Certain articles may be exempted, &c., by O. C.
Publication of O. C.

19. The Governor in Council shall, from time to time, cause to be prepared and published, lists of the articles, mixtures or compounds declared exempt from the provisions of this Act, in accordance with the next preceding section, and shall also, from time to time, fix the limits of variability permissible in any article of food or drug, or compound, the standard of which is not established by any such pharmacopœia or standard work, as is hereinbefore mentioned; and the Orders in Council fixing the same shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days after the publication thereof. 48-49 V., c. 67, s. 19.

Lists of exempted articles to be prepared and published.
Limit of variability.

20. Whenever any article of food, any drug, or any agricultural fertilizer is reported by any analyst as being adulterated within the meaning of this Act, the Minister of Inland Revenue may, if he thinks fit, order such article, and all other articles of the same kind and quality which were in the same place at the time the article analyzed was obtained, to be seized by any officer of Customs or Inland Revenue, and detained by him until an analysis of samples of the whole is made by the chief analyst. 48-49 V., c. 67, s. 20.

Detention of articles until sample is analyzed.

21. If the chief analyst reports to the Minister of Inland Revenue that the whole or any part of such articles are adulterated, the Minister may declare such articles, or so much thereof as the chief analyst reports as being adulterated, to be forfeited to the Crown; and such articles shall thereupon be disposed of as the Minister directs. 48-49 V., c. 67, s. 21.

Confiscation of adulterated articles.

PENALTIES.

22. Every person who wilfully adulterates any article of food or any drug, or orders any other person so to do, shall,—

(a.) If such adulteration is, within the meaning of this Act, deemed to be injurious to health, for the first offence

Penalty for adulterating food or drug.
If injurious to health.

incur a penalty not exceeding fifty dollars and not less than ten dollars, and costs, and for each subsequent offence, a penalty not exceeding two hundred dollars and not less than fifty dollars, and costs ;

If not
injurious.

(b.) If such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur a penalty not exceeding thirty dollars, and costs, and for each subsequent offence a penalty not exceeding one hundred dollars and not less than fifty dollars, and costs. 48-49 V., c. 67, s. 22.

Penalty for
selling adul-
terated
article.

23. Every person who, by himself or his agent, sells, offers for sale, or exposes for sale, any article of food or any drug, which is adulterated within the meaning of this Act, shall,—

If injurious.

(a.) If such adulteration is, within the meaning of this Act, deemed to be injurious to health, for a first offence incur a penalty not exceeding fifty dollars, and costs, and for each subsequent offence a penalty not exceeding two hundred dollars and not less than fifty dollars, and costs :

If not
injurious.

(b.) If such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur for each such offence, a penalty not exceeding fifty dollars and not less than five dollars, and costs :

Proviso : as
to knowledge
of offender.

2. Provided, that if the person accused proves to the court before which the case is tried that he did not know of the article being adulterated, and shows that he could not, with reasonable diligence, have obtained that knowledge, he shall be subject only to the liability to forfeiture under the twenty-first section of this Act. 48-49 V., c. 67, s. 23.

Penalty on
compounder,
&c., having
certain
articles in his
possession.

24. Every compounder or dealer in, and every manufacturer of intoxicating liquors, who has in his possession or in any part of the premises occupied by him as such, any adulterated liquor, knowing it to be adulterated, or any deleterious ingredient specified in the schedule hereto, or added to such schedule by the Governor in Council, for the possession of which he is unable to account to the satisfaction of the court before which the case is tried, shall be deemed knowingly to have exposed for sale adulterated food, and shall incur for the first offence a penalty not exceeding one hundred dollars, and for each subsequent offence a penalty not exceeding four hundred dollars. 48-49 V., c. 67, s. 24.

Penalty for
wilfully
attaching
false label.

25. Every person who knowingly attaches to any article of food, or any drug, any label which falsely describes the article sold, or offered or exposed for sale, shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars, and costs. 48-49 V., c. 67, s. 25.

26. Every penalty imposed and recovered under this Act shall, except as herein otherwise provided, and except in the case of any suit, action or prosecution brought or instituted under the provisions of the next following section, be paid over to the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund. 48-49 V., c. 67, s. 26.

Application of penalties.

GENERAL PROVISIONS.

27. Nothing herein contained shall be held to preclude any person from submitting any sample of food, drug or agricultural fertilizer for analysis to any public analyst, or from prosecuting the vendor thereof, if such article is found to be adulterated, but the burden of proof of sale, and of the fact that the sample was not tampered with after purchase, shall be upon the person so submitting the same :

Any person may submit an article for analysis.

2. Any public analyst shall analyze such sample on payment of the fee prescribed in respect of such article or class of article by the Governor in Council. 48-49 V., c. 67, s. 27.

Duty of analyst in such case.

28. Any expenses incurred in analyzing any food, drug or agricultural fertilizer, in pursuance of this Act, shall, if the person from whom the sample is taken is convicted of having in his possession, selling, offering or exposing for sale, adulterated food, drugs or agricultural fertilizers, in violation of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly; and in all other cases such expenses shall be paid as part of the expenses of the officer, or by the person who procured the sample, as the case may be. 48-49 V., c. 67, s. 28.

As to expenses of analysis.

How payable.

29. The Governor in Council may, from time to time, make such regulations as to him seem necessary, for carrying the provisions of this Act into effect. 48-49 V., c. 67, s. 29.

Regulations may be made.

30. The provisions of "*The Inland Revenue Act*," whether enacted with special reference to any particular business or trade, or with general reference to the collection of the revenue, or the prevention, detection or punishment of fraud or neglect in relation thereto, shall extend, apply and be construed and shall have effect with reference to this Act, as if they had been enacted with special reference to the matters and things herein provided for :

Inland Revenue Act to apply.

2. Every penalty imposed under this Act may be enforced and dealt with as if imposed under the said Act, and every compounder, and the apparatus used by him, and the place in which his business is carried on, and the articles made or compounded by him, or used in compounding any such article, shall be "subject to excise" under the said Act. 48-49 V., c. 67, s. 30.

Enforcement of penalties may be under the said Act.

SCHEDULE.

Cocculus indicus, chloride of sodium (otherwise common salt), copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, amyl alcohol, and any extract or compound of any of the above ingredients.

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CHAPTER 108.

An Act respecting Agricultural Fertilizers.

A. D. 1886.

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

1. This Act may be cited as "*The Fertilizers Act.*" 48-49 Short title. V., c. 68, s. 1.

2. In this Act the expression "fertilizer" means and includes every fertilizer which is sold at more than ten dollars per ton, and which contains phosphoric acid or ammonia, or its equivalent of nitrogen. 48-49 V., c. 68, s. 2. Interpretation.

3. Every manufacturer or importer of fertilizers for sale, shall, in the course of the month of January in each year, and before offering the said fertilizer for sale, transmit to the Minister of Inland Revenue, carriage paid, a sealed glass jar, containing at least two pounds of the fertilizer manufactured or imported by him, with the certificate of analysis of the same, together with an affidavit setting forth that such jar contains a fair average sample of the fertilizer manufactured or imported by him; and such sample shall be preserved by the Minister of Inland Revenue for the purpose of comparison with any sample of fertilizer which is obtained in the course of the twelve months then next ensuing from such manufacturer or importer, and which is transmitted to the chief analyst for analysis : Sample to be sent to Minister of Inland Revenue every year.

2. The affidavit required by this section may be taken before any magistrate, justice of the peace or commissioner for taking affidavits for use in any court of the Province in which such affidavit is taken. 48-49 V., c. 68, s. 3. To be kept by Minister for comparison.

4. The officers of Inland Revenue, the officers of Customs, the inspectors and deputy inspectors of weights and measures, and the inspectors and deputy inspectors acting under "*The General Inspection Act,*" or any of them, shall, when required so to do, by any regulation made in that behalf by the Governor in Council, act as inspectors of fertilizers, and shall procure and submit samples of fertilizers suspected to be adulterated, to be analyzed. 48-49 V., c. 68, s. 4. Before whom oath may be taken.

At least one sample to be analyzed yearly.

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

Analysis and publication thereof.

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

Manufacturer's certificate of analysis.

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

No sale to be made till forms complied with.

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

Attachment of inspector's tag.

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

What to show.

If fertilizer is imported in bulk.

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

Duty of inspector.

forth in the manufacturer's certificate, together with the name of the store or vessel, or the number of the car in which the fertilizer was when inspected, and he shall attach the manufacturer's certificate of analysis to the bill of inspection before so delivering it. 48-49 V., c. 68, s. 8.

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

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

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

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

Proviso. for each subsequent offence to a penalty not exceeding one hundred dollars: Provided always, that a deficiency of one per centum of the ammonia or its equivalent of nitrogen, or of the phosphoric acid, claimed to be contained, shall not be considered as evidence of fraudulent intent. 48-49 V., c. 68, s. 12.

Penalty for forging certificate, &c.

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

For unlawfully attaching tag or certificate.

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

For giving false certificate.

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

Application of penalties.

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

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CHAPTER 109.

An Act respecting Railways.

A.D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Railway Act.*" 42 V., Short title. c. 9, s. 1.

GENERAL INTERPRETATION.

2. In this Act and in the special Act incorporating any railway company to which this Act or any part thereof applies, unless the context otherwise requires,—

(a.) The expression "the Minister" means the Minister of Railways and Canals, and the expression "Deputy" means the Deputy of the Minister of Railways and Canals;

(b.) The expression "department" means the Department of Railways and Canals;

(c.) The expression "land" includes real property, messuages, lands, tenements and hereditaments of any tenure;

(d.) The expression "lease" includes an agreement for a lease;

(e.) The expression "toll" includes any rate or charge or other payment payable under this Act or the special Act for any passenger, animal, carriage, goods, merchandise, matter or thing conveyed on the railway;

(f.) The expression "goods" includes things of every kind that may be conveyed upon the railway, or upon steam vessels or other vessels connected therewith;

(g.) The expression "county" includes any county, union of counties, riding, or like division of a county in any Province, or in the Province of Quebec any division thereof into separate municipalities;

(h.) The expression "highway" includes any public road, street, lane or other public way or communication;

(i.) The expression "sheriff" includes under sheriff, or other legal competent deputy; and when any matter in relation to any lands is required to be done by any sheriff or clerk of the peace, the expression "the sheriff," or the expression "clerk of the peace," shall, in such case, be con-

- "Clerk of the peace." construed to mean the sheriff or clerk of the peace of the district, county, riding, division or place where such lands are situate, and if there is no clerk of the peace, shall include clerk of the municipality: and if the lands in question, being the property of one and the same person, are situate not wholly in one district, county, riding, division or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, county, riding, division or place where any portion of such lands is situate;
- "Justice" (j.) The expression "justice" means a justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter; and when the matter arises in respect of lands which are the property of one and the same person, situate not wholly in any one district, county, riding, division, city or place, the expression "justice" means a justice acting for the district, county, riding, division, city or place where any portion of such lands is situate, and who is not interested in such matter; and when any matter is authorized or required to be done by two justices, the expression "two justices" shall be understood to mean two justices assembled and acting together;
- "Two Justices." (k.) The expression "map or plan" means a ground plan of the lands and property taken or intended to be taken;
- "Map or plan." (l.) The expression "owner," when, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or when any act is authorized or required to be done with the consent of the owner, shall be understood to mean any person who, under the provisions of this Act or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;
- "Owner." (m.) The expression "the railway committee" means the Railway Committee of the Privy Council. 42 V., c. 9, s. 5, sub-ss. 5 to 14;—46 V., c. 24, s. 2, part.
- "Railway Committee."

APPLICATION OF ACT.

Application of part one.

3. The provisions of this Act, from section four to section thirty-nine, both inclusive, being Part One of this Act, shall apply to every railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada, and shall, in so far as they are applicable to the undertaking, and unless they are expressly varied or excepted therefrom by the special Act, be incorporated with the special Act, form part thereof, and be construed therewith as forming one Act:

How certain provisions may be made not to apply.

2. Any of the said provisions forming Part One of this Act may be excepted from incorporation with the special Act, by enacting, in such special Act, that the sections of this Act proposed to be excepted, referring to them by the num-

bers which they bear respectively, shall not be incorporated with such special Act, which shall thereupon be construed accordingly :

3. The provisions of this Act, from section forty to section one hundred and six, both inclusive, being Part Two of this Act, shall apply to all railway companies and railways within the legislative authority of the Parliament of Canada, except Government railways. Application of part two.

4. The provisions of this Act, from section one hundred and seven to section one hundred and nineteen, both inclusive, being Part Three of this Act, shall apply to all railway companies operating a line or lines of railway in Canada, whether otherwise within the legislative authority of the Parliament of Canada or not. 42 V., c. 9, ss. 2 and 3;—46 V., c. 24, s. 1;—47 V., c. 11, s. 1. Application of part three.

PART ONE.

INTERPRETATION.

4. In Part One of this Act, unless the context otherwise requires,— Interpretation in part one.

(a.) The expression "the special Act" means any Act authorizing the construction of a railway, with which this Act or "*The Railway Act, 1868*," or "*The Consolidated Railway Act, 1879*," is incorporated; "Special Act."

(b.) The expression "prescribed," in reference to any matter herein stated, means "as the same is prescribed or provided for in the special Act," and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act," had been used; "Prescribed."

(c.) The expression "the lands" means the lands which, by the special Act, are authorized to be taken or used for the purposes thereof; "The lands."

(d.) The expression "the undertaking" means the railways and works, of whatsoever description, authorized under the special Act to be constructed; "The undertaking."

2. In Part One of this Act and in the special Act, unless the context otherwise requires,— In part one and special Act.

(e.) The expression "the company" means the company or person authorized by the special Act to construct the railway; "The company."

(f.) The expression "the railway" means the railway and the works authorized under the special Act to be constructed. "The railway."
42 V., c. 9, s. 5, sub-ss. 1 to 5, and 15 and 16.

INCORPORATION.

5. Every company incorporated under a special Act shall be a body corporate, under the name declared in the special Companies to have corporate powers.

Act, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the special Act, and which are incident to such corporation, or are expressed or included in "*The Interpretation Act.*" 42 V., c. 9, s. 6.

POWERS.

Powers.

6. The company may,—

To receive grants of land, &c.

(1.) Receive, take and hold all voluntary grants and donations of land or other property made to it, for the purpose of aiding in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only;

To purchase land.

(2.) Purchase, take and hold, of and from any person, any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also alienate, sell or dispose of the same;

To carry railway across lands.

(3.) Make, carry or place the railway across or upon the lands of any person on the line of the railway, or within the distance from such line stated in the special Act, although, through error or other cause, the name of such person has not been entered in the book of reference hereinafter mentioned, or although some other person has been erroneously mentioned as the owner of or entitled to convey, or is interested in such lands;

And across and along streams, &c.

(4.) Construct, maintain and work the railway across, along, or upon any stream of water, watercourse, canal, highway or railway which it intersects or touches; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the company to its former state, or to such state as not to impair its usefulness;

To make and maintain railway.

(5.) Make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks, to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them;

To erect buildings, &c.

(6.) Erect and maintain all necessary and convenient buildings, stations, depôts, wharves and fixtures, and from time to time alter, repair or enlarge the same, and purchase and acquire stationary or locomotive engines and carriages, wagons, floats and other machinery necessary for the accommodation and use of the passengers, freight and business of the railway;

To make branch railways.

(7.) Make branch railways, if required and provided for by the special Act, and manage the same, and for that purpose exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway;

To do all things necessary.

(8.) Construct and make all other matters and things necessary and convenient for the making, extending and using of the railway, according to the meaning and intent of this Act. and of the special Act;

(9.) Take, transport, carry and convey persons and goods on the railway, regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and receive such tolls and compensation ;

To convey persons and goods.

(10.) Borrow, from time to time, either in Canada or elsewhere, such sums of money as are expedient for completing, maintaining or working the railway, and at a rate of interest not exceeding eight per cent. per annum, and make the bonds, debentures or other securities granted for the sums so borrowed payable either in currency or in sterling, and at such place or places, within or without Canada, as are deemed advisable, and sell the same at such prices or discount as are deemed expedient or are necessary, and hypothecate, mortgage or pledge the lands, tolls, revenues and other properties of the company for the due payment of the said sums and the interest thereon,—but no such debenture shall be for a less sum than one hundred dollars : Provided always, that the power of issuing bonds hereby conferred upon the company or under the special Act shall not be construed as being exhausted by such issue ; but such power may be exercised, from time to time, upon the bonds constituting such issue being withdrawn or paid off, and duly cancelled ; but the limit to the amount of bonds fixed in the special Act shall not be exceeded ;

To borrow money, &c.

Provido ; as to extent of such power.

(11.) Enter into and upon any lands of Her Majesty without previous license therefor, or into and upon the lands of any person whomsoever lying in the intended route or line of the railway ; and make surveys, examinations or other necessary arrangements on such lands for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway ;

To enter lands for survey, &c.

(12.) Fell or remove any trees standing in any woods, lands or forests where the railway passes, to the distance of six rods from either side thereof ;

To fell trees.

(13.) Cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection ; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor ; and in case of disagreement as to the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitrators, who shall be appointed by a judge of one of the superior courts in the Province in which the point of junction or intersection is situate :

To cross or unite with other railways.

Compensation, &c.

(14.) No railway company shall avail itself of any of the powers contained in the next preceding sub-section without application to the Railway Committee for approval of the mode of crossing, union or intersection proposed ; of which application, notice in writing shall be given by the company to any other company affected, by sending the same, by mail or otherwise, to the address of the president, super-

Approval of Railway Committee to be obtained.

intendent, managing director or secretary of such other company; and when such approval has been obtained, either company may, in case of disagreement as to the amount to be paid for compensation, proceed for the determination of such compensation as provided in the next preceding subsection :

Branch lines not more than six miles in length.

(15.) Any company may construct a branch or branches, not exceeding six miles in length, from any terminus or station of its railway, whenever a by-law sanctioning the same has been passed by the municipal council of the municipality within the limits of which such proposed branch is situate; and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the special Act or in this Act, nor shall any thing in either of the said Acts authorize the company to take, for such branch, any lands belonging to any person, without the consent of such person first obtained :

Changes in line of railway may be made.

(16.) Any company, which desires at any time to change the location of its line of railway in any particular part, for the purpose of lessening a curve, reducing a gradient or otherwise benefiting such line of railway, or for any other purpose of public advantage, may make such change; and all the provisions of this Act shall refer as fully to the part of such line of railway, so at any time changed or proposed to be changed, as to the original line; but no company shall extend its line of railway beyond the termini mentioned in the special Act :

As to lands vested in Her Majesty.

(17.) No company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but with such consent, any such company may take and appropriate, for the use of its railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the railway as have not been granted or sold, and as is necessary for such railway, as also so much of the public beach, or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using its said railway and works, subject, however, to the exceptions contained in the next following subsection :

As to lands reserved for naval or military purposes.

(18.) Whenever it is necessary for such company to occupy any part of the lands belonging to Her Majesty reserved for naval or military purposes, it shall first apply for and obtain the license and consent of Her Majesty, under the hand and seal of the Governor General, and having obtained such license and consent, it may, at any time or times, enter into and enjoy any of the said lands for the purposes of the railway; but in the case of any such naval or military reserves, no such license or consent shall be given except upon a report first made thereupon by the naval or military authorities in which such lands are for the time being vested, approving

Consent of naval or military authority.

of such license and consent being so given. 42 V., c. 9, s. 7, sub-ss. 1 to 15, 16, *part*, 17 and 19 ;—46 V., c. 24, s. 7, *part*.

PLANS AND SURVEYS.

7. Plans and surveys shall be made and corrected as follows :—

Plans and surveys.

(1.) Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, as far as then ascertained ; and a book of reference for the railway shall also be made, in which shall be set forth :—

Surveys and levels.

Map or plan and book of reference.

(a.) A general description of the said lands ;

(b.) The names of the owners and occupiers thereof, as far as they can be ascertained ; and—

(c.) Everything necessary for the right understanding of such map or plan :

(2.) The map or plan and book of reference shall be examined and certified by the Minister or by the deputy, and a duplicate thereof, so examined and certified, shall be deposited at the department ; and the company shall deposit copies of such map or plan and book of reference, or of such parts thereof as relate to each district or county through which the railway is to pass, in the offices of the clerks of the peace for such districts or counties respectively :

To be examined and certified and copies deposited.

(3.) Any person may resort to such copies, and make extracts therefrom or copies thereof, as occasion requires, paying to the clerks of the peace at the rate of ten cents for every hundred words :

Access to copies.

(4.) Such map or plan and book of reference so certified, or a true copy thereof, certified by the minister or by any clerk of the peace, shall be evidence in any court of justice and elsewhere :

Certified copies to be evidence.

(5.) Any omission, mis-statement or erroneous description of such lands, or of the owners or occupiers thereof, in any map or plan or book of reference, may, after ten days' notice has been given to the owners of such lands, be corrected by two justices, on application made to them for that purpose ; and if it appears to them that such omission, mis-statement or erroneous description arose from mistake, the justices shall certify the same accordingly :

Errors, how remedied.

(6.) The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the clerks of the peace of the districts or counties, respectively, in which such lands are situate, and shall be kept by them together with the other documents to which they relate ; and thereupon such map or plan, or book of reference, shall be deemed to be corrected according to such certificate ; and the company may make the railway in accordance with the certificate :

Certificate relating thereto.

Alterations from original survey.

(7.) If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a plan and section of such alterations as have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies of or extracts from such plan and section, so far as they relate to the several districts or counties in or through which such alterations have been authorized to be made, shall be deposited with the clerks of the peace of such districts and counties :

Works not to be proceeded with until map, &c., are deposited.

(8.) Until such original map or plan and book of reference, or the plans and sections of the alterations, have been so deposited, the construction of the railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with :

Custody of copies by clerks of the peace.

(9.) The clerks of the peace shall receive and retain the copies of the original plans and surveys, and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies of and extracts from the same ; and every clerk of the peace who refuses so to do, shall incur a penalty, for each default, of four dollars :

Copies certified by clerk to be evidence.

(10.) The copies of the maps, plans and books of reference, or of any alteration or correction thereof, or extracts therefrom, certified by the clerk of the peace, shall be received in all courts of justice and elsewhere as evidence of the contents thereof, and the clerk of the peace shall give such certificate to any person interested when required so to do :

What deviation allowed.

(11) No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and book of reference, or plans and sections, shall be made into, through, across, under or over any part of the lands not shown in such map or plan and book of reference, or plans or sections, or within one mile of the said line and place, except in such instances as are provided for in the special Act :

As to error in name entered in book of reference.

(12.) The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference, through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands :

Map of completed railway to be filed at the department.

(13) A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, be made and filed at the department, and like maps of the parts thereof, located in different districts and counties, shall be filed in the registry offices for the districts and counties in which such parts are respectively situate ; and every company

which fails or neglects to furnish such map within the said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month during which such failure or neglect continues, which penalty shall be recoverable in Her Majesty's name in any court of competent jurisdiction :

(14.) Every such map shall be drawn on such a scale and on such paper as are, from time to time, designated for that purpose by the Minister, and shall be certified and signed by the president or engineer of the company :

Scale and paper.

(15.) The plan and book of reference may be made of sections of the railway not less than twenty miles in length ; and in addition thereto, the company shall file, at the department, within three months after the deposit of such map or plan and book of reference, a profile of the railway described upon such map or plan. 42 V., c. 9, s. 8 ;—46 V., c. 24, s. 2, *part*.

Plan, &c., may be in sections.

Filing of profile.

LANDS AND THEIR VALUATION.

8. In this section the expression " court " means a superior court of the district or Province in which the lands are situate, and the expression " judge " means a judge of such superior court :

Interpretation. " Court. " " Judge. "

2. The lands which may be taken without the consent of the owners thereof shall not exceed thirty-three yards in breadth, but in places where the railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depôts or fixtures are intended to be erected, or goods to be delivered, the lands which may be taken without the consent of the owner shall not be more than six hundred and fifty yards in length by one hundred yards in breadth, except for town and city stations, depôts or terminal stations, or for protection against snow drifts, in which cases such greater quantity of land or land covered with water may be taken, as is approved by the Governor in Council :

Extent of lands to be taken without consent of proprietor.

Extra breadth for stations, &c.

3. The places at which such extra breadth is to be taken shall be shown on the map or plan, or plans or sections, so far as the same are then ascertained, but the fact of their not being so shown shall not prevent such extra breadth from being taken, if it is taken upon the line shown or within the distance aforesaid from such line :

To be shown on map, &c.

4. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity limited in sub-section two of this section :

Extent of public beach to be taken.

5. All tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, trustees and all persons whomsoever, not only for and on behalf of them-

Conveyance to the company.

selves, their heirs and successors but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of, or interested in any lands, may contract, sell and convey to the company all or any part thereof :

Order of judge required in certain cases.

6. In all cases in which the persons hereinbefore enumerated have no right in law to sell or convey the rights of property of the said land, the said persons shall obtain, from a judge, after due notice to the persons interested, the right to sell the said land ; and the said judge shall give such orders as are necessary to secure the investment of the purchase money in such a manner as he deems necessary, in accordance with the law of the Province, to secure the interests of the owner of the said land :

Limitation of powers in certain cases.

7. The powers by the next preceding sub-section conferred upon rectors in possession of glebe lands in the Province of Ontario, ecclesiastical and other corporations, trustees of land for church or school purposes, or either, executors appointed by wills under which they are not invested with any power over the real property of the testator, administrators of persons dying intestate, but at their death seized of real property, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of a company :

Effect of sale under preceding sub-sections.

8. Any contract, agreement, sale, conveyance and assurance so made, under the two sub-sections next preceding, shall be valid and effectual in law, to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever ; and the person so conveying is hereby indemnified for what he does by virtue of or in pursuance of this Act :

Responsibility as to purchase money.

9. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into court for his benefit, as hereinafter provided :

Effect of contracts made before deposit of map, &c.

10. Any contract or agreement made by any person authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land has, in the meantime, become the property of a third person ; and possession of the land may be taken and the agreement and price may be dealt with as if such price had been fixed by an award of arbitrators, as hereinafter provided, and the agreement shall be in the place of an award :

Fixed rent may be agreed

11. All persons who cannot, in common course of law, sell or alienate any lands so set out and ascertained, shall

agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed:

upon in cer-
tain cases.

12. For the payment of the said annual rent and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, upon the deed creating such charge and liability being duly registered in the registry office of the proper district, county or registration division:

Lien for pay-
ment thereof.

13. After the expiration of ten days from the deposit of the map or plan and book of reference, and after notice thereof has been given in at least one newspaper, if there is any, published in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands, or to persons empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway; and, thereupon, agreements and contracts may be made with such persons, touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as seems expedient to both parties; and in case of disagreement between them, or any of them, all questions which arise between them shall be settled as in the following sub-sections of this section mentioned:

After ten days
from deposit
application to
owner.

Arbitration in
default of
agreement.

14. The deposit of a map or plan and book of reference, and the notice of such deposit, shall be deemed a general notice to all the parties, of the lands which will be required for the railway and works; and the date of such deposit shall be the date with reference to which the aforesaid compensation or damages shall be ascertained:

Deposit to
be general
notice.

15. The notice served upon the party shall contain,—

Notice to
party, and
what it shall
contain.

(a.) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, and describing the lands;

(b.) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages;

(c.) The name of a person to be appointed as the arbitrator of the company, if its offer is not accepted; and such notice shall be accompanied by the certificate of a sworn surveyor for the Province or Territories in which the lands are situated, who is a disinterested person and is not the arbitrator named in the notice, which certificate shall state,—

(1.) That the land, if the notice relates to the taking of land shown on the said map or plan, is required for the railway, or is within the limits of deviation hereby allowed;

What survey-
or's certifi-
cate shall con-
tain.

(2.) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and—

(3.) That the sum so offered is, in his opinion, a fair compensation for the land and damage aforesaid :

Application for service by advertisement.

16. If the opposite party is absent from the district or county in which the lands lie, or is unknown, an application for service, by advertisement, may be made to a judge :

Certificate and affidavit to accompany application.

17. The application for service by advertisement shall be accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent inquiry, the person on whom the notice ought to be served cannot be ascertained, and the judge shall order a notice as aforesaid, but without certificate, to be inserted three times in the course of one month, in a newspaper published in the district or county ; or if there is no newspaper published therein, then in a newspaper published in some adjacent district or county :

Party not accepting offer and not appointing an arbitrator.

18. If, within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, or does not give notice to it of the name of a person whom he appoints as arbitrator, the judge shall, on the application of the company, appoint a sworn surveyor for the Province or Territories, as the case may be, to be sole arbitrator for determining the compensation to be paid as aforesaid :

Appointment of arbitrator by party and of third arbitrator.

19. If the opposite party, within the time aforesaid, gives notice to the company of the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, the judge shall, on the application of the party or the company, after notice of at least six clear days having been given to the other party, appoint a third arbitrator :

Arbitrators to be sworn.

20. The arbitrators, or the sole arbitrator, as the case may be, shall be sworn before a justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, and shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best ; and the award of such arbitrators, or of any two of them, or of the sole arbitrator, shall be final and conclusive ; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least two clear days' notice, or to which some meeting at which the third arbitrator was present had been adjourned ; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required :

Their duties.

Increased value of remaining

21. The arbitrators, in deciding on such value or compensation, shall take into consideration the increased value that would be given to any lands through or over which

the railway will pass, by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and shall set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands as aforesaid :

lands to be considered.

22. If by an award of arbitrators made under this Act the sum awarded exceeds the sum offered by the company, the costs of the arbitration shall be borne by the company ; but if otherwise, they shall be borne by the opposite party, and be deducted from the compensation ; and in either case the amount of such costs, if not agreed upon, may be taxed by the judge :

Costs, by whom payable.

23. The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation :

Witnesses.

24. A majority of the arbitrators, at the first meeting after their appointment, or the sole arbitrator, shall fix a day on or before which the award shall be made ; and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by resolution of the arbitrators, then the sum offered by the company, as aforesaid, shall be the compensation to be paid by the company :

Time within which award may be made.

25. If the sole arbitrator appointed by the judge, or any arbitrator appointed by the two arbitrators, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole arbitrator, the judge, upon the application of either party, and upon being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in the place of such sole arbitrator ; and in the case of any arbitrator appointed by one of the parties, the company and party respectively may each appoint an arbitrator in the place of its or his arbitrator so deceased or not acting ; and in the case of the third arbitrator appointed by the two arbitrators, the provisions of the nineteenth subsection of this section shall apply ; but no recommencement or repetition of the previous proceedings shall be required in any case :

Vacancy in office of arbitrator, how filled.

26. Any such notice for lands, as aforesaid, may be abandoned, and a new notice given, with regard to the same or other lands, and to the same or any other person ; but in any such case the liability to the person first notified for all damages or costs by him incurred in consequence of such first notice and abandonment, shall subsist :

Company may desist, paying costs.

27. The surveyor or other person offered or appointed as valuator, or as sole arbitrator, shall not be disqualified because he is professionally employed by either party, or has previously expressed an opinion as to the amount of compensa-

Valuator or arbitrator not disqualified unless personally interested.

tion, or because he is related or of kin to any shareholder of the company, if he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection shall be made before the appointment, and its validity or invalidity shall be summarily determined by the judge:

When disqualification must be urged.

28. No cause of disqualification shall be urged against any arbitrator appointed by the company or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null and void, and the party offering the person so adjudged to be disqualified shall be held not to have appointed an arbitrator:

Award not avoided for want of form.

29. No award shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation, and the person to whom the sum is to be paid need not be named in the award:

Upon payment or tender of sum awarded possession may be taken.

30. Upon payment or legal tender of the compensation or annual rent, so awarded or agreed upon, to the person entitled to receive the same, or upon the payment into court of the amount of such compensation, in the manner hereinafter mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to its so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he deems most suitable, to put down such resistance or opposition, and to put the company in possession; and the sheriff or bailiff shall take with him sufficient assistance for such purpose, and shall put down such resistance or opposition, and put the company in possession:

Warrant of possession.

Warrant of possession before award.

31. Such warrant may also be granted by the judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands, or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed:

On what conditions such warrant may be granted.

(a.) The judge shall not grant any warrant under this sub-section unless ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the land,

or the person empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the company, and unless the company gives security to his satisfaction, by deposit in a chartered bank, designated by him, to the credit of the company and such person or party jointly, of a sum larger than his estimate of the probable compensation, and not less than double the amount mentioned in the notice served under sub-section fifteen of this section ;

Security to be given.

(b.) The costs of the application to and of any hearing before the judge, shall be borne by the company, unless the compensation awarded is not more than the company had offered to pay ; and no part of such deposit or of any interest thereon shall be repaid or paid to such company or paid to such owner or party without an order from the judge, which he may make in accordance with the terms of the award :

Costs.

Payment on judge's order only.

32. The compensation for any lands which may be taken without the consent of the proprietor, shall stand in the stead of such lands ; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof ; and the company shall be responsible accordingly, whenever it has paid such compensation, or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person :

Compensation to stand in the place of the land.

33. If the company has reason to fear any claims or incumbrances, or if any person to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the same cannot be found, or is unknown to the company, or if, for any other reason, the company deems it advisable, the company may, if the lands are situated elsewhere than in the Province of Quebec, pay such compensation into the office of the clerk or prothonotary of the court, with the interest thereon for six months, and may deliver to such clerk or prothonotary an authentic copy of the conveyance, or of the award or agreement, if there is no conveyance ; and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned :

Payment of compensation into court in certain cases.

34. A notice, in such form and for such time as the court appoints, shall be inserted in a newspaper, if there is any, published in the district or county in which the lands are situated, and in a newspaper published at the seat of Government of the Province, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any persons so entitled, to file their claims to the compensation, or any part thereof ; and all such claims

Notice to be published.

Distribution of compensation and effect thereof. shall be received and adjudicated upon by the court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all persons interested, as to right and justice and to law appertain :

Costs. 35. The costs of the proceedings, in whole or in part, shall be paid by the company, or by any other person, as the court orders :

Interest. 36. If such order of distribution is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company, and if, from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay to the proper claimants the interest for such further period as is right :

Proceedings in a like case in the Province of Quebec. 37. If the lands so taken are situated in the Province of Quebec, and if the company has reason to fear any claim, mortgage, *hypothèque* or incumbrance, or if any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the compensation or rent cannot be found, or is unknown to the company, or if, for any other reason, the company deems it advisable, the company may pay such compensation into the hands of the prothonotary of the Superior court for the district in which the land is situate, with the interest thereon for six months, and may deliver to the said prothonotary an authentic copy of the conveyance, or of the award, if there is no conveyance ; and such award shall thereafter be deemed to be the title of the company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the company, in like manner as in other cases of confirmation of title,—except that, in addition to the usual contents of the notice, the prothonotary shall state that the title of the company (that is, the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any person so entitled, to file their claims to the compensation, or any part thereof ; and all such claims shall be received and adjudicated upon by the court :

Confirmation of title. Special notice in such case. Effect of confirmation. (a.) Such judgment of confirmation shall forever bar all claims to the land, or any part thereof, including dower not yet open, as well as any mortgage, *hypothèque* or incumbrance upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all persons interested, as to right and justice, and to law appertain ;

(b.) The costs of the proceedings, in whole or in part, shall be paid by the company, or by any other person, as the court orders, and if judgment of confirmation is obtained in less than six months from the payment of the compensation to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the company; and if, from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay the prothonotary the interest for such further period as is right. 42 V., c. 9, s. 9, *part, and 10, part*;—46 V., c. 24, s. 2, *part, and s. 8*;—47 V., c. 11, ss. 11 and 12, *part, 13 and 14*.

Costs.

Interest.

9. Whenever stone, gravel, earth, sand or water is required for the construction or maintenance of any railway, or any part thereof, the company may, if it cannot agree with the owner of the lands on which the same are situated, for the purchase thereof, cause a land surveyor, duly licensed to act as such in the Province, Territory, district or county, to make a map and description of the property so required, and it shall serve a copy thereof, with its notice of arbitration as in the case of acquiring the roadway; and all the provisions of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the persons from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials, as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which the material is taken, or for the right to take material for any time it thinks necessary,—and the notice of arbitration, if arbitration is resorted to, shall state the interest and powers required. 42 V., c. 9, s. 9, sub-s. 38.

Power to take materials for construction.

Notice in case of arbitration.

10. Whenever any gravel, stone, earth, sand or water is taken as aforesaid, at a distance from the line of the railway, the company may lay down the necessary sidings, water pipes or conduits and tracks, over or through any lands intervening between the railway and the lands on which such material or water is found, whatever is the distance, and all the provisions of this Act, except such as relate to the filing of plans and publication of notice, shall apply, and the powers thereby granted may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently, as the company thinks proper; and the powers in this and the next preceding section contained may, at all times, be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the railway. 42 V., c. 9, s. 9, sub-s. 39.

Power to make sidings, conduits, &c.

Maintenance and repair of railway.

Provision when the whole parcel of land can be purchased with advantage.

11. Whenever, for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the railway, any land may be taken under the compulsory provisions of this part of this Act, and by purchasing the whole of any lot or parcel of land over which the railway is to run, or of which any part may be taken under the said provisions, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the roadway line only, or only such part as aforesaid, the company may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same is separated from its railway, and may sell and convey the same, or any part thereof, from time to time, as it deems expedient ; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel not necessary for the purposes aforesaid. 42 V., c. 9, s. 9, sub-s. 40.

Compulsory provisions not to apply.

HIGHWAYS AND BRIDGES.

Railway not to be carried along highway without permission of proper authority.

12. The railway shall not be carried along an existing highway, but shall merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal or local authority therefor ; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway ; and every company which violates the provisions of this section shall incur a penalty of not less than forty dollars for each such violation ; but, in either case, the rail itself, if it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction :

Variation when crossing on the level.

2. No part of the railway which crosses any highway without being carried over it by a bridge, or under it by a tunnel, shall rise above or sink below the level of the highway more than one inch ; and the railway may be carried across or above any highway within such limits :

Height of span of bridges over highways.

3. The span of the arch of every bridge erected for carrying the railway over or across any highway shall, at all times, be and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height, from the surface of such highway to the centre of such arch, of not less than twelve feet ; and the descent under any such bridge shall not exceed one foot in twenty feet :

Sign boards over railway crossing.

4. Signboards stretching across or projecting over the highway crossed at a level by any railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and shall have the words " railway crossing " painted on each side of the signboard, in letters at least six inches in length ; and every company which neglects to comply with

the requirements of this sub-section, shall incur a penalty not exceeding forty dollars. 42 V., c. 9, s. 15, sub-ss. 1 to 3 and 6.

FENCES AND CATTLE GUARDS.

13. Within three months after the construction of a railway on any section or lot of land which is occupied, or, before such construction, within six months after any part of such section or lot of land has been taken possession of by the company for the purpose of constructing a railway thereon, and after the company has been so required, in writing, by the occupant thereof, the company shall erect and maintain,—

Fences, &c., to be erected and maintained.

(a) Fences over such section or lot of land on each side of the railway, of the height and strength of an ordinary division fence, with openings or gates, or bars, or sliding or hurdle gates, with proper fastenings therein, at farm crossings of the railway; and—

Description of fence.

(b) Cattle guards at all highway crossings, suitable and sufficient to prevent cattle and other animals from getting on the railway:

Cattle guards.

2. If, after the expiry of such delay, such fences, gates and cattle guards are not duly made and completed, or if after they are so made and completed, they are not duly maintained, the company shall be liable for all damages done on the railway by its trains or engines to the cattle, horses or other animals of the occupant of the land in respect of which such fences, gates or guards have not been made or maintained, as the case may be, in conformity with the next preceding sub-section:

Liability of the company until fences, &c., are erected.

3. After such fences, gates and guards have been duly made and completed, and while they are duly maintained, no such liability shall accrue for any such damages, unless the same are caused wilfully or negligently by the company or by its employees:

When to be exempted.

4. If the proprietor of any such section or lot has accepted compensation for dispensing with the erection of such gates or bars, the proprietor or tenant thereof shall not be entitled to avail himself of the provisions of this section. 46 V., c. 24, s. 9, sub-ss. 1 to 3.

When owner has accepted compensation.

14. Every person who rides, leads or drives any horse or any other animal, or suffers any such horse or other animal to enter upon such railway, and within the fences and guards, other than the farm crossings, without the consent of the company, shall, for every violation of this section, incur a penalty not exceeding forty dollars, and shall also pay to the person aggrieved all damages sustained thereby. 42 V., c. 9, s. 16, sub-s. 4.

No cattle to be taken on the line.

Penalty.

15. No person other than those connected with the railway, or employed by the company, shall walk along the

No one to walk on the line.

track thereof, except where the same is laid across or along a highway. 42 V., c. 9, s. 16, sub-s. 5.

TOLLS.

Tolls, how fixed.

16. Tolls shall be, from time to time, fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway, or in the steam vessels belonging to the company, and shall be paid to such persons and at such places, near to the railway, in such manner and under such regulations as the by-laws direct :

Enforcement of payment of tolls.

2. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same shall be recoverable in any court of competent jurisdiction ; or the agents or servants of the company may seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof :

Sale of goods in default of payment.

3. If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale, and shall deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto :

Sale of unclaimed goods.

4. If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement, for six weeks, in the *Official Gazette* of the Province in which such goods are, and in such other newspapers as it deems necessary, sell such goods by public auction, at a time and place which shall be mentioned in such advertisement, and, out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising and selling such goods ; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto :

Application of proceeds.

Disposal of unclaimed balance.

5. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Minister of Finance and Receiver General for the public uses of Canada, until claimed by the person entitled thereto :

Tolls may be altered or varied.

6. The company may, subject to the provisions and limitations herein and in the special Act contained, from time to time, alter or vary the tolls by the special Act authorized to be taken, either upon the whole or upon any particular portions of the railway, as the company thinks fit :

Proviso ; as to equality of charges.

Provided, that all such tolls shall always, under the same circumstances, be charged equally to all persons, and at the same rate, whether per ton, per mile or otherwise, in respect of

all passengers and goods and railway carriages of the same description, and conveyed or propelled by a like railway carriage or engine, passing only over the same portion of the line of railway; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favor of or against any particular company or person travelling upon or using the railway:

7. In all cases, a fraction in the distance over which goods or passengers are transported on the railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton:

Fractions,
how esti-
mated.

8. The company shall, from time to time, cause to be printed and posted up in its offices, and in every place where the tolls are to be collected, in some conspicuous place, a printed board or paper, exhibiting all the rates of tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing:

Tariff to be
posted up.

9. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof:

Approval of
the Governor
in Council.

10. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council, from time to time, after approval thereof; and after an Order in Council reducing the tolls fixed and regulated by any by-law, has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked:

Revision of
by-law fixing
tolls.

11. The Parliament of Canada may, from time to time, reduce the tolls upon the railway, but no such reduction shall, without the consent of the company, be made so as to make the said tolls produce less than fifteen per cent. per annum profit on the capital actually expended in its construction, and unless, on an examination made by the Minister of the amount received and expended by the company, the net income from all sources, for the year then last past is found to have exceeded fifteen per cent. upon the capital so actually expended; and the expression "capital," as used in this sub-section means the paid-up stock and paid-up share capital of the company, with interest added, for periods during which no dividend is paid, to the exclusion of all subsidies and bonuses, and, as regards the Canadian Pacific Railway, also to the exclusion of any debt of the company contracted on the pledge thereof, or of any part thereof:

When Parli-
ament may re-
duce tolls.

Interpretation
of "capital."

12. No by-law of any company, by which any tolls are to be imposed or altered, or by which any person other than the shareholders, officers and servants of the company are intended to be bound, shall have any force or effect until

By-law not in
force until
approved.

the same has been approved by the Governor in Council. 42 V., c. 9, s. 17;—44 V., c. 24, s. 1;—46 V., c. 24, s. 12, *part.*

GENERAL MEETINGS OF SHAREHOLDERS.

General meetings of shareholders.

17. The shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and, at any annual general meeting, may elect directors in the manner hereinafter provided. 42 V., c. 9, s. 18.

PRESIDENT AND DIRECTORS.

Election of board of directors.

18. A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the special Act, and if such election is not held on the day appointed, the directors shall cause such election to be held within as short a delay as possible after the day appointed :

Who entitled to vote at adjourned meeting.

2. No person shall vote on such subsequent day except those who would have been entitled to vote if the election had been held on the day when it should have been held :

Vacancies, how filled.

3. Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws :

Qualification of director.

4. No person shall be a director unless he is a shareholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen :

Calling general meetings, &c

5. The method of calling general meetings, and the time and place of the first meeting of shareholders for the appointment of directors, shall be prescribed and appointed in the special Act :

Votes on shares.

6. The number of votes to which each shareholder shall be entitled, on every occasion when the votes of the shareholders are to be given, shall be in the proportion of the number of shares held by him, unless otherwise provided by the special Act :

Votes by proxy.

7. Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:—

Form.

I, _____, of _____, one of the shareholders of the _____, do hereby appoint _____ of _____, to be my proxy, and, in my absence, to vote or give my assent to any business, matter or thing relating to the undertaking of the said _____ that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he, the said _____ thinks proper. In witness whereof, I have hereunto set my hand and seal, the day of _____, in the year _____

8. The votes by proxy shall be as valid as if the constituents had voted in person; and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company:

Votes by proxy valid.

Majority to govern.

9. The directors appointed at the last election, or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors:

Term of office of directors.

10. In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment is not made, such death, absence or resignation, shall not invalidate the acts of the remaining directors:

Vacancies. how filled.

11. The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may, in like manner, elect a vice-president, who shall act as chairman in the absence of the president:

President.

Term of office.

Vice-president.

12. The directors, at any meeting at which not less than a quorum,—the number of such quorum being settled by the special Act,—are present, shall be competent to use and exercise all and any of the powers vested in the directors:

Quorum.

13. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors:

Acts of the majority to bind the whole.

14. No director shall have more than one vote except the chairman, who shall, in case of a division of equal numbers, have the casting vote:

Votes of directors.

15. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and shall be subject to all by-laws of the company, and to the orders and directions, from time to time, made or given at the annual or special meetings; but such orders and directions shall not be contrary to any express directions or provisions of this Act or of the special Act:

Directors subject to shareholders and by-laws.

16. No person who holds any office, place or employment in, or who is concerned or interested in any contract under or with the company, shall be capable of being chosen a director, or of holding the office of director, nor shall any person who is a director of the company enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the company, other than a contract which relates to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company:

Disability of officers and contractors.

17. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs

By-laws shall be made.

of the company, not inconsistent with the laws of Canada, and for the appointment of all officers, servants and artificers, and prescribing their respective duties :

Appointment of officers and security to be given by them.

18. The directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more bonds, or by the guarantee of any society or joint stock company incorporated and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of persons occupying positions of trust, or for other like purposes, as they deem expedient, from the managers and officers for the time being, for the safe keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their duties, as the directors think proper :

When vice-president shall act.

19. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures and other instruments, and perform all acts which, by the regulations and by-laws of the company, or by the special Act, are required to be signed, performed and done by the president :

Absence of president may be entered on minutes, &c.

20. The directors may, at any meeting of directors, require the secretary to enter such absence or illness among the proceedings of such meeting ; and a certificate thereof, signed by the secretary, shall be delivered to any person requiring the same, on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise :

Annual statement to be prepared.

21. The directors shall cause to be kept and, annually, on the thirty-first day of December, to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors. 42 V., c. 9, s. 19.

CALLS.

Calls, and notice thereof.

19. The directors may, from time to time, make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary ; and at least thirty days' notice shall be given of each call,—and no call shall exceed the amount prescribed in the special Act, or be made at a less interval than two months from the previous call,—nor shall a greater amount be called in, in any one year, than the amount prescribed in the special Act ; but nothing herein contained shall prevent the directors from making more than one call

More than one call by one resolution.

by one resolution of the board: Provided, that the intervals between such calls, the notices of each call, and the other provisions of this Act and of the special Act, in respect of calls, are duly observed :

Proviso.

2. All notices of calls upon the shareholders of the company shall be published weekly in the *Canada Gazette*, and a copy of the said *Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notice :

Publication of notice.

3. Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him, to the persons and at the times and places, from time to time, appointed by the company or the directors :

Payment of calls.

4. If, on or before the day appointed for payment of any call, any shareholder does not pay the amount of such call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment :

Interest on overdue calls.

5. If, at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same shall be recoverable, with lawful interest from the day on which the call became payable :

Recovery by suit.

6. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act. 42 V., c. 9, s. 20, *part*.

What allegations necessary in suits for calls.

DIVIDENDS AND INTEREST.

20. At the annual general meeting of the shareholders of the company, from time to time holden, a dividend shall be declared out of the clear profits of the undertaking, unless such meeting decides otherwise :

Declaration of dividend.

2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, as such meeting thinks fit to appoint or determine :

At so much per share.

3. No dividends shall be declared whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid, in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid :

Dividends not to impair the capital, &c.

4. The directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate not exceeding six per centum per annum, on all sums called up in respect of the shares, from the respective days

Interest on certain sums called in.

on which the same have been paid; and such interest shall accrue and be paid at such times and places as the directors appoint for that purpose:

No interest on share in arrear.

5. No interest shall accrue to any shareholder in respect of any share upon which any call is in arrear, or in respect to any other share held by such shareholder while such call remains unpaid. 42 V., c. 9, s. 21.

INCREASE OF STOCK.

How capital stock may be increased.

21. The original capital stock of any company may be increased, from time to time, to any amount, if such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose, by a notice in writing to each shareholder, delivered to him personally, or properly directed to him and deposited in the post office at least twenty days previously to such meeting, stating the time, place and object of the meeting, and the amount of the proposed increase; and the proceedings of such meeting shall be entered in the minutes of the proceedings of the company, and thereupon the capital stock may be increased to the amount sanctioned by such vote. 42 V., c. 9, s. 7, sub-s. 20.

Entry on minutes.

SHARES.

Shares may be transferred.

22. Shares in the company may, by the holders thereof, be sold and transferred by instrument in writing, made in duplicate,—one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered:

Form of deed of sale.

2. Transfers shall be in the form following, varying the names and descriptions of the contracting parties as the case requires, that is to say:—

I, A. B., in consideration of the sum of _____, paid to me by C. D., hereby sell and transfer to him _____ share (or shares) of the stock of the _____, to hold to him, the said C. D., his heirs, executors, administrators and assigns (or successors and assigns, as the case may be), subject to the same rules and orders and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree to accept of the said _____ share (or shares) subject to the same rules, orders and conditions. Witness our hands this _____ day of _____ in the year 18 _____:

Shares, personal property &c.

3. The stock of the company shall be personal property; but no shares shall be transferable until all previous calls thereon have been fully paid up, or until the said shares have been

declared forfeited for the non-payment of calls thereon ; and no transfer of less than a whole share shall be valid :

4. If any share in the capital stock of the company is transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is transmitted shall deposit in the office of the company a statement in writing, signed by him, which shall declare the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as are necessary ; and without such proof the person to whom the share is so transmitted, as aforesaid, shall not be entitled to receive any part of the profits of the company, or to vote in respect of any such share as the holder thereof :

Transmission otherwise than by transfer.

5. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares is subject ; and the receipt of the person in whose name any share stands in the books of the company, or if it stands in the name of more than one person, the receipt of one of the persons named in the register of shareholders in respect thereof, shall, from time to time, be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share is then subject, and whether or not the company has had notice of the trust ; and the company shall not be bound to see to the application of the money paid upon such receipt :

Company not bound to see to trusts.

6. The certificate of proprietorship of any share shall be admitted in all courts as *primâ facie* evidence of the title of any shareholder, his executors, administrators or assigns, or successors and assigns, as the case may be, to the share therein specified :

Certificate of proprietorship to be evidence.

7. The want of such certificate shall not prevent the holder of any share from disposing thereof :

Sale without certificate.

8. Every person who neglects or refuses to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit to the company, for the benefit thereof, his shares in the company, and all the profit and benefit thereof :

Penalty for refusal to pay calls.

9. No advantage shall be taken of the forfeiture unless the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred :

When only forfeiture may be taken advantage of.

10. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatsoever, commenced or prosecuted, for any breach of contract or other agreement between such shareholder and the other shareholders, with regard to carrying on the undertaking :

Effect of forfeiture as to liability.

Forfeited shares may be sold.

11. The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the company, or may pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or for the payment of any sums of money borrowed by or advanced to the company :

Certificate of treasurer to be evidence of forfeiture and of title of purchaser.

12. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser ; and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares ; and the certificate shall be, by the said treasurer, registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books required to be kept by the by-laws of the company ; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money,—and his title to such shares shall not be affected by any irregularity in the proceedings in reference to such sale ; and any shareholder may purchase any shares so sold :

Interest on sums paid in advance.

13. Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares beyond the sums actually called for, may pay the same to the company,—and upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay such interest, at the lawful rate of interest for the time being, as the shareholders who pay such sum in advance and the company agree upon ; but such interest shall not be paid out of the capital subscribed. 42 V., c. 9, s. 20, *part, and s. 22.*

Proviso.

SHAREHOLDERS.

Liability of shareholders.

23. Every shareholder shall be individually liable to the creditors of the company for the debts and liabilities of the company, to an amount equal to the amount unpaid on the stock held by him, and until the whole amount of his stock has been paid up ; but no such shareholder shall be liable to an action in respect of his said liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part :

When and how municipal corporations may take stock.

2. Municipal corporations in any Province in Canada duly empowered so to do by the laws of the Province, and subject to the limitations and restrictions in such laws prescribed, may subscribe for any number of shares in the capital stock of the company ; and the mayor, warden, reeve or other head officer of any such corporation holding stock to the amount of twenty thousand dollars or upwards, shall

be *ex officio* one of the directors of the company in addition to the number of directors authorized by the special Act :

3. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book, which shall be kept for that purpose. 42 V., c. 9, s. 23.

Record of names and residence of shareholders.

BY-LAWS, NOTICES, ETC.

24. All by-laws, rules and orders, regularly made, shall be reduced to writing, and be signed by the chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the company; and a printed copy of so much of them as relates to or affects any person other than the shareholders or servants of the company, shall be openly affixed in every place where tolls are to be collected, and a printed copy of so much of them as relates to the safety and liability of passengers, shall be openly affixed in each passenger car, and in like manner as often as any change or alteration is made in the same; and a copy of the same, or of any of them, certified as correct by the president or secretary, shall be evidence thereof in any court :

By-laws to be in writing and signed by the chairman.

Publication.

Copy to be evidence.

2. All such by-laws, rules and orders shall be submitted, from time to time, to the Governor in Council for approval :

Approval of Governor in Council.

3. Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute books kept by the secretary of the company, and by him certified to be true copies extracted from such minute books, shall be evidence of such proceedings and resolutions in any court :

Copies of minutes to be evidence.

4. All notices given by the secretary of the company, by order of the directors, shall be deemed notices by the directors and the company :

Notice by secretary valid.

5. All notices of meetings of the shareholders of the company shall be published weekly in the *Canada Gazette*, and a copy of the said *Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notice. 42 V., c. 9, s. 20, sub-s. 2, *part*, and s. 24.

Publication of notices of meetings.

WORKING OF THE RAILWAY.

25. Every servant of the company employed in a passenger train or at a station for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property :

Servants to wear badge.

2. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, delivered to such agent or servant for trans-

Checks to be affixed to baggage.

port, and a duplicate of such check shall be given to the passenger delivering the same :

Penalty for refusing to affix check.

3. If such check is refused on demand, the company shall pay to such passenger the sum of eight dollars, which shall be recoverable in a civil action ; and no fare or toll shall be collected or received from such passenger, and if he has paid his fare the same shall be refunded by the conductor in charge of the train :

Evidence of value of baggage.

4. Any passenger who produces such check may himself be a witness in any action or suit brought by him against the company to prove the contents and value of his baggage not delivered to him :

Baggage cars not to be in rear of passenger cars.

5. No baggage, freight, merchandise or lumber cars shall be placed in rear of the passenger cars, and if any such car is so placed, the officer or agent who directs or knowingly permits such arrangement, and the conductor of the train, shall each be guilty of a misdemeanor, and be punishable accordingly :

Bells and whistles.

6. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle :

To be rung or sounded at crossings.

7. The bell shall be rung or the whistle sounded at the distance of at least eighty rods from every place at which the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway ; and the company shall, for each neglect to comply with the provisions of this section, incur a penalty of eight dollars, and shall also be liable for all damage sustained by any person by reason of such neglect, and a moiety of such penalty and damages shall be chargeable to and collected by the company from the engineer who has charge of such engine, and who neglects to sound the whistle or ring the bell as aforesaid :

Penalty for non-compliance.

Intoxication a misdemeanor.

8. Every person who is intoxicated while he is in charge of a locomotive engine, or acting as the conductor of a car or train of cars, is guilty of a misdemeanor :

Expulsion of passenger refusing to pay.

9. Every passenger who refuses to pay his fare, may, by the conductor of the train and the train servants of the company, be put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force :

Injury to passenger standing on platforms, &c.

10. No person injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time, in a conspicuous place inside of the passenger cars then in the train, shall have any claim in respect of the injury, if room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time :

As to dangerous goods.

11. No passenger shall carry, or require the company to carry upon its railway, aquafortis, oil of vitriol, gunpowder, nitro-glycerine, or any other goods which, in the judgment of the company, are of a dangerous nature ; and every person

who sends by the railway any such goods without, at the time of so sending the same, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station master or other servant of the company with whom the same are left, shall forfeit to the company the sum of five hundred dollars for every such offence :

To be plainly marked.

Penalty.

12. The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact ; and the company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of each of which shall be plainly painted, in large letters, the words, " dangerous explosives ; " and for each neglect to comply with the provisions of this subsection, the company shall incur a penalty of five hundred dollars, which shall be recoverable by any person who sues for the same. 42 V., c. 9, s. 25, *part*.

Dangerous goods may be refused.

Carriage of such goods.

Penalty.

TRAINS OVERDUE.

26. Every company, upon whose road there is a telegraph line in operation, shall have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph office ; and when any passenger train is overdue for half an hour at any such station, according to the time table of such company, the station master or person in charge at such station, shall write, or cause to be written with white chalk on such blackboard, a notice in English and French in the Province of Quebec, and in English in the other Provinces, stating, to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station ; and if, when that time has come, the train has not reached the station, the station master or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train may then be expected to reach such station :

Duty of station agents, &c., when train is overdue.

2. Every such company, station master or person in charge at any such station, shall incur a penalty not exceeding five dollars for every wilful neglect, omission or refusal to obey the provisions of this section, which shall be recoverable, in the Province of Quebec, before any two justices of the peace or in the circuit court of the district or of the county in which district or county such station is situate, and, in the other Provinces, before any two justices of the peace or the stipendiary or police magistrate for the city, town, district or county in which such station is situated, and shall belong to Her Majesty for the public uses of Canada :

Penalty for non-compliance.

Time for proceedings limited.
Provido.

3. Every proceeding brought under this section shall be commenced within one month following the commission of the offence, and not afterwards; but nothing in this section shall prejudice the right of any person to the recovery of damages from any such company, by reason of the detention of trains as aforesaid; and every such company shall have a printed copy of this section posted up in a conspicuous place at each of its stations at which there is a telegraph office. 42 V., c. 9, s. 26.

ACTIONS FOR INDEMNITY; FINES AND PENALTIES AND PROCEDURE THEREFOR.

Limitation of actions for damages.

27. All actions or suits for indemnity for any damage or injury sustained by reason of the railway, shall be commenced within six months next after the time when such supposed damage is sustained, or if there is continuation of damage, within six months next after the doing or committing of such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of this Act and the special Act. 42 V., c. 9, s. 27, sub-s. 1.

Recovery of penalties, fines and forfeitures.

28. All penalties, fines and forfeitures imposed under this part of this Act, or under the special Act, or under any by-law, except those for the levying and recovering of which special provision is hereinbefore made, shall be recoverable or enforceable in a summary manner before one or more justices of the peace, under the "*Act respecting summary proceedings before Justices of the Peace*," or by civil action in any court of competent jurisdiction:

How applicable.

2. All the fines, penalties and forfeitures recovered or enforced under the next preceding sub-section, the application whereof is not hereinbefore particularly directed, shall be paid and belong to the person who sues for the same. 42 V., c. 9, s. 27, sub-s. 2;—47 V., c. 11, s. 2.

Violation of this Act, &c., a misdemeanor.

29. Every violation of this Act or of the special Act, by the company or by any other person, for which no punishment or penalty is herein provided, is a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the company, if it is the offender, from the forfeiture, under this Act and the special Act, of the privileges conferred on it by the said Acts, if by the provisions thereof, or by law, the same are forfeited by such violation. 42 V., c. 9, s. 27, sub-s. 4.

GENERAL PROVISIONS.

Carriage of Her Majesty's mails, &c.

30. Her Majesty's mail, Her Majesty's naval or military forces or militia, and all artillery, ammunition, provisions

or other stores for their use, and all policemen, constables or others travelling on Her Majesty's service, shall at all times, when required by the Postmaster General of Canada, the Commander of the Forces, or any person having the superintendence and command of any police force respectively, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions and under such regulations as the Governor in Council makes. 42 V., c. 9, s. 28, sub-s. 1.

31. The company shall, when required so to do by the Governor in Council, or any person authorized by him, place any electric telegraph, and the apparatus and operators it has, at the exclusive use of the Government of Canada, receiving thereafter reasonable compensation for such service. 42 V., c. 9, s. 28, sub-s. 2.

Government to have use of telegraph if required.

32. The Governor in Council may, at any time, cause a line or lines of electric telegraph to be constructed along the line of the railway, for the use of the Government of Canada, and for that purpose may enter upon and occupy so much of the lands of the company as is necessary for the purpose. 42 V., c. 9, s. 28, sub-s. 3.

Telegraph line may be constructed by Government.

33. Any further enactments which the Parliament of Canada hereafter makes for the carriage of the mail or of Her Majesty's forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the special Act. 42 V., c. 9, s. 28, sub-s. 4.

Further enactments may be made by Parliament.

34. No contracts for works of construction or maintenance of the railway, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in a newspaper published in the place nearest to that at which the work is required to be done; but the company shall not be compelled to accept any such tender. 42 V., c. 9, s. 28, sub-s. 5.

Tenders for certain works to be called for.

35. If the construction of the railway is not commenced, and ten per cent. on the amount of the capital is not expended thereon, within three years after the passing of the special Act, or if the railway is not finished and put in operation in ten years from the passing of such special Act, the corporate existence and powers of the company shall cease. 42 V., c. 9, s. 28, sub-s. 6.

Time for completion of railway, &c., limited.

36. After the opening of the railway, or any part thereof to the public, and within the first fifteen days after the

Annual account for Parliament

opening of each session of Parliament, an account shall be annually submitted to the three branches thereof, containing a detailed and particular account, attested upon oath by the president, or in his absence, by the vice-president, of the moneys received and expended by the company, and a classified statement of the passengers and goods transported by the company, with an attested copy of the last annual statement. 42 V., c. 9, s. 28, sub-s. 7.

Form may be varied.

37. No further provisions which Parliament hereafter makes, with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the company. 42 V., c. 9, s. 28, sub-s. 8.

Corporation may be dissolved.

38. Parliament may, at any time, annul or dissolve any company; but such dissolution shall not take away or impair any remedy given against such company, its shareholders, officers or servants, for any liability previously incurred. 42 V., c. 9, s. 28, sub-s. 9.

Certain rights saved.

39. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, except such as are herein mentioned. 42 V., c. 9, s. 28, sub-s. 10.

PART TWO.

INTERPRETATION.

Interpretation.

40. In Part Two of this Act, unless the context otherwise requires,—

“Company.”

(a.) The expression “company” means any railway company within the legislative authority of the Parliament of Canada;

“Railway Company.”

(b.) The expression “railway company” or “company” includes any person who is the owner or lessee of, or a contractor working any railway to which Part Two of this Act applies.

“Engineer.”

(c.) The expression “engineer” includes engineers when more than one are appointed. 42 V., c. 9, s. 98.

AUTHORITY TO ACQUIRE ADDITIONAL LANDS.

Proceedings for acquiring additional lands.

41. Whenever any company requires, at any station or place on the line of such railway, more ample space for the convenient accommodation of the public and of the traffic on the railway than it then possesses or can take without the consent of the proprietors thereof, the company may cause a plan to be made of the additional land required at such station or place for the purposes aforesaid, which is not in actual use for similar purposes by any other railway com-

pany, and for the purpose of making such plan shall have the powers granted to railway companies under Part One of this Act for making surveys :

2. The company may transmit such plan to the Minister with an application, on behalf of the company, supported by affidavit, referring to such plan and stating that certain land shown thereon is necessary for such purposes, and that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Minister to authorize the taking thereof for such purposes under this Act :

Transmission of plan and application.

3. At least ten days' notice of such application shall be given to the owner or possessor of such property ; and the correctness of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by its engineer, and such plan and statement shall be made and transmitted to the Minister in duplicate. 42 V., c. 9, ss. 10 and 14, *part*.

Notice to owner, &c.

42. The Minister shall inquire into the correctness of the plan and the truth of the allegations of such application, and if he is satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the land shown on such plan, or any less quantity, should be acquired by the company ; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain at the department. 42 V., c. 9, ss. 11 and 14, *part*.

Certificate of Minister required.

43. Upon the granting of such certificate, and by virtue thereof, the company may take the land shown on the said plan as required for such purposes, without the consent of the proprietors ; and the company and all persons who could not otherwise convey the same to the company, shall have, with respect to any such land, all the powers granted in section eight of this Act to railway companies and persons who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof ; and the provisions of the said section, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the land mentioned in the said certificate of the Minister, and to all the proceedings connected with or consequent upon the acquiring or taking of such land, or any part thereof, with or without the consent of the proprietor ; and if, at any time thereafter, the company does not require the whole or any portion of the land acquired under the two sections next preceding, then such land as is not so required shall be sold by public auction, after thirty days' notice thereof in any newspaper. 42 V., c. 9, ss. 12 and 14, *part*.

Effect of certificate.

Powers of the company in such case.

Land not required may be sold.

Certificate to be evidence.

44. Every such certificate purporting to be signed by the Minister, shall be received as authentic in all courts, without proof of such signature or other evidence, unless its authenticity is called in question on behalf of Her Majesty. 42 V., c. 9, ss. 13 and 14, *part*.

Power to construct branch lines for certain purposes.

45. Any company may, for the purpose of connecting any city, town, village, manufactory or mine, or any quarry of stone or slate, or any well or spring, with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by the company, or for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, build, make and construct, and work and use, sidings, switches or branch lines of railway, not exceeding in any one case six miles in length; but such company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section, until public notice has been given, for six weeks, in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose, under the compulsory powers vested in such company by this Act, or by any other Act in its behalf; nor unless the company has, prior to the first publication of such notice, deposited in the registry office of any city, county or part of a county, in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line; nor until the company has submitted the same to, and such maps and plans have been approved of by the Governor in Council, after the expiration of the said notice; and the order of the Governor in Council, approving the said maps and plans, shall limit the time, which shall not exceed two years from the date of such order, within which the company may construct such branch line:

Notice to be given.

Maps and plans.

Approval of Governor in Council.

Time for construction to be limited.

Powers as to such branch lines.

2. Every such company may, for any and every such purpose, exercise all the powers given to it with respect to its main line, under the special Act and this Act; and each and all provisions of the said Acts which are applicable to such extension shall extend and apply to every such siding, switch or branch line of railway. 42 V., c. 9, s. 7, sub-s. 18, and s. 100, *part*.

SNOW FENCES.

Snow fences may be erected on adjoining lands.

46. Every company may, on and after the first day of November, in each year, enter into and upon any lands of Her Majesty, or into and upon the lands of any person whomsoever, lying along the route or line of any railway, and erect and maintain snow fences thereon, subject to the payment of

such land damages, if any, as are thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered; but every snow fence so erected shall be removed on or before the first day of April then next following. 42 V., c. 9, s. 16, sub-s. 6, *part.*

BRIDGES.

47. Every bridge or other erection or structure, over or through or under which any railway passes, and every tunnel through which any railway passes, shall at all times be so maintained as to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway :

As to height of over-head bridges.

2. The company, before using higher freight cars than those which admit of such open and clear headway of at least seven feet, shall, after having first obtained the consent of the municipality or of the owner of such bridge or other erection, structure or tunnel, raise every such bridge or other erection, structure or tunnel, and the approaches thereto, if necessary, so as to admit of such open and clear headway of at least seven feet; but the Governor in Council may exempt any bridge, erection, structure or tunnel existing on the twenty-first day of March, one thousand eight hundred and eighty-one, from the operation of this section :

No higher cars to be used till bridge is raised.

Exception.

3. Whenever any such bridge, erection, structure or tunnel is constructed over or on the line of a railway, or whenever it becomes necessary to reconstruct any such bridge, erection, structure or tunnel already built over or on the line of a railway, or to make large repairs to the same, the lower beams, members or portions of the superstructure of any such bridge, erection, structure or tunnel, and the approaches thereto, if necessary, shall be constructed or reconstructed at the cost of the company, or of the municipality or other owner of the bridge, erection, structure or tunnel, as the case may be, and shall, at all times, be maintained at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then used on the railway and the lower beams, members or portions of such bridge, erection, structure or tunnel :

Bridge, &c., to be raised when re-constructed.

4. Such company shall thereafter, before using higher freight cars than those used on its railway at the time of the construction or reconstruction of, or large repairs to such bridge, erection, structure or tunnel, after having first obtained the consent of the municipality, or of the owner of such bridge, erection, structure or tunnel, raise the said bridge or other erection, structure or tunnel, and the approaches thereto, if necessary, so as to admit, as aforesaid, of an open and clear headway of at least seven feet over the

And clear headway maintained thereafter.

top of the highest freight car then about to be used on the railway :

Penalty for non-compliance.

5. Every company shall incur a penalty not exceeding fifty dollars per day for every day of wilful neglect, omission or refusal to obey the provisions of this section. 44 V., c. 24, s. 3 ;—46 V., c. 24, s. 5.

HIGHWAYS AND CROSSINGS.

Inclination of highway at crossings.

48. The inclination of the ascent or descent, as the case may be, of any approach by which any roadway is carried upon, over or under any railway, shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach ; and a good and sufficient fence shall be made on each side of such approach, and of the bridge or passage connected with it,—which fence shall be at least four feet in height from the surface of the approach, bridge or passage ; and, in respect to railways which, on the nineteenth day of April, one thousand eight hundred and eighty-four, were under construction or already constructed, the railway committee shall determine the proportion in which the cost of providing such fencing for such approach shall be borne by the company and the municipality or person interested. 47 V., c. 11, s. 10.

Fences.

Distribution of expense in certain cases.

Officer to be stationed at crossing.

49. Every company shall station an officer at every point on its line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. 42 V., c. 9, s. 74.

Train to stop at level crossing.

50. Every locomotive or railway engine, or train of cars, on any railway, shall, before it crosses the track of any other railway on a level, be stopped for the space of at least one minute. 42 V., c. 9, s. 75.

Rate of speed in cities, &c.

51. No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village, at a speed greater than six miles an hour, unless the track is properly fenced. 42 V., c. 9, s. 76.

As to train moving reversely.

52. Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, the company shall station, on the last car in the train, a person who shall warn persons standing on or crossing the track of such railway, of the approach of such train ; and for every violation of any of the provisions of this section or of any of the three sections next preceding, the company shall incur a penalty of one hundred dollars. 42 V., c. 9, s. 77.

Cars not to stand on highway crossing.

53. Whenever any railway crosses any public highway on the level, the company shall not, nor shall its officers, servants

or agents, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway for a longer period than five minutes at one time; and if in any city, town or village, a train is waiting for more than five minutes, such waiting train shall be cut so as to clear the highway :

2. In every case of a violation of this section, every such officer, servant and agent who has under or subject to his control, management or direction, any engine, tender or car which, or any portion of which, is wilfully allowed to stand on such highway longer than the time specified in this section, shall, and such company shall also, for each such violation, incur a penalty not exceeding fifty dollars—which penalty shall be recoverable, with costs, in any court of competent jurisdiction, by the informer or any person who sues for the same; and a moiety of such penalty shall belong to Her Majesty, and the other moiety shall belong to the person who sues for the same: Provided always, that if such alleged violation is, in the opinion of the court, excusable, the action for the penalty may be dismissed, but without costs. 47 V., c. 11, s. 8.

54. Every company shall make the crossings, which it is bound to furnish to persons across whose lands the railway is carried, convenient and proper for the passing of farmer's carts and other vehicles over the same; and the persons for whose use such crossings are furnished shall keep the gates at each side of the railway closed when not in use; and any person on whose lands such gates are, shall incur a penalty of twenty dollars for each occasion on which such gate is left open without some person being at or near it to prevent animals from passing through it on to the railway,—which penalty shall be recoverable in any court of competent jurisdiction, by the informer or person who sues for the same,—a moiety whereof shall belong to such informer or person, and the other moiety whereof shall belong to Her Majesty; and the owner or occupier of the land on which any such gate is unlawfully left open as aforesaid, shall be liable to the railway company for any damage to the property of the company or for which the company is responsible, by reason of such gate having been so left open; and no person, any of whose cattle are killed by any train owing to the non-observance of this section, shall have any right of action against any company in respect to the same being so killed. 47 V., c. 11, s. 9.

55. At every road and farm crossing on the grade of the railway, the crossing shall be sufficiently fenced on both sides so as to allow the safe passage of the trains. 42 V., c. 9, s. 82.

TRAFFIC ARRANGEMENTS.

56. In this section, the expression "traffic" includes not only passengers and their baggage, goods, animals and things

“Traffic.”

conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway ; and the expression “ railway ” includes all stations and depots of the railway ; and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other :

Arrangements
for inter-
change of
traffic.

2. The directors of any company may, at any time, make and enter into any agreement or arrangement with any other company, either in Canada or elsewhere, for the regulation and interchange of traffic passing to and from the company's railways, and for the working of the traffic over the said railways respectively, or for either of those objects separately,—and for the division and apportionment of tolls, rates and charges in respect of such traffic,—and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith, for any term not exceeding twenty-one years,—and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as are considered necessary or expedient,—subject to the consent of two thirds of the stockholders voting in person or by proxy, and also to the approval of the Governor in Council :

Proviso : for
approval.

Notice of ap-
plication for
approval.

3. Before such approval is given, notice of the application therefor shall be published in the *Canada Gazette* for at least two months previously to the time therein named for the making of such application ; and such notice shall state a time and place when the application is to be made, and that all persons interested may then and there appear and be heard on such application :

Facilities to
be afforded
in respect of
traffic.

4. Every company shall, according to its power, afford all reasonable facilities for the receiving and forwarding and delivery of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks and other vehicles ; and no such company shall make or give any undue or unreasonable preference or advantage to or in favor of any particular person or company, or any particular description of traffic in any respect whatsoever,—nor shall any such company subject any particular person or company, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever ; and every company having or working railways which form part of a continuous line of railway, or which intersect any other railway, or which has the terminal station or wharf of the one near the terminal station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding all the traffic arriving by one of such railways by the other, without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction is offered to the public desirous of

No undue
advantage.

using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf; and any agreement made between any two or more companies contrary to this sub-section shall be unlawful, and null and void:

Agreement
in violation
void.

5. Every company which grants any facilities to any incorporated express company shall grant equal facilities on equal terms and conditions to any other incorporated express company which demands the same:

Equal facilities
to express
companies.

6. If any officer, servant or agent of any company, who has the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the company for which they are destined, any passenger, goods or thing, brought, conveyed or delivered to him or such company, for conveyance over or along its railway from that of any other company, intersecting or coming near to such first mentioned railway, or in any way wilfully violates the provisions of the fourth sub-section of this section—such first mentioned company, or such officer, servant or agent, personally, shall, for each such neglect or refusal, be liable, on summary conviction, to a penalty not exceeding fifty dollars over and above the actual damages sustained; which penalty shall be recoverable with costs, by the railway company or by any person aggrieved by such neglect or refusal, and such penalty shall belong to the said railway company, or other person so aggrieved. 42 V., c. 9, s. 60;—46 V., c. 24, s. 11, *part, and s. 13.*

Penalty for
refusal by
officer to re-
ceive and
convey goods.

Recovery and
application.

RAILWAY CONSTABLES.

57. Any two justices of the peace, or a stipendiary or police magistrate, in the Provinces of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, or Manitoba or the District of Keewatin, and any judge of the Court of Queen's Bench or Superior Court, or clerk of the peace, or clerk of the Crown, or judge of the sessions of the peace, in the Province of Quebec, and any judge of the Supreme Court, or two justices of the peace, or stipendiary or police magistrate, in the North-West Territories, on the application of the directors of any company whose railway passes within the local jurisdiction of such justices of the peace, magistrate, judge, clerk, or judge of the sessions of the peace, as the case may be, or on the application of any clerk or agent of such company thereto authorized by such directors, may, in their or his discretion, appoint any persons recommended for that purpose by such directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:—

Appointment
of railway
constables.

Oath to be
taken.

Form of oath. " I, A. B., having been appointed a constable to act upon
 " and along (*here name the railway*), under the provisions of
 " 'The Railway Act,' do swear that I will well and truly
 " serve Our Sovereign Lady the Queen in the said office of
 " constable, without favor or affection, malice or ill-will, and
 " that I will, to the best of my power, cause the peace to be
 " kept, and prevent all offences against the peace; and that,
 " while I continue to hold the said office. I will, to the best
 " of my skill and knowledge, discharge the duties thereof
 " faithfully, according to law. So help me God."

By whom to
be adminis-
tered.

Powers of
such con-
stable.

2. Such oath or declaration shall be administered in either of the Provinces of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island or Manitoba, or in the District of Keewatin, by any one justice of the peace, and in the Province of Quebec by any such judge, clerk, or judge of the sessions of the peace, and in the North-West Territories by any such judge or magistrate or by any one justice of the peace; and every constable so appointed, who has taken such oath or made such declaration, may act as a constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts, on such railway, and on any of the works belonging thereto,—and on and about any trains, roads, wharves, quays, landing places, warehouses, lands and premises, belonging to such company, whether the same are in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes, which is worked or leased by such company,—and in all places not more than one quarter of a mile distant from such railway,—and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constable-wick:

Arrest of
offenders.

3. Any such constable may take such persons as are punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting the railway, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which such railway passes; and every such justice may deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction:

Dismissal of
constable.

4. Any two justices of the peace, or a stipendiary or police magistrate, in either of the Provinces of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, or Manitoba, or in the District of Keewatin, and any judge of the Court of Queen's Bench or Superior Court, or clerk of the peace, or clerk of the Crown, or judge of the sessions of

the peace, in the Province of Quebec, and any judge of the Supreme Court, or stipendiary or police magistrate, or two justices of the peace, in the North-West Territories, may dismiss any such constable, who is acting within their several jurisdictions; and the directors of such company, or any clerk or agent of such company thereto authorized by such directors, may dismiss any such constable who is acting on such railway; and upon every such dismissal, all powers, protections and privileges which belonged to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by whom he was dismissed:

Effect of dismissal.

5. Every such company shall cause to be recorded in the office of the clerk of the peace, for every county, city, town, parish, district or other local jurisdiction wherein such railway passes, the name and designation of every constable so appointed at its instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and such clerk of the peace shall keep such record in such form as the railway committee, from time to time, directs, in a book which shall be open to public inspection, charging such fee as the railway committee, from time to time, authorizes:

Record of appointment to be kept.

6. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city, district or other local jurisdiction wherein such railway passes, to a penalty not exceeding eighty dollars,—which penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the company, or shall be liable to imprisonment, with or without hard labor, for a term not exceeding two months:

Punishment of constable guilty of neglect of duty.

7. Everyone who assaults or resists any constable, appointed as aforesaid, in the execution of his duty, or who incites any person so to do, shall, for every such offence, be liable, on summary conviction, to a penalty not exceeding eighty dollars, or to imprisonment, with or without hard labor, for a term not exceeding two months. 42 V., c. 9, s. 61;—49 V., c. 25, s. 30.

And of persons resisting him.

THE RAILWAY COMMITTEE.

58. The Governor in Council may, from time to time, appoint such members of the Queen's Privy Council for Canada as he sees fit, to the number of at least four, to constitute the Railway Committee of the Privy Council, and such committee shall have the powers and perform the duties assigned to it by this Act. 42 V., c. 9, s. 35.

Railway committee.

Chairman and
secretary.

59. The railway committee shall appoint one of its members to be chairman, and the deputy of the Minister of Railways and Canals, or some other fit person appointed by the committee, shall be the secretary of the committee. 42 V., c. 9, s. 36.

Notice to rail-
way com-
mittee before
railway is
opened.

60. No railway, or portion of any railway, shall be opened for the public conveyance of passengers, until one month after notice in writing of the intention to open the same is given to the railway committee by the company to which the railway belongs, and until ten days after notice in writing is given to the railway committee by the company, of the time when the railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. 42 V., c. 9, s. 37.

Penalty for
non-compli-
ance.

61. If any railway or portion of a railway is opened without such notices, the company to which such railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the said notices have been duly given and have expired. 42 V., c. 9, s. 38.

Railway to be
inspected.

62. The railway committee, upon receiving such notification, shall direct one or more of the engineers attached to the department to examine the railway proposed to be opened, and all bridges, culverts, tunnels, road crossings and other works and appliances connected therewith, and also all engines and other rolling stock intended to be used thereon; and if the inspecting engineer reports in writing to the railway committee that, in his opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or of the insufficiency of the establishment for working such railway, together with the ground of such opinion, the railway committee, with the sanction of the Governor in Council,—and so from time to time, as often as such engineer, after further inspection thereof, reports to the like effect,—may order and direct the company to which the railway belongs, to postpone such opening for any time not exceeding one month at any one time, until it appears to the committee that such opening may take place without danger to the public. 42 V., c. 9, s. 39.

Postponement
of opening if
report is un-
favorable.

Penalty for
opening con-
trary to order.

63. If any railway or any portion thereof is opened contrary to such order or direction of the railway committee, the company to whom the railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction. 42 V., c. 9, s. 40.

64. No such order shall be binding upon the company unless a copy of the report of the inspecting engineer on which the order is founded is delivered to the company with such order. 41 V., c. 9, s. 41.

Order not binding without notice.

65. Whenever the railway committee receives information to the effect that any bridge, culvert, viaduct, tunnel or any other portion of any railway, or any engine, car or carriage used or for use on any railway, is dangerous to the public using the same, from want of repair, insufficient or erroneous construction, or from any other cause, or whenever circumstances arise which, in its opinion, render it expedient, it may direct any engineer as aforesaid to examine and inspect the railway or any portion thereof, or of the works connected therewith, or the engines and other rolling stock in use thereon, or any portion thereof, and, upon the report of the engineer or engineers, may condemn the railway, or any portion thereof, or any of the rolling stock or other appliances used thereon, and, with the approval of the Governor in Council, may require any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway; and thereupon the company to which such railway belongs, or the company using, running or controlling the same, shall, after notice thereof in writing, signed by the chairman of the committee and countersigned by the secretary thereof, proceed to make good or remedy the defects in the said portions of the railway, or in the locomotive, car or carriage which has been so condemned, or shall make such change, alteration or substitution hereinbefore referred to, as has been required in manner aforesaid by the committee. 42 V., c. 9, s. 42.

Proceedings, if part of railway is out of repair.

Defects to be made good.

66. If, in the opinion of any such engineer, it is dangerous for trains or vehicles to pass over any railway, or any portions thereof, until alterations, substitutions or repairs are made thereon, or that any particular car, carriage or locomotive should be run or used, the said engineer may forthwith forbid the running of any train or vehicle over such railway or portion of railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the president, managing director or secretary or superintendent of the company owning, running or using such railway, or to any officer having the management or control of the running of trains on such railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended. 42 V., c. 9, s. 43.

Running of trains may be forbidden in case of danger.

67. The inspecting engineer shall forthwith report the same to the railway committee, which, with the sanction of the Governor in Council, may either confirm, modify or dis-

Report and action thereon.

allow the act or order of the inspecting engineer, and notice of such confirmation, modification or disallowance shall be duly given to the company affected thereby. 42 V., c. 9, s. 44.

Engineer may examine works, &c.

68. Every engineer, so appointed to inspect any railway or works, may, at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto. 42 V., c. 9, s. 45.

Information to be afforded him.

69. Every company, and the officers and directors thereof, shall afford to the inspecting engineer such information as is within their knowledge and power in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair or state of repair of such railway or any portion thereof,—whether a bridge, culvert or other part. 42 V., c. 9, s. 46, sub-s. 1.

Engineer to be conveyed by the company.

70. Every such inspecting engineer shall have the right, whilst engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such company. 42 V., c. 9, s. 46, sub-s. 2.

Telegraph operators to obey his orders.

71. The operators or officers employed in the telegraph offices of or under the control of the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and every such operator or officer who neglects or refuses so to do, shall, for every such offence, incur a penalty of forty dollars. 42 V., c. 9, s. 46, sub-s. 3.

Proof of his authority.

72. The production of instructions in writing, signed by the chairman of the railway committee and countersigned by the secretary thereof, shall be sufficient evidence of the authority of such inspecting engineer. 42 V., c. 9, s. 46, sub-s. 4.

Substitution of fixed for movable bridges.

73. The Governor in Council may, upon the report of the railway committee, authorize or require any company to construct fixed and permanent bridges, or to substitute such bridges in the place of swing, draw or movable bridges on the line of such railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and no company shall substitute any swing, draw or movable bridge in the place

Penalty for non-compliance.

No swing bridge to be substituted

or stead of any fixed or permanent bridge already built and constructed, without the previous consent of the railway committee. 42 V., c. 9, s. 47. without permission.

74. Whenever any portion of a railway is constructed, or authorized or proposed to be constructed upon or along or across any street or other public highway on the level or otherwise, the company, before constructing or using the same, or, in the case of railways already constructed, within such time as the railway committee directs, shall submit a plan and profile of such portion of railway for the approval of the railway committee; and the railway committee, if it appears to it expedient or necessary for the public safety, may, from time to time, with the sanction of the Governor in Council, authorize or require the company to which such railway belongs, within such time as the said committee directs, to protect such street or highway by a watchman or by a watchman and gates or other protection,—or to carry such street or highway either over or under the said railway by means of a bridge or arch, instead of crossing the same on the level,—or to divert such street or highway either temporarily or permanently,—or to execute such other works and take such other measures as under the circumstances of the case appear to the railway committee best adapted for removing or diminishing the danger arising from the then position of the railway; and all the provisions of law at any such time applicable to the taking of land by such company, and to its valuation and conveyance to the company, and to the compensation therefor, shall apply to the case of any land required for the proper carrying out of the requirements of the railway committee under this section: Plan of crossing of highway on the level to be submitted.

2. The railway committee may give such directions and make such stipulations, conditions or orders respecting such works and the execution thereof, and the apportionment of the costs thereof and of any such measures of protection, between the said company and any person interested therein, as appear to the railway committee just and reasonable: Powers of railway committee in such case.

3. Every company shall incur a penalty of fifty dollars for each and every day after the expiration of the date fixed by the railway committee for the execution of any such works during which such works remain uncompleted, and for each and every day after the date fixed by the railway committee for the taking of any measure for the protection of any such street or highway, or for removing or diminishing such danger as aforesaid, on which the company fails to take such measure: As to land required.

4. Such penalty shall be recoverable, with costs of suit, either by information in the Exchequer Court of Canada, at the suit of the Attorney General of Canada on behalf of Her Majesty,—in which case the whole of such penalty shall belong to Her Majesty; or it shall be recoverable in any court of competent jurisdiction by the municipal corporation of Railway committee may make stipulations.

any municipality in which such company has made default.—in which case a moiety of the penalty shall belong to such municipal corporation. and the other moiety shall belong to Her Majesty. 47 V., c. 11, s. 3, *part.*

Powers as to construction or repair or in carrying out orders of committee.

75. The company, either for the purpose of constructing or repairing its railway, or for the purpose of carrying out the requirements of the railway committee, or in the exercise of the powers conferred upon it by the railway committee, may enter upon any land which is not more than two hundred yards distant from the centre of the located line of the railway, and which is not a garden or orchard attached to a house, or a park, planted walk, avenue or ground ornamentally planted, and may occupy the said lands as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of lands by such railway company, and its valuation and the compensation therefor, shall apply to the case of any land so required; but before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not obtained, pay into the office of one of the superior courts for the Province in which the lands are situated such sum, with interest thereon for six months, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same or interested therein, fixed by a judge of any one of such superior courts. 47 V., c. 11, s. 3, *part.*

Payment into court if price is not agreed on.

If railway is out of repair at a crossing.

76. Whenever that portion of any railway which crosses or is constructed upon or along any turnpike road, street or other public highway on the level is out of repair, the chief officer of the municipality, or other local division, having jurisdiction over such highway, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and, if the company does not forthwith make the same, such officer may transmit a copy of the notice so served to the secretary of the railway committee; and thereupon the committee shall, with all possible despatch, appoint a day for an examination into the matter; and shall, by mail, give notice to such chief officer, and to the company, of the day so fixed:

Inspection and proceedings thereupon.

2. Upon the day so named the said portion of the railway shall be examined by an engineer appointed by the railway committee, and any certificate under his hand shall be final on the subject so in dispute between the parties; and, if the said engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of such certificate:

Provision if the company makes default.

3. In case of default, the proper authority in the municipality or other local division within whose jurisdiction the

said portion of the railway is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the company in any court of competent jurisdiction, as money paid to the company's use; but neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises 46 V., c. 24, s. 4.

77. The railway committee, or the inspecting engineer, may limit the number of times or rate of speed of running of trains or vehicles, upon any railway or portion of railway, until such alterations or repairs as he thinks sufficient have been made, or until such times as he thinks prudent; and the company owning, running or using such railway shall forthwith comply with any such order of the railway committee or inspecting engineer, upon notice thereof as aforesaid; and for every act of non-compliance therewith, every such company shall forfeit to Her Majesty the sum of two thousand dollars. 42 V., c. 9, s. 50.

Regulation
of speed of
trains, &c.

78. The railway committee may,—

(a.) Regulate and limit the rate of speed at which railway trains and locomotives may be run in any city, town or village, or in any class of cities, towns or villages described in any regulation; limiting, if the said railway committee thinks fit, the rate of speed within certain described portions of any city, town or village, and allowing another rate of speed in other portions thereof,—which rate of speed shall not in any case exceed six miles an hour, unless the track is properly fenced;

Powers of
Committee.

Rate of speed
in cities &c.

(b.) Make regulations with respect to the use of the steam whistle within any city, town or village, or any portion thereof;

Steam
whistle.

(c.) Impose penalties, not exceeding twenty dollars, for each offence on every person who offends against any regulation made under this section,—which penalties shall be recoverable upon summary conviction, with costs, and shall belong to Her Majesty;

Penalties for
violation.

(d.) Repeal, alter or re-enact, from time to time, any regulation made under this section. 42 V., c. 9, s. 76, *part*;—47 V., c. 11, s. 7, *part*.

Repeal and
amendment.

79. Every company shall, as soon as possible and within forty-eight hours at the furthest after the occurrence upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the railway committee; and every company which wilfully omits to give such notice shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues. 42 V., c. 9, s. 51.

Notice of
accidents to
be given.

Penalty for
default.

Inspection
not to relieve
company from
liability.

80. No inspection had under this Act, and nothing in this Act contained, and nothing done or ordered or omitted to be done, or ordered under or by virtue of the provisions of this Act, shall relieve, or be construed to relieve, any company of or from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such company, under the laws in force in the Province in which such liability or responsibility arises. 42 V., c. 9, s. 52.

Notification
of order to
officers, &c.

81. Every company shall, as soon as possible after the receipt of any order or notice of the railway committee or inspecting engineer, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the eighty-seventh section of this Act. 42 V., c. 9, s. 53.

What shall be
sufficient
notice to the
company.

82. Every order of the railway committee shall be considered as made known to the company by a notice thereof, signed by the chairman and countersigned by the secretary of the committee, and delivered to the president, vice-president, managing director, secretary or superintendent of the company, or at the office of the company; and every order of the inspecting engineer shall be deemed to be made known to the company by a notice thereof, signed by the engineer, and delivered as above mentioned. 42 V., c. 9, s. 54.

COMMISSIONS TO INVESTIGATE AS TO ACCIDENTS.

Commission
to inquire into
accidents.

83. The Governor in Council, on the recommendation of the railway committee, may appoint such person or persons as he thinks fit to be a commissioner or commissioners for inquiring into the causes of and the circumstances connected with any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto; and such commissioner or commissioners may send for persons, papers and records, and by summons under his or their hand or hands, require the appearance of any person before him or them, and the production of any book, paper or thing which he or they consider important for such purpose; and any such commissioner may administer oaths, affirmations or declarations, to any person appearing before him or them, and every such person so appearing shall answer all such questions and inquiries relating to the premises as are put to him :

Its powers.

2. Such commissioner or commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce the books, papers or things which they are required in such summons to bring with them, as is vested in any court in civil cases; but no person so summoned shall be compellable to answer any question, by truly answering which he might render himself liable to a criminal prosecution:

Enforcing attendance of witnesses.

3. The said commissioner or commissioners shall receive such remuneration for their services as the Governor in Council determines, and the persons summoned to attend before him or them shall receive the same fees and allowances for so doing as if summoned to attend before a court of civil jurisdiction in the Province in which they were required to appear,—which remuneration and allowance shall be payable out of any moneys provided by Parliament for unforeseen expenses:

Remuneration of commissioners.

4. The commissioner or commissioners shall report fully, in writing, to the Governor in Council, his or their doings and opinions on the matters respecting which he or they are appointed to inquire. 47 V., c. 11, s. 6.

Report to be made.

RAILWAY FUND.

84. Every company shall, so soon as any portion of its railway is in use, pay to the Minister of Finance and Receiver General, an annual rate, which shall be fixed by the railway committee, not exceeding ten dollars for each mile of railway constructed and in use; and such rate shall be payable half-yearly on the first days of January and July in each year, and shall form a special fund for the purposes of this Act, which shall be called "The Railway Inspection Fund." 42 V., c. 9, s. 97.

Contribution to railway fund.

When payable.

BY-LAWS AND REGULATIONS.

85. Every company shall make such by-laws, rules and regulations, to be observed by the conductors, engine drivers and other officers and servants of the company, and by all other companies and persons using the railway of such company, and such regulations with regard to the construction of the carriages and other vehicles to be used in the trains on the railway of the company, as are requisite for insuring the perfect carrying into effect of the provisions of this part of this Act, and the orders and regulations of the railway committee:

Company may make by-laws for guidance of its officers, &c.

2. The company may, from time to time, repeal or alter such by-laws, and make others, if such by-laws are not repugnant to the provisions of this part of this Act, or of the special Act:

Repeal and amendment.

3. Such by-laws shall be reduced to writing and shall have affixed thereto the common seal of the company:

Form.

Penalty for violation.

4. Every conductor, engine driver and other officer and servant of the company or other railway company using the railway, who offends against any such by-law, shall, for every such offence, incur a penalty not exceeding forty dollars, which penalty shall be that imposed by the company in such by-law for such offence :

Summary interference in certain cases.

5. If the violation or non-observance of any such by-law, by any of the persons or officers in the next preceding sub-section mentioned, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using no violence or unnecessary force, to obviate or remove such danger, annoyance or hindrance, and without prejudice to any penalty incurred by the violation of such by-law :

Sanction.

6. No such by-law shall have force or effect until it has been approved of by the Governor in Council :

Notification of such by-law, how proved.

7. The substance of any such by-law, when approved as aforesaid, if it affects any officer or servant of the company, may be proved by proving the delivery of a copy to or its receipt by such officer or servant ; and if it affects any other railway company using the railway, it shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed, and continued on the front or other conspicuous part of every wharf or station belonging to the company, according to the nature or subject matter of such by-laws respectively, and so as to give public notice thereof to the persons and companies interested therein, or affected thereby ; and such boards shall, from time to time, be renewed as often as the by-laws thereon or any part thereof are obliterated or destroyed ; and no penalty imposed by any such by-law shall be recoverable unless the same has been published and kept published in manner aforesaid :

Who shall be bound by such by-laws.

8. Such by-laws, when so confirmed, shall be binding upon and be observed by every officer, person and company mentioned in the fourth sub-section of this section, and shall be sufficient to justify all persons acting under the same ; and for proof of the publication of any such by-laws affecting only any other railway company using the railway, it shall be sufficient to prove that a printed paper or painted board, containing a copy of such by-laws, was affixed and continued in manner by this section directed, and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be. 42 V., c. 9, s. 62, and s. 100, *part.*

Penalties for violation may be imposed.

86. Every company may, by a by-law, impose upon any officer, servant or person who, before the violation of such by-law, has had notice thereof and is employed by the company, a forfeiture to the company of at least thirty days' pay of such officer, servant or person, for any violation of such by-law, and

may retain any such forfeiture out of the salary or wages of the offender. 42 V., c. 9, s. 63.

87. The notice of the by-law or of any order or notice of the railway committee, or of the inspecting engineer, may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted up in some place where his work or his duties, or some of them, were to be performed. 42 V., c. 9, s. 64.

Proof of by-laws, orders &c.

88. Such proof, with a proof of such violation, shall be a full answer and defence for the company in any action or suit for the recovery of the amount so retained, and such forfeiture shall be over and above any penalty under this Act. 42 V., c. 9, s. 65.

Proof to be defence.

GENERAL PROVISIONS.

89. No company shall, either directly or indirectly, employ any of its funds in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada; but nothing in this Act contained shall affect the powers or rights which any company in Canada now has or possesses, to acquire, have or hold the shares, bonds, or other securities of any railway company in the United States of America; nor shall it interfere with the right conferred on the Northern Railway Company of Canada, or the Hamilton and North Western Railway Company, to acquire stock in the Northern and Pacific Junction Railway Company, under the Acts relating to the said first named companies, respectively, passed by the Parliament of Canada in the forty-seventh year of Her Majesty's reign:

Shares and securities of other railway companies not to be dealt in.

2. Every director of a railway company, who knowingly permits the funds of any such company to be applied in violation of the next preceding sub-section, shall incur a penalty of one thousand dollars for each such violation,—which penalty shall be recoverable on information filed in the name of the Attorney General of Canada; and a moiety thereof shall belong to Her Majesty and the other moiety thereof shall belong to the informer; and the acquisition of each share, bond or other security, or interest, as aforesaid, shall be deemed a separate violation of the provisions aforesaid. 46 V., c. 24, s. 11, *part*;—47 V., c. 11, s. 4;—47 V., c. 63, s. 7;—47 V., c. 65, s. 2.

Penalty for violation.

90. Every railway company, which runs trains upon the railway for the conveyance of passengers, shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine drivers of such trains while the trains are in

Best appliances for communication and for stopping trains to be used.

motion, and good and sufficient means of applying, by the power of the steam engine or otherwise, at the will of the engine driver or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements, from time to time, as the railway committee orders; and every railway company which fails to comply with any of the provisions of this section, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues. 42 V., c. 9, ss. 72 and 73.

Penalty for non-compliance.

Navigation not to be impeded.

91. No company shall cause any obstruction in or impede the free navigation of any river, stream or canal, to or across or along which its railway is carried. 42 V., c. 9, s. 66.

Bridges over navigable rivers.

92. Whenever the railway is carried across any navigable river or canal, the company shall leave openings between the abutments or piers of its bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such drawbridge or swingbridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swingbridge or drawbridge as the Governor in Council, from time to time, makes. 42 V., c. 9, s. 67, *part*.

Bridges to be floored.

93. No company shall be allowed to run its trains over any canal, or over the navigable channel of any river, without having first laid such proper flooring under and on both sides of its railway track over such canal or channel, as is deemed by the Minister sufficient to prevent anything falling from the railway into such canal or river, or upon the boats or vessels, or craft, or persons who navigate such canal or river. 42 V., c. 9, s. 67, *part*.

Plans of bridges, &c., to be approved.

94. No company shall construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until it has first submitted the plan and proposed site of such work to the railway committee, and the same has been approved; and no deviation from such approved site or plan shall be made without the consent of the committee. 42 V., c. 9, s. 68.

Special powers not affected.

95. Nothing contained in the four sections next preceding shall be construed to limit or affect any power expressly given to any company by its Act of incorporation or any Act amending the same. 42 V., c. 9, s. 69.

96. When a railway passes any draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the trains shall, in every case, be stopped at least three minutes, to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing, and in default of so stopping for the full period of three minutes, the company shall incur a penalty of four hundred dollars. 42 V., c. 9, s. 70.

Train to stop before passing a swing bridge.

97. If the railway committee orders any company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot bridge or foot bridges over its railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges,—from and after the completion of such foot bridge or foot bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road. 42 V., c. 9, s. 78.

Foot passengers to use foot bridge if provided.

98. No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway within half a mile of the intersection of such highway with any railway on grade, unless such cattle are in charge of some person or persons, to prevent their loitering or stopping on such highway at such intersection :

Cattle not to be at large near railway.

2. All cattle found at large in violation of this section may, by any person who finds the same at large, be impounded in the pound nearest to the place where the same are so found, and the pound keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property :

Such cattle may be impounded.

3. If the cattle of any person which are at large, contrary to the provisions of this section, are killed or injured by any train at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured. 42 V., c. 9, ss. 79, 80 and 81.

No right of action in such case.

99. Every company shall cause all thistles and other noxious weeds growing on the cleared land or ground adjoining the railway and belonging to such company to be cut down and kept constantly cut down, or to be rooted out :

Weeds to be cut down.

2. Every company which fails to comply with this section within twenty days after it has been required to comply with the same, by notice from the mayor, reeve or chief officer of the municipality of the township, county or district in which the land or ground lies, or from any justice of the peace therein, shall incur a penalty of two dollars for every day

Penalty for non-compliance.

Mayor, &c., may cause work to be done.

during which such company neglects to do anything which it is lawfully required to do by such notice; and the said mayor, reeve or officer or justice of the peace, may cause all things to be done which the said company was lawfully required to do by such notice, and for that purpose may enter, by himself and his assistants or workmen, upon such lands or grounds, and may recover the expenses and charges incurred in so doing, and the said penalty, with costs, in any court of competent jurisdiction:

Application of penalties.

3. Such penalty shall be paid to the proper officer of the municipality, except in the Provinces of Nova Scotia and New Brunswick, in which it shall be paid to the overseers of the poor, for the uses of the poor of the district. 42 V., c. 9, ss. 83 and 84.

Mines not to be injured.

100. No company shall locate the line of its proposed railway, or of any branch thereof, so as to obstruct or interfere with or injuriously affect the working of, or the access or adit to any mine then open or for opening which preparations are, at the time of such location, being lawfully and openly made:

What property to be bought in certain cases.

2. No person shall, at any time, be compelled to sell or convey or give possession of, to any company, a part only of any house or other building or manufactory, if such person is willing and able to sell and convey and give possession of the whole thereof. 47 V., c. 11, s. 15.

Sale of railway to a purchaser not having necessary corporate powers.

101. If, at any time, any railway or any section of any railway is sold under the provisions of any deed of mortgage thereof, or at the instance of the holders of any mortgage bonds or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person or corporation which has not any corporate powers authorizing the holding and operating thereof by such purchaser,—the purchaser thereof shall transmit to the Minister, within ten days from the date of such purchase, a notice in writing stating the fact that such purchase has been made, describing the termini and line of route of the railway purchased, and specifying the charter or Act of incorporation under which the same had been constructed and operated, including a copy of any writing, preliminary to a conveyance of such railway, which has been made as evidence of such sale; and immediately upon the execution of any deed of conveyance of such railway, the purchaser shall also transmit to the Minister a duplicate or an authenticated copy of such deed, and shall furnish to the Minister, on request, any further details or information which he requires. 46 V., c. 24, s. 14.

Notice to the Minister.

And copy of deed of conveyance.

Until such transmission trains not to be run.

102. Until the purchaser has given notice to the Minister in manner and form as provided by the next preceding section, the purchaser shall not run or operate the railway so pur-

chased, or take, exact or receive any tolls whatsoever in respect of any traffic carried thereon; but after the said conditions have been complied with, the purchaser may continue, until the end of the then next session of the Parliament of Canada, to operate such railway and to take and receive such tolls thereon as the company previously owning and operating the same was authorized to take, and shall be subject, in so far as they can be made applicable, to the terms and conditions of the charter or Act of incorporation of the said company, until he has received a letter of license from the Minister—which letter the Minister is hereby authorized to grant—defining the terms and conditions on which such railway shall be run by such purchaser during the said period. 46 V., c. 24, s. 15.

Provisional operation of such railway.

103. Such purchaser shall apply to the Parliament of Canada at the next following session thereof after the purchase of such railway, for an Act of incorporation or other legislative authority, to hold, operate and run such railway, and if such application is made to Parliament and is unsuccessful, the Minister may extend the license to such railway until the end of the then next following session of Parliament, and no longer; and if during such extended period the purchaser does not obtain such Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister as is determined by the railway committee. 46 V., c. 24, s. 16.

Application for necessary powers to be made.

Extension of license.

Final action.

104. All trains shall be started and run at regular hours, fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previously thereto offered for transportation at the place of starting, and at the junctions of other railways and at usual stopping places established for receiving and discharging way passengers and goods from the trains:

Trains to be run at regular hours, &c.

2. Such passengers and goods shall be taken, transported to and from, and discharged at such places, on the due payment of the toll, freight or fare lawfully payable therefor:

Conveyance of passengers and goods.

3. Every person aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company; from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servants. 42 V., c. 9, s. 25, *part*, and s. 100, *part*.

Right of action in case of neglect.

OFFENCES AND PENALTIES.

105. Every person who bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, wagon, boat, vessel,

Punishment of persons cutting or boring casks or packages.

warehouse, station house, wharf, quay or premises of, or which belong to any company, with intent feloniously to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof, or who unlawfully drinks, or wilfully spills or allows to run to waste, any such liquors, or any part thereof, shall, upon summary conviction, be liable to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment with or without hard labor for a term not exceeding one month. 42 V., c. 9, s. 91.

Penalty for obstructing inspecting engineer.

106. Every person who wilfully obstructs any inspecting engineer in the execution of his duty shall, for every such offence, upon summary conviction, be liable to a penalty not exceeding forty dollars; and in default of payment thereof immediately, or within such time as the convicting justice or justices of the peace appoint, shall be liable to imprisonment for any term not exceeding three months. 42 V., c. 9, s. 92, *part.*

PART THREE.

STATISTICS.

Interpretation.

107. In Part Three of this Act, unless the context otherwise requires,—

“Company.”

(a.) The expression “company” means a company constructing or operating a line of railway in Canada, whether otherwise within the legislative authority of the Parliament of Canada or not, and includes any individual or individuals, not incorporated, who are owners or lessees of a railway in Canada, or parties to an agreement for working a railway in Canada;

“Working expenditure.”

(b.) The expression “working expenditure” means and includes all expenses of maintenance of the railway, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and also all such tolls, rents or annual sums as are paid in respect of property leased to or held by the company, apart from the rent of any leased line or in respect of the hire of engines, carriages or wagons let to the company; also, all rent charges or interest on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for; and also all expenses of or incidental to working the railway, and the traffic thereon, including stores and consumable articles; also, rates, taxes, insurance and compensation for accidents or losses; also, all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors’ fees, agency, legal and other like

expenses ; and generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue, as distinguished from capital account. 42 V., c. 9, ss. 29 *and* 85 ;— 46 V., c. 24, s. 3.

108. Every company shall annually prepare returns in accordance with the forms contained in schedule one to this Act, of its capital, traffic and working expenditure, and of all information required, as indicated in the said form, to be furnished to the Minister ; and such returns shall be dated and signed by, and attested upon the oath of the secretary, or some other chief officer of the company, and of the president, or in his absence, of the vice-president or manager of the company :

Annual returns to be prepared.

2. Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended, or from the commencement of the operation of the railway, if no such returns have been previously made, and, in either case, down to the last day of June in the then current year :

What period to be included.

3. A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Minister within three months after the first day of July in each year :

Duplicate for the Minister.

4. The company shall also, in addition to the information required to be furnished to the Minister, as indicated in the said schedule one, furnish such other information and returns as are, from time to time, required by the Governor in Council :

Further returns when required.

5. Every company which makes default in forwarding such returns in accordance with the provisions of this section, shall incur a penalty not exceeding ten dollars for every day during which such default continues :

Penalty for non-compliance.

6. The Minister shall lay before both Houses of Parliament, within twenty-one days from the commencement of each session thereof, the returns made and forwarded to him, in pursuance of this section. 42 V., c. 9, ss. 30 *and* 33 ;— 44 V., c. 24, ss. 2 *and* 4, *part*.

Returns to be submitted to Parliament.

109. Every company shall, weekly, prepare returns of its traffic for the next preceding seven days, in accordance with the form contained in schedule two to this Act, and a copy of such returns, signed by the officer of the company responsible for the correctness of such return, shall be forwarded by the company to the Minister, within seven days from the day in each week up to which the said returns have been prepared ; and another copy of each of such returns, signed by the same officer, shall be posted up by the company within the same delay, and kept posted up for seven days, in some conspicuous place in the most public room in the head office of the company in Canada, and so that the same can be perused

Weekly returns to be prepared and transmitted.

Copy to be posted up.

by all persons ; and free access thereto shall be allowed to all persons during the usual hours of business at such office, on each day of the said seven days not being a Sunday or holiday :

Penalty for non-compliance.

2. Every company which makes default in forwarding the said weekly return to the Minister, or which fails to post up and keep posted up a copy thereof as aforesaid, and to allow free access thereto as aforesaid, shall incur a penalty not exceeding ten dollars for every day during which such default continues. 42 V., c. 9, s. 31;—44 V., c. 24, s. 2, *part.*

Penalty for signing false return.

110. If any return which is required by the two sections next preceding is false in any particular, to the knowledge of any person who signs the same, such person shall be liable, on conviction thereof, on indictment, to fine and imprisonment, —but such fine shall not exceed two hundred and fifty dollars. 42 V., c. 9, s. 32, *part.*

Recovery of such penalties.

111. Every penalty imposed under any of the three sections next preceding, shall be recoverable for his own use and benefit by any person who sues for the same in any court of competent jurisdiction. 42 V., c. 9, s. 32, *part.*

Return of accidents to be made.

112. Every company shall, within one month after the first days of January and July, in each and every year, make to the railway committee, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties, whether to life or property, which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth,—

Cause and nature.

(a.) The causes and natures of such accidents and casualties;

Locality and time.

(b.) The points at which they occurred, and whether by night or by day;

Extent and particulars.

(c.) The full extent thereof, and all the particulars of the same ;

Copies of by-laws.

And shall also, at the same time, return a true copy of the existing by-laws of the company, and of its rules and regulations for the management of the company and of its railway. 42 V., c. 9, s. 55.

Form of return may be prescribed.

113. The railway committee may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any company to make up and deliver to the railway committee, from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the railway committee deems necessary and requires for its information with a view to the public safety. 42 V., c. 9, s. 56.

114. If the returns required under the two sections next preceding, so verified, are not delivered within the respective times in the said sections prescribed, or within fourteen days after the same have been so required by the railway committee, every company which makes default in so doing shall forfeit to Her Majesty the sum of one hundred dollars for every day during which the company neglects to deliver the same. 42 V., c. 9, s. 57.

Penalty for not transmitting return.

115. All returns made in pursuance of any of the provisions of this part of this Act shall be privileged communications, and shall not be evidence in any court whatsoever. 42 V., c. 9, ss. 34 and 58.

Returns privileged.

CROSSING OTHER RAILWAYS.

116. The provisions of sub-sections thirteen and fourteen of section six in Part One of this Act shall also apply to every company incorporated under any Act of any Provincial Legislature in any case in which it is proposed that such railway shall cross, intersect, join or unite with a railway under the legislative control of Canada. 42 V., c. 9, s. 7, sub-s. 16, *part*.

Intersection of railways under Provincial charters.

PENALTIES.

117. Every officer or servant of, and every person employed by the company, who wilfully or negligently violates any by-law or regulation of the company lawfully made and in force, or any order or notice of the railway committee, or of the inspecting engineer, of which a copy has been delivered to him, or which has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, if such violation causes injury to any person or to any property, or exposes any person or any property to the risk of injury, or renders such risk greater than it would have been without such violation, although no actual injury occurs, is guilty of a misdemeanor, and shall, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment, or both; but no such fine shall exceed four hundred dollars and no such imprisonment shall exceed the term of five years. 42 V., c. 9, s. 93;—31 V., c. 12, s. 67, *part*.

Punishment for violation of by-laws.

If injury is caused or risk of injury is increased.

118. Whenever such violation does not cause injury to any person or property or expose any person or property to the risk of injury, or make such risk greater than it would have been but for such violation, the officer, servant or other person guilty thereof shall, upon summary conviction, on the oath of one credible witness other than the informer, be liable to a penalty not exceeding the amount of thirty days' pay, and not less than fifteen days' pay of the offender from the company, with costs, in the discretion of the justice or justices of the peace before whom the conviction is had:

If injury is not caused or risk of injury is not increased.

Application of penalties.

2. A moiety of such penalty shall belong to Her Majesty, for the public uses of Canada, and the other moiety shall belong to the informer, unless he is an officer or servant of or person in the employ of the company,—in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty, for the uses aforesaid. 42 V., c. 9, ss. 94 and 95;—31 V., c. 12, s. 68, *part*, and s. 69, *part*.

Deduction of penalty from wages.

119. The company may, in all cases under the two sections next preceding, pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay. 42 V., c. 9, s. 96.

APPLICATION OF PENALTIES.

Penalties to form part of the railway fund.

120. All penalties recovered under this Act, or any part thereof, in respect to the application of which no other provision is made, shall be paid to the Minister of Finance and Receiver General, to the credit of "The Railway Inspection Fund." 42 V., c. 9, s. 99.

CERTAIN COMPANIES AND RAILWAYS.

Certain railways declared to be works for advantage of Canada.

121. The Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and North-Western Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway, and the Canadian Pacific Railway, are hereby declared to be works for the general advantage of Canada, and each and every branch line or railway now or hereafter connecting with or crossing the said lines of railway, or any of them, is a work for the general advantage of Canada :

To be subject to legislative authority of Parliament.

2. Every such railway and branch line shall hereafter be subject to the legislative authority of the Parliament of Canada; but the provisions of any Act of the Legislature of any Province of Canada, passed prior to the twenty-fifth day of May, one thousand eight hundred and eighty-three, relating to any such railway or branch line, and in force at that date, shall remain in force so far as they are consistent with any Act of the Parliament of Canada passed after that date. 42 V., c. 9, s. 100;—46 V., c. 24, s. 6, *part*.

SCHEDULE ONE.

Form of yearly returns to the Minister of Railways and Canals, required from railway companies under "*The Railway Act*."

RETURNS made by the (*corporate name of the Company*) in pursuance of "*The Railway Act*," for the period included between the (*insert the day to which the last returns extend, or the date of the commencement of operations, as the case may be*), to the last day of June, in the year 18 .

LOCATION AND GENERAL DESCRIPTION OF RAILWAY.

Showing the county or counties through which the railway runs, the terminal points, connections, if any, and giving a general description of the line and the country through which it passes.

Statement containing copies of all contracts made by the Company, for the construction of any part of the railway.

No. 1.

RETURNS of the Capital Account of the said Railway, also the Revenue and Expenditure, &c.

No. 2.—CAPITAL ACCOUNT.

	Autho- rized.	Sub- scribed.	Paid up.	*Rate of Interest or Dividend.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Total amount of ordinary share capital				
Total amount of preference share capital				
do do ..				
do do ..				
do do ..				
Total amount of ordinary bonds				
do do				
do do				
do do ..				
do do ..				
Total amount of Government loans ...				
do do bonuses				
Total amount of Government sub- scription to shares				
Total amount of Government sub- scription to bonds				
Total amount of municipal loans				
do do bonuses ..				
do of municipal subscrip- tion to shares				
do of municipal subscrip- tion to bonds				
do from other sources				
Total capital				

*State whether dividend is cumulative or not.

This statement must agree with the totals shown in the report of the company, a copy of which is to be transmitted also. If there are more issues of preference shares or bonds than one, state them, and the amount of each class.

If any floating debt exists it must be stated, so as to make the total agree with the published report.

No. 3.—LOANS OR BONUSES FROM GOVERNMENTS OR MUNICIPALITIES.

From what source.	Amount of Loan Granted.	Amount of Bonus Granted.	Amount of Sub- scription to Shares.	Amount of Sub- scription to Bonds.	Rate of Interest.	Date of Re-pay- ment.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Governments.						
Total						
Municipalities						
Total						

No. 4.—BONDS OR OTHER SECURITIES NEGOTIATED BY THE COMPANY.

Amounts.	Rate of Interest.	Date of Sale.	Prices Realized.
\$ cts.	\$ cts.	\$ cts.	\$ cts.

No. 5.—SALES OF LAND MADE BY THE COMPANY.

Acres sold.	Price per Acre.	Amount.
	\$ cts.	\$ cts.

No. 6.—FLOATING DEBT.

Amount.		Rate of Interest.		Remarks.
\$	cts.	\$	cts.	

No. 7.—CHARACTERISTICS OF ROAD, &c.

		OWNED.	Miles.
*Length of main line from.....to.....			
do branch from.....to.....			
do do.....to.....			
do do.....to.....			
do do.....to.....			
		LEASED.	
Length of railway from.....to.....			
do do.....to.....			
do do.....to.....			
do do.....to.....			
		Total mileage worked.....	
Length of road laid with iron rails.....			
do do steel rails.....			
do of sidings.....			
do of double track (if any).....			
Weight of rail per yard, main line, iron.....			lbs.
do do do steel.....			do
do do branches, iron.....			do
do do do steel.....			do
Number of engine houses and shops.....			
do of engines owned by Company.....			
do do hired.....			
do of first-class passenger cars owned by Company.....			
do do do hired.....			
do of second-class and emigrant cars owned by Company.....			
do do do hired.....			
do baggage, mail and express cars owned by Company.....			
do do do hired.....			
do cattle and box freight cars owned by Company.....			
do do do hired.....			
do platform cars owned by Company.....			
do do hired.....			
do coal cars owned by Company.....			
do do hired.....			
do ties to mile, main line.....			
do do branches.....			
Nature of fastenings used to secure joint of rail.....			
Number of grain elevators.....			
†Capacity of do at.....			
do do.....			
do do.....			
Number of level road crossings at which watchmen are employed.....			
do do without watchmen.....			
do overhead bridges.....			
Height of do above rail level.....			
Number of level crossings of other railways.....			
do junctions with other railways.....			
do do branch lines.....			
Radius of sharpest curve.....			
Number of feet per mile of heaviest gradient.....			
Gauge of railway.....			

* If the line, or any portion of it, is under construction, the length being constructed to be given.

† State where these are situated, and the capacity of each.

No. 8.—ACTUAL COST OF RAILWAY AND ROLLING STOCK.

	\$	cts.
1. Cost of land and land damages.....		
2. Cost in connection with the administration of the Land Grant in aid, if any.....		
3. Cost of grading, masonry and bridging, station buildings, &c....		
4. Cost of rolling stock of all kinds, including workshops.....		
Total.....		

The above total to show the real cash cost of construction and rolling stock.

No. 9.—OPERATIONS OF THE YEAR AND NUMBER OF MILES RUN.

1. Miles run by passenger trains.....	
2. do freight trains.....	
3. do mixed trains.....	
4. Total miles run by trains.....	
5. do engines.....	
6. Total number of passengers carried.....	
7. do tons of freight (of 2,000 lbs.) carried.....	
8. Average rate of speed of passenger trains.....	
9. do freight trains.....	
10. Average weight of passenger trains in motion.....	
11. do freight trains in motion.....	

No. 10.—DESCRIPTION OF FREIGHT CARRIED.

	Weight in Tons.
1. Flour in barrels, No.....	
2. Grain in bushels, No.....	
3. Live stock, No.....	
4. Lumber of all kinds, excepting firewood, ft.....	
5. Firewood, number of cords of 128 cubic ft.....	
6. Manufactured goods.....	
7. All other articles.....	
Total weight carried.....	

No. 11.—EARNINGS OF THE RAILWAY.

—	\$	cts.
1. From passenger traffic		
2. From freight traffic.....		
3. From mails and express freight.....		
4. From other sources		
Total.....		

No. 12.—GENERAL TARIFF OF TOLLS ESTABLISHED BY THE COMPANY.

No. 13.—SPECIAL RATES OF TOLLS ESTABLISHED BY THE COMPANY.

No. 14, A.—OPERATING EXPENSES—MAINTENANCE OF LINE, BUILDINGS, &C.

—	\$	cts.
1. Wages, &c., of labor employed on track, including sidings.....		
2. Cost of iron rails and fastenings.....		
3. Cost of steel rails and fastenings.....		
4. Ballasting.....		
5. Repairs of bridges and culverts.....		
6. Repairs and renewals of buildings.....		
7. Repairs of fencing.....		
8. Clearing snow		
9. Engineering superintendence.....		
Total.....		

No. 14, B.—OPERATING EXPENSES—WORKING AND REPAIRS OF ENGINES.

—	\$	cts.
1. Wages of engineers, firemen and cleaners.....		
2. Cost of coal for fuel.....		
Cost of wood for fuel.....		
3. Repairs of engines and tenders		
4. Oil, tallow, waste, &c., for engines.....		
5. Pumping engines.....		
6. Repairs of tools and machinery.....		
7. Superintendence.....		
Total.....		

No. 14, C.—WORKING AND REPAIRS OF CARS.

—	\$	cts.
1. Wages and material for repairs of passenger cars.....		
2. do do freight cars and snow ploughs		
3. Superintendence.....		
Total.....		

No. 14, D.—OPERATING EXPENSES—GENERAL AND OPERATING CHARGES.

—	\$	cts.
1 Office expenses, including directors, auditors, management, travelling expenses, stationery, &c.....		
2. Station agents, clerks, porters, &c.....		
3. Conductors, baggagemen and brakemen.....		
4. Compensation for personal injuries		
5. Loss or damage to freight.....		
6. Cattle killed.....		
7. Cost of ferries and ferry-boats		
8. Cost of foreign agencies		
9. Small stores, including lights, lamps and signals.....		
10. All other charges		
11.		
12.		
13.		
Total.....		

Blanks are left for any other items of expenditure not included above.

No. 15.—SUMMARY OF OPERATING EXPENSES.

	\$	cts.
A. Maintenance of line, buildings, &c.		
B. Cost of working and repairs to engines.....		
C. Cost of working and repairs to cars.....		
D. Cost of general operating expenses		
Total cost of operating railway.....		

The above statement to include the full cost of operating the railway, and the total to correspond with the published return of the Company.

No. 16.—ACCIDENTS.

Cause of Accident.	Passengers.		Employés.		Others.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Fell from cars or engine								
Jumping on or off trains or engine when in motion.....								
Walking, standing, lying, sitting or being on track.....								
At work on or near the track, making up trains								
Putting arms or heads out of windows.....								
Coupling cars.....								
Collision, or by trains thrown from track								
Explosions								
Striking bridges.....								
Total								

Date.	Name and Place.	Nature of Accident or Cause.

The following is a Statement of the date of each Accident, the place where it occurred, the train, the cause of the Accident, the extent of the injury to each person injured, and the name of such person.

No. 17.—NAMES AND RESIDENCES OF DIRECTORS AND OFFICERS OF THE COMPANY.

Names of Directors.	Residence.
President..... Secretary and Treasurer.... General Manager .. Engineer. Superintendent	

The following is the official name and address of the Company:—

44 V., c. 24, sch.

SCHEDULE TWO.

.....Railway of Canada.

RETURN of Traffic for the week ending 18 ,
and the corresponding week, 18 .

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles Open.
18
18

Increase.....

Decrease.....

Aggregate Traffic from.....18.....

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles Open.
18
18

42 V., c. 9, sch. 2.



CHAPTER 110.

An Act respecting the sale of Railway Passenger Tickets. A. D. 1886.

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

1. Any railway company subject to the jurisdiction of the Parliament of Canada, or to which "*The Railway Act*" applies, and the Minister of Railways and Canals, as respects any railway under the control of the Government of Canada, may appoint, in any city, town or village in Canada, such person or persons as it or he chooses, as agents for the sale of passenger tickets to passengers or persons who desire to travel by the railway of the company employing such agent, or by any Government railway, as the case may be. 45 V., c. 41, s. 1.

Appointment of agents for sale of tickets.

2. The Minister of Railways and Canals, or company employing any such agent, shall give him a certificate of his appointment, which shall be under the hand of the Minister of Railways and Canals, or the corporate seal of the company appointing him; and such agent shall keep the same framed or exhibited in some conspicuous part of his office or place of business, where it can be seen and read by those resorting to the office. 45 V., c. 41, s. 2.

Certificate of appointment.

To be exhibited.

3. Every agent of a foreign railway company doing business in Canada shall, before issuing tickets over any Government railway line, or other Canadian railway line, be duly authorized for such purpose by the Minister of Railways and Canals, or by the company, as the case may be, over whose line he desires to issue tickets, in the same manner as is hereinbefore provided in respect of other agents, and shall have and exhibit, in like manner, a certificate from the foreign company he represents. 45 V., c. 41, s. 3, *part*.

As to agents of foreign railway companies.

4. Every ticket sold by any agent shall have the name of such agent and the date of the sale written or stamped plainly upon it, and every person who fraudulently alters, changes or imitates such signature or date, is guilty of an offence against this Act. 45 V., c. 41, s. 3, *part*.

Name and date to be stamped on ticket.

Authorized agents may procure tickets from each other.

5. Nothing in this Act shall prevent the duly authorized agent of any company from procuring from the duly authorized agent of any other company, a ticket for a passenger to whom he has sold a ticket to travel over the line or any part thereof for which he is the authorized agent, so as to enable such passenger to travel to the point or junction from which he has previously secured his ticket. 45 V., c. 41, s. 4.

Act not to affect station agents.

6. Nothing in this Act contained respecting the appointment of agents for the sale of tickets shall prevent the station agents of the Minister of Railways and Canals or company, at their stations, and in their ticket offices at such stations, from selling tickets to passengers about to enter upon and travel by railway from the said stations. 45 V., c. 41, s. 7.

No tickets to be sold without authority.

7. No person, except those authorized as above mentioned, shall sell or offer for sale any railway passenger ticket, or pass, ticket, certificate or other instrument, enabling any person or purporting to entitle any person to travel on any one railway, or more than one railway, or on any part of one railway, or parts of several railways to which this Act applies. 45 V., c. 41, s. 5, *part.*

Penalty for violation of this Act.

8. Every person guilty of an offence against this Act shall, upon summary conviction thereof before any justice of the peace, be liable to a penalty not exceeding fifty dollars and not less than twenty dollars and costs, or to imprisonment for a term not exceeding ninety days and not less than ten days, or to both penalty and imprisonment, in the discretion of the justice. 45 V., c. 41, s. 5, *part.*

Redemption of unused ticket or part of ticket.

9. The Minister of Railways and Canals, with respect to any Government railway and every railway company subject to the jurisdiction of the Parliament of Canada, or to which "*The Railway Act*" applies, as the case may be, shall repay to every holder of a ticket over any Government railway line or other Canadian railway line, as the case may be, the cost of his ticket, if unused in whole or in part, less the ordinary and regular fare for the distance for which such ticket has been used :

When to be redeemed.

2. Such repayment shall be made at any station or office of the railway or company between and including the points covered by the ticket :

Time limited.

3. The claim for such redemption shall be made within thirty days from the expiration of the time for which the ticket was issued, in accordance with the conditions thereon :

No sale in any other manner.

4. The sale by any person of the unused portion of any ticket otherwise than by the presentation of the same for redemption, as provided for in this section, is an offence against this Act, and shall be punishable as herein provided. 45 V., c. 41, s. 9.

10. Every passenger who presents a single journey ticket upon a train within the time for which the conditions printed upon such ticket and the date shows such ticket to be good for use, may apply to the conductor of such train to have the privilege of stopping over granted, and the time for which the ticket is valid extended, which shall be conceded on tickets purchased at railway ticket offices in Canada, from one place in Canada to another, or from a place in Canada to a place in the United States; but no such passenger shall be entitled to have such time extended for more than two days for every fifty miles of distance to be travelled in Canada. 45 V., c. 41, s. 10. Right of stopping over may be demanded.

11. Every complaint respecting an offence against this Act shall be prosecuted under the provisions of the "*Act respecting summary proceedings before Justices of the Peace.*" 45 V., c. 41, s. 6. Procedure.

12. The examination or deposition of any complainant or witness, taken or heard under oath in the presence of the person accused, on the hearing of any complaint for any offence against this Act, may, if the person charged, or his counsel or agent, has had the opportunity of cross-examining such complainant or witness, whether he has done so or not, be used in evidence on the hearing of any appeal from any decision of the justice of the peace before whom the trial was had, if the person whose examination or deposition is so used is out of the jurisdiction of the court to which the appeal is made, and if the said examination or deposition has been reduced to writing and has been signed by the person whose examination or deposition it purports to be: Examination, &c., to be evidence in case of appeal.

2. The said examination or deposition may be read and taken as evidence on the hearing of such appeal, upon the production of the certificate of the justice of the peace before whom the trial was had, under his hand, setting forth that the said examination or deposition which is offered in evidence, was taken before him on the hearing of the complaint which forms the subject matter of the said appeal. 45 V., c. 41, s. 8. Proof of such examination, &c.



CHAPTER III.

An Act respecting Dominion Day.

A. D. 1886.

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

1. Throughout Canada, in each and every year, the first day of July, not being a Sunday, shall be a legal holiday, and shall be kept and observed as such, under the name of "Dominion Day." 42 V., c. 47, s. 1.

2. When the first day of July is a Sunday, the second day of July shall be, in lieu thereof, throughout Canada, a legal holiday, and shall be kept and observed as such under the same name. 42 V., c. 47, s. 2.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



CHAPTER 112.

An Act respecting Oaths of Allegiance.

A. D. 1886.

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

1. The following form and no other, shall be that of the oath of allegiance to be administered to and taken by every person in Canada, who, either of his own accord or in compliance with any lawful requirement made on him, or in obedience to the directions of any Act or law in force in Canada, save and except "*The British North America Act, 1867,*" desires to take an oath of allegiance, that is to say :

Form of oath prescribed.

" I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria (*or reigning Sovereign for the time being*) as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Dominion of Canada, dependent on and belonging to the said Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies or attempts whatsoever, which shall be made against Her person, crown and dignity, and that I will do my utmost endeavor to disclose and make known to Her Majesty, Her heirs or successors, all treasons or traitorous conspiracies and attempts which I shall know to be against Her or any of them ; and all this I do swear without any equivocation, mental evasion or secret reservation. So help me God."

The form.

And all justices of the peace and other officers lawfully authorized, either by virtue of their office or special commission from the Crown for that purpose, may administer the oath of allegiance under this Act in any part of Canada ; and it shall not be necessary for any person appointed to any civil office in Canada, or for any mayor or other officer or member of any corporation therein, or for any person admitted, called or received as a barrister, advocate, notary public, attorney, solicitor or proctor, to make any declaration or subscription, or to take or subscribe any other oath than the oath aforesaid, and also such oath for the faithful performance of the duties of his office, or for the due exercise of his profession or calling as is required by any law in that behalf.

Who may administer it.

No other declaration or subscription necessary.

Oath of office to be taken.

31 V., c. 36, s. 3.

Within what
time the oaths
must be taken.

2. The oath of allegiance hereinbefore set forth, together with the oath of office or oath for the due exercise of any profession or calling, shall be taken within the period and in the manner, and subject to the disabilities and penalties for the omission thereof, by law provided with respect to such oaths, in all such cases respectively. 31 V., c. 36, s. 4.

Affirmation of
allegiance
may be sub-
stituted for
oath.

3. All persons allowed by law to affirm instead of making oath in civil cases, in any part of Canada, shall be received to take an affirmation of allegiance in the like terms, *mutatis mutandis*, as the said oath of allegiance; and such affirmation of allegiance, taken before the proper officer, shall in all cases be accepted from such persons in lieu of such oath, and shall as to such affirmants have the like effect as the said oath of allegiance; and all justices of the peace and other officers, lawfully authorized either by virtue of their office or by special commission from the Crown for that purpose, may administer the affirmation of allegiance in any part of Canada. 31 V., c. 36, s. 5.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



CHAPTER 113.

An Act respecting Naturalization and Aliens.

A.D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Naturalization Act.*" Short title. 44 V., c. 13, s. 3.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a.) The expression "disability" means the disability of Interpretation. "Disability." being an infant, lunatic, idiot, or married woman ;
- (b.) The expression "officer in the diplomatic service of Her Majesty" means any ambassador, Minister or *chargé d'affaires*, or secretary of legation, or any person appointed by such ambassador, Minister, *chargé d'affaires*, or secretary of legation, to execute any duty imposed upon an officer in the diplomatic service of Her Majesty by the Act passed by the Parliament of the United Kingdom, known as "*The Naturalization Act, 1870.*" "Officer in diplomatic service of H. M."
- (c.) The expression "officer in the consular service of Her Majesty" means and includes consul-general, consul, vice-consul and consular agent, and any person for the time being discharging the duties of consul-general, consul, vice-consul or consular agent; "Officer in consular service of H. M."
- (d.) The expression "oath" includes affirmation, in the case of a person allowed by law to affirm in judicial cases; "Oath."
- (e.) The expression "county" includes a union of counties and a judicial district or other judicial division; "County."
- (f.) The expression "alien" includes a statutory alien; "Alien."
- (g.) The expression "statutory alien" means a natural-born British subject who has become an alien under this Act or any Act or Acts in that behalf; "Statutory alien."
- (h.) The expression "subject" includes a citizen when the foreign country referred to is a republic. 44 V., c. 13, s. 1, and s. 20, part. "Subject."

RIGHTS OF PROPERTY OF ALIENS.

3. Real and personal property of any description may be taken, acquired, held and disposed of by an alien in the same

Aliens may hold and transmit pro-

perty of any kind.

To have only rights expressly given.

Act not to affect certain dispositions.

As to owning ships.

manner, in all respects, as by a natural-born British subject ; and a title to real and personal property of any description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject ; but nothing in this section shall qualify an alien for any office, or for any municipal, parliamentary, or other franchise ; nor shall anything therein entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly conferred upon him :

2. The provisions of this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the fourth day of July, one thousand eight hundred and eighty-three, or in pursuance of any devolution by law on the death of any person dying before the said date ; nor shall the provisions of this section qualify an alien to be the owner of a British ship. 44 V., c. 13, s. 4.

EXPATRIATION.

Declaration of alienage in cases within convention with a foreign state.

Effect of such declaration.

Before whom such declaration may be made.

4. Whenever Her Majesty has entered into a convention with any foreign state to the effect that the subjects of that state who are naturalized as British subjects may divest themselves of their status as British subjects, and whenever Her Majesty, by Order in Council, passed under the third section of the Act passed by the Parliament of the United Kingdom, known as "*The Naturalization Act, 1870,*" has declared that such convention has been entered into by Her Majesty—from and after the date of such Order in Council, any person originally a subject of the state referred to in such order, who has been naturalized as a British subject within Canada, may, within such limit of time as is prescribed in the convention, make a declaration of alienage, and from and after the date of his so making such declaration, such person shall, within Canada, be regarded as an alien, and as a subject of the state to which he originally belonged, as aforesaid. 44 V., c. 13, s. 5.

5. Any such declaration of alienage may be made before any of the persons following, that is to say :—

(a.) If the declarant is in the United Kingdom,—in the presence of any justice of the peace ;

(b.) If elsewhere in Her Majesty's dominions,—in the presence of any judge of any court of civil or criminal jurisdiction, or of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose ;

(c.) If out of Her Majesty's dominions,—in the presence of any officer in the diplomatic or consular service of Her Majesty. 44 V., c. 13, s. 6.

6. Any person who, by reason of his having been born within the dominions of Her Majesty, is a natural-born subject, but who, also, at the time of his birth became, under the law of any foreign state, a subject of such state, and is still such subject, may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage, such person shall, within Canada, cease to be a British subject :

Declaration of alienage by persons being H. M.'s subjects by birth, but also subjects of a foreign state by the law thereof.

2. Any person who is born out of Her Majesty's dominions of a father being a British subject, may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall, within Canada, cease to be a British subject.
44 V., c. 13, s. 7.

Declaration of alienage by the child of a British subject.

REPATRIATION.

7. Any British subject who has, at any time before or at any time after the fourth day of July, one thousand eight hundred and eighty-three, when in any foreign state and not under any disability, voluntarily become naturalized in such state, shall, from and after the time of his so having become naturalized in such foreign state, be deemed, within Canada, to have ceased to be a British subject, and shall be regarded as an alien : but when—

Alienage in Canada of British subject naturalized in a foreign state.

Any British subject has, before the fourth day of July, one thousand eight hundred and eighty-three, voluntarily become naturalized in a foreign state and yet is desirous of remaining a British subject within Canada, he may, at any time within two years after the said last mentioned date, make a declaration that he is desirous of remaining a British subject, and upon such declaration, (hereinafter referred to as a declaration of British nationality), being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject within Canada,—with this qualification, that he shall not, when within the limits of the foreign state in which he has been naturalized, be deemed, within Canada, to be a British subject, unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect :

How such subject may remain a British subject in Canada.

Declaration and its effect.

Except when he is within such foreign state.

2. Such declaration of British nationality may be made, and the oath of allegiance be taken, before any of the persons following, that is to say :—

Where and before whom such declaration may be made.

(a.) If the declarant is in the United Kingdom,—in the presence of a justice of the peace ;

(b.) If elsewhere in Her Majesty's dominions,—in the presence of any judge of any court of civil or criminal jurisdiction, or of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose ;

(c.) If out of Her Majesty's dominions,—in the presence of any officer in the diplomatic or consular service of Her Majesty. 44 V., c. 13, s. 9.

NATURALIZATION.

Alien subject to certain conditions may take oaths and apply for certificate as a British subject.

8. Any alien who, within such limited time before taking the oaths or affirmations of residence and allegiance and procuring the same to be filed of record as hereinafter prescribed, as is allowed by order or regulation of the Governor in Council, has resided in Canada for a term of not less than three years, or has been in the service of the Government of Canada or of any of the Provinces of Canada, or of two or more of such Governments, for a term of not less than three years, and intends, when naturalized, either to reside in Canada or to serve under the Government of Canada or of the Government of one of the Provinces of Canada, or two or more of such Governments, may take and subscribe the oaths of residence and allegiance or of service and allegiance in the form A in the schedule to this Act, or to the like effect, and apply for a certificate in the form B in said schedule. 44 V., c. 13, s. 10.

Where and before whom such oaths may be taken.

9. Every such oath shall be taken and subscribed by such alien, and may be administered to him before any of the following persons, that is to say: a judge of a court of record in Canada, a commissioner authorized to administer oaths in any court of record in Canada, a commissioner authorized by the Governor General to take oaths under this Act, a justice of the peace of the county or district where the alien resides, a notary public, a stipendiary magistrate, or a police magistrate. 44 V., c. 13, s. 11.

Evidence of residence or service required.

10. The alien shall adduce, in support of such application, such evidence of his residence or service, and intention to reside or serve, as the person before whom he takes the oaths aforesaid requires; and such person, on being satisfied with such evidence, and that the alien is of good character, shall grant to such alien a certificate in the form B in the schedule to this Act, or to the like effect. 44 V., c. 13, s. 12.

Presentation of certificate. In Ontario.

11. Such certificate shall be presented,—

In Ontario, to the court of general sessions of the peace of the county within the jurisdiction of which the alien resides, or to the court of assize and *nisi prius* during its sitting in such county;

In Quebec.

In Quebec, to the circuit court in and for the circuit within the jurisdiction of which the alien resides;

In Nova Scotia.

In Nova Scotia, to the supreme court, during its sittings in the county within the jurisdiction of which the alien resides, or to the county court of such county;

In New Brunswick.

In New Brunswick, to the supreme court or the court of assize and *nisi prius* during its sittings in the county within

the jurisdiction of which the alien resides, or to the county court of such county ;

In British Columbia, to the supreme court of British Columbia, during its sittings in the electoral district within the jurisdiction of which the alien resides, or to the court of assize and *nisi prius* during its sittings in such electoral district, or to the county court of such electoral district ;

In Manitoba, to the court of Queen's Bench during its sittings in the county within the jurisdiction of which the alien resides, or to the court of assize and *nisi prius* during its sittings in such county, or to the county court of such county ;

In Prince Edward Island, to the supreme court of judicature during its sittings in the county within which the alien resides, or to the court of assize and *nisi prius* during its sittings in such county, or to the county court of such county ;

Such presentation shall be made in open court, on the first day of some general sitting of such court ; and thereupon such court shall cause the same to be openly read in court ; and, if during such sitting, the facts mentioned in such certificate are not controverted, or any other valid objection made to the naturalization of such alien, such court, on the last day of such sitting, shall direct that such certificate shall be filed of record in the court. 44 V., c. 13, s. 13.

12. In the North-West Territories and in the District of Keewatin, such certificate shall be presented to such authorities or persons as are prescribed by order or regulation of the Governor in Council, and thereupon such authority or person shall take such proceedings with respect to such certificate, and shall cause the same to be filed of record, in such way as is prescribed by such order or regulation. 44 V., c. 13, s. 14.

13. The alien shall, after the filing of such certificate, be entitled, under the seal of the court, if such certificate has been presented to a court, to a certificate of naturalization in the form C in the schedule to this Act, or to the like effect ; and if the certificate has been presented to an authority or person, as prescribed by order or regulation of the Governor in Council, the alien shall be entitled to receive, from such authority or person, a certificate of naturalization, authenticated as is prescribed by such order or regulation. 44 V., c. 13, s. 15.

14. The certificate granted to an alien who applies for naturalization on account of service under the Government of Canada or of any Province or of any two or more of such Governments, as hereinbefore provided, shall be filed of record in the office of the Secretary of State of Canada ; and thereupon the Governor in Council may authorize the issue of a certificate of naturalization to such alien, in the form D in the schedule to this Act. 44 V., c. 13, s. 16.

Rights of alien so naturalized.

Exception when he is within the state of which he was a subject.

Certificate of naturalization where nationality is doubtful.

Effect thereof.

As to aliens naturalized before 4th July, 1883.

As to British subject by birth who has become an alien.

Certificate of re-admission within Canada.

Rights of statutory alien re-admitted within Canada.

15. An alien to whom a certificate of naturalization is granted shall, within Canada, be entitled to all political and other rights, powers and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject within Canada,—with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject, unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect. 44 V., c. 13, s. 17.

16. A special certificate of naturalization may, in manner aforesaid, be granted to any person with respect to whose nationality, as a British subject, a doubt exists; and such certificate may specify that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be deemed a British subject; and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject; and such special certificate may be in the form E in the schedule to this Act, or to the like effect. 44 V., c. 13, s. 18.

17. An alien naturalized previously to the fourth day of July, one thousand eight hundred and eighty-three, may apply for a certificate of naturalization under this Act,—and such certificate may be granted to such naturalized alien upon the same terms and subject to the same conditions upon which such certificate might have been granted if such alien had not been previously naturalized. 44 V., c. 13, s. 19.

18. A statutory alien may, upon the same terms and subject to the same conditions as are required in the case of an alien applying for a certificate of naturalization, apply to the proper court or authority or person in that behalf for a certificate, hereinafter referred to as a “certificate of re-admission to British nationality,” re-admitting him to the status of a British subject within Canada; and such certificate may be in the form F in the schedule to this Act, or to the like effect. 44 V., c. 13, s. 20.

19. A statutory alien, to whom a certificate of re-admission to British nationality within Canada has been granted shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a British subject within Canada—with this qualification, that within the limits of the foreign state of which he became a subject, he shall not be deemed to be a British subject within Canada, unless he has ceased to be a subject of that foreign state according to the laws thereof, or in pursuance of a treaty or convention to that effect. 44 V., c. 13, s. 21.

20. When any foreign state has, before or after the fourth day of July, one thousand eight hundred and eighty-three, entered into a convention with Her Majesty to the effect that the subjects of that state who have been naturalized as British subjects may divest themselves of their status as subjects of such foreign state, and when such convention, or the laws of such foreign state, require a residence in Canada of more than three years or a service under the Government of Canada, or of any of the Provinces of Canada, or of two or more of such Governments, of more than three years, as a condition precedent to such subjects divesting themselves of their status as such foreign subjects—an alien, being a subject of such foreign state, who desires to divest himself of his status as such subject, may, if at the time of taking the oath of residence or service, he has resided or served the length of time required by such convention, or by the laws of the foreign state, instead of taking the oath showing three years' residence or service, take an oath showing residence or service for the length of time required by such convention, or by the laws of the foreign state; and the certificate of naturalization granted to the alien under the foregoing provisions hereof shall state the period of residence or service sworn to:

Provision in case of certain convention by H. M. with a foreign state.

How alien subject of such state may obtain certificate of naturalization.

2. Such certificate of naturalization shall likewise state the period of residence or service sworn to; and the statement in such certificate of naturalization shall be sufficient evidence of such residence or service in all courts and places whatever. 44 V., c. 13, s. 24.

What the certificate shall show and its effect.

21. An alien, who, either before or after the fourth day of July, one thousand eight hundred and eighty-three has, whether under this Act or otherwise, become entitled to the privileges of British birth in Canada, and who is a subject of a foreign state with which a convention to the effect above mentioned has been entered into by Her Majesty, and who desires to divest himself of his status as such subject, and who has resided or served the length of time required by such convention or by the laws of the foreign state, may take the oath of residence or service showing residence or service for the length of time required by such convention or by the laws of the foreign state, and apply for a certificate, or a second certificate, as the case may be, of naturalization under this Act. 44 V., c. 13, s. 25.

As to aliens in such case of convention who have become entitled to privileges of British birth in Canada.

STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

22. A married woman shall, within Canada, be deemed to be a subject of the state of which her husband is, for the time being, a subject. 44 V., c. 13, s. 26.

Married woman.

23. A widow, who is a natural-born British subject, and who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may, as

Widow being a British subject by birth who has be-

come an alien by marriage. such, at any time during widowhood, obtain a certificate of re-admission to British nationality, within Canada, as hereinbefore provided. 44 V., c. 13, s. 27.

Children of British subjects who have become aliens.

24. If the father, being a British subject, or the mother, being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who, during infancy, has become resident in the country where the father or mother is naturalized and has, according to the laws of such country, become naturalized therein, shall, within Canada, be deemed to be a subject of the state of which the father or mother has become a subject, and not a British subject. 44 V., c. 13, s. 28.

Children of aliens who have been re-admitted to British nationality.

25. If the father, or the mother being a widow, has obtained a certificate of re-admission to British nationality within Canada, every child of such father or mother who, during infancy, has become resident within Canada with such father or mother, shall be deemed to have resumed the position of a British subject within Canada, to all intents. 44 V., c. 13, s. 29.

If the parents have obtained certificates of naturalization.

26. If the father, or the mother being a widow, has obtained a certificate of naturalization within Canada, every child of such father or mother who, during infancy, has become resident with such father or mother within Canada, shall, within Canada, be deemed to be a naturalized British subject. 44 V., c. 13, s. 30.

Act not to affect acquired rights of married women.

27. Nothing in this Act contained shall deprive any married woman of any estate or interest in real or personal property to which she became entitled before the fourth day of July, one thousand eight hundred and eighty-three, or affect such estate or interest to her prejudice. 44 V., c. 13, s. 31.

REGULATIONS.

Regulations as to—

28. The Governor in Council may, from time to time, make regulations respecting the following matters:—

Declarations.

(a) The form and registration of declarations of British nationality;

Certificates of naturalization—
And of re-admission.

(b) The form and registration of certificates of naturalization in Canada;

(c) The form and registration of certificates of re-admission to British nationality within Canada;

Alienage.

(d) The form and registration of declarations of alienage;

Transmission of certain documents for purposes of this Act.

(e) The transmission to Canada, for the purpose of registration or safe keeping, or of being produced as evidence of any declarations or certificates made in pursuance of this Act, out of Canada, or of any copies of such declarations or certificates; also, of copies of entries contained in any register kept out of Canada in pursuance of or for the purpose of carrying the provisions of this Act into effect;

(f.) With the consent of the Treasury Board, the imposition and application of fees in respect of any registration authorized by this Act to be made, and in respect of the making of any declaration or the granting of any certificate authorized by this Act to be made or granted by this Act; Fees on registration, &c.

(g.) The persons by whom the oaths may be administered under this Act; Oaths.

(h.) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested; Subscription.

(i.) The registration of such oaths; Registration.

(j.) The persons by whom certified copies of such oaths may be given; Copies.

(k.) The transmission to Canada, for the purpose of registration or safe keeping, or of being produced as evidence, of any oaths taken in pursuance of this Act out of Canada, or of any copies of such oaths; also, of copies of entries of such oaths contained in any register kept out of Canada, in pursuance of this Act; Transmission when taken out of Canada.

(l.) The proof, in any legal proceeding, of such oaths; Proof.

(m.) With the consent of the Treasury Board, the imposition and application of fees in respect of the administration or registration of any such oath. 44 V., c. 13, s. 32, *part.* Fees.

29. Any regulation made by the Governor in Council under this Act shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted here. 44 V., c. 13, s. 32, *part.* Presumption as to regulations.

EVIDENCE.

30. Any declaration authorized to be made under this Act may be proved in any legal proceeding, by the production of the original declaration, or of any copy thereof certified to be a true copy by the clerk or acting clerk of the Queen's Privy Council for Canada, or by any person authorized by regulation of the Governor in Council to give certified copies of such declaration; and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned. 44 V., c. 13, s. 33. Proof of declarations.

31. A certificate of naturalization, or of re-admission to British nationality, may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by the clerk or acting clerk of the Queen's Privy Council for Canada, or by any person authorized by regulation of the Governor in Council to give certified copies of such certificate; and the statement of the period of residence or service in a certificate of naturalization shall be sufficient evidence of such residence or service in all courts and places whatsoever. 44 V., c. 13, s. 34. Proof of certificates.

Proof of entries of registration.

32. Entries in any register authorized to be made in pursuance of this Act may be proved by such copies and certified in such manner as is directed by regulation of the Governor in Council, by the clerk or acting clerk of the Queen's Privy Council for Canada, or by the Secretary of State; and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the Governor in Council authorized to be inserted in the register. 44 V., c 13, s. 35.

Registration of certificate in land registry office.

33. A copy of any certificate of naturalization may be registered in the land registry office of any county or district or registration division within Canada, and a copy of such registry, certified by the registrar or other proper person in that behalf, shall be sufficient evidence of the naturalization of the person mentioned therein, in all courts and places whatsoever. 44 V., c. 13, s. 21.

GENERAL PROVISIONS.

Commissioners for administering oaths.

34. The Governor in Council may, from time to time, appoint commissioners to take and administer oaths under this Act. 44 V., c. 13, s. 44.

As to acts done before naturalization.

35. If any British subject has, in pursuance of this Act, become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien. 44 V., c. 13, s. 37.

Fee on issue of certificate by a court.

36. The clerk of the court by which the certificate of naturalization is issued shall, for all services and filings in connection with such certificate, be entitled to receive, from the person naturalized, the sum of twenty-five cents, and no more; and no further or other fee shall be payable for or in respect of such certificate:

And to registrar for recording it.

2. The registrar shall, for recording a certificate of naturalization, be entitled to receive from the person producing the same for registry, the sum of fifty cents, and a further sum of twenty-five cents for every search and certified copy of the same, and no more. 44 V., c. 13, s. 22.

As to aliens naturalized in any part of Canada before 4th July, 1883.

37. Every person who, being by birth an alien, had, on or before the fourth day of July, one thousand eight hundred and eighty-three, become entitled to the privileges of British birth, within any part of Canada, by virtue of any general or special Act of naturalization in force in such part of Canada, shall hereafter be entitled to all the privileges by this Act conferred on persons naturalized under this Act. 44 V., c. 13, s. 38.

Act not to affect Act of U.C., 54 Geo. 3. c. 9.

38. Nothing in this Act contained shall repeal or in any manner affect the Act of the Legislature of Upper Canada, passed in the fifty-fourth year of the reign of His late Majesty

King George the Third, intituled "*An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty*," or the Act of the legislature of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, chaptered forty-four and intituled "*An Act respecting forfeited estates in Upper Canada*," or any proceedings had under the said Acts. 44 V., c. 13, s. 39.

39. Nothing in this Act contained shall repeal or in any manner affect the Act of the legislature of the late Province of Canada, passed in the session held in the fourth and fifth years of Her Majesty's reign, chaptered seven, intituled "*An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of natural-born British subjects*," or the first, second or third sections of the Act of the said legislature, passed in the twelfth year of Her Majesty's reign, chapter one hundred and ninety-seven, intituled "*An Act to repeal a certain Act therein mentioned and to make better provision for the naturalization of Aliens*," or impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person or by any other person by virtue of such naturalization, all which shall remain valid and be possessed and enjoyed by such persons respectively. 44 V., c. 13, s. 40.

Nor certain Acts of Province of Canada.

4-5 V., c. 7.

12 V., c. 197, ss. 1, 2 & 3.

Nor the rights of those naturalized under them.

40. Every person who, being by birth an alien, did, prior to the first day of January, one thousand eight hundred and sixty-eight, take the oaths of residence and allegiance required by the laws respecting naturalization then in force in that one of the Provinces now forming the Dominion of Canada, in which he then resided, shall, within Canada, be admitted to all the rights and privileges of a natural-born British subject conferred upon naturalized persons by this Act; and the certificate of the judge, magistrate, or other person before whom such oaths were taken and subscribed, shall be evidence of his having taken them; or he may take and subscribe the oath in the form G in the schedule to this Act before some judge, justice, or person authorized to administer the oaths of residence and allegiance under this Act, in the county or district in which he resides. 44 V., c. 13, s. 41.

As to persons entitled to be naturalized before January, 1868, under the law of any Province of Canada.

41. All aliens who had their settled place of abode in either of the late Provinces of Upper Canada or Lower Canada, or in Nova Scotia or New Brunswick, on or before the first day of July, one thousand eight hundred and sixty-seven, or in Rupert's Land or the North-West Territories on or before the fifteenth day of July, one thousand eight hundred and seventy, or in British Columbia on or before the twentieth day of July, one thousand eight hundred and seventy-one, or in Prince Edward Island on or before the first day of July, one thousand eight hundred and seventy-three, and

Aliens who had their settled abode in certain Provinces, on certain named days, to be British subjects on taking oaths of allegiance, and residence.

who are still residents in Canada, shall be deemed, adjudged, and taken to be, and to have been entitled to all the privileges of British birth within Canada as if they had been natural-born subjects of Her Majesty; but no such person, being a male, shall be entitled to the benefit of this Act, unless he takes the oaths of allegiance in the form A, and of residence in the form H, in the schedule to this Act, before some justice of the peace or other person authorized to administer oaths under this Act. 44 V., c. 13, s. 42.

Where the oaths required shall be filed of record.

42. The oaths taken under the next preceding section shall be filed of record, as follows: If the person making them resides in the Province of Ontario, with the clerk of the peace of the county in which he resides; if he resides in the Province of Quebec,—with the clerk of the circuit court of the circuit within which he resides; if he resides in Nova Scotia,—with the prothonotary of the Supreme Court; and if he resides in New Brunswick,—with the clerk of the Supreme Court; if he resides in British Columbia,—with the clerk of the Supreme Court of British Columbia; if he resides in Prince Edward Island,—with the clerk of the Supreme Court of Judicature; if he resides in Manitoba,—with the clerk of the court of Queen's Bench, or with the clerk of the county court of the county in which he resides; if he resides in the North-West Territories or in the District of Keewatin,—with such person or authority as is prescribed by order or regulation of the Governor in Council:

Effect of filing; fee for certificate, and its effect.

2. Upon the oath being so filed, the person making it shall be entitled to the benefit of this Act and of the privileges of British birth within Canada, and shall also, upon payment of a fee of twenty-five cents, be entitled to a certificate from the person with whom the oaths have been filed, in the form I in the schedule to this Act, or to the like effect; and the production of such certificate shall be *prima facie* evidence of his naturalization under this Act, and that he is entitled to and enjoys all the rights and privileges of a British subject. 44 V., c. 13, s. 43.

Naturalization to be under this Act only.

43. No alien shall be naturalized within Canada, except under the provisions of this Act. 44 V., c. 13, s. 46.

PENALTY FOR FALSE SWEARING.

Punishment for false swearing or affirming.

44. Every person who wilfully swears falsely, or makes any false affirmation under this Act, shall, on conviction thereof, in addition to any other punishment authorized by law, forfeit all the privileges or advantages which he would otherwise, by making such oath or affirmation, have been entitled to under this Act; but the rights of other persons, in respect of any property or estate derived from or held under him, shall not thereby be prejudiced, unless such persons were cognizant of the false swearing or the making of a false affirmation at the time the title by which they claim to hold under him was created. 44 V., c. 13, s. 45, *part.*

Proviso: certain rights saved.

C.

THE NATURALIZATION ACT.

Certificate of Naturalization.

Dominion of Canada, }
 Province of . . . }

In the (*name of Court*) :

Whereas, A. B., of, &c. (*describing him as formerly of such a place, in such a foreign country, and now of such a place in Canada, and adding his occupation or addition*), has complied with the several requirements of "*The Naturalization Act*," and has duly resided in Canada for the period of (three or five, *as the case may be*) years. And whereas the certificate granted to the said A. B., under the tenth section of the said Act, has been duly read in open court, and thereupon, by order of the said court, has been filed of record in the same, pursuant to the said Act (¶). This is, therefore, to certify to all whom it may concern, that under and by virtue of the said Act, A. B. has become naturalized as a British subject (§) and is, within Canada, entitled to all political and other rights, powers and privileges, and is subject to all obligations to which a natural-born British subject is entitled or subject within Canada, with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject (*or citizen*), previous to the date hereof, be deemed to be a British subject, unless he has ceased to be a subject (*or citizen*) of that state, in pursuance of the laws thereof or in pursuance of a treaty or convention to that effect.

Given under the seal of the said court, this
 day of _____, one thousand eight hundred and

E. F.

Judge, Clerk (*or other proper
 officer of the Court.*)

This form may be altered so as to apply to the North-West Territories or District of Keewatin.

D.

THE NATURALIZATION ACT.

Certificate of Naturalization to a person after service under Government.

Whereas A. B., of (*describing him, and adding his occupation or addition*), has complied with the several requirements of "*The Naturalization Act*," and has been in the service of the Government of Canada (*or as the case may be*) for a

term of not less than three years, and intends, when naturalized, to reside in Canada (or, to serve under the Government of _____, *as the case may be*); and whereas the certificate granted to the said A. B., under the tenth section of the said Act, has been duly filed of record in the office of Her Majesty's Secretary of State of Canada, pursuant to the said Act; and whereas the Governor in Council has duly authorized the issue of this certificate of naturalization: This is, therefore, to certify to all whom it may concern that under and by virtue of the said Act, the said A. B. has become naturalized as a British subject and is, within Canada, entitled to all political and other rights, powers and privileges, and is subject to all obligations to which a natural-born British subject is entitled or subject within Canada, with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject (or citizen) previous to the date hereof, be deemed to be a British subject unless he has ceased to be a subject (or citizen) of that state in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect.

Given under my hand, this _____

day of _____

Secretary of State of Canada.

E.

THE NATURALIZATION ACT.

Special Certificate of Naturalization to a person with respect to whose Nationality a doubt exists.

Follow form C down to the sign ¶—then add:

And whereas the said A. B. alleges that he is a person with respect to whose nationality as a British subject a doubt exists, and this certificate is issued for the purpose of quieting such doubts, and the application of the said A. B. therefor and the issuing thereof shall not be deemed to be any admission that the said A. B. was not heretofore a British subject—(then continue the rest of form C to the end).

Form D to be altered in a similar way when necessary.

F.

THE NATURALIZATION ACT.

Certificate of re-admission to British Nationality.

Formal part, as in form C.

Whereas A. B., of (*describing him, as in form C*), who alleges that he was a natural-born British subject, and that he became an alien by being naturalized as a subject (or citizen)

of has complied with the several requirements of "*The Naturalization Act*," and has duly resided in Canada for the period of three (or five, *as the case may be*) years; and whereas the certificate granted to the said A. B., under the tenth section of the said Act, has been duly read in open court, and thereupon, by order of the said court, has been filed of record in the same, pursuant to the said Act: This is, therefore, to certify to all whom it may concern that, under and by virtue of the said Act, the said A. B., from the date of this certificate, but not in respect of any previous transaction, is re-admitted to the status of a British subject—(*then follow form C from the sign § to the end*).

Form D to be altered in a similar way when necessary.

Where the applicant is a widow, the form shall be modified accordingly and recite that she became an alien by marriage with her late husband, L. M., a subject (or citizen) of

G.

THE NATURALIZATION ACT.

I, A. B., of , do swear (or affirm) that on or about the day of , one thousand eight hundred and , at , in the (county, or *as the case may be*), of , in the Province of , I did take and subscribe before (*a judge, magis'trate or other person, naming him*) the oaths (or affirmations) of residence and allegiance required by the laws respecting the naturalization of aliens then in force in the said Province. So help me God.

A. B.

Sworn to before me at , on {
the day of , 18 . }

H.

THE NATURALIZATION ACT.

I, A. B., of , do swear (or affirm) that I had a settled place of abode in (Upper Canada, Lower Canada, Nova Scotia or New Brunswick, *as the case may be*), on the first day of July, A.D. 1867 (or in Rupert's Land or the North-West Territories, on the fifteenth day of July, A.D. 1870), (or in British Columbia, on the twentieth day of July, A.D. 1871), (or in Prince Edward Island, on the first day of July, A.D.

1873), and I resided therein with intent to settle therein ;
and I have continuously since resided in the Dominion of
Canada. So help me God.

A. B.

Sworn before me at , on }
the day of 18 }

I.

THE NATURALIZATION ACT.

I hereby certify that A. B., of , has filed with
me as (clerk of the peace, , or as the case may be)
the oath (or affirmation) of which the following is a copy :—

(Copy the Oath or Affirmation.)

This certificate is issued pursuant to the forty-second section
of "*The Naturalization Act*," and is to certify to all to whom
it may concern that

(Follow Form C.)

44 V., c. 13, sch.

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Excellent Majesty.



CHAPTER 114.

An Act respecting inquiries concerning Public Matters. A.D. 1886.

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

1. Whenever the Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of Canada, or the conduct of any part of the public business thereof, and such inquiry is not regulated by any special law, the Governor in Council may, by the commission in the case, confer upon the commissioners or persons by whom such inquiry is to be conducted, the power of summoning before them any witnesses, and of requiring them to give evidence on oath, orally or in writing, or on solemn affirmation if they are persons entitled to affirm in civil matters, and to produce such documents and things as such commissioners deem requisite to the full investigation of the matters into which they are appointed to examine. 38 V., c. 38, s. 1, *part.*

Governor in Council may confer on commissioners appointed to make inquiry as to public matters, power to examine on oath, &c.

2. Such commissioner or commissioners shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence, as is vested in any court of record in civil cases; but no such witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution. 31 V., c. 38, s. 1, *part.*

Power to commissioners to compel attendance of witnesses.

Proviso.

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CHAPTER 115.

An Act respecting the making of certain investigations A.D. 1886.
under oath.

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

1. The Minister presiding over any department of the civil service of Canada, may appoint at any time, under the authority of the Governor in Council, a commissioner or commissioners, to investigate and report upon the state and management of the business, or any part of the business, of such department, either in the inside or outside service thereof, and the conduct of any person in such service, so far as the same relates to his official duties. 43 V., c. 12, s. 1, *part.*

Commissioner may be appointed to make investigation.

2. Such commissioner or commissioners may, for the purposes of the investigation, enter into and remain within any public office or institution,—and shall have access to every part thereof,—and may examine all papers, documents, vouchers, records and books of every kind belonging thereto,—and may summon before him or them any person and require him to give evidence on oath, orally or in writing, or on solemn affirmation, if he is entitled to affirm in civil matters; and any such commissioner may administer such oath or affirmation. 43 V., c. 12, s. 1, *part.*

Powers of commissioner.

3. Any such commissioner or commissioners may, under his or their hand or hands, issue a subpoena or other request or summons, requiring and commanding any person therein named to appear at the time and place mentioned therein, and then and there to testify to all matters within his knowledge, relative to the subject matter of such investigation, and to bring with him and produce any document, book, or paper, which he has in his possession, or under his control, relative to any such matter as aforesaid; and any such person may be summoned from any part of Canada by virtue of such subpoena, request or summons:

May issue subpoena or summons.

2. Reasonable travelling expenses shall be paid to any person so summoned at the time of service of the subpoena, request or summons. 43 V., c. 12, s. 2.

Expenses.

4. If, by reason of the distance at which any person, whose evidence is desired, resides from the place where his atten-

Evidence may be taken by commission.

Power for
that purpose.

dance is required, or for any other cause, the commissioner or commissioners deem it advisable, he or they may issue a commission or other authority to any officer or person therein named, empowering him to take such evidence and report the same to him or them; and such officer or person, being first sworn before some justice of the peace faithfully to execute the duty intrusted to him by such commission, shall, with regard to such evidence, have the same powers as the commissioner or commissioners would have had if such evidence had been taken before him or them, and may, in like manner, under his hand issue a subpoena or other request or summons for the purpose of compelling the attendance of any person, or the production of any document, book or paper. 43 V., c. 12, s. 3.

Penalty on
witnesses
failing to
attend, &c.

5. Every person who, being required to attend in the manner hereinbefore provided, fails, without valid excuse, to attend accordingly,—or being commanded to produce any document, book or paper, in his possession or under his control, fails to produce the same,—or who refuses to be sworn or to affirm, as the case may be, or to answer any proper question put to him by a commissioner, or other person as aforesaid, shall, on summary conviction before any police or stipendiary magistrate or judge of a superior or county court having jurisdiction in the county or district in which such person resides, or in which the place is at which he was so required to attend, be liable to a penalty not exceeding four hundred dollars; and the judge of the superior or county court aforesaid shall, for the purposes of this Act, be a justice of the peace. 43 V., c. 12, ss. 4 and 5.

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CHAPTER 116.

An Act to avoid the necessity of having Public Documents Engrossed on Parchment. A. D. 1886.

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

1. No commission or other public document under the Great Seal of Canada, or under the Privy Seal of the Governor General, or any letters patent of Canada, or any public writ, deed or other document thereof, or any portion of any such document, shall, unless any Act relating thereto expressly so provides, be required to be on parchment, but the same being written or printed wholly or in part on paper, shall be as valid in all respects as if written or printed on parchment; but nothing herein contained shall be construed as declaring that it was necessary to the validity of any such document heretofore signed, sealed or executed, that such document or any part thereof should be on parchment. 32-33 V., c. 15, s. 1.

Public documents of Canada need not be on parchment.

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CHAPTER 117.

An Act respecting defective Letters Patent and the discharge of securities to the Crown. A.D. 1886.

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

1. Whenever letters patent under the Great Seal of Canada, other than such as grant lands, or instruments under the Privy Seal of the Governor General or person administering the Government of Canada, have been issued to or in the name of the wrong person, or contain any clerical error or misnomer or wrong description of any material fact therein, the Secretary of State, when authorized by the Governor in Council, may direct the defective letters patent or instruments to be cancelled, and a minute of such cancellation to be entered in the margin of the registry of the original letters patent or other instruments, and correct letters patent under the Great Seal or instruments under Privy Seal, as aforesaid, to be issued in their stead,—which said new letters patent or instruments shall relate back to the date of those so cancelled. 38 V., c. 13, s. 1.

Defective letters patent of certain kinds, may be cancelled and correct ones issued in their stead.

Their effect.

2. Whenever the lien created by any mortgage or other instrument on any real or personal property to Her Majesty has been satisfied, the Governor in Council may declare that the same has been satisfied and discharged; and a copy of the Order in Council, certified by the Clerk of the Queen's Privy Council for Canada, shall operate as a release and discharge of any claim of Her Majesty, her successors or assigns, in respect of the same. 38 V., c. 13, s. 2.

How securities to the Crown may be discharged.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



CHAPTER 118.

An Act respecting Joint Stock Companies.

A. D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Companies Clauses Act.*" Short title. 32-33 V., c. 12, s. 1.

INTERPRETATION.

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

(a.) The expression "the special Act" means any Act incorporating a company to which this Act applies, and with which this Act is incorporated, as hereinafter provided,— and also all Acts amending such Act ;

(b.) The expression "the company" means the company incorporated under the special Act ;

(c.) The expression "the undertaking" means the whole of the works and business of whatsoever kind, which the company is authorized to undertake and carry on ;

(d.) The expression "real property" or "land" includes messuages, lands, tenements and hereditaments of any tenure, and all immovable property of any kind ;

(e.) The expression "shareholder" means every subscriber to or holder of stock in the company, and includes the personal representatives of the shareholder. 32-33 V., c. 12, s. 2.

APPLICATION OF ACT.

3. This Act applies to every joint stock company incorporated subsequent to the twenty-second day of June, one thousand eight hundred and sixty-nine, by any special Act of the Parliament of Canada, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except companies for the construction and working of railways, or the business of banking and the issue of paper money, or insurance,—and, so far as it is applicable to the undertaking, and is not expressly varied or excepted by the special Act, is incorporated with it, and forms part thereof, and shall be construed therewith as forming one Act. 32-33 V., c. 12, s. 3.

How provisions of this Act may be excepted from incorporation with the special Act.

4. Any of the provisions of this Act may be excepted from incorporation with the special Act; and for that purpose it shall be sufficient to provide in the special Act that the sections or sub-sections of this Act which it is proposed so to except, referring to them by the numbers they bear, shall not be incorporated with the special Act, and the special Act shall be construed accordingly. 32-33 V., c. 12, s. 4.

GENERAL POWERS.

General corporate powers of companies.

5. Every company incorporated under any special Act shall be a body corporate under the name declared in the special Act, and may acquire, hold, alienate and convey any real property necessary or requisite for the carrying on of the undertaking of such company, and shall be invested with all the powers, privileges and immunities necessary to carry into effect the intention and objects of this Act and of the special Act, and which are incident to such corporation, or are expressed or included in "*The Interpretation Act.*" 32-33 V., c. 12, s. 5.

Powers to be subject to this Act, unless excepted.

6. All powers given by the special Act to the company shall be exercised, subject to the provisions and restrictions contained in this Act, except such as are by the special Act expressly excepted from incorporation with it. 32-33 V., c. 12, s. 6.

DIRECTORS—THEIR DUTIES AND POWERS.

Directors.

7. The affairs of the company shall be managed by a board of not more than nine and not less than three directors. 32-33 V., c. 12, s. 7.

Provisional directors.

8. The persons named as such, in the special Act, shall be the first or provisional directors of the company, and shall remain in office until replaced by directors duly elected in their stead. 32-33 V., c. 12, s. 8.

Qualification of directors subsequently appointed.

9. No person shall be elected as a director unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon; and the majority of the directors of the company so chosen shall, at all times, be persons resident in Canada, and subjects of Her Majesty, by birth or naturalization. 32-33 V., c. 12, s. 9.

Election of directors; term of office.

10. The directors of the company shall be elected by the shareholders, in general meeting of the company assembled, at such times, in such manner, and for such term, not exceeding two years, as the special Act, or in default thereof, as the by-laws of the company prescribe. 32-33 V., c. 12, s. 10.

General provisions.

11. In the absence of other provisions in that behalf in the special Act or the by-laws of the company,—

(a.) The election of directors shall take place yearly, and all the directors then in office shall retire, but if otherwise qualified they shall be eligible for re-election ;

As to elections.

(b.) Notice of the time and place for holding general meetings of the company shall be given at least ten days previously thereto, in some newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto ;

Notice of general meetings.

(c.) At all general meetings of the company, every shareholder shall be entitled to as many votes as he owns shares in the company, and may vote by proxy ;

Votes.

(d.) Elections of directors shall be by ballot ;

Ballot.

(e.) Vacancies occurring in the board of directors may be filled for the remainder of the term, by the directors from among the qualified shareholders of the company ;

Vacancies.

(f.) The directors shall, from time to time, elect from among themselves a president of the company ; and shall also appoint, and may remove at pleasure, all other officers thereof. 32-33 V., c. 12, s. 11.

President and officers.

12. If, at any time, an election of directors is not made or does not take effect at the proper time, the company shall not be held to be thereby dissolved ; but such election may take place at any general meeting of the company, duly called for that purpose ; and the retiring directors shall continue in office until their successors are elected. 32-33 V., c. 12, s. 12.

Failure to complete election, how remedied.

13. The directors of the company may, in all things, administer the affairs of the company, and may make or cause to be made for the company, any description of contract which the company may, by law, enter into ; and may, from time to time, make by-laws not contrary to law or to the special Act or to this Act, for the following purposes :—

Powers of directors.

(a.) The regulating of the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock ;

By-laws.

Stock.

(b.) The declaration and payment of dividends ;

Dividends.

(c.) The number of the directors, their term of service, the amount of their stock qualification and their remuneration, if any ;

Directors.

(d.) The appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration ;

Officers.

(e.) The time and place for the holding of the annual meeting of the company, the calling of meetings, regular and special, of the board of directors and of the company, the quorum at meetings of the directors and of the company,

Meetings.

the requirements as to proxies, and the procedure in all things at such meetings;

Fines. (f.) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law;

General business. (g.) The conduct, in all other particulars, of the affairs of the company:

Altering by-laws. 2. The directors may, from time to time, repeal, amend or re-enact the same; but every such by-law and every repeal.

Proviso: as to confirmation of by-laws. amendment or re-enactment thereof, unless it is in the meantime confirmed at a general meeting of the company, duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat shall, at and from that time only, cease to have force. 32-33 V., c. 12, s. 13, *part.*

Evidence of by-laws. **14.** A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts in Canada. 32-33 V., c. 12, s. 14.

CAPITAL STOCK AND CALLS THEREON.

Stock to be personal estate. **15.** The stock of the company shall be personal estate, and shall be transferable in such manner only, and subject to such conditions and restrictions as are prescribed by this Act, or by the special Act or the by-laws of the company. 32-33 V., c. 12, s. 15.

Allotment of stock. **16.** If the special Act makes no other definite provision, the stock of the company shall be allotted at such times and in such manner as the directors, by by-law or otherwise, prescribe. 32-33 V., c. 12, s. 16.

Instalments thereon: how called in, &c. **17.** The directors of the company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed, at such times and places and in such payments or instalments as the special Act or this Act requires or allows; and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call. 32-33 V., c. 12, s. 17.

Calls on stock. **18.** At least ten per centum upon the allotted stock of the company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the company; and for every year thereafter, at least a further ten per centum thereof shall, in like manner, be called in and made payable, until the whole has been so called in. 32-33 V., c. 12, s. 18.

Payment of calls; enforcement of, by action. **19.** The company may enforce payment of all calls and interest thereon, by action in any court of competent jurisdiction; and in such action it shall not be necessary to set

forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted to the company in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number of calls and the amount of each call, whereby an action has accrued to the company under this Act; and a certificate under the seal of the company, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts as *prima facie* evidence thereof. 32-33 V., c. 12, s. 19.

20. If, after such demand or notice as by the special Act or the by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such special Act or by-laws is limited in that behalf, the directors, in their discretion, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made; and such shares shall thereupon become the property of the company, and may be disposed of as the directors by by-law or otherwise prescribe. 32-33 V., c. 12, s. 20.

Or by forfeiture of shares.

21. No share shall be transferable, until all previous calls thereon have been fully paid, or until it is declared forfeited for non-payment of a call or calls thereon. 32-33 V., c. 12, s. 21.

Restriction as to transfer.

22. No shareholder who is in arrear in respect of any call shall vote at any meeting of the company. 32-33 V., c. 12, s. 22.

Shareholders in arrears not to vote.

BOOKS OF THE COMPANY.

23. The company shall cause a book or books to be kept by the secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded,—

Stock book to be kept: its contents.

(a.) The names, alphabetically arranged, of all persons who are or have been shareholders;

Names of shareholders.

(b.) The address and calling of every such person, while such shareholder;

Addresses.

(c.) The number of shares of stock held by each shareholder;

Number of shares.

(d.) The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;

Amounts paid and unpaid.

(e.) All transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and,—

Transfers.

(f.) The names, addresses and calling of all persons who are or have been directors of the company, with the several

Names, &c., of directors.

dates at which each became or ceased to be such director. 32-33 V., c. 12, s. 23.

Powers and liability of directors as regards transfers in certain cases.

24. The directors may allow or refuse to allow the entry in any such book, of any transfer of stock whereof the whole amount has not been paid; and whenever entry is made in such book, of any transfer of stock not fully paid up, to a person who is not apparently of sufficient means, the directors shall be jointly and severally liable to the creditors of the company, in the same manner and to the same extent as the transferring shareholder, except for such entry, would have been liable; but if any director present when such entry is allowed does forthwith, or if any director, then absent, does, within twenty-four hours after he becomes aware thereof and is able so to do, enter on the minute book of the board of directors, his protest against such transfer, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability. 32-33 V., c. 12, s. 24.

Transfers valid only after entry.

25. No transfer of stock, unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction, shall be valid for any purpose whatsoever until entry thereof has been duly made in such book or books, except for the purpose of exhibiting the rights of the parties thereto towards each other, and of rendering the transferee liable, in the meantime, jointly and severally with the transferrer, to the company and its creditors. 32-33 V., c. 12, s. 25.

Stock books to be open for inspection.

26. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives, at the head office or chief place of business of the company; and every shareholder, creditor or personal representative may make extracts therefrom. 32-33 V., c. 12, s. 26.

Books to be *prima facie* evidence.

27. Such books shall be *prima facie* evidence of all facts purporting to be therein stated, in any suit or proceeding against the company or against any shareholder. 32-33 V., c. 12, s. 27.

Penalty for false entries

28. Every director, officer or servant of the company who knowingly makes or assists in making any untrue entry in any such book, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom.

is guilty of a misdemeanor, and liable to imprisonment for any term not exceeding two years. 32-33 V., c. 12, s. 28.

29. Every company which neglects to keep such book or books open for inspection as aforesaid, shall forfeit its corporate rights. 32-33 V., c. 12, s. 29.

Penalty for neglect to keep books open.

SHAREHOLDERS.

30. Every shareholder shall, until the whole amount of his stock has been paid up, be individually liable to the creditors of the company, to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, until an execution against the company at the suit of such creditor has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable, with costs, from such shareholder. 32-33 V., c. 12, s. 33.

Liability of shareholders.

31. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever, of the company or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof. 32-33 V., c. 12, s. 34.

Limited to amount of stock.

32. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner and to the same extent, as the testator or intestate or the minor, ward or interdicted person or the person interested in such trust fund would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly. 32-33 V., c. 12, s. 35.

Trustees, &c., not personally liable.

33. Every such executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his possession at all meetings of the company, and may vote as a shareholder; and every person who pledges his stock may, notwithstanding such pledge, represent the said stock at all such meetings, and vote as a shareholder. 32-33 V., c. 12, s. 36.

Trustees, &c., may vote as shareholders.

34. Shareholders who hold one fourth part in value of the subscribed stock of the company may, at any time, call a special meeting thereof, for the transaction of any business specified in the written requisition and notice made and given for the purpose. 32-33 V., c. 12, s. 13, *part*.

Special meetings may be called.

LIABILITY OF THE COMPANY.

Contracts,
&c., when
binding on
company.

Non-liability
of servants.

Proviso: as to
bank notes.

Company not
liable in
respect of
trusts, &c.

35. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or indorsed, and every promissory note and cheque made, drawn or indorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or indorsed, as the case may be, in pursuance of any by-law, or special vote or order; and the person, so acting as agent, officer or servant of the company, shall not be thereby subjected individually to any liability whatsoever to any third person therefor: Provided always, that nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance. 32-33 V., c. 12, s. 31.

36. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same stands in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. 32-33 V., c. 12, s. 30.

LIABILITY OF DIRECTORS.

Liability of
directors
declaring any
dividend
when the
company is
insolvent.

How it may
be avoided.

37. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively; but if any director present when such dividend is declared does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware thereof and is able so to do, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto.

such director may thereby, and not otherwise, exonerate himself from such liability. 32-33 V., c. 12, s. 37.

38. No loan shall be made by the company to any shareholder; if such loan is made, all directors and other officers of the company who make the same, or assent thereto, shall be jointly and severally liable to the company for the amount of such loan,—and also to third persons to the extent of such loan, with lawful interest, for all debts of the company contracted from the time of the making of such loan to that of the repayment thereof. 32-33 V., c. 12, s. 38.

No loans by company to shareholders.
Directors liable.

39. The directors of the company shall be jointly and severally liable upon every written contract or undertaking of the company, on the face whereof the word "limited" or the words "limited liability" are not distinctly written or printed after the name of the company, where it first occurs in such contract or undertaking. 32-33 V., c. 12, s. 39.

Contracts must be so made as to show limited liability.

40. The directors of the company shall be jointly and severally liable to the laborers, servants and apprentices thereof, for all debts, not exceeding one year's wages, due for service performed for the company whilst they are such directors respectively; but no director shall be liable to an action therefor, unless the company is sued therefor within one year after the debt became due, nor unless such director is sued therefor within one year from the time when he ceased to be such director, nor unless an execution against the company at the suit of such laborer, servant or apprentice is returned unsatisfied in whole or in part; and the amount unsatisfied on such execution shall be the amount recoverable with costs from the directors. 32-33 V., c. 12, s. 40.

Liability of directors for wages, &c.
Proviso.

GENERAL PROVISIONS.

41. No company shall use any of its funds in the purchase of stock in any other corporation, unless in so far as such purchase is specially authorized by the special Act, and also by the Act creating such other corporation. 32-33 V., c. 12, s. 32.

Company not to purchase stock in other corporations.

42. Service of any process or notice upon the company may be made by leaving a copy thereof at the head office or chief place of business of the company, with any adult person in charge thereof, or elsewhere with the president or secretary thereof; or if the company has no known office or chief place of business, and has no known president or secretary, the court may order such publication as it deems requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the company. 32-33 V., c. 12, s. 41.

Service of process on company.

Actions
between com-
pany and
shareholders.

43. Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no shareholder, who is not himself a party to such suit, shall be incompetent as a witness therein. 32-33 V., c. 12, s. 42.

Winding up
Acts to apply.

44. The company shall be subject to the provisions of any general Act for the winding up of joint stock companies. 32-33 V., c. 12, s. 44.

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CHAPTER 119.

An Act respecting the incorporation of Joint Stock Companies by Letters Patent. A. D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Companies Act.*" 40 V., Short title. c. 43, s. 1.

INTERPRETATION.

2. In this Act, and in all letters patent and supplementary letters patent issued under it, unless the context otherwise requires,—

(a.) The expression "the company" means the company incorporated by letters patent under this Act; Interpretation.

(b.) The expression "the undertaking" means the business of every kind which the company is authorized to carry on; "Undertaking."

(c.) The expression "loan company" means a company incorporated for any of the purposes to which the powers of loan companies extend, as hereinafter provided; "Loan company."

(d.) The expression "real estate" or "land," includes messuages, lands, tenements and hereditaments of any tenure, and all immovable property of any kind; "Real estate," "Land."

(e.) The expression "shareholder" means every subscriber to or holder of stock in the company, and includes the personal representatives of the shareholder; "Shareholder."

(f.) The expression "manager" includes the cashier and secretary. 40 V., c. 43, s. 2. "Manager."

LETTERS PATENT.

3. The Governor in Council may, by letters patent under the Great Seal, grant a charter to any number of persons, not less than five, who petition therefor, constituting such persons, and others who thereafter become shareholders in the company thereby created, a body corporate and politic, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except the construction and working of railways, or the business of banking and the issue of paper money, or the business of insurance. 40 V., c. 43, s. 3. Companies formed for certain purposes may be incorporated by letters patent. Exception.

Notice to be given, and what it shall contain. 4. The applicants for such letters patent shall give at least one month's previous notice, in the *Canada Gazette*, of their intention to apply for the same, stating therein,—

Name. (a.) The proposed corporate name of the company, which shall not be that of any other known company, incorporated or unincorporated, or any name liable to be confounded therewith, or otherwise, on public grounds, objectionable ;

Purposes. (b.) The purposes for which its incorporation is sought ;

Chief place of business. (c.) The place within Canada which is to be its chief place of business ;

Capital. (d.) The proposed amount of its capital stock—which, in the case of a loan company, shall not be less than one hundred thousand dollars ;

Shares. (e.) The number of shares and the amount of each share ;

Names, &c., of applicants. (f.) The names in full and the address and calling of each of the applicants, with special mention of the names of not more than fifteen and not less than three of their number, who are to be the first or provisional directors of the company, and the majority of whom shall be residents of Canada.

40 V., c. 43, s. 4.

Petition for letters patent. 5. At any time, not more than one month after the last publication of such notice, the applicants may petition the Governor in Council, through the Secretary of State, for the issue of such letters patent :

What it shall contain. 2. Such petition shall state the facts set forth in the notice, the amount of stock taken by each applicant, the amount paid in upon the stock of each applicant, and the manner in which the same has been paid in, and is held for the company :

A certain amount of stock must be taken. 3. The aggregate of the stock so taken shall be at least the one half of the total amount of the proposed capital stock of the company :

And a certain amount paid up thereon. 4. The aggregate so paid in thereon shall, if the company is not a loan company, be at least ten per cent. of the stock so taken ; if the company is a loan company the aggregate so paid in of the stock so taken shall be at least ten per cent. thereof, and shall not be less than one hundred thousand dollars :

Disposal of amount paid up. 5. Such aggregate shall be paid in to the credit of the company, or of trustees therefor, and shall be standing at such credit in some chartered bank or banks in Canada, unless the object of the company is one requiring that it should own real estate—in which case any portion not exceeding one half of such aggregate may be taken as paid in, if it is *bonâ fide* invested in real estate suitable to such object, which is duly held by trustees for the company, and is of the required value, over and above all incumbrances thereon :

Certain provisions may be inserted in letters patent. 6. The petition may ask for the embodying in the letters patent of any provision which, under this Act, might be made by by-law of the company ; and such provision so embodied shall not, unless provision to the contrary is made

in the letters patent, be subject to repeal or alteration by by-law. 40 V., c. 43, s. 5.

6. Before the letters patent are issued, the applicants shall establish, to the satisfaction of the Secretary of State, or of such other officer as is charged by the Governor in Council to report thereon, the sufficiency of their notice and petition, and the truth and sufficiency of the facts therein set forth, and that the proposed name is not the name of any other known incorporated or unincorporated company; and for that purpose, the Secretary of State, or such other officer, shall take and keep of record any requisite evidence in writing, by oath or affirmation or by solemn declaration. 40 V., c. 43, s. 6.

Preliminary matters to be established.

Proof of facts asserted.

7. The letters patent shall recite such of the established averments of the notice and petition as to the Governor in Council seems expedient. 40 V., c. 43, s. 7.

Facts to be recited in letters patent.

8. The Governor in Council may give to the company a corporate name, different from that proposed by the applicants in their published notice, if the proposed name is objectionable. 40 V., c. 43, s. 8.

Governor may give another corporate name.

9. Notice of the granting of the letters patent shall be forthwith given by the Secretary of State, in the *Canada Gazette*, in the form A in the schedule to this Act; and thereupon, from the date of the letters patent, the persons therein named, and their successors, shall be a body corporate and politic, by the name mentioned therein; and a copy of every such notice shall forthwith be, by the company to which such notice relates, inserted on four separate occasions in at least one newspaper in the county, city or place where the head office or chief agency is established. 40 V., c. 43, ss. 9 and 106.

Notice of issuing letters patent.

SUPPLEMENTARY LETTERS PATENT.

Change of name.

10. If it is made to appear, to the satisfaction of the Governor in Council, that the name of any company (whether given by the original or by supplementary letters patent, or on amalgamation) incorporated under this Act, is the same as the name of an existing incorporated or unincorporated company, or so similar thereto as to be liable to be confounded therewith, the Governor in Council may direct the issue of supplementary letters patent, reciting the former letters and changing the name of the company to some other name which shall be set forth in the supplementary letters patent. 40 V., c. 43, s. 11.

Governor may change name by supplementary patent.

Company may obtain change of name.

11. When a company incorporated under this Act is desirous of adopting another name, the Governor in Council, upon being satisfied that the change desired is not for any improper purpose, may direct the issue of supplementary letters patent, reciting the former letters patent and changing the name of the company to some other name, which shall be set forth in the supplementary letters patent. 40 V., c. 43, s. 12.

Change not to affect rights or obligations.

12. No alteration of its name under the two sections next preceding shall affect the rights or obligations of the company; and all proceedings may be continued or commenced by or against the company under its new name that might have been continued or commenced by or against the company under its former name. 40 V., c. 43, s. 13.

Obtaining of further powers.

Company may authorize directors to apply for extension of powers.

13. The company may, from time to time, by a resolution passed by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the company, at a special general meeting called for the purpose, authorize the directors to apply for supplementary letters patent extending the powers of the company to such other purposes or objects, for which a company may be incorporated under this Act, as are defined in the resolution. 40 V., c. 43, s. 14.

Application by directors.

14. The directors may, at any time within six months after the passing of any such resolution, petition the Governor in Council, through the Secretary of State, for the issue of such supplementary letters patent:

Notice of application to be given.

2. The applicants for such supplementary letters patent shall give at least one month's notice in the *Canada Gazette* of their intention to apply for the same, stating therein the purposes or objects to which it is desired to extend the powers of the company. 40 V., c. 43, s. 15.

Proof to be furnished to Secretary of State.

15. Before such supplementary letters patent are issued, the applicants shall establish to the satisfaction of the Secretary of State or of such other officer as is charged by the Governor in Council to report thereon, the due passing of the resolution authorizing the application and the sufficiency of their notice and petition; and for that purpose the Secretary of State, or such other officer, shall take and keep of record any requisite evidence in writing, by oath or affirmation, or by solemn declaration. 40 V., c. 43, s. 16.

Grant of supplementary letters patent.

16. Upon due proof so made, the Governor in Council may grant supplementary letters patent under the Great Seal, extending the powers of the company to all or any of the objects defined in the resolution; and notice thereof shall be forthwith given by the Secretary of State, in the

Canada Gazette, in the form B in the schedule to this Act; and thereupon, from the date of the supplementary letters patent, the undertaking of the company shall extend to and include the other purposes or objects set out in the supplementary letters patent as fully as if such other purposes or objects were mentioned in the original letters patent; and a copy of every such notice shall forthwith be, by the company to which the notice relates, inserted on four separate occasions in at least one newspaper in the county, city or place where the head office or chief agency is established. 40 V., c. 43, ss. 17 and 106.

Notice of issue thereof.

Increase or reduction of capital, &c.

17. The directors of the company, other than a loan company, may, at any time, make a by-law subdividing the existing shares into shares of a smaller amount. 40 V., c. 43, s. 19.

Subdivision of shares.

18. The directors of the company may, at any time after the whole capital stock of the company has been taken up and fifty per cent. thereon paid in, make a by-law for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the objects of the company :

Increase of capital.

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 vest absolutely in the directors. 40 V., c. 43, s. 20.

By-law for that purpose

19. The directors of the company may, at any time, make a by-law for reducing the capital stock of the company to any amount which they consider advisable and sufficient for the due carrying out of the undertaking of the company; but the capital stock of a loan company shall never be reduced to less than one hundred thousand dollars :

Reduction of capital.

Proviso: as to loan companies.

2. Such by-law shall declare the number and value of the shares of the stock as so reduced, and the allotment thereof, or the manner in which the same shall be made :

By-law for that purpose.

3. The liability of shareholders to persons who were, at the time of the reduction of the capital, creditors of the company, shall remain the same as if the capital had not been reduced. 40 V., c. 43, ss. 21 and 22, *part*.

Liability to creditors not affected.

20. No by-law for increasing or reducing the capital stock of the company, or for subdividing the shares, shall have any force or effect whatsoever, until it is approved by the votes of shareholders representing at least two-thirds in value of all the subscribed stock of the company, at a special general meeting of the company duly called for considering the same, and afterwards confirmed by supplementary letters patent. 40 V., c. 43, s. 22, *part*.

Such by-law to be approved by shareholders and confirmed by supplementary letters patent.

Petition for supplementary letters patent to confirm by-law.

By-law, &c., to be produced with petition.

Evidence may be taken and kept by Secretary of State.

Granting of supplementary letters patent;—notice;—effect of such letters patent.

Powers given to be subject to this Act.

General corporate powers.

Provide: as to loan companies.

21. At any time, not more than six months after such sanction of such by-law, the directors may petition the Governor in Council, through the Secretary of State, for the issue of supplementary letters patent to confirm the same :

2. The directors shall, with such petition, produce a copy of such by-law, under the seal of the company, and signed by the president, vice-president or secretary, and establish to the satisfaction of the Secretary of State, or of such other officer as is charged by the Governor in Council to report thereon, the due passage and approval of such by-law, and the expediency and *bonâ fide* character of the increase or reduction of capital or subdivision of shares, as the case may be, thereby provided for :

3. The Secretary of State or such officer shall, for that purpose, take and keep of record any requisite evidence in writing, by oath or affirmation or by solemn declaration, as above mentioned. 40 V., c. 43, s. 23.

22. Upon due proof so made, the Governor in Council may grant such supplementary letters patent under the Great Seal ; and notice thereof shall be forthwith given by the Secretary of State in the *Canada Gazette*, in the form C, in the schedule to this Act : and thereupon, from the date of the supplementary letters patent, the capital stock of the company shall be and remain increased or reduced, or the shares shall be subdivided, as the case may be, to the amount, in the manner and subject to the conditions set forth by such by-law ; and the whole of the stock, as so increased or reduced, shall become subject to the provisions of this Act, in like manner, as far as possible, as if every part thereof had been or formed part of the stock of the company originally subscribed. 40 V., c. 43, s. 24.

POWERS OF THE COMPANY.

23. All powers given to the company by the letters patent or supplementary letters patent shall be exercised, subject to the provisions and restrictions contained in this Act. 40 V., c. 43, s. 25.

24. Every company incorporated under this Act may acquire, hold, sell and convey any real estate requisite for the carrying on of the undertaking of such company, and shall forthwith become and be invested with all property and rights, real and personal, theretofore held by or for it under any trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite or incidental to the carrying on of its undertaking, as if it was incorporated by a special Act of Parliament, embodying the provisions of this Act and of the letters patent : Provided always, that the exercise by loan companies of the powers conferred by this section shall be subject to the special provisions respecting such companies hereinafter contained. 40 V., c. 43, s. 10.

CAPITAL STOCK.

25. The stock of the company shall be personal estate, and shall be transferable, in such manner, and subject to all such conditions and restrictions as are prescribed by this Act or by the letters patent or by by-laws of the company. 40 V., c. 43, s. 34.

Stock to be personal estate.

26. If the letters patent, or the supplementary letters patent, make no other definite provision, the stock of the company, or any increased amount thereof, so far as it is not allotted thereby, shall be allotted at such times and in such manner as the directors prescribe by by-law. 40 V., c. 43, s. 35.

Allotment of stock.

27. Every share in the company shall, subject to the provisions of sub-section five of section five of this Act, be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same has been otherwise agreed upon or determined by a contract duly made in writing and filed with the Secretary of State at or before the issue of such shares. 40 V., c. 43, s. 83.

Shares to be paid in cash, subject to certain exceptions.

DIRECTORS.

28. The affairs of the company shall be managed by a board of not more than fifteen and not less than three directors. 40 V., c. 43, s. 26.

Board of directors.

29. The persons named as such, in the letters patent, shall be the directors of the company, until replaced by others duly appointed in their stead. 40 V., c. 43, s. 27.

Provisional directors.

30. No person shall be elected or appointed as a director thereafter unless he is a shareholder, owning stock absolutely in his own right, and to the amount required by the by-laws of the company, and not in arrear in respect of any call thereon; and at all times the majority of the directors of the company shall be persons resident in Canada. 40 V., c. 43, s. 28.

Qualifications of subsequent directors.

Residence.

31. The company may, by by-law, increase to not more than fifteen, or decrease to not less than three, the number of its directors, or may change the company's chief place of business in Canada; but no by-law for either of the said purposes shall be valid or acted upon unless it is approved by a vote of at least two thirds in value of the stock represented by the shareholders present at a special general meeting duly called for considering the by-law; nor until a copy of such by-law, certified under the seal of the company, has been deposited with the Secretary of State, and has also been published in the *Canada Gazette*. 40 V., c. 43, s. 18.

By-law for increase or decrease of number of directors.

When to be valid.

- Election of directors.** **32.** Directors of the company shall be elected by the shareholders, in general meeting of the company assembled at some place within Canada,—at such times, in such manner and for such term, not exceeding two years, as the letters patent, or, in default thereof, as the by-laws of the company prescribe. 40 V., c. 43, s. 29.
- Mode and times of election.** **33.** In the absence of other provisions in such behalf, in the letters patent or by-laws of the company,—
- Yearly.** (a.) The election of directors shall take place yearly, and all the directors then in office shall retire, but, if otherwise qualified, they shall be eligible for re-election ;
- Notice.** (b.) Notice of the time and place for holding general meetings of the company shall be given at least twenty-one days previously thereto, in some newspaper published in the place where the head office or chief place of business of the company is situate, or if there is no such newspaper, then in the place nearest thereto in which a newspaper is published ;
- Votes.** (c.) At all general meetings of the company, every shareholder shall be entitled to give one vote for each share then held by him : such votes may be given in person or by proxy—the holder of any such proxy being himself a shareholder ;
- Proxies.** but no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he has paid all the calls then payable upon all the shares held by him ; all questions proposed for the consideration of the shareholders shall be determined by the majority of votes—the chairman presiding at such meeting having the casting vote in case of an equality of votes ;
- All calls must have been paid.** (d.) Every election of directors shall be by ballot ;
- Majority to decide.** (e.) Vacancies occurring in the board of directors may be filled, for the remainder of the term, by the directors from among the qualified shareholders of the company ;
- Casting vote.** (f.) The directors shall, from time to time, elect from among themselves a president and, if they see fit, a vice-president of the company ; and may also appoint all other officers thereof. 40 V., c. 43, s. 30.
- Ballot.**
- Vacancies, how filled.**
- President, vice-president and officers.**
- Failure to elect directors, how remedied.** **34.** If, at any time, an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved ; but such election may take place at any subsequent general meeting of the company duly called for that purpose ; and the retiring directors shall continue in office until their successors are elected. 40 V., c. 43, s. 31.

POWERS OF DIRECTORS.

- Powers and duties of directors.** **35.** The directors of the company may administer the affairs of the company in all things, and make or cause to be made for the company, any description of contract which

the company may, by law, enter into ; and may, from time to time, make by-laws not contrary to law, or to the letters patent of the company, or to this Act, for the following purposes :—

(a.) The regulating of the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock ;

(b.) The declaration and payment of dividends ;

(c.) The number of the directors, their term of service, the amount of their stock qualification, and their remuneration, if any ;

(d.) The appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration ;

(e.) The time and place for the holding of the annual meetings of the company, the calling of meetings, regular and special, of the board of directors and of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings ;

(f.) The imposition and recovery of all penalties and forfeitures which admit of regulation by by-law ;

(g.) The conduct, in all other particulars, of the affairs of the company :

And the directors may, from time to time, repeal, amend or re-enact the same ; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company, duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat, shall, at and from that time only, cease to have force :

2. No by-law for the issue, allotment or sale of any portion of the unissued stock at any greater discount or at any less premium than that which has been previously authorized at a general meeting, and no by-law for the remuneration of the president or any director, shall be valid or acted upon until the same has been confirmed at a general meeting.
40 V., c. 43, s. 32, *part*.

36. The directors may deduct from the dividends payable to any shareholder all such sums of money as are due from him to the company, on account of calls or otherwise. 40 V., c. 43, s. 59.

37. The directors may, when authorized by a by-law for that purpose, passed and approved of by the votes of shareholders, representing at least two thirds in value of the subscribed stock of the company represented at a special general meeting duly called for considering the by-law,—

Borrowing powers.

(a.) Borrow money upon the credit of the company and issue bonds, debentures or other securities for any sums borrowed, at such prices as are deemed necessary or expedient; but no such debentures shall be for a less sum than one hundred dollars;

Charging property:

(b.) Hypothecate or pledge the real or personal property of the company to secure any sums borrowed by the company;

Limitation of amount to be borrowed.

But the amount borrowed shall not, at any time, be greater than seventy-five per cent. of the actual paid-up stock of the company; but the limitation made by this section shall not apply to commercial paper discounted by the company.

Exception.

40 V., c. 43, s. 85.

CALLS.

Calling in of moneys unpaid on shares.

38. The directors may, from time to time, make such calls upon the shareholders in respect of all moneys unpaid upon their respective shares, as they think fit, at such times and places and in such payments or instalments as the letters patent, or this Act, or the by-laws of the company require or allow. 40 V., c. 43, s. 52.

Interest on calls overdue.

39. A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed; and if a shareholder fails to pay any call due by him, on or before the day appointed for the payment thereof, he shall be liable to pay interest for the same, at the rate of six per cent. per annum, from the day appointed for payment to the time of actual payment thereof. 40 V., c. 43, s. 53.

Payment in advance on shares.

40. The directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amounts due on the shares held by such shareholder, beyond the sums then actually called for; and upon the moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect of which such advance is made, the company may pay interest at such rate, not exceeding eight per cent. per annum, as the shareholder who pays such sum in advance and the directors agree upon. 40 V., c. 43, s. 54.

Interest may be allowed.

Forfeiture of shares for non-payment of calls.

41. If, after such demand or notice as is prescribed by the letters patent or by the by-laws of the company, any call made upon any share is not paid within such time as, by such letters patent or by the by-laws, is limited in that behalf, the directors, in their discretion, by vote to that effect duly recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of as, by the by-laws of the company

or otherwise, they prescribe; but, notwithstanding such forfeiture, the holder of such shares at the time of forfeiture shall continue liable to the then creditors of the company for the full amount unpaid on such shares at the time of forfeiture, less any sums which are subsequently received by the company in respect thereof. 40 V., c. 43, s. 55.

Proviso:
liability of
holders con-
tinued.

42. The directors may, if they see fit, instead of declaring forfeited any share or shares, enforce payment of all calls, and interest thereon, by action in any court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number of calls and the amount of each call, whereby an action has accrued to the company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts as *prima facie* evidence thereof. 40 V., c. 43, s. 56.

Enforcement
of payment
of calls by
action.

What only
need be al-
leged and
proved.

Certificate to
be evidence.

BOOKS OF THE COMPANY.

43. The company shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded,—

Book to be
kept and what
to contain.

(a.) A copy of the letters patent incorporating the company, and of any supplementary letters patent, and of all by-laws thereof;

Copy of let-
ters patent.
by-laws, &c.

(b.) The names, alphabetically arranged, of all persons who are or have been shareholders;

Names of
shareholders.

(c.) The address and calling of every such person, while such shareholder;

Addresses.

(d.) The number of shares of stock held by each shareholder;

Number of
shares.

(e.) The amounts paid in and remaining unpaid, respectively, on the stock of each shareholder;

Amounts
paid, &c.

(f.) The names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director:

Names, &c.,
of directors.

2. A book called the register of transfers shall be provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the company. 40 V., c. 43, s. 36.

Register of
transfers.

44. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives, at the head office or chief

Books to be
open for in-
spection and
taking ex-
tracts there-
from.

place of business of the company; and every such shareholder, creditor or personal representative may make extracts therefrom. 40 V., c. 43, s. 37.

Penalty for false entries.

45. Every director, officer or servant of the company, who knowingly makes or assists in making any untrue entry in any such book, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor. 40 V., c. 43, s. 40.

Forfeiture for neglect.

46. Every company which neglects to keep such book or books as aforesaid, shall forfeit its corporate rights. 40 V., c. 43, s. 38.

Books to be *prima facie* evidence.

47. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any action, suit or proceeding against the company or against any shareholder. 40 V., c. 43, s. 39.

TRANSFER OF SHARES.

Transfer of shares valid only after entry.

48. No transfer of shares, unless made by sale under execution, or under the decree, order or judgment of a court of competent jurisdiction, shall be valid for any purpose whatever, until entry thereof is duly made in the register of transfers, except for the purpose of exhibiting the rights of the parties thereto towards each other, and of rendering the transferee liable, in the meantime, jointly and severally, with the transferrer, to the company and its creditors. 40 V., c. 43, s. 41.

Liabilities of directors as regards transfers of shares in certain cases.

49. No transfer of shares, whereof the whole amount has not been paid in, shall be made without the consent of the directors; and whenever any transfer of shares not fully paid in has been made with such consent, to a person who is not apparently of sufficient means to fully pay up such shares, the directors shall be jointly and severally liable to the creditors of the company, in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been; but if any director present when any such transfer is allowed does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware thereof and is able so to do, enter on the minute book of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability. 40 V., c. 43, s. 42.

How only a director may avoid liability.

50. Whenever the interest in any shares of the capital stock of the company is transmitted by the death of any shareholder or otherwise, or whenever the ownership of or legal right of possession in any shares changes by any lawful means, other than by transfer according to the provisions of this Act, and the directors of the company entertain reasonable doubts as to the legality of any claim to such shares, the company may make and file, in one of the superior courts in the Province in which the head office of the company is situated, a declaration and petition in writing, addressed to the justices of the court, setting forth the facts and the number of shares previously belonging to the person in whose name such shares stand in the books of the company, and praying for an order or judgment adjudicating and awarding the said shares to the person or persons legally entitled to the same,—by which order or judgment the company shall be guided and held fully harmless and indemnified and released from every other claim to the said shares or arising in respect thereof:

Provision when shares are transmitted otherwise than by transfer.

Order of court may be obtained on application.

2. Notice of the intention to present such petition shall be given to the person claiming such shares, or to the attorney of such person duly authorized for the purpose, who shall, upon the filing of such petition, establish his right to the shares referred to in such petition; and the time to plead and all other proceedings in such cases shall be the same as those observed in analogous cases before the said superior courts: Provided always, that the costs and expenses of procuring such order or judgment shall be paid by the person or persons to whom such shares are declared lawfully to belong; and that such shares shall not be transferred in the books of the company until such costs and expenses are paid, —saving the recourse of such person against any person contesting his right to such shares. 40 V., c. 43, s. 43.

Notice of application.

Proviso: as to costs.

51. No share shall be transferable until all previous calls thereon are fully paid in. 40 V., c. 43, s. 44.

Restriction as to transfer.

52. The directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the company. 40 V., c. 43, s. 45.

As to transfer by debtor to the company.

53. Any transfer of the shares or other interest of a deceased shareholder, made by his personal representative, shall, notwithstanding such personal representative is not himself a shareholder, be of the same validity as if he had been a shareholder at the time of his execution of the instrument of transfer. 40 V., c. 43, s. 46.

Transfer by personal representative.

LIABILITY OF SHAREHOLDERS.

54. The shareholders of the company shall not, as such, be responsible for any act, default or liability of the company, or for any engagement, claim, payment, loss, injury,

Liability limited to amount unpaid on stock.

transaction, matter or thing relating to or connected with the company, beyond the amount unpaid on their respective shares in the capital stock thereof. 40 V., c. 43, s. 48.

Liability of shareholders.

55. Every shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon; but he shall not be liable to an action therefor by any creditor until an execution at the suit of such creditor against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, not exceeding the amount unpaid on his shares, as aforesaid, shall be the amount recoverable, with costs, from such shareholder; and any amount so recoverable, if paid by the shareholder, shall be considered as paid on his shares. 40 V., c. 43, s. 47.

When to accrue.

Trustees, &c., not personally liable.

56. No person, holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner, and to the same extent, as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly. 40 V., c. 43, s. 49.

But entitled to vote.

57. Every such executor, administrator, curator, guardian or trustee shall represent the stock held by him, at all meetings of the company, and may vote as a shareholder; and every person who pledges his stock may represent the same at all such meetings and, notwithstanding such pledge, vote as a shareholder. 40 V., c. 43, s. 50.

LIABILITY OF DIRECTORS AND OFFICERS.

Liability of directors declaring a dividend when company is insolvent, &c.

58. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or impairs the capital stock thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office, respectively; but if any director present when such dividend is declared does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware thereof and able so to do, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such

How directors may avoid such liability.

protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability. 40 V., c. 43, s. 67.

59. No loan shall be made by the company to any shareholder; if such loan is made, all directors and other officers of the company making the same, or in anywise assenting thereto, shall be jointly and severally liable for the amount of such loan, with interest, to the company,—and also to the creditors of the company for all debts of the company then existing, or contracted between the time of the making of such loan and that of the repayment thereof; but the provisions of this section shall not apply to loan companies. 40 V., c. 43, s. 68.

No loan by company to shareholders, except by loan companies: liability of directors.

60. The directors of the company shall be jointly and severally liable to the clerks, laborers, servants and apprentices thereof, for all debts not exceeding six months' wages due for service performed for the company whilst they are such directors respectively; but no director shall be liable to an action therefor, unless the company is sued therefor within one year after the debt becomes due, nor unless such director is sued therefor within one year from the time when he ceased to be such director, nor unless an execution against the company in respect of such debt is returned unsatisfied in whole or in part; and the amount unsatisfied on such execution shall be the amount recoverable with costs from the directors. 40 V., c. 43, s. 69.

Liability of directors for wages.

Limitation of suits, &c.

DOMICILE—SERVICE OF PROCESS, ETC.

61. The company shall, at all times, have an office in the city or town in which its chief place of business is situate, which shall be the legal domicile of the company in Canada; and notice of the situation of such office and of any change therein shall be published in the *Canada Gazette*; and the company may establish such other offices and agencies elsewhere in Canada, as it deems expedient. 40 V., c. 43, s. 60.

Offices and agencies of the company in Canada.

62. Any summons, notice, order or other process or document required to be served upon the company, may be served by leaving the same at the said office in the city or town in which its chief place of business is situate, with any adult person in the employ of the company, or on the president or secretary of the company, or by leaving the same at the domicile of either of them, or with any adult person of his family or in his employ; or if the company has no known office or chief place of business, and has no known president or secretary, the court may order such publication as it

Service of process on the company.

deems requisite, to be made in the premises; and such publication shall be held to be due service upon the company. 40 V., c. 43, s. 61.

Use of common seal dispensed with in certain cases.

63. Any summons, notice, order or proceeding requiring authentication by the company may be signed by any director, manager or other authorized officer of the company, and need not be under the seal of the company. 40 V., c. 43, s. 62.

Service of notices upon members.

64. Notices to be served by the company upon the shareholders may be served either personally or by sending them through the post, in registered letters, addressed to the shareholders at their places of abode as they appear on the books of the company. 40 V., c. 43, s. 63.

Service of notice by post.

65. A notice or other document served by post by the company on a shareholder, shall be held to be served at the time when the registered letter containing it would be delivered in the ordinary course of post; and to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post. 40 V., c. 43, s. 64.

Evidence of by-laws.

66. A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as against any shareholder of the company as *prima facie* evidence of such by-law in all courts in Canada. 40 V., c. 43, s. 33.

Actions between company and shareholders.

67. Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no shareholder shall, by reason of being a shareholder, be incompetent as a witness therein. 40 V., c. 43, s. 70.

Mode of incorporation, &c., how to be set forth in legal proceedings.

68. In any action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters patent—or of letters patent and supplementary letters patent, as the case may be—under this Act; and the notice in the *Canada Gazette*, of the issue of such letters patent or supplementary letters patent, shall be *prima facie* proof of all things therein contained; and on production of the letters patent or supplementary letters patent, or of any exemplification or copy thereof under the Great Seal, the fact of such notice shall be presumed: and, except in any proceeding by *scire facias* or otherwise for the purpose of rescinding or annulling the same, the letters patent or supplementary letters patent, or any exemplification or copy thereof under the Great Seal, shall be conclusive proof of every matter and thing therein set forth. 40 V., c. 43, s. 71.

Proof of incorporation.

PROVISIONS AS TO EXISTING COMPANIES.

69. Any company heretofore incorporated for any purpose or object for which letters patent may be issued under this Act, whether under a special or a general Act, and now being a subsisting and valid corporation, may apply for letters patent under this Act, and the Governor in Council, upon proof that notice of the application has been inserted for four weeks in the *Canada Gazette*, may direct the issue of letters patent incorporating the shareholders of the said company as a company under this Act; and thereupon all the rights or obligations of the former company shall be transferred to the new company, and all proceedings may be continued or commenced by or against the new company that might have been continued or commenced by or against the old company; and it shall not be necessary in any such letters patent to set out the names of the shareholders; and after the issue of the letters patent the company shall be governed in all respects by the provisions of this Act, except that the liability of the shareholders to creditors of the old company shall remain as at the time of the issue of the letters patent. 40 V., c. 43, s. 80.

Existing companies may apply for charters under this Act.

Effect of such charters.

70. If a subsisting company applies for the issue of letters patent under this Act, the Governor in Council may, by the letters patent, extend the powers of the company to such other objects for which letters patent may be issued under this Act as the applicant desires and as the Governor in Council thinks fit to include in the letters patent, and which have been mentioned in the notice of the application for the same, in the *Canada Gazette*; and the Governor in Council may, in the said letters patent, name the first directors of the new company; and the letters patent may be issued to the new company by the name of the old company or by another name. 40 V., c. 43, s. 81.

Subsisting companies may apply for charters with extended powers.

71. All the provisions of this Act in relation to the obtaining of supplementary letters patent by companies incorporated hereunder shall, so far as applicable, apply and extend to applications for letters patent under the two sections next preceding. 40 V., c. 43, s. 82.

Provisions touching supplementary letters patent to apply.

GENERAL PROVISIONS.

72. The company may have an agency or agencies in any city or town in the United Kingdom. 40 V., c. 43, s. 86.

Agencies in United Kingdom.

73. No dividend shall be declared which will impair the capital of the company. 40 V., c. 43, s. 58.

Dividend not to impair capital.

74. Shareholders who hold one fourth part in value of the subscribed stock of the company may, at any time, call a special meeting thereof for the transaction of any business

Special general meetings.

specified in such written requisition and notice as they make and issue to that effect. 40 V., c. 43, s. 32, *part.*

Acts of company's attorney valid.

75. Every deed which any person, lawfully empowered in that behalf by the company as its attorney, signs on behalf of the company, and seals with his seal, shall be binding on the company and shall have the same effect as if it was under the seal of the company. 40 V., c. 43, s. 65.

Contracts, &c., when to be binding on company.

76. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or indorsed, and every promissory note and cheque made, drawn or indorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or indorsed, as the case may be, in pursuance of any by-law or special vote or order; and the person so acting as agent, officer or servant of the company shall not be thereby subjected individually to any liability whatsoever to any third person therefor: Provided always, that nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance. 40 V., c. 43, s. 66.

No individual liability.

Proviso: as to bank notes.

Proof may be by declaration or affidavit.

77. Proof of any matter which is necessary to be made under this Act may be made by oath or affirmation, or by solemn declaration, before any justice of the peace, or any commissioner for taking affidavits, to be used in any of the courts in any of the Provinces of Canada, or any notary public, each of whom is hereby authorized and empowered to administer oaths and receive affidavits and declarations for that purpose. 40 V., c. 43, s. 76.

Certain informalities not to invalidate letters patent.

78. The provisions of this Act relating to matters preliminary to the issue of the letters patent or supplementary letters patent shall be deemed directory only, and no letters patent or supplementary letters patent issued under this Act shall be held void or voidable on account of any irregularity in any notice prescribed by this Act, or on account of the insufficiency or absence of any such notice, or on account of any irregularity in respect of any other matter preliminary to the issue of the letters patent or supplementary letters patent. 40 V., c. 43, s. 77.

Word "limited" to be inserted after

79. The company shall keep painted or affixed, its name, with the word "limited" after the name, on the outside of

every office or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible, and shall have its name, with the said word after it, engraven in legible characters on its seal, and shall have its name, with the said word after it, mentioned in legible characters in all notices, advertisements and other official publications of the company, and in all bills of exchange, promissory notes, indorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices and receipts of the company :

name of company on all notices, &c.

2. Every company which does not keep painted or affixed, its name, with the word "limited" after it, in manner directed by this Act, shall incur a penalty of twenty dollars for every day during which such name is not so kept painted or affixed :

Penalty for violation of preceding section.

3. Every director and manager of the company, who knowingly and wilfully authorizes or permits such default, shall be liable to the like penalty :

Penalty for permitting violation.

4. Every director, manager or officer of the company, and every person on its behalf, who uses or authorizes the use of any seal purporting to be a seal of the company, whereon its name, with the said word "limited" after it, is not so engraven as aforesaid, or who issues or authorizes the issue of any notice, advertisement or other official publication of such company, or who signs or authorizes to be signed on behalf of such company any bill of exchange, promissory note, indorsement, cheque, order for money or goods, or who issues or authorizes to be issued any bill of parcels, invoice or receipt of the company, wherein its name, with the said word after it, is not mentioned in manner aforesaid, shall incur a penalty of two hundred dollars, and shall also be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, unless the same is duly paid by the company. 40 V., c. 43, ss. 78 and 79.

Penalty on directors or officers using or authorizing use of seal without "limited" on it.

Liability in addition.

80. Every prospectus of the company, and every notice inviting persons to subscribe for shares in the company, shall specify the dates and the names of the persons to any contract entered into by the company or the promoters, directors or trustees thereof, before the issue of such prospectus or notice, whether subject to adoption by the directors or the company or otherwise ; and every prospectus or notice which does not specify the same shall, with respect to any person who takes shares in the company on the faith of such prospectus or notice, and who has not had notice of such contract, be deemed fraudulent on the part of the promoters, directors and officers of the company who knowingly issue such prospectus or notice. 40 V., c. 43, s. 84.

Prospectus, &c., to specify certain contracts entered into by company, or be deemed fraudulent.

81. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive,

Company not to be liable.

in respect of trusts.

in respect of any share; and the receipt of the shareholder in whose name the same stands in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. 40 V., c. 43, s. 51.

Directors indemnified in suits, &c., against the company.

82. Every director of the company, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the company, given at any general meeting thereof, from time to time, and at all times, be indemnified and saved harmless out of the funds of the company, from and against all costs, charges and expenses whatsoever which he sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he sustains or incurs, in or about, or in relation to the affairs thereof,—except such costs, charges or expenses as are occasioned by his own wilful neglect or default. 40 V., c. 43, s. 57.

Except by their own neglect or default.

Forfeiture of charter for non-user.

83. The charter of the company shall be forfeited by non-user during three consecutive years, or if the company does not go into actual operation within three years after it is granted. 40 V., c. 43, s. 72.

Fees on letters patent, &c., to be fixed by Governor in Council.

84. The Governor in Council may, from time to time, establish, alter and regulate the tariff of the fees to be paid on application for letters patent and supplementary letters patent under this Act, may designate the department or departments through which the issue thereof shall take place, and may prescribe the forms of proceeding and registration in respect thereof, and all other matters requisite for carrying out the objects of this Act:

Amount of fees may be varied.

2. The amount of the fees may be varied according to the nature of the company, the amount of the capital stock and other particulars as the Governor in Council thinks fit:

Must be paid before action is taken.

3. No steps shall be taken in any department towards the issue of any letters patent or supplementary letters patent under this Act, until after all fees therefor are duly paid. 40 V., c. 43, s. 74.

Full statement of affairs at each meeting for elections.

85. The directors of every company shall lay before its shareholders a full printed statement of the affairs and financial position of the company at or before each general meeting of the company for the election of directors. 40 V., c. 43, s. 87.

LOAN COMPANIES.

86. The following sections of this Act apply to loan companies only. 40 V., c. 43, *Sub-title relating to loan companies.* Sections relating to loan companies.

87. The capital stock of every loan company shall be divided into shares of one hundred dollars each. 40 V., c. 43, s. 88. Shares.

88. Every loan company may, from time to time,— Powers.

(a.) Lend and advance money, by way of loan or otherwise, for such periods as it deems expedient, on the security of real estate, or on the public securities of Canada, or of any of the Provinces thereof, or on the security of debentures of any municipal or other corporation, issued under or in pursuance of any statutory authority, and upon such terms and conditions as to the company seem satisfactory or expedient; Making loans, and on what securities.

(b.) Acquire, by purchase or otherwise, any security upon which it is authorized to lend or advance money, and re-sell the same as it deems advisable; Acquisition and sale of securities.

(c.) Do all acts that are necessary for advancing such sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and for enforcing the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment; Enforcing repayment.

(d.) Give receipts, acquittances and discharges, either, absolutely and wholly or partially, and execute such deeds, assignments or other instruments as are necessary for carrying any such purchase or re-sale into effect; Execution of deeds and discharges.

And for every and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the company may lay out and apply the capital and property, for the time being, of the company, or any part thereof, or any of the moneys authorized to be hereafter raised or received by the company in addition to its capital for the time being, and may authorize and exercise all acts and powers whatsoever, in the opinion of the directors of the company requisite or expedient to be done or exercised in relation thereto. 40 V., c. 43, s. 89. Capital may be employed for such purposes.

89. The company may act as an agency association for the interest and on behalf of others who intrust it with money for that purpose, and may, either in the name of the company or of such others, lend and advance money to any person upon such securities as are mentioned in the next preceding section, or to any body corporate, or to any municipal or other authority, or to any board or body of trustees or commissioners, upon such terms and upon such security Company may act as agents and lend money, either on their own behalf or as agents for others.

as to the company appear satisfactory, and may purchase and acquire any securities on which they are authorized to advance money, and again re-sell the same :

Enforcement
of conditions.

2. The conditions and terms of such loans and advances, and of such purchases and re-sales, may be enforced by the company for its benefit, and for the benefit of the person or persons or corporation for whom such money has been lent and advanced, or such purchase and re-sale made ; and the company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital :

Repayment
may be guar-
anteed.

3. The company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys intrusted to the company for investment :

General
powers for
such purposes.

4. The company may, for every or any of the foregoing purposes, lay out and employ the capital and property, for the time being, of the company, or any part of the moneys authorized to be raised by the company in addition to its capital for the time being, or any moneys so intrusted to it as aforesaid, and may do, assent to, and exercise all acts whatsoever, in the opinion of the directors of the company for the time being requisite or expedient to be done in regard thereto :

Money of
which repay-
ment is guar-
anteed, to be
deemed bor-
rowed.

5. All moneys of which the repayment of the principal or payment of interest is guaranteed by the company, shall, for the purposes of this Act, be deemed to be money borrowed by the company. 40 V., c. 43, s. 90.

Borrowing
powers of com-
pany and
security to be
given by it.

90. The directors may, from time to time, with the consent of the shareholders, obtained at any general meeting, borrow money on behalf of the company, at such rates of interest as are lawful under this Act, and upon such terms as they, from time to time, think proper ; and the directors may, for that purpose, execute any debentures, mortgages, bonds or other instruments, under the seal of the company, for sums of not less than one hundred dollars or twenty pounds sterling each, or may assign, transfer or deposit, by way of equitable mortgage or otherwise, for the sums so borrowed, any of the documents of title, deeds, muniments, securities or property of the company, and either with or without power of sale or other special provisions, as the directors deem expedient. 40 V., c. 43, s. 91.

May issue de-
bentures,
bonds, &c.

Company may
receive
moneys on
deposit.

91. The directors may, from time to time, with the consent of the shareholders obtained at any general meeting, receive money on behalf of the company on deposit for such periods and at such rates of interest as are agreed upon ; and money so received on deposit shall, for the purposes of this Act, be deemed to be money borrowed by the company. 40 V., c. 43, s. 92.

To be deemed
borrowed.

92. The company shall not borrow money unless at least one hundred thousand dollars of its subscribed capital stock has been paid up: \$100,000 to be paid up before borrowing.

2. The company shall not borrow money unless at least twenty per cent. of its subscribed capital stock has been paid up: 20 per cent to be paid up before borrowing.

3. If the company borrows money by way of deposit, under the next preceding section, the aggregate amount of the sums so borrowed, by way of deposit, shall not at any time, whether the company borrows solely by way of deposit or also in other ways, exceed the aggregate amount of its paid up capital, and of its other cash actually in hand, or deposited by it in any chartered bank or banks in Canada: Amount borrowed by deposit limited.

4. If the company borrows money solely on debentures or other securities, and by guarantee as hereinbefore authorized and not by way of deposit, under the next preceding section, the aggregate amount of the sums so borrowed shall not, at any time, exceed four times the amount of its paid up and unimpaired capital, or the amount of its subscribed capital, at the option of the company: If the company borrows solely on debentures, &c.

5. If the company borrows money both by way of debentures or other securities, or by guarantee, as aforesaid, and also by way of deposit, the aggregate amount of money so borrowed shall not, at any time, exceed the amount of the principal moneys remaining unpaid on securities then held by the company, nor shall it exceed double the amount of the then actually paid up and unimpaired capital of the company; but the amount of cash then actually in the hands of the company, or deposited by it in any chartered bank, or both, shall be deducted from the aggregate amount of the liabilities which the company has then incurred, as above mentioned, in calculating such aggregate amount for the purposes of this sub-section: If it borrows in both ways.

6. In the event of any company now incorporated, availing itself of the provisions of this Act for the purpose of enlarging its powers to borrow money by debentures, nothing herein contained shall be construed as affecting or in any wise impairing the right of the holders of debentures issued by such company. 40 V., c. 43, s. 93. Proviso: as to companies now incorporated.

93. The company shall not use any of its funds in the purchase of stock in any other incorporated company. 40 V., c. 43, s. 94. Not to purchase stock in other companies.

94. The company may hold such real estate as is necessary for the transaction of its business, not exceeding in yearly value the sum of ten thousand dollars, or such real estate as, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments,—and may, from time to time, sell, mortgage, lease or otherwise dispose of the same; but the company shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so Power to hold real estate.

Proviso: as to such estate not held for

company's
own use.

acquired, otherwise it shall revert to the previous owner, or to his heirs or assigns. 40 V., c. 43, s. 95.

Company
may charge
commission.

95. The company, when acting as an agency association, may charge such commission to the lender or borrower, or both, upon the moneys invested, as is agreed upon, or as is reasonable in that behalf. 40 V., c. 43, s. 96.

What interest
company may
recover.

96. The company may stipulate for, take, reserve and exact any rate of interest or discount that may be lawfully taken by individuals, or, in the Province of Quebec, by incorporated companies under like circumstances, and may also receive an annual payment on any loan by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as are regulated by the by-laws of the company: Provided always, that no fine or penalty shall be stipulated for, taken, reserved or exacted in respect of arrears of principal or interest which has the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan. 40 V., c. 43, s. 97.

Proviso: as to
fines.

Register of
securities.

97. A register of all securities held by the company shall be kept; and within fourteen days after the taking of any security, an entry or memorandum specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register. 40 V., c. 43, s. 98.

Company
may unite
with any
other like
company.

98. The company may unite, amalgamate and consolidate its stock, property, business and franchises with those of any other company or society incorporated or chartered for a like purpose or with those of any building, savings or loan company or society heretofore or hereafter incorporated or chartered, or may purchase and acquire the assets of any such company or society, and may enter into all contracts and agreements therewith necessary to such union, amalgamation, consolidation, purchase or acquisition. 40 V., c. 43, s. 99.

Agreement
for such union
how made,
&c., and what
to provide.

99. The directors of the company, and of any other such company or society, may enter into a joint agreement under the corporate seal of each of the said corporations, for the union, amalgamation or consolidation of the said corporations, or for the purchase and acquisition by the company of the assets of any other such company or society,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new corporation, with such other details as they deem necessary to perfect such new organization, and the union, amalgamation and consolidation of the said corporations, and

the subsequent management and working thereof, or the terms and mode of payment for the assets of any other such company or society purchased or acquired by the company. 40 V., c. 43, s. 100.

100. Such agreement shall be submitted to the shareholders of each of the said corporations at a meeting thereof to be held separately, for the purpose of taking the same into consideration: Approval of shareholders.

2. Notice of the time and place of such meetings, and the objects thereof, shall be given by written or printed notices, addressed to each shareholder of the said corporations respectively, at his last known post office address or place of residence, and also by a general notice in a newspaper published at the chief place of business of such corporations respectively, once a week, for six successive weeks: Notice of meeting for such purpose.

3. At such meetings of shareholders such agreement shall be considered, and a vote by ballot shall be taken for the adoption or rejection of the same—each share entitling the holder thereof to one vote in person or by proxy; and if two-thirds of the votes of all the shareholders of such corporations are given for the adoption of such agreement, that fact shall be certified upon the agreement by the secretary of each of such corporations, under the corporate seal thereof: Proceedings at meeting.

4. If the agreement is so adopted at the respective meetings of the shareholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Secretary of State; and the said agreement shall, from thenceforth, be taken and deemed to be the agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition by the company of the assets of such company so selling, as the case may be: And if the agreement is adopted.

5. A copy of such agreement so filed, and of the certificates thereon properly certified, shall be evidence of the existence of such new corporation: Copy of agreement to be evidence.

6. Due proof of the foregoing facts shall be laid before the Governor in Council, and, if deemed expedient by the Governor in Council, letters patent shall be issued and notice thereof duly published by the Secretary of State in the *Canada Gazette*. 40 V., c. 43, s. 101. Letters patent may issue to the new company.

101. Upon the completion and perfection of the said agreement and act of consolidation, as provided in the next preceding section, the several corporations or societies, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation, by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges and franchises of each of such corporations. 40 V., c. 43, s. 102. Effect of the agreement when perfected.

Business and rights of both companies vested in new company.

Proviso: saving rights of third parties.

102. Upon the consummation of such consolidation as aforesaid, all and singular the business, property, real and personal, and all rights and incidents appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed: Provided however, that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and that all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and may be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. 40 V., c. 43, s. 103.

Annual statement to Minister of Finance, and what it must show.

Proviso: as to private matters.

103. The company shall transmit, on or before the first day of March in each year, to the Minister of Finance and Receiver General a statement in duplicate, to the thirty-first day of December inclusive of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of the company, and the proportion thereof paid up, the assets and liabilities of the company, the amount and nature of the investments made by the company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom—distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the company as the Minister of Finance and Receiver General requires, and in such form and with such details as he, from time to time, requires and prescribes; but the company shall, in no case, be bound to disclose the name or private affairs of any person who has dealings with it. 40 V., c. 43, s. 104.

SCHEDULE.

FORM A.

Public notice is hereby given that under "The Companies Act" letters patent have been issued under the Great Seal of Canada, bearing date the _____ day of _____ incorporating [here state names, address and calling of each incorporator named in the letters patent], for the purpose of [here state the undertaking of the Company, as set forth in the letters

patent], by the name of [*here state the name of the Company as in the letters patent*] with a total capital stock of dollars divided into shares of dollars.

Dated at the office of the Secretary of State of Canada, this
day of 18 .

40 V., c. 43, sch. A.

A.B.,
Secretary.

FORM B.

Public notice is hereby given, that under "*The Companies Act*" supplementary letters patent have been issued under the Great Seal of Canada, bearing date the day of , whereby the undertaking of the Company has been extended to include [*here set out the other purposes or objects mentioned in the supplementary letters patent*].

Dated at the office of the Secretary of State of Canada, this
day of 18 .

40 V., c. 43, sch. C.

A.B.,
Secretary.

FORM C.

Public notice is hereby given, that under "*The Companies Act*" supplementary letters patent have been issued under the Great Seal of Canada, bearing date the day of , whereby the total capital stock of [*here state the name of the Company*] is increased [*or reduced, as the case may be*] from dollars to dollars.

Dated at the office of the Secretary of State of Canada, this
day of 18 .

40 V., c. 43, sch. B.

A.B.,
Secretary.



CHAPTER 120.

An Act respecting Banks and Banking.

A D. 1886.

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

1. This Act may be cited as "*The Bank Act.*" 46 V., c. 20, Short title. s. 1.

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

(a.) The expression "goods, wares and merchandise" includes in addition to the things usually understood thereby, timber, deals, boards, staves, saw-logs and other lumber, petroleum, crude oil, and all agricultural produce and other articles of commerce;

Interpretation.

"Goods, wares and merchandise."

(b.) The expression "warehouse receipt" means any receipt given by any person, firm or corporation for any goods, wares or merchandise in his or their actual, visible and continued possession, as bailee or bailees, in good faith, and not as of his or their own property, and includes receipts from any person who is the keeper of any harbor, cove, pond, wharf, yard, warehouse, shed, storehouse, tannery, mill or other place in Canada, for goods, wares or merchandise in the place or in one or more of the places so kept by him, whether such person is engaged in other business or not, and includes also specifications of timber;

"Warehouse receipt."

(c.) The expression "bill of lading" includes all receipts for goods, wares or merchandise, accompanied by an obligation to transport the same from the place where they were received to some other place, whether by land or water, or partly by land and partly by water, and by any mode of carriage whatever;

"Bill of lading."

(d.) The expression "ship" or "shipment" means the delivery of any article, for transport as aforesaid; 43 V., c. 22, s. 7. part.

"Ship" or "shipment."

(e.) The expression "the bank" means any bank to which this Act applies.

"The Bank."

3. The provisions of this Act apply to every bank incorporated during the session of the Parliament of Canada, held in the forty-third year of Her Majesty's reign or thereafter, or hereafter, whether this Act is specially mentioned in its Act of incorporation or not, as well as to all banks, (except

To what banks the Act applies.

where otherwise expressly mentioned) whose charters or Acts of incorporation are hereby continued, but not to any other, unless extended to it under the special provisions hereinafter made. 34 V., c. 5, s. 2;—43 V., c. 22, s. 1.

Charters continued to 1st July, 1891.

As to other particulars.

Proviso: as to forfeiture.

4. The charters or Acts of incorporation of the several banks enumerated in the schedule A to this Act and any Acts amending them are hereby continued and shall, subject to the provisions of this Act, as to their incorporation, the amount of capital stock, the amount of each share of such stock, and the chief place of business of each respectively, remain in force until the first day of July, in the year one thousand eight hundred and ninety-one, subject to the right of any such bank to increase its capital stock in the manner hereinafter provided; and as to other particulars this Act shall form and be the charter of each of the said banks, until the said first day of July, one thousand eight hundred and ninety-one, and the provisions hereof shall apply to each of them respectively: Provided always, that the said charters or Acts of incorporation are only hereby continued in force in so far as they or any of them are not forfeited or void under the terms thereof or of this Act or any other Act passed or to be passed in that behalf, by non-performance of the conditions of such charters or Acts of incorporation respectively, or by insolvency or otherwise. 34 V., c. 5, s. 1;—43 V., c. 22, s. 11.

CAPITAL STOCK.

Matters to be provided for in special Act.

5. The capital stock of every bank hereafter incorporated, the amount of each share, the name of the bank, and the place where its chief office is to be situate, shall be declared in the Act of incorporation of every such bank. 34 V., c. 5, s. 3.

Conditions previous to commencing business by new banks.

6. No bank hereafter incorporated, unless it is otherwise provided by its Act of incorporation, shall issue notes or commence the business of banking until five hundred thousand dollars of capital have been *bonâ fide* subscribed and one hundred thousand dollars have been *bonâ fide* paid up, nor until it has obtained from the Treasury Board a certificate to that effect:

When certificate may be granted.

2. Such certificate shall be granted by the Treasury Board when it is proved to the satisfaction of such board that such amounts of capital have been *bonâ fide* subscribed and paid respectively:

A certain sum to be paid up within two years.

3. If at least two hundred thousand dollars of the subscribed capital of such bank have not been paid up before it commences business, such further amount as is required to complete the said sum shall be called in and paid up within two years thereafter; and it shall not be necessary that more than two hundred thousand dollars of the stock of any bank, whether incorporated before or after the passing

Not more than \$200,000 need be paid up.

of this Act, shall be paid up within any limited period from the date of its incorporation. 34 V., c. 5, s. 7.

7. The capital stock of the bank may be increased, from time to time, by the shareholders at any annual general meeting, or at any general meeting specially called for that purpose; and such increase may be agreed on by such proportions at a time as the shareholders determine, and shall be decided by the majority of the votes of the shareholders present at such meeting in person, or represented by proxy. 34 V., c. 5, s. 5. Increase of capital.

8. Any of the original unsubscribed capital stock, or the increased stock of the bank, shall, when the directors so determine, be allotted to the then shareholders of the bank *pro rata*, and at such rate as is fixed by the directors, but no fraction of a share shall be so allotted; and any of such allotted stock which is not taken up by the shareholder to whom such allotment has been made, within three months from the time when notice of the allotment was mailed to his address, may be opened for subscription to the public, in such manner and on such terms as the directors prescribe. 34 V., c. 5, s. 6. How stock shall be allotted.

INTERNAL REGULATIONS.

9. The shareholders in the bank may regulate, by by-law, the following matters incident to the management and administration of the affairs of the bank, that is to say: the number of the directors, which shall not be less than five and not more than ten, and the quorum thereof; their qualification; the method of filling up vacancies in the board of directors whenever the same occur during each year, and the time and proceedings for the election of directors, in case of a failure of any election on the day appointed for it; the remuneration of the president, vice-president and other directors; and the closing of the transfer book during a certain time, not exceeding fifteen days, before the payment of each semi-annual dividend. By-laws may be made.

2. The directors shall be elected annually by the shareholders, and shall be eligible for re-election: Provided, that no director shall hold less than three thousand dollars of the stock of the bank, when the paid-up capital thereof is one million dollars or less, or less than four thousand dollars of stock when the paid-up capital thereof is over one million and does not exceed three millions, or less than five thousand dollars of stock when the paid-up capital thereof exceeds three millions: Provided also, that the foregoing provisions of this section, touching directors, shall not apply to a bank *en commandite*, which shall in these matters be governed by the provisions of its charter: Election.
Qualification of director.

Proviso: as to banks *en commandite*.

Discounts to directors.

3. The shareholders (or if the bank is *en commandite*, the principal partners) may also regulate, by by-law, the amount of discounts or loans which may be made to directors (or if the bank is *en commandite*, to the principal partners), either jointly or severally, or to any one firm or person, or to any shareholder or to corporations :

Certain by-laws continued.

4. Provided, that until it is otherwise prescribed by by-law under this section, the by-laws of the bank, on any matter which may be regulated by by-law under this section, shall remain in force, except as to any provision fixing the qualification of directors at an amount less than that hereby prescribed ; and no person shall be elected or continue to be a director unless he possesses the number of shares hereby required, or such greater number as are required by any by-law in that behalf. 34 V., c. 5, ss. 28 and 30, part.

Votes on shares.

10. Every shareholder in the bank shall, on all occasions on which the votes of the shareholders are taken, have one vote for each share held by him for at least thirty days before the time of meeting : shareholders may vote by proxy, but no person but a shareholder shall be permitted to vote or act as such proxy, and no manager, cashier, bank clerk or other subordinate officer of the bank shall vote either in person or by proxy, or hold a proxy for that purpose :

Majority to determine.

2. All questions proposed for the consideration of the shareholders shall be determined by the majority of their votes ; the chairman elected to preside at any such meeting of the shareholders shall vote as a shareholder only, unless there is a tie, in which case, except as to the election of a director, he shall have a casting vote :

Casting vote.

As to joint holders of shares.

3. If two or more persons are joint holders of shares, any one of such joint holders may be empowered, by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares, and vote accordingly :

Ballot.

4. In all cases when the votes of the shareholders are taken, the voting shall be by ballot. 34 V., c. 5, s. 27.

Special general meetings.

11. The directors of the bank, or any four of them,—or any number not less than twenty-five of the shareholders of the bank, who are together proprietors of at least one tenth of the paid-up capital stock of the bank, by themselves or by their proxies,—may, at any time, call a special general meeting of the shareholders, to be held at their usual place of meeting, upon giving six weeks' previous public notice, specifying in such notice the object of such meeting :

Removal of president, director, &c.

2. If the object of any such special general meeting is to consider the proposed removal of the president or vice-president, or of a director of the bank, for mal-administration or other specified and apparently just cause, and if a majority of the votes of the shareholders at such meeting are given for such removal, a director to replace him shall be elected or appointed in the manner provided in the by-laws of the

New election.

bank, or if there are no by-laws providing therefor, then by the shareholders at such meeting; and if it is the president or vice-president who is removed, his office shall be filled up by the directors in the manner provided in case of a vacancy occurring in the office of president or vice-president. 34 V., c. 5, s. 29.

12. The stock, property, affairs and concerns of the bank shall be managed by a board of directors, the number of whom shall be fixed as herein provided, who shall choose from among themselves a president and vice-president; the directors shall be natural-born or naturalized subjects of Her Majesty, and shall be elected on such day in each year as is appointed by the charter or by any by-law of the bank, and at such time of the day and at such place where the head office of the bank is situate, as a majority of the directors for the time being appoint; and public notice shall be given by the directors, by publishing the same for at least four weeks in a newspaper published at the place where the said head office is situate, previous to the time of holding such election; and the election shall be held and made by such of the shareholders of the bank as have paid all calls made by the directors and as attend for the purpose in person or are represented by proxy:

Board of directors.

Notice of election.

2. All elections of directors shall be by ballot; and the said proxies shall be held and voted upon only by shareholders then present:

Ballot.
Proxies.

3. The persons, to the number fixed by by-law, as hereinbefore provided, who have the greatest number of votes at any election, shall be directors:

Who shall be directors.

4. If it happens at any election that two or more persons have an equal number of votes, and the election or non-election of one or more of such persons as a director or directors depends on such equality, then the directors who have a greater number, or the majority of them, shall determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the full number; and the said directors, as soon as may be after the said election, shall proceed in like manner to elect, by ballot, two of their number to be president and vice-president respectively:

Provision in case of equality of votes.

Election of president, &c.

5. If a vacancy occurs in the board of directors, such vacancy shall be filled in the manner provided by the by-laws; but the non-filling of the vacancy shall not vitiate the acts of a quorum of the remaining directors; and if the vacancy so created is in the office of the president or vice-president, the directors, at the first meeting after completion of their number, shall, from among themselves, elect a president or vice-president, who shall continue in office for the remainder of the year. 34 V., c. 5, s. 30.

Vacancies how filled.

13. No shareholder, in any bank to which the three sections next preceding apply, shall vote, either in person or by

In certain cases calls

must be paid
before voting.

proxy, on any question proposed for the consideration of the shareholders of the bank at any meeting of such shareholders, or in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors which are then due and payable. 40 V., c. 44, s. 1.

Renewal of
proxies

14. No appointment of a proxy to vote at any meeting of the shareholders of the bank shall be valid for that purpose, unless it has been made or renewed in writing within the three years next preceding the time of such meeting. 43 V., c. 22, s. 12, *part*.

Provision in
case of failure
of election.

15. If an election of directors is not made on any day when it should be made, the corporation shall not for that cause be deemed to be dissolved, but an election of directors may take place on any other day in such manner as is provided by the by-laws made by the shareholders in that behalf; and the directors then in office shall so remain until a new election is made. 34 V., c. 5, s. 31.

Quorum, &c.

16. At all meetings of the directors not less than three shall constitute a quorum for the transaction of business; and at such meetings the president, or in his absence the vice-president, or in the absence of both of them, one of the directors present, chosen to act *pro tempore*, shall preside;

Casting vote.

and the president, vice-president or president *pro tempore* so presiding, shall vote as a director, and if there is an equal division on any question, shall also have a casting vote. 34 V., c. 5, s. 32.

General
powers of
directors.

17. The directors for the time being, or a majority of them, may make by-laws and regulations (not repugnant to the provisions of this Act or the laws of Canada) touching the management and disposition of the stock, property, estate and effects of the bank, and touching the duties and conduct of the officers, clerks and servants employed therein, and all such other matters as appertain to the business of a bank: Provided always, that all by-laws of the bank lawfully made before the fourteenth day of April, one thousand eight hundred and seventy-one, and now in force, in respect to any matter respecting which the directors may make by-laws under this section (including any by-laws for establishing a guarantee fund for the employees of the bank) shall remain in force until they are repealed or altered by others made under this Act. 34 V., c. 5, s. 33, *part*.

Proviso: as to
by-laws in
force.

Appointment
of officers, &c.

18. The directors may appoint as many officers, clerks and servants for carrying on the business of the bank, and with such salaries and allowances, as they consider necessary—and they may also appoint a director or directors for any branch of the bank:

2. Before permitting any cashier, officer, clerk or servant of the bank to enter upon the duties of his office, the directors shall require him to give bond or other security to the satisfaction of the directors; for the due and faithful performance of his duties. 34 V., c. 5, s. 33, *part.* Security to be given.

SHARES AND CALLS.

19. Books of subscription may be opened, and shares of the capital stock may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively made transferable and payable at the head office of the bank; and for that purpose the directors may, from time to time, determine the proportion of the shares which shall be so transferable in the United Kingdom, and make such rules and regulations, and prescribe such forms, and appoint such agents, as they deem necessary. 34 V., c. 5, s. 17. Subscription and transfer of stock in United Kingdom.

20. The shares of the capital stock shall be paid in by such instalments, and at such times and places as the directors appoint, and executors, administrators and curators paying the instalments upon the shares of deceased shareholders shall be indemnified for paying the same: Provided always, that no share shall be held to be lawfully subscribed for, unless a sum equal to at least ten per centum on the amount subscribed for is actually paid at the time of or within thirty days after the time of subscribing. 34 V., c. 5, s. 18. Payment of shares.
Proviso: ten per cent. payable on subscription.

21. The directors may make such calls of money from the several shareholders for the time being, upon the shares subscribed for by them, respectively, as they find necessary: Calls on shares.

2. Such calls shall be made at intervals of not less than thirty days, and upon notice to be given at least thirty days prior to the day on which such call shall be payable; and no such call shall exceed ten per cent. of each share subscribed. 34 V., c. 5, s. 34, *part.* Time of calls and notice.
Limitation.

22. The directors may, in the corporate name of the bank, sue for, recover and get in all such calls, or cause and declare such shares to be forfeited to the bank, in case of non-payment of any such call: Recovery of calls.

2. An action may be brought to recover any money due on any such call; and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the bank, and is indebted to the bank for a call or calls upon such share or shares, in the sum to which the call or calls amount, as the case may be, stating the amount and number of such calls, whereby an action has accrued to the bank to recover the same from such defendant by virtue of this Act; Recovery by suit.

What only
need be
proved.

and to entitle the directors to recover in such action it shall be sufficient to prove by any one witness (a shareholder being competent) that the defendant, at the time of making any such call, was a shareholder in the number of shares alleged, and to produce the by-law or resolution of the directors making such call, and to prove notice thereof, given in conformity with such by-law or resolution; and it shall not be necessary to prove the appointment of the directors or any other matter whatsoever. 34 V., c. 5, s. 34, *part.*

Forfeiture of
shares for
non-payment
of calls.

23. Provided always, that if any shareholder refuses or neglects to pay any instalment upon his shares of the capital stock at the time appointed by such call, as aforesaid, such shareholder shall incur a forfeiture to the use of the bank of a sum of money equal to ten per cent. on the amount of such shares; and the directors of the bank may, without any previous formality, other than thirty days' public notice of their intention so to do, sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of forfeitures incurred upon the whole; and the president or vice-president, manager or cashier of the bank, shall execute the transfer to the purchaser of the shares so sold; and such transfer, when accepted, shall be as valid and effectual in law as if the same had been executed by the original holder of the shares thereby transferred: but the directors, or the shareholders at a general meeting, may, notwithstanding anything in this section contained, remit either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid, or the bank may enforce the payment of any call or calls by suit instead of declaring the shares forfeited. 34 V., c. 5, s. 35.

Sale in such
case.

And transfer.

Proviso.

ANNUAL STATEMENT.

Statement to
be laid before
annual
meeting.

24. At every annual meeting of the shareholders for the election of directors, the out-going directors shall submit a clear and full statement of the affairs of the bank, containing on the one part,—

Liabilities.

The amount of the capital stock paid in, the amount of notes of the bank in circulation, the net profits made, the balances due to other banks and institutions, and the cash deposited in the bank,—distinguishing deposits bearing interest from those not bearing interest; and on the other part,—

Assets.

The amount of the current coin, the gold and silver bullion, and the Dominion notes in the vaults of the bank, the balances due to the bank from other banks and institutions, the value of the real and other property of the bank, and the amount of debts owing to the bank,—including and

particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages and other securities,—

Exhibiting on the one hand the liabilities of, or the debts due by the bank, and on the other hand, the assets and resources thereof: and the said statement shall also exhibit the rate and amount of the last dividend declared by the directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts due to the bank, overdue and not paid, with an estimate of the loss which will probably accrue thereon. 34 V., c. 5, s. 36.

What statement shall show.

INSPECTION BY DIRECTORS.

25. The books, correspondence and funds of the bank shall, at all times, be subject to the inspection of the directors, but no shareholder who is not a director shall be allowed to inspect the account of any person dealing with the bank. 34 V., c. 5, s. 37.

Inspection of books, &c.

DIVIDENDS.

26. The directors of the bank shall declare half-yearly dividends of so much of the profits of the bank as to the majority of them seems advisable, and not inconsistent with the provisions of the two sections of this Act next following; and they shall give at least thirty days' public notice of the payment of such dividends previously to the date fixed for such payment. 34 V., c. 5, s. 38.

Dividends.

27. No dividend or bonus shall ever be declared so as to impair the paid up capital; if any dividend or bonus is so declared or made payable, the directors who knowingly and wilfully concur therein, shall be jointly and severally liable for the amount thereof, as a debt due by them to the bank; and if any part of the paid-up capital is lost, the directors shall, if all the subscribed stock is not paid up, forthwith make calls upon the shareholders to an amount equivalent to such loss; and such loss (and the calls, if any) shall be mentioned in the next return made by the bank to the Minister of Finance and Receiver General: Provided that, in any case in which the capital has been impaired as aforesaid, all net profits shall be applied to make good such loss. 34 V., c. 5, s. 10.

Dividend not to impair capital.

Capital lost to be made up.

28. No division of profits, either by way of dividends or bonus, or both combined, or in any other way, exceeding the rate of eight per cent. per annum, shall be made by the bank, unless, after making the same, it has a rest or reserved fund equal to at least twenty per cent. of its paid-up capital; and all bad and doubtful debts shall be deducted before the amount of such rest is calculated. 34 V., c. 5, s. 11.

Dividend limited unless there is a certain reserve.

TRANSFER AND TRANSMISSION OF SHARES.

Shares and
transfer
thereof.

29. The shares of the capital stock shall be personal estate, and shall be assignable and transferable at the chief place of business of the bank or at any of its branches which the directors appoint for that purpose, and according to such form as the directors prescribe; but no assignment or transfer shall be valid unless it is made and registered and accepted by the person to whom the transfer is made, in a book or books kept by the directors for that purpose, nor unless the person making the same has, if required by the bank, previously discharged all his debts or liabilities to the bank which exceed in amount the remaining stock, if any, belonging to such person, valued at the then current rate; and no fractional part of a share, or less than a whole share, shall be assignable or transferable. 42 V., c. 45, s. 1, *part*.

List of
transfers to
be kept.

30. A list of all transfers of shares, registered each day in the books of the bank, showing the parties to such transfers and the number of shares transferred in each case, shall be made up at the end of each day and kept at the chief place of business of the bank for the inspection of its shareholders. 34 V., c. 5, s. 20.

Sale of shares
under execu-
tion.

31. When any share of the capital stock has been sold under a writ of execution, the officer by whom the writ was executed shall, within thirty days after the sale, leave with the cashier, manager or other officer of the bank, an attested copy of the writ, with the certificate of such officer indorsed thereon, certifying to whom the sale has been made; and thereupon (but not until after all debts and liabilities of the holder of the share to the bank, and all liens existing in favor of the bank thereon, have been discharged as herein provided), the president, vice-president, manager or cashier of the bank shall execute the transfer of the share so sold to the purchaser; and such transfer when duly accepted, shall be, to all intents and purposes, as valid and effectual in law as if it had been executed by the holder of the said share. 42 V., c. 45, s. 1, *part*.

Transmission
of shares
otherwise
than by
transfer, how
authenti-
cated.

32. If the interest in any share in the capital stock becomes transmitted in consequence of the death, bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the directors of the bank require; and every such declaration shall distinctly state the manner in which and the person to whom such shares have been transmitted, and shall be made and signed by such person; and the person making and signing such declaration shall acknowledge the same before a judge of a court of record,

or before the mayor, provost or chief magistrate of a city, town, borough or other place, or before a notary public, where the same is made and signed; and every declaration so signed and acknowledged shall be left with the cashier, manager or other officer or agent of the bank, who shall thereupon enter the name of the person entitled under such transmission in the register of shareholders: and until such transmission has been so authenticated no person claiming by virtue of any such transmission shall be entitled to participate in the profits of the bank, or to vote in respect of any such share of the capital stock: Proviso: as to declaration made out of Canada, &c. Provided always, that every such declaration and instrument as, by this and the next following section of this Act, are required to perfect the transmission of a share in the bank which is made in any other country than Canada, or any other British colony in North America or in the United Kingdom, shall be further authenticated by the British consul or vice-consul, or other the accredited representative of the British Government in the country where the declaration is made, or shall be made directly before such British consul or vice-consul or other accredited representative; Proviso: further evidence may be required. and provided also, that the directors, cashier or other officer or agent of the bank may require corroborative evidence of any fact alleged in any such declaration. 34 V., c. 5, s. 21.

33. If the transmission of any share of the capital stock has taken place by virtue of the marriage of a female shareholder, the declaration shall be accompanied by a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and shall be made and signed by such female shareholder and her husband; and they may include therein a declaration to the effect that the share transmitted is the separate property and under the sole control of the wife, and that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself, without requiring the consent or authority of her husband; and such declaration shall be binding upon the bank and the persons making the same, until the said persons see fit to revoke it by a written notice to that effect to the bank; but the omission of a statement, in any such declaration, that the wife making the same is duly authorized by her husband to make the same, shall not invalidate the declaration. 34 V., c. 5, s. 22. Transmission by marriage of female shareholder.

34. If the transmission has taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or act of curatorship or an official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the bank, who shall, thereupon, enter the Transmission by decease.

name of the person entitled under such transmission in the register of shareholders. 34 V., c. 5, s. 23.

Further provision in such case.

35. If the transmission of any share of the capital stock has taken place by virtue of the decease of any shareholder, the production to the directors and the deposit with them of any authenticated copy of the probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any court in Canada having power to grant such probate or letters of administration, or by any court or authority in England, Wales, Ireland or any British colony, or of any testamentary or testament dative expedite in Scotland—or, if the deceased shareholder died out of Her Majesty's dominions, the production to and deposit with the directors of any authenticated copy of the probate of his will or letters of administration of his property, or other document of like import granted by any court or authority having the requisite power in such matters, shall be sufficient justification and authority to the directors for paying any dividend, or for transferring or authorizing the transfer of any share in pursuance of and in conformity to such probate, letters of administration, or other such document as aforesaid. 34 V., c. 5, s. 24.

Provision in case of doubt as to person entitled.

36. Whenever the interest in any share of the capital stock is transmitted by the death of any shareholder or otherwise, or whenever the ownership of or legal right of possession in any such share changes by any lawful means, other than by transfer according to the provisions of this Act, and the directors of the bank entertain reasonable doubts as to the legality of any claim to and upon such share, the bank may make and file in one of the superior courts in the Province in which the head office of the bank is situated, a declaration and petition in writing, addressed to the justices of the court, setting forth the facts and the number of shares previously belonging to the person in whose name such shares stand in the books of the bank, and praying for an order or judgment declaring to whom the said shares belong,—by which order or judgment the bank shall be guided and held fully harmless and indemnified and released from every other claim to the said shares or arising therefrom: Provided always, that notice of such petition shall be given to the person claiming such share, or to the attorney of such person duly authorized for the purpose, who shall, upon the filing of such petition, establish his right to the several shares referred to in such petition; and the times to plead and all other proceedings in such cases shall be the same as those observed in analogous cases before the said superior courts: Provided also, that the costs and expenses of procuring such order or judgment shall be paid by the person to whom the said shares are declared lawfully to belong; and that such shares shall not be transferred until such costs and expenses

Proviso: notice to be given.

Proviso: as to costs.

are paid,—saving the recourse of such person against any person contesting his right. 34 V., c. 5, s. 25.

37. The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share of its stock is subject; and the receipt of the person in whose name any such share stands in the books of the bank, or, if it stands in the name of more persons than one, the receipt of one of such persons shall be a sufficient discharge to the bank, for any dividend or any other sum of money payable in respect of such share, unless express notice to the contrary has been given to the bank; and the bank shall not be bound to see to the application of the money paid upon such receipt, whether given by one of such persons or all of them. 34 V., c. 5, s. 26.

Bank not bound to see to trusts.

38. No person holding stock in the bank as executor, administrator, guardian or trustee, of or for any person named in the books of the bank as being so represented by him, shall be personally subject to any liability as a shareholder, but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust fund would be, if living and competent to hold the stock in his own name; and if the trust is for a living person, such person shall also himself be liable as a shareholder; but if such testator, intestate, ward or person so represented, is not so named in the books of the bank, the executor, administrator, guardian or trustee shall be personally liable in respect of such stock, as if he held it in his own name as owner thereof. 43 V., c. 22, s. 2.

Executors and trustees not personally liable.

Exception.

OBLIGATIONS AND POWERS OF THE BANK.

39. The bank shall always hold, as nearly as practicable, one half of its cash reserves in Dominion notes, and the proportion of such reserves held in Dominion notes shall never be less than forty per cent. thereof; and every bank holding at any time a less amount of its cash reserves in Dominion notes than is prescribed by this section, shall incur a penalty of two hundred and fifty dollars for each and every time it appears, by the monthly statement hereinafter mentioned or otherwise, that such violation of this section has occurred:

Part of reserve to be in Dominion notes.

Penalty for not holding due proportion of Dominion notes.

2. The Minister of Finance and Receiver General shall make such arrangements as are necessary for insuring the delivery of Dominion notes to any bank, in exchange for an equivalent amount of specie, at the several offices at which Dominion notes are redeemable, in the cities of Toronto, Montreal, Halifax, St. John (N.B.), Winnipeg, Charlottetown and Victoria, respectively. 34 V., c. 5, ss. 14 and 16;—43 V., c. 22, s. 3;—46 V., c. 20, s. 4.

Supply of Dominion notes.

Amount and denomination of bank notes.

40. The amount of notes of the bank intended for circulation, issued by the bank and outstanding at any time, shall never exceed the amount of its unimpaired paid-up capital: and no such note for a sum less than five dollars, or for any sum which is not a multiple of five dollars shall be issued or re-issued by the bank, and all notes for a less sum than five dollars, or which are not such multiple as aforesaid, heretofore issued, shall be called in and cancelled as soon as practicable:

Penalties on banks having excess of circulation.

2. If it appears by the monthly statement hereinafter mentioned, made by the bank, that the amount of its notes in circulation has, during the month to which such statement relates, exceeded the amount authorized by this section, such bank shall incur a penalty of one hundred dollars, if the amount of such excess of circulation is not over twenty thousand dollars,—a penalty of one thousand dollars, if such excess is over twenty thousand and not over one hundred thousand dollars,—a penalty of five thousand dollars, if such excess is over one hundred thousand dollars, and not over two hundred thousand dollars,—and a penalty of ten thousand dollars, if such excess is over two hundred thousand dollars. 34 V., c. 5, s. 8;—43 V., c. 22, s. 12, *part*;—46 V., c. 20, s. 3.

Redemption of notes.

41. The bank shall always receive in payment its own notes at par at any of its offices and whether they are made payable there or not; but shall not be bound to redeem them in specie or Dominion notes at any place other than that at which they are made payable:

Payable at chief place of business.

2. The chief place of business of the bank shall always be one of the places at which its notes shall be made payable. 34 V., c. 5, s. 9.

Payments in Dominion notes.

42. The bank, when making any payment, shall, on the request of the person to whom the payment is to be made, pay the same, or such part thereof not exceeding sixty dollars as such person requests, in Dominion notes for one, two, or four dollars each, at the option of the receiver. 43 V., c. 22, s. 12, *part*;—46 V., c. 20, s. 5.

Bonds, notes, &c., how and by whom to be signed.

43. The bonds, obligations and bills obligatory or of credit of the bank under its corporate seal and signed by the president or vice-president and countersigned by a cashier or assistant cashier, which are made payable to any person, shall be assignable by indorsement thereon; and bills or notes of the bank signed by the president, vice-president, cashier or other officer appointed by the directors of the bank to sign the same, promising the payment of money to any person or to his order, or to the bearer, though not under the corporate seal of the bank, shall be binding and obligatory on it in like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as

if they were so issued by a private person in his natural capacity: Provided always, that the directors of the bank may, from time to time, authorize or depute any cashier, assistant cashier or officer of the bank, or any director other than the president or vice-president, or any cashier, manager or local director of any branch or office of discount and deposit of the bank, to sign the bills of the bank intended for general circulation, and payable to order or to bearer on demand. 34 V., c. 5, s. 55.

Proviso :
power may be
deputed to
officer.

44. All bank notes and bills of the bank whereon the name of any person intrusted or authorized to sign such notes or bills on behalf of the bank is impressed by machinery provided for that purpose, by or with the authority of the bank, shall be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person intrusted or authorized by the bank to sign the same respectively, and shall be bank notes and bills within the meaning of all laws and statutes whatever, and may be described as bank notes or bills in all indictments and civil or criminal proceedings whatsoever. 34 V., c. 5, s. 56.

Notes may be
signed by
machinery.

45. The bank shall not, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, or of any ships or other vessels, or upon the security or pledge of any share of the capital stock of the bank, or of any goods, wares or merchandise, except as authorized in this Act; and the bank shall not, either directly or indirectly, deal in the buying and selling or bartering of goods, wares or merchandise, or engage or be engaged in any trade whatsoever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as appertains to the business of banking; and the bank shall not, either directly or indirectly, purchase or deal in any share of the capital stock of the bank, except when it is necessary to realize upon any such share held by the bank as security for any pre-existing and matured debt:

Certain busi-
ness may not
be transacted
by the bank.

2. Every bank which violates any provision of this section shall incur a penalty not exceeding five hundred dollars. 34 V., c. 5, s. 40;—38 V., c. 17, s. 1;—46 V., c. 20, s. 9, *part*.

Penalty for
contraven-
tion.

46. The bank may open branches and agencies and offices of discount and deposit, and may transact business at any place or places in Canada. 34 V., c. 5, s. 4.

Branches and
agencies.

47. The bank may acquire and hold real and immovable property for its actual use and occupation and the management of its business, and may sell or dispose of the same, and acquire other property in its stead for the same purposes. 34 V., c. 5, s. 39.

Real estate
for occupa-
tion

Mortgages as additional security.

48. The bank may take, hold and dispose of mortgages and *hypothèques* upon real or personal property, by way of additional security for debts contracted to the bank in the course of its business; and the rights, powers and privileges which the bank is hereby declared to have or to have had in respect of real property mortgaged to it, shall be held and possessed by it, in respect of any personal property which is mortgaged or hypothecated to it. 34 V., c. 5, s. 41.

Purchase of land under execution, &c.

49. The bank may purchase any lands or real property offered for sale under execution, or in insolvency, or under the order or decree of a court, as belonging to any debtor to the bank, or exposed to sale by the bank under a power of sale given to it for that purpose, in cases in which, under similar circumstances, an individual could so purchase, without any restriction as to the value of the lands which it may so purchase,—and may acquire a title thereto as any individual purchasing at sheriff's sale, or under a power of sale, in like circumstances, could do,—and may take, have, hold and dispose of the same at pleasure. 34 V., c. 5, s. 42; —43 V., c. 22, s. 5.

Absolute title may be acquired.

50. The bank may acquire and hold an absolute title in or to land mortgaged to it as security for a debt due or owing to it, either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption can, by law, be barred,—and may purchase and acquire any prior mortgage or charge on such land: Provided always, that no bank shall hold any real or immovable property howsoever acquired, except such as is required for its own use, for any period exceeding seven years from the date of the acquisition thereof:

Proviso: sale of property so acquired.

Penalty for contravention.

2. Every bank which violates any provision of this section shall incur a penalty not exceeding five hundred dollars. 34 V., c. 5, s. 43; —43 V., c. 22, s. 6; —46 V., c. 20, s. 9, *part*.

Title to lands so acquired; power of sale, &c.

51. Nothing in any charter, Act or law shall be construed as ever having prevented or as preventing the bank from acquiring and holding an absolute title to and in any such mortgaged lands, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged. 34 V., c. 5, s. 44.

As to advances for building ships.

52. Every bank advancing money in aid of the building of any ship or vessel, shall have the same right of acquiring and holding security upon such ship or vessel, while building and when completed, either by way of mortgage, *hypothèque*, hypothecation, privilege or lien thereon, or purchase or transfer thereof, as individuals have in the Province

wherein such ship or vessel is being built, and for that purpose may avail itself of all such rights and means of obtaining and enforcing such security, and shall be subject to all such obligations, limitations and conditions as are, by the law of such Province, conferred or imposed upon individuals making such advances. 35 V., c. 8, s. 7.

53. In this section the expression "agent" means any person intrusted with the possession of goods, wares and merchandise, or to whom the same are consigned, or who is possessed of any bill of lading, warehouse, wharfinger's or cove-keeper's receipt or order for the delivery of goods, wares and merchandise, bill of inspection of pot or pearl ashes, or any other document used in the course of business as proof of the possession or control of goods, wares and merchandise, or authorizing or purporting to authorize, either by indorsement or by delivery, the possessor of such document, to transfer or receive goods, wares and merchandise thereby represented; and such person shall be deemed the possessor of such goods, wares and merchandise or bill of lading, warehouse, wharfinger's or cove-keeper's receipt or order for the delivery of goods, wares and merchandise, bill of inspection of pot or pearl ashes or other document as aforesaid, as well if the same are held by any person for him or subject to his control as if he is in actual possession thereof: 43 V., c. 22, sch. A.

Interpretation of "Agent."

What shall be deemed possession.

2. The bank may acquire and hold any warehouse receipt or bill of lading as collateral security for the payment of any debt incurred in its favor in the course of its banking business; and the warehouse receipt or bill of lading so acquired shall vest in the bank, from the date of the acquisition thereof, all the right and title of the previous holder or owner thereof, or of the person from whom such goods, wares and merchandise were received or acquired by the bank, if the warehouse receipt or bill of lading is made directly in favor of the bank instead of to the previous holder or owner of such goods, wares and merchandise:

Warehouse receipts may be taken as collateral security.

3. If the previous holder of such warehouse receipt or bill of lading is the agent of the owner of the goods, wares and merchandise mentioned therein, the bank shall be vested with all the right and title of the owner thereof, subject to his right to have the same re-transferred to him, if the debt, as security for which they are held by the bank, is paid:

When previous holder is an agent.

4. The bank shall not acquire or hold any warehouse receipt or bill of lading, to secure the payment of any bill, note or debt, unless such bill, note or debt is negotiated or contracted at the time of the acquisition thereof by the bank,—or upon the promise that such warehouse receipt or bill of lading would be transferred to the bank; but such bill, note or debt may be renewed or the time for the payment thereof extended, without affecting such security:

When such security may be acquired.

Exchange of warehouse receipt for bill of lading and *vice versa*.

5. The bank may, on shipment of any goods, wares and merchandise, for which it holds a warehouse receipt, surrender such receipt and receive a bill of lading in exchange therefor,—or, on the receipt of any goods, wares and merchandise for which it holds a bill of lading, it may surrender such bill of lading, store such goods, wares and merchandise, and take a warehouse receipt therefor,—or may ship them or part of them, and take another bill of lading therefor:

Penalty for contravention;

6. Every bank which violates any provision of this section, shall incur a penalty not exceeding five hundred dollars:

And for making false statement.

7. Every one is guilty of a misdemeanor and liable to imprisonment for a term not exceeding two years, who wilfully makes any false statement in any such receipt, acknowledgments or certificate as is, in this section, mentioned. 34 V. c. 5, ss. 65, *part*, and 67, *part*;—43 V., c. 22, s. 7, *part*;—46 V. c. 20, s. 9, *part*.

When warehouseman, &c., is also the owner.

54. If any person who grants a warehouse receipt or bill of lading is engaged in the calling, as his ostensible business, of keeper of a yard, cove, wharf or harbor, or of warehouseman, miller, saw-miller, maltster, manufacturer of timber, wharfinger, master of a vessel, or other carrier by land or by water, or by both, curer or packer of meat, tanner, dealer in wool or purchaser of agricultural produce, and is at the same time the owner of the goods, wares and merchandise mentioned in such warehouse receipt or bill of lading, every such warehouse receipt or bill of lading, and the right and title of the bank thereto and to the goods, wares and merchandise mentioned therein, shall be as valid and effectual as if such owner, and the person making such warehouse receipt or bill of lading, were different persons. 43 V., c. 22, s. 7, *part*.

Sale of goods on non-payment of debt.

55. In the event of the non-payment at maturity of any debt secured by a warehouse receipt or bill of lading, the bank may sell the goods, wares and merchandise mentioned therein, or so much thereof as will suffice to pay such debt with interest and expenses, returning the overplus, if any, to the person from whom such warehouse receipt or bill of lading, or the goods, wares and merchandise mentioned therein, as the case may be, were acquired; but such power of sale shall be subject to the provisions hereinafter made. 43 V., c. 22, s. 7, *part*.

As to goods manufactured from articles pledged.

56. If any miller, maltster, or packer or curer of pork, grants a warehouse receipt for any cereal grains or hogs which are manufactured into flour or malt, pork, bacon or hams, respectively, while held thereunder, such warehouse receipt shall vest in any bank which is or becomes the lawful holder thereof, all the right and title to such manufactured article, which such bank acquired, under such ware-

house receipt, to the article described in such warehouse receipt, and so manufactured; and the bank shall continue to hold the same and all such right and title, for the same purposes and upon the same conditions as those upon which it previously held such material. 43 V., c. 22, s. 7, *part.*

57. All advances, made on the security of any bill of lading or warehouse receipt, shall give, to the bank making such advances, a claim for the repayment of such advances on the goods, wares and merchandise therein mentioned, or into which they have been converted, prior to and by preference over the claim of any unpaid vendor. 43 V., c. 22, s. 7, *part.*

Prior claim of the bank over unpaid vendor.

58. No sale without the consent in writing of the owner of any timber, boards, deals, staves, saw logs or other lumber, shall be made under this Act until notice of the time and place of such sale has been given by a registered letter, mailed in the post office to the last known address of the pledger thereof, at least thirty days prior to the sale thereof; and no goods, wares or merchandise, other than timber, boards, deals, staves, saw logs or other lumber, shall be sold by the bank under this Act without the consent of the owner, until notice of the time and place of sale has been given by a registered letter, mailed in the post office to the last known address of the pledger thereof, at least ten days prior to the sale thereof:

Notice to be given before sale of goods pledged.

2. Every such sale of any article mentioned in this section, without the consent of the owner, shall be made by public auction, after a notice thereof by advertisement, stating the time and place thereof, in at least two newspapers published in or nearest to the place where the sale is to be made; and if such sale is in the Province of Quebec, then at least one of such newspapers shall be a newspaper published in the English language, and one other such newspaper shall be a newspaper published in the French language. 43 V., c. 22, s. 7, *part.*

Sale by auction after notice.

59. The bank shall not make loans or grant discounts on the security of its own stock, but shall have a privileged lien for any debt or liability for any debt to the bank, on the shares and unpaid dividends of the debtor or person liable, and may decline to allow any transfer of the shares of such debtor or person until such debt is paid; and, if such debt is not paid when due, the bank may sell such shares, after notice has been given to the holder thereof of the intention of the bank to sell the same, by mailing such notice in the post office to the last known address of such holder, at least thirty days prior to such sale; and, upon such sale being made, the president, vice-president, manager or cashier shall execute a transfer of such shares to the purchaser thereof in the usual transfer book of the bank,—which transfer shall

No loan to be made on its own stock, but bank to have a lien on stock for overdue debts.

Transfer in case of sale.

vest in such purchaser all the rights in or to such shares which were possessed by the holder thereof, with the same obligation of warranty on his part as if he were the vendor thereof, but without any warranty from the bank or by the officer of the bank executing such transfer :

Penalty for
contraven-
tion.

2. Every bank which violates any provision of this section shall incur a penalty not exceeding five hundred dollars. 43 V., c. 22, s. 8, *part* ;—46 V., c. 20, s. 9, *part*.

Provision as
to collateral
security.

60. Nothing in this Act contained shall prevent the bank from acquiring and holding, as collateral security for any advance made by the bank, or debt due to the bank, or for any credit or liability incurred by the bank to or on behalf of any person (and either at the time of the making of such advance, or the contracting of such debt, or the opening of such credit, or the incurring of such liability), Dominion, provincial, British or foreign public securities, or the stock, bonds or debentures of municipal or other corporations, except banks :

How collater-
al security
may be dealt
with.

2. Such stock, bonds, debentures or securities may, in case of default to pay the debt for securing which they were so acquired and held, be dealt with, sold and conveyed in like manner and subject to the same restrictions as are herein provided in respect of stock of the bank on which it has acquired a lien under this Act ; but the right to so deal with and dispose of such stock, bonds, debentures or securities in manner aforesaid may be waived or varied by any agreement between the bank and the owner of such stock, bonds, debentures or securities, made at the time at which such debt was incurred,—or, if the time of payment of such debt has been extended, then by an agreement made at the time of such extension. 43 V., c. 22, s. 8, *part*.

Provision may
be varied.

No penalty
for usury.

61. The bank shall not be liable to incur any penalty or forfeiture for usury ; and may stipulate for, take, reserve or exact any rate of interest or discount not exceeding seven per centum per annum, and may receive and take in advance any such rate, but no higher rate of interest shall be recoverable by the bank ; and the bank may allow any rate of interest whatever upon money deposited with it. 34 V., c. 5, s. 52.

What interest
may be al-
lowed.

No instrument
to be void on
ground of
usury.

62. No promissory note, bill of exchange or other negotiable security, discounted by or indorsed or otherwise assigned to the bank, shall be held to be void, usurious or tainted by usury, as regards such bank or any maker, drawer, acceptor, indorser or indorsee thereof, or other party thereto, or *bonâ fide* holder thereof, nor shall any party thereto be subject to any penalty or forfeiture, by reason of any rate of interest taken, stipulated or received by such bank, on or with respect to such promissory note, bill of exchange, or other negotiable security, or paid or allowed by any party thereto to another in compensation for, or in consideration of the rate of inter-

est taken or to be taken thereon by such bank; but no party thereto, other than the bank, shall be entitled to recover or liable to pay more than the lawful rate of interest in the Province where the suit is brought, nor shall the bank be entitled to recover a higher rate than seven per cent. per annum; and no innocent holder of or party to any promissory note, bill of exchange or other negotiable security, shall, in any case, be deprived of any remedy against any party thereto, or liable to any penalty or forfeiture, by reason of any usury or offence against the laws of any such Province, respecting interest, committed in respect of such note, bill or negotiable security, without the complicity or consent of such innocent holder or party. 35 V., c. 8, s. 2.

As to innocent holders.

63. The bank may, in discounting at any of its places of business, branches, agencies or offices of discount and deposit, any note, bill or other negotiable security or paper payable at any other of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive or retain, in addition to the discount, any amount not exceeding the following rates per centum, according to the time it has to run, on the amount of such note, bill or other negotiable security or paper, to defray the expenses attending the collection thereof, that is to say: under thirty days, one eighth of one per cent.—thirty days or over, but under sixty days, one-fourth of one per cent.—sixty days and over, but under ninety days, three eighths of one per cent.—ninety days and over, one half of one per cent. 34 V., c. 5, s. 53.

Collection fees.

64. The bank may, in discounting any note, bill or other negotiable security or paper, *bond fide* payable at any place in Canada, different from that at which it is discounted, and other than one of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive and retain in addition to the discount thereon, a sum not exceeding one half of one per centum on the amount thereof, to defray the expense of agency and charges in collecting the same. 34 V., c. 5, s. 54.

Agency fees.

65. The bank may receive deposits from any person whomsoever, whatever is his age, status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not; and, from time to time, may repay any or all of the principal thereof, and may pay the whole or any part of the interest thereon to such person, without the authority, aid, assistance or intervention of any person or official being required, unless before such repayment the money so deposited in and repaid by the bank is lawfully claimed as the property of some other person,—in which case it may be paid to the depositor with the consent of the claimant, or to the claimant with the consent of the deposi-

Deposits may be received from persons unable to contract.

Proviso:
amount
limited.

tor: Provided always, that if the person making any such deposit, could not, under the law of the Province where the deposit is made, deposit and withdraw money in and from a bank without this section, the total amount to be received from such person on deposit shall not, at any time, exceed the sum of five hundred dollars:

Bank not
bound to see
to trusts in
relation to
such deposits.

2. The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any deposit made under the authority of this section is subject; and except only in the case of a lawful claim, by some other person before repayment, the receipt of the person in whose name any such deposit stands, or if it stands in the name of two persons the receipt of one, and if in the names of more than two persons the receipt of a majority of such persons, shall be a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit, notwithstanding any trust to which such deposit is then subject, and whether or not the bank sought to be charged with such trust (and with whom the deposit has been made), had notice thereof; and the bank shall not be bound to see to the application of the money paid upon such receipt. 35 V., c. 8, ss. 3 and 4.

RETURNS BY THE BANK.

Monthly
returns to
Government.

66. Monthly returns shall be made by the bank to the Minister of Finance and Receiver General in the form set forth in schedule B to this Act, and shall be made up and sent in within the first twenty days of each month, and shall exhibit the condition of the bank on the last juridical day of the month next preceding; and such monthly returns shall be signed by the chief accountant and by the president, or vice-president, or the director (or, if the bank is *en commandite*, the principal partner) then acting as president, and by the manager, cashier or other principal officer of the bank at its chief place of business:

Penalty for
not making up
monthly
returns in
due time.

2. Every bank which neglects to make up or to send in as aforesaid any monthly return required by this section of this Act within the time thereby limited shall incur a penalty of fifty dollars for each and every day after the expiration of the time hereby limited during which the bank neglects so to make up or send in such return; and the date upon which it appears by the Post Office stamp or mark upon the envelope or wrapper enclosing such return for transmission to the Minister of Finance and Receiver General, that the same was deposited in the Post Office, shall be taken *prima facie*, for the purposes of this section, to be the date upon which such return was made up or sent in. 34 V., c. 5, s. 13;—43 V., c. 22, s. 4, *part*;—46 V., c. 20, s. 7.

Special
returns may
be called for.

67. In addition to the returns specified in the next preceding section, the Minister of Finance and Receiver General may call for special returns from any particular bank, when-

ever, in his judgment, the same are necessary to afford a full and complete knowledge of its condition. 43 V., c. 22, s. 4, *part.*

68. Certified lists of the shareholders (or of the principal partners, if the bank is *en commandite*), with their additions and residences, and the number of shares they respectively hold, and the value at par of the said shares, shall be transmitted every year to the Minister of Finance and Receiver General, before the day appointed for the opening of the session of Parliament, and shall be by him laid before Parliament within fifteen days after the opening of the then next session; and such transmission shall be made by the delivery of such lists at the Department of Finance, or by registered post-letter, posted at such time that, in the ordinary course of the post, it may be delivered at the Department of Finance before the day appointed for the opening of the session:

Transmission of certified lists of shareholders to Minister of Finance.

2. Every bank which neglects to transmit to the Minister of Finance and Receiver General the lists mentioned in this section, within the time limited thereby, shall incur a penalty of fifty dollars for each and every day during which such neglect continues. 46 V., c. 20, s. 2.

Penalty for neglect to transmit such lists.

69. The annual returns required by this Act shall be made up to the thirty-first day of December, in the year next preceding each session of Parliament. 46 V., c. 20, s. 12.

Annual returns.

INSOLVENCY.

70. In the event of the property and assets of the bank being insufficient to pay its debts and liabilities, the shareholders of the bank shall be liable for the deficiency so far as that each shareholder shall be so liable to an amount, over and above any amount not paid up on his shares, equal to the amount of such shares. 34 V., c. 5, s. 58, *part.*

Liability of shareholders in case of insufficiency of assets.

71. Any suspension by the bank of payment of any of its liabilities as they accrue, in specie or Dominion notes, shall, if it continues for ninety days, constitute the bank insolvent and operate a forfeiture of its charter or Act of incorporation, so far as regards the issue or re-issue of notes and other banking operations; and the charter or Act of incorporation shall remain in force only for the purpose of enabling the directors or other lawful authority to make the calls mentioned in the next following section of this Act and to wind up its business. 34 V., c. 5, s. 57.

Suspension for 90 days to constitute insolvency.

72. If any suspension of payment in full in specie or Dominion notes, of all or any of the notes or other liabilities of the bank continues for six months, and if no proceedings are taken under any general or special Act for the winding

Calls in such cases.

up of the bank, the directors shall make calls on such shareholders, to the amount they deem necessary to pay all the debts and liabilities of the bank, without waiting for the collection of any debts due to it or the sale of any of its assets or property :

How such calls shall be made and enforced.

2. Such calls shall be made at intervals of thirty days and upon notice to be given thirty days at least prior to the day on which such call shall be payable, and any number of such calls may be made by one resolution ; any such call shall not exceed twenty per cent. on each share ; and payment of such calls may be enforced in like manner as payment of calls on unpaid stock may be enforced ; and the first of such calls may be made within ten days after the expiration of the said six months :

Refusal to make calls under this section a misdemeanor.

3. Every director who refuses to make or enforce, or to concur in making or enforcing any call under this section, is guilty of a misdemeanor, and liable to imprisonment for any term not exceeding two years, and shall further be personally responsible for any damages suffered by such default. 34 V., c. 5, s. 58, *part*, and ss. 63 and 67, *part*.

Calls under winding-up Act.

73. In the event of proceedings being taken under any general or special winding-up Act, in consequence of the insolvency of the bank, the said calls shall be made in the manner prescribed for the making of such calls in such general or special winding-up Act.

Forfeiture for non-payment.

74. Any failure on the part of any shareholder liable to any such call to pay the same when due, shall operate a forfeiture by such shareholder of all claim in or to any part of the assets of the bank,—such call and any further call thereafter being nevertheless recoverable from him as if no such forfeiture had been incurred. 34 V., c. 5, s. 58, *part*.

Liability of directors not diminished.

75. Nothing in the five sections next preceding contained shall be construed to alter or diminish the additional liabilities of the directors as hereinbefore mentioned and declared. 34 V., c. 5, s. 58, *part*.

As to banks *en commandite*.

76. If the bank is *en commandite* and the principal partners are personally liable, then, in case of any such suspension, their liability shall at once accrue and may be enforced against such principal partners, without waiting for any sale or discussion of the property or assets of the bank, or other preliminary proceedings whatsoever, and the provision respecting calls shall not apply to such bank. 34 V., c. 5, s. 58, *part*.

Liability of shareholders who have transferred their stock.

77. Persons who, having been shareholders in the bank, have only transferred their shares or any of them to others, or registered the transfer thereof within one month before the commencement of the suspension of payment by the bank,

shall be liable to all calls on such shares, as if they had not transferred them, saving their recourse against those to whom they were transferred. 34 V., c. 5, s. 59, *part*.

78. If the bank is *en commandite*, the liability of the principal partners and of the *commanditaires* shall continue for such time after their ceasing to be such as is provided in the charter of the bank, and the foregoing provisions with respect to the transfer of shares or calls shall not apply to such bank. 34 V., c. 5, s. 59, *part*.

Liability if bank is *en commandite*.

79. The payment of the notes issued by the bank and intended for circulation, then outstanding, shall be the first charge upon the assets of the bank in case of its insolvency. 43 V., c. 22, s. 12, *part*.

Notes to be first charge on assets.

OFFENCES AND PENALTIES.

80. Every one is guilty of a misdemeanor and liable to imprisonment for a term not exceeding two years who, being the president, vice-president, director, principal partner *en commandite*, manager, cashier or other officer of the bank, wilfully gives or concurs in giving any creditor of the bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor or by changing the nature of his claim or otherwise howsoever, and shall further be responsible for all damages sustained by any person in consequence of such preference. 34 V., c. 5, ss. 61 and 67, *part*.

President, &c., giving undue preference to any creditor, guilty of a misdemeanor.

The making of any wilfully false or deceptive statement in any account, statement, return, report or other document respecting the affairs of the bank is, unless it amounts to a higher offence, a misdemeanor punishable by imprisonment for a term not exceeding two years; and every president, vice-president, director, principal partner *en commandite*, auditor, manager, cashier or other officer of the bank, who prepares, signs, approves or concurs in such statement, return, report or document, or uses the same with intent to deceive or mislead any person, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such person in consequence thereof. 34 V., c. 5, ss. 62 and 67, *part*.

Making false statement in returns, &c., a misdemeanor, &c.

82. Every person, firm or company assuming or using the title of "bank," "banking company," "banking house," "banking association" or "banking institution," without adding to the said designation the words "not incorporated," or without being authorized so to do by this Act, or by some other Act in force in that behalf, is guilty of a misdemeanor and shall incur a penalty not exceeding one thousand dollars. 43 V., c. 22, s. 10;—46 V., c. 20, s. 8.

Unauthorized, use of title "Bank," &c., a misdemeanor.

Penalty for unauthorized issue of notes for circulation.

83. Every person or corporation, except a chartered bank, who issues or re-issues, makes, draws or indorses any bill, bond, note, cheque or other instrument, intended to circulate as money, or to be used as a substitute for money, for any amount whatsoever, shall incur a penalty of four hundred dollars, which shall be recoverable with costs, in any court of competent jurisdiction, by any person who sues for the same; and a moiety of such penalty shall belong to the person suing for the same, and the other moiety to Her Majesty for the public uses of Canada :

What shall be deemed such notes.

2. The intention to pass any such instrument as money, shall be presumed, if it is made for the payment of a less sum than twenty dollars, and is payable either in form or in fact to the bearer thereof, or at sight, or on demand, or at less than thirty days thereafter, or is over due, or is in any way calculated or designed for circulation, or as a substitute for money; unless such instrument is a cheque on some chartered bank, paid by the maker directly to his immediate creditor, or a promissory note, bill of exchange, bond or other undertaking, for the payment of money paid or delivered by the maker thereof to his immediate creditor, and is not designed to circulate as a substitute for money. 34 V., c. 5, s. 68, *part.*

NOTICES.

How notices shall be given.

84. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published at the place where the head office of the bank is situate, and in the *Canada Gazette*. 34 V., c. 5, s. 69.

FUTURE LEGISLATION.

Bank subject to any general Act.

85. The bank shall always be subject to any general provisions respecting banks which Parliament deems necessary in the public interest. 34 V., c. 5, s. 71.

SPECIAL PROVISIONS AS TO CERTAIN BANKS.

How certain banks may come under this Act.

86. This Act shall not apply to any bank in existence at the commencement of the session of the Parliament of Canada held in the forty-third year of Her Majesty's reign, which is not mentioned in schedule A to this Act (except the Bank of British North America, La Banque du Peuple and the Bank of British Columbia, to the extent hereinafter mentioned), unless the directors of such bank, by special resolution, apply to the Treasury Board, to have the provisions of this Act extended to such bank, nor unless the Treasury Board allows such application; and upon publication in the *Canada Gazette* of such resolution, and of the minute of the Treasury Board thereon, allowing such application, such bank shall come under the provisions of this Act. 34 V., c. 5, s. 73;—43 V., c. 22, ss. 1 and 11.

87. The Bank of British North America, which, by the terms of its present charter, is subject to the general laws of Canada with respect to banks and banking, shall not issue or re-issue in Canada, any note for a less sum than five dollars, or for any sum not being a multiple of five dollars; and any such note of the said bank outstanding shall be called in and redeemed as soon as practicable: and the provisions contained in the second, fourteenth, thirty-ninth, forty-first, forty-second, forty-fourth, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty eighth, sixty-ninth, seventy-ninth, eightieth, eighty-first, eighty-fourth and eighty-fifth sections of this Act shall apply to the said bank; and those contained in the other sections of this Act shall not apply to it. 34 V., c. 5, s. 72;—35 V., c. 8, s. 3;—40 V., c. 54;—43 V., c. 22, s. 1;—46 V., c. 20, ss. 1 and 12, *part.*

What sections shall apply to Bank of B. N. A.

88. All the provisions of this Act, except those contained in sections three, four, five, six, seven, eight, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, twenty-three, twenty-four, twenty-five, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, eighty-six, eighty-seven and eighty-nine, and so much of section nine, as is declared not to apply to the banks *en commandite*, shall apply to La Banque du Peuple: Provided, that wherever the word "directors" is used in any of the sections which apply to the said bank, it shall be read and construed as meaning the principal partners or members of the corporation of the said bank; and so much of the Act incorporating the said bank or of any Act amending or continuing it as is inconsistent with any section of this Act applying to the said bank, or which makes any provision in any matter provided for by the said sections, other than such as is hereby made, is hereby repealed. 34 V., c. 5, s. 75.

What provisions shall apply to La Banque du Peuple.

Proviso: as to directors.

Inconsistent enactments repealed.

89. The provisions contained in the second, twenty-seventh, twenty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-fourth, forty-fifth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventy-ninth, eightieth, eighty-first, eighty-fourth and eighty-fifth sections of this Act shall apply to the Bank of British Columbia:

What provisions shall apply to the Bank of B. C.

2. The chief seat of business of the said bank shall, for the purposes of the several portions of this Act hereby made applicable to the said bank, be the office of the bank at Victoria, in the Province of British Columbia. 48-49 V., c. 83, ss. 1, 2, 3 and 4.

Chief seat of business.

SCHEDULE A.

BANKS WHOSE CHARTERS ARE CONTINUED BY THIS ACT.

1. The Bank of Montreal.
 2. The Quebec Bank.
 3. La Banque du Peuple.
 4. The Consolidated Bank.
 5. Molsons Bank.
 6. The Bank of Toronto.
 7. The Ontario Bank.
 8. The Eastern Townships Bank.
 9. La Banque Nationale.
 10. La Banque Jacques Cartier.
 11. The Merchants' Bank of Canada.
 12. The Union Bank of Lower Canada.
 13. The Canadian Bank of Commerce.
 14. The Mechanics' Bank.
 15. The Dominion Bank.
 16. The Merchants' Bank of Halifax.
 17. The Bank of Nova Scotia.
 18. The Bank of Yarmouth.
 19. The Bank of Liverpool.
 20. The Exchange Bank of Canada.
 21. La Banque Ville Marie.
 22. The Standard Bank of Canada.
 23. The Bank of Hamilton.
 24. The Halifax Banking Company.
 25. The Maritime Bank of the Dominion of Canada.
 26. The Federal Bank of Canada.
 27. La Banque d'Hochelega.
 28. The Stadacona Bank.
 29. The Imperial Bank of Canada.
 30. The Pictou Bank.
 31. La Banque de St. Hyacinthe.
 32. The Bank of Ottawa.
 33. The Bank of New Brunswick.
 34. The Exchange Bank of Yarmouth.
 35. The Union Bank of Halifax.
 36. The People's Bank of Halifax.
 37. La Banque de St. Jean.
 38. The Commercial Bank of Windsor.
- 43 V., c. 22, *Schedule B*;—44 V., c. 9;—48-49 V., c. 84, s. 1.

SCHEDULE B.

Return of the liabilities and assets of the
on day of , A.D., 18 .

Capital authorized.....	\$
Capital subscribed.....	\$
Capital paid up.....	\$
Amount of rest or reserve fund.....	\$
Rate per cent. of last dividend de- clared.....	

per cent.

LIABILITIES.

1. Notes in circulation.....\$
2. Dominion Government deposits payable on demand.....
3. Dominion Government deposits payable after notice or on a fixed day.....
4. Deposits held as security for the execution of Dominion Government contracts and for insurance companies
5. Provincial Government deposits payable on demand.....
6. Provincial Government deposits payable after notice or on a fixed day.....
7. Other deposits payable on demand.....
8. Other deposits payable after notice or on a fixed day.....
9. Loans from or deposits made by other banks in Canada, secured...
10. Loans from or deposits made by other banks in Canada, unsecured.....
11. Due to other banks in Canada.....
12. Due to agencies of the bank or to other banks or agencies in foreign countries.....
13. Due to agencies of the bank, or to other banks or agencies in the United Kingdom.....
14. Liabilities not included under foregoing heads.....

 \$

ASSETS.

1. Specie.....\$
2. Dominion notes.....
3. Notes of and cheques on other banks.....
4. Balances due from other banks in Canada.....
5. Balances due from agencies of the bank or from other banks or agencies in foreign countries.....
6. Balances due from agencies of the bank or from other banks or agencies in the United Kingdom.

7. Dominion Government debentures or stocks.....
8. Provincial, British or foreign or colonial public securities other than Canadian.....
9. Loans to the Government of Canada
10. Loans to Provincial Governments....
11. Loans, discounts, or advances for which stock, bonds or debentures of municipal or other corporations, or Dominion, Provincial, British or foreign or colonial public securities other than Canadian, are held as collateral securities
12. Loans, discounts or advances on current account to municipal corporations.....
13. Loans, discounts or advances on current account to other corporations.
14. Loans to or deposits made in other banks, secured
15. Loans to or deposits made in other banks, unsecured.....
16. Other current loans, discounts and advances to the public.....
17. Notes and bills discounted overdue and not specially secured.....
18. Other overdue debts not specially secured.....
19. Notes and bills discounted overdue and other overdue debts secured, by mortgage or other deed, on real estate or by deposit of or lien on stock, or by other securities.....
20. Real estate, the property of the bank (other than the bank premises).....
21. Mortgages on real estate sold by the bank.....
22. Bank premises.....
23. Other assets not included under the foregoing heads.....

§

Aggregate amount of loans to and liabilities, direct or indirect, of directors, and firms or partnerships in which they or any of them have any interest, §

Average amount of specie held during the month, \$
 Average amount of Dominion Notes held during the
 month, \$

I declare that the above return has been prepared under
 my directions and is correct according to the books of the
 bank.

E. F.,
Chief Accountant.

We declare that the foregoing return is made up from the
 books of the bank, and that to the best of our knowledge
 and belief it is correct, and shows truly and clearly the
 financial position of the bank; and we further declare that
 the bank has never, at any time during the period to which
 the said return relates, held less than forty per cent. of its
 cash reserves in Dominion notes.

(Place) this day of

A. B., *President.*

C. D., *General Manager.*

43 V., c. 22, s. 4, *part*;—46 V., c. 20, s. 6.



CHAPTER 121.

An Act respecting Government Savings Banks.

A. D. 1896.

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

INTERPRETATION.

1. In this Act, unless the context otherwise requires,—
- (a.) The expression “the Minister” means the Minister of Finance and Receiver General: Interpretation. “Minister.”
- (b.) The expression “agent” includes Assistant Receiver General. “Agent.” 34 V., c. 6, s. 1, *part.*

ESTABLISHMENT OF SAVINGS BANKS.

2. The Governor in Council may, from time to time, appoint at each of the cities of Toronto, Montreal, Halifax, St. John, N.B., and at any place within the Provinces of British Columbia, Prince Edward Island and Manitoba, and at any place within any Province which shall hereafter form part of Canada, a person who shall be called an Assistant Receiver General; and the Governor in Council may also establish a savings bank at each of the said cities and at any place in each of the said Provinces, and in any Province which shall hereafter form part of Canada,—of which savings banks respectively, the Assistant Receiver General appointed for the city or place where the savings banks are respectively established, shall have the management: Assistant Receivers General may be appointed at certain places. Savings banks may be established at such places.

2. The Governor in Council may also establish, in any other places in the Provinces of Nova Scotia and New Brunswick, branch savings banks, and may appoint persons as agents for the management thereof. 34 V., c. 6, s. 1, *part.* and s. 18, *part.* And at other places.

DEPOSITS AND DUTIES OF OFFICERS.

3. Every agent shall, under regulations from time to time made in that behalf by the Treasury Board, with the approval of the Governor in Council, receive deposits of money on account of the Minister, and shall repay the same with interest to the depositor as hereinafter provided: Deposits may be received.

2. Such of the collectors of customs, in the Province of New Brunswick as are authorized to receive deposits of Deposits with collectors of

Customs in N.B. money as savings, shall continue to receive the same until other savings bank agents are appointed in their stead respectively, and shall be subject to all the provisions of this Act as such agents, and any moneys received by such collectors before the coming into force of this Act shall be dealt with by them as moneys received by them under this Act. 34 V., c. 6, s. 1, *part.*

Inspectors may be appointed.

4. The Governor in Council may also appoint an inspector or inspectors, to inspect, investigate and report upon the business which arises in carrying out the provisions of this Act,—to which inspectors the agents appointed to receive deposits and all other persons who are employed under this Act shall afford all needful facilities for such inspection and investigation; and the duties and powers of such inspectors shall be such as are assigned to them under the regulations made under this Act. 34 V., c. 6, s. 14.

Their duties.

Security to be given.

5. Every agent, officer, clerk and servant employed under this Act, who is intrusted with and has the custody of any moneys or valuable securities, shall, before entering upon the duties of his office or employment, give such security for the faithful discharge of the same, and for the due accounting for all such moneys, as is required of him by the Treasury Board; and shall also take an oath or affirmation before a justice of the peace, faithfully to perform his said duties; which oath or affirmation any justice of the peace is hereby authorized to administer:

And oath taken.

Form of oath.

2. Such oath or affirmation shall be in the form following, or in words to the same effect, that is to say:—

“ I, A. B., of _____ being duly sworn, swear, (or do solemnly affirm) that so long as I am employed in assisting to carry out the provisions of the Act intituled ‘*An Act respecting Government Savings Banks,*’ I will perform faithfully and to the best of my ability the duties that are assigned to me.

“ And I have signed,

“ Sworn (or affirmed) at _____ this
 “ day of _____, 18 _____, before me, A. B.,
 “ *Justice of the Peace for the _____ of _____.* ”

34 V., c. 6, s. 11.

From whom deposits may be received and to whom payments may be made.

6. Every agent appointed to receive deposits may receive deposits from any person, whatever is his status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not; and, from time to time, may pay any or all of the principal thereof and the whole or any part of the interest thereon to such person, without the authority, aid, assistance or intervention of any person or official being required, notwithstanding any law, usage or

custom to the contrary: Provided always, that if the person who makes any such deposit could not, under the laws of the Province where the deposit is made, deposit and withdraw money in and from a bank, in such case the total amount of deposits to be received from such person shall not exceed the sum of five hundred dollars. 34 V., c. 6, s. 7.

Proviso: limit in a certain case.

7. Every depositor, on making his first deposit, shall declare his name, residence and occupation; but the persons employed in the receipt or payment of such deposits shall not disclose the name of any depositor, or the amount deposited or withdrawn, except to the Minister or to such of his officers as are appointed to assist in carrying into operation the provisions of this Act. 34 V., c. 6, s. 3.

Depositor to give his address, &c.

8. Every such deposit received by such agent shall be entered by him, at the time, in a book to be kept by him for that purpose, and, at the same time, shall be entered by him in a pass book to be furnished to the depositor; and the entry in such pass book, attested by the signature or initials of the agent who receives the deposit, or of his deputy or clerk, shall be evidence of the claim of such depositor to the repayment thereof, with interest thereon, upon demand made during office hours by such depositor on such agent or his successor in office, at the office or place where such deposits are payable, subject to the provisions following, that is to say:—

Deposits how made, entered and proved.

(a.) Every agent shall report to the Minister, at such times and in such forms as are prescribed by the regulations under this Act, all deposits received by him;

Report to Minister.

(b.) At such times as are prescribed by the regulations made under this Act, but not at less intervals than the beginning of each calendar month, the officer appointed thereto by the Minister shall send, by mail, to each depositor, to the address given by him, a notice stating the amount deposited by him since the statement of the same kind then last sent to him, if any, and the total amount then at his credit; and the amount mentioned in such notice, and no more, shall be the amount for which the Crown shall be liable, up to the last deposit therein mentioned, unless the depositor, within thirty days after the receipt of such notice, notifies the Minister, in such manner as is prescribed by the regulations then in force, that there is some error and what error, in such notice,—in which case the amount shall be ascertained, and the depositor shall be notified accordingly. 34 V., c. 6, s. 2.

Periodical report, and its effect as to deposit accounts.

9. Every agent shall, at such times as are prescribed by the regulations then in force, pay in to the account of the Minister, at such bank as is prescribed by the Minister, all moneys received on deposit, and he shall pay all moneys which are withdrawn in such manner as by the said regulations is prescribed:

Disposal of deposits and payment of withdrawals.

Detailed account to be furnished to the Minister.

2. Every agent shall also, at such times as are prescribed, transmit to the Minister, in such form as is prescribed by the Minister, a detailed account of the business of his office during the time that has elapsed since the transmission of his next preceding account. 34 V., c. 6, s. 4.

Interest on deposits.

10. The interest payable to the persons making such deposits shall be at such rate, not less than four per centum per annum, as the Governor in Council, from time to time, prescribes; but such interest shall not be calculated on any sum less than one dollar, or on any sum other than a dollar or the multiple of a dollar. 34 V., c. 6, s. 5.

Interest added yearly to capital.

11. On the thirtieth day of June in every year the interest accrued on deposits shall be added to and become part of the principal money. 34 V., c. 6, s. 6.

Officers of Government not bound to see to trusts.

12. No officer of the Government of Canada shall be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any deposit made under the authority of this Act is subject; and the receipt of the person in whose name any such deposit stands, or, if it stands in the name of more than one person, the receipt of any one of such persons shall be a sufficient discharge to all persons concerned for the payment of any money payable in respect of such deposit, notwithstanding any trust to which such deposit is then subject, and whether or not the agent sought to be charged with such trust, and with whom the deposit was made, or his successor, had notice thereof; and no Agent or any other officer of the Government shall be bound to see to the application of the money paid upon such receipt. 34 V., c. 6, s. 8.

Certain payments valid.

13. Every payment made in good faith to any person who appears *prima facie*, by the production of a declaration in writing and documents in support thereof, made under the provisions of this Act, to be entitled to any deposit or interest, shall be valid and shall discharge the Crown and the agent with whom the deposit has been made, and his successors and all who might otherwise be liable, from all or any further claim by any person whomsoever for such deposit or interest. 34 V., c. 6, s. 9.

Deposits to form part of Con. Rev. Fund, &c.

14. All moneys deposited under this Act shall form part of the Consolidated Revenue Fund of Canada, and all moneys and interest paid to depositors, and all expenses incurred in maintaining the savings banks established under this Act, shall be paid out of the Consolidated Revenue Fund of Canada. 34 V., c. 6, s. 22, *part*.

REGULATIONS.

Governor in Council may make regula-

15. The Governor in Council may make regulations for prescribing the mode of keeping, examining, inspecting,

checking and reporting on the accounts of depositors, and of withdrawing deposits and interest, and the issuing of deposit certificates, and also respecting the payment or transmission thereof in case of infancy, death, bankruptcy, marriage or other change in the circumstances of any depositor, and for prescribing how and in what manner any such payment or transmission shall be made, and what declaration, documents or other evidence shall be necessary and sufficient in proof of the same, and also respecting the duties and powers of inspectors appointed under this Act, and all other matters which the Governor in Council deems incidental to the carrying of this Act into effect :

2. All regulations so made shall be binding on the persons interested in the subject matter thereof, to the same extent and as fully, to all intents and purposes, as if such regulations formed part of this Act ; and such regulations, and all amendments thereof, shall be published in such way as the Governor in Council directs, and any copy of such regulations published as aforesaid shall be evidence thereof :

3. Copies of all such regulations shall be laid before both Houses of Parliament, by the Minister, within fourteen days after the commencement of the session held next following the making of such regulations. 34 V., c. 6, s. 10.

RETURNS.

16. As soon as possible after the end of each month, the Minister shall prepare and insert in the *Canada Gazette* a statement of all moneys received or deposited and withdrawn during the preceding month, and of the total amount on deposit at the end of the preceding month, and the rate of interest payable on the same. 34 V., c. 6, s. 23.

17. An account of the expenses incurred, of the amount of deposits received and paid, and of the total amount due at the close of the financial year, to all depositors, under this Act, shall be laid before both Houses of Parliament by the Minister, within ten days after the commencement of the next following session thereof. 34 V., c. 6, s. 22, *part*.

INCREASE OF PUBLIC DEBT.

18. If, at the end of any month, by reason of the amount of deposits in the savings banks established under this Act, and in the Post Office Savings Bank, and the issue and sale of the five per cent. Dominion Stock and any other public security, the issue and sale of which is authorized by " *The Consolidated Revenue and Audit Act*," or by any of the said causes, the amount of the public debt authorized by Parliament is exceeded, the Minister shall report such excess to the Treasury Board, who shall thereupon direct him to purchase, to the extent of such excess, debentures of the Dominion of Canada already issued, or debentures of the late

Province of Canada, or of either of the Provinces of Nova Scotia or New Brunswick, issued before the first day of July, one thousand eight hundred and sixty-seven, and such debentures shall then be cancelled, or may be held in reserve until there is authority to reissue them. 34 V., c. 6, s. 21.

OFFENCES AND PENALTIES.

Punishment of agents, &c., committing certain offences.

19. Every agent appointed to receive deposits, as aforesaid, and every officer, clerk or servant employed under the provisions of this Act, who defaces, alters, erases or, in any manner or way whatsoever, changes the effect of the books of account that are kept under the provisions of this Act, or any entry in the said books of account, for any fraudulent purpose,—and every such agent, officer, clerk or servant who secretes, appropriates or embezzles any bond, obligation, bill or note, or any security for money, or any moneys or effects intrusted to him or in his custody or to which he has obtained access, as such agent, officer, clerk or servant, to whomsoever the said property belongs, is guilty of felony and liable to imprisonment for life. 34 V., c. 6, s. 12, *part.*

Punishment of persons falsely pretending to be owners of deposits.

20. Every person who, with intent to defraud, falsely pretends to be the owner of any deposit made under this Act, or of the interest upon such deposit, or of any part of such deposit or interest, and who is not such owner, and who demands or claims from the agent with whom such deposit has been made, or from any other person employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any such deposit or interest, or any part thereof, is guilty of a misdemeanor and shall be punishable accordingly. 34 V., c. 6, s. 13, *part.*

As to certain deposits in N.S. and N.B.

21. The capital represented by deposits in the savings banks in Nova Scotia and New Brunswick, in deposit accounts as to which there have been no deposits or withdrawals since the first day of July, one thousand eight hundred and sixty-seven, shall not be charged against those Provinces respectively as part of the debt with which they entered the Union, but all such accounts shall be transferred to a suspense ledger, and if any deposit or withdrawal is made in any such account, it shall be removed from the suspense ledger, and the capital represented by such account and the interest accrued since the first day of July, one thousand eight hundred and sixty-seven, shall be charged against Nova Scotia or New Brunswick, as the case may be. 24 V., c. 6, s. 17.



CHAPTER 122.

An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec. A. D. 1886.

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

1. In this Act, unless the context otherwise requires, the expression "the bank" means any savings bank to which this Act applies. Interpretation.
"The bank."

CHARTERS CONTINUED.

2. The charters of the several savings banks to which charters were granted by the Governor General in accordance with the Act passed by the Parliament of Canada in the thirty-fourth year of Her Majesty's reign, chapter seven,—to all of which this Act applies,—are hereby continued and shall remain in force until the first day of July in the year one thousand eight hundred and ninety-one, except in so far as they or any of them are or become forfeited or void under the terms thereof, or of this Act, or of any other Acts heretofore or hereafter passed relating to the said savings banks, by non-performance of the conditions of such charters respectively, or by insolvency or otherwise. 44 V., c. 8, ss. 1 and 5. Charters continued subject to certain conditions.

INTERNAL REGULATIONS.

3. Public notice shall be given by the directors of the bank of the holding of annual or other meetings, by publishing the same for at least four weeks in a newspaper at the place where the head office of the bank is situate; and if such head office is in the Province of Quebec, such notice shall be given both in the English and French languages. 44 V., c. 8, s. 3. Notice of meetings.

4. The qualification of a director shall be the holding of twenty-five shares of stock; and the directors shall be elected annually at a general meeting of the shareholders, and shall be eligible for re-election: Qualification and election of directors.

2. Each shareholder shall, on every occasion on which the votes of the shareholders are taken, have one vote for each share held by him for at least three months before the time of voting: Votes on shares.

Proxy. 3. Shareholders may vote by proxy,—but no person but a shareholder shall vote or act as such proxy :

Officer not to vote. 4. No cashier, bank clerk or other officer of the bank shall vote either in person or by proxy, or hold a proxy for that purpose :

Director becoming insolvent, &c. 5. Every director of the bank who becomes openly and notoriously insolvent, or assigns his estate and effects for the benefit of his creditors, or absents himself, without the consent of the board, for twelve consecutive months from the meetings of the directors, or is convicted of any felony, shall thereupon, *ipso facto*, cease to be a director, and the vacancy so created shall forthwith be filled up in the manner provided by the charter. 34 V., c. 7, ss. 7 and 27.

Failure to elect directors, how remedied. 5. No failure to elect directors of the bank shall operate any dissolution of the corporation ; but in case of such failure to elect, the required election shall be made as soon thereafter as possible, at a special meeting of the shareholders,—which the directors are hereby authorized to call for that purpose ; and until such subsequent election takes place, the official acts of the directors holding office shall be valid. 34 V., c. 7, s. 26.

CALLS.

Calls on stock. 6. The directors may call up the stock subscribed for and remaining unpaid, by calls not exceeding five per cent., made at intervals of not less than three months, whenever it is, in their opinion, necessary or expedient to make such calls ; and all stock when paid up shall be invested in the manner hereinafter provided as to the investment of moneys deposited with the bank : Provided, that the limitation of the amount of any call, or of the intervals at which calls may be made, shall not apply to the case of deficiency of the funds of the bank to meet the claims of depositors and other liabilities hereinafter provided for. 34 V., c. 7, s. 9 ;—36 V., c. 72, s. 1, *part*.

Recovery of calls by action and proof in such case. 7. The amount of every such call, if not paid when due, may be recovered with interest by the directors, in the name of the bank, in any court having jurisdiction to the amount ; and in any action for the recovery thereof, it shall be sufficient to allege and prove the charter, and that the calls were made under this Act, and that the defendant is the holder of a share or shares in respect of which the amount is due, without alleging or proving any other matter or thing whatsoever ; and the evidence of any officer of the bank, cognizant of any fact required to be proved, shall be sufficient proof thereof ; and any copy of the charter, purporting to be certified as a true copy thereof by the Secretary of State of Canada, shall be deemed authentic and shall be *primâ facie* evidence of the charter and of the contents thereof. 34 V., c. 7, s. 10.

LIABILITY OF SHAREHOLDERS.

8. The shareholders of the bank shall, in the event of its funds in money and assets immediately convertible into money becoming insufficient to satisfy its debts and liabilities, be liable for the deficiency, so far as that each shareholder shall be liable to an amount equal to the amount, if any, not paid up, of his shares, and no more; and the directors may and shall make calls on the stock not paid up to the full amount not paid up, or to such less amount as they deem necessary to pay all such claims and other liabilities, without waiting for the collection of any debts due to the bank, or the sale of any of its assets or property :

Liability of shareholders in case of deficiency of assets.

Calls in such case.

2. Such calls shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which the call is payable :

Intervals and notice.

3. No such call shall exceed twenty per cent. on each share, and payment thereof may be enforced in the manner hereinbefore provided as to calls on unpaid-up stock :

Amount and enforcement.

4. The first of such calls shall be made within ten days after such deficiency is ascertained :

First call.

5. Failure, on the part of any shareholder liable to such call, to pay the same when due, shall operate a forfeiture by such shareholder of all claim in or to any part of the assets of the bank; but such call and any further call thereafter shall nevertheless be recoverable from him as if no such forfeiture had been incurred :

Effect of failure to pay.

6. Every director who refuses to make or enforce, or to concur in making or enforcing any call under this section, is guilty of a misdemeanor and shall be personally responsible for any damages suffered by reason of such default: and every liquidator or other officer or person appointed to wind up the affairs of the bank, in case of its insolvency, shall have the powers of the directors with respect to such calls. 34 V., c. 7, s. 11 and s. 12, *part.*

Liability of director failing to make such call.

9. Persons who, having been shareholders in the bank, have only transferred their shares or any of them to others or registered the transfer thereof, within one month before the commencement of the failure of the bank to meet the claims of its depositors on demand, shall be liable to calls on such shares under the next preceding section, as if they had not transferred them, saving their recourse against those to whom they were transferred. 34 V., c. 7, s. 12, *part.*

Liability after transfer in a certain case.

DIVIDENDS.

10. The directors of the bank shall make half-yearly dividends of so much of the profits of the bank as to the majority of them seems advisable, and as is not inconsistent with the provisions of this Act, and they shall give public notice of the payment of such dividends at least thirty days previously, in the manner herein provided, as to notices of meetings. 44 V., c. 8, s. 4.

Dividends and notice thereof.

TRANSFER OF SHARES AND DEPOSITS.

Transfer of shares.

11. The shares in the bank shall be personal property and shall be transferable in the manner provided by the by-laws and regulations made as prescribed by the charter; and the transferee shall have the rights and shall be subject to the liabilities of the original holder :

Joint holders of shares.

2. No share shall be divided,—and if any share is held by several persons jointly, one of them shall be appointed by letter of attorney by the others to vote thereon, to receive dividends and to do all things that require to be done in respect thereof; and such letter of attorney shall be lodged with the bank. 34 V., c. 7, s. 13.

Transmission of shares or deposits otherwise than by transfer.

12. If the interest in any deposit or share in the bank becomes transmitted in consequence of the death or insolvency of any depositor or shareholder, or in consequence of the marriage of a female depositor or shareholder, or by any other lawful means than by a transfer upon the books of the bank, or by deed served upon the bank, such transmission shall be authenticated by a declaration in writing,—which declaration shall distinctly state the manner in which and the person to whom such deposit or share has been transmitted, and shall be, by such person, made and signed; and every such declaration shall be, by the person making and signing the same, sworn to before a judge or justice of a court of record or chief magistrate of a city, town, borough or other place, or before a notary public, where the same is made and signed; and every such declaration, so signed and sworn to, shall be left with the manager or other officer or agent of the bank, who shall thereupon enter the name of the person, so entitled to such deposit or share under such transmission, as proprietor thereof, in the books of the bank; and until such transmission is so authenticated, no person claiming by virtue of any such transmission, shall be entitled to receive such deposit or share, or any part thereof, or any interest or dividend thereon :

Declaration in such case.

How authenticated elsewhere than in a British possession.

2. Every such declaration and instrument as by this and the next following section of this Act are required to perfect the transmission of a deposit or share in the bank, made in any other country than Canada or some other of the British colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British consul or vice-consul, or other accredited representative of the British Government in the country where the declaration is made, or shall be made directly before such British consul or vice-consul or other accredited representative :

Further evidence may be required.

3. Nothing in this Act contained shall prevent the directors, manager or other officer or agent of the bank from requiring corroborative evidence of any facts alleged in any such declaration :

4. If payment is made to any depositor of any deposit or of any interest thereon, or of any dividend on any share, after transmission thereof by any of the means mentioned in this section, but before such declaration is made and authenticated as aforesaid, such payment shall be valid and shall discharge the bank. 34 V., c. 7, s. 28.

Payment to discharge the bank.

13. If the transmission of any deposit or share is by virtue of the marriage of a female depositor, the declaration shall be accompanied by a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such deposit or share; and if the transmission has taken place by virtue of any testamentary instrument or by intestacy, or by the vacancy of the estate of a deceased depositor or shareholder, the probate of the will, or, if it is notarial, an authentic copy thereof, or the letters of administration or act of tutorship, or curatorship, or authentic certificates of birth, as the case may be, shall, together with such declaration, be produced and left with the manager or other officer or agent of the bank, who shall thereupon enter the name of the person entitled under such transmission in the books of the bank. 34 V., c. 7, s. 29.

Transmission by marriage.

By testamentary instrument.

DEPOSITS AND LOANS.

14. The bank may receive deposits of money for the benefit of persons depositing the same, and may invest the same as hereinafter provided, and may accumulate the revenues and profits derived from the investment of so much thereof as is not required to meet ordinary demands by the depositors and, out of such accumulation, may allow and pay to the depositors thereof such rate of interest on such deposits as is, from time to time, fixed by the Governor in Council, not being more than five per cent. per annum. 34 V., c. 7, s. 14;—44 V., c. 8, s. 2.

Bank may receive deposits and pay interest.

15. Every depositor, on making his first deposit in the bank, shall disclose and declare his name, residence, quality and occupation. 34 V., c. 7, s. 15.

Depositor to give name and address.

16. The bank may receive deposits from any person, whatever is his status or condition of life, and whether such person is qualified by law to enter into ordinary contracts or not; and the bank may pay the principal or any part thereof, and the whole or any part of the interest thereon, to such person, without the authority, aid, assistance or intervention of any person or official being required: Provided always, that if the person making any deposit in the bank is not, by the laws of the Province where the bank is established, authorized so to do, the total amount of deposits made by such person shall not exceed the sum of two thousand dollars. 34 V., c. 7, s. 16.

Deposits by minors, &c.

Proviso.

Certain payments in good faith valid.

17. Any payment of interest or dividend, or of the whole or any part of any deposit, made in good faith to any person who appears *prima facie* to be entitled to such interest, dividend or deposit, by the production of a declaration in writing and of the documents herein mentioned in support thereof, shall be valid; and the discharge of such person shall be sufficient, and shall discharge the bank from all or any further claim by any person for such interest, dividend or deposit. 34 V., c. 7, s. 31.

Amount to be invested in Dominion securities, &c.

18. The bank shall always hold at least twenty per cent. of the moneys deposited with it in Dominion securities, or deposits in chartered banks, on call. 36 V., c. 72, s. 1, *part*.

Investment of deposits.

19. The bank may, subject to the provisions in the next preceding section contained, invest any moneys deposited therewith in any stock or public securities of Canada, or of any of the Provinces of Canada, or in any municipal debentures, or in the manner provided in the two sections next following, and not otherwise; but the bank may continue to hold any stock of any now existing chartered bank, held by it before it received its charter, and may sell and dispose of such stock. 34 V., c. 7, s. 17;—36 V., c. 72, s. 1, *part*.

Loans on certain securities.

20. The bank may also loan such moneys, upon the personal security of individuals, or to any corporate bodies, if collateral securities of the nature mentioned in the next preceding section, or British or foreign public securities, or stock of some chartered bank in Canada, or stock in any incorporated building society, or bonds or debentures, or stock of any incorporated institution or company, are taken in addition to such personal or corporate security, with authority to sell such securities if the loan is not paid. 34 V., c. 7, s. 18, *part*;—36 V., c. 72, s. 1, *part*.

No loans on real property.

21. The bank shall not make any loan, directly or indirectly, upon the security of real property, or with any reference to the security of real property; but nothing herein contained shall prevent the bank from taking security upon real property in addition to such collateral securities, subsequently to the making of the loan and subsidiary to the security originally taken therefor. 34 V., c. 7, s. 18, *part*.

Enforcement of payment of loans made on collateral security.

22. If the bank makes any loan under the two sections next preceding, upon personal securities with collateral security, other than real property, for the repayment thereof, and if the repayment is not made within thirty days after such loan becomes due or payable, the bank may sell the collateral security, after notice to the borrower or person depositing such collateral security, by addressing and mailing, to his last known place of residence, a letter containing such notice:

2. Such sale may be so made, whatever is the nature of such collateral securities, whether consisting of stocks, bonds, debentures or negotiable paper; and the president or vice-president, manager, cashier or other officer of the bank, thereunto authorized by the directors, may transfer and convey any security so sold to the purchaser, in whom the property in such security shall become vested by such conveyance or transfer, but without any warranty from the bank, or from any officer thereof:

Further provision in case of non-payment.

3. The bank shall only be bound to account to the person indebted to it in the amount of such loan, for the actual net proceeds of the sale of such collateral securities, after deduction of all costs and charges thereon:

How far bank shall be accountable.

4. Nothing herein contained shall prevent the bank from collecting or realizing such debt, or any balance due thereon, out of such collateral securities, in any way which has been agreed on with the borrower depositing the same, or in any other lawful way that the directors deem for the interest of the bank. 34 V., c. 7, s. 19.

Other recourse not affected.

23. The bank may purchase any lands or real property offered for sale under execution at the suit of the bank, or exposed to sale by the bank under a power of sale given to it for that purpose, in cases in which, under similar circumstances, an individual could so purchase, without any restriction as to the value of the lands which it may so purchase, and may acquire a title thereto as any individual purchasing at sheriff's sale or under a power of sale, in like circumstances, could do, and may take, have, hold and dispose of the same at pleasure. 34 V., c. 7, s. 20.

Purchase of property mortgaged to the bank.

24. The bank may acquire and hold an absolute title in or to land mortgaged to it as security for a debt due or owing to it, either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption can, by law, be barred, or may purchase and acquire any prior mortgage or charge on such land. 34 V., c. 7, s. 21.

Absolute title may be acquired.

25. Nothing in any Act or law shall be construed as having prevented or as preventing the bank from acquiring and holding an absolute title to and in any such mortgaged lands, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged. 34 V., c. 7, s. 22.

As to power of sale, &c.

26. Nothing herein contained shall prevent the bank from depositing money in any of the chartered banks carrying on the general business of banking in the same place as the bank; and such money shall be so deposited on call, and shall

Deposits on call in chartered banks.

be subject to withdrawal at any time without notice, and either with or without interest. 34 V., c. 7, s. 24.

GENERAL PROVISIONS.

27. The directors of the bank shall continue to distribute to charitable institutions yearly, as heretofore, the interest accruing on the amounts invested for that purpose :

2. The principal of the Poor fund of the City and District Savings Bank of Montreal, which has been ascertained and settled at one hundred and eighty thousand dollars, shall continue invested and shall be held by the said bank in debentures of the cities of Toronto, Ottawa, Kingston, St. Catharines and Hull, and of the town of Bowmanville,—with power to change the investment of the same or of any part thereof, from time to time, with the approval and permission of the Treasury Board, but not otherwise :

3. The principal of the Charity fund of *La Caisse d'Economie de Notre Dame de Quebec*, which has been ascertained and settled at eighty-three thousand dollars, shall continue invested and shall be held by the said bank in debentures of the city of Quebec,—with power to change the investment of the same or of any part thereof, from time to time, with the approval and permission of the Treasury Board, but not otherwise. 34 V., c. 7, s. 25, *part* ;—36 V., c. 72, ss. 3 and 4.

28. The bank shall not issue any bank note, or note intended to circulate as money or as a substitute for money, or be deemed a bank within the meaning of "*The Bank Act.*" 34 V., c. 7, s. 35.

29. The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any deposit or share therein is subject; and the receipt of the person in whose name any such deposit or share stands in the books of the bank, or if it stands in the name of more persons than one, the receipt of one of the persons shall be a sufficient discharge to the bank for such deposit or share, interest or dividend thereon, or for any other sum of money payable in respect of such deposit or share, unless express notice to the contrary has been given to the bank, or such deposit is made upon express conditions as to the person or persons to whom such deposit shall be paid,—in which case such deposit shall be governed by such conditions, notwithstanding any trust to which such deposit is then subject, and whether or not the bank has had notice of such trust; and the bank shall not be bound to see to the application of the money paid on such receipt, whether given by one of such persons or by all of them. 34 V., c. 7, s. 30.

RETURNS.

30. Monthly returns shall be made, by the bank, to the Minister of Finance and Receiver General, and shall be made up within the first ten days of each month, and shall exhibit the condition of the bank on the last juridical day of the month next preceding; and such monthly returns shall be signed by the president or vice-president, or the director then acting as president, and by the manager, cashier or other principal officer of the bank at its chief place of business, and shall be published in the *Canada Gazette*; and such monthly returns shall be in the form in the schedule to this Act, and shall be instead of any periodical returns if any, required by the charter of the bank, except the certified lists of shareholders. 36 V., c. 72, s. 2, *part.*

Monthly returns to be made to the Minister of Finance.

31. The bank shall furnish, annually, to the Minister of Finance and Receiver General, to be laid before Parliament within fifteen days after the opening of each session, certified lists of the shareholders, with their additions and residences, and the number of shares they respectively hold and the amounts paid up thereon. 44 V., c. 8, s. 6.

Annual lists of shareholders for Parliament.

OFFENCES AND PENALTIES.

32. Every officer, clerk or servant who is employed under the provisions of this Act, and who defaces, alters, erases, or in any manner or way whatsoever, changes the effect of the books of account kept under the provisions of this Act, or any entry in the said books of account, for any fraudulent purpose,—and every such officer, clerk or servant who secretes, appropriates or embezzles any bond, obligation, bill or note, or any security for money, or any money or effects intrusted to him, or in his custody, or to which he has obtained access as such agent, officer, clerk or servant, to whomsoever the said property belongs, is guilty of felony, and, on conviction thereof, shall be liable to imprisonment for life: Provided always, that nothing herein contained, nor the conviction or punishment of the offender, shall prevent, lessen or impair any remedy which Her Majesty, or the Minister of Finance and Receiver General, or any other person, would otherwise have against any other person whatsoever. 34 V., c. 7, s. 32.

Punishment of officers committing certain offences.

Proviso.

33. Every person who, with intent to defraud, falsely pretends to be the owner of any deposit made under this Act, or of the interest upon such deposit, and who is not such owner, and who demands or claims from the bank with which such deposit has been made, or from any person employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, is guilty of a misdemeanor, and shall be punishable accordingly. 34 V., c. 7, s. 33, *part.*

Punishment for falsely pretending to own deposits.

And for making false statement in any account, &c.

34. The making of any wilfully false or deceptive statement in any account, return, report or other document respecting the affairs of the bank is, unless it amounts to a higher offence, a misdemeanor; and every one who is a president, vice-president, director, auditor, cashier, or other officer of the bank, and who prepares, signs, approves or concurs in such statement, return, report or document, or uses the same with intent to deceive or mislead any person, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such person in consequence thereof. 34 V., c. 7, s. 34.

SCHEDULE.

RETURN of the amount of liabilities and assets of the (*name of the bank*) on the _____ day of _____ 18__ .

CAPITAL STOCK, \$ _____ . CAPITAL PAID UP, \$ _____ .

LIABILITIES.

- | | | |
|---|----|------|
| | \$ | cts. |
| 1. Dominion Government deposits, payable on demand | | |
| 2. Provincial Government deposits, payable on demand | | |
| 3. Other deposits, payable on demand | | |
| 4. Dominion Government deposits, payable after notice or on a fixed day | | |
| 5. Provincial Government deposits, payable after notice or on a fixed day | | |
| 6. Other deposits, payable after notice or on a fixed day | | |
| 7. Special Poor Fund or Charity Fund Trust..... | | |
| 8. Liabilities not included under the foregoing heads | | |

ASSETS.

1. Dominion securities.
2. Provincial or municipal securities.....
3. Loans for which Dominion or Provincial securities are held as collateral security.....
4. Loans for which bank stocks are held as collateral security
5. Loans for which other stocks, bonds or debentures, as authorized by law, are held as collateral security
6. Cash in hand or in deposit on call in chartered banks.....
7. Special Poor Fund or Charity Fund investments.....

- | | | |
|---|----|------|
| | \$ | cts. |
| 8. Investments in bank stock made previous to
the incorporation of the bank..... | | |
| 9. Other assets, not included under the foregoing
heads..... | | |

We declare that the foregoing return is made up from the books of the bank, and that it is correct, to the best of our knowledge and belief.

(Place) this day of 18 .

A. B., *President, &c.*
C. D., *Cas*

36 V., c. 72, s. 2, *part.*

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CHAPTER 123.

An Act respecting Bills of Exchange and Promissory Notes. A. D. 1886.

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

1. Every bill of exchange or promissory note which is made payable at a month, or months, from and after the date thereof, shall become due and payable on the same numbered day of the month in which it is made payable as the day on which it is dated,—unless there is no such day in the month in which it is made payable, in which case it shall become due and payable on the last day of that month,—with the addition, in all cases, of the days of grace allowed by law. 35 V., c. 10, s. 1.

On what days bills and notes shall mature.

2. Whenever the last day of grace, in respect of the payment of a bill of exchange or a promissory note, falls on a legal holiday or non-juridical day in the Province where any such bill or note is payable, then the day next following not being a legal holiday or non-juridical day in such Province shall be the last day of grace as to such bill or note. 35 V., c. 8, s. 8, *part* ;—42 V., c. 47, s. 4.

When last day of grace is a non-juridical day.

3. In all matters relating to bills of exchange and promissory notes, the following and no other shall be observed as legal holidays or non-juridical days, that is to say :—

Non-juridical days.

(a.) In all the Provinces of Canada, except the Province of Quebec—

Elsewhere than in Quebec.

Sundays ;
New Year's Day ;
Good Friday ;
Easter Monday ;
Christmas Day ;

The birthday (or the day fixed by proclamation for the celebration of the birthday) of the reigning Sovereign ;

The first day of July (Dominion Day), and if that day is a Sunday, then the second day of July as the same holiday ;

Any day appointed by proclamation for a public holiday, or for a general fast, or a general thanksgiving throughout

Canada ; and the day next following New Year's Day and Christmas Day, when those days respectively fall on Sunday ;

In Quebec.

(b.) And in the Province of Quebec the said days, and also—
The Epiphany ;
The Annunciation ;
The Ascension ;
Corpus Christi ;
St. Peter and St. Paul's Day ;
All Saints' Day ;
Conception Day ;

Days fixed by proclamation.

(c.) And also, in any one of the Provinces of Canada, any day appointed by proclamation of the Lieutenant Governor of such Province, for a public holiday, or for a fast or thanksgiving within the same. 35 V., c. 8, s. 8, *part* ;—42 V., c. 47, s. 3 ;—46 V., c. 20, s. 11.

Acceptance to be in writing on the bill.

4. No acceptance of any bill of exchange shall be sufficient to bind or charge any person, unless such acceptance is in writing on the bill, or if there is more than one part of such bill, then on one of the said parts. C. S. U. C., c. 42, s. 7 ;—C. S. L. C., c. 64, s. 5 ;—28 V. (N. S.), c. 10, s. 5 ;—R. S. N. B., c. 116, s. 4 ;—27 V. (P. E. I.), c. 6, s. 2.

What notice of protest or dishonor shall be sufficient.

5. Notice of the protest or dishonor of any bill of exchange or promissory note payable in Canada shall be sufficiently given, if it is addressed, in due time, to any party to such bill or note entitled to such notice, at the place at which such bill or note is dated, unless any such party has, under his signature, on such bill or note, designated another place, —and in such latter case such notice shall be sufficiently given if addressed to him, in due time, at such other place ; and such notices so addressed shall be sufficient, although the place of residence of such party is other than either of such before mentioned places. 37 V., c. 47, s. 1.

Damages on bills payable in Canada or Newfoundland.

6. No damages shall be recoverable in any action, suit or proceeding, brought in any Province of Canada, upon any bill of exchange drawn upon any person at any place in Canada or in the Island of Newfoundland, against any party thereto, except for the amount for which such bill of exchange is drawn, and for such further amounts as arise from the noting and protest of such bill of exchange, and interest thereon, and exchange and re-exchange thereon :

And on bills payable elsewhere.

2. No damages shall be recoverable in any action, suit or proceeding, brought in any Province of Canada upon any bill of exchange drawn upon any person at any place not being in Canada or in the Island of Newfoundland against any party thereto, except for the amount for which such bill of exchange is drawn, and for two and one half per cent. thereon, and for such further amounts as arise from the noting and protest of such bill of exchange, and interest

thereon, and exchange and re-exchange thereon. 38 V., c. 19, ss. 1 and 2.

7. All bills of exchange and promissory notes drawn or made at any place in the Province of Nova Scotia, for the sum of forty dollars and upwards, upon or in favor 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 dishonor, and also of service of notice of such presentation and dishonor as stated in such protest; for which protest there shall be charged a notarial fee of fifty cents for protest and twenty-five cents for each notice. 42 V., c. 46, s. 1.

Protest of non-accepted or unpaid bills or notes in Nova Scotia.

8. All bills of exchange and promissory notes payable at any place in the Province of Prince Edward Island, for the sum of forty dollars and upwards, may, on default of the acceptance or payment thereof, be protested by a notary public; and such protest shall, in any action on such bill or note, be *prima facie* evidence of presentation and dishonor, and also of service of notice of such presentation and dishonor, as stated in such protest; for which protest there shall be charged a notarial fee of fifty cents for protest and twenty-five cents for each notice. 46 V., c. 22, s. 2.

And in Prince Edward Island.

9. In the Province of Prince Edward Island, if any person accepts a bill of exchange, payable at the office or place of business of any bank or other place, without further expression in his acceptance, such acceptance shall be deemed and taken to be, to all intents and purposes, a general acceptance of such bill; but if the acceptor, in his acceptance, expresses that he accepts the bill payable at the office or place of business of any bank, or other place only, and not otherwise or elsewhere, such acceptance shall be deemed, and taken to be, to all intents and purposes, a qualified acceptance of such bill; and the acceptor shall not be liable to pay the said bill, unless payment has been first duly demanded at such office or place of business in such bank or other place. 27 V. (P. E. I.), c. 6, s. 1.

General acceptance of a bill in P.E.I.

Qualified acceptance.

10. When any promissory note or bill of exchange is payable at any place out of the Province of New Brunswick, whether the same is drawn in or out of the said Province, a notarial protest of the presentment and dishonor of such promissory note or bill of exchange shall be received in all courts in the said Province as evidence of the fact of presentment and dishonor stated in such protest, in like manner as in case of a protest of non-payment of a foreign bill of exchange. 22 V. (N.B.), c. 22, s. 4.

Notarial protest of note or bill evidence in N.B.

11. No clerk, teller or agent of any bank shall act as a notary in the protesting of any bill or promissory note, pay-

No officer of a bank to act as notary.

able at the bank, or at any of the agencies of the bank, in which he is employed. C. S. C., c. 57, s. 3.

Bill given for a patent right to have certain words on its face.

12. Every bill of exchange or promissory note, the consideration of which consists, in whole or in part, of the purchase money of a patent right, or of a partial interest, limited geographically or otherwise, in a patent right, shall have written or printed prominently and legibly across the face thereof, before the same is issued, the words "given for a patent right." 47 V., c. 38, s. 1.

Transferee to take instrument subject to right of defence.

13. The indorsee or other transferee of any such instrument having the words aforesaid so printed or written thereon, shall take the same subject to any defence or set-off in respect of the whole or any part thereof, which would have existed between the original parties. 47 V., c. 38, s. 2.

Penalty for uttering such instrument not so marked.

14. Every one who issues, sells or transfers, by indorsement or delivery, any such instrument not having the words "given for a patent right" printed or written in manner aforesaid across the face thereof, knowing the consideration of such instrument to have consisted, in whole or in part, of the purchase money of a patent right, or of a partial interest, limited geographically or otherwise, in a patent right, is guilty of a misdemeanor, and liable to imprisonment for any term not exceeding one year, or to such fine, not exceeding two hundred dollars, as the court thinks fit. 47 V., c. 38, s. 3.

Provisions applicable to Ontario.

15. Sections sixteen to twenty-six, both inclusive, apply to the Province of Ontario only.

General acceptance and promise.

16. If any person accepts a bill of exchange, payable at a bank, or at any other particular place, without further expression in his acceptance, or makes a promissory note payable at a bank, or at any particular place, without further expression in that respect, such acceptance and such promise shall be deemed and taken to be a general acceptance and a general promise respectively:

Qualified acceptance and promise.

2. If the acceptor expresses, in his acceptance, that he accepts the bill payable at a bank, or at any other particular place only and not otherwise or elsewhere, or if the maker of a promissory note expresses in the body of the note that he promises to pay at a bank, or at any other particular place only and not otherwise or elsewhere, then such acceptance or promise shall be deemed and taken to be a qualified acceptance or promise, and the acceptor or maker shall not be liable to pay the bill or note, unless payment has been first duly demanded at such bank or other place. C. S. U. C., c. 42, ss. 5 and 6.

Bill or note not void for usury in certain cases.

17. No bill of exchange or promissory note, although given for a usurious consideration, or upon a usurious contract, shall be void in the hands of an indorsee (or if a note trans-

ferable by delivery, in the hands of a person who acquired the same as bearer), for valuable consideration, unless such indorsee or bearer had, at the time of discounting or paying such consideration for the same, actual knowledge that such bill of exchange or promissory note was originally given for a usurious consideration or upon a usurious contract. C. S. U. C., c. 42, s. 8.

18. No bill of exchange shall be presented for acceptance on any non-judicial day. C. S. U. C., c. 42, s. 19. No present-ment on non-judicial days.

19. If any promissory note payable only at some place in the United States of America, or in some one of the Provinces, Territories or Districts of Canada other than the Provinces of Ontario and Quebec, or in the Island of Newfoundland, and not otherwise or elsewhere, is made or negotiated within the Province of Ontario, and is protested for non-payment, the holder shall, in addition to the principal sum mentioned in the note, recover damages at the rate of four per cent. upon such principal sum, and also interest thereon at the rate of six per centum per annum, to be reckoned from the day of the date of the protest, and such aggregate amount, together with the expenses of protesting the note, and all charges and postages incurred thereon, shall be paid to the holder at the current rate of exchange of the day when the protest is produced and repayment demanded, that is to say: the holder of any such note, returned under protest, may demand and recover from the maker or indorsers thereof so much current money of Canada as shall then be equal to the purchase of a bill of exchange of the like amount drawn on the same place at the same date or sight, together with the damages and interest above mentioned, and also the expense of protesting the note, and all charges and postages incurred thereon. C. S. U. C., c. 42, s. 11. Damages and interest allowed in certain cases upon dishonored notes.

20. When the holder of a protested bill or note, returned for non-payment, notifies the drawer, maker or indorser of the dishonor thereof, in person, or delivers notice thereof, in writing, to an adult person at his or their counting house or dwelling house, and they disagree about the then rate of exchange for commercial bills, the holder and the drawer, maker or indorser so notified, or any of them, may apply to the president or, in his absence, to the secretary of any board of trade or chamber of commerce in the city or town, in which the holder of such protested bill or note, or his agent, resides, or in the city or town nearest to the residence of such holder or agent, in which there is a board of trade or chamber of commerce, and obtain from such president or secretary a certificate in writing under his hand, stating the said rate of exchange; and the rate stated in such certificate shall be final and conclusive as to the then rate of exchange, and shall regulate the sum to be paid accordingly. C. S. U. C., c. 42, s. 12. How rate of exchange shall be ascertained.

Inland bills and notes to bear interest.

21. Every bill, draft and order drawn by any person in the Province of Ontario on any person in either of the Provinces of Ontario or Quebec, and every promissory note made or negotiated in the Province of Ontario, if protested for non-payment, shall be subject to interest from the date of the protest, or if interest is therein expressed as payable from a particular period, then from such period to the time of payment; and in case of protest, the expense of noting and protesting, and the postages thereby incurred, shall be allowed and paid to the holder, over and above the said interest. C. S. U. C., c. 42, s. 13.

Protest may be made on day of dishonor.

22. Every protest of inland or foreign bills of exchange or promissory notes, for dishonor, either by non-acceptance or non-payment, may be made on the day of such dishonor, at any time after non-acceptance, or in case of non-payment, at any time after the hour of three o'clock in the afternoon. C. S. U. C., c. 42, s. 15.

How notice of protest may be served.

23. A notice of such protest shall be sent to each of the parties to the bill or note, and such notice shall be deemed to have been duly served, for all purposes, upon the person to whom the same is addressed, if it is deposited in the post office nearest to the place of making presentment of such bill or note, at any time during the day whereon such protest has been made, or the next juridical day then following. C. S. U. C., c. 42, s. 16.

Form of protest and notice.

24. Every such protest and notice may be according to the forms set forth in schedule A to this Act, or to the like effect. C. S. U. C., c. 42, s. 21, *part*.

Notary's fees in Ontario.

25. The fees to be taken by notaries public, for the services hereinafter mentioned, shall be as follow, and no more. that is to say: for the protest of any bill, draft, note or order, fifty cents; for every notice, twenty-five cents; and for postage, the amount actually expended. C. S. U. C., c. 42, s. 22;—C. S. U. C., c. 57, s. 1.

Certain statutes respecting small notes not in force in Ontario.

26. The Act of the Parliament of Great Britain, passed in the fifteenth year of the reign of King George the Third, intituled "*An Act to restrain the negotiation of Promissory Notes and Inland Bills of Exchange, under a limited sum, within that part of Great Britain called England,*" and the Act of the said Parliament, passed in the seventeenth year of his said Majesty's reign, intituled "*An Act for further restraining the negotiation of Promissory Notes and Inland Bills of Exchange, under a limited sum, within that part of Great Britain called England,*" which are inapplicable to the Province of Ontario, shall not extend to or be in force therein, nor shall the said Acts make void any bills, notes, drafts or orders, which have been or may be made or uttered therein. C. S. U. C., c. 42, s. 1.

27. The following sections of this Act apply to the Province of Quebec only.

Provisions applicable to Quebec.

28. The several fees and charges mentioned in schedule B to this Act, relating to the protesting and noting of bills and notes in the Province of Quebec, together with the postages pre-paid upon notices deposited at any post office, may be claimed from the holder of the bill or note by the notary or justice of the peace performing such duties, and shall be recovered from such parties thereto as are liable for the payment of the same. C. S. L. C., c. 64, s. 21.

Notary's fees in Quebec.

29. The several notings, protests, notices thereof, and services of notices hereinbefore mentioned, shall be in the forms set forth in the said schedule. C. S. L. C., c. 64, s. 22.

Forms in Quebec.

30. Every person who represents himself to be a notary for or justice of the peace in the Province of Quebec, and who acts as such in and about the protesting of a bill or note, or in and about the noting of a bill, not being such notary for or justice in the Province of Quebec, is guilty of a misdemeanor, and liable to imprisonment for a term not exceeding six months. C. S. L. C., c. 64, s. 23.

Penalty if unqualified person notes or protests bills or notes.

The articles of the Civil Code of Lower Canada relating to this subject will be found in the collection of Statutes not consolidated.

SCHEDULE A.

On this _____ day of _____, in the year one thousand eight hundred and _____, at the request of _____, holder of the bill of exchange hereunto annexed, I, _____, a notary public for the Province of Ontario duly appointed, did exhibit the said bill unto _____, at _____, being the place where the same is payable, and speaking to *him*, did demand payment of the said bill; to which demand *he* answered _____

; Wherefore, I, the said notary, at the request aforesaid, have protested, and do hereby solemnly protest, as well against all the parties to the said bill as against all other persons whom it may concern, for all interest, damages, costs, charges, expenses and other losses suffered or to be suffered for want of payment of the said bill. And afterwards, on the day and year mentioned in the margin, I, the said notary public, did serve due notice, according to law, of the said presentment, non-payment and protest of the said bill, upon the several parties thereto, by depositing, in Her Majesty's post office at _____, being the nearest post office to the place of the said presentment, letters containing such notices, one of which letters was addressed to each of the said parties, severally; the superscription and address

of which letters are respectively copied below, as follows, that is to say :

(Here insert the directions of the letters.)

In testimony whereof, I have hereunto set my hand and affixed my seal of office, the day and year first above written.

(Signature) L. S.

FORM OF NOTICE TO PARTIES.

To Mr. (date.)

SIR,

Take notice that a bill of exchange, dated on the day of , for the sum of \$ (or £) , drawn by , on and accepted by , payable (*three months*) after the date thereof, at the bank of , in (*Toronto*), and indorsed by A.B., C.D., E.F., &c., was this day presented by me for payment at the said bank, and that payment thereof was refused, and that , the holder of the said bill, looks to you for payment thereof. Also, take notice that the same bill was this day protested by me for non-payment.

Your obedient servant,

A. B.,

Notary Public.

The above forms may be changed to suit protests for non-acceptance or non-payment of bills, or non-payment of notes.

C. S. U. C , c. 42, s. 21, *part.*

SCHEDULE B.

TARIFF OF FEES AND CHARGES IN THE PROVINCE OF QUEBEC.

For presenting and noting for non-acceptance any bill of exchange, and keeping the same on record.....	\$1 00
Copy of the same when required by the holder.....	0 50
For noting and protesting for non-payment any bill of exchange or promissory note, draft or order, and putting the same on record.....	\$ 1 00
For making and furnishing the holder of any bill or note with duplicate copy of any protest for non-acceptance or non-payment, with certificate of service and copy of notice served upon the drawer and indorsers.....	0 50
For every notice, including the service and recording copy of the same, to an indorser or drawer, in addition to the postages actually paid.....	0 50

C. S. C., c. 57, s. 2 :—C. S. L. C., c. 64, sch.

for all exchange, re-exchange, and all costs, damages and interest, present and to come, for want of { acceptance } of the said bill. { payment }

All of which I attest by my signature.

(Protested in duplicate.)

A. B.,
Notary Public.

FORM C.

PROTEST FOR NON-ACCEPTANCE OR FOR NON-PAYMENT OF A BILL PAYABLE AT A STATED PLACE.

(*Copy of Bill and Indorsements.*)

On this day of , in the year 18 , I, A. B., notary public for the Province of Quebec, dwelling at , in the Province of Quebec, at the request of , did exhibit the original bill of exchange, whereof a true copy is above written, unto E. F., the { drawee } thereof, at , being the { acceptor } the stated place where the said bill is payable, and there, speaking to , did demand { acceptance } of the said bill; unto which demand he answered, " ."

Wherefore I, the said notary, at the request aforesaid, have protested, and by these presents do protest against the acceptor, drawer and indorsers (*or* drawer and indorsers) of the said bill, and all other parties thereto or therein concerned, for all exchange, re-exchange, and all costs, damages and interest, present and to come, for want of { acceptance } of the said bill. { payment }

All which I attest by my signature.

(Protested in duplicate.)

A. B.,
Notary Public.

FORM D.

PROTEST FOR NON-PAYMENT OF A BILL NOTED, BUT NOT PROTESTED FOR NON-ACCEPTANCE.

If the protest is made by the same notary who noted the bill, it should immediately follow the act of noting and memorandum of service thereof, beginning with the words " and afterwards, on, &c.," continuing as in the last preceding form, but introducing between the words " did exhibit," the word " again;" and, in a parenthesis, between the words " written " and " unto," the words (" and which bill was by me duly noted for non-acceptance on the day of last.")

But if the protest is not made by the same notary, then it should follow a copy of the original bill and indorsements and noting marked on the bill—and then in the protest introduce, in a parenthesis, between the words “written” and “unto,” the words (“and which bill was on the day of last, by , public notary for the Province of Quebec, noted for non-acceptance, as appears by his note thereof marked on the said bill.”)

FORM E.

PROTEST FOR NON-PAYMENT OF A NOTE PAYABLE GENERALLY.

(Copy of Note and Indorsements.)

On this day of , in the year 18 , I, A.B., notary public for the Province of Quebec, dwelling at , in the Province of Quebec, at the request of , did exhibit the original promissory note, whereof a true copy is above written, unto , the promisor, personally (*or, at his residence, office or usual place of business, in*), and speaking to himself (*or his wife, his clerk, or his servant, &c.*), did demand payment thereof; unto which demand { he } answered, “ .” { she }

Wherefore I, the said notary, at the request aforesaid, have protested, and by these presents do protest against the promisor and indorsers of the said note, and all other parties thereto or therein concerned, for all costs, damages and interest, present and to come, for want of payment of the said note.

All which I attest by my signature.

(Protested in duplicate.)

A. B..

Notary Public.

FORM F.

PROTEST FOR NON-PAYMENT OF A NOTE PAYABLE AT A STATED PLACE.

(Copy of Note and Indorsements.)

On this day of , in the year 18 , I, A.B., notary public for the Province of Quebec, dwelling at , in the Province of Quebec, at the request of , did exhibit the original promissory note, whereof a true copy is above written, unto , the promisor, at , being the stated place where

the said note is payable, and there, speaking to did demand payment of the said note, unto which demand, he answered, “ ”

Wherefore I, the said notary, at the request aforesaid, have protested, and by these presents do protest against the promisor and indorsers of the said note, and all other parties thereto or therein concerned, for all costs, damages and interest, present and to come, for want of payment of the said note.

All which I attest by my signature.

(Protested in duplicate.)

A. B.,
Notary Public.

FORM G.

NOTARIAL NOTICE OF A NOTING, OR OF A PROTEST FOR NON-ACCEPTANCE, OR OF A PROTEST FOR NON-PAYMENT OF A BILL.

(Place and date of Noting or of Protest.)

1st.

To P. Q. (*the drawer.*)

at

Sir,

Your bill of exchange for \$, dated at the , upon E. F., in favor of C. D., payable days after { sight, } was this day, at the request of { date, }
duly { noted } by me for { non-acceptance. }
{ protested } { non-payment. }

A. B.,
Notary Public.

(Place and date of Noting or of Protest.)

2nd.

To C. D. (*indorser*)
or F. G.)

at

Sir,

Mr. P. Q.'s bill of exchange for \$, dated at the , upon E. F., in your favor (*or in favor of C. D.*), payable days after { sight, } and by you indorsed, was this day, at the request of { date, } , duly { noted }
{ protested } by me for { non-acceptance. }
{ non-payment. }

A. B.,
Notary Public.

FORM H.

NOTARIAL NOTICE OF PROTEST FOR NON-PAYMENT OF A NOTE.

(Place and date of Protest.)

To

at

Sir,

Mr. P. Q.'s promissory note for \$ _____, dated at _____, the _____, payable { days / months / on— } after date to { you / E. F. } or order, and indorsed by you, was this day, at the request of _____, duly protested by me for non-payment.

A. B.,
Notary Public.

FORM I.

NOTARIAL SERVICE OF NOTICE OF A PROTEST FOR NON-ACCEPTANCE OR NON-PAYMENT OF A BILL, OR OF NON-PAYMENT OF A NOTE (to be subjoined to the Protest.)

And afterwards, I, the aforesaid protesting notary public, did serve due notice in the form prescribed by law, of the foregoing pro- { non-acceptance / non-payment } of the { bill / note } test for { P. Q. / C. D. } the { drawer / indorsers } thereby protested upon { P. Q. / C. D. } personally, on the _____ day of _____ (or, at his residence, office, or usual place of business in _____,) on the _____ day of _____; (or, by depositing such notice, directed to the said { P. Q. / C. D. } at _____, in Her Majesty's post office in this city (town or village), on the _____ day of _____, and prepaying the postage thereon).

In testimony whereof, I have, on the last mentioned day and year, at _____ aforesaid, signed these presents.

A. B.,
Notary Public.



CHAPTER 124.

An Act respecting Insurance.

A. D. 1883.

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

SHORT TITLE.

1. This Act may be cited as "*The Insurance Act.*" 49 V., Short title. c. 45, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a.) The expression "Minister," means the Minister of Finance and Receiver General; Interpretation.
"Minister."
- (b.) The expression "Superintendent" means the Superintendent of Insurance; "Superintendent."
- (c.) The expression "company" means and includes any corporation or any society or association, incorporated or unincorporated, or any partnership carrying on the business of insurance; "Company."
- (d.) The expression "Canadian company" means a company incorporated or legally formed in Canada, for the purpose of carrying on the business of insurance in Canada, and which has its head office therein; "Canadian company."
- (e.) The expression "agent" means the chief agent of the company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he is designated; "Agent."
- (f.) The expression "chief agency" means the principal office or place of business of the company in Canada; "Chief agency."
- (g.) The expression "inland marine insurance" means marine insurance in respect to subjects of insurance at risk upon the waters of Canada, above the harbor of Montreal; "Inland marine insurance."
- (h.) The expression "Canadian policy" or "policy in Canada," as regards life insurance, means a policy issued by any company licensed under this Act to transact the business of life insurance in Canada, in favor of any person or persons resident in Canada at the time when such policy was issued, and "policy-holder in Canada" means any such person as aforesaid; "Canadian policy."
"Policy-holder in Canada."
- (i.) The expression "Canadian policy" or "policy in Canada," as regards fire and inland marine insurance, means a policy of insurance on any property within Canada issued "Canadian policy."
"Policy in Canada"

by any company licensed under this Act to transact the business of fire or inland marine insurance.

“License.”

(j.) The expression “license” includes certificate of registration ;

“Policy.”

(k.) The expression “policy” includes a certificate of membership relating in any way to life insurance. 49 V., c. 45, s. 2.

APPLICATION OF ACT.

Non-application of Act. Ocean Marine insurance.

3. The provisions of this Act shall not apply,—

Policies prior to 22nd May, 1868.

(a.) To any company transacting, in Canada, ocean marine insurance exclusively ; or—

(b.) To any policy of life insurance in Canada, issued previously to the twenty-second day of May, in the year one thousand eight hundred and sixty-eight, by any company which has not subsequently received a license ; or—

Certain companies under Provincial Acts.

(c.) To any company incorporated by an Act of the legislature of the late Province of Canada, or by an Act of the legislature of any Province now forming part of Canada which carries on the business of insurance wholly within the limits of that Province by the legislature of which it was incorporated, and which is within the exclusive control of the legislature of such Province ; but any such company carrying on the business of life insurance may, by leave of the Governor in Council, avail itself of the provisions of this Act, and, if it so avails itself, the provisions of this Act shall thereafter apply to it, and such company shall have the power of transacting its business of insurance throughout Canada. 49 V., c. 45, s. 3.

Proviso.

LICENSES.

What companies or persons only may transact life, fire or inland marine insurance business in Canada.

4. No company or person, except as hereinafter provided, shall accept any risk or issue any policy of fire or inland marine insurance or policy of life insurance, or grant any annuity on a life or lives, or receive any premium, or carry on any business of life or fire or inland marine insurance, in Canada,—or prosecute or maintain any suit, action or proceeding, either at law or in equity, or file any claim in insolvency relating to such business, without first obtaining a license from the Minister to carry on such business in Canada. 49 V., c. 45, s. 4.

Form and duration of license.

5. The license shall be in such form as is, from time to time, determined by the Minister, and shall specify the business to be carried on by the company ; and it shall expire on the thirty-first day of March in each year, but shall be renewable from year to year. 49 V., c. 45, s. 5.

License to issue on certain conditions only.

6. The Minister, as soon as the company applying for the same has deposited in his hands the securities hereinafter mentioned, and has otherwise conformed to the require-

ments of this Act, shall issue such license as aforesaid. 49 V., c. 45, s. 6.

DEPOSITS TO BE MADE BEFORE THE ISSUE OF LICENSE.

7. Every company carrying on the business of life insurance, and every Canadian company carrying on the business of fire or of inland marine insurance, or of both combined, shall, before the issue of such license, deposit with the Minister, in such securities as are hereinafter mentioned, the sum of fifty thousand dollars; and every company incorporated or legally formed out of Canada, carrying on the business of fire or of inland marine insurance, or of both combined, shall, before the issue of such license, deposit with the Minister, in such securities as are hereinafter mentioned, the sum of one hundred thousand dollars. 49 V., c. 45, s. 7.

Deposit of securities with the Minister and to what amount.

8. All such deposits may be made by any company in securities of the Dominion of Canada, or in securities issued by any of the Provinces of Canada; and by any company incorporated in the United Kingdom in securities of the United Kingdom; and by any company incorporated in the United States in securities of the United States; and the value of such securities shall be estimated at their market value at the time when they are so deposited:

Nature of securities.

Companies in U. K. Companies in U. S.

Valuation of such securities.

2. If any securities other than those above mentioned are offered as a deposit, they may be accepted, at such valuation and on such conditions as the Treasury Board directs:

Valuation of other securities.

3. If the market value of any of the securities which have been deposited by any company declines below that at which they were deposited, the Minister may notify the company to make a further deposit, so that the market value of all the securities deposited by the company shall be equal to the amount which it is required by this Act to deposit; and on failure by the company to make such further deposit within sixty days after being called upon so to do, the Minister may withdraw its license:

If the value declines, further deposit.

Penalty for failure.

4. Any company licensed under this Act may, at any time, deposit in the hands of the Minister any further sums of money or securities beyond the sum herein required to be deposited; and any such further sums of money, or securities therefor, so deposited in the hands of the Minister, shall be held by him and be dealt with according to the provisions of this Act in respect to the original sum required to be deposited by such company, and as if the same had been part of such original deposit, and no part of such additional deposit shall be withdrawn, unless with the sanction of the Governor in Council, on the report of the Treasury Board. 49 V., c. 45, s. 8.

Company may deposit further security.

How to be dealt with.

9. If it appears from the annual statements, or from an examination of the affairs and condition of any company

Any deficiency of security to be

made good by fire and inland marine companies.

carrying on the business of fire or inland marine insurance, that the re-insurance value of all its risks outstanding in Canada, together with other liabilities in Canada, exceeds its assets in Canada, including the deposit in the hands of the Minister, the company shall be notified by the Minister to make good the deficiency; and on its failure so to do, within sixty days after being so notified, he shall withdraw its license. 49 V., c. 45, s. 9.

Penalty for default.

Any deficiency of security by other companies to be made good by them.

10. If it appears from the annual statements, or from an examination, as provided for by this Act, of the affairs and condition of any company carrying on the business of life insurance, that its liabilities to policy-holders in Canada, including matured claims, and the full reserve or re-insurance value for outstanding policies, as hereinafter described, after deducting any claim the company has against such policies, exceed its assets in Canada, including the deposit in the hands of the Minister, the company shall be called upon by the Minister to make good the deficiency; and on its failure so to do within sixty days, he shall withdraw its license :

Penalty for default.

As to company incorporated elsewhere than in Canada.

2. If any such company as is mentioned in this and the next preceding section is incorporated or legally formed elsewhere than within Canada, the assets in Canada as aforesaid shall be taken to consist of all deposits which the company has made with the Minister under the foregoing provisions of this Act, and of such assets as have been vested in trust for the company for the purposes of this Act, in two or more persons resident in Canada, appointed by the company and approved by the Minister :

Deposits and assets to be vested in trust.

Trust deed and dealing with assets.

3. The trust deed shall first be approved of by the Minister, and the trustees may deal with such assets in any manner provided by the deed of trust appointing them, but so that the value of the assets held by them shall not fall below the value required by this section :

Provision as to companies which gave notice before 31st March, 1878.

4. In the case of any such life insurance company, which gave written notice to the Minister before the thirty-first day of March, in the year one thousand eight hundred and seventy-eight, of its intention to avail itself of the proviso contained in section seven of "*The Consolidated Insurance Act, 1877*," the foregoing requirements of this section shall not apply to policies issued previously to that date; and the deposit of such company, which was in the hands of the Minister, on the twenty-eighth day of April, in the year one thousand eight hundred and seventy-seven, shall be dealt with in regard to such policies, in conformity with the fourth and fifth sections of the Act passed by the Parliament of Canada in the thirty-fourth year of Her Majesty's reign, and intituled "*An Act to amend the Act respecting Insurance Companies*;" and whenever the full liability under such policies falls below the amount so held by the Minister, he may, with the concurrence of the Treasury Board, direct that

Release of surplus securities to such company.

the whole or such portion of the difference as he deems advisable, shall be released and handed over to the company, and so on, from time to time, until the total deposit with the Minister is reduced to the amount of fifty thousand dollars required by this Act. 49 V., c. 45, s. 10.

11. So long as any company's deposit is unimpaired, and the conditions of this Act are satisfied, and no notice of any final judgment against the company, or order made by the proper court in that behalf for the winding up of the company or the distribution of its assets, is served upon the Minister, the interest upon the securities forming the deposit shall be handed over to the company as it falls due. 49 V., c. 45, s. 11.

Interest on securities—when to be payable to company.

DOCUMENTS TO BE FILED.

12. Every company shall, before the issue of a license to it, file in the Department of Finance,—

Documents to be filed.

(a.) A copy of the charter, Act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof;

Copy of charter.

(b.) A power of attorney from the company to its agent in Canada, under the seal of the company, if it has a seal, and signed by the president and secretary or other proper officers thereof, in presence of a witness, who shall make oath or affirmation as to the due execution thereof; and the official positions in the company held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf; and—

Power of attorney to agent in Canada.

(c.) A statement, in such form as is required by the Minister, of the condition and affairs of such company on the thirty-first day of December then next preceding, or up to the usual balancing day of the company, if such day is not more than twelve months before the filing of the statement. 49 V., c. 45, s. 12.

Statement of affairs of company.

13. Such power of attorney shall declare at what place in Canada the head office, or chief agency of such company is or is to be established,—and shall expressly authorize such attorney to receive service of process in all suits and proceedings against such company in any Province of Canada, in respect of any liabilities incurred by the company therein, and also to receive from the Minister and the superintendent, all notices which the law requires to be given, or which it is thought advisable to give,—and shall declare that service of process for or in respect of such liabilities, and receipt of such notices, at such office or chief agency, or personally on or by such attorney at the place where such head office or chief agency is established, shall be legal and binding on the company to all intents and purposes whatsoever. 49 V., c. 45, s. 13.

What the power of attorney must contain.

Provision to be made for service of process.

If changes
are made in a
chief agency.

Declaration of
no change to
be made in
charter, &c.

Duplicates of
such docu-
ments to be
filed in court.

Service of process
on com-
pany.

Constructive
service of process.

Company to
give notice of
license.

And of ceas-
ing business.

14. Whenever any such company changes its chief agent or chief agency in Canada, such company shall file a power of attorney, as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned; and every company shall, at the time of making the annual statement hereinafter provided for, declare that no change or amendment has been made in the charter, Act of incorporation or articles of association of the company, and that no change has been made in the chief agency or chief agent, without such amendment or change having been duly notified to the superintendent. 49 V., c. 45, s. 14.

15. Duplicates of all such documents, duly verified as aforesaid, shall be filed in the office of one of the superior courts in the Province in which the head office or chief agency of the company is situated,—or if the chief agency is in the Province of Quebec, with the prothonotary of the Superior Court of the district wherein such chief agency is established. 49 V., c. 45, s. 15.

SERVICE OF COMPANIES WITH PROCESS.

16. After such power of attorney and certified copies are filed as aforesaid, any process in any suit or proceeding against any such company, in respect of any liabilities incurred in any Province of Canada, may be validly served on the company at its chief agency; and such service shall be deemed to be service on the company:

2. If such power of attorney becomes invalid or ineffective from any reason whatsoever, or if other service cannot be effected, the court or a judge may order constructive service of any process or proceeding to be made, by such publication as is deemed requisite to be made in the premises, for at least one month in at least one newspaper; and such publication shall be held to be due service upon the company of such process or proceeding. 49 V., c. 45, s. 16.

NOTICE OF LICENSE.

17. Every company on first obtaining such license shall forthwith give due notice thereof in the *Canada Gazette*, and in at least one newspaper in the county, city or place where the head office or chief agency is established, and shall continue the publication thereof for the space of four weeks:

2. The like notice shall be given, for the space of three calendar months, when a company ceases, or gives notice that it intends to cease, to carry on business in Canada. 49 V., c. 45, s. 17.

PUBLICATION OF LICENSED COMPANIES.

18. The Minister shall cause to be published quarterly in the *Canada Gazette* a list of the companies licensed under this Act, with the amount of deposits made by each company; and upon any new company being licensed, or upon the license of any company being withdrawn in the interval between two such quarterly statements, he shall publish a notice thereof in the *Canada Gazette* for the space of four weeks. 49 V., c. 45, s. 18.

Notices by Minister of companies licensed.

ANNUAL RETURNS BY COMPANIES.

19. The president, vice-president, or managing director, and the secretary or manager of every Canadian company licensed under this Act, shall prepare annually, under their own oath, and cause to be deposited at the Department of Finance, a statement of the condition and affairs of such company at the usual balancing day of the company in the preceding year,—which statement shall exhibit the assets and liabilities of the company, and its income and expenditure during the previous year, and such other information as is deemed necessary by the Minister:

Statement to be prepared yearly and sent to Minister of Finance.

What it must show.

2. In the case of such companies carrying on the business of life insurance, such statement shall be deposited as aforesaid on the first day of January in each year, or within two months thereafter, and shall be made in the form and manner set forth in the form A in the schedule to this Act: Provided however, that a preliminary abstract of the year's business to December thirty-first inclusive, comprising the cash premium receipts of the year, the number and amount of the policies issued and taken up, that are in force, and that have become claims and been paid to that date, shall be sent to the superintendent of insurance within the first fifteen days of January in each year:

Form of statement and time for deposit by life companies.

Proviso: as to preliminary abstracts.

3. In the case of such companies carrying on the business of fire or inland marine insurance, such statement shall be deposited as aforesaid on the first day of February in each year, or within one month thereafter, and shall be made in the form and manner set forth in the form B in the schedule to this Act:

And by fire and marine companies.

4. Such statements shall be sworn to before some person duly authorized to administer oaths in any legal proceeding, in the form C in the schedule to this Act:

To be sworn to.

5. The Minister may, from time to time, make such changes in the form of such statements as seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated.

Minister may alter form of statement.

49 V., c. 45, s. 19

20. Every company incorporated or legally formed elsewhere than in Canada, and at present licensed or hereafter licensed under this Act, and every company which is subject

Yearly statements by companies incorporated else-

where than in
Canada.

to the provisions of this Act, shall make annual statements of its condition and affairs under the oath of its chief agent, and shall furnish the same to the Minister at the same time as Canadian companies; and the form and manner of making of such statements shall, as to the Canada business of such company, be the same, so far as applicable, as is required of Canadian companies,—and as to its general business, shall be in such form and to such date as such company is required by law to furnish to the Government of the country in which its head office is situate, in a separate schedule attached.

Blank forms
as to Canada
business.

The blank forms of the statements of the Canada business shall be furnished in duplicate by the superintendent. 49 V., c. 45, s. 20.

PENALTIES AND FORFEITURES.

Penalty for
violation of
two next pre-
ceding sec-
tions.

21. Every company which violates any provision of either of the two sections next preceding shall incur a penalty of five hundred dollars for each violation, and an additional penalty of one hundred dollars for each month during which any such company neglects to make such publication or to file such affidavits and statements as are therein required :

Withdrawal
of license for
non-payment
of penalty.

2. If such penalties are not paid, the Minister, with the concurrence of the Treasury Board, may order the license of such company to be suspended or withdrawn, as is deemed expedient. 49 V., c. 45, s. 21.

Penalty for
issuing any
policy in con-
travention of
this Act.

22. Every person who delivers any policy of insurance, or interim receipt, or who collects any premium (except only on policies of life insurance issued to persons not resident in Canada at the time of issue) or carries on any business of insurance on behalf of any life, fire or inland marine insurance company, without such license as aforesaid, shall, on summary conviction thereof, before any two justices of the peace or any magistrate having the powers of two justices of the peace, for a first offence, incur a penalty not exceeding fifty dollars and costs, and not less than twenty dollars and costs; and in default of payment the offender shall be liable to imprisonment with or without hard labor for a term not exceeding three months and not less than one month; and for a second or any subsequent offence such offender shall be imprisoned with hard labor for a term not exceeding six months and not less than three months :

First offence

Second or
subsequent
offence

Application
of penalty.

2. One-half of any such penalty, when recovered, shall belong to Her Majesty, and the other half thereof to the informer. 49 V., c. 45, s. 22.

Limitation of
time for prose-
cution.

23. All informations or complaints for the prosecution of offences under the provisions of sections twenty-two, twenty-five and forty-two of this Act, shall be laid or made in writing within one year after the commission of the offence. 49 V., c. 45, s. 23.

2f. Unless otherwise provided in the special Act incorporating any insurance company, passed by the Parliament of Canada after the twenty-eighth day of April, one thousand eight hundred and seventy-seven, or hereafter to be passed, such special Act and all Acts amending the same shall expire and cease to be in force at the expiration of two years from the passing thereof, unless within such two years the company thereby incorporated obtains a license from the Minister under the provisions of this Act. 49 V., c. 45, s. 24.

Limitation of time of duration of special Acts.

SUPERINTENDENT AND HIS DUTIES.

25. The Governor in Council may appoint an officer, to be called the superintendent of insurance, who shall act under the instructions of the Minister, and shall examine and report to the Minister, from time to time, upon all matters connected with insurance, as carried on by the several companies licensed to do business in Canada, or required by this Act to make returns of their affairs :

Superintendent of insurance; appointment and duties.

2. Such superintendent may be appointed at a salary not exceeding four thousand dollars per annum :

Salary.

3. The Governor in Council may, from time to time, appoint such officers and clerks under the superintendent, as are necessary for the purposes of this Act :

Officers and clerks.

4. The superintendent shall keep a record of the several documents required to be filed by each company in the superior courts of Canada, under this Act ; and shall,—

Duties of superintendent.

(a.) Enter in a book, under the heading of each company, the securities deposited on its account with the Minister, naming in detail the several securities, their par value, and value at which they are received as deposit ;

Entry of securities deposited.

(b.) In each case, before the issue of any new license, or the renewal of any license, make a report to the Minister that the requirements of the law have been complied with, and that from the statement of the affairs of the company it is in a condition to meet its liabilities ;

Report before issue of licenses.

(c.) Keep a record of the licenses as they are issued ;

Record.

(d.) Visit the head office of each company in Canada, at least once in every year, and examine carefully the statements of the condition and affairs of each company, as required under this Act, and report thereon to the Minister as to all matters requiring his attention and decision ;

Inspection of affairs.

(e.) Prepare for the Minister, from the said statements, an annual report, showing the full particulars of each company's business, together with an analysis of each branch of insurance, with each company's name, giving items, classified from the statements made by each company :

Report to Minister of Finance, for Parliament.

5. If the superintendent, after a careful examination into the condition and affairs and business of any company licensed to transact business in Canada, from the annual or other statements furnished by such company to the Min-

Provision if superintendent considers further inquiry neces-

ister or for any other cause, deems it necessary and expedient to make a further examination into the affairs of such company and so reports to the Minister, the Minister may, in his discretion, instruct the superintendent to visit the office of such company, to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its engagements, and whether it has complied with all the provisions of this Act applicable to its transactions :

Books to be open to inspection. 6. The officers or agents of such company shall cause their books to be open for the inspection of the superintendent, and shall otherwise facilitate such examination so far as it is in their power ; and for that purpose the superintendent may examine under oath the officers or agents of such company relative to its business :

Record of inspection and report. 7. A report of all companies so visited by the superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each company after such investigation ; and a special report shall be communicated in writing to the Minister, stating the superintendent's opinion as to its standing and financial position, and all other matters desirable to be made known to the Minister :

Special report if the company appears unsafe. 8. If it appears to the superintendent that the assets of any company are insufficient to justify its continuance of business under the requirements of sections seven, eight, nine and ten of this Act, or that it is unsafe for the public to effect insurance with it, he shall make a special report on the affairs of such company to the Minister ; and if the Minister, after full consideration of the report, and after a reasonable time has been given to the company to be heard by him, and upon such further inquiry and investigation as he sees proper to make, reports to the Governor in Council that he agrees with the superintendent in the opinion so expressed in his report, the Governor in Council may, if he also concurs in such opinion, suspend or cancel the license of such company ; and such company shall, during such suspension or cancellation, be held to be unlicensed and unauthorized to do further business :

Proceedings thereon. 9. Every person who, after notification of the suspension or cancelling of such license in the *Canada Gazette*, delivers any policy of insurance, collects any premium or transacts any business of insurance, on behalf of such company, shall be liable to the penalties provided for in the twenty-second section of this Act :

Suspension or cancellation of license. 10. Once in every five years, or oftener, at the discretion of the Minister, the superintendent shall himself value, or procure to be valued under his supervision, the Canadian policies of life insurance of all companies licensed under this Act to transact the business of life insurance in Canada ; and such valuation shall be based on the mortality

Valuation of Canadian policies every five years. Basis of valuation.

table of the Institute of Actuaries of Great Britain, and on a

rate of interest at four and one half per centum per annum, —except in the case of bonus additions or profits accrued or declared before the twenty-eighth day of April, one thousand eight hundred and seventy-seven, and then valued on the basis of a rate of interest other than that above mentioned, which, in any such valuation, shall continue to be valued on such other basis :

11. The Minister may, from time to time, instruct the superintendent to visit the head office of any company licensed under this Act and incorporated or legally formed elsewhere than in Canada, and to examine into the general condition and affairs of such company; and if such company declines to permit such examination, or refuses to give any information necessary for such purpose, in its possession or control, its license shall be withdrawn :

Examination of affairs of a company out of Canada.

12. Every company now licensed, and every company hereafter licensed under this Act, and every company transacting life insurance business under the thirty-second section of this Act, shall annually contribute a sum in proportion to the gross premiums received by it in Canada during the previous year, towards defraying the expenses of the office of the superintendent,—which sum shall be paid upon the demand of the superintendent :

Payments by companies towards expenses of office of superintendent.

13. The sum to be contributed annually by companies carrying on the business of fire or inland marine insurance in respect exclusively of such business carried on by them shall not exceed in all eight thousand dollars :

Contribution by fire and marine companies limited.

14. The superintendent, or any officer or clerk under him, shall not, directly or indirectly, be interested as a shareholder in any insurance company doing business in Canada, or licensed under this Act :

Superintendent, &c., not to be interested in any company.

15. The Minister shall lay the superintendent's annual report before Parliament within thirty days after the commencement of each session thereof. 49 V., c. 45, s. 25.

Annual report for Parliament.

PROVISIONS RELATING TO LIFE INSURANCE.

26. The provisions of sections twenty-seven to forty-three, both inclusive, apply only to life insurance companies and to other insurance companies carrying on life and other insurance, only in so far as relates to the life insurance business of such companies. 49 V., c. 45, s. 26.

Provisions applicable to life companies.

Conditions on Policies.

27. No condition, stipulation or proviso modifying or impairing the effect of any policy or certificate of life insurance issued after the first day of January, one thousand eight hundred and eighty-six, by any company doing business within Canada under the authority of the Parliament of Canada shall be good or valid unless such condition, stipulation or proviso is set out in full on the face or back of the policy. 49 V., c. 45, s. 27.

Conditions not set out in full on the policy, to be void.

As to statements in application for policy.

28. No policy or certificate shall contain or have indorsed upon it any condition providing that such policy or certificate shall be avoided by reason of any statement contained in the application therefor being untrue, unless such condition is limited to cases in which such statement is material to the contract. 49 V., c. 45, s. 28.

Forfeiture and Renewal of Licenses.

Withdrawal of license for non-payment of claims.

29. Whenever satisfactory proof has been furnished to the Minister of any undisputed claim upon a company, arising on any policy of life insurance in Canada, remaining unpaid for the space of sixty days after becoming due or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legal valid discharge made to the agent of such company, the Minister may withdraw the license of such company. 49 V., c. 45, s. 29.

Renewal if claim is satisfied.

30. Such license may be renewed if, within thirty days after such withdrawal, such undisputed claims or final judgments upon or against the company are paid and satisfied. 49 V., c. 45, s. 30.

Renewal of license.

31. When the license of a company carrying on the business of life insurance has been withdrawn by the Minister under any of the foregoing sections of this Act, such license may be renewed if, within thirty days after such withdrawal, such company complies with the requirements of this Act to the satisfaction of the Minister. 49 V., c. 45, s. 31.

Companies Ceasing to do Business and Release of Deposits.

Provision for case of certain companies which have ceased to take new business.

Notice to Minister.

How deposit shall be dealt with in such case.

32. In the case of any company which, previously to the twenty-eighth day of April, in the year one thousand eight hundred and seventy-seven, was licensed to transact the business of life insurance in Canada, and which ceased to transact such business before the thirty-first day of March, one thousand eight hundred and seventy-eight, having before that date given written notice to that effect to the Minister, the premiums due or to become due on policies actually issued before the last-mentioned date, may continue to be collected, and the claims arising thereon may be paid, and all business appertaining thereto may be transacted, and all proceedings appertaining thereto, either at law or in equity, may be continued or commenced and prosecuted; and the deposit at present in the hands of the Minister shall be dealt with under the law as it existed previously to the first mentioned date, as if this Act had not been passed. 49 V., c. 45, s. 32.

Power and proceedings of company

33. When any company licensed under this Act desires to discontinue business and to have its assets in Canada

released, and gives written notice to that effect to the Minister, it may, with the consent of the policy-holders, procure the transfer of its outstanding policies in Canada to some company or companies licensed under this Act in Canada, or may obtain the surrender of the policies, as far as is practicable:

ceasing business.

2. The trustees may employ any portion of the assets vested in them for the purpose of effecting such transfer or surrender:

Use of assets in such case.

3. The company shall file with the Minister a list of all Canadian policy-holders whose policies have been so transferred or have been surrendered, and also a list of those which have not been transferred or surrendered:

Lists of policy holders to be filed.

4. The company shall, at the same time, publish in the *Canada Gazette* a notice that it will apply to the Minister for the release of its assets and securities on a certain day, not less than three months after the date of the notice, and calling upon its Canadian policy-holders opposing such release to file their opposition with the Minister on or before the day so named:

Notice to be published.

5. After that day, upon the application for release being made, if the Minister, with the concurrence of the Treasury Board, is satisfied that such transfer or surrender has been effected, he may direct that a portion of the assets held by the trustees, or securities held by the Minister, shall be retained, sufficient in amount to cover the full equitable net surrender value of such policies (including bonus additions and accrued profits), as have not been transferred or surrendered, or in respect to which opposition has been filed, and may order the remaining assets or securities aforesaid to be released and transferred or paid over to the company:

Action thereafter of Minister as to disposal of assets or securities.

6. The portion retained shall be tendered in the manner hereinafter described to the aforesaid policy-holders *pro rata*, according to the aforesaid values of their respective policies; and on the acceptance of the amount so tendered, such policies shall thereby be deemed to be cancelled: but if such tender is refused by any policy-holder, the amount so tendered may be paid over to the company, and the policy shall continue in force, and such policy-holder shall not be barred from any recourse he has, either in law or in equity, against the company to compel the fulfilment of its contract under such policy:

Tenders to policy-holders.

If policy-holders refuse the tenders.

7. The surrender values above mentioned shall be determined by the superintendent on the basis stated in the twenty-fifth section of this Act, and he shall collect from the company the expenses of such valuation at the rate of three cents for each policy or bonus addition, and shall pay the same to the Minister before the latter shall hand over the securities:

Surrender values, how determined.

8. Nothing herein contained shall prevent any policy-holder from making special arrangements with the company whereby his policy may be continued in force; and, on proof

Special arrangements may be made.

being given of such arrangement, such policy may be omitted or removed from the above mentioned lists of policies, and this Act shall thereafter not apply in respect of such policy. 49 V., c. 45, s. 33.

How the tender shall be made.

List and notice to be published in *Canada Gazette*.

And in other papers.

Notice to be sent to each policy-holder.

Policy-holders not signifying acceptance deemed to have refused.

How reserve for covering liabilities to Canadian policy-holders shall be calculated.

Minister may order re-computation.

Costs.

34. The tender referred to in the next preceding section shall be made in the following manner:—

(a.) A list and notice in the form D in the schedule to this Act, or to the like effect, shall be published in the *Canada Gazette* for at least thirty days previously to the day named in such notice;

(b.) The company shall also cause the said list and notice to be published in such newspapers in Canada and for such length of time as the Minister determines;

(c.) A notice in the form E in the schedule to this Act, or to the like effect, shall be sent by mail (postpaid or franked) from the office of the superintendent to each of the policy-holders named in the said list, whose address is known to him; and such notice shall be deposited in some post office in Canada at least thirty days previously to the day named therein, which shall be the same day as that named in the list and notice above mentioned;

(d.) Any policy-holder who does not signify in writing to the superintendent his acceptance of the amount so tendered, on or before the day named in the said notice, shall be deemed to have refused the same; but the Minister may, at any time prior to the payment over to the company of the amount so refused allow any policy-holder to signify his acceptance of such amount,—which acceptance, so allowed, shall have the same effect as if made on or before the day named in the said notice. 49 V., c. 45, s. 34.

35. In computing or estimating the reserve necessary to be held in order to cover its liability to policy-holders in Canada, each company may employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding four and one half per centum per annum; but if it appears to the superintendent that such reserve falls below that computed on the basis stated in the twenty-fifth section of this Act, he shall report the same to the Minister, who may thereupon direct the superintendent to compute, or to procure to be computed under his supervision, the reserve on the basis therein mentioned, and the amount so computed, if it differs materially from the return made by the company, may be substituted in the annual statement of assets and liabilities; and in such case the company shall furnish to the superintendent, on application, the full particulars of each of its policies necessary for such computation, and shall pay to the superintendent an amount at the rate of three cents for each policy or bonus addition so computed,—which amount he shall pay over to the Minister:

2. Any company instead of itself computing or estimating the reserve above mentioned, may require the same to be computed by the superintendent on the basis stated in the twenty-fifth section of this Act, on payment of a like amount as is mentioned in the next preceding sub-section :

Company may require computation by superintendent.

3. Provided always, that in the case of any bonus additions or other profits on the policies of any company, accrued or declared before the twenty-eighth day of April, one thousand eight hundred and seventy-seven, and which have been heretofore valued on the basis of a rate of interest other than that above mentioned, such company may compute or have the same computed on such other basis: and provided also, that in the case of any company which has heretofore based its computation or estimate of its reserve necessary to cover its liability to policy-holders in Canada (other than the reserve to cover the bonus additions or other profits in the last proviso mentioned) on a rate of interest of five per centum per annum, the basis of computation or estimates mentioned in the twenty-fifth section and in this section, shall not apply until the twenty-eighth day of April, one thousand eight hundred and eighty-seven, but such company may, until such date, compute such reserve, or have the same computed, at a rate of interest not exceeding five per centum per annum. 49 V., c. 45, s. 35.

Proviso: as to bonus additions or profits on policies.

And as to companies having heretofore computed the reserve on 5 per cent. interest.

Mutual or Assessment Life Insurance Companies.

36. No company shall, without being licensed or registered under this Act, carry on within Canada any business of life insurance by promising to pay on the death of a member of such company, a sum of money solely from the proceeds of assessments or dues collected or to be collected from the members thereof for that purpose,—except that in the case of any contract entered into, or any certificate of membership or policy of insurance issued before the twentieth day of July, one thousand eight hundred and eighty-five, by any company carrying on such business, assessments may be made and collected, and claims paid, and all business connected therewith transacted without any penalty being incurred. 49 V., c. 45, s. 36.

Certain forms of insurance forbidden.

Proviso: as to contracts prior to 20 July 1883.

37. Any company incorporated or legally formed within Canada, which transacts business of the nature described in the next preceding section may, at the discretion of the Minister, on report of the superintendent, approved by the Treasury Board, be exempted from the operation of the foregoing provisions of this Act, except those of sections twenty-five, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one, and be permitted to transact the business of life insurance on the conditions specified in the five sections next following. 49 V., c. 45, s. 37.

Certain companies may be conditionally exempted from the operation of this Act.

Conditions of such exemption.

38. Companies to be so exempted shall register their titles or corporate names in the office of the superintendent; they shall also make attested returns of their condition and affairs at such times and in such form, and attested in such manner, as are prescribed by the Minister, and the superintendent shall include such returns in his annual report; and any failure to make such returns when called for by the superintendent, shall subject such company, and any officer thereof, to the penalties mentioned in the twenty-first section of this Act:

Penalty for non-compliance therewith.

Yearly renewal of registration.

2. The registration of any such company shall cease to be valid on the thirty-first day of March in each year, but shall be renewable from year to year, in the discretion of the Minister. 49 V., c. 45, s. 38.

Application of this section.

39. The provisions of this section shall apply to corporations or associations incorporated or legally formed elsewhere than in Canada for the purpose of carrying on the business of life insurance upon the co-operative or assessment plan:

License may be issued on deposit of \$50,000.

2. Any such corporation or association may be licensed by the Minister under the provisions of this Act, to transact business in Canada upon depositing with him fifty thousand dollars, and thereafter shall have the right to transact business so long as it continues to pay its losses to the full limit named in its certificates or policies, and has complied with all the requirements of this Act and of the superintendent of insurance:

Duration of license.

Further deposits may be required.

3. In addition to such deposit of fifty thousand dollars, the Minister, upon the report of the superintendent, approved by the Treasury Board, may, from time to time, require such other and further deposit as is recommended in such report and so approved, to be made by such companies or deposited with trustees to be named by the Minister upon such trusts as are determined by the Governor in Council:

Death claims to be a first charge.

4. Death claims shall be a first charge on all moneys realized from assessments, and no deduction shall be made from any such death claims on any account whatsoever:

Application of moneys from assessments.

5. No portion of any moneys received from assessments for death claims shall be used for any expense whatever; and every notice of any assessments shall truly specify the cause and purpose thereof:

Notice to be printed on policy, &c.

6. Every application, policy and certificate, issued or used by any such company in Canada, shall have printed thereon, in a conspicuous place, in ink of a color different from that of the ink used in the instrument, and in good sized type, the following words:—

Form.

“This association is not required by law to maintain the reserve which is required of ordinary life insurance companies:”

Promise to pay out of certain funds

7. Every certificate and policy shall contain a promise to pay the whole amount therein mentioned out of the death

fund of the association and out of any moneys realized from assessments to be made for that purpose, and every such association shall be bound, forthwith and from time to time, to make assessments to an amount adequate with its other available funds to pay all obligations created under any such certificate or policy without deduction or abatement :

to be contained in policy, &c.

8. The condition embodied in the next preceding subsection shall be inserted in every policy or certificate issued or delivered by any such company to any person insured in Canada :

Condition to be in every policy issued in Canada.

9. In every policy issued by a company licensed in accordance with this section of this Act in favor of a resident of Canada, a clause shall be either embodied therein or indorsed thereon, to the effect that an action to enforce the obligation of such policy may be validly taken in any court of competent jurisdiction in the Province wherein the policy-holder resides or last resided before his decease, and such policy shall not contain any provision inconsistent with such clause 49 V., c. 45, s. 39

Clause required in policies in favor of residents in Canada.

40. The provisions contained in sub-sections four, five, six, seven and eight of the next preceding section shall also apply to any company (not being such a company, society or association as is referred to in section forty-three of this Act), incorporated in Canada and carrying on the business of life insurance upon the co-operative or assessment plan. 49 V., c. 45, s. 40.

Certain provisions to apply to companies not referred to in section 43.

41. The words "assessment system" shall be printed in large type at the head of every policy and every application for the same, and also in every circular and advertisement issued or used in Canada in connection with the business of a company to which any of the provisions of the five sections next preceding apply. 49 V., c. 45, s. 41.

Form of words to be printed on certain policies.

42. Every director, manager, agent or other officer of any such company as is hereinbefore lastly mentioned, which carries on business without being licensed or registered, and—

Penalty for doing business or using forms of policies, &c., in contravention of this Act.

(b.) Every person who transacts any business of insurance on behalf of any such company which so carries on business without being registered or licensed and,—

(c.) Every such company which neglects to print the words "assessment system" as provided by the next preceding section, and,—

(d.) Every director, manager, agent or other officer of such company, and every other person who transacts business on behalf of any such company, who circulates or uses any application, policy, certificate, circular or advertisement on which the words "assessment system" are not printed, as hereinbefore provided,—

Shall be liable to the penalties mentioned in the twenty-second section of this Act. 49 V., c. 45, s. 42.

Certain societies exempted from this Act.

43. Nothing in this Act contained shall apply to any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance of the lives of the members thereof exclusively; or to any association for the purpose of life insurance, formed in connection with such society or organization and exclusively from its members, and which insures the lives of such members exclusively:

But such societies may avail themselves of this Act.

2. Any society or association which is declared by this section to be exempt from the application of this Act, may nevertheless apply to the Minister to be allowed to avail itself of the provisions of the seven sections next preceding; and upon such application being assented to, such society or association shall cease to be so exempt by virtue of this section. 49 V., c. 45, s. 43.

PROVISIONS RELATING TO FIRE AND INLAND MARINE INSURANCE.

What provisions shall be applicable to fire and inland marine companies.

44. The provisions of sections forty-five to forty-eight, both inclusive, apply only to fire and inland marine insurance companies, and to other insurance companies carrying on fire and other insurance or inland marine and other insurance, in so far as relates to the fire or inland marine insurance business of such companies. 49 V., c. 45, s. 44.

Forfeiture and Renewal of Licenses.

Licenses forfeited by failure to make deposit or non-payment of claims.

45. Whenever any company fails to make the deposits under this Act at the time required, or whenever written notice has been served on the Minister of any undisputed claim arising from loss insured against in Canada remaining unpaid for the space of sixty days after it becomes due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legal valid discharge, the license of such company may be withdrawn by the Minister. 49 V., c. 45, s. 45.

Renewal on certain conditions.

46. Such license may be renewed, and the company may again transact business, if, within sixty days after notice to the Minister of the failure of the company to pay any undisputed claim, or the amount of any final judgment as provided in the next preceding section, undisputed claims or final judgments upon or against the company in Canada are paid and satisfied. 49 V., c. 45, s. 46.

Companies Ceasing to do Business and Release of Deposits.

Duty of company ceasing business.

47. When any company has ceased to transact business in Canada, and has given written notice to that effect to the Minister, it shall insure, on behalf of its Canadian policyholders, all its outstanding risks, in some company or companies licensed in Canada, or obtain the surrender of the

policies; and its securities shall not be delivered to the company until the same is done to the satisfaction of the Minister:

2. Upon making application for its securities, the company shall file with the Minister a list of all Canadian policy-holders who have not been so re-insured or who have not surrendered their policies; and it shall, at the same time, publish in the *Canada Gazette* a notice that it has applied to the Minister for the release of its securities on a certain day, not less than three months after the date of the notice, and calling upon its Canadian policy-holders opposing such release to file their opposition with the Minister on or before the day so named; and after that day, if the Minister, with the concurrence of the Treasury Board, is satisfied that the company has ample assets to meet its liabilities to Canadian policy-holders, all the securities may be released to it by the Governor in Council,—or a sufficient amount of them may be retained to cover the value of all risks outstanding or respecting which opposition has been filed, and the remainder may be released; and thereafter, from time to time, as such risks lapse, or proof is adduced that they have been satisfied, further amounts may be released on the authority aforesaid:

Conditions on which deposits may be released.

Retaining amount to cover outstanding risks.

3. When a company has ceased to transact business in Canada after the notice hereby required, and its license has in consequence been withdrawn, such company may, nevertheless, pay the losses arising upon policies not re-insured or surrendered, as if such license had not been withdrawn. 49 V., c. 45, s. 47.

Payment of losses after license has been withdrawn.

Fire Policies.

48. No fire policy shall be issued for or extend over a longer period than three years. 49 V., c. 45, s. 48.

Duration of fire policies.

INSURANCE OTHER THAN LIFE, FIRE OR INLAND MARINE.

49. No company or person shall issue any policy other than a life, fire or inland marine insurance policy, or receive any premium in respect thereof, or carry on any business of insurance other than life, fire or inland marine insurance, without permission obtained from the Minister, who, with the approval of the Governor in Council, shall determine in each case, whether such permission shall be granted, and whether a license is proper or necessary to be issued, and whether any and what deposit shall be required to be made with the Minister, and the sections of this Act which shall apply to such company or person:

No company to transact any business of insurance not herein mentioned without permission.

2. The Minister may require annual statements under oath of such business, in such form and manner as he deems expedient, may revoke the permission or license granted if he sees cause therefor, and may grant to the superintendent the same powers with regard to such company as are con-

Powers of the Minister as respects companies receiving such permission.

ferred on him by this Act with regard to other insurance companies, and may require such company to contribute towards the expenses of the office of the superintendent such sum as he deems equitable :

Penalty for
contraven-
tion.

3. Every company or person carrying on any such business without obtaining such permission or license, or after such permission or license is revoked, or which neglects or refuses to make the statements required,—and every person who delivers any policy of insurance, or collects any premium on behalf of such company, shall respectively incur the penalties mentioned in the twenty-first and twenty-second sections of this Act :

Ocean marine
companies
exempted.

4. This section shall not apply to companies carrying on, in Canada, ocean marine insurance business exclusively. 49 V., c. 45, s. 49.

SCHEDULE.

FORM A.

DETAILS OF YEARLY STATEMENT—LIFE INSURANCE.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

Property or Assets held by the Company, specifying Assets as per Ledger Accounts.

The value (as nearly as may be) of the real estate held by the company ;

The amount secured by way of loan on real estate, whether by mortgages, bonds or any other security, distinguishing between those having first or second lien on such real estate ;

The amount of loans secured by bonds or stocks or other collaterals ;

The amount of loans, as above, on which interest has not been paid within one year previous to such statement, with a schedule thereof ;

The amount of loans made in cash to policy-holders on the company's policies assigned as collaterals ;

Premium notes, loans or liens on policies in force, the reserve on each policy being in excess of all indebtedness thereon ,

Par and market values of Canadian and other stocks and securities owned by the company, specifying in detail the amount, number of shares, and the par and market value of each kind ;

Amount of cash at head office ;

Amount of cash in banks, with details ;

Bills receivable ;

Agents' ledger balances ;

Other Assets.

Interest due and accrued ;
 Rents due and accrued ;
 Due from other companies for losses or claims on policies
 of the company re-insured ;
 Net amount of uncollected and deferred premiums ;
 Commuted commissions ;
 All other property owned by the company, with details :

Liabilities.

Net present value of all outstanding policies in force, with
 mode of computation or estimation, deducting those re-
 insured ;
 Premium obligations in excess of net values of their policies ;
 Claims for death losses and matured endowments, and
 annuity claims, due and unpaid, or in process of adjustment,
 or adjusted but not due, or resisted ;
 Dividends to stockholders, and dividends of surplus or
 other profits to policy-holders, due and unpaid ;
 Amount due on account of office expenses ;
 Amount of loans ;
 Amount of all other claims against the company :

Income.

Amount of cash premiums received, less re-insurance. Pre-
 mium notes, loans or liens taken in part payment for pre-
 miums ; and premiums paid by dividends, including re-con-
 verted additions, and by surrendered policies ;
 Cash received for annuities ;
 Amount of interest received ;
 Amount received for rents ;
 Net amount received for profits on bonds, stocks and other
 property actually sold ;
 All other income in detail :

Premium Note Account.

Premium notes, loans or liens on hand at date of last pre-
 vious statement ;
 Additions and deductions in detail during the year ;
 Balance, note assets at date :

Expenditure.

Total amount actually paid for losses and matured endow-
 ments ;
 Cash paid to annuitants and for surrendered policies ;
 Premium notes, loans, or liens used in purchase of surren-
 dered policies ;
 The same voided by lapse ;

Cash surrender values, including re-converted additions applied in payment of premiums ;

Dividends paid to policy-holders, or applied in payment of premiums ;

Premium notes, loans or liens used in payment of dividends to policy-holders ;

Cash paid stockholders for interest or dividends ;

Cash paid for commissions, salaries and other expenses of officials ;

Cash paid for taxes, licenses, fees or fines ;

All other expenditures in detail :

Exhibit of Policies.

Number and amount of policies and additions in full at the end of the previous year ;

New policies and changes ;

Policies terminated, and the manner of termination ;

Number and amount of policies in force at date of statement ;

Re-insurances.

49 V., c. 45, sch. form A.

FORM B.

DETAILS OF ANNUAL STATEMENTS—FIRE AND INLAND MARINE INSURANCE.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder :

The Property or Assets held by the Company, specifying,—

The value (as nearly as may be) of the real estate held by the company ;

The amount of cash on hand and deposited in banks to the credit of the company—specifying in what banks the same are deposited, with amounts separately ;

The amount of cash in the hands of agents ;

The amount of loans secured by bonds and mortgages constituting either a first or second lien on real estate, in separate schedules ;

The amount of loans on which interest has not been paid within one year previous to such statement, with a schedule thereof ;

The amounts due the company for which judgments have been obtained ;

The amount of Canadian stocks held by the company, and of any other stocks owned by the company, specifying in detail the amount, number of shares, and par and market value of each kind of stock owned by the company absolutely ;

The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par and market value ;

The amount of assessments on stock and premium notes, paid and unpaid ;

The amount of interest actually due and unpaid ; also the amount of interest accrued and unpaid ;

The amount of premium notes on hand on which policies are issued, with amount paid thereon ; also, bills receivable held by the company and considered good, the amounts of each class separately, and the amounts on each class overdue ;

The amount of all other property belonging to the company, with a detail thereof :

The Liabilities of the Company, specifying,—

The amount of losses due and yet unpaid ;

Amount of losses adjusted, but not due ;

Amount of losses incurred during the year, including those claimed, not yet adjusted, and of those reported to the company upon which no action has been taken—the amounts of each class separately, carrying out the totals in one sum ;

Amount of claims for losses resisted by the company, distinguishing those in suit ;

Amount of dividends declared and due, and remaining unpaid ;

Amount of dividends declared, but not yet due ;

Amount of money borrowed, and security given for payment thereof—stating each loan separately, and the interest paid therefor ;

The amount of unearned fire premiums ;

Amount of unearned inland marine premiums ;

Amount received for marine (ocean) premiums, not marked off ;

Amount of all other claims against the company, with a detailed statement thereof ;

Aggregate amount of all unpaid losses, claims and liabilities whatsoever, except capital stock :

Income of the Company, specifying,—

Amount of cash premiums received, less re-insurance ;

Amount of notes received for premiums, less re-insurance ;

Amount of interest money received ;

Amount of income received from all other sources :

Expenditure of the Company, specifying,—

Amount paid for losses which occurred prior to the first day of January last, deducting savings and salvage, which losses were estimated in the last statement at \$;

Amount paid for losses which occurred during the year, deducting savings and salvage ;

Total amount actually paid during the year for losses in each branch, in separate columns ;

Amount and rate of dividends paid during the year ;

Amount of expenses paid during the year, including commissions and fees to agents and officers of the company ;

Amount of all other payments and expenditures, with details thereof :

Miscellaneous.

Gross amount of risks taken during the year, original and renewal, in each branch of the company's business separately—deducting amount of re-insurance effected thereon in each branch separately ;

And amount of risks in force at end of the year in each branch of the company's business, deducting re-insurance ; and showing at foot, in separate columns, the net amount of risks then in force.

49 V., c. 45, sch. form B.

FORM C.

Form of Declaration to accompany the Statement.

Province of)
County of)

President, and

Secretary of

Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the day of last all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company, on the said day of last, and for the year ending on that day, according to the best of their information, knowledge and belief, respectively.

Signatures.

Subscribed and sworn to before me, this day of A.D. 18 .

49 V., c. 45, sch. form C.

FORM D.

In the matter of the *(here insert name of the company)*. Notice is hereby given that the Minister of Finance has, pursuant to the thirty-third and thirty-fourth sections of "*The Insurance Act*," directed assets to be retained, sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said thirty-third section; and the assets so retained are hereby tendered to the aforesaid policy-holders *pro rata* according to the aforesaid values of their respective policies. A list of such policy-holders and of the amounts tendered to them respectively is hereinunder given, and notice is hereby given that any policy-holder not signifying in writing to the Superintendent of Insurance his acceptance of the amount hereby tendered to him on or before the _____ day of _____, A.D. 18____, shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

List of policy-holders and amounts tendered :

Name	Address so far as known.	Amount and number of policies.	Amount tendered.
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Dated at Ottawa this _____ day of _____
A.D. 18____.

(Signed)

*Minister of Finance,
Canada.*

(Signed)

Superintendent of Insurance.

49 V., c 45, sch. form D.

FORM E.

OFFICE OF THE SUPERINTENDENT OF INSURANCE,
DEPARTMENT OF FINANCE,
OTTAWA, 18____

In the matter of the *(here insert the name of the company.)*

You are hereby notified that the Minister of Finance has, pursuant to the thirty-third section of "*The Insurance Act*," directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company, including bonus additions and accrued

profits which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said thirty-third section. The assets so retained are tendered to the aforesaid policy-holders *pro rata* according to the aforesaid values of their respective policies.

The amount hereby tendered to you, and the policy or policies in respect of which the same is tendered, are given below, and you are hereby notified that unless on or before the day of A. D., 18 , you signify in writing to the Superintendent of Insurance your acceptance of the amount hereby tendered, you shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

Yours, &c.,
(Signed),

Superintendent of Insurance.

Name.	Number and Amount of Policy.	Amount Tendered.
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49 V., c. 45, sch. form E.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



CHAPTER 125.

An Act respecting Loans in Canada by British companies. A. D. 1886.

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

1. Any institution or corporation duly incorporated under the laws of the Parliament of the United Kingdom, for the purpose of lending money, may, on receiving a license from the Secretary of State of Canada, authorizing it to carry on business within Canada, transact any loaning business, of any description whatsoever, within Canada, in its corporate name, except the business of banking,—and may take and hold any mortgages of real estate, and any railway, municipal, or other bonds of any kind whatsoever, on the security of which it lends its money, at any rate of interest not exceeding the rate permissible on such securities by the Acts incorporating similar companies in the several Provinces of Canada, and whether the said bonds form a charge on real estate within Canada or not,—and may also hold such mortgages in its corporate name, and may sell and transfer the same, and hold and convey the title to real estate acquired as mortgagees or chargees: Provided, that such corporation shall sell or dispose of the real estate so acquired within five years from the time when the mortgage on such real estate becomes due and payable under the terms of the instrument creating such mortgage. 37 V., c. 49, s. 1.

Certain British companies may be licensed by Secretary of State to carry on business in Canada. Their powers.

Proviso: real estate acquired to be sold within a certain time.

2. Every company which obtains such license as aforesaid shall, before commencing business, file in the office of the Provincial Secretary of each Province in which the company proposes to do business, a certified copy of the charter, Act of incorporation or articles of association of such company,—and also a power of attorney to the agent or manager of such company, in such Province, signed by the president or managing director and secretary thereof, and verified as to its authenticity by the oath of the principal agent or manager of such company in Canada, or by the oath of any person cognizant of the facts necessary for its verification:

Formalities to be observed by licensed corporation before commencing its business in Canada.

2. Such power of attorney shall expressly authorize such agent or manager, as far as respects business done by such agent or manager within such Province, to accept process in all suits and proceedings against such company, in such Province, for any liabilities incurred by such company there-

What power of attorney shall contain.

in,—and shall declare that service of process on such agent or manager for such liabilities shall be legal and binding on such company to all intents and purposes whatsoever,—and shall waive all claims of error by reason of such service. 37 V., c. 49, s. 2.

Service of process in suits against such licensed corporation, and proceedings thereon.

3. After such certified copy of the charter, Act of incorporation or articles of association, and such power of attorney are filed as aforesaid, any process in any suit, action or proceeding against such company, for any liability incurred in any Province, may be served upon such manager or agent in the same manner as process is served upon the proper officer of any company incorporated in such Province; and all proceedings may be had thereupon to judgment and execution, in the same manner as in proceedings in any civil suit or action in such Province. 37 V., c. 49, s. 3.

Publication of notice of license or of having ceased to carry on business in any place.

4. Every company which obtains such license as aforesaid shall forthwith give due notice thereof in the *Canada Gazette*, and in at least one newspaper in the county, city or place where the principal manager or agent of such company transacts the business thereof, and shall continue the publication thereof for the space of one calendar month; and the like notice shall be given when such company ceases, or gives notice that it ceases, to carry on business within the Province. 37 V., c. 49, s. 4.

Evidence on which licenses shall be issued by Secretary of State.

5. The Secretary of State may, if he sees fit, issue such license as aforesaid, on being furnished with evidence of the due incorporation of the company, applying for such license, under the laws of the Parliament of the United Kingdom,—which evidence shall be a certified copy of the charter, Act of incorporation or articles of association of such company,—and on being furnished with a power of attorney from such company to the person appointed as the principal agent or manager of such company within Canada, under the seal of such company and signed by the president or managing director and secretary thereof, and verified by the oath of an attesting witness, expressly authorizing such agent or manager to apply for such license:

Fee for license.

2. The fee to be paid by such company, on the issuing of such license, shall be twenty dollars. 37 V., c. 49, s. 5.

Corporations licensed to make returns as if incorporated under Companies' Act.

6. Every corporation or institution authorized under the provisions of this Act to lend and invest money in Canada, shall, by its agent or manager in Canada, make returns to the Minister of Finance and Receiver General of all the business done by it in Canada, at the same time and in the same manner as if such corporation or institution had been incorporated as a loan company under the provisions of "*The Companies Act*." 40 V., c. 43, s. 107.



CHAPTER 126.

An Act respecting returns by certain persons and corporations receiving moneys on deposit at interest. A. D. 1896.

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

1. Every person, corporation or institution, except chartered banks, receiving money in small sums, on deposit at interest as savings, shall be bound to make such returns as to such deposits, and the investment thereof, as the Governor in Council, from time to time, requires, and to register with the Minister of Finance and Receiver General, and notify in such manner as the Governor in Council directs, the name of the institution, and that of the officer or person on whom process may be served in any suit or proceeding; and every wilful refusal or neglect to obey any such Order in Council shall be a misdemeanor. 34 V., c. 6, s. 24.

Every person receiving savings on deposit bound to make returns, &c.

Penalty for default.

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CHAPTER 127.

An Act respecting Interest.

A. D. 1886.

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

1. Except as otherwise provided by this or by any other Act of the Parliament of Canada, any person may stipulate for, allow and exact, on any contract or agreement whatsoever, any rate of interest or discount which is agreed upon. C. S. C., c. 58, s. 3 ;—38 V., c. 18, s. 1. Any person not excepted may agree for and receive any rate of interest.

2. Whenever interest is payable by the agreement of parties or by law, and no rate is fixed by such agreement or by law, the rate of interest shall be six per centum per annum. C. S. C., c. 58, s. 8 ;—36 V., c. 71, s. 1. Six per cent. to be the rate if there is no other provision.

INTEREST ON MONEYS SECURED ON MORTGAGE.

3. Whenever any principal money or interest secured by mortgage of real estate is, by the same, made payable on the sinking fund plan, or on any plan under which the payments of principal money and interest are blended, or on any plan which involves an allowance of interest on stipulated repayments, no interest whatever shall be chargeable, payable or recoverable, on any part of the principal money advanced, unless the mortgage contains a statement showing the amount of such principal money and the rate of interest chargeable thereon, calculated yearly or half-yearly, not in advance. 43 V., c. 42, s. 1. No interest recoverable in certain cases unless the mortgage contains a certain statement.

4. Whenever the rate of interest shown in such statement is less than the rate of interest which would be chargeable by virtue of any other provision, calculation or stipulation in the mortgage, no greater rate of interest shall be chargeable, payable or recoverable, on the principal money advanced, than the rate shown in such statement. 43 V., c. 42, s. 2. No rate recoverable beyond that shown in such statement.

5. No fine or penalty or rate of interest shall be stipulated for, taken, reserved or exacted on any arrear of principal or interest secured by mortgage of real estate, which has the effect of increasing the charge on any such arrear beyond the No fine allowed on payments in arrear.

Proviso: as to interest on arrears of interest. rate of interest payable on principal money not in arrear; but nothing in this section contained shall have the effect of prohibiting a contract for the payment of interest on arrears of interest or principal at any rate not greater than the rate payable on principal money not in arrear. 43 V., c. 42, s. 3.

Overcharge may be recovered back. **6.** If any sum is paid on account of any interest, fine or penalty not chargeable, payable or recoverable under the three sections next preceding, such sums may be recovered back, or deducted from any other interest, fine or penalty chargeable, payable or recoverable on the principal. 43 V., c. 42, s. 4.

No further interest payable after five years on certain conditions. **7.** Whenever any principal money or interest secured by mortgage of real estate is not, under the terms of the mortgage, payable till a time more than five years after the date of the mortgage, then, if, at any time after the expiration of such five years, any person liable to pay or entitled to redeem the mortgage tenders or pays, to the person entitled to receive the money, the amount due for principal money and interest to the time of payment, as calculated under the four sections next preceding, together with three months' further interest in lieu of notice, no further interest shall be chargeable, payable or recoverable at any time thereafter on the principal money or interest due under the mortgage. 43 V., c. 42, s. 5.

Application of five sections next preceding. **8.** The provisions of the five sections next preceding shall only apply to moneys secured by mortgage on real estate executed after the first day of July, in the year one thousand eight hundred and eighty. 43 V., c. 42, s. 6.

ONTARIO AND QUEBEC.

Ontario and Quebec. **9.** The two sections next following apply to the Provinces of Ontario and Quebec.

No higher rate than six per cent. to be taken by any corporation. **10.** Except as otherwise provided by this or any other Act or law, no corporation or company or association of persons, not being a bank, authorized by law before the sixteenth day of August, one thousand eight hundred and fifty-eight, to lend or borrow money, shall, upon any contract, take directly or indirectly, for loan of any moneys, wares, merchandise or other commodities whatsoever, above the value of six dollars for the advance or forbearance of one hundred dollars for a year, and so after that rate for a greater or less sum or value, or for a longer or shorter time:

Proviso: as to certain insurance companies. **2.** Provided that any insurance company, incorporated by Act of the legislature of the late Province of Canada, or of either of the late Provinces of Upper or of Lower Canada, or by charter from Her Majesty, or by an Act of the Parliament of the United Kingdom, and any corporation constitu-

ted for religious, charitable or educational purposes, in the Provinces of Ontario or Quebec, authorized by law to lend or borrow money, may stipulate for, allow and exact, on any contract or agreement whatsoever, any rate of interest or discount which is agreed upon, not exceeding eight per centum per annum. C. S. C., c. 58, ss 6 and 9, *part*;—C. S. U. C., c. 43, s. 4, *part*;—23 V. (Can.), c. 34;—36 V., c. 70.

11. All bonds, bills, promissory notes, contracts and assurances whatsoever made or executed in violation of the provisions of the section next preceding, whereupon or whereby a greater interest is reserved and taken than authorized by this or any other Act or law, shall be void; and every corporation, company and association of persons, not being a bank, authorized to lend or borrow money as aforesaid, which, directly or indirectly, takes, accepts and receives a higher rate of interest, shall incur a penalty equal to treble the value of the moneys, wares, merchandise, or other commodities lent or bargained for :

Contracts void if foregoing provisions are violated.

Penalty.

2. Such penalty may be recovered by action in any court of competent jurisdiction, and one moiety thereof shall belong to Her Majesty for the public uses of Canada, and the other moiety to the person who sues for the same. C. S. C., c. 58, s. 9, *part*;—C. S. U. C., c. 43, s. 4, *part*.

Recovery and application of penalty.

NOVA SCOTIA.

12. The five sections next following apply to the Province of Nova Scotia, but shall not extend to any hypothecation or agreement in writing entered into for money advanced upon the bottom of a ship or vessel, her cargo or freight. R. S. N. S. (2nd S.), c. 82, s. 3;—36 V., c. 71, s. 4.

Nova Scotia.

13. Any person may stipulate and agree in writing for any rate of interest not exceeding seven per centum per annum, for the loan or forbearance of money to be secured on real estate or chattels real; and any person may stipulate in writing for or may receive in advance any rate of interest not exceeding ten per centum per annum, whenever the security for the payment of the money consists only of personal property or the personal responsibility of the person to whom forbearance is given, or of others. 36 V., c. 71, s. 2.

Seven per cent. may be stipulated for.

And ten per cent. in certain cases.

14. In any action brought on any contract whatsoever, in which there is, directly or indirectly, taken or reserved a rate of interest exceeding that authorized in the next preceding section, the defendant may, the same being duly pleaded, as in other cases, prove such excessive interest, and it shall be deducted from the amount due on such contract. 36 V., c. 71, s. 3.

Excessive interest to be deducted.

15. No person shall, upon any contract or security, made or entered into, given or taken before the twenty-third day

As to contracts entered into previous

to 23rd May, 1873. of May, one thousand eight hundred and seventy-three, take, directly or indirectly, for the loan of moneys or goods, above the rate of six per centum per annum, and every such contract and security whereby a greater rate of interest is reserved shall be void; and every person who takes or receives, upon any such contract or security, a greater rate, shall incur a penalty equal to treble the value of the moneys or goods in such contract or security contracted for or secured; but no prosecution for any such penalty shall be commenced except within twelve months from the commission of the offence. R. S. N. S. (2nd S.), c. 82, ss. 1 and 6;—36 V., c. 71, s. 6.

Banks emptied. **16.** Nothing in the three sections next preceding shall apply to any chartered bank. 36 V., c. 71, s. 7.

As to contracts respecting grain and live stock. **17.** Any person may contract for the loan or hire of grain or live stock, upon halves or otherwise, upon the lender taking upon himself all risk of such stock; but if it appears that the same, or any part thereof, perished or was lost through the wilful neglect of the borrower, he shall make good to the lender the full value thereof. R. S. N. S. (2nd S.), c. 82, s. 2.

NEW BRUNSWICK.

New Brunswick. **18.** The five sections next following apply to the Province of New Brunswick with respect to,—
 (a.) Banks which are not subject to "*The Bank Act*;"
 (b.) Other incorporated companies, but subject to any special provision in any other Act; and—
 (c.) Contracts made between the thirteenth day of April in the year one thousand eight hundred and fifty-nine, and the eighth day of April, in the year one thousand eight hundred and seventy-five. 38 V., c. 18, ss. 2 and 3.

Not more than six per cent. to be taken. **19.** No person shall, directly or indirectly, receive on any contract for the loan of any money or goods, more than six dollars for the forbearance of one hundred dollars for one year, and after that rate for a greater or lesser sum, and a longer or shorter time. 22 V. (N.B.), c. 21, s. 2, *part*.

Contracts not void. **20.** No deed or contract for payment of any money loaned, or for the forbearance of any thing undertaken, upon or by which more than such rate of interest is reserved or received, shall be void by reason thereof. 22 V. (N.B.), c. 21, s. 2, *part*.

Excessive interest to be deducted. **21.** In any action brought on any contract whatsoever, in which there is, directly or indirectly, taken or reserved a rate of interest exceeding six per centum per annum, the defendant, or his attorney, may, under the general issue, with notice of defence as in other cases, prove such excessive

interest, and it shall be deducted from the amount due on such contract. 22 V. (N.B.), c. 21, s. 3.

22. Every bank not subject to "*The Bank Act*," which, upon any such deed or contract, receives or reserves, by means of any loan, bargain, exchange or transfer of any money or goods, or by any deceitful means, for the forbearing or giving day of payment beyond a year, of its money or goods, more than six dollars for one hundred dollars for one year, and after that rate for a greater or lesser sum and longer or shorter time, shall incur a penalty equal to the value of the principal sum or goods so loaned, bargained, exchanged or transferred, and all interest and other profits accruing therefrom; and such penalty may be recovered by action in any court of record in the county in which the offence was committed,—which action shall be brought within twelve months from the time of such offence and not afterwards; and one moiety of such penalty shall belong to Her Majesty for the public uses of Canada, and the other moiety to the person who sues for the same. 22 V. (N.B.), c. 21, s. 4.

Penalty if bank takes more than lawful rate.
Recovery and application.

23. Nothing in the four sections next preceding shall apply to bottomry bonds or contracts on the bottom of any vessel, damages on protested bills allowed by law, penalties incurred for the non-fulfilment of any contract, if such penalties are mutually binding, and contracts for the loan or hire of any grain, cattle, or live stock, let out as the parties agree, if the lender takes the risk of casualties upon himself,—in which case the borrower shall not avail himself of any loss suffered through his wilful neglect, or any voluntary damage which is committed by him. 22 V. (N.B.), c. 21, s. 6.

Certain matters excepted.

BRITISH COLUMBIA.

24. The three sections next following apply to the Province of British Columbia. 49 V., c. 44, s. 1, *part*.

British Columbia.

25. In all cases where interest is chargeable or recoverable by law or by any contract expressed or implied, or upon any judgment of any court in British Columbia, if the rate of interest has not been agreed upon in writing, such rate shall be six per centum per annum. 49 V., c. 44, s. 1, *part*.

Rate when there is no special agreement.

26. In all cases in which judgment is recovered upon any contract in writing in or by which interest at a higher rate than six per centum per annum has been agreed to be paid, the amount awarded by such judgment shall bear interest at the rate agreed upon, not however exceeding twelve per centum per annum. 49 V., c. 44, s. 2.

Rate on sum awarded by a judgment when more than 6 per cent. has been agreed upon.

Not to apply
to contracts
made before
2nd June,
1886.

27. The provisions of the two sections next preceding shall not extend to contracts entered into before the second day of June, one thousand eight hundred and eighty-six. 49 V., c. 44, s. 4.

PRINCE EDWARD ISLAND.

Prince Ed-
ward Island.

28. The following provisions apply to the Province of Prince Edward Island.

What rate of
interest may
be recovered.

29. No person shall recover, in any court, more than six per centum per annum interest on any account, contract or agreement, unless it appears to the court that a higher rate of interest was agreed to in writing between the parties. 31 V. (P.E.I.), c. 8, s. 2.

Certain rights
and liabilities
not affected.

30. Nothing herein shall prejudice or affect the rights or remedies of any person, or diminish or alter the liabilities of any person, in respect of any act done previously to the fifteenth day of April, in the year one thousand eight hundred and seventy, and if interest was payable at that date upon any contract, express or implied, for the payment of the legal or current rate of interest or upon any debt or sum of money by any rule of law, the same shall be recoverable as if the provisions of the next preceding section had not been enacted. 31 V. (P.E.I.), c. 8, ss. 3 and 4.

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CHAPTER 128.

An Act respecting Pawnbrokers.

A. D. 1886.

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

1. In this Act, unless the context otherwise requires, the expression "pawnbroker" means any person who lawfully exercises the trade of receiving or taking, by way of pawn, pledge or exchange, any goods for the repayment of money lent thereon. C. S. C., c. 61, s. 6;—1 R. S. N. B., c. 17, s. 3, *part*.

Interpretation.
"Pawn-
broker."

2. Every pawnbroker may take the following rates above the principal sum advanced, before he is obliged to re-deliver the goods pawned, that is to say, for every pledge upon which there has been lent not exceeding fifty cents, the sum of one cent for any time not exceeding one month, and the same for every month afterwards, including the current month in which the pledge is redeemed, although such month has not expired; and so on progressively and in the same proportion for every sum of fifty cents up to twenty dollars. C. S. C., c. 61, s. 10;—1 R. S. N. B., c. 17, s. 4, *part*.

*Rates which
may be taken.*

3. When the sum lent exceeds twenty dollars, the pawnbroker may take upon all beyond that amount after the rate of five cents for every four dollars by the month, and so on in proportion for any fractional sum. C. S. C., c. 61, s. 11;—1 R. S. N. B., c. 17, s. 4, *part*.

*When sum
lent exceeds
\$20.*

4. Such sums respectively shall be in lieu of and taken as a full satisfaction for all interest due and charges for warehouse room. C. S. C., c. 61, s. 12;—1 R. S. N. B., c. 17, s. 4, *part*.

*Rates to cover
warehouse
room.*

5. The person entitled to and applying for the redemption of goods pawned, within fourteen days from the end of the first month after the same were pledged, may redeem such goods upon paying the rate or profit payable for one month and a-half; but if redeemed after the expiration of the first fourteen days, and before the end of the second month, the pawnbroker may take a rate or profit of the whole second month; and the like regulation and restriction shall take place in every subsequent month wherein application is made for redeeming goods pawned. C. S. C., c. 61, s. 13.

*Time when
and terms on
which pledges
may be re-
deemed.*

Pawnbroker taking unlawful rate.

6. Every pawnbroker who, in any case, stipulates for or takes a higher rate than that herein prescribed, shall, on summary conviction, be liable to a penalty not exceeding fifty dollars.

Forging pawnbroker's notes.

7. Every person who counterfeits, forges or alters any note or memorandum given by a pawnbroker for goods pledged, or causes or procures the same to be done; or utters, vends or sells such note or memorandum, knowing the same to be counterfeited, forged or altered, with intent to defraud any person, shall be liable, on summary conviction, to imprisonment for any term not exceeding three months. C. S. C., c. 61, ss. 24 and 25, *part.*

Offender may be arrested.

8. If any note or memorandum aforesaid is uttered, shown or offered to any person, and such person has reason to suspect that the same has been forged, he may seize the person offering the same, and deliver him to a peace officer or constable, who shall convey him before a justice of the peace to be dealt with according to law. C. S. C., c. 61, s. 25, *part.*

Not giving a satisfactory account of goods offered to be pawned, &c.

9. If any person offers to any pawnbroker, by way of pawn or pledge, or of exchange or sale, any goods, and is not able or refuses to give a satisfactory account of himself, or of the means whereby he became possessed of the goods, or wilfully gives any false information to the pawnbroker or his servant, as to whether such goods are his own property or not, or as to his name and place of abode, or as to the owner of the goods,—or if there is any other reason to suspect that such goods have been stolen or otherwise illegally or clandestinely obtained,—or if any person not entitled, or not having any color of title by law to redeem goods that have been pawned, attempts to redeem them, the person to whom the goods first above mentioned are offered to be pawned, or to whom the offer to redeem the goods in pawn is made, may seize and detain the person offering to pawn, and the goods offered to be pawned, or the person offering to redeem, as aforesaid, and shall convey such person and the goods offered to be pawned, or the person offering to redeem, and immediately deliver the person so offering to pawn and the goods offered to be pawned, or the person so offering to redeem, into the custody of a peace officer or constable, who shall, as soon as possible, convey such person and goods, or such person, as the case may be, before a justice of the peace of the district or county. C. S. C., c. 61, s. 26.

Offender may be arrested.

If a justice suspects that goods have been stolen, &c., he may commit the offender.

10. If such justice of the peace, upon examination and inquiry, has cause to suspect that such goods have been stolen or illegally or clandestinely obtained, or that the person offering to redeem them has not any pretence or color of right so to do, he shall commit the offender into safe custody for such reasonable time as is necessary for obtaining proper

information, in order to be further examined; and if, upon either examination, it appears to the satisfaction of the justice that such goods were stolen or illegally or clandestinely obtained, or that the person offering to redeem them had not any pretence or color of right so to do, he shall, unless the offence authorizes such commitment by any other law, commit the offender to the common gaol of the district or county where the offence was committed, for any term not exceeding three months. C. S. C., c. 61, s. 27.

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CHAPTER 129.

An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies, and Trading Corporations. A. D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Winding Up Act.*" Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a.) The expression "company" includes any corporation subject to the provisions of this Act; Interpretation.
"Company."
- (b.) The expression "insurance company" means a company carrying on, either as a mutual or a stock company, the business of insurance, whether life, fire, marine, ocean or inland marine, accident, guarantee or otherwise; "Insurance
"company."
- (c.) The expression "trading company" means any company, except a railway or telegraph company, carrying on business similar to that carried on by apothecaries, auctioneers, bankers, brokers, brickmakers, builders, carpenters, carriers, cattle or sheep salesmen, coach proprietors, dyers, fullers, keepers of inns, taverns, hotels, saloons or coffee houses, lime burners, livery stable keepers, market gardeners, millers, miners, packers, printers, quarrymen, share-brokers, ship-owners, shipwrights, stock-brokers, stock-jobbers, victuallers, warehousemen, wharfingers, persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail, or by persons who, either for themselves, or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or by the manufacture, workmanship or the conversion of goods or commodities or trees; "Trading
"company."
- (d.) The expression "court" means, in the Province of Ontario, the High Court of Justice for Ontario; in the Province of Quebec, the Superior Court for Lower Canada; in the Province of Nova Scotia, the Supreme Court; in the Province of New Brunswick, the Supreme Court; in the Province "Court."

of Prince Edward Island, the Supreme Court; in the Province of British Columbia, the Supreme Court; in the Province of Manitoba, Her Majesty's Court of Queen's Bench for Manitoba; in the North-West Territories the Supreme Court of the North-West Territories; and in the District of Keewatin, such court or magistrate or other judicial authority as is designated, from time to time, by proclamation of the Governor in Council, published in the *Canada Gazette*;

"Official
"Gazette."

(e.) The expression "Official Gazette" means the *Canada Gazette* and the Gazette published under the authority of the Government of the Province, where the proceedings for the winding up of the business of the company are carried on, or used as the official means of communication between the Lieutenant Governor and the people, and if no such Gazette is published, then it means any newspaper published in the Province, which is designated by the court for publishing the notices required by this Act;

"Contribu-
"tory."

(f.) The expression "contributory" means a person liable to contribute to the assets of a company under this Act; it also, in all proceedings for determining the persons who are to be deemed contributories and in all proceedings prior to the final determination of such persons, includes any person alleged to be a contributory;

"Winding-up
"order."

(g.) The expression "winding-up order" means an order granted by the court under this Act to wind up the business of the company, and includes any order granted by the court to bring within the provisions of this Act any company in liquidation or in process of being wound up. 45 V., c. 23, ss. 8, 4, 5, 6, 8 and 13, *part*;—49 V., c. 25, s. 14.

APPLICATION OF ACT.

Application
of Act.

3. This Act applies to incorporated banks, savings banks, incorporated insurance companies, loan companies having borrowing powers, building societies having a capital stock, and incorporated trading companies, doing business in Canada, wheresoever incorporated; and—

(a.) Which are insolvent; or—

(b.) Which are in liquidation or in process of being wound up, and on petition by any of their shareholders or creditors, assignees or liquidators, ask to be brought under the provisions of this Act:

Certain cor-
porations ex-
cepted.

2. This Act does not apply to railway or telegraph companies or to building societies which have not a capital stock. 47 V., c. 39, s. 1.

Application
of certain
sections.

4. The provisions of sections eight to ninety-six, both inclusive, are, in the case of a bank other than a savings bank, subject to the provisions contained in sections ninety-seven to one hundred and four, both inclusive; and, in the case of an insurance company, the provisions of sections eight to ninety-six, both inclusive, are subject to the provisions con-

tained in sections one hundred and five to one hundred and twenty-three, both inclusive. 45 V., c. 23, s. 2.

WHEN COMPANY DEEMED INSOLVENT.

5. A company is deemed insolvent—

- (a.) If it is unable to pay its debts as they become due; When a company shall be deemed insolvent.
 (b.) If it calls a meeting of its creditors for the purpose of compounding with them;
 (c.) If it exhibits a statement showing its inability to meet its liabilities;
 (d.) If it has otherwise acknowledged its insolvency;
 (e.) If it assigns, removes or disposes of, or attempts or is about to assign, remove or dispose of, any of its property, with intent to defraud, defeat or delay its creditors, or any of them;
 (f.) If, with such intent, it has procured its money, goods, chattels, lands or property to be seized, levied on or taken, under or by any process or execution;
 (g.) If it has made any general conveyance or assignment of its property for the benefit of its creditors, or if, being unable to meet its liabilities in full, it makes any sale or conveyance of the whole or the main part of its stock in trade or assets, without the consent of its creditors, or without satisfying their claims;
 (h.) If it permits any execution issued against it, under which any of its goods, chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within four days of the time fixed by the sheriff or proper officer for the sale thereof, or for fifteen days after such seizure. 45 V., c. 23, s. 9.

6. A company is deemed to be unable to pay its debts as they become due, whenever a creditor, to whom the company is indebted in a sum exceeding two hundred dollars then due, has served on the company, in the manner in which process may legally be served on it in the place where service is made, a demand in writing, requiring the company to pay the sum so due, and the company has, for ninety days, in the case of a bank, and for sixty days in all other cases, next succeeding the service of the demand, neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor. 45 V., c. 23, ss. 10 and 11. When a company shall be deemed unable to pay its debts.

PROCEEDINGS FOR WINDING-UP ORDER.

7. The winding up of the business of a company shall be deemed to commence at the time of the service of the notice of presentation of the petition for winding up. 45 V., c. 23, s. 12. When winding-up commences.

Application to court for winding-up order.

8. When a company becomes insolvent, a creditor for the sum of at least two hundred dollars may, after four days' notice of the application to the company, apply by petition to the court in the Province where the head office of the company is situated, or if there is no head office in Canada, then in the Province where its chief place or one of its chief places of business is situated, for a winding-up order. 45 V., c. 23, s. 13, *part*.

Power of court on the application.

9. The court may make the order applied for, may dismiss the petition with or without costs, may adjourn the hearing conditionally or unconditionally, or may make any interim or other order that it deems just. 45 V., c. 23, s. 14.

If company opposes application.

10. If the company opposes the application, on the ground that it has not become insolvent within the meaning of this Act, or that its suspension or default was only temporary, and was not caused by any deficiency in its assets, and shows reasonable cause for believing that such opposition is well founded, the court, in its discretion, may, from time to time, adjourn the proceedings upon such application for a time not exceeding six months from the date of the application,—and may order an accountant, or other person, to inquire into the affairs of the company, and to report thereon within a period not exceeding thirty days from the date of such order. 45 V., c. 23, s. 15.

Court may adjourn the proceedings and order inquiry.

Duty of company and its officers if inquiry is ordered.

11. Upon the service on the company of an order made under the next preceding section, for an inquiry into the affairs of the company, the president, directors, officers and employees of the company and every other person shall respectively exhibit to the accountant or other person named for the purpose of making such inquiry, the books of account of the company and all inventories, papers and vouchers referring to the business of the company or of any person therewith, which are in his or their possession, custody or control, respectively; and they shall also respectively give all such information as is required by such accountant or other person as aforesaid, in order to form a just estimate of the affairs of the company; and any refusal on the part of the president, directors, officers or employees of the company to give such information, shall be a contempt of the court, and shall be punishable by fine or imprisonment, or by both, in the discretion of the court. 45 V., c. 23, s. 16.

Punishment for refusal to give information.

Power of the court after report on inquiry.

12. Upon receiving the report of the accountant or person ordered to inquire into the affairs of the company, and after hearing such shareholders or creditors of the company as desire to be heard thereon, the court may either refuse the application or make the winding-up order. 45 V., c. 23, s. 17.

Actions against company may be restrained.

13. The court may, upon the application of the company, or of any creditor or contributory, at any time after the presentation of a petition for a winding-up order and before

making the order, restrain further proceedings in any action, suit or proceeding against the company, upon such terms as the court thinks fit. 45 V., c. 23, s. 18.

14. Any shareholder, creditor, assignee, receiver or liquidator of any company which was in liquidation or in process of being wound up on the seventeenth day of May, one thousand eight hundred and eighty-two, may apply, by petition, to the court, asking that the company may be brought within and under the provisions of this Act, and the court may make such order; and the winding up of such company shall thereafter be carried on under this Act:

As to companies in liquidation on 17th May, 1882.

2. The court, in making such order, may direct that the assignee, receiver or liquidator of such company, if one has been appointed, shall become the liquidator of the company under this Act, or may appoint some other person to be liquidator of the company. 47 V., c. 39, ss. 2 and 3.

Liquidator in such case.

PROCEEDINGS AFTER WINDING-UP ORDER IS MADE.

15. The company, from the time of the making of the winding-up order, shall cease to carry on its business, except in so far as is, in the opinion of the liquidator, required for the beneficial winding up thereof:

Company to cease business.

2. All transfers of shares, except transfers made to or with the sanction of the liquidators, under the authority of the court, and every alteration in the status of the members of the company, after the commencement of such winding up, shall be void; but the corporate state and all the corporate powers of the company, notwithstanding it is otherwise provided by the Act, charter or instrument of incorporation, shall continue until the affairs of the company are wound up. 45 V., c. 23, s. 19.

Transfer of shares void.

Corporate state continued.

16. When the winding-up order is made, no suit, action or other proceeding shall be proceeded with or commenced against the company, except with the leave of the court and subject to such terms as the court imposes. 45 V., c. 23, s. 20.

After winding-up order, actions against company stayed.

17. Every attachment, sequestration, distress or execution put in force against the estate or effects of the company after the making of the winding-up order shall be void. 45 V., c. 23, s. 21.

Executions, &c., against company void.

18. The court may, upon the application of any creditor or contributory, at any time after the winding-up order is made, and upon proof, to the satisfaction of the court, that all proceedings in relation to the winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit. 45 V., c. 23, s. 22.

Court may stay winding-up proceedings.

Wishes of creditors, &c., how ascertained.

19. The court may, as to it seems just, as to all matters relating to the winding up, have regard to the wishes of the creditors, contributories, shareholders or members, as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors, contributories, shareholders or members to be summoned, held and conducted in such manner as the court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the court :

As to amount of claim and number of votes on shares.

2. In the case of creditors, regard shall be had to the amount of the debt due to each creditor, and in the case of shareholders or members, to the number of votes conferred on each shareholder or member by law or by the regulations of the company ; and the court may prescribe the mode of preliminary proof of creditors' claims for the purpose of the meeting. 45 V., c. 23, s. 23.

Court may require proof.

LIQUIDATORS.

Liquidator to be appointed.

20. The court, in making the winding-up order, may appoint a liquidator or more than one liquidator of the estate and effects of the company ; but no such liquidator shall be appointed unless a previous notice is given to the creditors, contributories, shareholders or members, in the manner and form prescribed by the court. 45 V., c. 23, s. 24 ;—47 V., c. 39, s. 4.

An incorporated company may be appointed.

21. An incorporated company may be appointed liquidator to the goods and effects of a company under this Act ; and if an incorporated company is so appointed, it may act through one or more of its principal officers designated by the court. 45 V., c. 23, s. 25.

Additional liquidators.

22. The court may, if it thinks fit, after the appointment of one or more liquidators, appoint additional liquidators. 45 V., c. 23, s. 26.

Quorum.

23. If more than one liquidator is appointed, the court may declare whether any act to be done by a liquidator is to be done by all or any one or more of the liquidators. 45 V., c. 23, s. 27.

Security.

24. The court may also determine what security shall be given by a liquidator on his appointment. 45 V., c. 23, s. 28.

If no liquidator.

25. If at any time there is no liquidator, all the property of the company shall be deemed to be in the custody of the court. 45 V., c. 23, s. 29.

Provisional liquidator.

26. The court may, at any time after the presentation of the petition and before the first appointment of a liquidator, appoint provisionally a liquidator of the estate and effects of the company. 45 V., c. 23, s. 30.

27. A liquidator may resign or may be removed by the court on due cause shown, and every vacancy in the office of liquidator shall be filled by the court. 45 V., c. 23, s. 31. Resignation
or removal.

28. The liquidator shall be paid such salary or remuneration, by way of percentage or otherwise, as the court directs, upon such notice to the creditors, contributories, shareholders or members, as the court orders; and if there is more than one liquidator, the remuneration shall be distributed amongst them in such proportions as the court directs. 45 V., c. 23, s. 32. Remunera-
tion.

29. In all proceedings connected with the company a liquidator shall be described as the "liquidator of the (*name of company*)," and not by his individual name only. 45 V., c. 23, s. 33. Description.

30. The liquidator, upon his appointment, shall take into his custody or under his control, all the property, effects and choses in action to which the company is or appears to be entitled; and he shall perform such duties in reference to winding up the business of the company as are imposed by the court or by this Act. 45 V., c. 23, s. 34. Duties after
appointment.

31. The liquidator may, with the approval of the court, and upon such previous notice to the creditors, contributories, shareholders or members, as the court orders— Powers.

(a.) Bring or defend any action, suit or prosecution or other legal proceeding, civil or criminal, in his own name as liquidator or in the name or on behalf of the company, as the case may be; Suits.

(b.) Carry on the business of the company as far as is necessary to the beneficial winding up of the same; Business of
company.

(c.) Sell the real and personal and heritable and movable property, effects and choses in action of the company, by public auction or private contract, and transfer the whole thereof to any person or company, or sell the same in parcels; Sale of prop-
erty.

(d.) Do all acts, and execute, in the name and on behalf of the company, all deeds, receipts and other documents, and for that purpose use, when necessary, the seal of the company; General acts.

(e.) Prove, rank, claim and draw dividends in the matter of the bankruptcy, insolvency or sequestration of any contributory, for any balance against the estate of such contributory, and take and receive dividends in respect of such balance in the matter of the bankruptcy, insolvency or sequestration as a separate debt due from such bankrupt or insolvent and ratably with the other separate creditors; Proving in
bankruptcy,
&c.

(f.) Draw, accept, make and indorse any bill of exchange or promissory note in the name and on behalf of the company; raise upon the security of the assets of the company, from time to time, any requisite sum or sums of money; and Drawing or
indorsing
bills, &c.,
and raising
funds.

the drawing, accepting, making or indorsing of every such bill of exchange or promissory note, as aforesaid, on behalf of the company, shall have the same effect, with respect to the liability of such company, as if such bill or note had been drawn, accepted, made or indorsed by or on behalf of such company in the course of the carrying on of its business ;

General powers.

(g.) Do and execute all such other things as are necessary for winding up the affairs of the company and distributing its assets. 45 V., c. 23, s. 35.

When solicitor may be appointed.

32. The liquidator may, with the approval of the court, appoint a solicitor or law agent to assist him in the performance of his duties. 45 V., c. 23, s. 36.

Debts, &c., due to the company may be compromised.

33. The liquidator may, with the approval of the court, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and any contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of the company or the winding up of the company upon the receipt of such sums, payable at such times, and generally upon such terms, as are agreed upon ; and may take any security for the discharge of such debts or liabilities, and give a complete discharge in respect of all or any such calls, debts or liabilities. 45 V., c. 23, s. 37.

Powers of directors to cease.

34. Upon the appointment of the liquidator, all the powers of the directors shall cease, except in so far as the court or the liquidator sanctions the continuance of such powers. 45 V., c. 23, s. 38.

Moneys to be deposited in bank.

35. The liquidator shall deposit at interest in some chartered bank or post office savings bank or other Government savings bank designated by the court, all sums of money which he has in his hands belonging to the company, whenever and so often as such sums amount to one hundred dollars. 45 V., c. 23, s. 39.

A separate deposit account to be kept.

36. Such deposits shall not be made in the name of the liquidator individually, on pain of dismissal ; but a separate account shall be kept for the company of the moneys belonging to the company in the name of the liquidator as such liquidator. 45 V., c. 23, s. 40.

Bank book to be produced at meeting.

37. At every meeting of the contributories, creditors, shareholders or members, the liquidator shall produce a bank pass book, showing the amount of the deposits made for the company, the dates at which such deposits were made, the

amount withdrawn and dates of such withdrawal,—of which production mention shall be made in the minutes of such meeting; and the absence of such mention shall be *prima facie* evidence that such pass book was not produced at the meeting. 45 V., c. 23, s. 41.

38. The liquidator shall also produce such pass book whenever ordered so to do by the court, and on his refusal so to do, he may be treated as being in contempt of court. 45 V., c. 23, s. 42.

And on order of court.

39. The liquidator shall be subject to the summary jurisdiction of the court in the same manner and to the same extent as the ordinary officers of the court are subject to its jurisdiction; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property upon, in or to any effects or property in the hands, possession or custody of a liquidator, may be obtained by an order of the court on summary petition, and not by any action, suit, attachment, seizure or other proceeding of any kind whatsoever; and obedience by the liquidator to such order may be enforced by the court under the penalty of imprisonment, as for contempt of court or disobedience thereto; and he may be removed, in the discretion of the court. 45 V., c. 23, s. 43.

Liquidator subject to summary jurisdiction of court.

Remedies against estate obtained by summary order and not by suit, &c.

40. The liquidator shall, within three days after the date of the final winding up of the business of the company, deposit in the bank appointed or designated as hereinbefore provided, any other money belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all that he has in his hands; and he shall incur a penalty not exceeding ten dollars, and not less than ten per cent. per annum interest upon the sums in his hands for every day on which he neglects or delays such payment; and he shall be deemed to be a debtor to Her Majesty for such money, and may be compelled as such to account for and pay over the same. 45 V., c. 23, s. 44.

Balance on hand by liquidator after final winding up to be deposited.

Penalty for neglect.

41. The money so deposited shall be left for three years in the bank, subject to be claimed by those entitled thereto, and shall be then paid over, with the interest, to the Minister of Finance and Receiver General, and if afterwards claimed, shall be paid to the person entitled thereto. 45 V., c. 23, s. 45.

If not claimed to be paid to Receiver General.

CONTRIBUTORIES.

42. As soon as may be after the commencement of the winding up of a company the court shall settle a list of contributories. 45 V., c. 23, s. 46.

List of contributories.

List of contributories must distinguish between those in their own right and those in a representative capacity.

43. In the list of contributories, persons who are contributories in their own right shall be distinguished from persons who are contributories as representatives of or liable for the debts of others; and it shall not be necessary, where the personal representative of any deceased contributory is placed on the list, to add the heirs or devisees of such contributory, but such heirs or devisees may be added as and when the court thinks fit. 45 V., c. 23, s. 47.

Liability of shareholders or their representatives.

44. Every shareholder or member of the company or his representative, shall be liable to contribute the amount unpaid on his shares of the capital, or on his liability to the company, or to its members or creditors, as the case may be, under the Act, charter or instrument of incorporation of the company, or otherwise; and the amount which he is liable to contribute shall be deemed an asset of the company, and a debt due to the company, payable as directed or appointed under this Act. 45 V., c. 23, s. 48.

Liability after transfer of shares, &c.

45. If a shareholder has transferred his shares under circumstances which do not, by law, free him from liability in respect thereof, or if he is by law liable to the company or its members or creditors, as the case may be, to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the company for the purposes of this Act, and shall be liable to contribute, as aforesaid, to the extent of his liabilities to the company or its members or creditors, independently of this Act; and the amount which he is so liable to contribute shall be deemed an asset and a debt as aforesaid. 45 V., c. 23, s. 49.

Nature of liability of a contributory.

46. The liability of any person to contribute to the assets of a company under this Act, in the event of the business of the same being wound up, shall create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made, as hereinafter mentioned, for enforcing such liability; and in the case of the bankruptcy or insolvency of any contributory, the estimated value of his liability to future calls, as well as calls already made, may be proved against his estate. 45 V., c. 23, s. 50, *part.*

Trustee, &c., of company may be ordered to pay over balance and deliver books, &c.

47. The court may, at any time after making a winding-up order, require any contributory for the time being settled on the list of contributories as trustee, receiver, banker, agent or officer of the company, to pay, deliver, convey, surrender or transfer forthwith, or within such time as the court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate or effects which are in his hands for the time being, and to which the company is *prima facie* entitled. 45 V., c. 23, s. 51.

48. The court may, at any time after making a winding-up order, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any moneys due from him or from the estate of the person whom he represents, to the company, exclusive of any moneys which he or the estate of the person whom he represents is liable to contribute by virtue of any call made in pursuance of this Act. 45 V., c. 23, s. 52.

Court may order debtors of company to pay.

49. The court may, at any time after making a winding up order, and either before or after it has ascertained the sufficiency of the assets of the company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories amongst themselves; and the court may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same: Provided however, that no call shall compel payment of a debt before the maturity thereof, and that the extent of the liability of any contributory shall not be increased by anything in this section contained. 45 V., c. 23, s. 50, *part, and* s. 53.

When calls may be made on contributories.

Proviso.

50. The court may order any contributory, purchaser or other person from whom money is due to the company, to pay the same into some chartered bank or post office savings bank or other Government savings bank, to the account of the court, instead of to the liquidator; and such order may be enforced in the same manner as if it had directed payment to the liquidator. 45 V., c. 23, s. 54.

Moneys may be ordered to be paid into court.

51. The court shall adjust the rights of the contributories among themselves, and distribute, among the persons entitled thereto, any surplus that remains. 45 V., c. 23, s. 55.

Distribution of surplus.

52. The court may, at any time before or after it has made a winding-up order, upon proof being given that there is reasonable cause for believing that any contributory or any past or present director, manager, officer or employee of the company is about to quit Canada or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the company, cause such person to be arrested, and his books, papers, moneys, securities for moneys, goods and chattels to be seized, and him and them to be safely kept until such time as the court orders. 45 V., c. 23, s. 56.

Contributory or official about to abscond, &c., may be arrested.

And his papers, &c., may be seized.

Books, &c., of company to be *prima facie* evidence as between contributories.

53. If the business of a company is being wound up under this Act, all books of the company and of the liquidators shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded. 45 V., c. 23, s. 57.

Court may allow inspection by creditors, &c., of company's books, &c.

54. After a winding-up order has been made, the court may make such order for the inspection, by the creditors, shareholders, members or contributories of the company, of its books and papers, as the court thinks just; and any books and papers in the possession of the company may be inspected in conformity with the order of the court, but not further or otherwise. 45 V., c. 23, s. 58.

Person entitled to vote to do so personally or by written proxy.

55. No contributory, creditor, shareholder, or member shall vote at any meeting unless present personally or represented by some person acting under a written authority, filed with the chairman or liquidator, to act as such representative at the meeting, or generally. 45 V., c. 23, s. 59.

CREDITORS' CLAIMS.

What debts may be proved against the company.

56. When the business of a company is being wound up under this Act, all debts payable on a contingency, and all claims against the company, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible to proof against the company,—a just estimate being made, as far as is possible, of the value of all such debts or claims as are subject to any contingency or sound only in damages, or which, for some other reason, do not bear a certain value:

Privilege of claims of clerks and employees allowed to a certain extent.

2. Clerks and other persons in or having been in the employment of the company in or about its business or trade, shall be collocated in the dividend sheet by special privilege over other creditors, for any arrears of salary or wages due and unpaid to them at the time of the making of the winding-up order, not exceeding the arrears which have accrued to them during the three months next previous to the date of such order. 45 V., c. 23, s. 60, *part*;—49 V., c. 46, s. 1.

Law of set-off to apply.

57. The law of set-off, as administered by the courts, whether of law or equity, shall apply to all claims upon the estate of the company, and to all proceedings for the recovery of debts due or accruing due to the company at the commencement of the winding up, in the same manner and to the same extent as if the business of the company was not being wound up under this Act. 45 V., c. 23, s. 60, *part*.

Distribution of property of company.

58. The property of the company shall be applied in satisfaction of its liabilities and the charges incurred in winding up its affairs; and unless it is otherwise provided

by law or by the Act, charter or instrument of incorporation, any property or assets remaining shall be distributed amongst the members or shareholders, according to their rights and interests in the company. 45 V., c. 23, s. 61.

59. The court may fix a certain day or certain days on or within which creditors of the company and others who have claims thereon may send in their claims. 45 V., c. 23, s. 62.

When creditors must send in claims.

60. When the liquidator has given such notices of the said day as are ordered by the court, the liquidator may, at the expiration of the time named in the said notices or the last of the said notices, for sending in such claims, distribute the assets of the company, or any part thereof, amongst the persons entitled thereto, having regard to the claims of which the liquidator then has notice; and the liquidator shall not be liable to any person of whose claim the liquidator had not notice at the time of distributing the said assets, or a part thereof, as the case may be, for the assets or any part thereof so distributed. 45 V., c. 23, s. 63.

After expiration of time for sending in claims, assets may be distributed.

61. The liquidator may, with the approval of the court, make such compromise or other arrangement as the liquidator deems expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the company, or whereby the company may be rendered liable. 45 V., c. 23, s. 64.

Creditors may be compromised with.

62. If a creditor holds security upon the estate of the company, he shall specify the nature and amount of such security in his claim, and shall therein, on his oath, put a specified value thereon; and the liquidator, under the authority of the court, may either consent to the retention of the property and effects constituting such security or on which it attaches, by the creditor, at such specified value, or he may require from such creditor an assignment and delivery of such security, property and effects, at such specified value, to be paid by him out of the estate so soon as he has realized such security, together with interest on such value from the date of filing the claim till payment; and in case of such retention the difference between the value at which the security is retained and the amount of the claim of such creditor shall be the amount for which he may rank as aforesaid; and if a creditor holds a claim based upon negotiable instruments upon which the company is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of this section, and shall put a value on the liability of the person primarily liable thereon as being his security for the payment thereof; but after the maturity of such liability

Duty of creditors holding security.

Security by negotiable instruments.

and its non-payment, he shall be entitled to amend and re-value his claim. 45 V., c. 23, s. 65.

If the security is a mortgage on real property or a ship.

63. If the security consists of a mortgage upon ships or shipping, or upon real property, or of a registered judgment or an execution binding real property and excepted from the operation of section sixty-six of this Act, the property mortgaged or bound shall only be assigned and delivered to the creditor, subject to all previous mortgages, judgments, executions, hypothecs and liens thereon, holding rank and priority before his claim, and upon his assuming and binding himself to pay all such previous mortgages, judgments, executions, hypothecs and liens, and upon his securing the estate of the company to the satisfaction of the liquidator against any claim by reason of such previous mortgages, judgments, executions, hypothecs and liens; and if there are mortgages, judgments, executions, hypothecs or liens thereon, subsequent to those of such creditor, he shall only obtain the property by consent of the subsequently secured creditors, or upon their filing their claims specifying their security thereon as of no value, or upon his paying them the value by them placed thereon, or upon his securing the estate of the company to the satisfaction of the liquidator against any claim by reason of such subsequent mortgages, judgments, executions, hypothecs and liens. 45 V., c. 23, s. 66.

If there are subsequent claims.

Duty of liquidator if a secured claim is filed.

64. Upon a secured claim being filed, with a valuation of the security, the liquidator shall procure the authority of the court to consent to the retention of the security by the creditor, or shall require from him an assignment and delivery thereof. 45 V., c. 23, s. 67.

Rank, &c., on dividend sheet.

65. In the preparation of the dividend sheet, due regard shall be had to the rank and privilege of every creditor, but no dividend shall be allotted or paid to any creditor holding security upon the estate of the company for his claim until the amount for which he may rank as a creditor upon the estate, as to dividends therefrom, is established, as herein provided. 45 V., c. 23, s. 68.

No lien by judgment and execution.

66. No lien or privilege upon either the real or personal property of the company shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the company; nor shall any lien, claim or privilege be created upon the real or personal property of the company, or upon any debts due or accruing or becoming due to the company, by the filing or registering of any memorial or minute of judgment, or by the issue or making of any attachment or garnishee order or other process or proceeding, if, before the payment over to the plaintiff of the moneys

actually levied, paid or received under such writ, memorial, minute, attachment, garnishee order or other process or proceeding, the winding up of the business of the company has commenced; but this section shall not affect any lien or privilege for costs, which the plaintiff possesses under the law of the Province in which such writ, attachment, garnishee order or other process or proceeding was issued. 45 V., c. 23, s. 69. *part.*

This provision not to apply to lien for costs.

67. Any creditor or contributory or shareholder or member may object to any claim filed with the liquidator, or to any dividend declared:

Claim or dividend may be objected to.

2. If a claim or a dividend is objected to, the objections shall be filed in writing with the liquidator, together with evidence of the previous service of a copy thereof on the claimant:

Objections to be filed in writing.

3. The claimant shall have six days to answer the objections, or such further time as the court allows, and the contestant shall have three days to reply, or such further time as the court allows:

Answers and replies.

4. Upon the completion of the issues upon the objections, the liquidator shall transmit to the court all necessary papers relating to the contestation, and the court shall then, on the application of either party, fix a day for taking evidence upon the contestation, and hearing and determining the same:

Day to be fixed for hearing.

5. The court may make such order as seems proper in respect to the payment of the costs of the contestation by either party, or out of the estate of the company:

Costs.

6. If, after a claim or dividend has been duly objected to, the claimant does not answer the objections, the court may, on the application of the contestant, make an order barring the claim or correcting the dividend, or may make such other order in reference thereto as appears right:

If claimant does not answer objections.

7. The court may order the person objecting to a claim or dividend to give security for the costs of the contestation within a limited time, and may, in default, dismiss the contestation or stay proceedings thereon, upon such terms as the court thinks just. 45 V., c. 23, s. 70.

Security for costs.

• FRAUDULENT PREFERENCES.

68. All gratuitous contracts, or conveyances or contracts without consideration, or with a merely nominal consideration, respecting either real or personal property, made by a company in respect to which a winding-up order under this Act is afterwards made, with or to any person whatsoever (whether such person is its creditor or not), within three months next preceding the commencement of the winding up or at any time afterwards,—and all contracts by which creditors are injured, obstructed or delayed, made by a company unable to meet its engagements and in respect to which a winding-up order under this Act is afterwards made, with a person knowing such inability or having probable cause

Gratuitous contracts, &c., to be void.

Contracts injuring or obstructing creditors.

for believing such inability to exist, or after such inability is public and notorious (whether such person is its creditor or not) shall be presumed to be made with intent to defraud its creditors. 45 V., c. 23, s. 71.

When contracts with consideration shall be voidable.

69. A contract or conveyance for consideration, respecting either real or personal property, by which creditors are injured or obstructed, made by a company unable to meet its engagements with a person ignorant of such inability, whether such person is its creditor or not, and before such inability has become public and notorious, but within thirty days next before the commencement of the winding up of the business of such company under this Act, or at any time afterwards, is voidable, and may be set aside by any court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract, as the court orders. 45 V., c. 23, s. 72.

As to contracts made in fraud or to obstruct or delay creditors.

70. All contracts or conveyances made and acts done by a company, respecting either real or personal property, with intent fraudulently to impede, obstruct or delay its creditors in their remedies against it, or with intent to defraud its creditors or any of them,—and so made, done and intended with the knowledge of the person contracting or acting with the company, whether such person is its creditor or not,—and which have the effect of impeding, obstructing or delaying the creditors of their remedies, or of injuring them, or any of them, shall be null and void. 45 V., c. 23, s. 73.

Securities given by company for payment, when to be void.

71. If any sale, deposit, pledge or transfer is made of any property, real or personal, by a company in contemplation of insolvency under this Act, by way of security for payment to any creditor,—or if any property, real or personal, movable or immovable, goods, effects or valuable security, are given by way of payment by such company to any creditor, whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, transfer or payment shall be null and void; and the subject thereof may be recovered back for the benefit of the estate by the liquidator, in any court of competent jurisdiction; and if the same is made within thirty days next before the commencement of the winding up under this Act, or at any time afterwards, it shall be presumed to have been so made in contemplation of insolvency. 45 V., c. 23, s. 74.

Payments by company, when to be void.

72. Every payment made within thirty days next before the commencement of the winding up under this Act by a company unable to meet its engagements in full, to a person knowing such inability, or having probable cause for believing the same to exist, shall be void, and the amount paid may be recovered back by the liquidator by suit or action in any court of competent jurisdiction: but if any valuable

Proviso.

security is given up in consideration of such payment, such security or the value thereof shall be restored to the creditor upon the return of such payment. 45 V., c. 23, s. 75.

73. When a debt due or owing by the company has been transferred within the time and under the circumstances in the next preceding section mentioned, or at any time afterwards, to a contributory who knows or has probable cause for believing the company to be unable to meet its engagements, or in contemplation of its insolvency under this Act, for the purpose of enabling such contributory to set up, by way of compensation or set-off, the debt so transferred, such debt shall not be set up by way of compensation or set-off against the claim upon such contributory. 45 V., c. 23, s. 76.

As to debts of company transferred to contributories.

APPEALS.

74. Any person dissatisfied with an order or decision of the court or a single judge in any proceeding under this Act may, by leave of a judge of the court, appeal therefrom, if the question to be raised on the appeal involves future rights, or if the order or decision is likely to affect other cases of a similar nature in the winding up proceedings, or if the amount involved in the appeal exceeds five hundred dollars:

2. Such appeal shall lie,—

In Ontario, to the Court of Appeal for Ontario;

In Quebec, to the Court of Queen's Bench;

In any of the other Provinces, and in the North-West Territories, to the full court:

3. In the District of Keewatin any person dissatisfied with an order or decision of the court or a single judge, in any proceeding under this Act may, by leave of a judge of the Supreme Court of Canada, appeal therefrom to the Supreme Court of Canada:

In Keewatin.

4. All appeals shall be regulated, as far as possible, according to the practice in other cases of the court appealed to: but no such appeal shall be entertained unless the appellant has, within fourteen days from the rendering of the order or decision, or within such further time as the court appealed from allows, taken proceedings therein to perfect his appeal, nor unless, within the said time, he has made a deposit or given sufficient security, according to the practice of the court that he will duly prosecute the said appeal and pay such damages and costs as may be awarded to the respondent. 45 V., c. 23, s. 78, *part*, and s. 79;—49 V., c. 25, s. 16.

Practice. Security on appeal; and time for, limited.

75. If the party appellant does not proceed with his appeal, according to the law or the rules of practice, as the case may be, the court appealed to, on the application of the respondent, may dismiss the appeal, with or without costs. 45 V., c. 23, s. 80.

If not proceeded with appeal may be dismissed.

Further appeal to Supreme Court.

76. An appeal shall lie to the Supreme Court of Canada, by leave of a judge of the said Supreme Court, from the judgment of the Court of Appeal for Ontario, the Court of Queen's Bench in Quebec, or the full court in any of the other Provinces or in the North-West Territories, as the case may be, if the amount involved in the appeal exceeds two thousand dollars. 45 V., c. 23, s. 78, *part*.

PROCEDURE.

How the powers of the court may be exercised.

77. The powers conferred by this Act upon the court may, subject to the appeal in this Act provided for, be exercised by a single judge thereof; and such powers may be exercised in chambers, either during term or in vacation:

In Ontario.

2. In the Province of Ontario such powers may, subject to an appeal according to the ordinary practice of the court, be exercised by the master, referee or other officer who, under the practice or procedure of the court, presides in chambers, or by the master in ordinary, or by any local master or referee. 45 V., c. 23, s. 77;—47 V., c. 39, s. 5.

Orders of court to be deemed judgments.

78. Every order of the court or a judge for the payment of money or costs, charges or expenses made under this 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 ordered to pay, in the same manner in which judgments or decrees of any superior court obtained in any suit may bind lands or be enforced in the Province where the court enforcing the same is situate. 46 V., c. 23, s. 1.

How to be executed.

79. 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 allowed by law. 46 V., c. 23, s. 2.

Attachment and garnishment how effected.

Witnesses' attendance how secured.

80. In any action, suit, proceeding or contestation under this Act, the court may order the issue of a writ of *subpœna ad testificandum* or of *subpœna duces tecum*, commanding the attendance, as a witness, of any person who is within Canada. 45 V., c. 23, s. 81.

Persons having information may be examined.

81. The court may, after it has made a winding-up order, summon before it or before any person named by it, any officer of the company or person known or suspected to have in his possession any of the estate or effects of the company, or supposed to be indebted to the company, or any person whom the court deems capable of giving information concerning the trade, dealings, estate or effects of the company;

and the court may require any such officer or person to produce any book, paper, deed, writing or other document in his custody or power relating to the company :

2. If any person so summoned, after being tendered a reasonable sum for his expenses, refuses, without a lawful excuse, to attend at the time appointed, the court may cause such person to be apprehended and brought up for examination ; but in cases in which any person claims any lien on papers, deeds, writings or documents produced by him, such production shall be without prejudice to such lien, and the court shall have jurisdiction in the winding up, to determine all questions relating to such lien. 45 V., c. 23, s. 82.

If person summoned refuses to attend.

Proviso : as to question of lien on papers.

82. The court or the person so named may examine, upon oath, either by word of mouth or upon written interrogatories, any person appearing or brought up in manner aforesaid, concerning the affairs, dealings, estate or effects of the company, and may reduce to writing the answers of any such person, and require him to subscribe the same ; and if such person, without lawful excuse, refuses to answer the questions put to him, he shall be liable to be punished as for contempt of court. 45 V., c. 23, s. 83.

Examination to be on oath.

Refusal to answer, to be contempt.

83. When, in the course of the winding up of the business of a company under this Act, it appears that any past or present director, manager, liquidator, receiver, employee or officer of such company has misapplied or retained in his own hands, or become liable or accountable for any moneys of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the court may, on the application of any liquidator, or of any creditor or contributory of the company, notwithstanding that the offence is one for which the offender is criminally liable, examine into the conduct of such director, manager, liquidator, receiver, officer or employee, and compel him to repay any moneys so misapplied or retained, or for which he has become liable or accountable, together with interest, at such rate as the court thinks just, or to contribute such sums of money to the assets of the company, by way of compensation in respect of such misapplication, retention, misfeasance or breach of trust, as the court thinks fit. 45 V., c. 23, s. 84 ;—47 V., c. 39, s. 6.

Officer of company, &c., mis-applying money, may be compelled to repay.

84. The courts of the various Provinces, and the judges of the said courts respectively, shall be auxiliary to one another for the purposes of this Act ; and the winding up of the business of the company or any matter or proceeding relating thereto may be transferred from one court to another with the concurrence, or by the order or orders, of the two courts, or by an order of the Supreme Court of Canada. 45 V., c. 23, s. 86.

Various provincial courts to be auxiliary to one another.

Order of one court may be enforced by another.

85. When any order made by one court is required to be enforced by another court, an office copy of the order so made, certified by the clerk or other proper officer of the court which made the same, and under the seal of such court, shall be produced to the proper officer of the court required to enforce the same, and the production of such copy shall be sufficient evidence of such order having been made; and thereupon such last mentioned court shall take such steps in the matter as are requisite for enforcing such order, in the same manner as if it was the order of the court enforcing the same. 45 V., c. 23, s. 87.

Rules of procedure and as to amendments to apply.

86. The rules of procedure, for the time being, as to amendments of pleadings and proceedings in the court, shall apply, as far as practicable to all pleadings and proceedings under this Act; and any court before which such proceedings are being carried on shall have full power and authority to apply the appropriate rules as to amendments of the proceedings. 45 V., c. 23, s. 88, *part*.

No proceeding void for irregularity.

87. No pleading or proceeding shall be void by reason of any irregularity or default which may be amended or disregarded under the rules and practice of the court. 45 V., c. 23, s. 88, *part*.

Before whom affidavits may be made.

88. Every affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Act, or to be used in the court in any proceeding under this Act, may be sworn or made in Canada before a liquidator, judge, notary public, commissioner for taking affidavits or justice of the peace; and out of Canada, before any judge of a court of record, any commissioner for taking affidavits to be used in any court in Canada, any notary public, the chief municipal officer of any town or city, any British consul or vice-consul, or any person authorized by or under any Statute of Canada, or of any Province, to take affidavits. 45 V., c. 23, s. 89.

Judicial notice of seals, &c.

89. All courts, judges, justices, commissioners and persons acting judicially shall take judicial notice of the seal, or stamp or signature, as the case may be, of any such court, judge, notary public, commissioner, justice, chief municipal officer, consul, vice-consul, liquidator or other person attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Act. 45 V., c. 23, s. 90.

Powers conferred on court by this Act are in addition to the other powers of the court.

90. Any powers by this Act conferred on the court are in addition to, and not in restriction of any other powers subsisting either at law or in equity, of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the company, for the recovery

of any call or other sums due from such contributory or debtor, or his estate; and such proceedings may be instituted accordingly. 45 V., c. 23, s. 92.

91. All costs, charges and expenses properly incurred in the winding up of a company, including the remuneration of the liquidator, shall be payable out of the assets of the company, in priority to all other claims. 45 V., c. 23, s. 98.

Costs payable out of estate.

92. In Ontario, the judges of the High Court of Justice; in Quebec, the judges of the Court of Queen's Bench; and in the other Provinces the judges of the court, or a majority of the judges in each case, of whom the chief justice shall be one, from time to time may make and frame and settle the forms, rules and regulations to be followed and observed in proceedings under this Act, and may make rules as to the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors or counsel, and by or to officers of courts, whether for the officers or for the Crown, and by or to sheriffs, or other persons, or for any service performed or work done under this Act. 45 V., c. 23, s. 97.

Judges may make rules.

93. Until such forms, rules and regulations are made, the various forms and procedures, including the tariff of costs, fees and charges in cases under this Act, unless otherwise specially provided, shall, as nearly as may be, be the same as those of the court in other cases. 45 V., c. 23, s. 98.

Until rules are made, present procedure to apply.

UNCLAIMED DIVIDENDS.

94. All dividends deposited in a bank and remaining unclaimed at the time of the final winding up of the business of the company, shall be left for three years in the bank where they are deposited, subject to the claim of the person entitled thereto,—and if still unclaimed, shall then be paid over by such bank, with interest accrued thereon, to the Minister of Finance and Receiver General,—and, if afterwards duly claimed, shall be paid over to the persons entitled thereto. 45 V., c. 23, s. 91.

Unclaimed dividends to be paid to Receiver General.

OFFENCES.

95. Every person who, with intent to defraud or deceive any person, destroys, mutilates, alters or falsifies any book, paper, writing or security, or makes or is privy to the making of any false or fraudulent entry in any register, book of account or other document belonging to the company, the business of which is being wound up under this Act, is guilty of a misdemeanor and liable to imprisonment in the penitentiary for any term not less than two years, or to imprisonment in any gaol or place of confinement for any term less than two years, with or without hard labor. 45 V., c. 23, s. 85.

Any person destroying, &c., books, &c., of company guilty of misdemeanor.

Court may direct criminal proceedings against officers of the company guilty of offences.

96. When a winding-up order is made, if it appears in the course of such winding up that any past or present director, manager, officer or member of the company is guilty of any offence in relation to the company for which he is criminally liable the court may, on the application of any person interested in such winding up, or of its own motion, direct the liquidator to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the company. 45 V., c. 23, s. 95.

PROVISIONS APPLICABLE TO BANKS.

Provisions applicable to banks.

97. The provisions of sections ninety-eight to one hundred and four, both inclusive, apply to banks only, not including savings banks. 45 V., c. 23, *sub-title*.

Provision as to winding-up order in case of bank.

98. In the case of a bank, the application for a winding-up order shall be made by a creditor for a sum of not less than one thousand dollars, and the court shall, before making the order, direct a meeting of the shareholders of the bank and a meeting of the creditors of the bank to be summoned, held, and conducted as the court directs, for the purpose of ascertaining their respective wishes as to the appointment of liquidators. 47 V., c. 39, s. 7, *part*.

Chairman of meetings of shareholders and of creditors.

99. The court may appoint a person to act as chairman of the meeting of shareholders, and in default of such appointment, the president of the bank, or other person who usually presides at a meeting of shareholders, shall preside; the court may also appoint a person to act as chairman of the meeting of creditors, and in default of such appointment, the creditors shall appoint a chairman. 47 V., c. 39, s. 7, *part*.

Scale of votes.

100. In taking a vote at such meeting of shareholders, regard shall be had to the number of votes conferred by law or by the regulations of the bank on each shareholder present or represented at such meeting; and in the case of creditors, regard shall be had to the amount of the debt due to each creditor. 47 V., c. 39, s. 7, *part*.

Amended by

Sec 11 Chairman to report result of vote.

Cap 32-1889

Appointment of liquidators.

101. The chairman of each meeting shall report the result thereof to the court, and if a winding-up order is made, the court shall appoint three liquidators, to be selected in its discretion, after such hearing of the parties as it deems expedient, from among the persons nominated by the majorities and minorities of the shareholders and creditors at such meetings respectively. 47 V., c. 39, s. 7, *part*.

Rep 18

Sec. 18

C. 32-1889

If liquidators have not been nominated.

102. If no one has been so nominated, the three liquidators shall be chosen by the court, and if less than three have been nominated, the requisite additional liquidator or liquidators shall be chosen by the court. 45 V., c. 23, s. 103.

103. The liquidators shall ascertain as nearly as possible, the amount of notes of the bank intended for circulation and actually outstanding, and shall reserve, until the expiration of at least two years after the date of the winding-up order, or until the last dividend, if that is not made until after the expiration of the said time, dividends on such part of the said amount in respect of which claims are not filed; and if claims are not filed and dividends applied for in respect of any part of the said amount before the period herein limited, the dividends so reserved shall form the last or part of the last dividend. 45 V., c. 23, s. 104.

Reservation of dividends in respect to outstanding notes.

104. Publication in the *Canada Gazette* and in the official *Gazette* of each Province of Canada, and in two newspapers issued at or nearest the place where the head office of a bank is situate, of notice of any proceeding of which, under this Act, creditors should be notified, shall be sufficient notice to holders of bank notes in circulation; and if the head office is situated in the Province of Quebec, one of the newspapers in which publication is to be made shall be a newspaper published in English and the other a newspaper published in French. 45 V., c. 23, s. 105.

What is sufficient notice to holders of notes.

In Quebec.

PROVISIONS APPLICABLE TO LIFE INSURANCE COMPANIES.

105. The provisions of sections one hundred and six to one hundred and fourteen, both inclusive, apply only to life insurance companies, and to insurance companies doing life and other insurance, in so far as relates to the life insurance business of such companies. 45 V., c. 23, *sub-title*.

Provisions applicable to life insurance companies.

106. Except in the cases provided for in the thirty-second and thirty-third sections of "*The Insurance Act*," a company shall be liable to be dealt with in the manner herein prescribed for the case of insolvency, whenever its license has expired or been withdrawn, under the said Act, and has not been renewed within thirty days after such expiry or withdrawal. 40 V., c. 42, s. 15, *part*.

Company whose license is withdrawn, &c., liable as for insolvency.

107. In case of the insolvency of any company, the deposits of such company held by the Minister of Finance and Receiver General, and the assets held by the trustees under "*The Insurance Act*," shall be applied *pro rata* towards the discharge of all claims of policy holders in Canada duly authenticated against such company. 40 V., c. 42, s. 15, *part*;—45 V., c. 23, s. 107.

Application of deposits and of assets held by trustees, in case of insolvency.

108. Upon the insolvency of any such company and the making of a winding-up order under this Act, the policy holders in Canada shall be entitled to claim for the full net values of their several policies at the time of the winding-up order (including bonus additions and profits accrued),

Rights of policy holders.

less any amount previously advanced by the company on the security of the policy; and such claims shall rank with judgments obtained and claims matured on Canadian policies, in the distribution of the assets:

Valuation of policies—on what basis.

2. The liquidator may require the superintendent of insurance to value, or procure to be valued under his supervision, the policies before mentioned, basing such valuation on the mortality table of the Institute of Actuaries of Great Britain and on a rate of interest at four and one half per centum per annum,—except in the case of bonus additions or other profits accrued or declared before the twenty-eighth day of April, one thousand eight hundred and seventy-seven and then valued on the basis of a rate of interest other than that above mentioned, which, in any such valuation, shall continue to be valued on such other basis; and the expenses of such valuation, at a rate of three cents for each policy or bonus addition so valued, shall be retained by the Minister of Finance and Receiver General from the securities held by him:

Exception.

Cost of valuation.

Sale of securities on completion of schedule by assignees.

3. Upon the completion by the liquidator of the statement to be prepared by him of all judgments against the company upon policies in Canada, and of all claims upon policies matured or outstanding as aforesaid, the court shall cause the securities held by the Minister of Finance and Receiver General for such company, and the assets held by the trustees provided in “*The Insurance Act*,” or any part of them, to be sold or realized in such manner and after such notice and formalities as the court appoints:

Distribution of proceeds.

If the assets do not cover the claims.

4. The proceeds thereof, after paying expenses incurred, shall, except in so far as they have been applied, under this Act, to effect a re-insurance of policies, be distributed *pro ratâ* amongst the claimants according to such statement; and if the said proceeds are not sufficient to cover in full all claims recorded in the statement, such policy holders shall not be barred from any recourse they have, either in law or equity, against the company issuing the policy or against any shareholder or director thereof, other than for a share in the distribution of the proceeds above mentioned, or in any distribution of the general property and assets of the company, other than the deposit and the assets vested in trustees:

Proviso: as to policy holders insured on the mutual principle.

5. Provided always, that in all cases of distribution of the proceeds of the deposit in the hands of the Minister of Finance and Receiver General, and the assets vested in the trustees as provided for in this section, if it appears from the charter, Act of incorporation or articles of association of the company, and from the conditions of the policy, that any Canadian policy holder claiming a share in such distribution has been insured on the “mutual” principle—then such policy holder shall be entitled only to claim a share in the distribution as aforesaid, at the same rate as all other holders of policies under the same conditions are entitled to claim in

the distribution of the total assets of the company, whether they are holders of Canadian policies or otherwise; but this proviso shall only apply, in respect to those companies chartered, incorporated or associated together in a country (other than Canada) under the laws of which the holder of a Canadian policy issued by any such company is entitled to claim a share in the distribution in such country at the same rate as all other holders of policies, under the same conditions, are entitled to claim in the distribution of the total assets of the company, and to enjoy all the rights and privileges as policy holders which are enjoyed by the policy holders who are natives of or naturalized in such country. 40 V., c. 42, s. 16, *part*;—45 V., c. 23, s. 108, *part*.

Application of foregoing proviso as to companies incorporated elsewhere than in Canada.

109. Whenever the company or the liquidator, or the holder of the policy or contract of insurance exercises any right, which it or he has, to cancel the policy or contract, the holder shall be entitled to claim as a creditor for the sum which, under the terms of the policy or contract, is due to him upon such cancellation. 45 V., c. 23, s. 108, *part*.

If the policy is cancelled.

110. The liquidator shall, without the filing of any claim, notice or evidence, or the taking of any action by any person, make a statement of all the persons appearing, by the books and records of the officers of the company, to be creditors or claimants under the two sections next preceding, and of the amounts due to each such person thereunder, and every such person shall be collocated and ranked as and shall be entitled to the rights of a creditor or claimant for such amount, without filing any claim, notice or evidence, or taking any action; but any such collocation may be contested by any person interested, and any person who is not collocated or who is dissatisfied with the amount for which he is collocated, may file his own claim:

Statement of creditors to be prepared by the liquidator, and certain claims collocated without proof.

Proviso: for contestation.

2. A copy of such statement, certified by the liquidator, shall forthwith, after the making of such statement, be filed in the office of the superintendent of insurance at Ottawa; and notice of such filing shall forthwith be given by the liquidator by notice in the *Canada Gazette* and in the official *Gazette* of each Province of Canada, and in two newspapers issued at or nearest the place where the head office in Canada of the company is situate; and the liquidator shall also, forthwith, send by mail, prepaid, a notice of such filing to each creditor named in the statement, addressed to the addresses in Canada of such creditors, as far as the same are known, and in the case of foreign creditors, addressed to the addresses of their representatives or agents in Canada, as far as the same are known. 45 V., c. 23, s. 109.

Copy of statement to be filed with superintendent, and notice thereof given.

111. The holder of a policy or contract of life insurance, upon which a claim accrues after the date of the winding-up order and before the expiration of thirty days after the

As to claims accruing after the winding-up order, but

within 30 days thereof.

filing, in the office of the superintendent of insurance, of the statement referred to in the next preceding section, shall be entitled to claim as a creditor for the full net amount of such claim—less any amount previously advanced by the company on the security of the policy or contract; and the said statement and the dividend sheet shall, if necessary, be amended accordingly :

Claims accruing after 30 days.

2. No claim which accrues after the expiration of the thirty days above mentioned, shall rank upon the estate unless and until there is sufficient to pay all creditors in full. 45 V., c. 23, s. 110.

If the holder gives notice of willingness to accept insurance in another company.

112. If, before the expiration of the thirty days hereinbefore mentioned, the holder of a policy or contract of life insurance, on which a claim has not accrued, signifies, in writing, to the liquidator, his willingness to accept an insurance in some other company for the amount which can be secured by the dividend on his claim to which such holder is or may become entitled, the liquidator may, with the sanction of the court, effect for such holder an insurance to the amount aforesaid in another company or companies, approved of by the superintendent of insurance, and may apply to that purpose the dividend on his claim to which such holder is or may become entitled : but such insurance shall be effected only as part of a general scheme for the assumption, by some other company or companies, of the whole or part of the outstanding risks and liabilities of the insolvent company. 45 V., c. 23, s. 111.

Proviso.

Report to superintendent of insurance.

113. If the company is licensed under "*The Insurance Act*," the liquidator shall report to the superintendent of insurance once in every six months, or oftener as the superintendent requires, on the condition of the affairs of the company, with such further particulars as the superintendent requires. 45 V., c. 23, s. 112.

What is sufficient notice to certain policy holders.

114. Publication in the *Canada Gazette* and in the official *Gazette* of each Province of Canada, and in two newspapers issued at or nearest the place where the head office in Canada of an insurance company is situate, of notice of any proceeding of which, under this Act, creditors should be notified, shall be sufficient notice to holders of policies or contracts of insurance in respect of which no notice of claim has been received. 45 V., c. 23, s. 106.

PROVISIONS APPLICABLE TO INSURANCE COMPANIES OTHER THAN LIFE INSURANCE COMPANIES.

Provisions applicable to insurance companies other than life.

115. The following provisions of this Act, apply only to insurance companies other than life insurance companies, and to insurance companies doing life and other insurance, in so far as relates to the insurance business of such companies which is not life insurance business. 45 V., c. 23. *sub-title.*

116. Any company shall be deemed insolvent upon its failure to pay any undisputed claim arising, or loss insured against, in Canada, upon any policy held in Canada, for the space of sixty days after becoming due, or, if disputed, after final judgment and tender of a legal valid discharge,—and (in either case) after notice thereof to the Minister of Finance and Receiver General :

When a company shall be deemed insolvent.

2. Provided, that in any case when a claim for loss is, by the terms of the policy, payable on proof of such loss, without any stipulated delay, the notice to the Minister of Finance and Receiver General under this section shall not be given until after the lapse of sixty days from the time when the claim becomes due. 38 V., c. 20, s. 16, *part*.

Proviso : if payment of any loss is to be on proof.

117. Any deposit held by the Minister of Finance and Receiver General for policy holders, shall be applied *pro rata* towards the payment of all claims duly authenticated against such company, upon or in respect of policies issued to policy holders in Canada. 38 V., c. 20, s. 16, *part* ;—45 V., c. 23, s. 114, *part*.

Application of deposit held by Receiver General.

118. Holders of policies or contracts of insurance on which no claim has accrued at the time the winding-up order is made, shall be entitled to claim as creditors, for a part of the premium paid, proportionate to the period of their policies or contracts respectively unexpired at the date of the winding-up order ; and such return or unearned premium shall rank with judgments obtained and claims accrued, in the distribution of the assets :

As to policies on which no claim has accrued at time of winding-up order.

2. Upon the completion of the statement to be prepared by the liquidator under this Act, the court shall cause the securities held by the Minister of Finance and Receiver General for such company, or any part of them, to be sold in such manner and after such notice and formalities as the court appoints ; and the proceeds thereof, after paying expenses incurred, shall (except in so far as they have been applied under this Act to effect a re-insurance of the policies) be distributed *pro rata* amongst the claimants according to such statement ; and, if the proceeds are not sufficient to cover in full all claims recorded in the statement, such policy holders shall not be barred from any recourse they have either at law or in equity against the company issuing the policy, other than that for a share in the distribution of the proceeds of the securities held for such company by the Minister of Finance and Receiver General :

Sale of securities.

Application of proceeds.

3. Whenever the company or the liquidator, or the holder of the policy or contract of insurance, exercises any right which it or he has to cancel the policy or contract, the holder shall be entitled to claim as a creditor for the sum which, under the terms of the policy or contract, is due to him upon such cancellation. 38 V., c. 20, s. 17, *part* ;—45 V., c. 23, s. 115, *part*.

As to cancellation of policy.

Statement to be made by liquidators.

119. The liquidator shall, without the filing of any claim, notice or evidence, or the taking of any action by any person, make a statement of all the persons appearing, by the books and records of the officers of the company, to be creditors or claimants under the next preceding section, and of the amounts due to each such person thereunder; and every such person shall be collocated and ranked as and shall be entitled to the rights of a creditor or claimant for such amount, without filing any claim, notice or evidence, or taking any action; but any such collocation may be contested by any person interested, and any person not collocated or dissatisfied with the amount for which he is collocated, may file his own claim :

Proviso.

Copy to be filed with superintendent of insurance.

2. A copy of such statement, certified by the liquidator shall, forthwith after the making of such statement, be filed in the office of the superintendent of insurance, at Ottawa, and notice of such filing shall be forthwith given by the liquidator by notice in the *Canada Gazette*, and in the official *Gazette* of each Province of Canada, and in two newspapers issued at or nearest the place where the head office in Canada of the company is situate; and the liquidator shall also forthwith send by mail, pre-paid, a notice of such filing to each creditor named in the statement, addressed to the addresses in Canada of such creditors, as far as the same are known—and in the case of foreign creditors, addressed to the addresses of their representatives or agents in Canada, as far as the same are known. 45 V., c. 23, s. 116.

Notice to each creditor.

If a claim accrues after the winding-up order, but within 30 days of filing of statement.

120. The holder of a policy or contract of insurance, other than life insurance, upon which a claim accrues after the date of the winding-up order, and before the expiration of thirty days after the filing, in the office of the Superintendent of insurance, of the statement referred to in the next preceding section, shall be entitled to claim, as a creditor, for the full net amount of such claim; and the said statement and the dividend sheet shall, if necessary, be amended accordingly :

Claims accruing after thirty days.

2. No claim which accrues after the expiration of the thirty days hereinbefore mentioned, shall rank upon the estate, unless and until there is sufficient to pay all creditors in full. 45 V., c 23, s. 117.

Arrangements may be made for re-insurance of risks, &c.

121. Before the expiration of the thirty days above mentioned, the liquidator may, with the sanction of the court, arrange with any incorporated insurance company, approved of for such purpose by the superintendent of insurance, for the re-insurance by such company of the outstanding risks of the insolvent company, and for the assumption by such company of the whole or any part of the other liabilities of the insolvent company; and in case of such arrangement the liquidator may pay or transfer to such company, such of the assets of the insolvent company as may be agreed on as the

Payment or transfer of assets in such case.

consideration for such re-insurance or assumption, and in such case the arrangement for re-insurance shall be in lieu of the claim for unearned premium: Provided always, that any remaining assets of the insolvent company shall be retained by the liquidator as a security to the creditors for the payment of their claims, and shall, if necessary, be so applied, and shall not be returned to the company, except on the order of the court after the satisfaction of such claims. 45 V., c. 23, s. 118.

Application
of surplus.

122. If the company is licensed under "*The Insurance Act*," the liquidator shall report to the superintendent of insurance once in every six months, or oftener, as the superintendent requires, on the condition of the affairs of the company, with such further particulars as the superintendent requires. 45 V., c. 23, s. 119.

Report to
Superinten-
dent of in-
surance.

123. Publication in the *Canada Gazette*, and in the official *Gazette* of each Province of Canada, and in two newspapers issued at or nearest the place where the head office of an insurance company is situate, of notice of any proceeding of which, under this Act, creditors are to be notified, shall be sufficient notice to holders of policies or contracts of insurance, in respect of which no notice of claim has been received. 45 V., c. 23, s. 113.

What publica-
tion of notice
sufficient.

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CHAPTER 130.

An Act respecting the incorporation of Boards of Trade. A. D. 1886.

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

1. In this Act, unless the context otherwise requires,—
(a.) The expression “district” means the city, county, town, village or judicial district within and for which a board is established under this Act; Interpretation.
“District.”
(b.) The expression “Board of Trade,” includes Chamber of Commerce. 39 V., c. 34, s. 1, *part.* “Board of
“Trade.”

2. Any number of persons not less than thirty, who are merchants, traders, brokers, mechanics, manufacturers, managers of banks or insurance agents, and residents of any district which has a population of not less than two thousand five hundred, may associate themselves together as a board of trade, and appoint a secretary. 39 V., c. 34, s. 1, *part.* Formation of
Boards of
Trade.

3. The persons so associating themselves together as a board of trade shall, under their hands and seals, make a certificate specifying the name assumed by the association, and by which it shall be known,—also the name as hereinbefore defined, of the district in which the same is situate and its business is transacted, and the name of the person by them appointed secretary to the said board of trade. 39 V., c. 34, s. 1, *part.* Certificate of
formation.

4. Such certificate shall be acknowledged before a notary public, commissioner for taking affidavits, or justice of the peace, by the secretary of the said board of trade, and shall be forwarded to the Secretary of State, who shall cause the same to be recorded in a register to be kept for that purpose; and a copy thereof, duly certified by the Secretary of State, shall be evidence of the existence of such association. 39 V., c. 34, s. 1, *part.* Certificate to
be sent to
Secretary of
State.

5. The persons named as corporators in the said certificate, and such other persons as afterwards join them, are hereby authorized to carry into effect the objects for which such association was constituted, and to exercise the powers and privileges conferred by this Act; and they and their associates, Persons
incorporated
to have cer-
tain powers.

successors and assigns, by the name and style specified in the said certificate, shall be a body corporate and politic, with power to acquire, sell and convey any real estate, necessary for the objects of such association. 37 V., c. 51, s. 4, *part*.

Domicile.

6. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof, at which service of any notice or process may be made. 37 V., c. 51, s. 4, *part*.

Officers and Council of Board of Trade.

7. The officers of every board of trade shall be a president, vice-president and secretary, who, together with not less than eight other members, shall constitute a council, which shall be called "The Council of the Board of Trade of _____," (*adding the name of the district as hereinbefore defined*), and who shall have the powers and perform the duties hereinafter

First meeting for election of officers, &c.

mentioned; and when the foregoing provisions have been complied with, it shall be competent for a majority of the persons named as corporators in the said certificate, to hold a meeting for the election of a president, vice-president and members of the said council and, without notice, to make and enact such by-laws, rules and regulations as are hereinafter mentioned. 37 V., c. 51, s. 5;—39 V., c. 34, s. 2.

General quarterly meetings.

8. The members of the said corporation shall hold general quarterly meetings in each year, at some place within the district,—of which, notice, naming the time and place, shall be given by the secretary of the council for the time being, at least three days previous to such meeting, through one newspaper or otherwise, as is thought necessary by the council; and at the first quarterly meeting held in each year, the members of the said corporation present, or a majority of them, shall elect, in the manner prescribed by the by-laws, from among the members of the corporation, a president, vice-president and secretary, and at least eight other members of the council, who, with the president, vice-president and secretary, shall form the council of the corporation, and shall hold their offices until others are elected in their stead, at the next first quarterly meeting of the ensuing year, as aforesaid, or until they are removed from office, or vacate the same under the provisions of the by-laws of the corporation:

Election of President and members of Council.

Provision, in case of failure of election.

2. If the said election does not take place at such first quarterly meeting, as aforesaid, the said corporation shall not be thereby dissolved, but such election may be held at any general meeting of the corporation, called in the manner hereinafter provided, and the members of the council in office shall remain members until the election is held. 37 V., c. 51, s. 6

President and vice-president to take oath of office.

9. The president and vice-president shall, before entering upon the duties of their office, take and subscribe before the mayor of the city or town, constituting the district, or before any justice of the peace, an oath in the form following, that is to say:—

“ I swear that I will faithfully and truly perform my Form of oath.
 “ duty as of the Board of Trade, and that I will,
 “ in all matters connected with the discharge of such duty,
 “ do all things, and such things only, as I shall truly and
 “ conscientiously believe to be adapted to promote the objects
 “ for which the said board was constituted, according to the
 “ true intent and meaning of the same. So help me God.”
 37 V., c. 51, s. 7.

10. If any member of the council dies or resigns his office, Vacation of office, and filling vacancies in council.
 or is absent for six months continuously from the meetings
 of the council, the council may, at any meeting thereof, elect
 a member of the corporation to be a member of the council,
 in the place of the member who has died or resigned, or is
 absent; and such new member shall be so elected by a ma-
 jority of the members of the council present at any meeting
 of the same, if there is a quorum present at such meeting;
 and the member so elected shall hold office until the next
 annual election. 37 V., c. 51, s. 8.

11. At any annual or general meeting of the corporation, Majority present at meetings of corporation to have full power.
 whether for the purpose of electing members of the council
 or for any other purpose, a majority of members present at
 such meeting shall be competent to do and perform all acts
 which, either under this Act or under any by-law of the
 corporation, are or shall be directed to be done at any such
 general meeting. 37 V., c. 51, s. 9.

12. Any member of the corporation, who intends to retire Retirement of members.
 therefrom or to resign his membership, may do so, at any
 time, upon giving to the secretary ten days' notice, in writing,
 of such intention, and upon discharging any lawful liability
 which is standing upon the books of the corporation against
 him at the time of such notice. 37 V., c. 51, s. 10.

13. The majority of the members of the corporation pre- Making by-laws and regulations; for what purpose.
 sent at any general meeting may make by-laws and regula-
 tions, and from time to time repeal, alter and amend the
 same, for the government of the corporation, providing for
 the admission, and subscriptions of members,—for the impos-
 ing of penalties,—for the expulsion or the retirement of mem-
 bers,—for the management of its council, officers and affairs,—
 for the guidance of the board of arbitrators hereinafter men-
 tioned, and for fixing the date and place of the regular
 meetings of the council, and all other by-laws in accordance
 with the requirements of this Act or the laws of Canada :

2. Such by-laws shall be binding on all members of the To be binding.
 corporation, its officers and servants, and all other persons,
 whomsoever, lawfully under its control :

3. No by-law shall be made by the corporation, except as Notice of proposed by-laws to be given.
 hereinbefore mentioned, without notice in writing thereof
 having been given by one member and seconded by another

member at a previous meeting, and duly entered in the books of the corporation as a minute of the corporation. 37 V., c. 51, s. 11.

Who may become members of the corporation, and how.

14. Every person resident within the district, who is or has been a merchant, broker, trader, mechanic, manufacturer, manager of a bank or insurance agent, shall be eligible to become a member of the corporation; and at any general meeting of the corporation any member of the corporation may propose any such person, as aforesaid, as a candidate for becoming a member of the corporation; and if such proposition is carried by a majority of two thirds of the members of the corporation then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to: Provided always, that any person who is not a merchant or trader, broker, mechanic, manufacturer, manager of a bank or insurance agent, shall be eligible to become a member of the corporation, in manner aforesaid, if such person is recommended by the council of the board of trade at any such meeting. 37 V., c. 51, s. 12.

Proviso: as to persons not being traders, &c.

Special general meetings of corporation.

15. The council, or a majority of them, by a notice inserted in one or more newspapers published within the district, one day previously to the meeting, or by a circular letter to each member, signed by the secretary of the corporation, and mailed one day previously to the meeting, may call a general meeting of the corporation for any of the purposes of this Act. 37 V., c. 51, s. 13.

Meeting of council, how convened, &c.

16. The council may hold meetings, from time to time, and adjourn the same when necessary, and may, at such meetings, transact such business as is, by this Act or by the by-laws of the corporation, assigned to it; and such meetings of the council shall be convened by the secretary, at the instance of the president, or upon the request of any two members of the council:

Powers.

2. The council shall, in addition to the powers hereby expressly conferred on it, have such powers as are assigned to it by any by-law of the corporation, except the power of enacting or altering any by-law, or admitting any member, which shall be done only in the manner provided for by this Act:

Exception.

Quorum.

3. Any five or more members of the council, lawfully met, shall be a quorum, and a majority of such quorum may do all things within the powers of the council:

Who to preside.

4. At all meetings of the council, and at all general meetings of the corporation, the president, or in his absence, the vice-president, or if both are absent, any member of the council then present who is chosen for the occasion, shall preside; and in all cases of equality of votes upon any division, he shall have a casting vote. 37 V., c. 51, s. 14.

Casting vote.

17. The council shall frame such by-laws, rules and regulations as appear to it best adapted to promote the welfare of the corporation and the purposes of this Act, and shall submit the same for adoption, at a general meeting of the corporation, called for that purpose, in the manner hereinbefore provided. 37 V., c. 51, s. 15.

Council to frame by-laws, &c., to be submitted at a general meeting.

18. All subscriptions of members due to the corporation, under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the corporation, shall be paid to the secretary thereof, and in default of payment, shall be recoverable in an action brought in the name of the corporation; and it shall only be necessary, in such action, to allege that such person is indebted to the corporation in the sum of money, the amount of such arrearage on account of such subscription, penalty or otherwise, whereby an action has accrued to the corporation by virtue of this Act. 37 V., c. 51, s. 16.

Recovery of subscriptions, &c.

19. On the trial or hearing of any such action, it shall be sufficient for the corporation to prove that the defendant, at the time the demand was made, was or had been a member of the corporation, and that the amount claimed as such subscription, penalty or otherwise, was standing unpaid upon the books of the corporation. 37 V., c. 51, s. 17.

Proof in action brought in such case.

20. The meetings of the council shall be open to all members of the corporation who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the council or of the corporation, shall be entered, in books to be kept for that purpose, by the secretary of the corporation; and the entry thereof shall be signed by the president or vice-president or the other person who presides at the meeting; and such books shall be open at all reasonable hours to any member of the corporation free of any charge. 37 V., c. 51, s. 18.

Meetings of council to be open to members.

Minutes.

Record thereof.

21. At the time hereby appointed for the election of the council, and in the same manner, the members of the corporation may elect, from their number, twelve persons, who shall form a board, which shall be called "The Board of Arbitration;" and any three of such persons shall have power to arbitrate upon, and make their award in any commercial case or difference which is voluntarily referred to them by the parties concerned: and whenever such parties agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the board of arbitration, such submission shall be understood to be made to any three members of the said board, who may, either by the special order of the said board, or by virtue of any general rules adopted by them, or under any by-law of the corporation touching the consideration of any cases so submitted,

Board of arbitration.

Powers.

Form of sub-
mission to
board.

be appointed to hear, arbitrate and decide upon the case or cases so submitted to them; and such decision shall be binding upon the said board of arbitration and the parties making the submission; and any such submission shall be according to the form A in the schedule to this Act, or to the same effect. 37 V., c. 51, s. 19.

Members of
board to be
sworn.

22. The several members of the board of arbitration shall, before they act as such, take and subscribe, before the president or vice-president of the corporation, an oath in the form B in the schedule to this Act, that they will faithfully, impartially and diligently perform their duties as members of the board of arbitration, and such oath shall be kept among the documents of the corporation. 37 V., c. 51, s. 20.

Members of
council may
be arbitrators.

23. Any member of the council may, at the same time, be a member of the board of arbitration. 37 V., c. 51, s. 21.

Powers of
arbitrators as
to examina-
tion in hear-
ing cases.

24. The three members appointed to hear any case submitted for arbitration, as aforesaid, or any two of them, shall have full power to examine, upon oath (which oath any one of such three members is hereby empowered to administer), any party or witness who, appearing before them, is so examined, and shall give their award thereupon in writing; and their decision, or that of any two of them, given in such award shall bind the parties according to the terms of the submission and the provisions of this Act. 37 V., c. 51, s. 22.

Award.

Power of
council to
appoint board
of examiners
of inspectors.

25. The council of the corporation may appoint five persons to constitute a board of examiners to examine applicants for the office of inspector of flour and meal, or of any other article subject to inspection, and may do all such other acts, matters and things connected with the inspection of flour and meal or any other article, and shall have as full power and be subject to the same conditions as those conferred upon and required of the councils of the boards of trade by "*The General Inspection Act*"; and the said examiners and inspector shall be subject to all the provisions touching their office set forth in the said Act. 37 V., c. 51, s. 23.

Boards of
Trade may
affiliate with
Dominion
Board of
Trade.

Proviso.

26. Any board of trade duly registered as aforesaid, under the provisions of this Act, may become affiliated with the Dominion board of trade, on duly complying with all the terms and requirements of that organization, and may be represented at all its ordinary or special general meetings, held from time to time: Provided always, that the delegates or representatives to the Dominion board of trade shall be elected at a general meeting, duly convened, of the board of trade desiring such affiliation as aforesaid. 37 V., c. 51, s. 25.

SCHEDULE OF FORMS.

FORM A.

Know all men, that the undersigned _____ and the undersigned (*if there are more parties, that is, more separate interests, mention them*) having a difference as to the respective rights of the said parties, as in the case hereunto subjoined, have agreed and bound themselves under a penalty of _____ dollars, to perform and abide by the award to be made by the Board of Arbitration of the Board of Trade of _____ in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform or abide by such award to the party ready and willing to perform or abide by the same.

In witness whereof, the said parties have hereunto set their hands and affixed their seals at the _____ of _____ on the _____ day of _____, A.D. 18 _____

A. B. [L.S.]
C. D. [L.S.]

37 V., c. 51, sch. part.

FORM B.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the Board of Trade of _____, and that I will, in all cases in which I shall act as arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor or affection, of or for any person whomsoever : So help me God. 37 V., c. 51, sch. part.

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CHAPTER 131.

An Act respecting Trade Unions.

A. D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Trade Unions Act.*" 35 V., Short title. c. 30, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires, the expression "Trade Union" means such combination, whether temporary or permanent, for regulating the relations between workmen and masters, or for imposing restrictive conditions on the conduct of any trade or business, as would, but for this Act, have been deemed to be an unlawful combination by reason of some one or more of its purposes being in restraint of trade. 35 V., c. 30, s. 22, *part.*

Interpreta-
tion.
"Trade
"Union."

APPLICATION OF ACT.

3. This Act shall not affect,—

(1.) Any agreement between partners as to their own business ;

Certain
agreements
not affected.

(2.) Any agreement between an employer and those employed by him as to such employment ;

(3.) Any agreement in consideration of the sale of the goodwill of a business, or of instruction in any profession, trade or handicraft. 35 V., c. 30, s. 22, *part.*

4. Nothing in this Act shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, that is to say :—

Certain legal
proceedings
not authoriz-
ed by this
Act.

(1.) Any agreement between members of a trade union as such, concerning the conditions on which any members for the time being of the trade union shall, or shall not, sell their goods, transact business, employ or be employed ;

(2.) Any agreement for the payment by any person of any subscription or penalty to a trade union ;

(3.) Any agreement for the application of the funds of a trade union,—

(a.) To provide benefits to members; or—

(b.) To furnish contributions to any employer or workman not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union; or—

(c.) To discharge any fine imposed upon any person by sentence of a court of justice;

(4.) Any agreement made between one trade union and another;

(5.) Any bond to secure the performance of any of the above mentioned agreements:

But agreements not unlawful thereunder.

But nothing in this section shall be deemed to constitute any of the agreements above mentioned unlawful. 35 V., c. 30, s. 4.

Application of certain Acts.

5. No Act in force in Canada providing for the constitution and incorporation of charitable, benevolent or provident institutions, shall include or apply to trade unions; and this Act shall not apply to any trade union not registered under this Act. 35 V., c. 30, s. 5.

CONSTITUTION OF TRADE UNIONS.

Trade union may be registered.

6. Any seven or more members of a trade union may, by subscribing their names to the rules of the union and otherwise complying with the provisions of this Act with respect to registry, register such trade union under this Act, but if any one of the purposes of such trade union is unlawful, such registration shall be void. 35 V., c. 30, s. 6.

Powers as to land.

7. Any trade union registered under this Act, may purchase, or take upon lease, in the names of the trustees for the time being of such trade union, any land not exceeding one acre, and may sell, exchange, mortgage or let the same; and no purchaser, assignee, mortgagee or tenant, shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom; and for the purposes of this section, every branch of a trade union shall be considered a distinct union. 35 V., c. 30, s. 7.

Property vested in trustees.

8. All real and personal property whatsoever belonging to any trade union registered under this Act, shall be vested in the trustees for the time being of such trade union, appointed as provided by this Act, for the use and benefit of such trade union and the members thereof; and the real or personal property of any branch of a trade union shall be vested in the trustees of such branch and be under the control of such trustees, their respective executors or administrators, accord-

ing to their respective claims and interests; and upon the death or removal of any such trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever,—save and except in the case of Dominion stock, which shall be transferred into the names of such new trustees :

2. In all actions, suits or indictments or summary proceedings before any court of summary jurisdiction, touching or concerning any such property, the same shall be stated to be the property of the persons for the time being holding the said office of trustee, in their proper names, as trustees of such trade union, without any further description. 35 V., c. 30, s. 8. Whose the property may be stated to be.

9. The trustees of any trade union registered under this Act, or any other officer of such trade union who is authorized so to do by the order thereof, may bring or defend, or cause to be brought or defended, any action, suit, prosecution or complaint, in any court of competent jurisdiction, touching or concerning the property, right or claim to property of the trade union—and may, in all cases concerning the property, real or personal, of such trade union, sue and be sued, plead and be impleaded, in any such court, in their proper names, without other description than the title of their office : Powers as to suits and actions.

2. No such action, suit, prosecution or complaint, shall be discontinued or abated by the death or removal from office of such persons, or any of them, but the same shall be proceeded in by or against their successor or successors, as if such death, resignation or removal had not taken place; and such successors shall pay and receive the like costs as if the action, suit, prosecution or complaint had been commenced in their names, for the benefit of, or to be re-imbursed from the funds of such trade union : Not abated by vacation of office.

3. Any summons to any such trustee or other officer may be served by leaving the same at the registered office of the trade union. 35 V., c. 30, s. 9. Service of process.

10. A trustee of any trade union registered under this Act shall not be liable to make good any deficiency which arises or happens in the funds of such trade union; but such trustee shall be liable only for the moneys actually received by him on account of such trade union. 35 V., c. 30, s. 10. Liability of trustee.

11. Every treasurer or other officer of a trade union registered under this Act shall, at such times as by the rules of such trade union he is required to render such account as hereinafter mentioned, or upon being called on so to do, render to the trustees of the trade union, or to the members of such trade union, at a meeting thereof, a just and true account of all moneys received and paid by him since he last rendered Account to be rendered.

a like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union :

Audit.

Payment, &c.,
to trustees.

Recovery in
case of de-
fault.

Costs.

2. The trustees shall cause such account to be audited by some fit and proper person or persons appointed by them ; and such treasurer, if thereunto required, upon such account being audited, shall forthwith hand over to the trustees the balance which, on such audit, appears to be due by him, and shall also, if required, hand over to such trustees all securities and effects, books, papers and property of such trade union in his hands or custody ; and if he fails so to do, the said trustees may sue such treasurer, in any court of competent jurisdiction, for the balance appearing to have been due from him upon the last account rendered by him, and for all moneys since received by him on account of such trade union, and for the securities and effects, books, papers and property in his hands or custody,—leaving him to set off in such action the sums, if any, which he has since paid on account of such trade union ; and in such action the trustees shall be entitled to recover their full costs of suit, to be taxed as between solicitor and client. 35 V., c. 30, s. 11.

Fraudulently
obtaining,
misapplying,
&c., funds,
books and
effects.

Order of resti-
tution may be
made.

As to pro-
ceedings by
indictment.

12. If any officer, member or other person who is, or represents himself to be a member of a trade union registered under this Act, or the nominee, executor, administrator or assignee of a member thereof, or any person whatsoever, by false representation or imposition, obtains possession of any moneys, securities, books, papers or effects of such trade union, or, having the same in his possession, wilfully withholds or fraudulently misapplies the same, or wilfully applies any part of the same to purposes other than those expressed or directed in the rules of such trade union, or any of them. the magistrate or justices having jurisdiction in cases of complaint for offences under this Act, for the place in which the registered office of the trade union is situate, upon a complaint made by any person on behalf of such trade union, or by the registrar, may, by summary order, order such officer, member or other person, to deliver up all such moneys, securities, books, papers or other effects to the trade union, or to repay the amount of money paid improperly, and to pay, if the court thinks fit, a further sum of money not exceeding one hundred dollars, together with costs not exceeding five dollars ; and in default of such delivery of effects or payment of such amount of money, or payment of such penalty and costs, as aforesaid, the said court may order the person so convicted to be imprisoned, with or without hard labor, for any term not exceeding three months :

2. Nothing in this Act shall prevent the trade union from proceeding by indictment against the said person ; but no person shall be proceeded against by indictment if a conviction has been previously obtained for the same offence under the provisions of this Act. 35 V., c. 30, s. 12.

REGISTRY OF TRADE UNIONS.

13. The Registrar General of Canada shall be the registrar under this Act. 35 V., c. 30, s. 17, *part*. Registrar.

14. With respect to the registry, under this Act, of trade unions, the following provisions shall have effect :— Registry.

(1.) An application to register the trade union and printed copies of its rules, together with a list of the titles and names of its officers, shall be sent to the registrar under this Act : Application.

(2.) The registrar, upon being satisfied that the trade union has complied with the regulations respecting registry in force under this Act, shall register such trade union and such rules : Registration.

(3.) No trade union shall be registered under a name identical with that under which any other trade union has been registered, or so nearly resembling such name as to be likely to deceive the members or the public : Name.

(4.) If a trade union which applies to be registered has been in operation for more than a year before the date of such application, there shall be delivered to the registrar, before the registry thereof, a general statement of the receipts, funds, effects and expenditure of such trade union, in the same form and showing the same particulars as if it was the annual general statement required, as hereinafter mentioned to be transmitted annually to the registrar : Statement of affairs.

(5.) The registrar, upon registering such trade union, shall issue a certificate of registry,—which certificate, unless it is proved to have been withdrawn or cancelled, shall be conclusive evidence that the regulations of this Act, with respect to registry, have been complied with : Certificate of registry.

(6.) The Governor in Council may, from time to time, make regulations respecting registry under this Act, and respecting the seal, if any, to be used for the purpose of such registry, and the inspection of documents kept by the registrar under this Act, and respecting the fees, if any, to be paid on registry, not exceeding the fees specified in the first schedule to this Act, and generally for carrying this Act into effect. 35 V., c. 30, s. 13. Regulations may be made.

15. With respect to the rules of a trade union registered under this Act, the following provisions shall have effect :— Rules of registered union.

(1.) The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the second schedule to this Act : What they shall contain.

(2.) A copy of the rules shall be delivered by the trade union to every person on demand, on payment of a sum not exceeding twenty-five cents. 35 V., c. 30, s. 14. Copies.

16. Every trade union registered under this Act shall have a registered office, to which all communications and Union to have registered office.

notices may be addressed ; and if any trade union registered under this Act is in operation for seven days without having such an office, such trade union and every officer thereof shall each incur a penalty not exceeding twenty-five dollars for every day during which it is so in operation :

Notice of such office to be given.

2. Notice of the situation of such registered office and of any change therein, shall be given to the registrar and recorded by him,—and until such notice is given, the trade union shall not be deemed to have complied with the provisions of this Act. 35 V., c. 30, s. 15.

General statement of affairs for registrar.

17. A general statement of the receipts, funds, effects and expenditure of every trade union registered under this Act shall be transmitted to the registrar, before the first day of June in each year,—and shall show fully the assets and liabilities at the date, and the receipts and expenditure of the trade union, during the year next preceding the date to which it is made out,—and shall show, separately, the expenditure in respect of the several objects of the trade union,—and shall be prepared and made out to such date, in such form and shall comprise such particulars as the registrar, from time to time, requires ; and every member of and depositor in any such trade union shall be entitled to receive, on application to the secretary or treasurer of the trade union, a copy of such general statement, without making any payment for the same :

Copies for members.

Copies of rules to accompany statement.

2. There shall be sent to the registrar, together with such general statement, a copy of all alterations of rules, and new rules and changes of officers, made by the trade union during the year preceding the date up to which the general statement is made out, and a copy of the rules of the trade union as they exist at that date. 35 V., c. 30, s. 16, *part.*

PENALTIES.

Penalty for violation of preceding section.

18. Every trade union that fails to comply with or acts in violation of the next preceding section, and every officer of the trade union failing so to act, shall each incur a penalty not exceeding twenty-five dollars for each offence :

And for making false entries.

2. Every person who wilfully makes, or orders to be made, any false entry in or any omission from any such general statement, or in or from the return of such copies or rules or alterations of rules, shall incur a penalty not exceeding two hundred dollars for each offence. 35 V., c. 30, s. 16, *part.*

Punishment for circulating false copies of rules of a union.

19. Every person who, with intent to mislead or defraud, gives to any member of a trade union registered under this Act, or to any person intending or applying to become a member of such trade union, a copy of any rules or of any alterations or amendments of the same, other than those respectively which exist for the time being, on the pretence that the same are the existing rules of such trade union, or that there are no other rules of such trade union,—or who,

with the intent aforesaid, gives a copy of any rules to any person under the pretence that such rules are the rules of a trade union registered under this Act, which is not so registered, is guilty of a misdemeanor, and liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months, or to both, in the discretion of the court. 35 V., c. 30, s. 18.

20. All offences and penalties under this Act may be prosecuted and recovered under the "Act respecting *summary proceedings before Justices of the Peace*:" Summary convictions Act to apply.

2. The complaint or information shall be brought, heard and determined before some stipendiary or police magistrate or other functionary having, by law, the powers of two justices of the peace, if the offence is committed in any city, town or place in which any such magistrate or functionary has jurisdiction; and if the offence is committed elsewhere, then before two justices of the peace: Before whom complaint may be brought.

3. The description of any offence against this Act in the words of this Act shall be sufficient in law: Description of offence.

4. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified in the information; and if so specified and negatived, no proof in relation to the matters specified and negatived shall be required on the part of the informant or prosecutor. 35 V., c. 30, s. 19. How exception, exemption, &c., may be proved.

GENERAL PROVISIONS.

21. No person who is a master, or the father, son or brother of a master, in the particular trade or business in or in connection with which any offence under this Act is charged to have been committed, shall act as a magistrate or justice of the peace, in any case of complaint or information under this Act, or as a member of any court for hearing any appeal in any such case. 35 V., c. 30, s. 21. Certain persons not to act as magistrates.

22. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise, or so as to render void or voidable any agreement or trust. 35 V., c. 30, ss. 2 and 3. Purposes of trade union not unlawful.

23. The Registrar General of Canada shall lay before Parliament annual reports with respect to the matters transacted by him as registrar under this Act and in pursuance thereof. 35 V., c. 30, s. 17, *part*. Annual reports for Parliament.

SCHEDULES.

FIRST SCHEDULE.

Maximum Fees.

For registering a trade union.....	\$4 00
For registering alterations in rules.....	2 00
For inspection of documents.....	0 50

35 V., c. 30, 2nd sch.

SECOND SCHEDULE.

Matters to be provided for by the Rules of Trade Unions registered under this Act.

1. The name of the trade union and place of meeting for the business of the trade union ;
2. Every object for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures which may be imposed on any member of such trade union ;
3. The manner of making, altering, amending and rescinding rules ;
4. A provision for the appointment and removal of a general committee of management, and of a trustee or trustees, treasurer and other officers ;
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts ;
6. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union. 35 V., c. 30, 1st sch.

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CHAPTER 132.

An Act respecting Electric Telegraph Companies. A. D. 1886.

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

1. This Act may be cited as "*The Electric Telegraph Companies Act.*" Short title.

2. In this Act, unless the context otherwise requires, the expression "the company" means a company incorporated by letters patent under "*The Companies Act*" for the purpose of constructing a line or lines of electric telegraph in Canada. Interpretation.
"Company."

3. Every company may construct the lines of telegraph, authorized by its charter, along and upon any of the public roads and highways, or across or under any of the navigable waters within Canada, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining or protecting the wires or cables of such lines; but the same shall be so constructed as not to incommode the public use of such roads or highways, or to impede free access to any house or other building erected in the vicinity of the same, or injuriously to interrupt the navigation of such waters. Powers for the construction of the line.
C. S. C., c. 67, s. 8.

4. Nothing herein contained shall confer on the company the right of building a bridge over any navigable water. No bridge over navigable water.
C. S. C., c. 67, s. 9.

5. The company shall transmit all despatches in the order in which they are received; and every company which violates the provisions of this section shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars, which shall be recoverable with costs, under the "*Act respecting summary proceedings before Justices of the Peace,*" by the person whose despatch has been postponed out of its order. Order of transmission of despatches.
C. S. C., c. 67, s. 14.

6. Every message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall Preferential messages.

always be transmitted in preference to any other message or despatch, if so required by any person connected with the administration of justice, or any person thereunto authorized by the Secretary of State of Canada. C. S. C., c. 67, s. 15.

Government may assume the line and works temporarily.

7. Her Majesty may, at any time, assume, and for any length of time retain, possession of any such telegraph line and of all things necessary to the sufficient working thereof, and may, for the same time, require the exclusive service of the operators and other persons employed in working such line; and the company shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such despatches as they are required to receive and transmit by any duly authorized officer of the Government of Canada; and every company, operator or other person violating any of the provisions of this section shall incur a penalty not exceeding one hundred dollars for every refusal or neglect to comply with the requirements thereof, which shall be recoverable by the Crown for the public uses of Canada, with costs, in any way in which debts of like amount are recoverable by the Crown. C. S. C., c. 67, s. 17.

Penalty for non-compliance.

Her Majesty may assume the property of the line.

8. Her Majesty may, at any time after the commencement of the operation of a telegraph line under this Act, and after two months' notice to the company, assume the possession and property thereof, and upon such assumption, such line and all the property, real or personal, essential to the working thereof, and all the rights and privileges of the company, as regards such line, shall be vested in the Crown. C. S. C., c. 67, s. 18.

Made of settling the compensation in case of difference of opinion.

9. If any difference arises between the company and those who act for the Crown, as to the compensation which ought to be paid to the company, for any telegraph line and appurtenances taken possession of or temporarily and exclusively used by the Crown under this Act, such difference shall be referred to three arbitrators, one to be appointed on the part of the Crown, another by the company, and the third by the two arbitrators so appointed; and the award of any two of the said arbitrators shall be final; and if the company refuses or neglects to appoint an arbitrator on its behalf, or if the two arbitrators cannot agree upon a third arbitrator, then such arbitrator or third arbitrator shall be appointed by any two judges of the Supreme Court of Canada, on application on the part of the Crown. C. S. C., c. 67, s. 19.

Word "telegraph" does not include "telephones."

10. The word "telegraph" and its derivatives in this Act or in any other Act of the Parliament of Canada, or in any Act of the Legislature of any Province now forming part

of Canada passed before such Province entered the Union, on any subject which by "*The British North America Act, 1867,*" was placed within the legislative powers of the Parliament of Canada, shall not be held or construed to include the word "telephone" and its derivatives. 45 V., c. 40, s. 1.

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CHAPTER 133.

An Act respecting Marine Electric Telegraphs.

A. D. 1886.

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

- 1.** In this Act, unless the context otherwise requires,—
- (a.) The expression “the company” means any company or association of persons in the next following section mentioned ; Interpretation. “Company.”
- (b.) The expression “the Minister,” means the Minister of Marine and Fisheries. “Minister.” 38 V., c. 26, s. 2.

2. This Act applies—

(a.) To every company hereafter authorized by any special or general Act of the Parliament of Canada, or under the provisions of this Act, to construct or maintain telegraphic wires or cables, in, upon, under or across any gulf, bay or branch of any sea or any tidal water within the jurisdiction of Canada, or the shore or bed thereof respectively, so as to connect any Province with any other Province of Canada, or to extend beyond the limits of any Province ; Application to certain companies.

(b.) To every company authorized to construct or maintain such telegraphic wires or cables before the eighth day of April, one thousand eight hundred and seventy-five, by any such special or general Act of the Parliament of Canada, or by any other special Act or charter of any of the Provinces constituting the Dominion, and at the said date in force in Canada. And to certain others. 38 V., c. 26, s. 1.

3. The company shall not place any telegraphic wire, cable or work connected therewith, in, under, upon, over, along or across any gulf, bay or branch of the sea, or any tidal water, or the shore or bed thereof respectively, except with the consent of all persons having any right of property or other right, or any power, jurisdiction or authority in, over or relating to the same, which may be affected or be liable to be affected by the exercise of the powers of the company. Limitation of powers of company. 38 V., c. 26, s. 3.

4. Before commencing the construction of any such telegraph or work as last aforesaid, or of any buoy or sea-mark Plans of works, &c., to be deposited.

ed in the department of Marine for approval.

connected therewith—except in cases of emergency, for repairs to any work previously constructed or laid, and then as speedily after the commencement of such work as may be—the company shall deposit, at the Department of Marine, a plan thereof, for the approval of the Minister of Marine and Fisheries :

Work to be constructed accordingly.

2. The work shall not be constructed otherwise than in accordance with such approval ; and if any work is constructed contrary to this provision, the Minister may, at the expense of the company, abate and remove it, or any part of it, and restore the site thereof to its former condition. 38 V., c. 26, s. 4.

Use of lights and signals.

5. The company may, in or about the construction, maintenance or repairs of any such work, use on board ship or elsewhere any light or signal allowed by any regulation made in that behalf by the Minister. 38 V., c. 26, s. 5.

Abandoned or decayed work may be removed by Minister.

6. If any such work, buoy or sea-mark is abandoned or allowed to fall into decay, the Minister may, if and as he thinks fit, at the expense of the company, abate and remove it, and restore the site thereof to its former condition ; and the Minister may, at any time, at the expense of the company, cause to be made a survey and examination of any such work, buoy or sea-mark, or of the site thereof. 38 V., c. 26, s. 6.

Recovery by Minister from company, of expenses, &c.

7. Whenever the Minister, under the authority of this Act, does, in relation to any such work, any act or thing which he is, by this Act, authorized to do at the expense of the company, the amount of such expense shall be a debt due by the company to the Crown, and shall be recoverable as such, with costs,—or the same shall be recoverable, with costs, in the same manner that a penalty is recoverable from the company. 38 V., c. 26, s. 7.

Extent of Crown lands to be taken, limited.

8. The company may, with the consent of the Governor in Council, take and appropriate for the use of the company, for its stations, offices and works, but shall not alienate, so much of the land held by the Crown for the purposes of Canada, and the shore or bed adjacent to or covered by any gulf, bay or branch of the sea, or by any tidal water, as is necessary for constructing, completing and using the telegraph and works of the company. 38 V., c. 26, s. 8.

Provincial lands may be acquired.

9. The company may also acquire from any Province of Canada any land or other property necessary for the construction, maintenance, accommodation and use of the telegraph and works of the company, and may also alienate, sell and dispose of the same when no longer required for the purposes of the company. 38 V., c. 26, s. 9.

10. The company may also acquire any land necessary for the construction, maintenance and use of the telegraphic cable and works of the company, adjacent to or near the shore end or place of landing of the telegraph; and if the company, and the person from whom the land is to be acquired fail to agree as to the possession or price of such land, the company may enter upon and take such land, not exceeding five acres in extent, under the powers, authorities and provisions of "*The Railway Act*,"—the sections of which, in respect to compulsory powers for the acquisition of lands, shall apply to every company to which this Act applies; and the powers and authorities contained in the said sections of "*The Railway Act*" shall be vested in and may be exercised by every such company for the purpose aforesaid. 38 V., c. 26, s. 10.

Company may acquire other lands and a certain extent may be taken by compulsory process, under Railway Act.

11. The company shall not exercise any of the powers by this Act conferred until it has submitted to the Governor in Council a plan and survey of the proposed site and location of such telegraph, and its approaches at the shore, and of its stations, offices and accommodations on land, and of all the intended works thereunto appertaining,—and until such plan, site and location have been approved by the Governor in Council, and until such conditions as he thinks fit for the public good to impose, touching the said telegraph and works, have been complied with. 38 V., c. 26, s. 11.

Works not to be proceeded with until plans, &c., are submitted to and approved by Governor in Council.

12. No company other than those companies which are mentioned in the second section of this Act, or which are incorporated in Canada under the following provisions of this Act, shall maintain, construct or use any telegraphic wire or cable connecting two or more Provinces of Canada, or extending beyond the limits of any Province, in, upon, under or across any gulf, bay or branch of any sea or any tidal water within the jurisdiction of Canada, or the shore or bed thereof respectively; but nothing in this section contained shall prevent any existing telegraph company from continuing to receive and transmit messages over its line of marine telegraph, until such time as another company, under the authority and within the provisions of this Act, constructs and is operating a line or lines of marine telegraph, which has been determined by the Governor in Council to afford reasonable facilities for the transmission of marine telegraphic messages, in lieu of the line or lines of such existing telegraph company, or to be a line or lines for doing business over a route of a competitive nature, and until the Order in Council declaring such determination has been published for three months in the *Canada Gazette*. 38 V., c. 26, s. 14.

What companies only may extend their wires or cables beyond limits of any one Province.

Proviso: as to existing companies.

13. The company shall transmit all messages in the order in which they are received, and at equal and corresponding

Transmission of messages and at tariff rates.

tariff rates ; and every company violating any of the provisions of this section shall incur a penalty not exceeding two hundred dollars, and not less than fifty dollars,—which penalty shall be recoverable, with costs, by the person aggrieved, under the “*Act respecting summary proceedings before Justices of the Peace.*” 38 V., c. 26, s. 12, *part.*

Payment for messages.

14. The company may charge for the transmission of messages, and may demand and collect in advance such rates of payment therefor as are fixed by by-law of the company as its tariff rates. 38 V., c. 26, s. 12, *part.*

Arrangements as to newspapers.

15. Notwithstanding anything contained in the two sections next preceding, arrangements may be made by any such company with the proprietors or publishers of newspapers for the transmission, for the purpose of publication, of intelligence of general and public interest, out of its regular order and at less rates of charge than its regular tariff rates. 38 V., c. 26, s. 12, *part.*

Preferential messages.

16. Every message 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 officially charged with the administration of justice, or any person thereunto authorized by the Secretary of State of Canada; or by the Secretary of State for the Colonies on behalf of the Government of the United Kingdom. 38 V., c. 26, s. 13.

Companies incorporated by Imperial Parliament, &c., may receive charter from Governor in Council.

17. If any company is now or hereafter authorized by any special Act of the Parliament of the United Kingdom, or is incorporated under the Statutes of the Parliament of the United Kingdom relating to joint stock companies, or any other general Act of the Parliament of the United Kingdom or by Royal charter, for establishing or maintaining telegraphic communication, in, upon, under or across any gulf, bay or branch of any sea or tidal water within the jurisdiction of Canada, the Governor in Council may, by letters patent under the Great Seal of Canada, and upon the terms and conditions contained therein, grant a charter to the persons forming such company, upon the company petitioning therefor ; and such persons and others who become shareholders in the company, shall be constituted a body corporate and politic, by the same name, and with the same power and constitution in Canada, for the said purpose and object of establishing and maintaining their said telegraph and works within the jurisdiction of Canada ; but any such grant shall be expressly subject to this Act, and conditional upon the company observing and performing the several provisions hereof :

Charter to be subject to this Act.

2. Such letters patent, when published in the *Canada Gazette* with any Orders in Council relating thereto, shall have the like force and effect, as if the company had been incorporated by special Act of Parliament :

Effect of letters patent.

3. No such letters patent or grant of corporate powers to be exercised within the jurisdiction of Canada shall be made to or conferred upon any company which possesses any exclusive privilege of landing wire or cable for a marine telegraph in or upon the coast of any State, Province or country in America, Europe or elsewhere, unless an equal or reciprocal right or privilege of landing wire or cable, and establishing a marine telegraph upon the same coast is conceded to any and each of the companies in the second section of this Act mentioned, or which are now or hereafter incorporated in Canada under the provisions of this section :

Reciprocity in favor of companies incorporated in Canada.

4. Every grant of corporate and other powers made to or conferred upon any company under this section may be revoked and declared forfeited by an Act of the Parliament of Canada for non-user for three consecutive years,—or if the company does not go into actual operation within three years after the issue of the letters patent granting such powers.—or if the company, at any time, possesses or acquires any exclusive privilege of landing wire or cable for a marine telegraph in or upon the coast of any State, Province or country in America, Europe or elsewhere, and an equal or reciprocal right or privilege of landing wire or cable and establishing a marine telegraph on the same coast is not conceded to any and each of the companies mentioned in the second section of this Act, or to which the provisions hereof apply. 38 V. c. 26, s. 15.

Charters under this section may be revoked for non-user, and in certain other cases.

18. No company mentioned in the second section of this Act, or which becomes incorporated in Canada under the section next preceding, shall enter into any agreement for the transmission or interchange of messages, or for participation in profits, or for the union or consolidation of capital stock, with any company which at any time possesses or acquires any such exclusive privilege of landing wire or cable for a marine telegraph, in Newfoundland or the Danish possessions, unless an equal or reciprocal right is conceded, as in the next preceding section mentioned; and every agreement contrary to the provisions of this section shall be illegal and void. 38 V., c. 26, s. 16.

Companies under ss. 2 and 17 prohibited from entering into certain agreements. &c.

19. This Act shall not affect any franchise, right or privilege which the New York, Newfoundland and London Telegraph Company or any other company, or person lawfully entitled thereto, actually acquired and exercised or operated in Prince Edward Island before and up to the first day of July, eighteen hundred and seventy-three, under any Act of the legislature of Prince Edward Island made and passed

Rights of a certain company under Acts of P. E. Island saved.

before the said first day of July, one thousand eight hundred and seventy-three, and subject to the provisions thereof respectively. 38.V., c. 26, s. 17.

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CHAPTER 134.

An Act respecting secrecy by officers and persons employed on Telegraph Lines. A. D. 1886.

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

1. Every person who is employed in connection with any telegraph line under the control of the Government of Canada, or which, under any contract or agreement with any person or corporation is partly under such control, as an operator or in any other capacity in which he has opportunities of becoming acquainted with information connected with matters of state or other information, shall, subject to the provision herein contained, before entering upon the duties of such employment, take and subscribe, before a justice of the peace or before a person appointed by the Governor in Council to take declarations under this Act, a declaration, in the form set forth in the schedule to this Act; but the Minister of Public Works, or such officer or person as he appoints for that purpose, may decide whether any such employee shall or shall not be required to take or make and subscribe the said declaration. 44 V., c. 26, ss. 1, part. 2 and 3.

Certain telegraph operators to make a declaration of secrecy.

Exemption in certain cases.

2. All declarations taken under this Act shall be forwarded to the Department of Public Works, and shall there be kept on file; and a register thereof shall be kept in the said department. 44 V., c. 26, s. 4.

Registration of declaration, &c.

3. Every person who has made the declaration hereinbefore mentioned, and who, either directly or indirectly, divulges to any person, except when lawfully authorized or directed so to do, any information which he acquires by virtue of his employment, is guilty of an offence against this Act, and shall, on summary conviction before a justice of the peace, be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment. 44 V., c. 26, s. 5.

Punishment of operator so declaring and divulging information.

4. Every telegraph operator or other person in the employ of a telegraph company, who divulges the contents of any telegram, except when lawfully authorized or directed so to

Punishment of other operators divulging

contents of
telegram.

do, is guilty of an offence against this Act, and shall, on summary conviction before a justice of the peace, be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment. 44 V., c. 26, s. 6.

SCHEDULE.

"I, A. B., solemnly and sincerely promise and declare that
"I will faithfully and honestly fulfil the duties which de-
"volve upon me as operator (or in other capacity, as the case
"may be) upon (state the line of telegraph), and that I will not,
"either directly or indirectly, divulge to any person, except
"when lawfully authorized or directed so to do, any infor-
"mation which I acquire by virtue of my employment as
"such operator (or in other capacity, as the case may be.)

(Signature)

"A. B."

"Declared before me,
" &c., &c." }
44 V., c. 26, s. 1, part.

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CHAPTER 135.

An Act respecting the Supreme and Exchequer Courts. A. D. 1886.

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

SHORT TITLE

1. This Act may be cited as "*The Supreme and Exchequer Courts Act.*" 38 V., c. 11, s. 81. Short title.

INTERPRETATION.

- 2.** In this Act, unless the context otherwise requires.—
- (a.) The expression "the Supreme Court" or "the court" means the Supreme Court of Canada; Interpretation.
"Supreme Court."
 - (b.) The expression "the Exchequer Court" means the Exchequer Court of Canada; "Exchequer Court."
 - (c.) The expression "judge" includes the chief justice; "Judge."
 - (d.) The expression "judgment," when used with reference to the court appealed from, includes any judgment, rule, order, decision, decree, decretal order or sentence thereof; and when used with reference to the Supreme Court, includes any judgment or order of that court; "Judgment."
 - (e.) The expression "final judgment" means any judgment, rule, order or decision, whereby the action, suit, cause, matter or other judicial proceeding, is finally determined and concluded; "Final judgment."
 - (f.) The expression "appeal" includes any proceeding to set aside or vary any judgment of the court appealed from; "Appeal."
 - (g.) The expression "the court appealed from" means the court from which the appeal is brought directly to the Supreme Court, whether such court is a court of original jurisdiction or a court of appeal. 38 V., c. 11, ss. 2, 5 and 11;— 42 V., c. 39, s. 9. "The court appealed from."

THE COURTS.

3. The court of common law and equity in and for Canada, now existing under the name of "the Supreme Court of Canada," and the Court of Exchequer, now existing under the name of "the Exchequer Court of Canada," are hereby continued under the names aforesaid and shall continue to be courts of record. 38 V., c. 11, ss. 1 and 2. Courts continued.

THE JUDGES.

- 4.** The Supreme Court shall consist of a chief justice and five puisné judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal :
- Who may be appointed judge.** **2.** Any person may be appointed a judge of the court who is or has been a judge of a superior court of any of the Provinces of Canada, or a barrister or advocate of at least ten years' standing at the bar of any of the said Provinces :
- Judges from bar of Quebec.** **3.** Two at least of the judges of the court shall be appointed from among the judges of the Court of Queen's Bench, or of the Superior Court, or the barristers or advocates of the Province of Quebec :
- No other office of profit to be held.** **4.** No judge of the court shall hold any other office of emolument, either under the Government of Canada or under the Government of any Province of Canada :
- Residence.** **5.** The judges of the court shall reside at the city of Ottawa, or within five miles thereof. 38 V., c. 11, s. 3, *part*, and ss. 4 and 10.
- Tenure of office.** **5.** The judges of the court shall hold office during good behavior, but shall be removable by the Governor General on address of the Senate and House of Commons. 38 V., c. 11, s. 5.
- To be judges of both courts.** **6.** The chief justice and judges of the Supreme Court shall be respectively the chief justice and judges of the Exchequer Court. 38 V., c. 11, s. 4, *part*.
- Salaries and how payable.** **7.** There shall be paid and payable out of the Consolidated Revenue Fund of Canada, the yearly sums following, as and for the salaries of the said judges, as judges of both courts, that is to say : to the chief justice, the sum of eight thousand dollars, and to each of the puisné judges, the sum of seven thousand dollars, which sums shall be paid, free and clear of all deductions whatsoever, by monthly instalments ; the first payment shall be made *pro ratâ* on the first day of the month which occurs next after the appointment of the judge entitled to receive the same ; and if any judge resigns his office or dies, he or his executor or administrator shall be entitled to receive such proportionate part of the salary aforesaid, as has accrued during the time that he has executed such office since the last payment. 38 V., c. 11, s. 6.
- Retiring allowances and how payable.** **8.** If any judge has continued in the office of judge of the said courts for fifteen years or upwards, or in the said office, and that of judge of one or more of the superior courts or of the courts of vice-admiralty in any of the Provinces of Canada, for periods amounting together to fifteen years or upwards, or becomes afflicted with a permanent infirmity, disabling him from the due execution of his office, and if such

judge resigns his office, Her Majesty may, by letters patent under the Great Seal of Canada, reciting such period of office or such permanent infirmity, grant unto such judge an annuity equal to two-thirds of his salary as such judge at the time of his resignation, to commence immediately after his resignation and to continue thenceforth during his natural life, and to be payable by monthly instalments, and *pro ratâ* for any period less than a year during such continuance, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. 38 V., c. 11, s. 7.

9. Every judge shall, previously to entering upon the duties of his office as such judge, take an oath in the form following:—

“ I, _____, do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and knowledge execute the powers and trusts reposed in me as chief justice (or as one of the judges) of the Supreme Court and of the Exchequer Court of Canada. “ So help me God.” 38 V., c. 11, ss. 8 and 60.

10. Such oaths shall be administered to the chief justice before the Governor General, or person administering the Government of Canada, in Council, and to the puisné judges by the chief justice, or in his absence or illness, by any other judge of the court present at Ottawa. 38 V., c. 11, s. 9;— 42 V., c. 39, s. 12.

REGISTRAR AND OTHER OFFICERS.

11. The Governor in Council may, by an instrument under the Great Seal, appoint a fit and proper person, being a barrister of at least five years' standing, to be the registrar of the Supreme Court, and such registrar shall hold office during pleasure, shall reside and keep an office at the city of Ottawa, and shall be paid a salary of two thousand six hundred dollars per annum; and the Governor in Council may, from time to time, appoint such other clerks and servants of the Supreme Court, and of the Exchequer Court, as are necessary,—all of whom shall hold office during pleasure. 38 V., c. 11, s. 69.

12. The registrar of the Supreme Court shall be the registrar of the Exchequer Court. 38 V., c. 11, s. 70.

13. The Governor in Council may appoint a *précis* writer to report the decisions of the Supreme Court and of the Exchequer Court, and such *précis* writer shall act as secretary to the chief justice and judges, and shall be paid such salary as the Governor in Council determines. 38 V., c. 11, s. 71.

14. The provisions of “ *The Civil Service Act* ” and of “ *The Civil Service Superannuation Act* ” shall, so far as applicable, extend and apply to such officers, clerks and servants at the seat of Government. 39 V., c. 26, s. 38.

Sheriff.

15. The sheriff of the county of Carleton, in the Province of Ontario, shall be *ex officio* an officer of the Supreme Court and of the Exchequer Court, and shall perform the duties and functions of a sheriff in connection therewith. 40 V., c. 22, s. 3.

BARRISTERS AND ATTORNEYS.

Who may practise as barristers.

16. All persons who are barristers or advocates in any of the Provinces, may practise as barristers, advocates and counsel in the Supreme Court and the Exchequer Court. 38 V., c. 11, s. 76.

And as solicitors.

17. All persons who are attorneys or solicitors of the superior courts in any of the Provinces, may practise as attorneys, solicitors and proctors in the Supreme Court and Exchequer Court. 38 V., c. 11, s. 77.

Practitioners to be officers of the courts.

18. All persons who may practise as barristers, advocates, counsel, attorneys, solicitors or proctors in the Supreme Court or Exchequer Court, shall be officers of such courts respectively. 38 V., c. 11, s. 78.

THE SUPREME COURT.

SESSIONS AND QUORUM.

Quorum of judges.

Judgment may be given by a majority of the judges who have heard the case.

19. Any five of the judges of the Supreme Court shall constitute a quorum and may lawfully hold the court: Provided always, that it shall not be necessary for all the judges who have heard the argument in any case to be present in order to constitute the court for delivery of judgment in such case, but in the absence of any judge, from illness or any other cause, judgment may be delivered by a majority of the judges who were present at the hearing; and any judge who has heard the case and is absent at the delivery of judgment, may hand his opinion in writing to any judge present at the delivery of judgment, to be read or announced in open court and then to be left with the registrar or reporter of the court. 38 V., c. 11, ss. 3 and 12;—42 V., c. 39, s. 18.

Three sessions of appeal yearly.

20. The Supreme Court, for the purpose of hearing and determining appeals, shall hold in each year, at the city of Ottawa, three sessions; the first beginning on the third Tuesday of February, the second, on the first Tuesday in May, and the third, on the fourth Tuesday in October, in each year; and each of the said sessions shall be continued until the business before the court is disposed of. 42 V., c. 39, s. 16

Power to adjourn.

21. The Supreme Court may adjourn any session from time to time, and meet again at the time appointed for the transaction of business; and notice of such adjournment and

of the day fixed for the continuance of such session shall be given by the registrar in the *Canada Gazette*. 38 V., c. 11, s. 14, *part*.

22. The court may be convened at any time by the chief justice, or in the event of his absence or illness, by the senior puisné judge, in such manner as is prescribed by the rules of court. 38 V., c. 11, s. 14, *part*. Court may be convened at any time.

JURISDICTION—APPEALS.

23. The Supreme Court shall have, hold and exercise an appellate, civil and criminal jurisdiction within and throughout Canada. 38 V., c. 11, s. 15. Jurisdiction over all Canada.

24. An appeal shall lie to the Supreme Court,—

(a.) From all final judgments of the highest court of final resort now or hereafter established in any Province of Canada, whether such court is a court of appeal or of original jurisdiction, in cases in which the court of original jurisdiction is a superior court ; Appeal.
From final judgments.

(b.) From the judgment upon a special case unless the parties agree to the contrary, and the Supreme Court shall draw any inference of fact from the facts stated in the special case which the court appealed from should have drawn ; Upon a special case.

(c.) From the judgment upon any motion to enter a verdict or non-suit upon a point reserved at the trial ; Points reserved.

(d.) From the judgment upon any motion for a new trial upon the ground that the judge has not ruled according to law ; Motion for new trial.

(e.) From any judgment, decree, decretal order, or order in any action, suit, cause, matter or other judicial proceeding originally instituted in any superior court of equity in any Province of Canada other than the Province of Quebec, and from any judgment, decree, decretal order, or order in any action, suit, cause, matter or judicial proceeding, in the nature of a suit or proceeding in equity, originally instituted in any superior court in any Province of Canada other than the Province of Quebec ; Decrees in equity courts.

(f.) From the judgment, rule, order or decision upon any motion to set aside an award, or upon any motion by way of appeal from an award made in any superior court in any of the Provinces of Canada other than the Province of Quebec ; Motion to set aside award.

(g.) From the judgment in any case of proceedings for or upon a writ of *habeas corpus*, not arising out of a criminal charge,—and in any case of proceedings for or upon a writ of *mandamus*,—and in any case in which a by-law of a municipal corporation has been quashed by rule or order of court, or the rule or order to quash it has been refused after argument. 38 V., c. 11, s. 11, *part*, s. 17, *part*, and ss. 18, 19, 20 and 23 ;—42 V., c. 39, ss. 1, 4 and 13. Habeas corpus, mandamus and municipal by-laws.

Further jurisdic-
tion.
Criminal
cases.
Exchequer
Court.

25. The court shall also have jurisdiction,—
(a.) In appeals in criminal cases as hereinafter provided ;
(b.) In appeals from the Exchequer Court as hereinafter provided, and as provided in the "*Act respecting the Official Arbitrators* ;"

Maritime
Court, Ont.

(c.) In appeals from the Maritime Court of Ontario as provided in "*The Maritime Court Act* ;"

Election
cases.

(d.) In appeals from the court or judge as provided in "*The Dominion Elections Act* ;" and—

Insolvency.

(e.) In appeals from the court or judge as provided in "*The Winding-up Act*."

Appeal to be
from court of
last resort.

26. Except as otherwise provided in this Act or in the Act providing for the appeal, no appeal shall lie to the Supreme Court but from the highest court of last resort having jurisdiction in the Province in which the action, suit, cause, matter or other judicial proceeding was originally instituted, whether the judgment or decision in such action, suit, cause, matter or other judicial proceeding was or was not a proper subject of appeal to such highest court of last resort :

Appeal by
consent.

2. Provided, that an appeal shall lie directly to the Supreme Court from the judgment of the court of original jurisdiction, by consent of parties :

Appeal by
leave of court
or judge.

3. Provided also, that an appeal shall lie to the Supreme Court by leave of such court, or a judge thereof, from any judgment, decree, decretal order, or order made or pronounced by a superior court of equity, or made or pronounced by any judge in equity, or by any superior court in any action, cause, matter or other judicial proceeding in the nature of a suit or proceeding in equity, and from the final judgment of any superior court of any Province other than the Province of Quebec, in any action, suit, cause, matter or other judicial proceeding originally commenced in such superior court, without any intermediate appeal being had to any intermediate court of appeal in the Province. 38 V., c. 11, s. 11, *part*, and s. 27 ;—42 V., c. 39, ss. 5, 6 and 7.

No appeal
from orders
made in exer-
cise of judi-
cial discre-
tion.

Exception.

27. No appeal shall lie from any order made in any action, suit, cause, matter or other judicial proceeding made in the exercise of the judicial discretion of the court or judge making the same ; but this exception shall not include decrees and decretal orders in actions, suits, causes, matters or other judicial proceedings in equity, or in actions or suits, causes, matters or other judicial proceedings in the nature of suits or proceedings in equity instituted in any superior court. 42 V., c. 39, s. 2.

Appeals from
final judg-
ments in cases
specified.

28. Except as provided in this Act or in the Act providing for the appeal, an appeal shall lie only from final judgments in actions, suits, causes, matters and other judicial proceedings originally instituted in the Superior Court of the Province

of Quebec, or originally instituted in a superior court in any of the Provinces of Canada other than the Province of Quebec. 42 V., c. 39, s. 3.

29. No appeal shall lie under this Act from any judgment rendered in the Province of Quebec in any action, suit, cause, matter or other judicial proceeding, wherein the matter in controversy does not amount to the sum or value of two thousand dollars, unless such matter, if less than that amount,—

In what cases appeal shall lie in Quebec.

(a.) Involves the question of the validity of an Act of the Parliament of Canada, or of the Legislature of any of the Provinces of Canada, or of an Ordinance or Act of any of the councils or legislative bodies of any of the Territories or Districts of Canada; or—

Validity of Act or ordinance.

(b.) Relates to any fee of office, duty, rent, revenue or any sum of money payable to Her Majesty, or to any title to lands or tenements, annual rents or such like matters or things where the rights in future might be bound :

Fees to the Crown, title to property, &c.

2. Provided that such appeals shall lie only from the Court of Queen's Bench. 38 V., c. 11, s. 17, *part*;—42 V., c. 39, s. 8.

To be only from court of Q.B.

30. Nothing in the three sections next preceding shall in any way affect appeals in Exchequer cases, cases of rules for new trials and cases of *mandamus*, *habeas corpus* and municipal by-laws. 42 V., c. 39, s. 11.

Certain matters excepted.

31. No appeal shall be allowed in any case of proceedings for or upon a writ of *habeas corpus* arising out of any claim for extradition made under any treaty. 39 V., c. 26, s. 31, *part*.

Extradition.

HABEAS CORPUS.

32. Every judge of the court shall have concurrent jurisdiction with the courts or judges of the several Provinces, to issue the writ of *habeas corpus ad subjiciendum*, for the purpose of an inquiry into the cause of commitment, in any criminal case under any Act of the Parliament of Canada, but such judge shall not have such jurisdiction in *habeas corpus* matters arising out of any claim for extradition made under any treaty :

Concurrent jurisdiction in *habeas corpus* matters.

2. If the judge refuses the writ or remands the prisoner, an appeal shall lie to the court. 38 V., c. 11, s. 51:—39 V., c. 26, s. 31, *part*.

Appeal to the court.

33. In any *habeas corpus* matter before a judge of the Supreme Court, or on any appeal to the Supreme Court in any *habeas corpus* matter, the court or judge shall have the same power to bail, discharge or commit the prisoner or person, or to direct him to be detained in custody or other-

Powers of the court in such cases.

wise to deal with him as any court, judge or justice of the peace having jurisdiction in any such matters in any Province of Canada. 39 V., c. 26, s. 29.

34. On any appeal to the Supreme Court in any *habeas corpus* matter, it shall not be necessary, unless the court otherwise orders, for any prisoner or person on whose behalf such appeal is made, to be present in court; but the prisoner or person shall remain in the charge or custody to which he was committed or had been remanded, or in which he was at the time of giving the notice of appeal, unless at liberty on bail, by order of a judge of the court which refused the application or of a judge of the Supreme Court; but the Supreme Court may, by writ or order, direct that such prisoner or person shall be brought before it. 39 V., c. 26, s. 30.

Prisoner need not be present in court.

When such appeals shall be heard.

35. An appeal to the Supreme Court in any *habeas corpus* matter shall be heard at an early day, whether in or out of the prescribed sessions of the court. 39 V., c. 26, s. 28.

CERTIORARI.

Writ of *certiorari*.

36. A writ of *certiorari* may, by order of the court or a judge thereof, issue out of the Supreme Court, to bring up any papers or other proceedings had or taken before any court, judge or justice of the peace and which are considered necessary with a view to any inquiry, appeal or other proceeding had or to be had before the court. 39 V., c. 26, s. 34.

SPECIAL CASES REFERRED TO THE COURT.

Governor may refer matter for opinion.

37. The Governor in Council may refer to the Supreme Court, for hearing or consideration, any matter which he thinks fit to refer; and the court shall thereupon hear or consider the same and certify their opinion thereon to the Governor in Council: Provided, that any judge or judges of the court who differ from the opinion of the majority may, in like manner, certify his or their opinion or opinions to the Governor in Council. 38 V., c. 11, s. 52.

Report upon private bill or petition.

38. The Supreme Court, or any two of the judges thereof, shall examine and report upon any private bill or petition for a private bill presented to the Senate or House of Commons and referred to the court under any rules or orders made by the Senate or House of Commons. 38 V., c. 11, s. 53.

PROCEDURE IN APPEALS.

Perfecting Appeal.

Proceedings in appeal.

39. Proceedings in appeals shall, when not otherwise provided for by this Act, or by the Act providing for the appeal, or by the general rules and orders of the Supreme

Court, be as nearly as possible in conformity with the present practice of the Judicial Committee of Her Majesty's Privy Council. 38 V., c. 11, s. 24.

40. Except as otherwise provided, every appeal shall be brought within thirty days from the signing or entry or pronouncing of the judgment appealed from. 38 V., c. 11, s. 25, *part*. When appeal shall be brought.

41. No appeal upon a special case, or from the judgment upon a motion to enter a verdict or non-suit upon a point reserved at the trial, or from the judgment upon a motion for a new trial, upon the ground that the judge has not ruled according to law, shall be allowed, unless notice thereof is given in writing to the opposite party, or his attorney of record, within twenty days after the decision complained of, or within such further time as the court appealed from, or a judge thereof, allows. 38 V., c. 11, s. 21. Notice of appeal in cases specified.

42. Provided always, that the court proposed to be appealed from, or any judge thereof, may, under special circumstances, allow an appeal, notwithstanding that the same is not brought within the time hereinbefore prescribed in that behalf; but in such case, the court or judge shall impose such terms as to security or otherwise as seems proper under the circumstances; but the provisions of this section shall not apply to any appeal in the case of an election petition. 38 V., c. 11, s. 26. Allowance of appeal in special cases on terms.

43. No writ shall be required or issued for bringing any appeal in any case to or into the Supreme Court, but it shall be sufficient that the party desiring so to appeal shall, within the time herein limited in the case, have given the security required and obtained the allowance of the appeal: Proceedings requisite to bring cases into Supreme Court.

2. Whenever error in law is alleged, the proceedings in the Supreme Court shall be in the form of an appeal. 38 V., c. 11, ss. 16 *and* 28. When error is alleged.

44. The appeal shall be upon a case to be stated by the parties or, in the event of difference, to be settled by the court appealed from, or a judge thereof; and the case shall set forth the judgment objected to and so much of the pleadings, evidence, affidavits and documents as is necessary to raise the question for the decision of the court. 38 V., c. 11, s. 29. Appeal to be on a special case.

45. The clerk or other proper officer of the court appealed from shall, upon payment to him of the proper fees and the expenses of transmission, transmit the case forthwith after such allowance to the registrar of the Supreme Court, and further proceedings shall thereupon be had according to the practice of that court. 38 V., c. 11, s. 30. Transmission of case by clerk of the court appealed from.

Security and Staying Execution.

Security to be given.

46. No appeal shall be allowed until the appellant has given proper security, to the extent of five hundred dollars, to the satisfaction of the court from whose judgment he is about to appeal, or a judge thereof, or to the satisfaction of the Supreme Court, or a judge thereof, that he will effectually prosecute his appeal and pay such costs and damages as may be awarded against him by the Supreme Court:

Exceptions.

2. This section shall not apply to appeals in election cases, in cases in the Exchequer Court, in criminal cases, or in proceedings for or upon a writ of *habeas corpus*. 38 V., c. 11, s. 31;—42 V., c. 39, s. 14.

Execution stayed.
Exceptions.

47. Upon the perfecting of such security, execution shall be stayed in the original cause, except in the following cases:—

If the judgment orders delivery of documents or personally.

(a.) If the judgment appealed from directs an assignment or delivery of documents or personal property, the execution of the judgment shall not be stayed, until the things directed to be assigned or delivered have been brought into court, or placed in the custody of such officer or receiver as the court appoints, nor until security has been given to the satisfaction of the court appealed from, or of a judge thereof, in such sum as the court or judge directs, that the appellant will obey the order or judgment of the Supreme Court;

Or execution of conveyance.

(b.) If the judgment appealed from directs the execution of a conveyance or any other instrument, the execution on the judgment shall not be stayed, until the instrument has been executed and deposited with the proper officer of the court appealed from, to abide the order or judgment of the Supreme Court;

If the court appealed from is one of appeal.

(c.) If the court appealed from is a court of appeal and such assignment or conveyance, document, instrument, property or thing, as aforesaid, has been deposited in the custody of the proper officer of the court in which the cause originated, the consent of the party desiring to appeal to the Supreme Court, that it shall so remain to abide the judgment of the Supreme Court, shall be binding on him and shall be deemed a compliance with the foregoing requirements of this section;

If the judgment directs sale, &c., of realty.

(d.) If the judgment appealed from directs the sale or delivery of possession of real property, chattels real or immovables, the execution of the judgment shall not be stayed, until security has been entered into to the satisfaction of the court appealed from, or a judge thereof, and in such amount as the said last mentioned court or judge directs, that during the possession of the property by the appellant he will not commit, or suffer to be committed, any waste on the property,—and that if the judgment is affirmed, he will pay the value of the use and occupation of the property from the time the appeal is brought until delivery of possession

thereof,—and also, if the judgment is for the sale of property and the payment of a deficiency arising upon the sale, that the appellant will pay the deficiency ;

(e.) If the judgment appealed from directs the payment of money, either as a debt or for damages or costs, execution thereof shall not be stayed, until the appellant has given security to the satisfaction of the court appealed from, or of a judge thereof, that if the judgment or any part thereof is affirmed, the appellant will pay the amount thereby directed to be paid, or the part thereof as to which the judgment is affirmed, if it is affirmed only as to part, and all damages awarded against the appellant on such appeal :

If the judgment directs payment of money as a debt, &c.

2. Provided that in any case in which execution may be stayed on the giving of security under this section, such security may be given by the same instrument whereby the security prescribed in the next preceding section is given. 38 V., c. 11, s. 32.

As to instrument for giving such security.

48. When the security has been perfected and allowed, any judge of the court appealed from may issue his fiat to the sheriff, to whom any execution on the judgment has issued, to stay the execution, and the execution shall be thereby stayed, whether a levy has been made under it or not ; and if the court appealed from is a court of appeal, and execution has been already stayed in the case, such stay of execution shall continue without any new fiat, until the decision of the appeal by the Supreme Court : Provided always, that upon any judgment appealed from, on which any execution is issued before the judge's fiat to stay the execution is obtained, no poundage shall be allowed against the appellant, unless a judge of the court appealed from otherwise orders. 38 V., c. 11, s. 33.

Fiat to sheriff when security is perfected.

If the court appealed from is one of appeal.

Proviso : as to poundage.

49. If, at the time of the receipt by the sheriff of the fiat, or of a copy thereof, the money has been made or received by him, but not paid over to the party who issued the execution, the party appealing may demand back from the sheriff the amount made or received under the execution, or so much thereof as is in his hands not paid over, and in default of payment by the sheriff, upon such demand, the party appealing may recover the same from him in an action for money had and received, or by means of an order or rule of the court appealed from. 38 V., c. 11, s. 35.

Money levied and not paid over before fiat to be repaid.

50. If the judgment appealed from directs the delivery of perishable property, the court appealed from, or a judge thereof, may order the property to be sold and the proceeds to be paid into court, to abide the judgment of the Supreme Court. 38 V., c. 11, s. 36.

Perishable property.

Discontinuance of Proceedings.

51. An appellant may discontinue his proceedings by giving to the respondent a notice entitled in the Supreme

Discontinuing proceedings.

Court and in the cause, and signed by the appellant, his attorney or solicitor, stating that he discontinues such proceedings; and thereupon the respondent shall be at once entitled to the costs of and occasioned by the proceedings in appeal; and may, in the court of original jurisdiction, either sign judgment for such costs or obtain an order from such court, or a judge thereof, for their payment, and may take all further proceedings in that court as if no appeal had been brought. 38 V., c. 11, s. 39.

Consent to Reversal of Judgment.

Consent to reversal.

52. A respondent may consent to the reversal of the judgment appealed against, by giving to the appellant a notice entitled in the Supreme Court and in the cause, and signed by the respondent, his attorney or solicitor, stating that he consents to the reversal of the judgment; and thereupon the court, or any judge thereof, shall pronounce judgment of reversal as of course. 38 V., c. 11, s. 40.

Dismissal for Delay.

Dismissal for delay to proceed.

53. If an appellant unduly delays to prosecute his appeal, or fails to bring the appeal on to be heard at the first session of the Supreme Court, after the appeal is ripe for hearing, the respondent may, on notice to the appellant, move the Supreme Court, or a judge thereof in chambers, for the dismissal of the appeal; and such order shall thereupon be made as the said court or judge deems just. 38 V., c. 11, s. 41.

Death of Parties.

Case of death of one of several appellants.

54. In the event of the death of one of several appellants, pending the appeal to the Supreme Court, a suggestion may be filed of his death, and the proceedings may, thereupon, be continued at the suit of and against the surviving appellant, as if he were the sole appellant; but such suggestion, if untrue, may be set aside on motion made to the Supreme Court, or a judge thereof in chambers. 38 V., c. 11, s. 42.

Of sole appellant or of all the appellants.

55. In the event of the death of a sole appellant, or of all the appellants, the legal representative of the sole appellant, or of the last surviving appellant, may, by leave of the court or a judge, file a suggestion of the death, and that he is such legal representative, and the proceedings may thereupon be continued at the suit of and against such legal representative as the appellant; and if no such suggestion is made, the respondent may proceed to an affirmance of the judgment, according to the practice of the court, or take such other proceedings as he is entitled to; and such suggestion, if untrue, may, on motion, be set aside by the court or a judge thereof. 38 V., c. 11, s. 43.

56. In the event of the death of one of several respondents, a suggestion may be filed of such death, and the proceedings may be continued against the surviving respondent, but such suggestion, if untrue, may, on motion, be set aside by the court or a judge thereof. 38 V., c. 11, s. 44.

Of one of several respondents.

57. In the event of the death of a sole respondent, or of all the respondents, the appellant may proceed, upon giving one month's notice of the appeal and of his intention to continue the same, to the representative of the deceased party, or if no such notice can be given, then upon such notice to the parties interested as a judge of the Supreme Court directs. 38 V., c. 11, s. 45.

Of sole respondent or of all the respondents.

Entry of Causes.

58. The appeals set down for hearing shall be entered by the registrar of the court, on a list, divided into three parts, and to be numbered and headed as follows: "Number one, Maritime Provinces cases;" "Number two, Quebec cases;" "Number three, Ontario cases:" and the registrar shall enter all appeals from the Provinces of Nova Scotia, New Brunswick and Prince Edward Island on part numbered one, and all appeals from the Province of Quebec on part numbered two, and all appeals from the Provinces of Ontario, Manitoba and British Columbia on part numbered three, in the order in which they are respectively received; and such appeals shall be heard and disposed of in the order in which they are so entered, unless otherwise ordered by the court. 42 V., c. 39, s. 15.

Entry of appeals on list and order of hearing.

Judgments.

59. The Supreme Court may quash proceedings in cases brought before it, in which an appeal does not lie, or whenever such proceedings are taken against good faith. 38 V., c. 11, s. 37.

Quashing proceedings in certain cases.

60. The Supreme Court may dismiss an appeal, or give the judgment and award the process or other proceedings which the court, whose decision is appealed against, should have given or awarded. 38 V., c. 11, s. 38, *part*.

Appeal may be dismissed or judgment given.

61. On any appeal, the court may, in its discretion, order a new trial if the ends of justice seem to require it, although such new trial is deemed necessary upon the ground that the verdict is against the weight of evidence. 43 V., c. 34, s. 4.

New trial may be ordered.

Costs.

62. The Supreme Court may, in its discretion, order the payment of the costs of the court appealed from, and also of

Payment of costs.

the appeal, or any part thereof, as well when the judgment appealed from is varied or reversed as where it is affirmed. 38 V., c. 11, s. 38, *part*.

Amendments.

Necessary amendments may be made.

63. At any time during the pendency of any appeal before the Supreme Court, the court may, upon the application of any of the parties, or without any such application, make all such amendments as are necessary for the purpose of determining the appeal, or the real question or controversy between the parties, as disclosed by the pleadings, evidence or proceedings. 43 V., c. 34, s. 1.

At whose instance.

64. Any such amendment may be made, whether the necessity for the same is or is not occasioned by the defect, error, act, default or neglect of the party applying to amend. 43 V., c. 34, s. 2.

Conditions of amendment.

65. Every amendment shall be made upon such terms as to payment of costs, postponing the hearing or otherwise, as to the court seems just. 43 V., c. 34, s. 3.

Interest.

Interest to be allowed.

66. If on appeal against any judgment, the Supreme Court affirms such judgment, interest shall be allowed by the court for such time as execution has been delayed by the appeal. 38 V., c. 11, s. 34.

Certificate of Judgment.

Judgment to be carried out by the court below.

67. The judgment of the Supreme Court in appeal shall be certified by the registrar of the court to the proper officer of the court of original jurisdiction, who shall thereupon make all proper and necessary entries thereof; and all subsequent proceedings may be taken thereupon as if the judgment had been given or pronounced in the said last mentioned court. 38 V., c. 11, s. 46.

APPEALS IN CRIMINAL CASES.

In what criminal cases an appeal shall lie.

68. Any person convicted of any indictable offence before any Court of Oyer and Terminer or Gaol Delivery or before the Court of Queen's Bench in the Province of Quebec, on its Crown side, or before any other superior court having criminal jurisdiction, whose conviction has been affirmed by any court of last resort, or, in the Province of Quebec, by the Court of Queen's Bench on its appeal side, may appeal to the Supreme Court against the affirmation of such conviction; and the Supreme Court shall make such rule or order therein, either in affirmance of the conviction or for granting a new trial, or otherwise, or for granting or refusing such applica-

Proceedings thereupon.

tion, as the justice of the case requires, and shall make all other necessary rules and orders for carrying such rule or order into effect: Provided that no such appeal shall be allowed if the court affirming the conviction is unanimous, nor unless notice of appeal in writing has been served on the Attorney General for the proper Province, within fifteen days after such affirmance. 38 V., c. 11, s. 49;—39 V., c. 26, s. 31.

No appeal in certain cases.

69. Unless such appeal is brought on for hearing by the appellant at the session of the Supreme Court during which such affirmance takes place, or the session next thereafter, if the said court is not then in session, the appeal shall be held to have been abandoned, unless otherwise ordered by the Supreme Court. 38 V., c. 11, s. 50.

When the appeal must be brought to hearing.

APPEALS FROM THE EXCHEQUER COURT.

70. Any party to a suit in the Exchequer Court who is dissatisfied with the decision therein, and desirous of appealing against the same, may, within thirty days from the day on which such decision has been given, or within such further time as a judge of such court allows, deposit with the registrar of such court the sum of fifty dollars by way of security for costs; and thereupon the registrar shall set the appeal down for hearing before the Supreme Court on the first day of the next session; and the party appealing shall thereupon, within three days after the deposit, give to the parties affected by the appeal, or their respective attorneys, by whom such parties were represented before the judge of the Exchequer Court, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and in such notice the said party so appealing may, if he so desires, limit the subject of the appeal to any special defined question or questions; and the said appeal shall thereupon be heard and determined by the Supreme Court. 38 V., c. 11, s. 68.

Appeals from the Exchequer court and conditions thereof.

JUDGMENT FINAL AND CONCLUSIVE.

71. The judgment of the Supreme Court shall, in all cases, be final and conclusive, and no appeal shall be brought from any judgment or order of the Supreme Court to any court of appeal established by the Parliament of Great Britain and Ireland, by which appeals or petitions to Her Majesty in Council may be ordered to be heard: saving any right which Her Majesty may be graciously pleased to exercise by virtue of her royal prerogative. 38 V., c. 11, s. 47.

Judgment to be final.

Saving H. M prerogative.

SPECIAL JURISDICTION OF SUPREME AND EXCHEQUER COURTS.

72. When the Legislature of any Province of Canada has passed an Act agreeing and providing that the Supreme

Powers to be exercised with consent

of Provincial
Legislatures.

Court and the Exchequer Court, or the Supreme Court alone, as the case may be, shall have jurisdiction in any of the following cases, that is to say:—

First. Of controversies between the Dominion of Canada and such Province;

Second. Of controversies between such Province and any other Province or Provinces which have passed a like Act;

Third. Of suits, actions or proceedings in which the parties thereto, by their pleadings, have raised the question of the validity of an Act of the Parliament of Canada, when, in the opinion of a judge of the court in which the same are pending, such question is material;

Fourth. Of suits, actions or proceedings in which the parties thereto, by their pleadings, have raised the question of the validity of an Act of the Legislature of such Province, when, in the opinion of a judge of the court in which the same are pending, such question is material:

This section and the two sections of this Act next following shall be in force in the class or classes of cases in respect of which such Act so agreeing and providing has been passed. 38 V., c. 11, s. 54.

Proceedings
in cases first
and secondly
mentioned.

And in those
thirdly and
fourthly men-
tioned.

Decision to be
sent to court
appealed
from.

To what
cases preced-
ing sections
apply.

73. The proceedings in the cases firstly and secondly mentioned in the next preceding section shall be in the Exchequer Court, and an appeal shall lie in any such case to the Supreme Court; and in the cases thirdly and fourthly mentioned in such section, the judge who has decided that such question is material shall, at the request of the parties, and may, without such request, if he thinks fit, order the case to be removed to the Supreme Court for the decision of such question, and it shall be removed accordingly; and after the decision of the Supreme Court the said case shall be sent back, with a copy of the judgment on the question raised, to the court or judge whence it came, to be then and there dealt with as to justice appertains. 38 V., c. 11, ss. 55 and 56;—39 V., c. 26, s. 17.

74. The two sections next preceding shall apply only to cases of a civil nature, and shall take effect in the cases therein provided for respectively, whatever is the value of the matter in dispute, and there shall be no further appeal to the Supreme Court on any point decided by it in any such case, nor on any other point in such case, unless the value of the matter in dispute exceeds five hundred dollars. 38 V., c. 11, s. 57.

THE EXCHEQUER COURT.

JURISDICTION.

Concurrent
jurisdiction of
the Exchequer
Court.

75. The Exchequer Court shall have and possess concurrent original jurisdiction in Canada.—

(a.) In all cases in which it is sought to enforce any law of Canada relating to the revenue, including actions, suits

and proceedings, by way of information, to enforce penalties and proceedings by way of information *in rem*, and as well in *qui tam* suits for penalties or forfeitures as where the suit is on behalf of the Crown alone; and—

(b.) In all cases in which demand is made or relief sought in respect of any matter which might, in England, have been the subject of a suit or action in the Court of Exchequer on its plea side against any officer of the Crown:

2. The Exchequer Court shall have exclusive original jurisdiction in all cases in which demand is made or relief sought in respect of any matter which might, in England, have been the subject of a suit or action in the Court of Exchequer on its revenue side against the Crown. 38 V., c. 11, s. 58;—39 V., c. 26, s. 18. Exclusive original jurisdiction.

76. The Exchequer Court shall also have concurrent original jurisdiction with the courts of the several Provinces, in all other suits of a civil nature at common law or equity, in which the Crown, in the interest of the Dominion of Canada, is plaintiff or petitioner. 38 V., c. 11, s. 59. Cases in which the Dominion is interested.

77. The Exchequer Court shall have appellate jurisdiction in all cases of arbitration arising under "*The Act respecting the official arbitrators*," when the claim exceeds in value the sum of five hundred dollars, according to the *bona fide* belief of any of the parties complaining of such arbitration, as shown on affidavit. 42 V., c. 8, s. 2;—44 V., c. 25, s. 40, *part*. In case of appeal from the official arbitrators.

SITTINGS OF THE COURT.

78. Subject to rules of court, the judges of the Exchequer Court, respectively, may sit and act at any time and at any place for the transaction of the business of the Exchequer Court, or any part thereof; and the hearing and trial of any case shall be by and before one judge of the court sitting alone, and such judge shall decide such case, and his decision shall be the judgment of the court therein, and such judge shall have the same power and authority as the court. 38 V., c. 11, s. 62. Sittings at any time and at any place. Judge to sit alone.

PROCEDURE.

79. The procedure in suits and actions within the jurisdiction of the Exchequer Court shall, unless it is otherwise provided for by general rules made in pursuance of this Act, be regulated by the practice and procedure in similar suits in Her Majesty's Court of Exchequer at Westminster. 38 V., c. 11, s. 61;—39 V., c. 26, s. 19. Rules of practice.

80. Issues of fact, in cases before the Exchequer Court shall be tried according to the laws of the Province in which the cause originated, including the laws of evidence. 38 V., c. 11, s. 63. Issues of fact, how tried.

Without a jury in certain cases.

81. Issues of fact in cases arising under the seventy-fifth section shall be tried by the judge without a jury. 38 V., c. 11, s. 64.

Reference of matter or petition.

82. The Exchequer Court may, for the purposes of taking accounts and making inquiries, refer any cause, matter or petition, over which it has jurisdiction, to the registrar or any other officer of the court, or to any other referee. 39 V., c. 26, s. 20.

Jurors.

Jurors in cases specified.

83. A judge of the Exchequer Court may, for the trial of issues of fact in any case arising under the seventy-sixth section, order a writ of *venire facias* to be issued, directed to the sheriff of any county or other judicial division, or if the sheriff is disqualified, to any of the coroners of such county or district, commanding him to summon a panel of jurors to attend at the time and place in the said writ named, and the sheriff or coroner shall execute and return the said writ as directed thereby:

Number of jurors to be summoned.

2. The number of such jurors to be summoned on any panel shall never be less than double nor more than three times the number of jurors required in civil cases to form a jury for the trial of causes in the superior courts of the Province where the issues are to be tried; but within these limits, the judge who orders the writ of *venire facias* to issue, may exercise his discretion as to the number to be summoned. 38 V., c. 11, s. 65;—39 V., c. 26, s. 22.

Qualification, &c., of jurors.

84. The qualifications, exemptions and mode of summoning jurors shall be according to the law applicable to the superior courts of the Province where the issues are to be tried. 39 V., c. 26, s. 21

Tales in default of jurors.

85. When, from challenges or other causes, a complete jury for the trial of any cause cannot be obtained, the presiding judge may direct the sheriff or other proper officer to summon and return a *tales* according to the law applicable to the superior courts of the Province where the issues are to be tried. 39 V., c. 26, s. 23.

Executions.

What writs of execution may be issued.

86. In addition to any writs of execution which are prescribed by general rules or orders, the Exchequer Court may issue writs of execution against the person or the goods, lands or other property of any party, of the same tenor and effect as those which are issued out of any of the superior courts of the Province in which any judgment or order is to be executed; and when, by the law of the Province, an order of a judge is required for the issue of any writ of execution, a judge of the Exchequer Court may make a similar

If judge's order is necessary.

order, as regards like executions to issue out of the Exchequer Court. 39 V., c. 26, s. 24.

87. No person shall be taken in custody under process of execution for debt issued out of the Exchequer Court at the suit of the crown, unless he might be taken in custody under the laws of the Province in which he happens to be, in a similar case between subject and subject; and any person taken in custody under such process may be discharged from imprisonment, upon the same grounds, as would entitle him to be discharged under the laws in force relating to imprisonment for debt in the Province in which he is in custody. 39 V., c. 26, s. 25.

In what case only a person may be taken into custody under process.

88. All writs of execution against real or personal property, as well those prescribed by general rules and orders as those hereinbefore authorized shall, unless otherwise provided by general rule or order, be executed as regards the property liable to execution and the mode of seizure and sale, as nearly as possible in the same manner as similar writs issued out of the superior courts of the Province in which the property to be seized is situated are, by the law of the Province, required to be executed; and such writs shall bind property in the same manner as such similar writs, and the rights of purchasers thereunder shall be the same as those of purchasers under similar writs. 39 V., c. 26, s. 26.

Execution of writs and effect thereof.

89. Every claim made by any person to property seized under a writ of execution issued out of the Exchequer Court, or to the proceeds of the sale of such property, shall, unless otherwise provided by general rule or order, be heard and disposed of, as nearly as may be, according to the procedure applicable to like claims to property seized under similar writs of execution issued out of the courts of the Province. 39 V., c. 26, s. 27.

Claims to property seized or proceeds of sale.

Sheriff's Fees.

90. Sheriffs and coroners shall receive and take to their own use such fees as the judges of the Exchequer Court, by general order, fix and determine. 38 V., c. 11, s. 67.

Fees of officers.

SUPREME AND EXCHEQUER COURTS.

EVIDENCE.

91. All persons authorized to administer affidavits to be used in any of the superior courts of any Province, may administer oaths, affidavits and affirmations in such Province to be used in the Supreme Court or in the Exchequer Court. 38 V., c. 11, s. 74.

Affidavits.

Commissioners for receiving affidavits may be appointed.

92. The Governor in Council may, by commission, from time to time, empower such persons as he thinks necessary, within or out of Canada, to administer oaths and take and receive affidavits, declarations and affirmations in or concerning any proceeding had or to be had in the Supreme Court or in the Exchequer Court; and every such oath, affidavit, declaration or affirmation so taken or made shall be as valid and of the like effect, to all intents, as if it had been administered, taken, sworn, made or affirmed before that one of the said courts in which it is intended to be used, or before any judge or competent officer thereof in Canada:

Style of commissioner.

2. Every commissioner so empowered shall be styled "a commissioner for administering oaths in the Supreme Court and in the Exchequer Court of Canada." 39 V., c. 26, s. 10.

Before whom affidavits, &c., may be made out of Canada.

93. Any oath, affidavit, affirmation or declaration, administered, sworn, affirmed or made out of Canada, before any commissioner authorized to take affidavits to be used in Her Majesty's High Court of Justice in England, or before any notary public, and certified under his hand and official seal, or before the mayor or chief magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony or possession of Her Majesty, out of Canada, or in any foreign country, and certified under the common seal of such city, borough or town corporate, or before a judge of any court of supreme jurisdiction in any colony or possession of Her Majesty or dependency of the Crown out of Canada, or before any consul, vice-consul, acting consul, pro-consul or consular agent of Her Majesty exercising his functions in any foreign place, and certified under his official seal, concerning any proceeding had or to be had in the Supreme Court or Exchequer Court, shall be as valid and of like effect, to all intents, as if it had been administered, sworn, affirmed or made before a commissioner appointed under this Act. 39 V., c. 26, s. 12.

Their effect.

No proof required of signature or seal of commissioner, &c.

94. Every document purporting to have affixed, imprinted or subscribed thereon or thereto, the signature of any commissioner appointed under this Act or the signature of any person authorized to take affidavits to be used in any of the superior courts of any Province, or the signature of any such commissioner authorized to receive affidavits to be used in Her Majesty's High Court of Justice in England, or the signature and official seal of any such notary public, or the signature of any such mayor or chief magistrate, and the common seal of the corporation, or the signature of any such judge, and the seal of the court or the signature and official seal of any such consul, vice-consul, acting consul, pro-consul or consular agent, in testimony of any oath, affidavit, affirmation or declaration, having been administered, sworn, affirmed or made by or before him, shall be admitted in evidence without proof of any such signature or seal being

the signature or signature and seal of the person whose signature or signature and seal the same purport to be, or of the official character of such person. 39 V., c. 26, s. 13.

95. No informality in the heading or other formal requisites of any affidavit, declaration or affirmation, made or taken before any person under any provision of this or any other Act, shall be an objection to its reception in evidence in the Supreme Court or the Exchequer Court, if the court or judge before whom it is tendered thinks proper to receive it; and if the same is actually sworn to, declared or affirmed by the person making the same before any person duly authorized thereto, and is received in evidence, no such informality shall be set up to defeat an indictment for perjury. 39 V., c. 26, s. 15.

Informality not to be an objection, in the discretion of the judge.

Nor to be set up as defence in case of perjury.

96. If any party to any proceeding had or to be had in either the Supreme Court or the Exchequer Court, is desirous of having therein the evidence of any person, whether a party or not, or whether resident within or out of Canada, the court or any judge thereof, if in its or his opinion it is, owing to the absence, age or infirmity, or the distance of the residence of such person from the place of trial, or the expense of taking his evidence otherwise, or for any other reason, convenient so to do, may, upon the application of such party, order the examination of any such person upon oath, by interrogatories or otherwise, before the registrar of the court, or any commissioner for taking affidavits in the court, or any other person or persons to be named in such order, or may order the issue of a commission under the seal of the court for such examination; and may, by the same or any subsequent order, give all such directions touching the time, place and manner of such examination, the attendance of the witnesses and the production of papers thereat, and all matters connected therewith, as appears reasonable:

Examination on interrogatories or by commission of persons who cannot conveniently attend.

2. The person, whether a party or not, to be examined under the provisions of this Act, is hereinafter called a "witness." 39 V., c. 26, s. 1.

Interpretation. "Witness."

97. Every person authorized to take the examination of any witness, in pursuance of any of the provisions of this Act, shall take such examination upon the oath of the witness, or upon affirmation, in any case in which affirmation instead of oath is allowed by law. 39 V., c. 26, s. 2, *part*; —40 V., c. 22, s. 1.

Duty of persons taking such examination.

98. The Supreme Court or Exchequer Court, or a judge thereof, may, if it is considered for the ends of justice expedient so to do, order the further examination, before either the court or a judge thereof, or other person, of any witness: and if the party on whose behalf the evidence is tendered neglects or refuses to obtain such further examina-

Further examination may be ordered.

Penalty for non-compliance.

tion, the court or judge, in its or his discretion, may decline to act on the evidence. 39 V., c. 26, s. 3.

Notice to
adverse
party.

99. Such notice of the time and place of examination as is prescribed in the order, shall be given to the adverse party. 39 V., c. 26, s. 4.

Neglect or re-
fusal to at-
tend to be
deemed con-
tempt of
court.

100. When any order is made for the examination of a witness, and a copy of the order, together with a notice of the time and place of attendance, signed by the person or one of the persons to take the examination, has been duly served on the witness within Canada, and he has been tendered his legal fees for attendance and travel, his refusal or neglect to attend for examination or to answer any proper question put to him on examination, or to produce any paper which he has been notified to produce, shall be deemed a contempt of court and may be punished by the same process as other contempts of court; but he shall not be compelled to produce any paper which he would not be compelled to produce, or to answer any question which he would not be bound to answer in court. 39 V., c. 26, s. 5;—40 V., c. 22, s. 2.

As to produc-
tion of papers,
&c.

Effect of con-
sent of par-
ties.

101. If the parties in any case pending in either of the said courts consent, in writing, that a witness may be examined within or out of Canada by interrogatories or otherwise, such consent and the proceedings had thereunder shall be as valid in all respects as if an order had been made and the proceedings had thereunder. 39 V., c. 26, s. 6.

Return of ex-
aminations
taken in
Canada.

102. All examinations taken in Canada, in pursuance of any of the provisions of this Act, shall be returned to the court; and the depositions, certified under the hands of the person or one of the persons taking the same, may, without further proof, be used in evidence, saving all just exceptions. 39 V., c. 26, s. 7.

Use thereof.

And of those
taken out of
Canada.

103. All examinations taken out of Canada, in pursuance of any of the provisions of this Act, shall be proved by affidavit of the due taking of such examinations, sworn before some commissioner or other person authorized under this or any other Act to take such affidavit, at the place where such examination has been taken, and shall be returned to the court; and the depositions so returned, together with such affidavit, and the order or commission, closed under the hand and seal of the person or one of the persons authorized to take the examination, may, without further proof, be used in evidence, saving all just exceptions. 39 V., c. 26, s. 8.

Use thereof.

Reading ex-
amination.

104. When any examination has been returned, any party may give notice of such return, and no objection to the examination being read shall have effect, unless taken within the time and in the manner prescribed by general order. 39 V., c. 26, s. 9.

GENERAL PROVISIONS.

105. The process of the Supreme Court and the process of the Exchequer Court shall run throughout Canada, and shall be tested in the name of the chief justice, or in case of a vacancy in the office of chief justice, in the name of the senior puisné judge of the court, and shall be directed to the sheriff of any county or other judicial division into which any Province is divided; and the sheriffs of the said respective counties or divisions shall be deemed and taken to be *ex officio* officers of the Supreme and Exchequer Courts respectively, and shall perform the duties and functions of sheriffs in connection with the said courts; and in any case where the sheriff is disqualified, such process shall be directed to any of the coroners of the county or district. 38 V., c. 11, ss. 66 and 75.

Process and officers of the court.

106. Every commissioner for administering oaths in the Supreme Court and in the Exchequer Court of Canada, who resides within Canada, may take and receive acknowledgments or recognizances of bail, and all other recognizances in the Supreme Court and in the Exchequer Court. 39 V., c. 26, s. 11.

Further powers of commissioners.

107. An order in either the Supreme Court or the Exchequer Court for payment of money, whether for costs or otherwise, may be enforced by the same writs of execution as a judgment in the Exchequer Court. 39 V., c. 26, s. 35.

Enforcement of orders for payment of money.

108. No attachment as for contempt shall issue in either the Supreme Court or the Exchequer Court for the non-payment of money only. 39 V., c. 26, s. 36.

No attachment for non-payment only.

109. The judges of the Supreme Court, or any five of them, may, from time to time, make general rules and orders for regulating the procedure of and in the Supreme Court, and the bringing of cases before it from courts appealed from or otherwise, and the procedure of the Exchequer Court,—and for the effectual execution and working of this Act, and the attainment of the intention and objects thereof,—and for fixing the fees and costs to be taxed and allowed to, and received and taken by, and the rights and duties of the officers of the said courts.—and for awarding and regulating costs in each of the said courts in favor of and against the Crown, as well as the subject; and such rules may extend to any matter of procedure or otherwise not provided for by this Act, but for which it is found necessary to provide, in order to insure the proper working of this Act and the better attainment of the objects thereof; and all such rules which are not inconsistent with the express provisions of this Act, shall have force and effect as if herein enacted; and copies of all such rules shall be laid before both

Judges may make rules of procedure and as to costs.

Houses of Parliament at the session next after the making thereof. 38 V., c. 11, s. 79;—39 V., c. 26, ss. 32 and 37.

How costs to
affid against
the Crown
shall be paid.

110. Any costs awarded to Her Majesty in either of the said courts shall be paid to the Minister of Finance and Receiver General, and he shall pay, out of any moneys in his hands for the time being legally applicable thereto, or voted by Parliament for the purpose, any costs awarded to any person against Her Majesty. 39 V., c. 26, s. 33.

Fees to be
paid by
stamps.

111. All fees payable to the registrar under the provisions of this Act shall be paid by means of stamps, which shall be issued for that purpose by the Minister of Inland Revenue, who shall regulate the sale thereof; and the proceeds of the sale of such stamps shall be paid into the Consolidated Revenue Fund of Canada. 38 V., c. 11, s. 72.

Publication
of reports of
decisions.

112. The reports of the decisions of the Supreme Court and of the Exchequer Court, shall, subject to the direction of the judges of the courts, be published by the registrar appointed under this Act. 38 V., c. 11, s. 73.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



CHAPTER 136.

An Act respecting proceedings against the Crown by A. D. 1886.
Petition of Right.

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

1. This Act may be cited as "*The Petition of Right Act.*" Short title. 39 V., c. 27, s. 22.

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

(a.) The expression "court" means the Exchequer Court of Canada; "Court."

(b.) The expression "judge" means the chief justice or any judge of the said court; "Judge."

(c.) The expression "relief" includes every species of relief claimed or prayed for in a petition of right, whether a restitution of any incorporeal right or a return of lands or chattels, or a payment of money, or damages, or otherwise. "Relief." 39 V., c. 27, s. 21.

3. A petition of right may be addressed to Her Majesty to the effect of the form A in the schedule to this Act. 39 V., c. 27, s. 2. Form of petition of right.

4. The petition shall be left with the Secretary of State of Canada, for submission to the Governor General, so that he may consider it and, if he thinks fit, grant his fiat that right be done; and nothing shall be payable by the suppliant on leaving or upon receiving back the petition. 39 V., c. 27, s. 3. To be left for Governor's fiat.

5. Upon the Governor General's fiat being obtained, the petition and fiat shall be filed in the Exchequer Court of Canada, which court shall have exclusive original cognizance of such petitions, and thereafter a copy of the petition and fiat shall be left at the office of the Attorney General of Canada, with an indorsement thereon to the effect of the form B in the schedule to this Act. 39 V., c. 27, s. 4. When and how to be filed.

6. There shall be no preliminary inquisition finding the truth of the petition, or the right of the suppliant, but the statement in defence or demurrer, or both, shall be filed Time for filing statement in defence.

within four weeks after service of the petition, or such further time as is allowed by the court or a judge. 39 V., c. 27, s. 5.

Service on
other parties
affected by
the petition.

7. If the petition is presented for the recovery of any real or personal property, or any right in or to the same, which has been granted away or disposed of by or on behalf of Her Majesty, or Her predecessors, a copy of the petition and fiat indorsed with a notice to the effect of the form C in the schedule to this Act, shall be served upon or left at the last or usual or last known place of abode of the person in the possession or occupation of such property or right; and it shall not be necessary to issue any *scire facias* or other process to such person for the purpose of requiring him to file his statement in defence, but if he intends to contest the petition he shall, within four weeks after such copy has been so served or left, or within such further time as is allowed by the court or a judge, file his statement of defence or demurrer or both. 39 V., c. 27, s. 6.

No *scire*
facias.

What defence
may be raised.

8. The statement of defence or demurrer may raise, besides any legal or equitable defences in fact or in law available under this Act, any legal or equitable defences which would have been available if the proceeding had been a suit or action in a competent court between subject and subject; and any grounds of defence which would be sufficient on behalf of Her Majesty may be alleged on behalf of any such person as aforesaid. 39 V., c. 27, s. 7.

Certain issues
triable with-
out a jury.

9. Every issue of fact or assessment of damages to be tried or made under this Act shall be tried or made by a judge without a jury. 39 V., c. 27, s. 8.

Where trial
may be had.

Evidence.

10. The trial of any issue of fact or assessment of damages may, by order of the court or a judge, take place partly at one place and partly at another; and the evidence of any witness may, by like order, be taken by commission, or on examination or affidavit. 39 V., c. 27, s. 9.

Judgment by
default.

11. In case of default, on behalf of Her Majesty or of such other person as aforesaid, to file a statement in defence or demurrer in due time, the suppliant may apply to the court or a judge for an order that the petition may be taken as confessed; and the court or judge may, on being satisfied that there has been such failure, order that the petition be taken as confessed as against Her Majesty, or such other person, and thereupon the suppliant may have judgment, but such judgment may afterwards be set aside by the court or a judge, in its or his discretion, upon such terms as to the court or judge seem fit. 39 V., c. 27, s. 10.

May be set
aside on
terms.

Form of
judgment.

12. The judgment on every petition of right shall be that the suppliant is not entitled to any portion, or that he is

entitled to the whole or to some specified portion of the relief sought by his petition, or to such other relief, and upon such terms and conditions, if any, as are just. 39 V., c. 27, s. 11.

13. In all cases in which the judgment commonly called a judgment of *amoveas manus*, was formerly given in England upon a petition of right, a judgment that the suppliant is entitled to relief, as herein provided, shall be of the same effect as such judgment of *amoveas manus*. 39 V., c. 27, s. 12.

Effect of judgment for suppliant.

14. Upon any such petition of right, the suppliant shall be entitled to costs against Her Majesty, and also against any other person appearing or pleading, or answering to any such petition of right, in like manner and subject to the same rules, regulations and provisions, restrictions and discretion, so far as they are applicable, as are or may be usually adopted or in force in respect to the right to recover costs in proceedings between subject and subject; and for the recovery of any such costs from any such person other than Her Majesty, appearing or pleading, or answering, in pursuance hereof, to any such petition of right, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon rules, orders, decrees or judgments, in personal actions between subject and subject, shall and may be prosecuted, sued out and executed on behalf of such suppliant. 39 V., c. 27, s. 17, *part*.

Costs may be awarded to suppliant.

Recovery thereof.

15. Whenever, on a petition of right, judgment is given that the suppliant is entitled to relief and there is no appeal, and whenever, upon appeal, judgment is affirmed or given that the suppliant is entitled to relief, and whenever any rule or order is made, entitling the suppliant to costs, any judge shall, upon application after the lapse of fourteen days from the making, giving, or affirming of such judgment, rule or order, certify to the Minister of Finance and Receiver General the tenor and purport of the same, to the effect of the form D in the schedule to this Act; and such certificate may be sent to, or left at the Department of Finance. 39 V., c. 27, s. 17, *part*.

Judgment for relief or order for costs to suppliant to be certified to Minister of Finance.

16. The Minister of Finance and Receiver General shall pay out of any moneys in his hands for the time being lawfully applicable thereto, or which are thereafter voted by Parliament for that purpose, the amount of any moneys or costs which have been so certified to him to be due to any suppliant. 39 V., c. 27, s. 18.

Payment by Minister of Finance.

17. Any costs adjudged to Her Majesty on a petition of right shall be paid to the Minister of Finance and Receiver General. 39 V., c. 27, s. 16.

Payment of costs to the Crown.

Judges of
Supreme
Court may
make rules.

18. The judges of the Supreme Court, or any five of them, may, from time to time, make general rules and orders for regulating, in every particular, the pleadings, practice, procedure and costs on petitions of right, and for the effectual execution and working of this Act and the attainment of the intention and object thereof; and such rules and orders may extend as well to matters provided for as to any matter not provided for by this Act, but for which it is found necessary to provide, in order to insure the proper working of this Act and the better attainment of the objects thereof; and all such rules and orders which are consistent with such express provisions of this Act as are not subject to alteration by rules or orders, shall have the force and effect of law, and copies of all such rules and orders shall be laid before both Houses of Parliament at the next session thereof:

Their effect.

To be laid be-
fore Parlia-
ment.

Rules may be
suspended.

2. The Governor in Council may, by proclamation published in the *Canada Gazette*, or either House of Parliament may, by any resolution passed at any time within thirty days after such rules and orders have been laid before Parliament, suspend any rule or order made under this Act; and such rule or order shall, thereupon, cease to have force or effect until the end of the then next session of Parliament. 39 V., c. 27, s. 14.

English rules
to apply in
default of
rules under
this Act.

19. Unless it is otherwise provided, either by this Act or by general rules and orders made under the authority of this Act, the rules of pleading, practice and procedure in force with regard to petitions of right in England shall, as to all matters, including the question of costs, so far as applicable, and unless the court or a judge otherwise orders, apply and extend to a petition of right under this Act. 39 V., c. 27, s. 15.

Provisions of
Supreme and
Exchequer
Courts Act to
apply.

20. All the provisions of "*The Supreme and Exchequer Courts Act*" not inconsistent with this Act, shall extend and apply to the jurisdiction by this Act conferred, in like manner as if such jurisdiction had been conferred on the Exchequer Court by the said Act. 39 V., c. 27, s. 13.

Act not to
affect H. M.
prerogative.

21. Nothing in this Act contained shall.—

(1.) Prejudice or limit, otherwise than is herein provided, the rights, privileges or prerogatives of Her Majesty or Her successors; or—

Proceedings
as heretofore.

(2.) Prevent any suppliant from proceeding as before the passing of this Act; or—

Or give
remedy not
allowed in
England be-
fore 23-24 V.
c. 34.

(3.) Give to the subject any remedy against the Crown,—
(a.) In any case in which he would not have been entitled to such remedy in England under similar circumstances, by the laws in force there, prior to the passing of an Act of the Parliament of the United Kingdom, passed in the session held in the twenty-third and twenty-fourth years of Her Majesty's reign, chapter thirty-four, intituled "*An Act to amend the law*

relating to Petitions of Right, to simplify the proceedings and to make provisions for the costs thereof," or—

(b.) In any case in which, either before or within two months after the presentation of the petition, the claim is, Or if the case is referred to arbitration under statute. referred to arbitration by the head of the proper department, who is hereby authorized, with the approval of the Governor in Council, to make such reference upon any petition of right. 39 V. c. 27, s. 19.

SCHEDULE.

FORM A.

PETITION OF RIGHT.

In the Exchequer Court of Canada.
To the Queen's Most Excellent Majesty :
County (or district) of (*place proposed for trial*) to wit :
The humble petition of A. B., of _____, showeth
that (*state with convenient certainty the facts on which petitioner relies as entitling him to relief*).

Conclusion.

Your suppliant therefore humbly prays that (*state the relief claimed*).

Dated the _____ day of _____, A.D. _____.

(Signed) _____ A. B.
or C. D., Counsel for A. B.

FORM B.

The suppliant prays for a statement in defence on behalf of Her Majesty, within four weeks after the date of service hereof, or otherwise that the petition may be taken as confessed.

FORM C.

To A. B. :

You are hereby required to file a statement in defence to the within petition in Her Majesty's Exchequer Court of Canada, within four weeks after the date of service hereof.

Take notice, that if you fail to file a statement in defence or demurrer in due time, the said petition may, as against you, be ordered to be taken as confessed.

Dated the _____ day of _____, A.D. _____.

FORM D.

To the Honorable, the Minister of Finance and Receiver
General :

Petition of right of A.B. in Her Majesty's Exchequer Court
of Canada, at

I hereby certify, that on the day of
A.D. , it was, by the said court adjudged (or ordered)
that the above named suppliant was entitled to, &c.

(Judge's signature).

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most
Excellent Majesty.



CHAPTER 137.

An Act respecting the Maritime Court of Ontario. A. D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Maritime Court Act.*" Short title. 40 V., c. 21, s. 22.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
(a.) The expression "the court" means the Maritime Court of Ontario; Interpretation. "Court."
(b.) The expression "judge" means the judge of the Maritime Court of Ontario; and — "Judge."
(c.) The expression "ship" includes every description of vessel used in navigation not propelled by oars. "Ship." 45 V., c. 34, s. 5.

COURT AND JUDGES.

3. The superior court of maritime jurisdiction now existing in the Province of Ontario, under the name of "The Maritime Court of Ontario," is hereby continued under such name, and shall continue to be a court of record. Court continued. 40 V., c. 21, s. 2, *part.*

4. The Governor in Council may appoint any judge of any superior or county court in Ontario, or any barrister in Ontario, of not less than seven years' standing, to be the judge of the court. Appointment of judge. 40 V., c. 21, s. 5.

5. The judge shall hold office during good behavior, but shall be removable by the Governor General on address of the Senate and House of Commons. Tenure of office. 40 V., c. 21, s. 6, *part.*

6. The judge shall receive no fees, but shall receive a salary of six hundred dollars per annum, free and clear from all deductions whatsoever, and *pro ratâ* for any shorter time than a year, which salary shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Remuneration.

Fund of Canada, in like manner as the salaries of other judges. 40 V., c. 21, s. 7.

Appointment
of surrogate
judges.

7. The Governor in Council may, from time to time, appoint one or more judges of county courts in Ontario, or barristers of not less than seven years' standing in Ontario, to be a surrogate judge or surrogate judges of the said court :

Powers.

2. Such surrogate judge shall have such of the powers of the judge as are conferred by the commission appointing him :

Tenure of
office.

3. He shall hold office during pleasure, but his appointment shall not be vacated by a vacancy in the office of the judge :

Remunera-
tion.

4. He may, if resident elsewhere than in Toronto, receive emoluments fixed, from time to time, by the Governor in Council, raised out of funds provided by suitor's fees, payable under a tariff fixed, from time to time, by the Governor in Council :

Tariff to be
laid before
Parliament.

5. Copies of the tariff shall be, as soon as possible, laid before both Houses of Parliament, and entered on the records of the court, and published in the *Canada Gazette* :

Disposal of
fees.

6. The fees payable by suitors under the tariff shall be paid over, by the officer appointed to collect them, to the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada ; and the emoluments of the surrogate judge shall be paid therefrom. 40 V., c. 21, ss. 11, 12 and 14.

Judges to
take oath of
office.

8. Every judge and surrogate judge appointed in pursuance of this Act, shall, previously to his executing the duties of his office, take, before a judge of any superior or county court in Ontario, an oath in the form following, that is to say :

Form of oath.

" I do sincerely and solemnly swear that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as judge (or as a surrogate judge, as the case may be) of the Maritime Court of Ontario. So help me God." 40 V., c. 21, s. 17.

OFFICERS.

Appointment
of officers.

9. The Governor in Council may appoint a registrar, marshal, deputy registrars and deputy marshals, and examiners and other necessary officers for the court, with such of the powers belonging to registrars and marshals of British Vice-Admiralty Courts, and such other powers for the effectual working of this Act as are prescribed by general rules. 40 V., c. 21, s. 15.

And of
assessors.

10. The judge shall, from time to time, submit, for the approval of the Minister of Justice, a list of persons of nautical or engineering, or other technical skill and experience,

to act as assessors in the court; and shall cause the approved list to be published in the *Canada Gazette*, and every person named in the approved list shall attend the court, under such circumstances and in such rotation, and subject to such regulations, and shall receive such fees, as are provided by general rules. 40 V., c. 21, s. 10.

BARRISTERS AND PROCTORS.

11. All persons entitled to act as barristers or advocates in any superior court in any Province of Canada may act as such in the court; and all persons entitled to practise as solicitors or attorneys-at-law, in Ontario, may practise as proctors or solicitors in the court; and all persons acting as barristers, advocates, proctors, or solicitors in the court, shall be officers thereof. 40 V., c. 21, s. 18.

Who may practice in the court.

12. The principal seat of the court shall be at Toronto, but sittings of the court may be held at any city, town or place within the Province of Ontario. 40 V., c. 21, s. 4.

Where sittings may be held.

JURISDICTION AND PROCEDURE.

13. Except as herein otherwise provided, all persons shall have, in the Province of Ontario, the like rights and remedies in all matters including cases of contract and tort and proceedings *in rem* and *in personam* arising out of or connected with navigation, shipping, trade or commerce on any river, lake, canal or inland water, of which the whole or part is in the Province of Ontario, as such persons would have in any existing British Vice-Admiralty Court if the process of such court extended to the said Province. 40 V., c. 21, s. 1.

Rights and remedies in Ontario as to matters respecting shipping, &c.

14. Subject to the provisions in this section contained, the court, for the enforcement of such rights and remedies, shall, as to the matters mentioned in the next preceding section, have all such jurisdiction as belongs to any existing British Vice-Admiralty Court in similar matters within the reach of its process:

Jurisdiction of the court.

2. In any such matter arising within reach of the process of the Vice-Admiralty Court at Quebec, the court shall have the same jurisdiction as any existing British Vice-Admiralty Court has under like circumstances, in any like matter arising beyond the reach of its process:

As to matters arising in Quebec.

3. The jurisdiction of the court in respect of claims touching the ownership, possession, employment or earnings of ships, shall extend to the case of a ship registered in a port in the Province of Quebec, but navigating the waters aforesaid:

Jurisdiction as to ships registered at a port of Quebec.

4. The court shall not have jurisdiction, save as aforesaid, in any matter to which the process of any existing British Vice-Admiralty Court extends,—nor shall the court have jurisdiction in any prize cause, or in any criminal matter,

No jurisdiction in certain cases.

or in any case of breach of the regulations and instructions relating to Her Majesty's navy, or arising out of droits of Admiralty, or out of any seizure for breach of the revenue, customs, trade or navigation laws, or out of any violation of the Act of the Parliament of the United Kingdom, known as "*The Foreign Enlistment Act*," or of the laws relating to the abolition of the slave trade, or to the capture and destruction of pirates and piratical vessels :

Limitation as to remedies given by this Act only.

5. No right or remedy *in rem* given by this Act only shall be enforced as against any subsequent *bonâ fide* purchaser or mortgagee of a ship, unless the proceedings for the enforcement thereof are begun within ninety days from the time when the same accrued :

Rights of certain mortgagees protected.

6. No right or remedy *in rem* given by this Act, except a right or remedy *in rem* for the wages of seamen and other persons employed on board a ship on any river, lake, canal or inland water, of which the whole or part is in the Province of Ontario, shall be enforced as against any *bonâ fide* mortgagee under a mortgage duly executed and registered prior to the first day of October, one thousand eight hundred and seventy-eight. 40 V., c. 21, s. 2, *part*, s. 3;—42 V., c. 40, s. 1;—45 V., c. 34, s. 1.

Practice in cases unprovided for in rules.

15. The practice, pleading, writs and procedure in force at the time of its abolition in the instance side of the High Court of Admiralty in England shall, so far as applicable, apply and extend to proceedings instituted under this Act, when no other provision is made by this Act or the general rules made under this Act. 40 V., c. 21, s. 9.

Effect of decrees and orders of the court.

16. All decrees and orders of the court, or of the judge or a surrogate judge thereof, whereby any moneys are payable to any person, shall have the same effect as decrees of the Court of Chancery in Ontario had on the sixteenth day of April, in the year one thousand eight hundred and seventy-eight, —and all powers of enforcing its decrees then possessed by the said Court of Chancery or any judge thereof, with respect to matters pending in that court, are hereby conferred on the court with respect to matters therein pending, —and all remedies possessed on that date by those to whom money was payable under a decree of the said Court of Chancery, are hereby conferred on persons to whom any moneys are payable by orders or decrees of the court, or of the judge or a surrogate judge thereof. 41 V., c. 1, s. 1.

Continuation of proceedings begun before surrogate judge.

17. Any judicial act begun or partly proceeded with by a surrogate judge may, under general rules, be proceeded with or completed by the judge. 40 V., c. 21, s. 13.

Appeal to Supreme Court.

18. An appeal shall lie to the Supreme Court of Canada from every decision of the court having the force and effect of a definitive sentence or final order. 40 V., c. 21, s. 19.

19. The practice, procedure and powers as to costs, and otherwise, of the Supreme Court of Canada in other appeals shall, so far as applicable, and unless such court otherwise orders, apply and extend to appeals under this Act, when no other provision is made, either by this Act or the general rules made under this Act, or under "*The Supreme and Exchequer Courts Act.*" 40 V., c. 21, s. 20.

Procedure in such appeal.

GENERAL PROVISIONS.

20. The judge, any surrogate judge, the registrar, any deputy registrar, and any person who has power to administer oaths and affirmations in matters pending in the Supreme Court of Canada or the Exchequer Court of Canada, may administer oaths and affirmations in relation to any matter pending in the court. 40 V., c. 21, s. 16, *part.*

By whom oaths may be administered.

21. The judge may, with the approval of the Governor in Council, from time to time, make, alter and rescind general rules for establishing and regulating the practice, pleading, writs, procedure, costs and fees to practitioners and officers in suits instituted under this Act, and for the effectual working of this Act; and such rules may extend to any matter of procedure, or otherwise, not provided for by this Act, but for which it is found necessary to provide, in order to insure the proper working of this Act and the better attainment of the objects thereof; and every such rule, not being inconsistent with the express provisions of this Act, shall have force and effect as if herein enacted:

Rules of practice and tariff of fees may be made.

Their effect.

2. Copies of all such rules shall, as soon as possible, be laid before both Houses of Parliament and entered on the records of the court, and published in the *Canada Gazette*:

Copies for Parliament.

3. The Governor in Council may, by proclamation published in the *Canada Gazette*, or either House of Parliament may, by a resolution passed at any time within thirty days after such rules and orders have been laid before Parliament, suspend any rule or order made under this Act; and such rule or order shall thereupon cease to have force or effect until the end of the then next session of Parliament. 40 V., c. 21, s. 8.

Rule or order may be suspended.



CHAPTER 138.

An Act respecting the Judges of Provincial Courts. A. D. 1886.

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

1. In this Act, unless the context otherwise requires,—
- (a.) The expression “judge,” as applied to a superior court, includes the chief justice, and as applied to county courts, includes a junior judge; Interpretation. “Judge.”
- (b.) The expression “county” includes district. 45 V., “County.” c. 12, s. 1.

JUDGES OF COUNTY COURTS.

2. Every judge of a county court in any of the Provinces of Canada shall, subject to the provisions of this Act, hold office during good behavior and his residence within the county or union of counties for which the court is established; Conditions under which county court judges hold office.

2. A judge of a county court may be removed from office by the Governor in Council for misbehavior, or for incapacity or inability to perform his duties properly, on account of old age, ill health or any other cause; if— Causes for removal.

(a.) The circumstances respecting the misbehavior, incapacity or inability are first inquired into; and— Inquiry.

(b.) Such judge is given reasonable notice of the time and place appointed for the inquiry, and is afforded an opportunity, by himself or his counsel, of being heard thereat, and of cross-examining the witnesses and adducing evidence on his own behalf; Notice to the judge.

3. If any such judge is removed from office for any of such reasons, the order in council providing for such removal, and all reports, evidence and correspondence relating thereto, shall be laid before Parliament within the first fifteen days of the next ensuing session: Report to Parliament.

4. The Governor General in Council may, for the purpose of making inquiry into the circumstances respecting the misbehavior, inability or incapacity of such judge, issue a commission to one or more judges of the Supreme Court of Canada, or to any one or more judges of any superior court in any Province of Canada, empowering him or them to make such inquiry and to report,—and may, by such Commission of inquiry may be appointed.

- Powers may be conferred.** commission, confer upon the person or persons appointed, full power to summon before him or them any person or witnesses, and to require them to give evidence on oath, orally or in writing or on solemn affirmation, if they are persons entitled to affirm in civil matters, and to produce such documents and things as the commissioner or commissioners deem requisite to the full investigation of the matters into which they are appointed to inquire :
- Attendance of witnesses.** 5. The commissioner or commissioners shall have the same power to enforce the attendance of such person or witness, and to compel him to give evidence, as is, in civil cases, vested in any superior court of the Province in which the inquiry is being conducted ; but no such person or witness shall be compelled to answer any question, by his answer to which he would render himself liable to a criminal prosecution :
- Application of this section.** 6. This section shall apply to judges now holding office as well as to those hereafter appointed, and a judge now holding office may be removed under this section for misbehavior, incapacity or inability, occurring or existing before the passing of this Act. 45 V., c. 12, ss. 2, 3, 4 and 5.

SALARIES.

SUPERIOR COURTS.

- Salaries of Judges of Supreme Court of Judicature, Ontario.** 3. The salaries of the judges of the Supreme Court of Judicature of Ontario shall be as follows :—
- | | | |
|---|---------|------------|
| The Chief Justice of Ontario..... | \$6,000 | per annum. |
| Three Justices of Appeal, each..... | 5,000 | “ |
| The Chief Justice of the Queen's Bench.. | 6,000 | “ |
| Two judges of the High Court of Justice,
Queen's Bench Division, each..... | 5,000 | “ |
| The Chancellor of Ontario..... | 6,000 | “ |
| Three judges of the High Court of Justice,
Chancery Division, each..... | 5,000 | “ |
| The Chief Justice of the Common Pleas.. | 6,000 | “ |
| Two judges of the High Court of Justice,
Common Pleas Division, each..... | 5,000 | “ |
- Salary of Chief Justice, &c., if appointed to Court of Appeal.** 2. If the Chief Justice of the Queen's Bench, the Chancellor of Ontario or the Chief Justice of the Common Pleas, is appointed to the Court of Appeal, the Governor in Council may direct that he be paid a salary not less than that previously enjoyed by him as such Chief Justice or Chancellor. 45 V., c. 11, s. 1 ;—46 V., c. 9, s. 2 ;—49 V., c. 6, s. 1.

- Salaries of Judges of Queen's Bench and Superior Court, Quebec.** 4. The salaries of the judges of the Court of Queen's Bench and of the Superior Court, in the Province of Quebec, shall be as follows :—
- | | | |
|--|---------|------------|
| The Chief Justice of the Queen's Bench.. | \$6,000 | per annum. |
| Five puisné judges of the said court, each | 5,000 | “ |
| The Chief Justice of the Superior Court.. | 6,000 | “ |

Eleven puisné judges of the said court, whose residences are fixed at Montreal or Quebec, each.....	5,000	per annum.
Thirteen puisné judges of the said court, whose residences are fixed within districts other than Bonaventure and Gaspé or Saguenay, each.....	4,000	“
Two puisné judges of the said court, whose residences are fixed within the districts of Bonaventure and Gaspé or Saguenay, each.....	3,500	“
The senior puisné judge residing at Quebec, if the Chief Justice resides at Montreal, or the senior puisné judge residing at Montreal, if the Chief Justice resides at Quebec, in addition to his other salary	1,000	“
37 V., c. 4, s. 5, <i>part</i> ;—44 V., c. 5;—46 V., c. 9, s. 4;—48-49 V., c. 56, s. 1.		

5. The salaries of the judges of the Supreme Court of the Province of Nova Scotia shall be as follows: Salaries of judges, Nova Scotia.

The Chief Justice of the said court.....	\$5,000	per annum.
The Judge in Equity.....	4,000	“
Five puisné judges of the said court, each	4,000	“

36 V., c. 31, s. 6;—42 V., c. 3, s. 2.

6. The salaries of the judges of the Supreme Court of the Province of New Brunswick shall be as follows:— Salaries of judges, New Brunswick.

The Chief Justice of the said court.....	\$5,000	per annum.
The Judge in Equity.....	4,000	“
Four puisné judges of the said court, each	4,000	“

37 V., c. 4, s. 4;—42 V., c. 3, s. 1.

7. The salaries of the judges of the Supreme Court of the Province of Prince Edward Island shall be as follows:— Salaries of judges, Prince Edward Island.

The Chief Justice of the said court, being also judge of the Court of Vice-Admiralty.....	\$4,000	per annum.
One assistant judge, being also Master of the Rolls in Chancery.....	3,200	“
One assistant judge, being also Vice-Chancellor.....	3,200	“

44 V., c. 6, s. 1.

8. The salaries of the judges of the Court of Queen's Bench for the Province of Manitoba shall be as follows:— Salaries of judges, Manitoba.

The Chief Justice of the said court.....	\$5,000	per annum.
Three puisné judges of the said court, each	4,000	“

36 V., c. 31, s. 8;—47 V., c. 13, s. 1, *part*.

Salaries of
judges,
British
Columbia.

9. The salaries of the judges of the Supreme Court for the Province of British Columbia shall be as follows:—
The Chief Justice of the said court.....\$5,000 per annum.
Four puisné judges of the said court, each 4,000 “

Proviso.

Provided, that during the incumbency of the present Chief Justice, his salary shall continue to be \$5,820 per annum, and that while the present senior puisné judge remains in office, his salary shall continue to be \$4,850 per annum. 35 V., c. 20, s. 5;—36 V., c. 31, s. 9;—43 V., c. 4.

Salaries of
judges,
N.W.T.

10. The salaries of the judges of the Supreme Court of the North-West Territories shall be as follows:—
Five puisné judges of the said court, each \$4,000 per annum.
49 V., c. 25, s. 10, *part.*

COUNTY COURTS.

Salaries of
judges of
county courts.

11. The salaries of the judges of the county courts shall be as follows:—

Ontario.

Ontario.

The judge of the County Court of the county of York, \$2,400 per annum;

The judges of other county courts, each \$2,000 per annum, during the first three years of service, and after three years of service as such judge, each \$2,400 per annum;

Junior judges of county courts, each \$2,000 per annum;

The salary of any judge now receiving a greater salary than the maximum herein allowed, shall, during his incumbency, remain at its present rate.

Nova Scotia.

Nova Scotia

The judge of the County Court of the county of Halifax, \$2,400 per annum;

Six other county court judges, each \$2,000 per annum, during the first three years of service, and after three years of service, each \$2,400 per annum.

New Brunswick.

New Brun-
swick.

The judge of the County Court of the city and county of St. John, \$3,000 per annum;

Five other county court judges, each \$2,000 per annum, during the first three years of service, and after three years of service, each \$2,400 per annum.

Prince Edward Island.

Prince Ed-
ward Island.

Three county court judges, each \$2,000 per annum, during the first three years of service, and after three years of service, each \$2,400 per annum.

Manitoba.

Four county court judges, each \$2,000 per annum, during the first three years of service, and after three years of service, each \$2,400 per annum. Manitoba.

British Columbia.

The judge of the County Court of Cariboo, \$2,400 per annum. 36 V., c. 31, s. 10, *part*;—39 V., c. 29, s. 1, *part*;—42 V., c. 4, s. 1;—45 V., c. 11, s. 2, *part*, and ss. 3 and 4;—46 V., c. 9, s. 5, *part*;—47 V., c. 12, s. 1, *part*;—48-49 V., c. 55, s. 1, *part*. British Columbia.

VICE-ADMIRALTY COURTS.

12. The salaries of the judges of the Vice-Admiralty Courts, as such judges, shall be as follows:— Salaries of judges of Vice-Admiralty Courts.

The judge of the Vice-Admiralty Court of Quebec, \$2,000 per annum;

The judge of the Vice-Admiralty Court of Nova Scotia, \$600 per annum;

The judge of the Vice-Admiralty Court of New Brunswick, \$600 per annum. 31 V., c. 33, sch. *part*;—32-33 V., c. 8, s. 7.

TRAVELLING ALLOWANCES.

13. There shall be paid to the judges, for travelling allowances, the sums following, that is to say:— Travelling allowances.

In the Province of Ontario,— Ontario.

To each of the judges of the High Court of Justice of that Province, one hundred dollars for each time he holds any court for the trial of causes, in any county except the county of York and city of Toronto;

In the Province of Quebec,— Quebec.

To each of the judges of the Court of Queen's Bench, for each term (appeal side and criminal side) attended by him elsewhere than at his place of residence, one hundred dollars;

To each of the judges of the said Court of Queen's Bench, for attending any other court, for each day he is absent from his place of residence, six dollars;

To each of the judges of the Superior Court, attending, as such, any court held at any place other than that at which he is directed to reside, for each day he is absent from his said place of residence, six dollars;

Provided that any judge of the Superior Court, required to attend, as such, the Court of Queen's Bench, appeal side or criminal side, elsewhere than at his said place of residence, during the whole of the term, shall receive the same allowance as a judge of the Court of Queen's Bench performing the like duty; but this provision shall not apply to a judge of the Superior Court attending the Court of

Queen's Bench, appeal side or criminal side, for a part only of a term, or for the purpose of disposing of cases already heard; and in the two cases last mentioned, the allowance shall be six dollars for each day's absence from his place of residence,—except that three days' absence at least shall always be allowed for;

Nova Scotia.

In the Province of Nova Scotia,—

To each of the judges of the Supreme Court of that Province, and to the Judge in Equity, one hundred dollars for each time he holds any court for the trial of causes (not being an adjourned court) in any county except the county of Halifax;

New Brunswick.

In the Province of New Brunswick,—

To each of the judges of the Supreme Court of that Province, and to the judge in equity, one hundred dollars for each time he holds any court for the trial of causes (not being an adjourned court) in any county except the county of York;

Prince Edward Island.

In the Province of Prince Edward Island,—

To each judge of the Supreme Court, such a sum, not exceeding two hundred dollars, as the Governor in Council prescribes;

Manitoba.

In the Province of Manitoba,—

To each of the judges of the Queen's Bench, such travelling allowances as the Governor in Council, from time to time, determines;

British Columbia.

In the Province of British Columbia,—

To each of the judges of the Supreme Court of that Province, such travelling allowances as the Governor in Council, from time to time, determines;

North-West Territories.

In the North-West Territories,—

To each judge of the Supreme Court of the North-West Territories, such travelling allowances as the Governor in Council determines;

Allowances to judges of county courts.

In the Provinces of Ontario, Nova Scotia, New Brunswick and Prince Edward Island,—

To each judge of a county court, an annual sum of two hundred dollars;

In the Provinces of Manitoba and British Columbia,—

To each judge of a county court, such a sum as the Governor in Council prescribes:

Certificate required in certain cases.

Except in the case of the annual sums paid to judges of the Supreme Court of Prince Edward Island, and to judges of County Courts in the Provinces of Ontario, Nova Scotia, New Brunswick and Prince Edward Island, and except in the case of travelling allowances to judges of the Supreme Court of the North-West Territories, every application for the payment of any such allowance shall be accompanied by a certificate of the judge applying for it, of the number of circuits or days for which he is entitled to claim such allowance. 32-33 V., c. 8, s. 1;—35 V., c. 21;—36 V., c. 31, s. 10;—37 V., c. 4, s. 2, *part*;—39 V., c. 29, s. 1, *part*;—40 V.,

c. 24 ;—45 V., c. 11, s. 2, *part* ;—46 V., c. 9, s. 5, *part*, and s. 7 ;
—47 V., c. 12, s. 1, *part* ;—48-49 V., c. 55, s. 1, *part* ;—49 V.,
c. 25, s. 10, *part*.

SUPERANNUATION.

14. If any judge of a superior court, or of a court of Vice-Admiralty, in any of the Provinces, who has continued in the office of judge of one or more of the superior courts, or of the court of Vice-Admiralty, in any one of the said Provinces, for fifteen years or upwards, or, in the North-West Territories, in the office of judge of the Supreme Court of the North-West Territories, or in such office and the office of a judge of any superior court in Canada or of a stipendiary magistrate of the Territories, for fifteen years or upwards, or who becomes afflicted with some permanent infirmity, disabling him from the due execution of his office, resigns his office, Her Majesty may, by letters patent, under the Great Seal of Canada, reciting such period of office or permanent infirmity, grant unto such judge an annuity equal to two thirds of the salary annexed to the office he held at the time of his resignation, to commence immediately after his resignation, and to continue thenceforth during his natural life. 31 V., c. 33, s. 3, *part* ;—39 V., c. 28, s. 1, *part* ;—46 V., c. 9, s. 3 ;—49 V., c. 25, s. 10, *part*.

Superannua-
tion allow-
ance to judges
of superior
courts.

15. If any judge of a county court, after having continued in office as such judge for a period of at least ten years, becomes afflicted with some permanent infirmity, disabling him from the due execution of his office, and resigns his office, or if a judge of a county court, after having continued in office as such judge for a period of at least twenty-five years, resigns his office, Her Majesty may, by letters patent, under the Great Seal of Canada, grant to him a pension equal to two thirds of the annual salary of which he was in receipt at the time of his resignation, to continue thenceforth during his natural life :

And to judges
of county
courts.

2. If any person, receiving a pension under this section, becomes entitled to any salary in respect of any public office under the Government of Canada, such salary shall be reduced by the amount of such pension. 45 V., c. 12, s. 6, *part*, and s. 8.

When pension
may be re-
duced in
amount.

GENERAL PROVISIONS.

16. The salaries and retiring allowances or annuities of the judges shall be payable out of any moneys forming part of the Consolidated Revenue Fund of Canada :

Payment out
of Con. Rev.
Fund.

2. For any period less than a year, the salaries and retiring allowances or annuities shall be paid *pro rata* :

Pro rata pay-
ment.

3. The salaries and retiring allowances or annuities shall be free and clear of all taxes and deductions whatsoever, im-

Payments to
be clear of
deductions.

posed under any Act of the Parliament of Canada. 31 V., c. 33, s. 2, *part*, and s. 3;—32-33 V., c. 8, ss. 4 and 8;—36 V., c. 31, s. 11, *part*;—37 V., c. 4, s. 7;—39 V., c. 28, s. 1, *part*, and c. 29, s. 1, *part*;—45 V., c. 11, s. 5, and c. 12, s. 7;—46 V., c. 9, s. 6;—47 V., c. 12, s. 2;—48-49 V., c. 55, s. 2; 49 V., c. 25, s. 11.

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CHAPTER 139.

An Act respecting Evidence.

A. D. 1886.

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

1. This Act may be cited as "*The Evidence Act.*" 44 V., Short title. c. 28, s. 6.

2. In any criminal proceeding or any civil proceeding in respect of which the Parliament of Canada has jurisdiction in this behalf, whenever it becomes necessary or expedient to prove or give in evidence any statute of any Province of the Dominion of Canada or of the late Province of Canada, passed either before or after the passing of "*The British North America Act, 1867,*" the court or judge before whom such proceeding is pending, or being heard or tried, shall take judicial notice of any such provincial statute, in like manner and way as if such statute was a statute of the Province in which such proceeding is being heard or tried ; and any copy of any such statute purporting to be printed and published by the printer authorized to print and publish the same, shall be receivable and received in evidence to prove the contents thereof in every court having cognizance of any such proceeding. 49 V., c. 50, s. 1.

3. *Primâ facie* evidence of any proclamation, order, regulation or appointment, made or issued by the Governor General or by the Governor in Council or by or under the authority of any Minister or head of any department of the Government of Canada, may be given in all courts of justice established by the Parliament of Canada, and in all legal proceedings whatsoever, civil or criminal, over which the Parliament of Canada has legislative authority in all or any of the modes hereinafter mentioned, that is to say :—

(a) By the production of a copy of the *Canada Gazette* or of a volume of the Acts of the Parliament of Canada purporting to contain a notice of such proclamation, order, regulation or appointment ;

(b.) By the production of a copy of such proclamation, order, regulation or appointment, purporting to be printed by the Queen's Printer for Canada ; and—

Copy or extract certified by proper authority.

(c) By the production, in the case of any proclamation, order, regulation or appointment made or issued by the Governor General or by the Governor in Council, of a copy or extract purporting to be certified to be true by the clerk, or assistant or acting clerk of the Queen's Privy Council for Canada,—and in the case of any order, regulation or appointment made or issued by or under the authority of any such Minister or head of a department, by the production of a copy or extract purporting to be certified as true by the Minister, or by his deputy or acting deputy, or by the secretary or acting secretary of the department over which he presides. 44 V., c. 25, s. 90, *part*, and s. 91, and c. 28, s. 1.

Primâ facie evidence of proclamations, &c., of Lieutenant Governor, &c.

4. *Primâ facie* evidence of any proclamation, order, regulation or appointment made or issued by a Lieutenant Governor or Lieutenant Governor in Council of any Province, or by or under the authority of any member of the Executive Council, being the head of any department of the Government of the Province, may be given in all courts of justice established by the Parliament of Canada and in all legal proceedings whatsoever, civil or criminal, over which the Parliament of Canada has legislative authority, in all or any of the modes hereinafter mentioned, that is to say:—

Official Gazette.

(a.) By the production of a copy of the official Gazette for the Province, purporting to contain a notice of such proclamation, order, regulation or appointment;

Copy printed by Government Printer

(b.) By the production of a copy of such proclamation, order, regulation or appointment, purporting to be printed by the Government Printer for the Province;

Copy or extract certified by the proper authority.

(c.) By the production of a copy or extract of such proclamation, order, regulation or appointment, certified to be true by the clerk or assistant or acting clerk of the Executive Council, or by the head of any department of a Provincial Government, or by his deputy or acting deputy, as the case may be. 44 V., c. 28, s. 2.

Proof of handwriting, &c., not requisite

5. No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this Act, to the truth of any copy or extract from any proclamation, order, regulation or appointment; and any such copy or extract may be in print or in writing, or partly in print and partly in writing. 44 V., c. 28, s. 3.

Order signed by Secretary of State.

6. Any order in writing, signed by the Secretary of State of Canada, and purporting to be written by command of the Governor General, shall be received in evidence as the order of the Governor General. 41 V., c. 7, s. 6, *part*.

Copies of notices, &c., in *Canada Gazette*.

7. All copies of official and other notices, advertisements and documents, printed in the *Canada Gazette* shall be *primâ facie* evidence of the originals, and of the contents thereof. 32-33 V., c. 7, s. 4.

8. A copy of any entry in any book of account kept in any department of the Government of Canada shall, in all courts established by the Parliament of Canada, and in all legal proceedings, civil and criminal, over which the Parliament of Canada has legislative authority, be received as *prima facie* evidence of such entry and of the matters, transactions and accounts therein recorded, if it is proved by the oath or affidavit of an officer of such department that such book was, at the time of the making of the entry, one of the ordinary books kept in such department, that the entry was made in the usual and ordinary course of business of such department, and that such copy is a true copy thereof. 48-49 V., c. 48, s. 1.

Copies of entries in books of Government departments to be evidence on proof thereof.

9. The provisions of this Act shall be deemed to be in addition to and not in derogation of any powers of proving documents given by any existing statute or existing at common law. 44 V., c. 28, s. 5.

How this Act shall be construed.

10. In all proceedings over which the Parliament of Canada has legislative authority, the laws of evidence in force in the Province in which such proceedings are taken shall, subject to the provisions of this and other Acts of the Parliament of Canada, apply to such proceedings.

Application of provincial laws of evidence.



CHAPTER 140.

An Act respecting the taking of Evidence relating to proceedings in Courts out of Canada. A. D. 1886.

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

1. In this Act, unless the context otherwise requires,—
- (a.) The expression “court” means and includes the Supreme Court of Canada, and every superior court in any Province of Canada ; Interpretation. “Court.”
- (b.) The expression “judge” means and includes any judge of the Supreme Court of Canada and any judge of any superior court in any Province of Canada ; “Judge.”
- (c.) The expression “cause” includes a proceeding against a criminal. 31 V., c. 76, s. 6, *part* ;—46 V., c. 35, s. 1, *part*. “Cause.”

2. Whenever, upon an application for that purpose, it is made to appear to any court or judge, that any court or tribunal of competent jurisdiction, in any other of Her Majesty's dominions, or in any foreign country, before which any civil, commercial or criminal matter is pending, is desirous of obtaining the testimony in relation to such matter, of any party or witness within the jurisdiction of such first mentioned court, or of the court to which such judge belongs or of such judge, such court or judge may, in its or his discretion, order the examination upon oath upon interrogatories, or otherwise, before any person or persons named in such order, of such party or witness accordingly, and by the same or any subsequent order may command the attendance of such party or witness for the purpose of being examined, and for the production of any writings or other documents mentioned in such order, and of any other writings or documents relating to the matter in question that are in the possession or power of such party or witness. 31 V., c. 76, s. 1 ;—46 V., c. 35, s. 1, *part*. Order may be made for examination in Canada of a witness in relation to a matter pending out of Canada.

3. Upon the service upon such party or witness of such order and of an appointment of a time and place for the examination of such party or witness, signed by the person named in such order for taking the same, or if more than one person is named, then by one of the persons named, and upon payment or tender of the like conduct money as Enforcement of such order.

is properly payable upon attendance at a trial, such order may be enforced in like manner as an order made by such court or judge in a cause depending in such court or before such judge. 31 V., c. 76, s. 2.

Conduct money and expenses.

4. Every person whose attendance is required in manner aforesaid shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial. 31 V., c. 76, s. 3.

Witness to have like right of refusal as at a trial.

5. Any person examined under any order made under this Act shall have the like right to refuse to answer questions tending to criminate himself, and other questions, which a party or witness, as the case may be, in any cause pending in the court by which, or by a judge whereof, such order is made, would be entitled to, and no person shall be compelled to produce, under any such order, any writing or other document that he could not be compelled to produce at a trial of such a cause. 31 V., c. 76, s. 4.

Examination to be upon oath or affirmation.

6. Any person authorized to take the examination of parties or witnesses by any order made in pursuance of this Act, may take such examination upon the oath of the parties or witnesses, or upon affirmation, in cases in which by the law of the Province wherein such examination is taken, affirmation is allowed instead of oath; and such oath or affirmation shall be administered by the person so authorized, or, if more than one, then by one of such persons. 31 V., c. 76, s. 5, *part.*

Rules and orders may be made by the court.

7. The court may frame rules and orders in relation to procedure, to the evidence to be produced in support of the application for an order for examination of parties and witnesses under this Act, and generally for carrying this Act into effect; and in the absence of any order in relation to such evidence, letters rogatory from any court of justice in any other of the dominions of Her Majesty, or from any foreign tribunal, in which such civil, commercial or criminal matter is pending, shall be deemed and taken to be sufficient evidence in support of such application. 31 V., c. 76, s. 6, *part.*;—46 V., c. 35, s. 1, *part.*

Powers of local Legislatures not affected.

8. This Act shall not be so construed as to interfere with the right of legislation of the Legislature of any Province requisite or desirable for the carrying out the objects hereof. 31 V., c. 76, s. 7.



CHAPTER 141.

An Act respecting Extra-judicial Oaths.

A. D. 1886.

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

1. Every justice of the peace or other person who administers, or causes or allows to be administered, or receives or causes, or allows to be received, any oath, affidavit or solemn affirmation, touching any matter or thing whereof such justice or other person has not jurisdiction or cognizance by some law in force at the time being, or authorized or required by any such law, is guilty of a misdemeanor and liable to a fine not exceeding fifty dollars, or to imprisonment for any term not exceeding three months. 37 V., c. 37, s. 1, *part*, and s. 2.

Penalty for administering oath without lawful warrant.

2. Nothing herein contained shall be construed to extend to any oath, affidavit or solemn affirmation before any justice in any matter or thing touching the preservation of the peace, or the prosecution, trial or punishment of any offence, or to any oath, affidavit or affirmation required or authorized by any law of Canada, or by any law of the Province wherein such oath, affidavit or affirmation is received or administered, or is to be used, or to any oath, affidavit or affirmation which is required by the laws of any foreign country to give validity to instruments in writing designed to be used in such foreign countries respectively. 37 V., c. 37, s. 1, *part*.

Act not to extend to certain oaths, affidavits and affirmations.

3. Any judge, justice of the peace, public notary or other functionary authorized by law to administer an oath, may receive the solemn declaration of any person voluntarily making the same before him, in the form in the schedule to this Act, in attestation of the execution of any written deed or instrument, or allegations of fact, or of any account rendered in writing. 37 V., c. 37, s. 1, *part*.

Solemn declaration may be received.

4. Any affidavit, affirmation or declaration required by any fire, life or marine insurance company, authorized by law to do business in Canada, in regard to any loss of property or life insured or assured therein, may be taken before any commissioner authorized to take affidavits, or before any justice of the peace, or before any notary public for any Province of Canada; and any such officer is hereby required

Before whom affidavits to be used in insurance cases may be made.

to take such affidavit, affirmation or declaration. 32-33 V.,
c. 23, s. 4.

SCHEDULE.

I, A. B., do solemnly declare that (*state the fact or facts declared to*), and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "*Act respecting extra-judicial Oaths.*"

37 V., c. 37, schedule.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



CHAPTER 142.

An Act respecting the Extradition of Fugitive Criminals. A. D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Extradition Act.*" 40 V., Short title. c. 25, s. 24.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a.) The expression "extradition arrangement," or "arrangement," means a treaty, convention or arrangement made by Her Majesty with a foreign state for the surrender of fugitive criminals, and which extends to Canada; Interpretation.
"Extradition arrangement."
 - (b.) The expression "extradition crime" may mean any crime which, if committed in Canada, or within Canadian jurisdiction, would be one of the crimes described in the first schedule to this Act,—and, in the application of this Act to the case of any extradition arrangement, means any crime described in such arrangement, whether comprised in the said schedule or not; "Extradition crime."
 - (c.) The expressions "conviction" and "convicted" do not include the case of a condemnation under foreign law by reason of contumacy; but the expression "accused person" includes a person so condemned; "Conviction."
"Convicted."
"Accused person."
 - (d.) The expressions "fugitive" and "fugitive criminal" mean a person being or suspected of being in Canada, who is accused or convicted of an extradition crime committed within the jurisdiction of any foreign state; "Fugitive criminal."
 - (e.) The expression "foreign state" includes every colony, dependency and constituent part of the foreign state; and every vessel of any such state shall be deemed to be within the jurisdiction of and to be part of the state; "Foreign state."
 - (f.) The expression "warrant," in the case of a foreign state, includes any judicial document authorizing the arrest of a person accused or convicted of crime; "Warrant."
 - (g.) The expression "judge" includes any person authorized to act judicially in extradition matters. 40 V., c. 25, s. 1. "Judge."

APPLICATION OF ACT.

As to existing arrangements.

3. In the case of any foreign state with which there is, at or after the time when this Act comes into force, an extradition arrangement, this Act shall apply during the continuance of such arrangement; but no provision of this Act, which is inconsistent with any of the terms of the arrangement, shall have effect to contravene the arrangement; and this Act shall be so read and construed as to provide for the execution of the arrangement:

As to limitations, qualifications and exceptions.

Imp. Act 33-34 V., c. 52.

2. In the case of any foreign state with respect to which the application to the United Kingdom of the Act of the Parliament of the United Kingdom, passed in the year one thousand eight hundred and seventy, and intituled "*An Act for amending the Law relating to the Extradition of Criminals*," is made subject to any limitation, condition, qualification or exception, the Governor in Council shall make the application of this Act, by virtue of this section, subject to such limitation, condition, qualification or exception:

Orders under this Act may be revoked.

3. The Governor in Council may, at any time, revoke or alter, subject to the restrictions of this Act, any order made by him in council under this Act, and all the provisions of this Act with respect to the original order shall, so far as applicable, apply *mutatis mutandis* to the new order. 40 V., c. 25, s. 4.

If the application of this Act depends on an Order in Council.

4. This Act, so far as its application in the case of any foreign state, depends on or is affected by any Order in Council made under this Act or referred to therein, shall apply, or its application shall be affected from and after the time specified in the order, or, if no time is specified, after the date of the publication of the order in the *Canada Gazette*:

Publication of Orders in Council.

2. Any order of Her Majesty in Council, referred to in this Act, and any Order of the Governor in Council made under this Act, and any extradition arrangement not already published in the *Canada Gazette*, shall be, as soon as possible, published in the *Canada Gazette* and laid before both Houses of Parliament:

Effect of publication in the *Canada Gazette*.

3. The publication in the *Canada Gazette* of an extradition arrangement, or an Order in Council, shall be evidence of such arrangement or order, and of the terms thereof, and of the application of this Act, pursuant and subject thereto; and the court or judge shall take judicial notice, without proof, of such arrangement or order, and the validity of the order and the application of this Act, pursuant and subject thereto, shall not be questioned. 40 V., c. 25, s. 5.

JUDGES AND COMMISSIONERS.

What judges may act in cases under this Act.

5. All judges of the superior courts and of the county courts of any Province, and all commissioners who are, from time to time, appointed for the purpose, in any Province by the Governor in Council, under the Great Seal of Canada,

by virtue of this Act, are authorized to act judicially in extradition matters under this Act, within the Province; and every such person shall, for the purposes of this Act, have all the powers and jurisdiction of any judge or magistrate of the Province:

2. Nothing in this section shall be construed to confer on any judge any jurisdiction in *habeas corpus* matters. 40 V., c. 25, s. 8. No *habeas corpus* power.

EXTRADITION FROM CANADA.

6. Whenever this Act applies, a judge may issue his warrant for the apprehension of a fugitive on a foreign warrant of arrest, or an information or complaint laid before him, and on such evidence or after such proceedings, as in his opinion would, subject to the provisions of this Act, justify the issue of his warrant if the crime of which the fugitive is accused or alleged to have been convicted had been committed in Canada: On what grounds a warrant may issue.

2. The judge shall forthwith send a report of the fact of the issue of the warrant, together with certified copies of the evidence and foreign warrant, information or complaint, to the Minister of Justice. 40 V., c. 25, s. 11. Report to Minister of Justice.

7. A warrant issued under this Act may be executed in any part of Canada, in the same manner as if it had been originally issued, or subsequently indorsed, by a justice of the peace having jurisdiction in the place where it is executed. 40 V., c. 25, s. 10. Execution of warrant.

8. Every fugitive criminal of a foreign state, in the case of which state this Act applies, shall be liable to be apprehended, committed and surrendered in the manner provided in this Act, whether the crime or conviction, in respect of which the surrender is sought, was committed or took place before or after the date of the arrangement, or of the coming into force of this Act, or of the application of this Act in the case of such state, and whether there is or is not any criminal jurisdiction in any court of Her Majesty's dominions over the fugitive, in respect of the crime. 40 V., c. 25, s. 7. Surrender not to depend on time when the offence was committed, &c.

9. The fugitive shall be brought before a judge, who shall, subject to the provisions of this Act, hear the case, in the same manner, as nearly as may be, as if the fugitive was brought before a justice of the peace, charged with an indictable offence committed in Canada: Fugitive to be brought before the judge.

2. The judge shall receive upon oath, or affirmation if affirmation is allowed by law, the evidence of any witness tendered to show the truth of the charge or the fact of the conviction: Evidence of the charge.

3. The judge shall receive, in like manner, any evidence tendered to show that the crime of which the fugitive is Evidence that the crime is

not an extradition crime.

accused or alleged to have been convicted is an offence of a political character, or is, for any other reason, not an extradition crime; or that the proceedings are being taken with a view to prosecute or punish him for an offence of a political character. 40 V., c. 25, s. 12.

Depositions taken out of Canada.

10. Depositions or statements taken in a foreign state on oath, or on affirmation, where affirmation is allowed by the law of the state, and copies of such depositions or statements, and foreign certificates of, or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Act:

When to be deemed authenticated.

2. Such papers shall be deemed duly authenticated if authenticated in manner provided, for the time being, by law, or if authenticated as follows:—

(a.) If the warrant purports to be signed by, or the certificate purports to be certified by, or the depositions or statements, or the copies thereof, purport to be certified to be the originals or true copies, by a judge, magistrate or officer of the foreign state;

(b.) And if the papers are authenticated by the oath or affirmation of some witness, or by being sealed with the official seal of the Minister of Justice, or some other minister of the foreign state, or of a colony, dependency or constituent part of the foreign state; of which seal the judge shall take judicial notice without proof. 40 V., c. 25, s. 9.

What evidence shall be sufficient to justify committal.

11. If, in the case of a fugitive alleged to have been convicted of an extradition crime, such evidence is produced as would, according to the law of Canada, subject to the provisions of this Act, prove that he was so convicted,—and if, in the case of a fugitive accused of an extradition crime, such evidence is produced as would, according to the law of Canada, subject to the provisions of this Act, justify his committal for trial, if the crime had been committed in Canada, the judge shall issue his warrant for the committal of the fugitive to the nearest convenient prison, there to remain until surrendered to the foreign state, or discharged according to law; but otherwise the judge shall order him to be discharged. 40 V., c. 25, s. 13.

Judge shall,—

12. If the judge commits a fugitive to prison, he shall, on such committal,—

Give certain information to fugitives,—

(a.) Inform him that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of *habeas corpus*; and—

Transmit evidence to Minister of Justice.

(b.) Transmit to the Minister of Justice a certificate of the committal, with a copy of all the evidence taken before him, not already so transmitted, and such report upon the case as he thinks fit. 40 V., c. 25, s. 14.

By whom requisition for

13. A requisition for the surrender of a fugitive criminal of a foreign state who is, or is suspected to be in Canada,

may be made to the Minister of Justice by any person recognized by him as a consular officer of that state resident at Ottawa,—or by any minister of that state communicating with the Minister of Justice through the diplomatic representative of Her Majesty in that state,—or if neither of these modes is convenient, then in such other mode as is settled by arrangement. 40 V., c. 25, s. 15.

surrender may be made.

14. No fugitive shall be liable to surrender under this Act if it appears,—

When the fugitive shall not be liable to surrender.

(a.) That the offence in respect of which proceedings are taken under this Act is one of a political character ; or—

(b.) That such proceedings are being taken with a view to prosecute or punish him for an offence of a political character. 40 V., c. 25, s. 6.

15. If the Minister of Justice at any time determines,—

In cases specified, Minister may refuse to make order or may cancel order already made.

(a.) That the offence in respect of which proceedings are being taken under this Act is one of a political character ;

(b.) That the proceedings are, in fact, being taken with a view to try or punish the fugitive for an offence of a political character ; or—

(c.) That the foreign state does not intend to make a requisition for surrender,—

He may refuse to make an order for surrender, and may, by order under his hand and seal, cancel any order made by him, or any warrant issued by a judge under this Act, and order the fugitive to be discharged out of custody on any committal made under this Act ; and the fugitive shall be discharged accordingly. 40 V., c. 25, s. 16 ;—45 V., c. 20, s. 1.

16. A fugitive shall not be surrendered until after the expiration of fifteen days from the date of his committal for surrender ; or if a writ of *habeas corpus* is issued, until after the decision of the court remanding him :

Delay before surrender.

2. A fugitive who has been accused of an offence within Canadian jurisdiction, not being the offence for which his surrender is asked, or who is undergoing sentence under a conviction in Canada, shall not be surrendered until after he has been discharged, whether by acquittal or by expiration of his sentence, or otherwise. 40 V., c. 25, s. 17.

If fugitive is an offender under Canadian law.

17. Subject to the provisions of this Act, the Minister of Justice, upon the requisition of the foreign state, may, under his hand and seal, order a fugitive who has been committed for surrender to be surrendered to the person or persons who are, in his opinion, duly authorized to receive him in the name and on behalf of the foreign state, and he shall be so surrendered accordingly :

Minister may order surrender of fugitive to officer of a foreign state.

2. Any person to whom such order is directed may deliver, and the person so authorized may receive, hold in custody and convey the fugitive within the jurisdiction of the foreign

Powers of such officer.

state ; and if he escapes out of any custody to which he is delivered, on or in pursuance of such order, he may be retaken in the same manner as any person accused or convicted of any crime against the laws of Canada may be retaken on an escape. 40 V., c. 25, s. 18.

Property found on fugitive.

18. Everything found in the possession of the fugitive at the time of his arrest, which may be material as evidence in making proof of the crime, may be delivered up with the fugitive on his surrender, subject to all rights of third persons with regard thereto. 40 V., c. 25, s. 19.

Fugitive to be conveyed out of Canada within a certain time.

19. If a fugitive is not surrendered and conveyed out of Canada within two months after his committal for surrender, or, if a writ of *habeas corpus* is issued, within two months after the decision of the court on such writ, over and above, in either case, the time required to convey him from the prison to which he has been committed, by the readiest way out of Canada, any one or more of the judges of the superior courts of the Province in which such person is confined, having power to grant a writ of *habeas corpus*, may, upon application made to him or them by or on behalf of the fugitive, and on proof that reasonable notice of the intention to make such application has been given to the Minister of Justice, order the fugitive to be discharged out of custody, unless sufficient cause is shown against such discharge. 40 V., c. 25, s. 20.

Or may be released by *habeas corpus*.

Forms valid.

20. The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit of, may be used in the matters to which such forms refer, and, when used, shall be deemed valid. 40 V., c. 25, s. 21.

EXTRADITION FROM A FOREIGN STATE.

Requisition for a fugitive from Canada, how made.

21. A requisition for the surrender of a fugitive criminal from Canada, who is or is suspected to be in any foreign state with which there is an extradition arrangement, may be made by the Minister of Justice to a consular officer of that state resident at Ottawa, or to the Minister of Justice or any other minister of that state, through the diplomatic representative of Her Majesty in that state ; or, if neither of these modes is convenient, then in such other mode as is settled by arrangement. 40 V., c. 25, s. 22.

Conveyance of fugitive surrendered.

22. Any person accused or convicted of an extradition crime, who is surrendered by a foreign state, may, under the warrant for his surrender issued in such foreign state, be brought into Canada and delivered to the proper authorities, to be dealt with according to law.

Fugitive surrendered by a foreign state

23. Whenever any person accused or convicted of an extradition crime is surrendered by a foreign state, in pursu-

ance of any extradition arrangement, such person shall not, until after he has been restored or has had an opportunity of returning to the foreign state within the meaning of the arrangement, be subject, in contravention of any of the terms of the arrangement, to any prosecution or punishment in Canada for any other offence committed prior to his surrender, for which he should not, under the arrangement, be prosecuted. 40 V., c. 25, s. 23.

not punishable contrary to arrangement.

LIST OF CRIMES.

24. The list of crimes in the first schedule to this Act shall be construed according to the law existing in Canada at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act, and as including only such crimes, of the descriptions comprised in the list, as are, under that law, indictable offences. 40 V., c. 25, second schedule, *part.*

How list of crimes in schedule shall be construed.

FIRST SCHEDULE.

List of Crimes.

- (1.) Murder, or attempt or conspiracy to murder ;
- (2.) Manslaughter ;
- (3.) Counterfeiting or altering money, and uttering counterfeit or altered money ;
- (4.) Forgery, counterfeiting or altering, or uttering what is forged, counterfeited or altered ;
- (5.) Larceny ;
- (6.) Embezzlement ;
- (7.) Obtaining money or goods, or valuable securities, by false pretences ;
- (8.) Crimes against bankruptcy or insolvency law ;
- (9.) Fraud by a bailee, banker, agent, factor, trustee, or by a director or member or officer of any company, which fraud is made criminal by any Act for the time being in force ;
- (10.) Rape ;
- (11.) Abduction ;
- (12.) Child stealing ;
- (13.) Kidnapping ;
- (14.) False imprisonment ;
- (15.) Burglary, house-breaking or shop-breaking ;
- (16.) Arson ;
- (17.) Robbery ;
- (18.) Threats, by letter or otherwise, with intent to extort ;
- (19.) Perjury or subornation of perjury ;
- (20.) Piracy by municipal law or law of nations, committed on board of or against a vessel of a foreign state ;
- (21.) Criminal scuttling or destroying such a vessel at sea, whether on the high seas or on the great lakes of North America, or attempting or conspiring to do so ;

(22.) Assault on board such vessel at sea, whether on the high seas or on the great lakes of North America, with intent to destroy life or to do grievous bodily harm ;

(23.) Revolt, or conspiracy to revolt, by two or more persons on board such a vessel at sea, whether on the high seas or on the great lakes of North America, against the authority of the master ;

(24.) Any offence under either of the following Acts, and not included in any foregoing portion of this schedule :—

(a.) “ *An Act respecting Offences against the Person ;*”

(b.) “ *The Larceny Act ;*”

(c.) “ *An Act respecting Forgery ;*”

(d.) “ *An Act respecting Offences relating to the Coin ;*”

(e.) “ *An Act respecting Malicious Injuries to Property ;*”

(25.) Any offence which is, in the case of the principal offender, included in any foregoing portion of this schedule, and for which the fugitive criminal, though not the principal, is liable to be tried or punished as if he were the principal. 40 V., c. 25, second schedule, *part.*

SECOND SCHEDULE.

FORM ONE.

Form of Warrant of Apprehension.

— ;

To wit :—

To all and each of the constables of

Whereas it has been shown to the undersigned, a judge under “ *The Extradition Act,*” that
late of _____ is accused (or convicted) of the
crime of _____ within the jurisdiction of

This is therefore to command you, in Her Majesty’s name, forthwith to apprehend the said _____ and to bring him before me, or some other judge under the said Act, to be further dealt with according to law ; for which this shall be your warrant.

Given under my hand and seal at _____ this
day of _____ A.D.

FORM TWO.

Form of Warrant of Committal.

— ;

To wit :—

To _____ one of the constables of
_____ and to the keeper of the
at _____

Be it remembered that on this _____ day of _____
in the year _____ at _____ is
brought before me _____ a judge under “ *The*

Extradition Act. who has been apprehended under the said Act, to be dealt with according to law ; and forasmuch as I have determined that he should be surrendered in pursuance of the said Act, on the ground of his being accused (*or convicted*) of the crime of
within the jurisdiction of

This is therefore to command you, the said constable, in Her Majesty's name, forthwith to convey and deliver the said into the custody of the keeper of the at and you, the said keeper, to receive the said into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Act, for which this shall be your warrant.

Given under my hand and seal at this
day of A.D.

FORM THREE.

Form of Order of Minister of Justice for Surrender.

To the keeper of the at
and to
Whereas late of
accused (*or convicted*) of the crime of
within the jurisdiction of
was delivered into the custody of you, the keeper of the
at by warrant
dated pursuant to "*The Extradition
Act.*"

Now I do hereby, in pursuance of the said Act, order you, the said keeper, to deliver the said into the custody of the said ; and I command you, the said to receive the said into your custody, and to convey him within the jurisdiction of the said and there place him in the custody of any person or persons (*or of*) appointed by the said to receive him : for which this shall be your warrant.

Given under the hand and seal of the undersigned Minister of Justice of Canada, this day of
A.D.

40 V., c. 25, third schedule.



CHAPTER 143.

An Act respecting fugitive offenders in Canada from A. D. 1886.
other parts of Her Majesty's Dominions.

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

SHORT TITLE.

1. This Act may be cited as "*The Fugitive Offenders Act.*" Short title. 45 V., c. 21, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a.) The expression "magistrate" means any justice of the peace or any person having authority to issue a warrant for the apprehension of persons accused of offences, and to commit such persons for trial; Interpretation.
"Magistrate."
- (b.) The expression "deposition" includes every affidavit, affirmation, or statement made upon oath; "Deposition."
"Affirmation."
- (c.) The expression "court" means,—in the Province of Ontario, the High Court of Justice for Ontario; in the Province of Quebec, the Superior Court; in the Province of Nova Scotia, the Supreme Court; in the Province of New Brunswick, the Supreme Court; in the Province of Prince Edward Island, the Supreme Court of Judicature; in the Province of British Columbia, the Supreme Court; in the Province of Manitoba, Her Majesty's Court of Queen's Bench for Manitoba; in the North-West Territories, a judge of the Supreme Court of the North-West Territories; in the District of Keewatin, a stipendiary magistrate; and also in the said Territories and District such court or magistrate or other judicial authority as is designated, from time to time, by proclamation of the Governor in Council, published in the *Canada Gazette*. 45 V., c. 21, s. 16, *part*;—49 V., c. 25, s. 30. "Court."

APPLICATION OF ACT.

3. This Act shall apply to the following offences, that is to say: to treason and to piracy, and to every offence, whether called felony, misdemeanor, crime or by any other name, which is for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on To what offences this Act applies.

indictment or information, by imprisonment with hard labor for a term of twelve months or more, or by any greater punishment, and, for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labor, by whatever name it is called, shall be deemed to be imprisonment with hard labor :

Application to acts not offences by Canadian law.

2. This Act shall apply to an offence, notwithstanding that, by the law of Canada, it is not an offence or not an offence to which this Act applies ; and all the provisions of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in Canada an offence to which this Act applies :

Application to persons unlawfully at large.

3. This Act shall apply, so far as is consistent with the tenor thereof, to every person convicted by a court in any part of Her Majesty's dominions, of an offence committed either in Her Majesty's dominions or elsewhere, who is unlawfully at large before the expiration of his sentence, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted :

As to offences committed before commencement of Act.

4. This Act shall apply in respect to offences committed before the commencement of this Act, in like manner as if such offences were committed after such commencement. 45 V., c. 21. ss. 8, 14 and 15.

RETURN OF FUGITIVES.

Apprehension and return of fugitive offenders.

4. Whenever a person accused of having committed an offence to which this Act applies in any part of Her Majesty's dominions, except Canada, has left that part, such person, in this Act referred to as a fugitive from that part, if found in Canada, shall be liable to be apprehended and returned, in the manner provided by this Act, to the part from which he is a fugitive :

Warrant.

2. A fugitive may be so apprehended under an indorsed warrant or a provisional warrant. 45 V., c. 21, s. 2.

Proceedings in Canada on warrant issued elsewhere.

5. Whenever a warrant has been issued in a part of Her Majesty's dominions for the apprehension of a fugitive from that part who is or is suspected to be in or on the way to Canada, the Governor General or a judge of a court, if satisfied that the warrant was issued by some person having lawful authority to issue the same, may indorse such warrant in manner provided by this Act, and the warrant so indorsed shall be a sufficient authority to apprehend the fugitive in Canada and bring him before a magistrate. 45 V., c. 21, s. 3.

Issue of provisional warrant.

6. A magistrate in Canada may issue a provisional warrant for the apprehension of a fugitive who is or is suspected of being in or on his way to Canada, on such information and under such circumstances as would, in his opinion,

justify the issue of a warrant, if the offence of which the fugitive is accused had been committed within his jurisdiction; and such warrant may be backed and executed accordingly :

2. A magistrate issuing a provisional warrant shall forthwith send a report of the issue, together with the information or a certified copy thereof, to the Governor General; and the Governor General may, if he thinks fit, discharge the person apprehended under such warrant. 45 V., c. 21, s. 4.

Report to Governor.

Governor may discharge.

7. A fugitive, when apprehended, shall be brought before a magistrate, who, subject to the provisions of this Act, shall hear the case in the same manner and have the same jurisdiction and powers, as nearly as may be, including the power to remand and admit to bail, as if the fugitive was charged with an offence committed within his jurisdiction :

Fugitive to be brought before a magistrate.

2. If the indorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as, subject to the provisions of this Act, according to the law ordinarily administered by the magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this Act applies, the magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such report of the case, as he thinks fit, to the Governor General :

Committal of fugitive.

Report to Governor General.

3. Whenever the magistrate commits the fugitive to prison, he shall inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of *habeas corpus* or other like process :

Magistrate to inform fugitive that he has certain rights.

4. A fugitive apprehended on a provisional warrant may, from time to time, be remanded for such reasonable time, not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an indorsed warrant. 45 V., c. 21, s. 5.

Remand of fugitive.

8. Upon the expiration of fifteen days, after a fugitive has been committed to prison to await his return,—or if a writ of *habeas corpus* or other like process is issued by a court, with reference to such fugitive, after the final decision of the court in the case,—the Governor General, by warrant under his hand, if he thinks it just, may order the fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed to the said part of Her Majesty's dominions, to be dealt with there, in due course of law, as if he had been there apprehended; and such warrant shall be forthwith executed according to the tenor thereof. 45 V., c. 21, s. 6.

Order for the return of the fugitive.

Warrant.

Court may discharge fugitive if not returned within a certain time.

9. If a fugitive who, in pursuance of this Act, has been committed to prison in Canada to await his return, is not conveyed out of Canada within two months after such committal, the court, upon application, by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given to the Governor General, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody. 45 V., c. 21, s. 7.

Court may discharge fugitive in trivial cases.

10. Whenever it is made to appear to the court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith, in the interests of justice or otherwise, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, such court may discharge the fugitive, either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises, as to the court seems just. 45 V., c. 21, s. 9.

Fugitive who is undergoing sentence, &c.

11. A fugitive who has been accused of an offence within Canadian jurisdiction, not being the offence for which his surrender is asked, or who is undergoing sentence under a conviction in Canada, shall not be surrendered until after he has been discharged, whether by acquittal or by expiration of his sentence, or otherwise.

Search warrant may be granted.

12. Whenever a warrant, for the apprehension of a person accused of an offence, has been indorsed in pursuance of this Act, in Canada, any magistrate in Canada shall have the same power of issuing a warrant to search for any property alleged to have been stolen or to be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such magistrate. 45 V., c. 21, s. 10.

Exercise of judicial powers.

13. Any judge of the court may, either in term time or vacation, exercise in chambers, all the powers conferred by this Act upon the court. 45 V., c. 21, s. 16, *part*.

Effect of indorsement of a warrant.

14. An indorsement of a warrant in pursuance of this Act shall be signed by the authority indorsing the same, and shall authorize all or any of the persons named in the indorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within Canada by apprehending the person named in it, and

bringing him before a magistrate in Canada, whether he is the magistrate named in the indorsement or some other :

2. Every warrant, summons, subpœna and process, and every indorsement made in pursuance of this Act thereon, shall, for the purposes of this Act, remain in force, notwithstanding that the person signing the warrant or such indorsement dies or ceases to hold office. 45 V., c. 21, s. 11. As to death of signer or indorser.

15. Whenever a fugitive or prisoner is authorized to be returned to any part of Her Majesty's dominions in pursuance of this Act, such fugitive or prisoner may be sent thither in any ship registered in Canada or belonging to the Government of Canada : How the fugitive may be returned.

2. The Governor General, for the purpose aforesaid, may, by the warrant for the return of the fugitive, order the master of any ship registered in Canada, bound to the said part of Her Majesty's dominions, to receive such fugitive or prisoner, and afford a passage and subsistence during the voyage to him, and to the person having him in custody, and to the witnesses ; but such master shall not be required to receive more than one fugitive or prisoner for every hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage : Order to master of Canadian ships to convey fugitive.

3. The Governor General shall cause to be indorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her, as the Minister of Marine and Fisheries, from time to time, requires : Indorsement upon agreement of the ship.

4. Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable there, to be dealt with according to law : Duty of master on arrival at destination.

5. Every master who fails, on payment or tender of a reasonable amount for expenses, to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable, on summary conviction, to a penalty not exceeding two hundred dollars. 45 V., c. 21, s. 12. Penalty for non-compliance.

EVIDENCE.

16. A magistrate may take depositions for the purposes of this Act, in the absence of a person accused of an offence, in like manner as he might take the same if such person was present and accused of the offence before him. 45 V., c. 21, s. 13, *part.* Depositions.

17. Depositions whether taken in the absence of the fugitive or otherwise and copies thereof, and official certificates of, or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act. 45 V., c. 21, s. 13, *part.* Their use in evidence.

Authentica-
tion of war-
rants and
other docu-
ments.

18. Warrants and depositions, and copies thereof, and official certificates of, or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge, magistrate or officer of the part of Her Majesty's dominions in which the same are issued, taken or made, and are authenticated either by the oath of some witness, or by being sealed with the official seal of a Secretary of State, or with the public seal of a British possession, or with the official seal of a Governor of a British possession, or of a Colonial Secretary, or of some secretary or minister administering a department of the government of a British possession; and all courts and magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents authenticated by it. 45 V., c. 21, s. 13, *part.*

Judicial
notice of
authentica-
tion.

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CHAPTER 144.

An Act respecting the application of the Criminal Law A. D. 1883
of England to the Provinces of Ontario and British
Columbia.

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

ONTARIO.

1. The criminal law of England, as it stood on the seven-
teenth day of September, in the year one thousand seven
hundred and ninety-two, and as the same has since been
repealed, altered, varied, modified or affected by any Act of
the Parliament of the United Kingdom having force of law
in the Province of Ontario, or by any Act of the Parliament
of the late Province of Upper Canada, or of the Province of
Canada, still having force of law, or by any Act of the Parli-
ament of Canada, shall be the criminal law of the Province
of Ontario. C. S. U. C., c. 94.

Criminal law
of England
continued in
Ontario.

BRITISH COLUMBIA.

2. The criminal law of England, as it stood on the nine-
teenth day of November, in the year one thousand eight
hundred and fifty-eight, and as the same has since been re-
pealed, altered, varied, modified or affected by any ordinance
or Act (still having the force of law) of the colony of British
Columbia, or of the colony of Vancouver Island, before the
union of such colonies or of the colony of British Columbia,
passed since such union, or by any Act of the Parliament of
Canada, shall be the criminal law of the Province of British
Columbia. R. S. B. C., c. 70, s. 2. *part.*

And in British
Columbia.

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Excellent Majesty.



CHAPTER 145.

An Act respecting Accessories.

A. D. 1886.

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

FELONIES.

1. Every one who becomes an accessory before the fact to any felony, whether the same is a felony at common law, or by virtue of any Act, may be indicted, tried, convicted and punished in all respects as if he were a principal felon. *31 V., c. 69, s. 9, part, and c. 72, s. 1;—32-33 V., c. 20, s. 8, part, and c. 21, s. 107, part.*

Accessories before the fact to felony punishable as principals.

2. Every one who counsels, procures or commands any other person to commit any felony, whether the same is a felony at common law, or by virtue of any Act, is guilty of felony, and may be indicted, and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon,—or may be indicted and convicted of a substantive felony, whether the principal felon has or has not been convicted, or is or is not amenable to justice,—and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished. *31 V., c. 72, s. 2.*

Punishment of person counselling, &c., the committing of a felony.

3. In every felony, every principal in the second degree shall be punishable in the same manner as the principal in the first degree is punishable. *31 V., c. 69, s. 9, part, and c. 72, s. 3;—32-33 V., c. 21, s. 107, part.*

Punishment of principal in second degree.

4. Every one who becomes an accessory after the fact to any felony, whether the same is a felony at common law or by virtue of any Act, may be indicted and convicted, either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon has or has not been convicted, or is or is not amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished. *31 V., c. 72, s. 4;—32-33 V., c. 20, s. 8, part.*

Accessories after the fact may be indicted as such or as substantive felons.

Punishment
of accessories
after the fact.

5. Every accessory after the fact to any felony (except when it is otherwise specially enacted), whether the same is a felony at common law, or by virtue of any Act, shall be liable to imprisonment for any term less than two years. 31 V., c. 69, s. 9, *part*, and c. 72, s. 5, *part*;—32-33 V., c. 19, s. 57, *part*.

Prosecution
of accessory
after princi-
pal offender
convicted, &c.

6. If any principal offender is, in any wise, convicted of any felony, any accessory, either before or after the fact, may be proceeded against in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon dies or is pardoned or otherwise delivered before such attainder; and every such accessory shall, upon conviction, suffer the same punishment as he would have suffered if the principal had been attainted. 31 V., c. 72, s. 6;—32-33 V., c. 20, s. 8, *part*.

MISDEMEANORS.

Abettors in
misdemeanors
punishable as
principals.

7. Every one who aids, abets, counsels or procures the commission of any misdemeanor, whether the same is a misdemeanor at common law, or by virtue of any Act, is guilty of a misdemeanor and liable to be tried, indicted and punished as a principal offender. 31 V., c. 72, s. 9;—32-33 V., c. 19, s. 57, *part*, and c. 21, s. 107, *part*;—35 V., c. 32, s. 13;—40 V., c. 32, s. 1, *part*.

OFFENCES PUNISHABLE ON SUMMARY CONVICTION.

Abettors in
offences pun-
ishable sum-
marily pun-
ishable as
principals.

8. Every one who aids, abets, counsels or procures the commission of any offence punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction, be liable for every first, second or subsequent offence, of aiding, abetting, counselling or procuring, to the same forfeiture and punishment to which a person guilty of a first, second or subsequent offence as a principal offender, is liable. 32-33 V., c. 21, s. 108, and c. 22, s. 70, and c. 31, s. 15, *part*;—33 V., c. 31, s. 5, *part*.



CHAPTER 146.

An Act respecting Treason and other Offences against A. D. 1886.
the Queen's authority.

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

1. Every one who compasses, imagines, invents, devises or intends death or destruction, or any bodily harm, tending to death or destruction, maiming or wounding, imprisonment or restraint of our Sovereign Lady the Queen, Her Heirs or Successors, and expresses, utters or declares such compassings, imaginations, inventions, devices or intentions, or any of them, by publishing any printing or writing, or by any overt act or deed, is guilty of treason and shall suffer death. 31 V., c. 69, s. 2;—32-33 V., c. 17, s. 1.

Compassing death of the Sovereign, treason.

2. Every officer or soldier in Her Majesty's army, who holds correspondence with any rebel, or enemy of Her Majesty, or gives him advice or intelligence, either by letters, messages, signs or tokens, or in any manner or way whatsoever, or treats with such rebel or enemy, or enters into any condition with him without Her Majesty's license, or the license of the general, lieutenant general or chief commander, is guilty of treason and shall suffer death. 31 V., c. 69, s. 3.

Corresponding with the enemy, treason.

3. Every one who compasses, imagines, invents, devises or intends to deprive or depose Our Sovereign Lady the Queen, Her Heirs or Successors, from the style, honor or royal name of the imperial crown of the United Kingdom, or of any other of Her Majesty's dominions or countries,—or to levy war against Her Majesty, Her Heirs or Successors, within any part of the United Kingdom or of Canada, in order, by force or constraint, to compel her or them to change her or their measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe both Houses or either House of Parliament, of the United Kingdom or of Canada,—or to move or stir any foreigner or stranger with force to invade the United Kingdom or Canada, or any other of Her Majesty's dominions or countries under the obedience of Her Majesty, Her Heirs or

Certain offences declared felonies.

Successors, and expresses, utters or declares such compassings, imaginations, inventions, devices or intentions, or any of them, by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, is guilty of felony, and liable to imprisonment for life. 31 V., c. 69, s. 5;—32-33 V., c. 17, s. 1.

Punishment.
Conspiracy to intimidate legislative body a felony.

4. Every one who confederates, combines or conspires with any person to do any act of violence, in order to intimidate, or to put any force or constraint upon any Legislative Council, Legislative Assembly or House of Assembly in any Province of Canada, is guilty of felony, and liable to fourteen years' imprisonment. 31 V., c. 71, s. 5.

Time within which prosecution shall be commenced, warrant issued, &c.

5. No person shall be prosecuted for any felony by virtue of this Act in respect of such compassings, imaginations, inventions, devices or intentions as aforesaid, in so far as the same are expressed, uttered or declared by open and advised speaking only, unless information of such compassings, imaginations, inventions, devices and intentions and of the words by which the same were expressed, uttered or declared, is given upon oath to one or more justices of the peace, within six days after such words are spoken, and unless a warrant for the apprehension of the person by whom such words were spoken is issued within ten days next after such information is given as aforesaid; and no person shall be convicted of any such compassings, imaginations, inventions, devices or intentions as aforesaid, in so far as the same are expressed, uttered or declared by open or advised speaking as aforesaid, except upon his own confession in open court, or unless the words so spoken are proved by two credible witnesses. 31 V., c. 69, s. 6.

Evidence.

Trial of citizens of a foreign power taken in arms in Canada.

6. If any person, being a citizen or subject of any foreign state or country at peace with Her Majesty, is or continues in arms against Her Majesty, within Canada, or commits any act of hostility therein, or enters Canada with design or intent to levy war against Her Majesty, or to commit any felony therein, for which any person would, in Canada, be liable to suffer death, the Governor General may order the assembling of a militia general court martial for the trial of such person, under "*The Militia Act*"; and upon being found guilty by such court martial of offending against the provisions of this section, such person shall be sentenced by such court martial to suffer death, or such other punishment as the court awards. 31 V., c. 14, s. 2.

Trial of subjects of H. M. levying war in Canada in company with foreigners.

7. Every subject of Her Majesty, within Canada, who levies war against Her Majesty, in company with any of the subjects or citizens of any foreign state or country then at peace with Her Majesty, or enters Canada in company with any such subjects or citizens with intent to levy war on

Her Majesty, or to commit any such act of felony as aforesaid, or who, with the design or intent to aid and assist, joins himself to any person or persons whomsoever, whether subjects or aliens, who have entered Canada with design or intent to levy war on Her Majesty, or to commit any such felony within the same, may be tried and punished by a militia court martial, in the same manner as any citizen or subject of a foreign state or country at peace with Her Majesty, may be tried and punished under the next preceding section. 31 V., c. 14, s. 3.

8. Every subject of Her Majesty, and every citizen or subject of any foreign state or country, who offends against the provisions of the two sections next preceding, is guilty of felony and may, notwithstanding the provisions hereinbefore contained, be prosecuted and tried in any county or district of the Province in which such offence was committed, before any court of competent jurisdiction, in the same manner as if the offence had been committed in such county or district, and, upon conviction, shall suffer death as a felon. 31 V., c. 14, s. 4.

Punishment
of persons of-
fending under
preceding
sections.

9. Nothing herein contained shall lessen the force of or in any manner affect anything enacted by the statute passed in the twenty-fifth year of the reign of His Majesty King Edward the Third, intituled "*A declaration which offences shall be adjudged treason.*" 31 V., c. 69, s. 1.

Nothing
herein to
affect 25 Edw.
3, c. 2.



CHAPTER 147.

An Act respecting Riots, unlawful Assemblies and Breaches of the Peace. A. D. 1886.

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

1. Every sheriff, deputy sheriff, mayor or other head officer, and justice of the peace, of any county, city or town, who has notice that there are within his jurisdiction persons to the number of twelve or more unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace, shall resort to the place where such unlawful, riotous and tumultuous assembly is, and among the rioters, or as near to them as he can safely come, with a loud voice, command, or cause to be commanded, silence, and, after that, openly and with loud voice, make or cause to be made a proclamation in these words, or to the like effect:—

Sheriff, &c., may enjoin persons riotously assembled to disperse.

“Our Sovereign Lady the Queen charges and commands all persons being assembled immediately to disperse and peaceably to depart to their habitations or to their lawful business, upon the pain of being guilty of an offence, on conviction of which they may be sentenced to imprisonment for life.”

Form of proclamation.

“GOD SAVE THE QUEEN.”

31 V., c. 70, s. 1, *part*, and ss. 2 and 3.

2. All persons who,—

(a.) With force and arms wilfully oppose, hinder or hurt any person who begins or is about to make the said proclamation, whereby such proclamation is not made, or—

Persons making opposition or continuing assembled guilty of felony.

(b.) Continue together to the number of twelve, for one hour after such proclamation has been made, or if they know that its making was hindered as aforesaid, continue together and do not disperse themselves within one hour after such hindrance,—

Are guilty of felony and liable to imprisonment for life: Punishment.

2. No person shall be prosecuted for any offence under this section unless such prosecution is commenced within twelve months after the offence is committed. 31 V., c. 70, ss. 1, *part*, 6, 7 and 8.

Time for prosecution limited.

Persons continuing assembled may be apprehended.

3. If the persons so unlawfully, riotously and tumultuously assembled together as aforesaid, or twelve or more of them, continue together, and do not disperse themselves for the space of one hour after the proclamation is made, or after such hindrance as aforesaid, every such sheriff, mayor, justice and other officer as aforesaid, and every constable or other peace officer, and all persons required by them to assist, shall cause such persons to be apprehended and carried before a justice of the peace; and if any of the persons so assembled is killed or hurt, in the apprehension of such persons or in the endeavor to apprehend or disperse them, by reason of their resistance, every person ordering them to be apprehended or dispersed, and every person executing such orders, shall be indemnified against all proceedings of every kind in respect thereof. 31 V., c. 70, ss. 4 and 5.

Persons suppressing riot justified.

Unlawful meetings for drill prohibited.

4. All meetings and assemblies of persons for the purpose of training or drilling themselves, or of being trained or drilled to the use of arms, or for the purpose of practising military exercises, movements or evolutions, without lawful authority for so doing, are unlawful and prohibited. 31 V., c. 15, s. 1, *part*.

Punishment of persons acting as instructors.

5. Every one who is present at or attends any such meeting or assembly for the purpose of training any other person or persons to the use of arms or to the practice of military exercises, movements or evolutions, or who, without lawful authority for so doing, trains or drills any other person or persons to the use of arms, or to the practice of military exercises, movements or evolutions, or who aids or assists therein, is guilty of a misdemeanor and liable to two years' imprisonment. 31 V., c. 15, s. 1, *part*.

And of persons receiving instruction.

6. Every one who attends or is present at any such meeting or assembly, for the purpose of being, or who, at any such meeting or assembly, is trained or drilled to the use of arms, or to the practice of military exercises, movements or evolutions, is guilty of a misdemeanor and liable to two years' imprisonment. 31 V., c. 15, s. 1, *part*.

Meeting may be dispersed and persons attending it arrested.

7. Any justice of the peace, constable or peace officer, or any person acting in his aid or assistance, may disperse any such unlawful meeting or assembly as in the three sections next preceding mentioned, and may arrest and detain any person present at or aiding, assisting or abetting any such assembly or meeting as aforesaid; and the justice of the peace who arrests any such person or before whom any person so arrested is brought, may commit such person for trial for such offence, unless such person gives bail for his appearance at the next court of competent jurisdiction, to answer to any indictment which is preferred against him for any such offence. 31 V., c. 15, s. 2.

8. No one shall be prosecuted for any offence under the four sections next preceding unless such prosecution is commenced within six months after the offence is committed. Time for prosecution limited.
31 V., c. 15, s. 9.

9. All persons who, being riotously and tumultuously assembled together to the disturbance of the public peace, unlawfully and with force demolish, pull down or destroy or begin to demolish, pull down or destroy, any church, chapel, meeting-house or other place of divine worship, or any house, stable, coach-house, out-house, warehouse, office, shop, mill, malt-house, hop-oast, barn, granary, shed, hovel or fold, or any building or erection used in farming land, or in carrying on any trade or manufacture, or any branch thereof, — or any building other than such as are in this section before mentioned, belonging to Her Majesty, or to any county, municipality, riding, city, town, village, parish or place, or to any university or college or hall of any university, or to any corporation, or to any unincorporated body or society or persons associated for any lawful purpose, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, — or any machinery, whether fixed or movable, prepared for or employed in any manufacture or in any branch thereof, — or any steam engine or other engine for sinking, working, ventilating or draining any mine, or any staith, building or erection used in conducting the business of any mine, or any bridge, wagon-way or track for conveying minerals, from any mine, are guilty of felony, and liable to imprisonment for life. Rioters demolishing church, building, &c.
32-33 V., c. 22, s. 15. Punishment.

10. All persons who, being riotously and tumultuously assembled together to the disturbance of the public peace, unlawfully and with force injure or damage any such church, chapel, meeting-house, place of divine worship, house, stable, coach-house, out-house, warehouse, office, shop, mill, malt-house, hop-oast, barn, granary, shed, hovel, fold, building, erection, machinery, engine, staith, bridge, wagon-way or track, as in the next preceding section mentioned, are guilty of a misdemeanor, and liable to seven years' imprisonment. Rioters injuring buildings, machinery, &c.
32-33 V., c. 22, s. 16, *part*; — R. S. N. S. (3rd S.), c. 162, s. 6. Punishment.

11. Three or more persons who, having assembled, continue together with intent unlawfully to execute any common purpose with force and violence, or in a manner calculated to create terror and alarm, are guilty of an unlawful assembly, and liable to two years' imprisonment. Punishment for unlawful assembly.
R. S. N. S. (3rd S.), c. 162, s. 5; — 1 R. S. N. B., c. 147, s. 6.

12. Three or more persons who, having assembled, continue together with intent unlawfully to execute any common purpose with force and violence, or in any manner cal- Punishment for rout.

culated to create terror and alarm, and who endeavor to execute such purpose, are, although such purpose is not executed, guilty of a rout, and liable to three years' imprisonment. 1 R. S. N. B., c. 147, s. 7.

Punishment
for riot.

13. Three or more persons who, having assembled, continue together with intent unlawfully to execute any common purpose with force and violence, and who, wholly or in part, execute such purpose in a manner calculated to create terror and alarm, are guilty of a riot, and liable to four years' imprisonment. 1 R. S. N. B., c. 147, s. 8.

Punishment
for affray.

14. Two or more persons who fight together in a public place, in a manner calculated to create terror and alarm, are guilty of an affray, and liable, on summary conviction, to three months' imprisonment. R. S. N. S. (3rd S.), c. 162, s. 7;—1 R. S. N. B., c. 147, s. 9.

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CHAPTER 148.

An Act respecting the improper use of fire-arms and other weapons. A. D. 1886.

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

1. Every one who has upon his person a pistol or air gun without reasonable cause to fear an assault or other injury to his person or his family or property, may, upon complaint made before any justice of the peace, be required to find sureties for keeping the peace for a term not exceeding six months; and in default of finding such sureties, may be imprisoned for any term not exceeding thirty days. 40 V., c. 30, s. 1.

Person carrying pistol or air gun may be bound to keep the peace.

2. Every one who, when arrested either on a warrant issued against him for an offence or whilst committing an offence, has upon his person a pistol or air-gun, shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding fifty dollars and not less than twenty dollars, or to imprisonment for any term not exceeding three months. 40 V., c. 30, s. 2.

Having such weapon when arrested, &c.

3. Every one who has upon his person a pistol or air gun, with intent therewith unlawfully and maliciously to do injury to any other person, shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for any term not exceeding six months; and the fact of the pistol or air-gun being on the person shall be *prima facie* evidence of such intent. 40 V., c. 30, s. 3.

Or with intent to injure any person.

4. Every one who, without lawful excuse, points at another person any firearm or air-gun, whether loaded or unloaded, shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding fifty dollars and not less than twenty dollars, or to imprisonment for any term not exceeding thirty days. 40 V., c. 30, s. 4.

Pointing firearm at any person.

5. Every one who carries about his person any bowie-knife, dagger or dirk, or any weapons called or known as iron knuckles, skull-crackers or slung shot, or other offensive weapons of a like character, or secretly carries about

Carrying daggers or other weapons.

his person any instrument loaded at the end, or sells or exposes for sale, publicly or privately, any such weapon, shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding fifty dollars and not less than ten dollars, and in default of payment thereof, to imprisonment for any term not exceeding thirty days. 32-33 V., c. 20, s. 72.

Carrying sheath knives in seaport towns.

6. Every one who is found, in any of the seaport towns or cities of Canada, carrying about his person any sheath-knife, shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding forty dollars and not less than ten dollars, and in default of payment thereof, to imprisonment for any term not exceeding thirty days: but nothing in this section contained shall apply to seamen or riggers when occupied or engaged in their lawful trade or calling. 32-33 V., c. 20, s. 73.

Exception.

Weapon to be impounded.

7. The court or justice before whom any person is convicted of any offence against the provisions of the preceding sections, shall impound the weapon for carrying which such person is convicted, and if the weapon is not a pistol, shall cause it to be destroyed; and if the weapon is a pistol, the court or justice shall cause it to be handed over to the corporation of the municipality in which the conviction takes place, for the public uses of such corporation:

Disposal thereof.

If there is no municipality.

2. If the conviction takes place where there is no municipality, the pistol shall be handed over to the Lieutenant Governor of the Province in which the conviction takes place, for the public uses thereof in connection with the administration of justice therein. 32-33 V., c. 20, s. 75;—45 V., c. 39, ss. 1 and 2.

Openly carrying dangerous weapons.

8. If two or more persons openly carry dangerous or unusual weapons in any public place, in such a manner and under such circumstances as are calculated to create terror and alarm, each of such persons shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding forty dollars and not less than ten dollars, and in default of payment to imprisonment for any term not exceeding thirty days. R. S. N. S. (3rd S.), c. 162, s. 8;—1 R. S. N. B., c. 147, s. 10.

Time for prosecution limited.

9. No prosecution under this Act shall be commenced unless within one month after the commission of the offence charged. 32-33 V., c. 20, s. 76.

Exception as to soldiers, &c.

10. Nothing hereinbefore contained shall affect the right of any soldier, sailor or volunteer in Her Majesty's service, constable or other policeman, to carry loaded pistols in the discharge of his duty. 40 V., c. 30, s. 7.



CHAPTER 149.

An Act respecting the seizure of Arms kept for dangerous purposes. A. D. 1886.

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

1. In this Act, unless the context otherwise requires, the expression “arms” includes any pike, pike-head, spear, dirk, dagger, sword, pistol, gun, rifle or other weapon, gunpowder, lead, cartridges, bullets and other ammunition or munitions of war.

Interpretation.

“Arms.”

2. Any justice of the peace, upon information on oath of one or more credible witnesses, that any arms are, for any purpose dangerous to the public peace, in the possession of any person, or in any house or place, may issue his warrant to any constable or any other peace officer, to search for and seize any such arms which are in the possession of any such person, or in any such house or place as aforesaid, and to arrest any person having such possession as aforesaid,—and if admission into such house or place is refused, or not obtained within a reasonable time after it has been first demanded, to enter by force, by day or by night, into every such house or place whatsoever,—and to detain or cause to be detained such person, and to keep in safe custody, in such place as the said justice appoints and directs, the arms so found and seized, unless the owner thereof proves, to the satisfaction of such justice, that such arms were not kept for any purpose dangerous to the public peace; and every such person who has the possession or custody of any such arms, and is so arrested, shall be brought before any justice of the peace, and may be dealt with, tried and punished in the manner hereinafter provided. 31 V., c. 15, s. 3.

Arms kept for any unlawful purpose may be seized.

Person in possession thereof may be arrested.

3. Any person from whom any such arms are so taken may, if the justice of the peace upon whose warrant the same are taken, upon application made for that purpose, refuses to restore the same, apply to a judge of a superior or county court for the restitution of such arms, upon giving ten days' previous notice of such application to such justice; and such judge shall make such order for the restitution or safe custody of such arms as, upon such application, appears to him to be proper. 31 V., c. 15, s. 4.

Decision of claims for restitution of such arms.

Persons carrying such arms may be arrested.

4. Any justice of the peace, constable, peace officer or other person acting under the warrant of any justice of the peace, or any person acting with or in aid of any justice of the peace, or of any constable or peace officer, having such warrant as aforesaid, may arrest and detain any person found carrying any such arms, in such manner and at such times as, in the judgment of such justice of the peace, affords just grounds of suspicion that the same are for purposes dangerous to the public peace; and the justice of the peace who arrests any such person, or before whom any person arrested upon such warrant is brought, may commit such person for trial for a misdemeanor; and such person shall be liable to be tried for a misdemeanor for carrying such arms and, on conviction, shall be punished by fine or imprisonment, or both, in the discretion of the court; but any such person may, before conviction, give good and sufficient bail for his appearance at the next court of competent jurisdiction, to answer to any indictment which is preferred against him. 31 V., c. 15, s. 5.

May be admitted to bail.

Concurrent jurisdiction of the peace.

5. All justices of the peace in and for any district, county, city, town or place, in Canada, shall have concurrent jurisdiction as justices of the peace, with the justices of any other district, county, city, town or place, in all cases with respect to the carrying into execution the provisions of this Act, and with respect to all matters and things relating to the preservation of the public peace under this Act, as fully and effectually as if each of such justices was in the commission of the peace, or was *ex officio* a justice of the peace for each of such districts, counties, cities, towns or places. 31 V., c. 15, s. 6.

Time for prosecution limited.

6. No person shall be prosecuted for any offence done or committed against the provisions of this Act, unless such prosecution is commenced within six months after the offence is committed. 31 V., c. 15, s. 9.

This Act may be suspended and again brought into force.

7. The Governor in Council may, from time to time, by proclamation, suspend the operation of this Act in any Province of Canada or in any particular district, county or locality specified in the proclamation; and from and after the period specified in any such proclamation, the powers given by this Act shall be suspended in such Province, district, county or locality; but nothing herein contained shall prevent the Governor in Council from again declaring, by proclamation, that any such Province, district, county or locality shall be again subject to this Act and the powers hereby given, and upon such proclamation this Act shall be revived and in force accordingly. 31 V., c. 15, s. 8.



CHAPTER 150.

An Act respecting Explosive Substances.

A. D. 1886.

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

1. This Act may be cited as "*The Explosive Substances Act.*" 48-49 V., c. 7, s. 1. Short title.

2. In this Act, unless the context otherwise requires,— Interpretation.
(a.) The expression "Attorney General" means the Attorney General of the Province of Canada in which any proceedings are taken under this Act, and, with respect to the North-West Territories and the District of Keewatin, the Attorney General of Canada; "Attorney General."

(b.) The expression "explosive substance" includes any materials for making any explosive substance: also any apparatus, machine, implement, or materials used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; and also any part of any such apparatus, machine or implement. 48-49 V., c. 7, s. 2. "Explosive substance."

3. Every person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property is, whether any injury to person or property is actually caused or not, guilty of felony, and liable to imprisonment for life. 48-49 V., c. 7, s. 3. Punishment for maliciously causing dangerous explosions.

4. Every person who unlawfully and maliciously— Maliciously doing acts, or conspiring to cause such explosions.
(a.) Does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion of a nature likely to endanger life, or to cause serious injury to property, or—

(b.) Makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or to cause serious injury to property or to enable any other person by means thereof to endanger life or to cause serious injury to property,— Maliciously making or having explosive substances with intent.

Is, whether any explosion takes place or not, and whether any injury to person or property is actually caused or not, guilty of felony, and liable to fourteen years' imprisonment. 48-49 V., c. 7, s. 4. Punishment.

Making or having explosives without reasonable and lawful cause.

Burden of proof.

Punishment.

Accused and his wife, or *vice versa* may be witnesses.

Attorney General's consent for further proceedings.

As to counts of indictment.

Venue.

Attorney General may order inquiry.

Jurisdiction of a justice of the peace under such order.

Certain provisions applicable to witnesses in cases under this Act.

5. Every person who makes or knowingly has in his possession or under his control any explosive substance under such circumstances as to give rise to a reasonable suspicion that he is not making it or has it not in his possession or under his control for a lawful object, is, unless he can show that he made it or had it in his possession or under his control for a lawful object, guilty of felony, and liable to seven years' imprisonment :

2. In any proceeding against any person for any offence under this section such person and his wife, or her husband, as the case may be, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case :

3. If any person is charged before a justice of the peace with any offence under this section, no further proceeding shall be taken against such person without the consent of the Attorney General, except such as the justice of the peace thinks necessary by remand or otherwise, to secure the safe custody of such person. 48-49 V., c. 7, s. 5.

6. The same criminal act may be charged in different counts of an indictment as constituting different offences under this Act, and upon the trial of any such indictment the prosecutor shall not be put to his election as to the count on which he must proceed. 48-49 V., c. 7, s. 6.

7. Every person accused of any offence under this Act may be dealt with, indicted, tried and punished in the district, county or place in which the offence is committed or in which he is apprehended, or is in custody. 48-49 V., c. 7, s. 7.

8. If the Attorney General has reasonable ground to believe that any offence under this Act has been committed, he may order an inquiry, and thereupon any justice of the peace for the district, county or place in which the offence was committed or is suspected to have been committed, who is authorized in that behalf by the Attorney General, may, although no person is charged before him with the commission of such crime, examine on oath concerning such crime any witness appearing before him, and may take the deposition of such witness, and, if he sees cause, may bind such witness by recognizance to appear and give evidence at the next court of competent jurisdiction, or when called upon within three months from the date of such recognizance ; and the law relating to the compelling of the attendance of a witness before a justice of the peace, and to a witness attending before a justice of the peace and required to give evidence concerning the matter of an information or complaint, shall apply to compelling the attendance of a witness for examination, and to a witness attending under this section :

2. A witness examined under this section shall not be excused from answering any question on the ground that the answer thereto may criminate, or tend to criminate, himself; but any statement made by any person in answer to any question put to him on any examination under this section, shall not, except in the case of an indictment or other criminal proceeding for perjury, be admissible in evidence against him in any proceeding, civil or criminal:

Witness may not refuse to answer on certain grounds. When only answer admissible against him.

3. A justice of the peace who conducts the examination under this section, of a person concerning any offence, shall not take part in the committing for trial of such person for such offence. 48-49 V., c. 7, s. 8.

Examining justice not to commit for trial.

9. Whenever any person is bound by recognizance to give evidence before a justice of the peace, or any criminal court, in respect of any offence under this Act, any justice of the peace, if he sees fit, upon information being made in writing and on oath, that such person is about to abscond, or has absconded, may issue his warrant for the arrest of such person; and if such person is arrested any justice of the peace, upon being satisfied that the ends of justice would otherwise be defeated, may commit such person to prison until the time at which he is bound by such recognizance to give evidence, unless in the meantime he produces sufficient sureties; but any person so arrested shall be entitled on demand to receive a copy of the information upon which the warrant for his arrest was issued. 48-49 V., c. 7, s. 9.

Arrest and commitment of absconding witnesses.

Witness to have copy of information.

10. Any justice of the peace for any district, county or place, in which any explosive substance is suspected to be made, kept or carried for any unlawful object, may, upon reasonable cause assigned upon oath by any person, issue a warrant under his hand and seal for searching any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf or other place, or any carriage, wagon, cart, ship, boat or vessel, in which the same is suspected to be made, kept or carried for such object. 48-49 V., c. 7, s. 10.

Search warrants for explosives.

11. Every person acting in the execution of any such warrant may seize any explosive substance which he has good cause to suspect is intended to be used for any unlawful object,—and shall, with all convenient speed, after the seizure, remove the same to such proper place as he thinks fit, and detain the same until ordered by a judge of a superior court to restore it to the person who claims the same. 48-49 V., c. 7, s. 11.

Seizure under search warrant.

Proceeding on such seizure.

12. Any explosive substance seized under the provisions of this Act, shall, in the event of the person in whose possession the same is found, or of the owner thereof, being convicted of any offence under this Act, be forfeited; and

Disposal of explosives seized under this Act.

the same shall be destroyed or sold under the direction of the court before which such person is convicted, and, in the case of sale, the proceeds arising therefrom shall be paid to the Minister of Finance and Receiver General, for the public uses of Canada. 48-49 V., c. 7, s. 12.

Person
searching or
seizing liable
for wilful
neglect only.

13. The person who so searches or seizes shall not be liable to any suit for detaining such explosive substance, or for any loss or damage which happens thereto, without the wilful act or neglect of himself or of the person whom he intrusts with the keeping thereof. 48-49 V., c. 7, s. 13.

Offender not
exempt from
punishment
for other
offences.

14. This Act shall not exempt any person from any indictment or proceeding for any offence which is punishable at common law, or by any other Act; but no person shall be twice punished for the same criminal act. 48-49 V., c. 7, s. 14.

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CHAPTER 151.

An Act respecting the Preservation of Peace in the vicinity of Public Works. A. D. 1886.

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

INTERPRETATION.

1. In this Act, unless the context otherwise requires,—
- (a.) The expression "this Act" means such section or sections thereof as are in force, by virtue of any proclamation, in the place or places with reference to which the Act is to be construed and applied; Interpretation.
"This Act."
 - (b.) The expression "commissioner" means a commissioner under this Act; "Commissioner."
 - (c.) The expression "weapon" includes any gun or other firearm, or air-gun or any part thereof, or any sword, sword-blade, bayonet, pike, pike-head, spear, spear-head, dirk, dagger, or other instrument intended for cutting or stabbing, or any steel or metal knuckles, or other deadly or dangerous weapon, and any instrument or thing intended to be used as a weapon, and all ammunition which may be used with or for any weapon; "Weapon."
 - (d.) The expression "intoxicating liquor" means and includes any alcoholic, spirituous, vinous, fermented or other intoxicating liquor, or any mixed liquor, a part of which is spirituous or vinous, fermented or otherwise intoxicating; "Intoxicating liquor."
 - (e.) The expression "district, county or place," includes any division of any Province for the purposes of the administration of justice in the matter to which the context relates; "District,
"county or
"place."
 - (f.) The expression "public work" means and includes any railway, canal, road, bridge or other work of any kind, and any mining operation constructed or carried on by the Government of Canada, or of any Province of Canada, or by any municipal corporation, or by any incorporated company, or by private enterprise. 32-33 V., c. 24, s. 2, *part*, and s. 21;—33 V., c. 28, s. 2, *part*;—48-49 V., c. 80, s. 1. "Public
"work."

PROCLAMATION.

2. The Governor in Council may, as often as occasion requires, declare, by proclamation, that upon and after a day Act may be
declared in
force at any

place designated.

therein named, this Act, or any section or sections thereof, shall be in force in any place or places in Canada in such proclamation designated, within the limits or in the vicinity whereof any public work is in course of construction, or in such places as are in the vicinity of any public work, within which he deems it necessary that this Act, or any section or sections thereof, should be in force, and this Act, or any such section or sections thereof, shall, upon and after the day named in such proclamation, take effect within the places designated therein :

Revocation and renewal of order.

2. The Governor in Council may, in like manner, from time to time, declare this Act, or any section or sections thereof, to be no longer in force in any such place or places,—and may again, from time to time, declare this Act, or any section or sections thereof, to be in force therein :

As to cities.

3. No such proclamation shall have effect within the limits of any city :

To be judicially noticed.

4. All courts, magistrates and justices of the peace shall take judicial notice of every such proclamation. 48-49 V., c. 80, s. 2.

WEAPONS.

Delivery of arms to commissioner.

3. On or before the day named in such proclamation, every person employed on or about any public work, to which the same relates, shall bring and deliver up, to some commissioner or officer appointed for the purposes of this Act, every weapon in his possession, and shall obtain from such commissioner or officer a receipt for the same. 32-33 V., c. 24, s. 3.

Seizure of arms not delivered.

4. Every weapon found in the possession of any person employed, as aforesaid, after the day named in any proclamation and within the limits designated in such proclamation, may be seized by any justice of the peace, commissioner, constable or other peace officer,—and shall be forfeited to the use of Her Majesty. 32-33 V., c. 24, s. 5.

Punishment for keeping arms when Act is in force.

5. Every one employed upon or about any public work, within the place or places in which this Act is then in force, who, upon or after the day named in such proclamation, keeps or has in his possession or under his care or control, within any such place, any weapon, shall incur a penalty not exceeding four dollars and not less than two dollars for every such weapon found in his possession. 32-33 V., c. 24, s. 2, *part.*

Punishment for unlawfully concealing arms.

6. Every one who, for the purpose of defeating this Act, receives or conceals, or aids in receiving or concealing, or procures to be received or concealed, within any place in which this Act is at the time in force, any weapon belonging to or in the custody of any person employed on or about

any public work, shall incur a penalty not exceeding one hundred dollars and not less than forty dollars, and a moiety of such penalty shall belong to the informer and the other moiety to Her Majesty, for the public uses of Canada. 32-33 V., c. 24, s. 6.

7. Any commissioner or justice of the peace, constable or peace officer, or any person acting under a warrant, in aid of any constable or peace officer, may arrest and detain any person employed on any public work, found carrying any weapon, within any place in which this Act is, at the time, in force, at such time and in such manner as, in the judgment of such commissioner, justice of the peace, constable or peace officer, or person acting under a warrant, affords just cause of suspicion that it is carried for purposes dangerous to the public peace; and every one so employed, who so carries any such weapon, is guilty of a misdemeanor,—and the justice of the peace or commissioner arresting such person, or before whom he is brought under such a warrant, may commit him for trial for a misdemeanor, unless he gives sufficient bail for his appearance at the next term or sitting of the court before which the offence can be tried, to answer to any indictment to be then preferred against him. 32-33 V., c. 24, s. 8.

Persons unlawfully carrying arms may be arrested.

And committed.

8. Any commissioner appointed under this Act, or any justice of the peace having authority within the place in which this Act is at the time in force, upon the oath of a credible witness that he believes that any weapon is in the possession of any person or in any house or place contrary to the provisions of this Act, may issue his warrant to any constable or peace officer to search for and seize the same,—and he, or any person in his aid, may search for and seize the same in the possession of any person, or in any such house or place. 32-33 V., c. 24, s. 7, *part*.

Search warrant may be issued.

9. If admission to any such house or place is refused after demand, such constable or peace officer, and any person in his aid, may enter the same by force, by day or by night, and seize any such weapon and deliver it to such commissioner; and unless the person in whose possession or in whose house or premises the same is found, within four days next after the seizure, proves to the satisfaction of such commissioner or justice of the peace that the weapon so seized was not in his possession or in his house or place contrary to the meaning of this Act, such weapon shall be forfeited to the use of Her Majesty. 32-33 V., c. 24, s. 7, *part*.

Right of entry for search.

Forfeiture of arms found.

10. All weapons declared forfeited under this Act shall be sold or destroyed under the direction of the commissioner by whom or by whose authority the same are seized, and the proceeds of such sale, after deducting necessary expenses, shall be received by such commissioner and paid over by

Disposal of forfeited arms

him to the Minister of Finance and Receiver General, for the public uses of Canada. 32-33 V., c. 24, s. 10.

Restitution of arms when Act is no longer in force.

11. Whenever this Act ceases to be in force within the place where any weapon has been delivered and detained in pursuance thereof, or whenever the owner or person lawfully entitled to any such weapon satisfies the commissioner that he is about to remove immediately from the limits within which this Act is at the time in force, the commissioner may deliver up to the owner or person authorized to receive the same, any such weapon, on production of the receipt given for it. 32-33 V., c. 24, s. 4.

Monthly returns to be made.

12. Every commissioner under this Act shall make a monthly return to the Secretary of State of all weapons delivered to him, and by him detained under this Act. 32-33 V., c. 24, s. 9.

INTOXICATING LIQUOR.

Sale of liquor prohibited.

13. Upon and after the day named in such proclamation and during such period as such proclamation remains in force, no person shall, at any place within the limits specified in such proclamation, sell, barter or, directly or indirectly, for any matter, thing, profit or reward, exchange, supply or dispose of, any intoxicating liquor; nor expose, keep or have in possession any intoxicating liquor intended to be dealt with in any such way:

Possession of liquors for sale prohibited.

Proviso.

2. The provisions of this section shall not extend to any person selling intoxicating liquor by wholesale, and not retailing the same, if such person is a licensed distiller or brewer. 48-49 V., c. 80, s. 3, *part.*

Penalty for contravention.

14. Every one who, by himself, his clerk, servant, agent or other person, violates any of the provisions of the next preceding section, is guilty of an offence against this Act, and, on a first conviction, shall be liable to a penalty of forty dollars and costs, and, in default of payment, to imprisonment for a term not exceeding three months,—and on every subsequent conviction, to the said penalty and the said imprisonment in default of payment, and also to further imprisonment for a term not exceeding six months. 48-49 V., c. 80, s. 3, *part.*

Agent to be liable to same penalty as principal.

15. Every clerk, servant, agent or other person who, being in the employment of, or on the premises of another person, violates or assists in violating any of the provisions of the thirteenth section of this Act, for the person in whose employment or on whose premises he is, shall be equally guilty with the principal offender, and shall be liable to the penalties mentioned in the next preceding section. 48-49 V., c. 80, s. 3, *part.*

16. If any person makes oath or affirmation before any commissioner or justice of the peace, that he has reason to believe, and does believe, that any intoxicating liquor with respect to which a violation of the provisions of the thirteenth section of this Act has been committed or is intended to be committed is, within the limits specified in any proclamation by which this Act has been proclaimed to be in force, on board of any steam-boat, vessel, boat, canoe, raft or other craft, or in or about any building or premises, or in any carriage, vehicle or other conveyance, or at any place, the commissioner or justice of the peace shall issue a search-warrant to any sheriff, police officer, constable or bailiff who shall forthwith proceed to search the steam-boat, vessel, boat, canoe, raft, other craft, building, premises, carriage, vehicle, conveyance or place described in such search-warrant; and if any intoxicating liquor is found therein or thereon the person executing such search-warrant shall seize the intoxicating liquor and the barrels, casks, jars, bottles or other packages in which it is contained and shall keep it and them secure until final action is had thereon :

Search for and seizure of liquor, on information and warrant.

Seized liquor to be securely kept.

2. No dwelling house in which, or in part of which, or on the premises whereof, a shop or bar is not kept, shall be searched, unless the said informant also makes oath or affirmation that some offence in violation of the provisions of the thirteenth section of this Act has been committed therein or therefrom within one month next preceding the time of making his said information for a search-warrant :

Proviso: where there is no shop or bar.

3. The owner, keeper or person in possession of the intoxicating liquor so seized, if he is known to the officer seizing the same, shall be summoned forthwith by the commissioner or justice of the peace who issued the search warrant to appear before such commissioner or justice of the peace; and if he fails so to appear, or if it appears to the satisfaction of such commissioner or justice of the peace that a violation of the provisions of the thirteenth section of this Act has been committed or is intended to be committed, with respect to such intoxicating liquor, it shall be declared forfeited, with any package in which it is contained, and shall be destroyed by authority of the written order to that effect of such commissioner or justice, and in his presence or in the presence of some person appointed by him to witness the destruction thereof; and the commissioner or justice, or the person so appointed by him, and the officer by whom the said intoxicating liquor has been destroyed, shall jointly attest, in writing upon the back of the said order, the fact that it has been destroyed :

Owner to be summoned.

Liquor forfeited and to be destroyed.

Attestation of destruction.

4. The owner, keeper or person in possession of any intoxicating liquor seized and forfeited under the provisions of this section may be convicted of an offence against the thirteenth section of this Act without any further information laid or trial had, and shall be liable to the penalties

Owner, keeper or person in possession may be convicted at once.

mentioned in the fourteenth section of this Act. 48-49 V., c. 80, s. 3, *part*.

If owner is unknown.

17. If the owner, keeper or possessor of intoxicating liquor seized under the next preceding section is unknown to the officer seizing the same, it shall not be condemned and destroyed until the fact of such seizure, with the number and description of the packages, as near as may be, has been advertised, for two weeks, by posting up a written or a printed notice and description thereof, in at least three public places of the place where it was seized :

Seizure to be advertised before liquor is destroyed.

When liquor may be delivered to owner.

2. If it is proved within such two weeks, to the satisfaction of the commissioner or justice by whose authority such intoxicating liquor was seized, that with respect to such intoxicating liquor no violation of the provisions of the thirteenth section of this Act has been committed or is intended to be committed, it shall not be destroyed, but shall be delivered to the owner, who shall give his receipt therefor in writing upon the back of the search-warrant, which shall be returned to the commissioner or justice who issued the same ; but if, after such advertisement as aforesaid, it appears to such commissioner or justice that a violation of the provisions of the thirteenth section of this Act has been committed or is intended to be committed, then such intoxicating liquor, with any package in which it is contained, shall be forfeited and destroyed, according to the provisions of the next preceding section. 48-49 V., c. 80, s. 3, *part*.

Forfeiture and destruction in other cases.

Money paid or consideration given for liquor sold contrary to Act, may be recovered.

18. Any payment or compensation, whether in money or securities for money, labor or property of any kind, for intoxicating liquor sold, bartered, exchanged, supplied or disposed of, contrary to the provisions of the thirteenth section of this Act, shall be held to have been criminally received without consideration, and against law, equity and good conscience, and the amount or value thereof may be recovered from the receiver by the person making, paying or furnishing such payment or compensation ; and all sales, transfers, conveyances, liens and securities of every kind, which either in whole or in part have been made or given for or on account of intoxicating liquor sold, bartered, exchanged, supplied or disposed of contrary to the provisions of the thirteenth section of this Act, shall be void against all persons, and no right shall be acquired thereby ; and no action of any kind shall be maintained, either in whole or in part, for or on account of intoxicating liquor sold, bartered, exchanged, supplied or disposed of, contrary to the provisions of the said section. 48-49 V., c. 80, s. 3, *part*.

No action to lie for or on account of such liquor.

Evidence of precise description of liquor not necessary,

19. In any prosecution under this Act for any offence with respect to intoxicating liquor, it shall not be necessary that any witness should depose directly to the precise description of the liquor with respect to which the offence has

been committed, or to the precise consideration therefor, or to the fact of the offence having been committed with his participation or to his own personal and certain knowledge; but the commissioner or justice of the peace trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the offence complained of, shall put the defendant on his defence, and in default of such evidence being rebutted, shall convict the defendant accordingly. 48-49 V., c. 80, s. 4.

nor of personal knowledge of sale, &c.

GENERAL PROVISIONS.

20. Any commissioner or justice of the peace may hear and determine, in a summary manner, any case arising within his jurisdiction under this Act; and every person making complaint against any other person for violating this Act, or any provision thereof, before such commissioner or justice, may be admitted as a witness; and the commissioner or justice of the peace before whom the examination or trial is had, may, if he thinks there was probable cause for the prosecution, order that the defendant shall not recover costs, although the prosecution fails. 32-33 V., c. 24, s. 17.

Procedure and powers of the commissioner or justice.

21. All the provisions of every law respecting the duties of justices of the peace in relation to summary convictions and orders, and to appeals from such convictions, and for the protection of justices of the peace when acting as such, or to facilitate proceedings by or before them in matters relating to summary convictions and orders, shall, in so far as they are not inconsistent with this Act, apply to every commissioner or justice of the peace mentioned in this Act or empowered to try offenders against this Act; and every such commissioner shall be deemed a justice of the peace within the meaning of any such law, whether he is or is not a justice of the peace for other purposes. 32-33 V., c. 24, s. 18.

Certain Acts to apply.

Commissioner to be deemed a justice.

22. On the trial of any proceeding, matter or question under this Act, the person opposing or defending, and the wife or husband of such person, shall be competent to give evidence. 48-49 V., c. 80, s. 5.

Defendant and his consort competent witnesses.

23. No action or other proceeding, warrant, judgment, order or other instrument or writing, authorized by this Act or necessary to carry out its provisions, shall be held void or be allowed to fail for defect of form. 32-33 V., c. 24, s. 20.

Defect of form not to invalidate proceedings.

24. Every action brought against any commissioner or justice of the peace, constable, peace officer or other person, for anything done in pursuance of this Act, shall be commenced within six months next after the alleged cause of action arises; and the venue shall be laid or the action instituted in the district or county or place where the cause of action arose;

Limitation of time for actions against persons acting under this Act, &c.

and the defendant may plead the general issue and give this Act and the special matter in evidence; and if such action is brought after the time limited, or the venue is laid or the action brought in any other district, county or place than as above prescribed, the judgment or verdict shall be given for the defendant; and in such case, or if the judgment or verdict is given for the defendant on the merits, or if the plaintiff becomes non-suited or discontinues after appearance is entered, or has judgment rendered against him on demurrer, the defendant shall be entitled to recover double costs. 32-33 V., c. 24, s. 19.

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CHAPTER 152.

An Act respecting the Preservation of Peace at Public Meetings. A. D. 1886.

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

1. Any justice of the peace within whose jurisdiction any public meeting is appointed to be held, may demand, have and take of and from any person attending such meeting, or on his way to attend the same, any offensive weapon, such as fire-arms, swords, staves, bludgeons, or the like, with which any such person is so armed, or which any such person has in his possession; and every such person who, upon such demand, declines or refuses to deliver up, peaceably and quietly, to such justice of the peace, any such offensive weapon as aforesaid, is guilty of a misdemeanor, and such justice may thereupon record the refusal of such person to deliver up such weapon, and adjudge him to pay a penalty not exceeding eight dollars,—which penalty shall be levied in like manner as penalties are levied under the "*Act respecting summary proceedings before Justices of the Peace,*" or such person may be proceeded against by indictment or information, as in other cases of misdemeanor; but such conviction shall not interfere with the power of such justice, or any other justice of the peace, to take such weapon, or cause the same to be taken from such person, without his consent and against his will, by such force as is necessary for that purpose. C. S. C., c. 82, s. 15.

Justices of the peace may disarm persons attending a meeting.

Punishment of person refusing to surrender weapons.

Conviction not to prevent disarming.

2. Upon reasonable request to any justice of the peace, to whom any such weapon has been peaceably and quietly delivered as aforesaid, made on the day next after the meeting has finally dispersed, and not before, such weapon shall, if of the value of one dollar or upwards, be returned by such justice of the peace to the person from whom the same was received. C. S. C., c. 82, s. 16.

Restitution of weapons.

3. No such justice of the peace shall be held liable to return any such weapon, or make good the value thereof, if the same, by unavoidable accident, has been actually destroyed or lost out of the possession of such justice without his wilful default. C. S. C., c. 82, s. 17.

No liability in case of accidental loss.

Punishment
of persons
convicted of
battery near a
meeting.

4. Every person who is convicted of a battery, committed within the distance of two miles of the place appointed for the holding of such public meeting and during any part of the day whereon any such meeting has been appointed to be held, shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both. C. S. C., c. 82, s. 18.

Punishment
of persons
approaching
a meeting
armed.

5. Every person, except the sheriff, deputy sheriff and justices of the peace for the district or county, or the mayor and justices of the peace for the city or town respectively, in which any such meeting is held, and the constables and special constables employed by them, or any of them, for the preservation of the public peace at such meeting, who, during any part of the day upon which such meeting is appointed to be held, comes within two miles of the place appointed for such meeting, armed with any offensive weapon of any kind, as fire-arms, swords, staves, bludgeons, or the like, is guilty of a misdemeanor, and liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both. C. S. C., c. 82, s. 19.

Punishment of
persons lying
in wait.

6. Every person who lies in wait for any person returning, or expected to return, from any such public meeting, with intent to commit an assault upon such person, or with intent, by abusive language, opprobrious epithets or other offensive demeanor, directed to, at or against such person, to provoke such person, or those who accompany him, to a breach of the peace, is guilty of a misdemeanor, and liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months, or to both. C. S. C., c. 82, s. 20.

Time for
actions
limited.

7. No action shall be brought against any person for anything done by him under authority of this Act, unless within twelve months next after the cause of such action accrued. C. S. C., c. 82, s. 21.



CHAPTER 153.

An Act respecting Prize Fighting.

A. D. 1886.

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

1. In this Act, unless the context otherwise requires, the expression "prize fight" means an encounter or fight with fists or hands, between two persons who have met for such purpose by previous arrangement made by or for them. 44 V., c. 30, s. 1. Interpretation. "Prize fight."

2. Every one who sends or publishes, or causes to be sent or published, or otherwise made known, any challenge to fight a prize fight, or accepts any such challenge, or causes the same to be accepted, or goes into training preparatory to such fight, or acts as trainer or second to any person who intends to engage in a prize fight, is guilty of a misdemeanor, and liable, on summary conviction, to a penalty not exceeding one thousand dollars and not less than one hundred dollars, or to imprisonment for a term not exceeding six months, or to both. 44 V., c. 30, s. 2. Punishment of person challenging to or preparing for a prize fight.

3. Every one who engages as a principal in a prize fight is guilty of a misdemeanor, and liable, on summary conviction, to imprisonment for a term not exceeding twelve months and not less than three months. 44 V., c. 30, s. 3. Punishment of principal in prize fight.

4. Every one who is present at a prize fight as an aid, second, surgeon, umpire, backer, assistant or reporter, or who advises, encourages or promotes such fight, is guilty of a misdemeanor, and liable, on summary conviction, to a penalty not exceeding five hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding twelve months, or to both. 44 V., c. 30, s. 4. And of aiders and abettors.

5. Every one who, being an inhabitant or resident of Canada, leaves Canada with intent to engage in a prize fight without the limits thereof, is guilty of a misdemeanor, and liable, on summary conviction, to a penalty not exceeding four hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both. 44 V., c. 30, s. 5. Punishment for leaving Canada to engage in a prize fight.

Proceedings
when prize
fight is about
to take place.

Arrest.

Recogniz-
ance.

Commitment
in default.

6. If, at any time, the sheriff of any county, place or district in Canada, any chief of police, any police officer, or any constable, or other peace officer, has reason to believe that any person within his bailiwick or jurisdiction is about to engage as principal in any prize fight within Canada, he shall forthwith arrest such person and take him before some person having authority to try offences against this Act, and shall forthwith make complaint in that behalf, upon oath, before such person; and thereupon such person shall inquire into the charge, and if he is satisfied that the person so brought before him was, at the time of his arrest, about to engage as a principal in a prize fight, he shall require the accused to enter into a recognizance, with sufficient sureties, in a sum not exceeding five thousand dollars and not less than one thousand dollars, conditioned that the accused will not engage in any such fight within one year from and after the date of such arrest; and in default of such recognizance, the person before whom the accused has been brought shall commit the accused to the gaol of the county, district or city within which such inquiry takes place, or if there is no common gaol there, then to the common gaol which is nearest to the place where such inquiry is had, there to remain until he gives such recognizance with such sureties. 44 V., c. 30, s. 6.

Sheriff may
prevent prize
fight by force.

7. If any sheriff has reason to believe that a prize fight is taking place or is about to take place within his jurisdiction as such sheriff, or that any persons are about to come into Canada at a point within his jurisdiction, from any place outside of Canada, with intent to engage in, or to be concerned in, or to attend any prize fight within Canada, he shall forthwith summon a force of the inhabitants of his district or county sufficient for the purpose of suppressing and preventing such fight,—and he shall, with their aid, suppress and prevent the same, and arrest all persons present thereat, or who come into Canada as aforesaid, and shall take them before some person having authority to try offences against this Act, to be dealt with according to law, and fined or imprisoned, or both, or compelled to enter into recognizances with sureties, as hereinbefore provided, according to the nature of the case. 44 V., c. 30, s. 7.

Who shall be
competent
witnesses, &c.

8. Every person offending against any of the provisions of this Act, except the principals engaged or intending to engage in a prize fight, shall be competent and compellable to give evidence in any proceeding under this Act, in the same manner and to the same extent as other persons; and no person examined as a witness shall be excused from answering any question on the ground that his answer will tend to criminate him; but his evidence shall not be used against him in any proceeding or prosecution whatsoever,

and he shall not be liable to punishment for the offence respecting which he is required to testify. 44 V., c. 30, s. 8.

9. If, after hearing evidence of the circumstances connected with the origin of the fight or intended fight, the person before whom a complaint is made under this Act is satisfied that such fight or intended fight was *bond fide* the consequence or result of a quarrel or dispute between the principals engaged or intended to engage therein, and that the same was not an encounter or fight for a prize, or on the result of which the handing over or transfer of money or property depends, such person may, in his discretion, discharge the accused or impose upon him a penalty not exceeding fifty dollars. 44 V., c. 30, s. 9.

If the fight was not a prize fight but an actual quarrel.

10. Every judge of a superior court or of a county court, judge of the sessions of the peace, stipendiary magistrate, police magistrate, and commissioner of police of Canada shall, within the limits of his jurisdiction as such judge, magistrate or commissioner, have all the powers of a justice of the peace with respect to offences against this Act. 44 V., c. 30, s. 10, *part*.

Certain judges to have powers of justices of the peace.

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CHAPTER 154.

An Act respecting Perjury.

A. D. 1866.

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

1. Every one who commits perjury or subornation of perjury is guilty of a misdemeanor, and liable to a fine in the discretion of the court and to fourteen years' imprisonment. Punishment of perjury.
32-33 V., c. 23, s. 1.

2. Every one who,—

(a.) Having taken any oath, affirmation, declaration or affidavit in any case in which by any Act or law in force in Canada, or in any Province of Canada, it is required or authorized that facts, matters or things be verified, or otherwise assured or ascertained, by or upon the oath, affirmation, declaration or affidavit of any person, wilfully and corruptly, upon such oath, affirmation, declaration or affidavit, deposes, swears to or makes any false statement as to any such fact, matter or thing,— Who are guilty of perjury. Oath &c., required by any Act in force falsely taken.

(b.) Knowingly, wilfully and corruptly, upon oath or affirmation, affirms, declares, or deposes to the truth of any statement for so verifying, assuring or ascertaining any such fact, matter or thing, or purporting so to do, or knowingly, wilfully and corruptly takes, makes, signs or subscribes any such affirmation, declaration or affidavit, as to any such fact, matter or thing,—such statement, affidavit, affirmation or declaration being untrue, in the whole or any part thereof, False statement of fact.
or—

(c.) Knowingly, wilfully and corruptly omits from any such affidavit, affirmation or declaration, sworn or made under the provisions of any law, any matter which, by the provisions of such law, is required to be stated in such affidavit, affirmation or declaration,— Wilful omission.

Is guilty of wilful and corrupt perjury, and liable to be punished accordingly :

2. Provided, that nothing herein contained shall affect any case amounting to perjury at common law, or the case of any offence in respect of which other or special provision is made by any Act. 32-33 V., c. 23, s. 2. As to perjury at common law.

Making false affidavit out of the Province in which it is to be used.

3. Every person who wilfully and corruptly makes any false affidavit, affirmation or declaration, out of the Province in which it is to be used, but within Canada, before any functionary authorized to take the same for the purpose of being used in any Province of Canada, shall be deemed guilty of perjury, in like manner as if such false affidavit, affirmation or declaration had been made in the Province in which it is used, or intended to be used, before a competent authority. 33 V., c. 26, s. 1, *part*.

Judge may direct prosecution of person guilty of perjury before him.

4. Any judge of any court of record, or any commissioner before whom any inquiry or trial is held, and which he is by law required or authorized to hold, may, if it appears to him that any person has been guilty of wilful and corrupt perjury in any evidence given, or in any affidavit, affirmation, declaration, deposition, examination, answer or other proceeding made or taken before him, direct such person to be prosecuted for such perjury, if there appears to such judge or commissioner a reasonable cause for such prosecution,—and may commit such person so directed to be prosecuted until the next term, sittings or session of any court having power to try for perjury, in the jurisdiction within which such perjury was committed, or permit such person to enter into a recognizance, with one or more sufficient sureties, conditioned for the appearance of such person at such next term, sittings or session, and that he will then surrender and take his trial and not depart the court without leave,—and may require any person, such judge or commissioner thinks fit, to enter into a recognizance conditioned to prosecute or give evidence against such person so directed to be prosecuted as aforesaid. 32-33 V., c. 23, s. 6.

Commitment or admission to bail.

All evidence material with respect to perjury.

5. All evidence and proof whatsoever, whether given or made orally, or by or in any affidavit, affirmation, declaration, examination or deposition, shall be deemed and taken to be material with respect to the liability of any person to be proceeded against and punished for wilful and corrupt perjury, or for subornation of perjury. 32-33 V., c. 23, s. 7.



CHAPTER 155.

An Act respecting Escapes and Rescues.

A. D. 1886.

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

- 1.** Every one who is convicted of a felonious rescue is liable to seven years' imprisonment, when no special punishment is otherwise provided by statute. 32-33 V., c. 29, s. 84, *part.* Felonious rescue.
- 2.** Every one who escapes from or rescues, or aids in rescuing any other person from lawful custody, or makes or causes any breach of prison, if such offence does not amount to felony, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 29, s. 84, *part.* Escape or rescue from lawful custody.
- 3.** Every one who, being a prisoner ordered to be detained in any penitentiary, escapes from the person or persons having the lawful custody of him, when being conveyed thereto, or when being conveyed from one penitentiary to another, is guilty of felony, and liable to two years' imprisonment. 46 V., c. 37, s. 54, *part.* Escape while being conveyed to a penitentiary.
- 4.** Every one who, being a prisoner in a penitentiary, 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, is guilty of felony, and liable to three years' imprisonment. 46 V., c. 37, s. 54, *part.* Escape from a penitentiary while at work.
- 5.** Every one who, being a prisoner in any penitentiary, 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, is guilty of felony, and liable to one year's imprisonment. 46 V., c. 37, s. 55, *part.* Breaking out of a penitentiary.
- 6.** Every one who rescues or attempts to rescue any prisoner while being conveyed to any penitentiary, or while imprisoned therein, or while being conveyed from one penitentiary. Rescuing prisoner from a penitentiary.

tentiary to another, or while passing to or from work at or near any penitentiary,—and every one 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, is guilty of felony, and liable to five years' imprisonment. 46 V., c. 37, s. 57.

Keepers allowing prisoner in a penitentiary to escape.

7. Every one who, 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, carelessly allows any such prisoner to escape, is guilty of a misdemeanor, and liable to fine or imprisonment, or to both, in the discretion of the court; and every such person as aforesaid, who knowingly and wilfully allows any such convict to escape, is guilty of felony, and liable to five years' imprisonment. 46 V., c. 37, s. 58.

Unlawfully procuring discharge of prisoner.

8. Every one who, knowingly and unlawfully, under color of any pretended authority, directs or procures the discharge of any prisoner not entitled to be so discharged, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years, and the person so discharged shall be held to have escaped. 32-33 V., c. 29, s. 85.

Escape from reformatory prison or school.

9. Every one who, being sentenced to be detained in any reformatory prison or reformatory or industrial school, escapes therefrom, may, at any time before the expiration of his term of detention, be apprehended without warrant, and brought before any justice of the peace or magistrate, who, on proof of his identity, shall remand him to such prison or school there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to such justice or magistrate seems proper. 32-33 V., c. 34, s. 7;—33 V., c. 32, s. 5;—43 V., c. 41, s. 4;—47 V., c. 45, s. 6.

Assisting escape from such prison.

10. Every one who,—

(a.) Knowingly assists, directly or indirectly, any offender detained in a reformatory prison or reformatory or industrial school, to escape from such prison or school,—

Inducing to escape.

(b.) Directly or indirectly induces such an offender to escape from such prison or school.—

Harboring escaped prisoner.

(c.) Knowingly harbors, conceals or prevents from returning to the prison or school, or assists in harboring, concealing or preventing from returning to the prison or school, any offender who has escaped from such prison or school;—

Punishment.

Shall be liable, on summary conviction before two justices of the peace, to a penalty not exceeding eighty dollars; or to imprisonment with or without hard labor for any term not exceeding two months. 32-33 V., c. 34, s. 8.

How escaped prisoners shall be punished.

11. Every one who escapes from imprisonment shall, on being retaken, undergo, in the prison he escaped from, the

remainder of his term unexpired at the time of his escape, in addition to the punishment which is awarded for such escape; and any imprisonment awarded for such offence may be to the penitentiary or prison from which the escape was made. 32-33 V., c. 29, s. 87.

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CHAPTER 156.

An Act respecting Offences against Religion.

A. D. 1886.

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

1. Every one who, by threats or force, unlawfully obstructs or prevents, or endeavors to obstruct or prevent, any clergyman or other minister in or from celebrating divine service, or otherwise officiating in any church, chapel, meeting-house, school-house or other place used for divine worship, or in or from the performance of his duty in the lawful burial of the dead, in any church-yard or other burial place, or strikes or offers any violence to, or upon any civil process, or under the pretence of executing any civil process, arrests any clergyman or other minister who is engaged in or, to the knowledge of the offender, is about to engage in any of the rites or duties in this section mentioned, or who, to the knowledge of the offender, is going to perform the same, or returning from the performance thereof, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. Obstructing or assaulting a clergyman in the discharge of his duties. Punishment. 32-33 V., c. 20, s. 36.

2. Every one who wilfully disturbs, interrupts or disturbs any assemblage of persons met for religious worship, or for any moral, social or benevolent purpose, by profane discourse, by rude or indecent behavior, or by making a noise, either within the place of such meeting or so near it as to disturb the order or solemnity of the meeting, is guilty of a misdemeanor and liable, on summary conviction, to a penalty not exceeding twenty dollars and costs, and, in default of payment, to imprisonment for a term not exceeding one month,—and may be arrested on view by any peace officer present at such meeting, or by any other person present, verbally authorized thereto by any justice of the peace present thereat, and detained until he can be brought before a justice of the peace. Disturbing congregation met for religious worship. Punishment. 32-33 V., c. 20, s. 37.

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CHAPTER 157.

An Act respecting Offences against Public Morals and Public Convenience. A. D. 1886.

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

1. Every one who commits the crime of buggery, either with a human being or with any other living creature, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 20, s. 53. Sodomy.

2. Every one who attempts to commit buggery, or assaults any person with intent to commit buggery, or who, being a male, indecently assaults any other male, is guilty of a misdemeanor, and liable to ten years' imprisonment. 32-33 V., c. 20, s. 64. Attempts.

3. Every one who—

(a.) Seduces and has illicit connection with any girl of previously chaste character, or who attempts to have illicit connection with any girl of previously chaste character, being in either case of or above the age of twelve years and under the age of sixteen years, or — Persons who—
Seduce or attempt to seduce girls under sixteen.

(b.) Unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew at the time of the offence that the woman or girl was an idiot or imbecile,— Unlawfully have connection with idiot or imbecile woman or girls.

Is guilty of a misdemeanor, and liable to two years' imprisonment. 49 V., c. 52, s. 1 and s. 8, part. Punishment.

4. Every one above the age of twenty-one years who, under promise of marriage, seduces and has illicit connection with any unmarried female of previously chaste character and under eighteen years of age, is guilty of a misdemeanor, and liable to two years' imprisonment. 49 V., c. 52, s. 2 and s. 8, part. Seducing under promise of marriage.
Punishment.

5. Every one who, being the owner and occupier of any premises, or having, or acting, or assisting in the management or control thereof, induces, or knowingly suffers, any Inducing resort for carnal illicit knowledge.

girl of such age as in this section mentioned, to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally,—

Punishment if girl is under twelve. And if over twelve and under sixteen.

(a.) If such girl is under the age of twelve years, is guilty of felony, and liable to ten years' imprisonment,—

(b.) If such girl is of or above the age of twelve and under the age of sixteen years, is guilty of a misdemeanor, and liable to two years' imprisonment :

Reasonable doubt as to age, a sufficient defence.

Provided, that it shall be a sufficient defence to any charge under this section if it is made to appear to the court or jury before whom the charge is brought, that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years. 49 V., c. 52, s. 4 and s 8, part.

No conviction on evidence of one witness only.

6. No person shall be convicted of any offence under the three sections of this Act next preceding upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused :

Defendant a competent witness.

2. In every case arising under the said sections, the defendant shall be a competent witness in his own behalf upon any charge or complaint against him :

Limitation of time for prosecution.

3. No prosecution under the said sections shall be commenced after the expiration of one year from the time when the offence was committed. 49 V., c. 52, ss. 5, 6 and 7, parts.

Persons who—

7. Every one who, by false pretences, false representations, or other fraudulent means,—

Procure defilement of girl under age, or—

(a.) Procures any woman or girl, under the age of twenty-one years, to have illicit carnal connection with any man other than the procurer, or—

Entice girl under age to bawdy house, &c.

(b.) Inveigles or entices any such woman or girl to a house of ill-fame or assignation, for the purpose of illicit intercourse or prostitution, or who knowingly conceals in such house any such woman or girl so inveigled or enticed,—

Punishment.

Is guilty of a misdemeanor, and is liable to two years' imprisonment :

Search for person so inveigled and proceedings if she is found in such house.

2. Whenever there is reason to believe that any such woman or girl has been inveigled or enticed to a house of ill-fame or assignation, as aforesaid, then, upon complaint thereof being made under oath by the parent, master or guardian of such woman or girl, or in the event of such woman or girl having neither parent, master nor guardian in the province in which the offence is alleged to have been committed, by any other person, to any justice of the peace, or to a judge of any court authorized to issue warrants in cases of alleged offences against the criminal law, such justice of the peace or judge of the court may issue a warrant to enter, by day or night, such house of ill-fame or

assignation, and to search for such woman or girl, and bring her, and the person or persons in whose keeping and possession she is, before such justice of the peace or judge of the court, who may, on examination, order her to be delivered to her parent, master or guardian, or to be discharged, as law and justice require. 48-49 V., c. 82, s. 1.

8. All persons who,—

(a.) Not having visible means of maintaining themselves, live without employment,—

(b.) Being able to work and thereby or by other means to maintain themselves and families, wilfully refuse or neglect to do so,—

(c.) Openly expose or exhibit in any street, road, public place or highway, any indecent exhibition, or openly or indecently expose their persons,—

(d.) Without a certificate signed, within six months, by a priest, clergyman or minister of the gospel, or two justices of the peace, residing in the municipality where the alms are being asked, that he or she is a deserving object of charity, wander about and beg, or go about from door to door, or place themselves in any street, highway, passage or public place to beg or receive alms,—

(e.) Loiter on any street or highway, and obstruct passengers by standing across the footpaths or by using insulting language, or in any other way,—

(f.) Cause a disturbance in any street or highway by screaming, swearing or singing, or by being drunk, or by impeding or incommoding peaceable passengers,—

(g.) By discharging firearms, or by riotous or disorderly conduct in any street or highway, wantonly or maliciously disturb the peace and quiet of the inmates of any dwelling house near such street or highway,—

(h.) Tear down or deface signs, break windows, doors or door plates, or the walls of houses, roads or gardens, or destroy fences,—

(i.) Are common prostitutes or night walkers, wandering in the fields, public streets or highways, lanes or places of public meeting or gathering of people, and not giving a satisfactory account of themselves,—

(j.) Are keepers or inmates of disorderly houses, bawdy-houses or houses of ill-fame, or houses for the resort of prostitutes, or persons in the habit of frequenting such houses, not giving a satisfactory account of themselves,—

(k.) Have no peaceable profession or calling to maintain themselves by, but who do, for the most part, support themselves by gaming or crime, or by the avails of prostitution,—

Are loose, idle or disorderly persons or vagrants, within the meaning of this section :

2. Every loose, idle or disorderly person or vagrant shall, upon summary conviction before two justices of the peace, be deemed guilty of a misdemeanor, and shall be liable to a

What persons shall be deemed loose, idle or disorderly or vagrants.

Punishment of such persons.

fine not exceeding fifty dollars or to imprisonment, with or without hard labor, for any term not exceeding six months, or to both :

Justices may cause such persons to be brought before them.

3. Any stipendiary or police magistrate, mayor or warden, or any two justices of the peace, upon information before them made, that any person hereinbefore described as a loose, idle or disorderly person, or vagrant, is or is reasonably suspected to be harbored or concealed in any disorderly house, bawdy-house, house of ill-fame, tavern or boarding-house, may, by warrant, authorize any constable or other person to enter at any time such house or tavern, and to apprehend and bring before them or any other justices of the peace, every person found therein so suspected as aforesaid :

To what places of detention they shall be committed.

4. If provision is made therefor by the laws of the Province in which the conviction takes place, any such loose, idle or disorderly person may, instead of being committed to the common gaol or other public prison, be committed to any house of industry or correction, alms house, work house or reformatory prison. 32-33 V., c. 28 ;—37 V., c. 43 ;—44 V., c. 31 ;—R. S. N. S. (3rd S.), c. 162, s. 9.

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CHAPTER 158.

An Act respecting Gaming Houses.

A. D. 1886.

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

- 1.** In this Act, unless the context otherwise requires,—
- (a.) The expression “chief constable” includes chief of police, city marshal or other head of the police force of any city, town or place; Interpretation. “Chief constable.”
- (b.) The expression “deputy chief constable” includes deputy chief of police, deputy city marshal or other deputy head of the police force of any city, town or place. “Deputy chief constable.”
- 2.** If the chief constable or deputy chief constable of any city or town, or other officer authorized to act in his absence, reports in writing to any of the commissioners of police or mayor of such city or town, or to the police magistrate of any town, that there are good grounds for believing, and that he does believe, that any house, room or place within the said city or town is kept or used as a common gaming house, whether admission thereto is limited to those possessed of entrance keys or otherwise, the said commissioners or commissioner, or mayor, or the said police magistrate, may, by order in writing, authorize the chief constable, deputy chief constable, or other officer as aforesaid, to enter any such house, room or place, with such constables as are deemed requisite by the chief constable, deputy chief constable or other officer,—and, if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise,—and to take into custody all persons who are found therein, and to seize all tables and instruments of gaming found in such house or premises, and also to seize all moneys and securities for money found therein. Police magistrate, &c., may, on report authorize entry of common gaming house. Arrest of persons therein and seizure of instruments. 38 V., c. 41, s. 1;—40 V., c. 33, s. 1.

- 3.** The chief constable, deputy chief constable or other officer making such entry, in obedience to any such order, may, with the assistance of one or more constables, search all parts of the house, room or place which he has so entered, where he suspects that tables or instruments of gaming are concealed, and all persons whom he finds therein, and seize Powers of search.

all tables and instruments of gaming which he so finds. 38 V., c. 41, s. 2.

What shall be deemed evidence of gaming.

4. When any cards, dice, balls, counters, tables or other instruments of gaming, used in playing any unlawful game, are found in any house, room or place suspected to be used as a common gaming house, and entered under a warrant or order issued under this Act, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room or place is used as a common gaming house, and that the persons found in the room or place where such tables or instruments of gaming are found were playing therein, although no play was actually going on in the presence of the chief constable, deputy chief constable or other officer entering the same under a warrant or order issued under this Act, or in the presence of those persons by whom he is accompanied as aforesaid. 38 V., c. 41, s. 3;—40 V., c. 33, s. 2.

Instruments to be destroyed.

5. The police magistrate or other justice of the peace before whom any person is taken by virtue of any order or warrant under this Act, shall direct any cards, dice, balls, counters, tables or other instruments of gaming, used in playing any game, and seized under this Act in any place used as a common gaming house, to be forthwith destroyed, and any money or securities so seized shall be forfeited to the Crown for the public uses of Canada. 40 V., c. 33, s. 3.

Punishment of persons playing or looking on.

6. Every one who plays or looks on while any other person is playing in a common gaming house is guilty of an offence, and liable, on summary conviction before two justices of the peace, to a penalty not exceeding one hundred dollars and not less than twenty dollars, and, in default of payment, to imprisonment for a term not exceeding two months. 40 V., c. 33, s. 4, *part*.

Punishment of persons obstructing constables.

7. Every one who wilfully prevents any constable or other officer, authorized under any of the preceding sections to enter any house, room or place, from entering the same, or any part thereof, or who obstructs or delays any such constable or officer in so entering, and every one who, by any bolt, chain or other contrivance, secures any external or internal door of, or means of access to, any house, room or place so authorized to be entered, or uses any means or contrivance whatsoever for the purpose of preventing, obstructing or delaying the entry of any constable or officer authorized as aforesaid, into any such house, room or place, or any part thereof, shall, for every such offence, be liable, on summary conviction before two justices of the peace, to a penalty not exceeding one hundred dollars, with costs, and to imprisonment with or without hard labor for any term not exceeding six months. 38 V., c. 41, s. 4.

8. If any constable or officer authorized, as aforesaid, to enter any house, room or place, is wilfully prevented from, or obstructed or delayed in entering the same or any part thereof,—or if any external or internal door of, or means of access to any such house, room or place so authorized to be entered, is found to be fitted or provided with any bolt, bar, chain or any means or contrivance for the purpose of preventing, delaying or obstructing the entry into the same, or any part thereof, of any constable or officer authorized, as aforesaid, or for giving an alarm in case of such entry,—or if any such house, room or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing or destroying any instruments of gaming, it shall be evidence, until the contrary is made to appear, that such house, room or place is used as a common gaming house, and that the persons found therein were unlawfully playing therein. 38 V., c. 41, s. 5.

What shall be evidence that a house is a common gaming house.

9. The police magistrate, mayor or justice of the peace, before whom any person is brought who has been found in any house, room or place, entered in pursuance of any warrant or order issued under this Act, may require any such person to be examined on oath and to give evidence touching any unlawful gaming in such house, room or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, room or place, or any part thereof, of any constable or officer authorized as aforesaid; and no person so required to be examined as a witness shall be excused from being so examined when brought before such police magistrate, mayor or justice of the peace, or from being so examined at any subsequent time by or before the police magistrate or mayor or any justice of the peace, or by or before any court, on any proceeding, or on the trial of any indictment, information, action or suit in anywise relating to such unlawful gaming, or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself; and any such person so required to be examined as a witness who refuses to make oath accordingly, or to answer any such question, shall be subject to be dealt with in all respects as any person appearing as a witness before any justice or court in obedience to a summons or subpoena and refusing without lawful cause or excuse to be sworn or to give evidence, may, by law, be dealt with; but nothing in this section shall render any offender, under the sixth section of this Act, liable on his trial to examination hereunder. 38 V., c. 41, s. 6;—40 V., c. 33, s. 4, *part*.

Magistrate may require any of the persons apprehended to give evidence.

Punishment of persons refusing to give evidence.

10. Every person so required to be examined as a witness, who, upon such examination, makes true disclosure, to the best of his knowledge, of all things as to which he is exam-

Such witnesses making a full discovery to be

free from all penalties, on certificate.

What the certificate must set forth.

ined shall receive from the judge, justice of the peace, magistrate, examiner or other judicial officer before whom such proceeding is had, a certificate in writing to that effect, and shall be freed from all criminal prosecutions and penal actions, and from all penalties, forfeitures and punishments to which he has become liable for anything done before that time in respect of the matters regarding which he has been examined; but such certificate shall not be effectual for the purpose aforesaid, unless it states that such witness made a true disclosure in respect to all things as to which he was examined; and any action, indictment or proceedings pending or brought in any court against such witness, in respect of any act of gaming regarding which he was so examined, shall be stayed, upon the production and proof of such certificate, and upon summary application to the court in which such action, indictment or proceeding is pending, or any judge thereof, or any judge of any of the superior courts of any Province. 38 V., c. 41, s. 7.

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CHAPTER 159.

An Act respecting Lotteries, Betting and Pool-selling. A. D. 1886.

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

- 1.** In this Act, unless the context otherwise requires,—
- (a.) The expression “personal property” includes every description of money, chattel and valuable security, and every kind of personal property; Interpretation. “Personal property.”
- (b.) The expression “real property” includes every description of land, and all estates and interests therein. “Real property.” C.S.C., c. 95, s. 7.

LOTTERIES.

- 2.** Every one who makes, prints, advertises or publishes, or causes or procures to be made, printed, advertised or published, any proposal, scheme or plan, for advancing, lending, giving, selling or in any way disposing of any property, either real or personal, by lots, cards, tickets, or any mode of chance whatsoever, or sells, barter, exchanges or otherwise disposes of, or causes or procures, or aids or assists in the sale, barter, exchange or other disposal of, or offers for sale, barter or exchange, any lot, card, ticket or other means or device, for advancing, lending, giving, selling or otherwise disposing of any property, real or personal, by lots, tickets or any mode of chance whatsoever, shall be liable, on summary conviction, to a penalty of twenty dollars. Penalty for making or advertising a lottery. C. S. C., c. 95, s. 1.
- 3.** Every one who buys, barter, exchanges, takes or receives any such lot, card, ticket, or other device, shall be liable, on summary conviction, to a penalty of twenty dollars. Penalty for buying or receiving lottery tickets. C. S. C., c. 95, s. 2.
- 4.** Every sale, loan, gift, barter or exchange of any real or personal property, by any lottery, ticket, card or other mode of chance whatsoever, depending upon or to be determined by chance or lot, shall be void, and all such real or personal property so sold, lent, given, bartered or exchanged, shall be forfeited to any person who sues for the same by action or information in any court of competent jurisdiction. Sales, &c., founded on lotteries void. C. S. C., c. 95, s. 3.

As to purchaser with-
out notice.

5. No such forfeiture shall affect any right or title to such real or personal property acquired by any *bonâ fide* purchaser for valuable consideration, without notice. C. S. C., c. 95, s. 4.

Act to extend
to publication
of foreign
lottery
schemes.

6. The provisions of this Act shall extend to the printing or publishing, or causing to be printed or published, of any advertisement, scheme, proposal or plan of any foreign lottery, and to the sale, or offer for sale, of any ticket, chance or share, in any such lottery, or to the advertisement for sale of such ticket, chance or share. C. S. C., c. 95, s. 6.

As to *bonâ
fide* division
of property held
in common.

7. Nothing in this Act contained, shall prevent joint tenants, or tenants in common, or persons having joint interests (*droits indivis*) in any real or personal property, from dividing such property by lot or chance in the same manner as if this Act had not been passed. C. S. C., c. 95, s. 9.

Act not to
apply—
To raffles at
bazaars.

8. Nothing in this Act shall apply,—

(a.) To raffles for prizes of small value, at any bazaar held for any charitable object, if permission to hold the same has been obtained from the city or other municipal council, or from the mayor, reeve or other chief officer of the city, town or other municipality, wherein such bazaar is held, and the articles raffled for have thereat first been offered for sale, and none of them are of a value exceeding fifty dollars;

Or to distri-
bution by lot
of works of
art.

(b.) To any distribution by lot, among the members or ticket holders of any incorporated society established for the encouragement of art, of any paintings, drawings or other work of art, produced by the labor of the members of, or published by or under the direction of such incorporated society. 23 V. (Can.), c. 36 ;—46 V., c. 36.

BETTING AND POOL-SELLING.

Persons
who—
Use premises
for pool
selling. &c.
Keep appar-
atus for such
purpose.

9. Every one who,—

(a.) Uses or knowingly allows any part of any premises under his control to be used for the purpose of recording or registering any bet or wager, or selling any pool,—

(b.) Keeps, exhibits, or employs, or knowingly allows to be kept, exhibited or employed, in any part of any premises under his control, any device or apparatus, for the purpose of recording or registering any bet or wager or selling any pool,—

Become cus-
todians of
wagers.
Record bets
or sell pools—

(c.) Becomes the custodian or depositary of any money, property, or valuable thing staked, wagered or pledged, or,—

(d.) Records or registers any bet or wager, or sells any pool,—

On events
specified.

Upon the result of any political or municipal election, or of any race, or of any contest or trial of skill or endurance of man or beast,—

Is guilty of a misdemeanor, and liable to a fine not exceeding one thousand dollars, and to imprisonment for any term not exceeding one year: Punishment.

2. Nothing in this section shall apply to any person by reason of his becoming the custodian or depository of any money, property or valuable thing staked, to be paid to the winner of any lawful race, sport, game or exercise, or to the owner of any horse engaged in any lawful race, or to bets between individuals. Act not to extend to holders of stakes in certain cases. 40 V., c. 31, ss. 1 and 2.

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CHAPTER 160.

An Act respecting Gambling in Public Conveyances. A. D. 1886.

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

1. Every one who in any railway car, or steam-boat, used as a public conveyance for passengers, by means of any game of cards, dice or other instrument of gambling, or by any device of like character, obtains from any other person any money, chattel, valuable security or property, is guilty of the misdemeanor of obtaining the same unlawfully by false pretences, and liable to imprisonment for any term less than one year :

Punishment of persons obtaining money by gambling in public conveyances.

2. Any attempt to commit such offence by actually engaging any person in any such game with intent to obtain money or other valuable thing from him, is a misdemeanor, punishable in like manner as the offence itself. 40 V., c. 32, s. 1, *part.*

And of attempts.

2. Every such offence may be dealt with, inquired of, tried, determined and punished as being committed either at the place where it actually took place, or in any district, county or place through or adjoining to or by the boundary of any part whereof the railway car or steam-boat passed in the course of the journey or voyage during which the offence was committed, in the same manner as if it had been actually committed in such district, county or place. 40 V., c. 32, s. 2.

Where the offence may be tried and punished.

3. Every conductor, master or superior officer in charge of, and every clerk or employee when authorized by the conductor or superior officer in charge of any railway train or steam-boat, station or landing place, in or at which any such offence, as aforesaid, is committed or attempted, shall, with or without warrant, arrest any person whom he has good reason to believe to have committed or attempted to commit the same, and shall take him before a justice of the peace, and make complaint of such offence on oath, in writing ; and the offender, whether arrested with or without a warrant, shall be dealt with, and other proceedings shall be had, as if he had been arrested upon a warrant of such justice :

Arrest of offenders.

How dealt with after arrest.

Penalty for neglecting to arrest offender.

2. Every conductor, master or superior officer in charge of any railway car or steam-boat to which this Act applies, who makes default in the discharge of any duty imposed on him by this section, shall, on summary conviction, be liable to a penalty not exceeding one hundred dollars, and not less than twenty dollars. 40 V., c. 32, ss. 3 and 5, *part.*

Money &c., to be deemed obtained by larceny.

4. Any money or valuable thing obtained by an offence against the first section of this Act, shall be dealt with as obtained by larceny from the person. 40 V., c. 32, s. 4, *part.*

Fees to persons arresting an offender.

5. Every person arresting any such offender, with or without a warrant, and taking him before a justice of the peace, and otherwise complying with this Act in respect of such offender, shall be entitled to the same fees, payable in the same manner, as if he had so done under a warrant of such justice. 40 V., c. 32, s. 4, *part.*

Copies of Act to be posted up.

6. Every company or person who owns or works any railway car or steam-boat to which this Act applies, shall keep a copy thereof posted up in some conspicuous part of such railway car or steam-boat; and every company or person who makes default in the discharge of such duty, shall be liable to a penalty not exceeding one hundred dollars and not less than twenty dollars. 40 V., c. 32, s. 5, *part.*

Penalty for default.

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CHAPTER 161.

An Act respecting Offences relating to the Law of A. D. 1886.
Marriage.

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

1. Every one who,—

(a.) Without lawful authority, the proof of which shall lie on him, solemnizes or pretends to solemnize any marriage, or—

Unlawfully solemnizing or procuring unlawful solemnization of marriage.

(b.) Procures any person to solemnize any marriage, knowing that such person is not lawfully authorized to solemnize such marriage, or knowingly aids or abets such person in performing such ceremony,—

Is guilty of a misdemeanor, and liable to a fine or to two years' imprisonment, or to both. C. S. U. C., c. 102, ss. 1 and 2;—R. S. N. S. (3rd S.), c. 161, s. 3;—1 R. S. N. B., c. 146, s. 2. Punishment.

2. Every one who procures a feigned or pretended marriage between himself and any woman, and every one who knowingly aids and assists in procuring such feigned or pretended marriage, is guilty of a misdemeanor, and liable to two years' imprisonment:

Procuring feigned marriage.

2. No person shall be convicted of any offence under this section upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused:

No conviction on evidence of one witness only.

3. In every case arising under this section the defendant shall be a competent witness in his own behalf upon any charge or complaint against him:

Defendant a competent witness.

4. No prosecution under this section shall be commenced after the expiration of one year from the time when the offence was committed. 49 V., c. 52, ss. 3 and 5, 6, 7 and 8, parts.

Limitation of time for prosecution.

3. Every one who, being lawfully authorized, knowingly and wilfully solemnizes any marriage in violation of the laws of the Province in which the marriage is solemnized, is guilty of a misdemeanor, and liable to a fine or to one year's imprisonment:

Solemnizing marriage in violation of provincial law.

2. No prosecution for any offence against this section shall be commenced except within two years after the offence is committed. C. S. U. C., c. 102, ss. 3, and 4, parts;—1 R. S. N. B., c. 146, s. 3, part;—R. S. B. C., c. 89, s. 14.

Time for prosecution limited.

BIGAMY.

- Bigamy. **4.** Every one who, being married, marries any other person during the life of the former husband or wife, whether the second marriage takes place in Canada, or elsewhere, is guilty of felony, and liable to seven years' imprisonment:
- Punishment.
- Exceptions. **2.** Nothing in this section contained shall extend to,—
- Marriage by an alien out of Canada. (a.) Any second marriage contracted elsewhere than in Canada by any other than a subject of Her Majesty resident in Canada and leaving the same with intent to commit the offence;
- Absence for seven years. (b.) Any person marrying a second time whose husband or wife has been continually absent from such person for the space of seven years then last past, and who was not known by such person to be living within that time;
- Divorce. (c.) Any person who, at the time of such second marriage, was divorced from the bond of the first marriage; or—
- Former marriage annulled. (d.) Any person whose former marriage has been declared void by the sentence of any court of competent jurisdiction.
- 32-33 V., c. 20, s. 58, *part.*

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CHAPTER 162.

An Act respecting Offences against the Person.

A. D. 1886.

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

1. In this Act, unless the context otherwise requires, the expression "loaded arms" includes any gun, pistol or other arm loaded in the barrel with gunpowder or other explosive substance, and ball, shot, slug or other destructive material, or charged with compressed air and having ball, shot, slug or other destructive material in the barrel, although the attempt to discharge the same fails. 32-33 V., c. 20, s. 18.

Interpretation.
"Loaded arms."

HOMICIDE.

2. Every one who is convicted of murder shall suffer death as a felon. 32-33 V., c. 20, s. 1.

Murder.

3. Every one who,—

(a.) Conspires, confederates or agrees with any person to murder any other person, whether the person intended to be murdered is a subject of Her Majesty or not, or is within the Queen's dominions or not,—

Conspiracy to murder.

(b.) Solicits, encourages, persuades, endeavors to persuade or proposes to any person to murder any other person, whether the person whose murder is solicited, encouraged or attempted to be procured is a subject of Her Majesty or not, or within the Queen's dominions or not,—

Proposal to murder.

Is guilty of a misdemeanor, and liable to ten years' imprisonment. 32-33 V., c. 20, s. 3.

4. Every accessory after the fact to murder is liable to imprisonment for life. 32-33 V., c. 20, s. 4.

Accessory after the fact.

5. Every one who is convicted of manslaughter is liable to imprisonment for life, or to pay such fine as the court awards, in addition to or without any such imprisonment. 32-33 V., c. 20, s. 5.

Manslaughter.

6. No punishment or forfeiture shall be incurred by any person who kills another by misfortune, or in his own defence, or in any other manner without felony. 32-33 V., c. 20, s. 7.

Excusable homicide.

Petit treason. **7.** Every offence which, before the abolition of the crime of petit treason, would have amounted to petit treason, shall be deemed to be murder only, and no greater offence. 32-33 V., c. 20, s. 8, *part*.

ATTEMPTS TO MURDER.

Attempt to murder. **8.** Every one who, with intent to commit murder, administers, or causes to be administered, or to be taken by any person, any poison or other destructive thing, or by any means whatsoever, wounds or causes any grievous bodily harm to any person, is guilty of felony, and liable to imprisonment for life. 40 V., c. 28, s. 1.

Damaging building with intent to murder. **9.** Every one who, by the explosion of gunpowder or other explosive substance, destroys or damages any building, with intent to commit murder, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 20, s. 11.

Setting fire to, &c., a ship with intent to murder. **10.** Every one who, with intent to commit murder, sets fire to any ship or vessel, or any part thereof, or any part of the tackle, apparel or furniture thereof, or any goods or any chattels being therein, or casts away or destroys any ship or vessel, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 20, s. 12.

Attempts to poison, shoot, drown, &c., any person with intent to murder. **11.** Every one who, with intent to commit murder, attempts to administer to, or attempts to cause to be administered to, or to be taken by any person, any poison or other destructive thing, or shoots at any person, or, by drawing a trigger or in any other manner, attempts to discharge any kind of loaded arms at any person, or attempts to drown, suffocate or strangle any person, whether any bodily injury is effected or not, is guilty of felony, and is liable to imprisonment for life. 32-33 V., c. 20, s. 13.

Attempting murder by any other means. **12.** Every one who, by any means other than those specified in any of the preceding sections of this Act, attempts to commit murder, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 20, s. 14.

ACTS CAUSING BODILY HARM OR DANGEROUS TO LIFE.

Attempts to maim, disfigure, &c. **13.** Every one who, with intent to maim, disfigure or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, unlawfully and maliciously, by any means whatsoever, wounds or causes any grievous bodily harm to any person, or shoots at any person, or, by drawing a trigger, or in any other manner, attempts to discharge any kind of loaded arms at any person, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 20, s. 17.

14. Every one who unlawfully and maliciously wounds or inflicts any grievous bodily harm upon any other person, either with or without any weapon or instrument, is guilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 20, s. 19, *part.*

Inflicting injuries with or without a weapon.

15. Every one who, with intent thereby to enable himself or any other person to commit, or with intent thereby to assist any other person in committing any indictable offence, or by any means whatsoever, attempts to choke, suffocate or strangle any other person, or by any means calculated to choke, suffocate or strangle, attempts to render any other person insensible, unconscious or incapable of resistance, is guilty of felony, and liable to imprisonment for life, and to be whipped. 32-33 V., c. 20, s. 20.

Attempt to choke, &c., with intent to commit an indictable offence.

16. Every one who, with intent thereby to enable himself or any other person to commit, or with intent thereby to assist any other person in committing any indictable offence, unlawfully applies or administers to, or causes to be taken by, or attempts to apply or administer to, or attempts or causes to be administered to or taken by any person, any chloroform, laudanum or other stupefying or overpowering drug, matter or thing, is guilty of felony, and liable to imprisonment for life, and to be whipped. 32-33 V., c. 20, s. 21.

Administering chloroform, &c., with like intent.

17. Every one who unlawfully and maliciously administers to, or causes to be administered to or taken by any other person, any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, is guilty of felony, and liable to ten years' imprisonment. 32-33 V., c. 20, s. 22.

Administering poison so as to endanger life, &c.

18. Every one who unlawfully and maliciously administers to, or causes to be administered to or taken by any other person, any poison or other destructive or noxious thing, with intent to injure, aggrieve or annoy such person, is guilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 20, s. 23.

Administering poison with intent to injure or annoy.

19. Every one who, being legally liable, either as a husband, parent, guardian, or committee, master or mistress, nurse or otherwise, to provide for any person as wife, child, ward, lunatic or idiot, apprentice or servant, infant or otherwise, necessary food, clothing or lodging, wilfully and without lawful excuse, refuses or neglects to provide the same, or unlawfully or maliciously does, or causes to be done, any bodily harm to any such apprentice or servant, so that the life of such apprentice or servant is endangered, or the health of such apprentice or servant has been, or is likely

Failing, when liable, to provide food, &c., whereby life is endangered.

to be, permanently injured, is guilty of a misdemeanor, and liable to three years' imprisonment :

Who may give evidence in a case specified.

2. In any prosecution of any person under this section, for refusing or neglecting to provide necessary food, clothing or lodging for his wife or child, his wife shall be competent to give evidence as a witness, either for or against her husband, and the person charged shall be a competent witness in his own behalf. 32-33 V., c. 20, s. 25 ;—49 V., c. 51, s. 1.

Exposing children.

20. Every one who unlawfully abandons or exposes any child, being under the age of two years, whereby the life of such child is endangered, or the health of such child has been, or is likely to be, permanently injured, is guilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 20, s. 26.

Causing bodily injury by explosives.

21. Every one who, unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burns, maims, disfigures, disables or does any grievous bodily harm to any person, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 20, s. 27.

Causing explosion, sending explosives and throwing corrosive substances.

22. Every one who, with intent to burn, maim, disfigure or disable any person, or to do some grievous bodily harm to any person, unlawfully and maliciously causes any gunpowder or other explosive substance to explode, or sends or delivers to, or causes to be taken or received by any person any explosive substance, or any other dangerous or noxious thing, or puts or lays at any place, or casts or throws at or upon, or otherwise applies to any person, any corrosive fluid, or any destructive or explosive substance, and whether any bodily harm is effected or not, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 20, s. 28.

Placing explosive near a building or vessel.

23. Every one who unlawfully and maliciously places or throws in, into, upon, against or near any building, ship or vessel, any gunpowder or other explosive substance, with intent to do any bodily injury to any person, whether or not any explosion takes place, and whether or not any bodily injury is effected, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 20, s. 29.

Setting spring guns, &c.

24. Every one who sets or places, or causes to be set or placed, any spring-gun, man-trap, or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same may destroy or inflict grievous bodily harm, upon any trespasser or other person coming in contact therewith, is guilty of a misdemeanor, and liable to three years' imprisonment :

Allowing the same to remain so set.

2. Every one who knowingly and wilfully permits any such spring-gun, man-trap or other engine which has been

set or placed by some other person, in any place which is, or afterwards comes into his possession or occupation, to continue so set or placed, shall be deemed to have set or placed such gun, trap or engine, with such intent as aforesaid :

3. Nothing in this section contained shall extend to make it illegal to set or place any gin or trap such as is usually set or placed with the intent of destroying vermin. 32-33 V., c. 20, s. 30. As to traps for vermin.

25. Every one who, with intent to injure or to endanger the safety of any person travelling or being upon any railway, unlawfully and maliciously puts or throws upon or across such railway, any wood, stone, or other matter or thing, or unlawfully and maliciously takes up, removes or displaces any rail, railway switch, sleeper, or other matter or thing belonging to such railway, or injures or destroys any track, bridge or fence of such railway, or any portion thereof, or unlawfully and maliciously turns, moves or diverts any point or other machinery belonging to such railway, or unlawfully and maliciously makes or shows, hides or removes any signal or light upon or near to such railway, or unlawfully and maliciously does or causes to be done any other matter or thing, with such intent, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 20, s. 31;—42 V., c. 9, s. 88, *part*, and s. 89;—44 V., c. 25, ss. 116, *part*, and 117. Placing obstacles on a railway or removing rails, &c.

26. Every one who unlawfully and maliciously throws, or causes to fall or strike at, against, into or upon any engine, tender, carriage or truck used upon any railway, any wood, stone or other matter or thing, with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage or truck, or in or upon any other engine, tender, carriage or truck of any train, of which such first mentioned engine, tender, carriage or truck forms part, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 20, s. 32. Throwing missiles at a railway carriage.

27. Every one who, by any unlawful act, or by any wilful omission or neglect of duty, endangers or causes to be endangered the safety of any person conveyed or being in or upon a railway, or aids or assists therein, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 20, s. 33. Doing anything to endanger persons on a railway.

28. Every one who, having the charge of any carriage or vehicle, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person whomsoever, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 20, s. 34. Injuring persons by furious driving.

Leaving un-
guarded holes
in the ice on
any fre-
quented water
a misde-
meanor.

29. Every one who cuts or makes, or causes to be cut or made for the purpose of harvesting or obtaining ice for sale or use, any hole, opening, aperture or place, of sufficient size or area to endanger human life, through the ice on any navigable or other water open to or frequented by the public, and leaves such hole, opening, aperture or place, while it is in a state dangerous to human life, whether the same is frozen over or not, unguarded and uninclosed by a guard or fence of sufficient height and strength to prevent any person from accidentally riding, driving, walking, skating or falling therein, is guilty of a misdemeanor, and liable to be punished by fine or imprisonment, on summary conviction, before any justice of the peace or district magistrate, having jurisdiction in any city, judicial district or county within which, or on the borders of which, such navigable or other water is wholly or partly situate. 49 V., c. 53, s. 1.

Prosecution
and punish-
ment.

Leaving cer-
tain excava-
tions un-
guarded a
misdemeanor.

30. Every one who is the owner, manager or superintendent of any abandoned or unused mine or quarry or property upon or in which any excavation in search of mines or quarries has been or is hereafter made of a sufficient area and depth to endanger human life, and who leaves the same unguarded and uninclosed by a guard or fence of sufficient height and strength to prevent any person from accidentally riding, driving, walking or falling therein, is guilty of a misdemeanor, and liable to be punished by fine or imprisonment or both, on summary conviction before any justice of the peace having jurisdiction in the locality in which the said mine or quarry is situate. 49 V., c. 53, s. 2.

Prosecution
and punish-
ment.

Continuing to
leave open-
ings un-
guarded
after convic-
tion, to be a
new offence.

31. If within five days after conviction for any offence referred to in either of the two sections next preceding, a suitable guard or fence is not constructed around or over the said exposed opening, to conform to the provisions of the said sections, the person liable for such omission may be again complained of and convicted for the said offence, and the plea of a former conviction therefor shall not avail to him as a relief from the said complaint and conviction. 49 V., c. 53, s. 3.

Offence to be
manslaughter
if causing loss
of life.

32. If any person loses his life by accidentally riding, driving, walking, skating or falling into any such hole, opening, aperture or place unguarded as is mentioned in either of the three sections next preceding, the person or persons whose duty it was to guard such hole, opening, aperture or place, in manner aforesaid, is guilty of manslaughter. 49 V., c. 53, s. 4.

Negligently
causing
bodily injury.

33. Every one who, by any unlawful act, or by doing negligently or omitting to do any act which it is his duty to do, causes grievous bodily injury to any other person, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 20, s. 35.

ASSAULTS.

34. Every one who assaults any person with intent to commit any indictable offence,—or assaults, resists or wilfully obstructs any revenue or peace officer, or any officer seizing trees, logs, timber or other products thereof, in the due execution of his duty, or any person acting in aid of such officer,—or assaults any person with intent to resist or prevent the lawful apprehension or detainer of himself, or of any other person for any offence,—or assaults, resists or wilfully obstructs any person in the lawful execution of any process against any lands or goods, or in making any lawful distress or seizure, or with intent to rescue any goods taken under such process, distress or seizure, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 20, s. 39;—43 V., c. 28, s. 65. *part*;—46 V., c. 16, s. 6, *part*, and c. 17, s. 66, *part*.

Assault with intent to commit indictable offence and assaults on officers.

35. Every one who commits any assault which occasions actual bodily harm, is guilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 20, s. 47, *part*.

Assault occasioning bodily harm.

36. Every one who commits a common assault is guilty of a misdemeanor, and liable, if convicted upon an indictment, to one year's imprisonment, and, on summary conviction, to a fine not exceeding twenty dollars and costs, or to two months' imprisonment, with or without hard labor. 32-33 V., c. 20, ss. 43, *part*, and 47, *part*.

Common assault.

RAPE.

37. Every one who commits the crime of rape is guilty of felony, and liable to suffer death as a felon, or to imprisonment for life, or for any term not less than seven years. 36 V., c. 50, s. 1, *part*.

Rape.

ABDUCTION AND DEFILEMENT OF WOMEN.

38. Every one who assaults any woman or girl with intent to commit rape is guilty of a misdemeanor, and liable to imprisonment for any term not exceeding seven years and not less than two years. 36 V., c. 50, s. 1, *part*.

Assault with intent to commit rape.

39. Every one who unlawfully and carnally knows and abuses any girl under the age of ten years, is guilty of felony, and liable to imprisonment for life or for any term not less than five years. 40 V., c. 28, s. 2.

Carnally knowing a girl under ten years of age.

40. Every one who unlawfully and carnally knows and abuses any girl above the age of ten years and under the age of twelve years is guilty of a misdemeanor, and liable to seven years' imprisonment. 32-33 V., c. 20, s. 52.

The same between the ages of ten and twelve.

Attempts to
commit such
offence and
indecent
assault.

41. Every one who commits any indecent assault upon any female, or attempts to have carnal knowledge of any girl under twelve years of age, is guilty of a misdemeanor and liable to imprisonment for any term less than two years, and to be whipped. 32-33 V., c. 20, s. 53.

Abduction of
a woman,
against her
will, from
motives of
lucre.

42. Every one who,—

(a.) From motives of lucre, takes away or detains against her will, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, any woman of any age who has any interest, whether legal or equitable, present or future, absolute, conditional or contingent in any real or personal estate, or who is a presumptive heiress or co-heiress or presumptive next of kin, or one of the presumptive next of kin to any one having such interest, or—

Abduction of
a girl under
age.

(b.) Fraudulently allures, takes away or detains such woman, being under the age of twenty-one years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person,—

Punishment.

Is guilty of felony, and liable to fourteen years' imprisonment:

Offender
incapable of
taking any of
her property.

2. Every one convicted of any offence under this section shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she has any interest, or which comes to her as such heiress, co-heiress or next of kin; and if any such marriage takes place, such property shall, upon such conviction, be settled in such manner as any court of competent jurisdiction, upon any information, at the instance of the Attorney General for the Province in which the property is situate, appoints. 32-33 V., c. 20, s. 54.

Forcible ab-
duction of any
woman.

43. Every one who, by force, takes away or detains against her will any woman, of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 20, s. 55.

Abduction of
a girl under
sixteen years.

44. Every one who unlawfully takes or causes to be taken any unmarried girl, being under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 20, s. 56.

CHILD STEALING.

Taking away,
enticing and
detaining
children.

45. Every one who,—

(a.) Unlawfully, either by force or fraud, leads or takes away or decoys or entices away or detains any child under

the age of fourteen years, with intent to deprive any parent, guardian or other person having the lawful care or charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article belongs, or—

(b.) With any such intent, receives or harbors any such child, knowing the same to have been, by force or fraud, led, taken, decoyed, enticed away or detained, as in this section before mentioned, Receiving stolen child.

Is guilty of felony, and liable to seven years' imprisonment: Punishment.

2. No person who has claimed any right to the possession of such child, or is the mother, or has claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child or taking such child out of the possession of any person having the lawful charge thereof. 32-33 V., c. 20, s. 57. Persons preferring certain claims not liable to prosecution.

KIDNAPPING.

46. Every one who, without lawful authority, forcibly seizes and confines or imprisons any other person within Canada, or kidnaps any other person with intent, Seizing, confining, or imprisoning without lawful authority.

(a.) To cause such other person to be secretly confined or imprisoned in Canada against his will,—

(b.) To cause such other person to be unlawfully sent or transported out of Canada against his will, or—

(c.) To cause such other person to be sold or captured as a slave, or in any way held to service against his will,—

Is guilty of felony, and liable to seven years' imprisonment: Punishment.

2. Upon the trial of any offence under this section, the non-resistance of the person so kidnapped or unlawfully confined thereto, shall not be a defence, unless it appears that it was not caused by threats, duress or force or exhibition of force. 32-33 V., c. 20, ss. 69 and 70. Non-resistance not a defence.

ABORTION.

47. Every woman, being with child, who, with the intent to procure her own miscarriage, unlawfully administers, or permits to be administered, to herself any poison or other noxious thing, or unlawfully uses, or permits to be used on herself, any instrument or other means whatsoever with the like intent, and— Administering drugs or using instruments to procure abortion.

Every one who, with intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her or causes to be taken by her any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent,—

Is guilty of felony, and liable to imprisonment for life. Punishment.
32-33 V., c. 20, s. 59.

Supplying or
procuring
drugs or in-
struments for
such purpose.

48. Every one who unlawfully supplies or procures any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she is or is not with child, is guilty of a misdemeanor, and liable to two years' imprisonment. 32-33 V., c. 20, s. 60.

CONCEALING THE BIRTH OF A CHILD.

Concealing
birth of a
child.

49. Every one who, by any secret disposition of the dead body of any child of which any woman is delivered, whether such child died before, at or after its birth, endeavors to conceal the birth thereof, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 20, s. 61, *part*.

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CHAPTER 163.

An Act respecting Libel.

A. D. 1836.

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

- 1.** Every one who publishes or threatens to publish any libel upon any other person, or directly or indirectly threatens to print or publish, or proposes to abstain from printing or publishing of, or offers to prevent the printing or publishing of any matter or thing touching any other person, with intent to extort any money or security for money or any valuable thing, from such person or from any other person, or with intent to induce any person to confer upon or procure for any person any appointment or office of profit or trust, is guilty of a misdemeanor, and liable to a fine not exceeding six hundred dollars, or to imprisonment for any term less than two years, or to both. 37 V., c. 38, s. 1, *part.*

Publishing or threatening to publish any matter with intent to extort money.
- 2.** Every one who maliciously publishes any defamatory libel, knowing the same to be false, is guilty of a misdemeanor, and liable to a fine not exceeding four hundred dollars, or to imprisonment for any term less than two years, or to both. 37 V., c. 38, s. 2.

Publishing defamatory libel knowing it to be false.
- 3.** Every one who maliciously publishes any defamatory libel is guilty of a misdemeanor, and liable to a fine not exceeding two hundred dollars, or to imprisonment for any term not exceeding one year, or to both. 37 V., c. 38, s. 3.

Publishing any defamatory libel.
- 4.** It shall, if pleaded, be a defence to an indictment or information for a defamatory libel, that the defamatory matter was true, and that it was for the public benefit that such matter should be published. 37 V., c. 38, ss. 5 and 6, *parts.*

Truth of defamatory matter a defence.
- 5.** Whenever, upon the trial of any indictment or information for the publication of a defamatory libel, to which a plea of not guilty has been pleaded, evidence is given which establishes against the defendant a presumptive case of publication by his authority, by the act of any other person, the defendant may prove, and, if proved, it shall be a good defence, that such publication was made without his authority, consent or knowledge, and that such publication did

Evidence by defendant of the publication having been without his authority.

not arise from want of due care or caution on his part. 37 V., c. 38, s. 10.

Publication by order of a legislative body may be pleaded.

6. Every person against whom any criminal proceedings are commenced or prosecuted in any manner for or on account of or in respect of the publication of any report, paper, votes or proceedings, by such person or by his servant, by or under the authority of any Legislative Council, Legislative Assembly or House of Assembly, may bring before the court in which such proceedings are so commenced or prosecuted, or before any judge of the same, first giving twenty-four hours' notice of his intention so to do, to the prosecutor in such proceedings, or to his attorney or solicitor, a certificate under the hand of the speaker or clerk of any Legislative Council, Legislative Assembly or House of Assembly, as the case may be, stating that the report, paper, votes or proceedings, as the case may be, in respect whereof such criminal proceedings have been commenced or prosecuted, was or were published by such person, or by his servant, by order or under the authority of any Legislative Council, Legislative Assembly or House of Assembly, as the case may be, together with an affidavit verifying such certificate; and such court or judge shall thereupon immediately stay such criminal proceedings, and the same shall be and shall be deemed and taken to be finally put an end to, determined and superseded by virtue hereof. 24 V. (P.E.I.), c. 31, s. 1.

Certificate to be produced.

Its effect.

Copy of report &c., with affidavit of correctness may be laid before the court.

7. In case of any criminal proceedings hereafter commenced or prosecuted for or on account or in respect of the publication of any copy of such report, paper, votes or proceedings, the defendant, at any stage of the proceedings, may lay before the court or judge such report, paper, votes or proceedings, and such copy, with an affidavit verifying such report, paper, votes or proceedings, and the correctness of such copy; and the court or judge shall immediately stay such criminal proceedings, and the same shall be and shall be deemed to be finally put an end to, determined and superseded by virtue hereof. 24 V. (P.E.I.), c. 31, s. 2.

In prosecution for publishing extract, report, &c., may be given in evidence.

8. In any criminal proceeding commenced or prosecuted, for printing any extract from or abstract of any such report, paper, votes or proceedings, such report, paper, votes or proceedings may be given in evidence, and it may be shown that such extract or abstract was published *bonâ fide* and without malice, and if such is the opinion of the jury, a verdict of not guilty shall be entered for the defendant. 24 V. (P.E.I.), c. 31, s. 3.



CHAPTER 164.

An Act respecting Larceny and similar Offences. A. D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Larceny Act.*" Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a.) The expression "document of title to goods" includes any bill of lading, India warrant, dock warrant, warehouse-keeper's certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought and sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, authorizing or purporting to authorize, either by indorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to ;
- (b.) The expression "document of title to lands" includes any deed, map, paper or parchment, written or printed, or partly written and partly printed, being or containing evidence of the title, or any part of the title, to any real property, or to any interest in any real property, or any notarial or registrar's copy thereof, or any duplicate instrument, memorial, certificate or document authorized or required by any law in force in any part of Canada, respecting registration of titles, and relating to such title ;
- (c.) The expression "trustee" means a trustee on some express trust created by some deed, will or instrument in writing, or a trustee of personal property created by parol, and includes the heir or personal representative of any such trustee, and every other person upon or to whom the duty of such trust has devolved or come, and also an executor and administrator, and an official manager, assignee, liquidator or other like officer acting under any Act relating to joint stock companies, bankruptcy or insolvency, and any person who is, by the law of the Province of Quebec, an "*administrateur*;" and the expression "trust," includes whatever is by that law an "*administration* ;"
- Interpretation.
"Document of title to goods."
"Document of title to lands."
"Trustee."

“Valuable
“security.”

(d.) The expression “valuable security” includes any order, exchequer acquittance or other security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of Canada or of any Province thereof, or of the United Kingdom, or of Great Britain or Ireland, or of any British colony or possession, or of any foreign state, or in any fund of any body corporate, company or society, whether within Canada or the United Kingdom, or any British colony or possession, or in any foreign state or country, or to any deposit in any savings bank or other bank, and also includes any debenture, deed, bond, bill, note, warrant, order or other security whatsoever, for money or for payment of money, whether of Canada or of any Province thereof, or of the United Kingdom, or of any British colony or possession, or of any foreign state, and any document of title to lands or goods as hereinbefore defined, and any stamp or writing which secures or evidences title to or interest in any chattel personal, or any release, receipt, discharge or other instrument evidencing payment of money, or the delivery of any chattel personal; and every such valuable security shall, where value is material, be deemed to be of value equal to that of such unsatisfied money, chattel personal, share, interest or deposit, for the securing or payment of which, or delivery or transfer or sale of which, or for the entitling or evidencing title to which, such valuable security is applicable, or to that of such money or chattel personal, the payment or delivery of which is evidenced by such valuable security;

“Property.”

(e.) The expression “property” includes every description of real and personal property, money, debts and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods,—and also not only such property as was originally in the possession or under the control of any person, but also any property into or for which the same has been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise,—and also any postal card, postage stamp or other stamp issued or prepared for issue by the authority of the Parliament of Canada, or of the Legislature of any Province of Canada, for the payment of any fee, rate or duty whatsoever, and whether still in the possession of the Crown, or of any person or corporation, or of any officer or agent of the Government of Canada, or of the Province by the authority of the Legislature whereof it was issued or prepared for issue; and such postal card or stamp shall be held to be a chattel, and to be equal in value to the amount of the postage, rate or duty which can be paid by it, and is expressed on its face in words or figures, or both;

“Cattle.”

(f.) The expression “cattle” includes any horse, mule, ass, swine, sheep or goat, as well as any neat cattle or ani-

mal of the bovine species, and whatever is the age or sex of the animal, and whether castrated or not, and by whatever technical or trivial name it is known and shall apply to one animal as well as to many;

(g.) The expression "banker" includes any director of any incorporated bank or banking company; "Banker."

(h.) The expression "writing" includes any mode in which and any material on which words or figures at length or abridged are written, printed or otherwise expressed, or any map or plan is inscribed; "Writing."

(i.) The expression "testamentary instrument" includes any will, codicil or any other testamentary writing or appointment, as well during the life of the testator whose testamentary disposition it purports to be, as after his death, whether the same relates to real or personal property, or both; "Testamentary instrument."

(j.) The expression "municipality" includes the corporation of any city, town, village, township, parish or other territorial or local division of any Province of Canada, the inhabitants whereof are incorporated or have the right of holding property for any purpose; "Municipality."

(k.) The night shall, for the purpose of this Act, be deemed to commence at nine of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day, and the day shall include the remainder of the twenty-four hours; "Night."

(l.) Whenever the having anything in the possession of any person is in this Act expressed to be an offence, then if any person has any such thing in his personal custody or possession, or knowingly or wilfully has any such thing in any dwelling-house or other building, lodging, apartment, field or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter or thing is so had for his own use or benefit or for that of another, such person shall be deemed to have such matter or thing in his custody or possession within the meaning of this Act, and if there are two or more persons, any one or more of whom, with the knowledge and consent of the rest, has any such thing in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of all of them. 32-33 V., c. 21, s. 1;—35 V., c. 33, s. 1, *part*;—40 V., c. 29, s. 1. Having in custody or possession.

SIMPLE LARCENY.

3. Every larceny, whatever is the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents in all respects as grand larceny was before the distinction between grand and petit larceny was abolished. 32-33 V., c. 21, s. 2. All larcenies to be of the same nature.

Bailee fraudulently converting property, guilty of larceny.

4. Every one who, being a bailee of any chattel, money or valuable security, fraudulently takes or converts the same to his own use or to the use of any person other than the owner thereof, although he does not break bulk or otherwise determine the bailment, is guilty of larceny, and may be convicted thereof upon an indictment for larceny; but this section shall not extend to any offence punishable on summary conviction. 32-33 V., c. 21, s. 3.

Punishment for simple larceny.

5. Every one who commits simple larceny or any felony hereby made punishable in the same manner as simple larceny, is guilty of a felony, and, except in the cases hereinafter otherwise provided for, is liable to seven years' imprisonment. 32-33 V., c. 21, s. 4;—40 V., c. 29, s. 3.

Larceny after a conviction for felony.

6. Every one who, having been convicted either summarily or upon indictment of a felony, commits the offence of simple larceny, is guilty of felony, and liable to ten years' imprisonment. 32-33 V., c. 21, s. 7.

STEALING CATTLE, ETC.

Stealing cattle.

7. Every one who steals any cattle is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 10.

Killing animals with intent to steal the carcase, &c.

8. Every one who wilfully kills any animal, with intent to steal the carcase, skin or any part of the animal so killed, is guilty of felony, and liable to the same punishment as if he had been convicted of feloniously stealing the same, provided the offence of stealing the animal so killed would have amounted to felony. 32-33 V., c. 21, s. 11.

Stealing dogs, beasts or birds ordinarily kept in confinement and not subjects of larceny at common law.

9. Every one who steals any dog, or any bird, beast or other animal ordinarily kept in a state of confinement or for any domestic purpose, or for any lawful purpose of profit or advantage, not being the subject of larceny at common law, or wilfully kills any such dog, bird, beast or animal, with intent to steal the same, or any part thereof, shall, on summary conviction, be liable to a penalty not exceeding twenty dollars over and above the value of the dog, bird, beast or other animal, or to one month's imprisonment with hard labor :

Second offence.

2. Every one who, having been convicted of any such offence either against this or any other Act or law, afterwards commits any offence in this section mentioned, is liable to three months' imprisonment with hard labor. 32-33 V., c. 21, s. 12.

Killing or taking pigeons.

10. Every one who unlawfully and wilfully kills, wounds or takes any house-dove or pigeon under such circumstances as do not amount to larceny at common law, shall, on sum-

mary conviction, be liable to a penalty not exceeding ten dollars over and above the value of the bird. 32-33 V., c. 21, s. 13.

11. Every one who steals any oysters or oyster brood from any oyster bed, laying or fishery, being the property of any other person, and sufficiently marked out or known as such, is guilty of felony, and liable to be punished as in the case of simple larceny: Stealing oysters or oyster brood.

2. Every one who unlawfully and wilfully uses any dredge or net, instrument or engine whatsoever, within the limits of any oyster bed, laying or fishery, being the property of any other person, and sufficiently marked out or known as such, for the purpose of taking oysters or oyster brood, although none are actually taken, or unlawfully and wilfully with any net, instrument or engine, drags upon the ground of any such fishery, is guilty of a misdemeanor, and liable to three months' imprisonment: Unlawfully dredging in an oyster fishery.

3. Nothing in this section contained shall prevent any person from fishing for or catching any floating fish within the limits of any oyster fishery with any net, instrument or engine adapted for taking floating fish only. 32-33 V., c. 21, s. 14. *part.* As to floating fish.

STEALING WRITTEN INSTRUMENTS.

12. Every one who steals or, for any fraudulent purpose, destroys, cancels, obliterates or conceals the whole or any part of any valuable security, other than a document of title to lands, is guilty of felony, of the same nature, and in the same degree, and punishable in the same manner as if he had stolen any chattel, of like value as the share interest or deposit to which the security so stolen relates, or as the money due on the security so stolen or secured thereby and remaining unsatisfied, or as the value of the goods or other valuable thing represented, mentioned or referred to in or by the security. 32-33 V., c. 21, s. 15. Stealing, destroying, &c., valuable security.

13. Every one who steals or, for any fraudulent purpose, destroys, cancels, obliterates or conceals the whole or any part of any document of title to lands, is guilty of felony, and liable to three years' imprisonment. 32-33 V., c. 21, s. 16, *part.* Deeds, &c., relating to real property.

14. Every one who, either during the life of the testator or after his death, steals or, for any fraudulent purpose, destroys, cancels, obliterates or conceals the whole or any part of any will, codicil or other testamentary instrument, whether the same relates to real or personal property, or to both, is guilty of felony, and liable to imprisonment for life: Wills or codicils.

Other remedies not affected.

2. Nothing in this or the next preceding section mentioned, and no proceeding, conviction or judgment had or taken thereupon, shall prevent, lessen or impeach any remedy at law or in equity, which any person aggrieved by any such offence might or would have had if this Act had not been passed :

As to the effect of conviction in any civil action : and as to disclosures under compulsory process.

3. No conviction of any such offender shall be received in evidence in any action or suit against him ; and no person shall be liable to be convicted of any of the felonies in this and the next preceding section mentioned by any evidence whatever, in respect of any act done by him, if he has, at any time previously to his being charged with such offence, first disclosed such act, on oath, in consequence of any compulsory process of any court, in any action, suit or proceeding *bonâ fide* instituted by any person aggrieved, or if he has first disclosed the same in any compulsory examination or deposition before any court upon the hearing of any matter in bankruptcy or insolvency. 32-33 V., c. 21, s. 17, *part*.

Stealing, destroying, &c., records or other legal documents.

15. Every one who steals or, for any fraudulent purpose, takes from its place of deposit, for the time being, or from any person having the custody thereof, or unlawfully and maliciously cancels, obliterates, injures or destroys the whole or any part of any record, writ, return, affirmation, recognizance, *cognovit actionem*, bill, petition, answer, decree, panel, process, interrogatory, deposition, affidavit, rule, order or warrant of attorney, or of any original document whatsoever, of or belonging to any court of justice, or relating to any cause or matter, begun, depending or terminated in any such court, or of any original document in anywise relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any court of justice, or in any government or public office, is guilty of felony, and liable to three years' imprisonment. 32-33 V., c. 21, s. 18, *part*.

Stealing railway tickets, &c.

16. Every one who steals any railway or steam-boat ticket, or any order or receipt for a passage on any railway or in any steamer or other vessel, is guilty of felony, and liable to imprisonment for any term less than two years. 32-33 V., c. 21, s. 19.

STEALING THINGS ATTACHED TO OR GROWING ON LAND.

Metal, glass, wood, &c., fixed to house or land.

17. Every one who steals, or rips, cuts, severs or breaks, with intent to steal, any glass or woodwork belonging to any building whatsoever, or any lead, iron, copper, brass or other metal, or any utensil or fixture, whether made of metal or other material, or of both, respectively fixed in or to any building whatsoever, or anything made of metal fixed in any land, being private property, or for a fence to any dwelling-house, garden or area, or in any square or

street, or in any place dedicated to public use or ornament, or in any burial ground, is guilty of felony, and liable to be punished as in the case of simple larceny. 32-33 V., c. 21, s. 20, *part.*

18. Every one who steals, or cuts, breaks, roots up or otherwise destroys or damages, with intent to steal, the whole or any part of any tree, sapling or shrub, or any underwood, respectively growing in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house (in case the value of the article or articles stolen or the amount of the injury done exceeds the sum of five dollars), is guilty of felony, and liable to be punished as in the case of simple larceny :

Trees in pleasure grounds of the value of five dollars.

2. Every one who steals, or cuts, breaks, roots up or otherwise destroys or damages, with intent to steal, the whole or any part of any tree, sapling or shrub, or any underwood, respectively growing elsewhere than in any of the situations in this section before mentioned (if the value of the article or articles stolen, or the amount of the injury done, exceeds the sum of twenty-five dollars), is guilty of felony, and liable to be punished as in the case of simple larceny. 32-33 V., c. 21, s. 21.

Trees elsewhere of the value of twenty-five dollars.

19. Every one who steals, or cuts, breaks, roots up or otherwise destroys or damages, with intent to steal, the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same is respectively growing (the stealing of such article, or the injury done, being to the amount of twenty-five cents at the least), shall, on summary conviction, be liable to a penalty not exceeding twenty-five dollars over and above the value of the article stolen or the amount of the injury done :

Trees worth twenty-five cents.

2. Every one who, having been convicted of any such offence, either against this or any other Act or law, afterwards commits any of the said offences in this section before mentioned, shall, on summary conviction, be liable to three months' imprisonment with hard labor :

Second offence.

3. Every one who, having been twice convicted of any such offence (whether both or either of such convictions have taken place before or after the passing of this Act), afterwards commits any of the offences in this section before mentioned is guilty of felony, and liable to be punished as in the case of simple larceny. 32-33 V., c. 21, s. 22.

Third or subsequent offence.

20. Every one who receives or purchases any tree or sapling, or any timber made therefrom, exceeding in value the sum of ten dollars, knowing the same to have been stolen or unlawfully cut or carried away, is guilty of a misdemeanor, and liable to the same punishment as the principal offender, —and may be indicted and convicted thereof, whether the

Purchasing or receiving stolen trees.

principal offender has or has not been convicted, or is or is not amenable to justice :

Other remedies saved.

2. Nothing in this or in either of the two sections next preceding contained, and no proceeding, conviction or judgment had or taken thereupon, shall prevent, lessen or impeach any remedy which any person aggrieved by any of the said offences would have had if this Act had not been passed ; nevertheless, the conviction of the offender shall not be received in evidence in any action or suit against him ; and no person shall be convicted of either of the offences aforesaid, by any evidence disclosed by him on oath, in consequence of the compulsory process of a court, in any action, suit or proceeding instituted by any person aggrieved. 32-33 V., c. 21, s. 23.

Effect of conviction in civil suits and of disclosures under process.

Stealing, &c., any live or dead fences, wooden fence, stile or gate.

21. Every one who steals, cuts or breaks or throws down, with intent to steal, any part of any live or dead fence, or any wooden post, pale, wire or rail set up or used as a fence, or any stile or gate, or any part thereof respectively, shall, on summary conviction, be liable to a penalty not exceeding twenty dollars, over and above the value of the article or articles so stolen or the amount of the injury done :

Subsequent offence.

2. Every one who, having been convicted of any such offence, either against this or any other Act or law, afterwards commits any of the said offences in this section mentioned, shall, on summary conviction, be liable to three months' imprisonment with hard labor. 32-33 V., c. 21, s. 24.

Suspected persons in possession of any wood, &c. not satisfactorily accounting for it.

22. Every one who, having in his possession, or on his premises with his knowledge, the whole or any part of any tree, sapling or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, wire, rail, stile or gate, or any part thereof, of the value of twenty-five cents at the least, is taken or summoned before a justice of the peace, and does not satisfy such justice that he came lawfully by the same, shall, on summary conviction, be liable to a penalty not exceeding ten dollars, over and above the value of the article so in his possession or on his premises. 32-33 V., c. 21, s. 25.

Stealing, destroying or damaging with intent to steal any fruit, &c.

23. Every one who steals or destroys, or damages with intent to steal, any plant, root, fruit or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hot-house, green-house or conservatory, shall, on summary conviction, be liable to a penalty not exceeding twenty dollars, over and above the value of the article so stolen or the amount of the injury done, or to one month's imprisonment, with or without hard labor :

Subsequent offence.

2. Every one who, having been convicted of any such offence, either against this or any other Act or law, afterwards commits any of the offences in this section mentioned, is guilty of felony, and liable to be punished as in the case of simple larceny. 32-33 V., c. 21, s. 26.

24. Every one who steals or destroys, or damages, with intent to steal, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard, pleasure ground, or nursery ground, shall, on summary conviction, be liable to a penalty not exceeding five dollars, over and above the value of the article so stolen or the amount of the injury done, or to one month's imprisonment with hard labor:

Stealing, &c., vegetable productions not growing in gardens, &c.

2. Every one who, having been convicted of any such offence, either against this or any other Act or law, afterwards commits any of the offences in this section mentioned, is liable to three months' imprisonment with hard labor. 32-33 V., c. 21, s. 27.

Subsequent offence.

STEALING ORES OR MINERALS.

25. Every one who steals, or severs with intent to steal, ore of any metal, or any quartz, lapis calaminaris, manganese, or mundic, or any piece of gold, silver or other metal, or any wad, black cawlk, or black lead, or any coal, or cannel coal, or any marble, stone or other mineral, from any mine, bed or vein thereof respectively, is guilty of felony, and liable to imprisonment for any term less than two years:

Stealing ores of metal, coal &c.

2. No person shall be deemed guilty of any offence for having, for the purposes of exploration or scientific investigation, taken any specimen or specimens of any ore or mineral from any piece of ground uninclosed and not occupied or worked as a mine, quarry or digging. 32-33 V., c. 21, s. 28.

Exceptions as to scientific investigations.

26. Every one who, being employed in or about any mine, quarry or digging, takes, removes or conceals any ore of any metal, or any quartz, lapis calaminaris, manganese, mundic, or any piece of gold, silver or other metal, or any mineral found or being in such mine, quarry or digging, with intent to defraud any proprietor of, or any adventurer in the same, or any workman or miner employed therein, is guilty of felony, and liable to imprisonment for any term less than two years. 32-33 V., c. 21, s. 29.

Miners removing ore, &c., with intent to defraud.

27. Every one who, being the holder of any lease or license issued under the provisions of any Act relating to gold or silver mining, or by any persons owning land supposed to contain any gold or silver, by any fraudulent device or contrivance, defrauds or attempts to defraud Her Majesty, or any person, of any gold, silver or money payable or reserved by such lease, or with such intent as aforesaid, conceals or makes a false statement as to the amount of gold or silver procured by him, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 21, s. 30.

Concealing royalty, with intent to defraud.

Selling or purchasing without permission quartz, &c., containing gold or silver.

28. Every one who, not being the owner or agent of mining claims then being worked, and not being thereunto authorized in writing by the proper officer in that behalf, named in any Act relating to mines in force in any Province of Canada, sells or purchases (except to or from such owner or authorized person) any quartz containing gold, or any smelted gold or silver, at or within three miles of any gold district or mining district, or gold mining division, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 21, s. 31.

Purchasing gold in quartz, or smelted, &c., without giving a proper receipt for it.

29. Every one who purchases any gold in quartz, or any unsmelted or smelted gold or silver, or otherwise unmanufactured gold or silver, of the value of one dollar or upwards (except from such owner or authorized person as in the next preceding section mentioned) and does not, at the same time, execute in triplicate an instrument in writing, stating the place and time of purchase, and the quantity, quality and value of gold or silver so purchased, and the name or names of the person or persons from whom the same was purchased, and file the same with the officer in the next preceding section mentioned, within twenty days next after the date of such purchase, is guilty of a misdemeanor, and liable to a penalty not exceeding in amount double the value of the gold or silver purchased, and to imprisonment for any term less than two years. 32-33 V., c. 21, s. 32.

Possession to be *prima facie* evidence in certain cases.

30. The possession, contrary to the provisions of any law in that behalf of any smelted gold or silver, or any gold-bearing quartz, or any unsmelted or otherwise unmanufactured gold or silver, by any operative, workman or laborer actively engaged in or on any mine, is *prima facie* evidence that the same has been stolen by him. 32-33 V., c. 21, s. 35.

Defrauding partners.

31. Every one who, with intent to defraud his co-partner, co-adventurer, joint tenant or tenant in common, in any claim, or in any share or interest in any claim, secretly keeps back or conceals any gold or silver found in or upon or taken from such claim, is guilty of felony, and liable to be punished as in the case of simple larceny. 32-33 V., c. 21, s. 37.

STEALING FROM THE PERSON, AND OTHER LIKE OFFENCES.

Robbery, or stealing from the person.

32. Every one who robs any person, or steals any chattel, money or valuable security from the person of another, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 39.

Assault with intent to rob.

33. Every one who assaults any person with intent to rob, is guilty of felony, and, except in cases where a greater

punishment is provided by this Act, liable to three years' imprisonment. 32-33 V., c. 21, s. 41.

34. Every one who, being armed with an offensive weapon or instrument, robs, or assaults with intent to rob, any person, or together with one or more other person or persons, robs, or assaults with intent to rob any person, or robs any person, and at the time of, or immediately before, or immediately after such robbery, wounds, beats, strikes or uses any other personal violence to any person, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 21, s. 42.

Robbery or assault by a person armed, or by two or more, or robbery and wounding.

BURGLARY AND HOUSE-BREAKING.

35. Every one who breaks and enters any church, chapel, meeting-house or other place of divine worship, and commits any felony therein, or being in any church, chapel, meeting-house or other place of divine worship, commits any felony therein and breaks out of the same, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 21, s. 49.

Breaking and entering a church, &c., and committing a felony.

36. No building, although within the same curtilage with any dwelling-house, and occupied therewith, shall be deemed to be part of such dwelling-house for any of the purposes of this Act, unless there is a communication between such building and dwelling-house, either immediate or by means of a covered and inclosed passage leading from the one to the other. 32-33 V., c. 21, s. 52.

What building within curtilage to be deemed part of dwelling-house.

37. Every one who enters the dwelling-house of another with intent to commit any felony therein, or being in such dwelling-house, commits any felony therein, and, in either case, breaks out of such dwelling-house in the night, is guilty of burglary. 32-33 V., c. 21, s. 50.

Burglary.

38. Every one who commits the crime of burglary is liable to imprisonment for life. 32-33 V., c. 21, s. 51.

Punishment for burglary.

39. Every one who enters any dwelling-house in the night, with intent to commit any felony therein, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 21, s. 53.

Entering in the night with intent to commit felony.

40. Every one who breaks and enters any building and commits any felony therein, such building being within the curtilage of a dwelling-house and occupied therewith, but not being part thereof, according to the provision herebefore mentioned, or being in any such building commits any felony therein and breaks out of the same, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 54.

Breaking into any building within the curtilage, and committing any felony.

Breaking into any house, shop, &c., and committing any felony.

41. Every one who breaks and enters any dwelling-house, school-house, shop, warehouse or counting-house, and commits any felony therein, or being in any dwelling-house, school-house, shop, warehouse or counting-house, commits any felony therein, and breaks out of the same, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 55.

House breaking with intent to commit a felony.

42. Every one who breaks and enters any dwelling-house, church, chapel, meeting-house or other place of divine worship, or any building within the curtilage, or school-house, shop, warehouse or counting-house, with intent to commit any felony therein, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 21, s. 56.

Being armed or disguised, &c., with intent to break and enter any house in the night.

43. Every one who is found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any felony therein, or is found by night having in his possession, without lawful excuse,—the proof of which excuse shall lie on him—any picklock key, crow, jack, bit or other implement of house-breaking, or any match or combustible or explosive substance, or is found by night having his face blackened or otherwise disguised, with intent to commit any felony, or is found by night in any dwelling-house or other building whatsoever, with intent to commit any felony therein, is guilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 21, s. 59.

The like after a previous conviction.

44. Every one who, having been convicted of any such misdemeanor as in the next preceding section mentioned, or of any felony, commits any such misdemeanor, is liable to ten years' imprisonment. 32-33 V., c. 21, s. 60.

STEALING IN THE HOUSE.

Stealing in a dwelling house to the value of twenty-five dollars.

45. Every one who steals in any dwelling-house any chattel, money or valuable security, to the value in the whole of twenty-five dollars or more, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 61.

Stealing in a dwelling house with menaces.

46. Every one who steals any chattel, money or valuable security in any dwelling-house, and by any menace or threat puts any one therein in bodily fear, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 62.

STEALING IN MANUFACTORIES.

Stealing goods in process of manufacture.

47. Every one who steals, to the value of two dollars, any woollen, linen, hempen or cotton yarn, or any goods or articles of silk, woollen, linen, cotton, alpaca or mohair, or of any one or more of such materials mixed with each other

or mixed with any other material, whilst laid, placed or exposed, during any stage, process or progress of manufacture, in any building, field or other place, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 63.

48. Every one who, having been intrusted for the purpose of manufacture or for a special purpose connected with manufacture, or employed to make any felt or hat, or to prepare or work up any woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax or silk, or any such materials mixed with one another, or having been so intrusted, as aforesaid, with any other article, materials, fabric or thing, or with any tools or apparatus for manufacturing the same, sells, pawns, purloins, secretes, embezzles, exchanges or otherwise fraudulently disposes of the same, or any part thereof, when the offence is not within the next preceding section, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 21, s. 64.

Stealing goods intrusted for manufacture.

STEALING FROM SHIPS, WHARVES, ETC.

49. Every one who steals any goods or merchandise in any vessel, barge or boat of any description whatsoever, in any haven or in any port of entry or discharge, or upon any navigable river or canal, or in any creek or basin belonging to or communicating with any such haven, port, river or canal, or steals any goods or merchandise from any dock, wharf or quay, adjacent to any such haven, port, river, canal, creek or basin, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 65.

Stealing from ships, wharves, &c.

STEALING THINGS UNDER SEIZURE.

50. Every one who, whether pretending to be the owner or not, secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken or carried away, without lawful authority, any property under lawful seizure and detention, steals such property, and is guilty of felony and liable to be punished accordingly. 43 V., c. 28, s. 66, *part*;—46 V., c. 17, s. 67;—C. S. C., c. 23, s. 10.

Stealing property under seizure.

STEALING OR EMBEZZLEMENT BY CLERKS OR SERVANTS OR PERSONS IN THE PUBLIC SERVICE.

51. Every one who, being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, steals any chattel, money or valuable security belonging to or in the possession or power of his master or employer, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 69.

Larceny by clerks or servants.

Embezzlement by clerks or servants.

52. Every one who, being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, fraudulently embezzles any chattel, money or valuable security, or any part thereof, delivered to or received or taken into possession by him, for or in the name or on the account of his master or employer, feloniously steals the same from his master or employer, although such chattel, money or security was not received into the possession of such master or employer, otherwise than by the actual possession of his clerk, servant or other person so employed, and is liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 70.

Larceny by persons in the Queen's service, or that of any Provincial Government, &c.

53. Every one who, being employed in the public service of Her Majesty, or of the Lieutenant Governor or government of any Province of Canada, or of any municipality, steals any chattel, money or valuable security belonging to or in the possession or power of Her Majesty, or of such Lieutenant Governor, government or municipality, or intrusted to or received or taken into possession by him by virtue of his employment, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 71.

Embezzlement by persons employed in the Queen's service, or that of any Provincial Government, &c.

54. Every one who, being employed in the public service of Her Majesty, or of the Lieutenant Governor or government of any Province in Canada, or of any municipality, and intrusted, by virtue of such employment, with the receipt, custody, management or control of any chattel, money or valuable security, embezzles any chattel, money or valuable security intrusted to or taken into possession by him by virtue of his employment, or any part thereof, or in any manner fraudulently applies or disposes of the same, or any part thereof, to his own use or benefit, or for any purpose whatsoever except for the public service, or for the service of such Lieutenant Governor, government or municipality, feloniously steals the same from Her Majesty, or from such municipality, and is liable to fourteen year's imprisonment. 32-33 V., c. 21, s. 72, *part*.

Refusal by person so employed to deliver up moneys, &c.

55. Every one who, being employed in the public service of Her Majesty, or of the Lieutenant Governor or government of any Province of Canada, or of any municipality, and intrusted by virtue of such employment with the keeping, receipt, custody, management or control of any chattel, money, valuable security, book, paper, account or document, refuses or fails to deliver up the same to any one authorized to demand it, is guilty of a fraudulent embezzlement thereof, and liable to fourteen years' imprisonment:

Other remedies not affected.

2. Nothing herein shall affect any remedy of Her Majesty, of the municipality, or of any person against the offender or his sureties, or any other person, nor shall the conviction of such offender be receivable in evidence in any suit or action against him. 41 V., c. 7, s. 70, *part*;—C. S. C., c. 16, s. 40, *part*;—29-30 V. (Can.), c. 51, s. 187, *part*.

56. Every one who steals, or unlawfully or maliciously, either by violence or stealth, takes from any person having the lawful custody thereof, or from its lawful place of deposit for the time being, or aids, counsels or assists in so stealing or taking any writ of election, or any return to a writ of election, or any indenture, poll-book, voters' list, certificate, affidavit or report, or any document or paper made, prepared or drawn out according to or for the requirements of any law in regard to provincial, municipal or civic elections, is guilty of a felony, and liable to a fine, in the discretion of the court, or to seven years' imprisonment, or to both fine and imprisonment. 29-30 V. (Can.), c. 51, s. 188, *part*;—R. S. B. C., c. 157, ss. 99 and 100, *parts*.

Stealing election documents.

STEALING BY TENANTS OR LODGERS.

57. Every one who steals any chattel or fixture let to be used by him, or her, in or with any house or lodging, whether the contract has been entered into by him or her, or by her husband, or by any person on behalf of him or her or her husband, is guilty of felony, and liable to imprisonment for any term less than two years,—and if the value of such chattel or fixture exceeds the sum of twenty-five dollars, is liable to seven years' imprisonment. 32-33 V., c. 21, s. 75, *part*.

Tenant or lodger stealing chattel or fixture let to hire.

STEALING BY PARTNERS.

58. Every one who, being a member of any co-partnership owning any money or other property, or being one of two or more beneficial owners of any money or other property, steals, embezzles or unlawfully converts the same or any part thereof to his own use, or that of any person other than the owner, is liable to be dealt with, tried, convicted and punished as if he had not been or were not a member of such co-partnership, or one of such beneficial owners. 32-33 V., c. 21, s. 38.

Stealing property of partnership.

FRAUDS BY AGENTS, BANKERS OR FACTORS.

59. Every one who, being a cashier, assistant cashier, manager, officer, clerk or servant of any bank, or savings bank, secretes, embezzles or absconds with any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any money or effects intrusted to him as such cashier, assistant cashier, manager, officer, clerk or servant, whether the same belongs to the bank or belongs to any person, body corporate, society or institution, and is lodged with such bank, is guilty of felony, and liable to imprisonment for life or for any term not less than two years. 34 V., c. 5, s. 60, and c. 7, s. 32.

Stealing or embezzling by bank officer.

Agent, &c.,
intrusted,
converting
money, &c.,
to his own
use.

60. Every one who,—

(a) Having been intrusted, either solely or jointly with any other person, as a banker, merchant, broker, attorney or other agent, with any money or security for the payment of money, with any direction in writing to apply, pay or deliver such money or security, or any part thereof respectively, or the proceeds or any part of the proceeds of such security, for any purpose, or to any person specified in such direction,—in violation of good faith and contrary to the terms of such direction, in anywise converts to his own use or benefit, or the use or benefit of any person other than the person by whom he has been so intrusted, such money, security or proceeds, or any part thereof respectively, or—

Or any chattel, valuable security or power of attorney.

(b.) Having been intrusted, either solely or jointly with any other person, as a banker, merchant, broker, attorney or other agent, with any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund, whether of the United Kingdom or any part thereof, or of Canada, or of any Province thereof, or of any British colony or possession, or of any foreign state, or in any stock or fund of any body corporate, company or society, for safe custody or for any special purpose, without any authority to sell, negotiate, transfer or pledge,—in violation of good faith, and contrary to the object or purpose for which such chattel, security or power of attorney has been intrusted to him, sells, negotiates, transfers, pledges, or in any manner converts to his own use or benefit, or the use or benefit of any person other than the person by whom he has been so intrusted, such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney relates, or any part thereof,—

Punishment.

Is guilty of a misdemeanor, and liable to seven years' imprisonment :

Not to apply to trustees or mortgagees.

2. Nothing in this section contained relating to agents shall affect any trustee in or under any instrument whatsoever, or any mortgagee of any property, real or personal, in respect to any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage ; nor shall restrain any banker, merchant, broker, attorney or other agent from receiving any money due or to become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed ; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession, upon which he has any lien, claim or demand, entitling him by law so to do, unless such sale, transfer or other disposal extends to a greater number or part of such securities or effects than are requisite for satisfying such lien, claim or demand. 32-33 V., c. 21, s. 76.

Nor to bankers, &c., receiving money due on securities.

Or disposing of securities on which they have a lien.

61. Every one who, being a banker, merchant, broker, attorney or agent, and being intrusted, either solely or jointly with any other person, with the property of any other person for safe custody,—with intent to defraud, sells, negotiates, transfers, pledges or in any other manner converts or appropriates the same, or part thereof, to or for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, is guilty of a misdemeanor, and liable to seven years' imprisonment. 32-33 V., c. 21, s. 77.

Bankers, &c., fraudulently selling, &c., property intrusted to their care.

62. Every one who, being intrusted, either solely or jointly with any other person, with any power of attorney, for the sale or transfer of any property,—fraudulently sells or transfers, or otherwise converts the same or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, is guilty of a misdemeanor, and liable to seven years' imprisonment. 32-33 V., c. 21, s. 78.

Persons under powers of attorney fraudulently selling property.

63. Every one who, being a factor, or agent intrusted, either solely or jointly with any other person, for the purpose of sale or otherwise, with the possession of any goods, or of any document of title to goods,—contrary to or without the authority of his principal in that behalf, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, makes any consignment, deposit, transfer or delivery of any goods or document of title so intrusted to him as in this section before mentioned, as and by way of a pledge, lien or security for any money or valuable security borrowed or received by such factor or agent at or before the time of making such consignment, deposit, transfer or delivery, or intended to be thereafter borrowed or received,—or contrary to or without such authority, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, accepts any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer or deliver any such goods or document of title, is guilty of a misdemeanor, and liable to seven years' imprisonment :

Factors obtaining advances on the property of their principals.

2. Every one who knowingly and wilfully acts and assists in making any such consignment, deposit, transfer or delivery, or in accepting or procuring such advance as aforesaid, is guilty of a misdemeanor, and liable to the same punishment :

Persons wilfully assisting.

3. No such factor or agent shall be liable to any prosecution for consigning, depositing, transferring or delivering any such goods or documents of title, if the same are not made a security for or subject to the payment of any greater sum of money than the amount which, at the time of such

Exception when the pledge does not exceed the amount of their lien.

consignment, deposit, transfer or delivery, was justly due and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal and accepted by such factor or agent. 32-33 V., c. 21, s. 79.

When agent shall be deemed to be intrusted with the goods.

What shall be deemed a pledge.

What shall be deemed possession.

What shall be deemed a loan or advance on such goods.

What shall be deemed a contract.

What shall be deemed an advance.

Possession to be evidence of intrusting.

Trustees fraudulently disposing of property.

64. Any factor or agent intrusted, as aforesaid, and possessed of any such document of title, whether derived immediately from the owner of such goods or obtained by reason of such factor or agent having been intrusted with the possession of the goods, or of any other document of title thereto, shall be deemed to have been intrusted with the possession of the goods represented by such document of title; and every contract pledging or giving a lien upon such document of title as aforesaid, shall be deemed to be a pledge of and lien upon the goods to which the same relates; and such factor or agent shall be deemed to be possessed of such goods or document, whether the same are in his actual custody or held by any other person subject to his control, or for him, or on his behalf; and whenever any loan or advance is *bonâ fide* made to any factor or agent intrusted with and in possession of any such goods or document of title, on the faith of any contract or agreement in writing to consign, deposit, transfer or deliver such goods or document of title, and such goods or document of title is or are actually received by the person making such loan or advance, without notice that such factor or agent was not authorized to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or document of title, within the meaning of the next preceding section, though such goods or document of title are not actually received by the person making such loan or advance till a period subsequent thereto; and any contract or agreement, whether made direct with such factor or agent or with any clerk or other person on his behalf, shall be deemed a contract or agreement with such factor or agent; and any payment made, whether by money or bill of exchange, or other negotiable security, shall be deemed to be an advance within the meaning of the next preceding section; and a factor or agent in possession, as aforesaid, of such goods or document, shall be taken, for the purpose of the next preceding section, to have been intrusted therewith by the owner thereof, unless the contrary is shown in evidence. 32-33 V., c. 21, s. 80.

65. Every one who, being a trustee of any property for the use or benefit, either in whole or in part, of some other person, or for any public or charitable purpose, with intent to defraud, converts or appropriates the same, or any part thereof, to or for his own use or benefit or the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as

aforesaid, or otherwise disposes of or destroys such property or any part thereof, is guilty of a misdemeanor, and liable to seven years' imprisonment :

2. No proceeding or prosecution for any offence mentioned in this section shall be commenced without the sanction of the Attorney General or Solicitor General for the Province in which the same is to be instituted :

No prosecution without sanction of the Attorney General.

3. When any civil proceeding has been taken against any person to whom the provisions of this section apply, no person who has taken such civil proceeding shall commence any prosecution under this section without the sanction of the court or judge before whom such civil proceeding has been had or is pending. 32-33 V., c. 21, s. 81.

When civil proceedings have been taken.

66. Every one who, being a director, member, manager or officer of any body corporate or company, fraudulently takes or applies, for his own use or benefit, or for any use or purpose other than the use or purpose of such body corporate or company, any of the property of such body corporate or company, is guilty of a misdemeanor, and liable to seven years' imprisonment. 32-33 V., c. 21, s. 82.

Directors, &c., of any body corporate or public company fraudulently appropriating property.

67. Every one who, being a director, member, manager or officer of any body corporate or company, as such receives or possesses himself of any of the property of such body corporate or company, otherwise than in payment of a just debt or demand, and, with intent to defraud, omits to make or to cause or direct to be made a full and true entry thereof in the books and accounts of such body corporate or company, is guilty of a misdemeanor, and liable to seven years' imprisonment. 32-33 V., c. 21, s. 83.

Or fraudulently keeping false accounts or books.

68. Every one who, being a director, manager, officer or member of any body corporate or company, with intent to defraud, destroys, alters, mutilates or falsifies any book, paper, writing or valuable security belonging to the body corporate or company, or makes or concurs in the making of any false entry, or omits or concurs in omitting any material particular in any book of account or document, is guilty of a misdemeanor, and liable to seven years' imprisonment. 32-33 V., c. 21, s. 84.

Or wilfully destroying or falsifying books or papers, &c.

69. Every one who, being a director, manager, officer or member of any body corporate or company, makes, circulates or publishes, or concurs in making, circulating or publishing any written statement or account which he knows to be false in any material particular, with intent to deceive or defraud any member, shareholder or creditor of such body corporate or company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such body corporate or company, or to enter into any security for the benefit thereof, is guilty

Or fraudulently publishing false statements or accounts.

of a misdemeanor, and liable to seven years' imprisonment. 32-33 V., c. 21, s. 85.

Embezzlement by officers, &c., of unincorporated societies.

70. Every one who, being an officer or member of any unincorporated body or society, associated together for any lawful purpose, fraudulently takes or applies to his own use or benefit, or for any use or purpose other than the use or purpose of such body or society, the whole or any portion of the funds, moneys or other property of the society, and continues to withhold such property after due demand has been made for the restoration and payment of the same by some one or more of the members or officers duly appointed by and on behalf of the body or society, is guilty of a misdemeanor, and liable to three years' imprisonment. C. S. C., c. 71, s. 8 ;—R. S. B. C., c. 162, s. 9.

No person to be exempt from answering questions in any court; but no person making a disclosure in any compulsory proceeding to be liable to prosecution.

71. Nothing in any of the twelve sections next preceding shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any court, or upon the hearing of any matter in bankruptcy or insolvency; and no person shall be liable to be convicted of any of the misdemeanors in the said sections mentioned by any evidence whatsoever, in respect of any act done by him, if, at any time previously to his being charged with such offence, he has first disclosed such act on oath, in consequence of any compulsory process of any court of law or equity, in any action, suit or proceeding *bonâ fide* instituted by any party aggrieved, or if he has first disclosed the same in any compulsory examination or deposition before any court, upon the hearing of any matter in bankruptcy or insolvency. 32-33 V., c. 21, s. 86.

No remedy at law or in equity to be affected.

72. Nothing in the thirteen sections next preceding, nor any proceeding, conviction or judgment had or taken thereon against any person under any of the said sections shall prevent, lessen or impeach any remedy at law or in equity, which any person aggrieved by any offence against any of the said sections would have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action or suit against him; and nothing in the said sections contained shall affect or prejudice any agreement entered into, or security given by any trustee, having for its object the restoration or payment of any trust property misappropriated. 32-33 V., c. 21, s. 87.

Keepers of warehouses, &c., giving false receipts.

73. Every one who,—

(a.) Being the keeper of any warehouse, or a forwarder, miller, master of a vessel, wharfinger, keeper of a cove, yard, harbor or other place for storing timber, deals, staves, boards or lumber, curer or packer of pork, or dealer in wool, carrier, factor, agent or other person, or a clerk or other person in

his employ, knowingly and wilfully gives to any person a writing purporting to be a receipt for or an acknowledgment of any goods or other property as having been received into his warehouse, vessel, cove, wharf or other place, or in any such place about which he is employed, or in any other manner received by him, or by the person in or about whose business he is employed, before the goods or other property named in such receipt, acknowledgment or writing have been actually delivered to or received by him as aforesaid, with intent to mislead, deceive, injure or defraud any person whomsoever, although such person is then unknown to him, or—

(b.) Knowingly and wilfully accepts, transmits or uses any such false receipt or acknowledgment or writing,— Using false receipts.

Is guilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 21, s. 88;—34 V., c. 5, s. 64. Punishment.

74. Every one who,—

(a.) Having, in his name, shipped or delivered to the keeper of any warehouse, or to any other factor, agent or carrier, to be shipped or carried, any merchandise, upon which the consignee has advanced any money or given any valuable security, afterwards with intent to deceive, defraud or injure such consignee, in violation of good faith, and without the consent of such consignee, makes any disposition of such merchandise different from and inconsistent with the agreement made in that behalf between him and such consignee at the time of or before such money was so advanced, or such negotiable security so given, or— Owners selling after advance by consignees.

(b.) Knowingly and wilfully acts and assists in making such disposition for the purpose of deceiving, defrauding or injuring such consignee,— Persons wilfully assisting.

Is guilty of a misdemeanor, and liable to three years' imprisonment: Punishment.

2. No person shall be subject to prosecution under this section who, before making such disposition of the merchandise aforesaid, pays or tenders to the consignee the full amount of any advance made thereon. 32-33 V., c. 21, s. 89. No prosecution if advances are paid.

75. Every one who,—

(a.) Wilfully makes any false statement in any receipt, certificate or acknowledgment for grain, timber or other goods or property, which can be used for any of the purposes mentioned in "*The Bank Act*," or— Making false statements in receipts for grain, &c.

(b.) Having given, or after any clerk or person in his employ has, to his knowledge, given, as having been received by him in any mill, warehouse, vessel, cove or other place, any such receipt, certificate or acknowledgment for any such grain, timber or other goods or property,—or having obtained any such receipt, certificate or acknowledgment, and after having indorsed or assigned it to any bank or person,—afterwards, and without the consent of the holder or

indorsee, in writing, or the production and delivery of the receipt, certificate or acknowledgment, wilfully alienates or parts with, or does not deliver to such holder or indorsee of such receipt, certificate or acknowledgment, the grain, timber, goods or other property therein mentioned,—

Punishment.

Is guilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 21, s. 90, *part*;—34 V., c. 5, s. 65.

As to partners.

76. If any misdemeanor mentioned in any of the three sections next preceding is committed by the doing of anything in the name of any firm, company or co-partnership of persons, the person by whom such thing is actually done or who connives at the doing thereof, is guilty of the misdemeanor and not any other person. 32-33 V., c. 21, s. 91;—34 V., c. 5, s. 66.

OBTAINING MONEY BY FALSE PRETENCES.

False pretences.

77. Every one who, by any false pretence, obtains from any other person any chattel, money or valuable security, with intent to defraud, is guilty of a misdemeanor, and liable to three years' imprisonment:

When any money, &c., is paid to any person other than the person making a false pretence.

2. Every one who, by any false pretence, causes or procures any money to be paid, or any chattel or valuable security to be delivered to any other person, for the use or benefit or on account of the person making such false pretence or of any other person, with intent to defraud, shall be deemed to have obtained such money, chattel or valuable security within the meaning of the next preceding subsection. 32-33 V., c. 21, s. 93, *part*, and s. 94.

Inducing persons by fraudulent means to execute deeds and other instruments.

78. Every one who, with intent to defraud or injure any other person, by any false pretence fraudulently causes or induces any other person to execute, make, accept, indorse or destroy the whole or any part of any valuable security, or to write, impress or affix his name, or the name of any other person, or of any company, firm or co-partnership, or the seal of any body corporate, company or society, upon any paper or parchment, so that the same may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 21, s. 95.

Pretending to have inclosed money or other property in a post letter.

79. Every one who, for any purpose or with any intent, wrongfully and with wilful falsehood, pretends or alleges that he inclosed and sent or caused to be inclosed and sent in any post letter, any money, valuable security or chattel, which, in fact, he did not so inclose and send, or cause to be inclosed and sent therein, is guilty of a misdemeanor, and liable to be punished as if he had obtained the money, valuable security or chattel so pretended to be inclosed or sent by false pretences. 32-33 V., c. 21, s. 96, *part*.

80. Every one who, by any fraud or unlawful device or ill practice in playing any game of cards or dice, or of any other kind, or at any race, or in betting on any event, wins or obtains any money or property from any other person, shall be held to have unlawfully obtained the same by false pretences, and shall be punishable accordingly. 32-33 V., c. 21, s. 97.

Winning money by cheating at games.

81. Every one who, by means of any false ticket or order, or of any other ticket or order, fraudulently and unlawfully obtains or attempts to obtain any passage on any railway, or in any steam or other vessel, is guilty of a misdemeanor, and liable to six months' imprisonment. 32-33 V., c. 21, s. 98.

Obtaining passage in steamers, &c., by false tickets.

RECEIVING STOLEN GOODS.

82. Every one who receives any chattel, money, valuable security or other property whatsoever, the stealing, taking, extorting, obtaining, embezzling and otherwise disposing whereof amounts to felony, either at common law or by virtue of this Act, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled or disposed of, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 100, *part*.

Receiving where the principal is guilty of felony.

83. Every one who receives any chattel, money, valuable security or other property whatsoever, the stealing, taking, obtaining, converting or disposing whereof is made a misdemeanor by this Act, knowing the same to have been unlawfully stolen, taken, obtained, converted or disposed of, is guilty of a misdemeanor, and liable to seven years' imprisonment. 32-33 V., c. 21, s. 104, *part*.

Receiving where the principal is guilty of a misdemeanor.

84. Every one who receives any property whatsoever, knowing the same to be unlawfully come by, the stealing or taking of which property is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, shall, on summary conviction, be liable, for every first, second or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second or subsequent offence of stealing or taking such property is by this Act liable. 32-33 V., c. 21, s. 106.

Receiving where the original offence is punishable on summary conviction.

OFFENCES NOT OTHERWISE PROVIDED FOR.

85. Every one who, unlawfully and with intent to defraud, by taking, by embezzling, by obtaining by false pretences, or in any other manner whatsoever, appropriates to his own use or to the use of any other person, any property whatsoever, so as to deprive any other person temporarily or absolutely of the advantage, use or enjoyment of

Act by which a person is defrauded of the advantage, possession, or use of his property.

any beneficial interest in such property in law or in equity, which such other person has therein, is guilty of a misdemeanor, and liable to be punished as in the case of simple larceny; and if the value of such property exceeds two hundred dollars, the offender shall be liable to fourteen years' imprisonment. 32-33 V., c. 21, s. 110, *part*.

Additional punishment if property stolen is worth more than \$200.

86. Every one who is convicted of an offence against this Act by stealing, embezzling or obtaining by false pretences any property whatsoever, the value of which is over two hundred dollars, is liable to seven years' imprisonment, in addition to any punishment to which he would otherwise be liable for such offence. 32-33 V., c. 21, s. 110, *part*.

Appropriating timber, &c., found adrift, defacing marks or refusing delivery to owner.

87. Every one who, without the consent of the owner thereof, takes, holds, keeps in his possession, collects, conceals, receives, appropriates, purchases, sells or causes or procures or assists to be taken possession of, collected, concealed, received, appropriated, purchased or sold, any timber, mast, spar, saw-log or other description of lumber which is found adrift in any river, stream or lake, or cast ashore on the bank or beach of any river, stream or lake,—or, without the consent of the owner thereof, wholly or partially defaces or adds, or causes or procures to be defaced or added, any mark or number on any such timber, mast, spar, saw-log or other description of lumber, or makes or causes, or procures to be made any false or counterfeit mark on any such timber, mast, spar, saw-log or other description of lumber,—or refuses to deliver up to the proper owner thereof, or to the person in charge thereof, on behalf of such owner, or authorized by such owner to receive the same, any such timber, mast, spar, saw-log or other description of lumber, is guilty of a misdemeanor, and liable to be punished as in the case of simple larceny. 38 V., c. 40, s. 1, *part*.

Bringing into Canada property stolen, embezzled, or unlawfully obtained elsewhere.

88. Every one who brings into Canada, or has in his possession therein, any property stolen, embezzled, converted or obtained by fraud or false pretences in any other country, in such manner that the stealing, embezzling, converting or obtaining it in like manner in Canada would, by the laws of Canada, be a felony or misdemeanor, knowing it to have been so stolen, embezzled or converted, or unlawfully obtained, is guilty of an offence of the same nature and punishable in like manner as if the stealing, embezzling, converting or unlawfully obtaining such property had taken place in Canada. 32-33 V., c. 21, s. 112, *part*.

Taking a reward for helping to the recovery of stolen property, without bringing the

89. Every one who corruptly takes any money or reward, directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security or other property whatsoever, which, by any felony or misdemeanor, has been stolen, taken, obtained, extorted, embezzled,

converted or disposed of, as in this Act before mentioned (unless he has used all due diligence to cause the offender to be brought to trial for the same), is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 21, s. 115. offender to trial.

90. Every one who publicly advertises a reward for the return of any property whatsoever, which has been stolen or lost, and in such advertisement uses any words purporting that no questions will be asked, or makes use of any words in any public advertisement purporting that a reward will be given or paid for any property which has been stolen or lost, without seizing or making any inquiry after the person producing such property, or promises or offers in any such public advertisement to return to any pawnbroker or other person who advanced money by way of loan on or has bought any property stolen or lost, the money so advanced or paid, or any other sum of money for the return of such property, or prints or publishes any such advertisement, shall incur a penalty of two hundred and fifty dollars for every such offence, recoverable with costs by any person who sues for the same in any court of competent jurisdiction: Advertising a reward for the return of stolen property, &c.

2. No action to recover any forfeiture under this section shall be brought against the printer or publisher of a newspaper, defined as a newspaper for the purposes of the Acts, for the time being in force, relating to the carriage of newspapers by post, except within six months after the forfeiture is incurred. 32-33 V., c. 21, s. 116;—35 V., c. 35, ss. 2 and 3. Time for prosecution in certain cases limited.

91. Every one who, being a seller or mortgagor of land, or of any chattel, real or personal or chose in action, or the solicitor or agent of any such seller or mortgagor, and having been served with a written demand of an abstract of title by or on behalf of the purchaser or mortgagee before the completion of the purchase or mortgage, conceals any settlement, deed, will or other instrument, material to the title, or any incumbrance, from such purchaser or mortgagee, or falsifies any pedigree upon which the title depends, with intent to defraud and in order to induce him to accept the title offered or produced to him, is guilty of a misdemeanor and liable to a fine or to two years' imprisonment or to both: Concealment of deeds, &c., or falsification of pedigree by vendor or mortgagor.

2. No prosecution for any such offence shall be commenced without the consent of the Attorney General of the Province within which the offence is committed, given after previous notice to the person intended to be prosecuted of the application to the Attorney General for leave to prosecute: Consent of Attorney General to prosecution required.

3. Nothing in this section, and no proceeding, conviction or judgment had or taken thereon, shall prevent, lessen or impeach any remedy which any person aggrieved by any such offence would otherwise have had. 29 V.(Can.), c. 28, s. 20, *part.* Other remedies not affected.

92. The three sections next following apply only to the Province of Quebec. Provisions applicable to Quebec.

Fraudulent sale of property.

93. Every one who, knowing the existence of any unregistered prior sale, grant, mortgage, hypothec, privilege or incumbrance, of or upon any real property, fraudulently makes any subsequent sale of the same, or of any part thereof, is guilty of a misdemeanor, and liable to a fine not exceeding two thousand dollars, and to one year's imprisonment. C. S. L. C., c. 37, s. 113.

Fraudulent hypothecation of property.

94. Every one who pretends to hypothecate any real property to which he has no legal title, is guilty of a misdemeanor, and liable to a fine not exceeding one hundred dollars and to one year's imprisonment, and the proof of the ownership of the real estate shall rest with the person so pretending to hypothecate the same. C. S. L. C., c. 37, s. 114.

Knowingly seizing township lands not belonging to defendant.

95. Every person who, knowingly, wilfully and maliciously, causes or procures to be seized and taken in execution, any lands and tenements, or other real property, situate within any township in the Province of Quebec, not being, at the time of such seizure, the *bonâ fide* property of the person or persons against whom, or whose estate, the execution is issued, knowing the same not to be the property of the person or persons against whom the execution is issued, is guilty of a misdemeanor, and liable to one year's imprisonment:

Other remedies not affected.

2. Nothing in this section, and no proceeding, conviction or judgment had or taken thereunder, shall prevent, lessen or impeach any remedy which any person aggrieved by any such offence would otherwise have had. C. S. L. C., c. 46, ss. 1 and 2.

Provisions applicable to B. C.

96. The following sections apply only to the Province of British Columbia.

False statements, &c., in relation to transactions in land.

97. Every one who, in any proceeding to obtain the registration of any title to land or otherwise, or in any transaction relating to land, which is or is proposed to be put on the register, acting either as principal or agent, knowingly and with intent to deceive, makes or assists or joins in, or is privy to the making of any material false statement or representation, or suppresses, conceals, assists or joins in, or is privy to the suppression, withholding or concealing from any judge or registrar, or any person employed by or assisting the registrar, any material document, fact or matter of information, is guilty of a misdemeanor, and liable to three years' imprisonment:

Other remedies not affected.

2. Nothing in this section, and no proceeding, conviction or judgment had or taken thereon, shall prevent, lessen or impeach any remedy which any person aggrieved by any such offence would otherwise have had:

Criminal liability not to protect

3. Nothing in this section shall entitle any person to refuse to make a complete discovery by answer to any bill in

equity, or to answer any question or interrogatory in any civil proceeding in any court; but no answer to any such bill, question or interrogatory shall be admissible against any such person in evidence in any criminal proceeding. against giving evidence.
 R. S. B. C., c. 143, ss. 81, 82, 83 and 85.

98. Every one who steals, or without the sanction of the Lieutenant Governor of the Province, cuts, breaks, destroys, damages or removes any image, bones, article or thing deposited in or near any Indian grave, or induces or incites any other person so to do, or purchases any such article or thing after the same has been so stolen, or cut or broken, destroyed or damaged, knowing the same to have been so acquired or dealt with, shall, on summary conviction, be liable, for a first offence, to a penalty not exceeding one hundred dollars, or to three months' imprisonment, and for a subsequent offence, to the same penalty and to six months' imprisonment with hard labor: Injuring or removing anything from an Indian grave or purchasing such thing.

2. In any proceeding under this section it shall be sufficient to state that such grave, image, bones, article or thing, is the property of the Crown. Property may be stated to be in the Crown.
 R. S. B. C., c. 69, ss. 2, 3 and 4.

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CHAPTER 165.

An Act respecting Forgery.

A. D. 1886.

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

INTERPRETATION.

1. In this Act, unless the context otherwise requires, the expression " Province of Canada " includes the late Province of Canada and the late Provinces of Upper Canada and Lower Canada, also the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and British Columbia, as they respectively existed before they became part of Canada, and also the several Provinces, Territories and Districts now or hereafter forming part of Canada.

Interpretation:
" Province of
" Canada."

2. When the having any matter or thing in the custody or possession of any person is, in this Act, expressed to be an offence, if any person has any such matter or thing in his personal custody and possession, or knowingly and wilfully has any such matter or thing in the actual custody and possession of any other person, or knowingly and wilfully has any such matter or thing in any dwelling-house or other building, lodging, apartment, field or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter or thing is so had for his own use, or for the use or benefit of another, every such person shall be deemed and taken to have such matter or thing in his custody or possession within the meaning of this Act. 32-33 V., c. 19, s. 52.

Having in
custody or
possession.

3. The wilful alteration, for any purpose of fraud or deceit, of any document or thing written, printed or otherwise made capable of being read, or of any document or thing the forging of which is made punishable by this Act, shall be held to be a forging thereof. 32-33 V., c. 19, s. 45, *part.*

What shall be
deemed for-
gery.

THE GREAT SEAL, ETC.

4. Every one who forges or counterfeits, or utters, knowing the same to be forged or counterfeited, the Great Seal of the United Kingdom, or the Great Seal of Canada, or of any Province of Canada, or of any one of Her Majesty's

Forging the
great seal,
privy seal, &c.

colonies or possessions, Her Majesty's Privy Seal, any Privy Signet of Her Majesty, Her Majesty's Royal Sign Manual, or any of Her Majesty's seals, appointed by the twenty-fourth article of the union between England and Scotland to be kept, used and continued in Scotland, the Great Seal of Ireland, or the Privy Seal of Ireland, or the Privy Seal or Seal at Arms of the Governor General of Canada, or of the Lieutenant Governor of any Province of Canada, or of any person who administers or, at any time, administered the Government of any Province of Canada, or of the Governor or Lieutenant Governor of any one of Her Majesty's colonies or possessions,—or forges or counterfeits the stamp or impression of any of the seals aforesaid,—or utters any document or instrument whatsoever, having thereon or affixed thereto the stamp or impression of any such forged or counterfeited seal, knowing the same to be the stamp or impression of such forged or counterfeited seal, or any forged or counterfeited stamp or impression made or apparently intended to resemble the stamp or impression of any of the seals aforesaid, knowing the same to be forged or counterfeited,—or forges, or alters, or utters, knowing the same to be forged or altered, any document or instrument having any of the said stamps or impressions thereon, or affixed thereto, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 1.

Or uttering document with forged seal.

Forging or uttering any document bearing the forged signature of the Governor, Lieutenant Governor, &c.

5. Every one who forges or fraudulently alters any document bearing or purporting to bear the signature of the Governor General of Canada, or of any deputy of the Governor General, or of the Lieutenant Governor of any Province of Canada, or of any person who administers or, at any time, administered the Government of any Province of Canada, or offers, utters, disposes of or puts off any such forged or fraudulently altered document as aforesaid, knowing the same to be so forged or altered, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 2.

LETTERS PATENT AND PUBLIC REGISTERS.

Forging or altering copies of letters patent, &c.

6. Every one who forges or alters, or in any way publishes, puts off, or utters as true, knowing the same to be forged or altered, any copy of letters patent, or of the enrolment or enregistration of letters patent, or of any certificate thereof, made or given or purporting to be made or given by virtue of any Act of Canada or of any Province of Canada, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 3.

Forging or altering any public register, &c.

7. Every one who forges or counterfeits or alters any public register or book appointed by law to be made or kept or any entry therein, or wilfully certifies or utters any writing as and for a true copy of such public register or book or of any entry therein, knowing such writing to be counter-

feit or false, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 4.

TRANSFERS OF STOCK, ETC.

8. Every one who, with intent to defraud, forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any transfer of any share or interest of or in any stock, annuity or other public fund which now is or hereafter may be transferable in any of the books of the Dominion of Canada, or of any Province of Canada, or of any bank at which the same is transferable, or of or in the capital stock of any body corporate, company or society, which now is or hereafter may be established by charter, or by, under or by virtue of any Act of Parliament of the United Kingdom or of Canada, or by any Act of the Legislature of any Province of Canada,—or forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund or capital stock, or any claim for a grant of land from the Crown in Canada, or for any scrip or other payment or allowance in lieu of any such grant of land, or to receive any dividend or money payable in respect of any such share or interest,—or demands or endeavors to have any such share or interest transferred, or to receive any dividend or money payable in respect thereof, or any such grant of land, or scrip or payment or allowance in lieu thereof as aforesaid, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 5.

Forging transfer of stock, &c.

Forging power of attorney.

9. Every one who falsely and deceitfully personates any owner of any share, or interest of or in any stock, annuity or other public fund, which now is or hereafter may be transferable in any of the books of the Dominion of Canada, or of any Province of Canada, or of any bank at which the same is transferable, or any owner of any share or interest of or in the capital stock of any body corporate, company or society which now is or hereafter may be established by charter, or by, under or by virtue of any Act of Parliament of the United Kingdom or of Canada, or by any Act of the Legislature of any Province of Canada, or of any claim for a grant of land from the Crown in Canada, or for any scrip or other payment or allowance in lieu of such grant of land, or any owner of any dividend or money payable in respect of any such share or interest as aforesaid,—and thereby transfers or endeavors to transfer any share or interest belonging to any such owner, or thereby receives or endeavors to receive any money due to any such owner, or to obtain any such grant of land, or such scrip or allowance in lieu

Personating the owner of certain stock, &c., and transferring or receiving, or endeavoring to transfer or receive the dividends.

thereof as aforesaid, as if such offender were the true and lawful owner, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 6.

Forging attestation to power of attorney for transfer of stock, &c.

10. Every one who forges any name, handwriting or signature purporting to be the name, handwriting or signature of a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund or capital stock, or grant of land or scrip or allowance in lieu thereof, as in either of the two sections next preceding mentioned, or to receive any dividend or money payable in respect of any such share or interest,—or offers, utters, disposes of or puts off any such power of attorney or other authority, with any such forged name, handwriting or signature thereon, knowing the same to be forged, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 7.

Making false entries in the books of public funds.

11. Every one who, with intent to defraud, wilfully makes any false entry in, or wilfully alters any word or figure in any of the books of account kept by the Government of Canada, or of any Province of Canada, or of any bank at which any of the books of account of the Government of Canada or of any Province of Canada are kept,—in which books the accounts of the owners of any stock, annuities or other public funds, which now are or hereafter may be transferable in such books, are entered and kept,—or in any manner wilfully falsifies any of the accounts of any of such owners in any of the said books, or wilfully makes any transfer of any share or interest of or in any stock, annuity or other public fund which now is or hereafter may be transferable as aforesaid, in the name of any person not being the true and lawful owner of such share or interest, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 8.

Or any fraudulent transfer.

Clerks making out false dividend warrants, &c.

12. Every one who, being a clerk, officer or servant of, or other person employed or intrusted by the Government of Canada or of any Province of Canada, or being a clerk or officer or servant of, or other person employed or intrusted by any bank in which any of such books and accounts as are mentioned in the next preceding section, are kept, knowingly and with intent to defraud, makes out, or delivers any dividend warrant, or warrant for payment of any annuity, interest or money payable as aforesaid, for a greater or less amount than the person on whose behalf such warrant is made out is entitled to, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 9.

DEBENTURES, STOCK, EXCHEQUER BILLS, ETC.

Forging debentures, Dominion notes,

13. Every one who, with intent to defraud, forges or alters, or offers, utters, disposes of or puts off, knowing the same to

be forged or altered, any debenture or other security, issued under the authority of any Act of the Parliament of Canada, or of the Legislature of any Province of Canada, or any exchequer bill or exchequer bond, or any Dominion or Provincial note, or any indorsement on or assignment of any such debenture, exchequer bill or exchequer bond or other security, issued under the authority of any Act of the Parliament of Canada, or of the Legislature of any Province of Canada, or any coupon, receipt or certificate for interest accruing thereon, or any scrip in lieu of land as aforesaid, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 10.

exchequer bills, bonds, &c., or indorsements thereon, or any coupon certificate, &c.

14. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, makes or causes or procures to be made, or aids or assists in making, or knowingly has in his custody or possession, any frame, mould or instrument, having therein any words, letters, figures, marks, lines or devices, peculiar to or appearing in the substance of any paper provided or to be provided and used for any such debentures, exchequer bills or exchequer bonds, Dominion notes or Provincial notes or other securities as aforesaid, or any machinery for working any threads into the substance of any such paper, or any such thread, and intended to imitate such words, letters, figures, marks, lines, threads or devices.—or any plate peculiarly employed for printing such debentures, exchequer bills or exchequer bonds, or such notes or other securities, or any die or seal peculiarly used for preparing any such plate, or for sealing such debentures, exchequer bills or exchequer bonds, notes or other securities, or any plate, die or seal, intended to imitate any such plate, die or seal as aforesaid, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 11.

Making plates &c., in imitation of those used for debentures, exchequer bills, &c.

15. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, makes, or causes, or procures to be made, or aids or assists in making any paper in the substance of which appear any words, letters, figures, marks, lines, threads or other devices peculiar to and appearing in the substance of any paper provided or to be provided or used for such debentures, exchequer bills or exchequer bonds, notes or other securities aforesaid, or any part of such words, letters, figures, marks, lines, threads or other devices, and intended to imitate the same,—or knowingly has in his custody or possession any paper whatsoever, in the substance whereof appear any such words, letters, figures, marks, lines, threads or devices as aforesaid, or any parts of such words, letters, figures, marks, lines, threads or other devices, and intended to imitate the same,—or causes or assists in causing any such words, letters, figures, marks, lines, threads or devices as aforesaid, or any part of such words, letters, figures, marks, lines, threads and other de-

Making paper in imitation of that used for debentures, exchequer bills, &c.

Taking impression from plate, die or seal.

vices, and intended to imitate the same, to appear in the substance of any paper whatsoever,—or takes, or assists in taking an impression of any such plate, die or seal, as in the next preceding section mentioned, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 12.

Having in possession paper, &c., for debentures, exchequer bills &c.

16. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, purchases or receives, or knowingly has in his custody or possession, any paper manufactured and provided by or under the direction of the Government of Canada or of any Province of Canada, for the purpose of being used as such debentures, exchequer bills or exchequer bonds, notes or other securities as aforesaid, before such paper has been duly stamped, signed and issued for public use, or any such plate, die or seal, as in the two sections next preceding mentioned, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 19, s. 13.

STAMPS.

Forging stamps or stamped paper.

17. Every one who forges, counterfeits or imitates, or procures to be forged, counterfeited or imitated any stamp or stamped paper, issued or authorized to be used by any Act of the Parliament of Canada, or of the Legislature of any Province of Canada, by means whereof any duty thereby imposed may be paid, or any part or portion of any such stamp,—or knowingly uses, offers, sells or exposes for sale any such forged, counterfeited or imitated stamp,—or engraves, cuts, sinks or makes any plate, die or other thing whereby to make or imitate such stamp or any part or portion thereof, except by permission of an officer or person who, being duly authorized in that behalf by the Government of Canada or of any Province of Canada, may lawfully grant such permission,—or has possession of any such plate, die or thing, without such permission, or, without such permission, uses or has possession of any such plate, die or thing lawfully engraved, cut or made,—or tears off or removes from any instrument, on which a duty is payable, any stamp by which such duty has been wholly or in part paid, or removes from any such stamp any writing or mark indicating that it has been used for or towards the payment of any such duty, is guilty of felony, and liable to twenty-one years' imprisonment. 32-33 V., c. 19, s. 14.

Or tools for making the same.

Removing stamps from instruments.

BANK NOTES.

Forging bank notes and bills.

18. Every one who, with intent to defraud, forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any note or bill of exchange of any body corporate, company or person carrying on the business of bankers, commonly called a bank note, a bank bill of exchange or bank post bill, or any indorsement on

or assignment of any bank note, bank bill of exchange or bank post bill, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 15.

19. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, purchases or receives from any other person, or has in his custody or possession any forged bank note, bank bill of exchange or bank post bill, or blank bank note, blank bank bill of exchange or blank bank post bill, knowing the same to be forged, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 16.

Purchasing or receiving or having forged bank notes or bills.

MAKING PAPER AND ENGRAVING PLATES FOR BANK NOTES, ETC.

20. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, makes or uses, or knowingly has in his custody or possession, any frame, mould or instrument for the making of paper used for Dominion or Provincial notes, or for bank notes, with any words used in such notes, or any part of such words, intended to resemble or pass for the same, visible in the substance of the paper, or for the making of paper with curved or waving bar lines, or with laying wire lines thereof, in a waving or curved shape, or with any number, sum or amount, expressed in a word or words in letters, visible in the substance of the paper, or with any device or distinction peculiar to and appearing in the substance of the paper used for such notes, respectively,—or makes, uses, sells, exposes for sale, utters or disposes of, or knowingly has in his custody or possession any paper whatsoever with any words used in such notes, or any part of such words, intended to resemble and pass for the same, visible in the substance of the paper, or any paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum or amount expressed in a word or words in letters appearing visible in the substance of the paper, or with any device or distinction peculiar to and appearing in the substance of the paper used for any such notes, respectively,—or, by any art or contrivance, causes any such words or any part of such words, intended to resemble and pass for the same, or any device or distinction peculiar to and appearing in the substance of the paper used for any such notes, respectively, to appear visible in the substance of any paper, or causes the numerical sum or amount of any such note, in a word or words in letters to appear visible in the substance of the paper, whereon the same is written or printed, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 17.

Making or having moulds for making paper with words used for Dominion notes, bank notes, &c.

Or selling such paper or having it in possession.

Or causing distinctive marks to appear thereon.

21. Nothing in the next preceding section contained shall prevent any person from issuing any bill of exchange or promissory note, having the amount thereof expressed in a

Exception as to paper used for bills of exchange, &c.

numerical figure or figures denoting the amount thereof in pounds or dollars, appearing visible in the substance of the paper upon which the same is written or printed, or shall prevent any person from making, using or selling any paper having waving or curved lines, or any other devices in the nature of water marks visible in the substance of the paper, not being bar lines or laying wire lines, provided the same are not so contrived as to form the groundwork or texture of the paper, or to resemble the waving or curved, laying wire lines or bar lines, or the water-marks of the paper used for Dominion notes or Provincial notes or bank notes, as aforesaid. 32-33 V., c. 19, s. 18.

Engraving or having plate for making Dominion or bank notes.

22. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, engraves or in anywise makes upon any plate whatsoever, or upon any wood, stone or other material, any promissory note or part of a promissory note, purporting to be a Dominion or Provincial note, or bank note, or to be a blank Dominion or Provincial note, or bank note, or to be a part of any Dominion or Provincial note, or bank note, as aforesaid, or any name, word or character resembling, or apparently intended to resemble, any subscription to any such Dominion or Provincial note, or bank note, as aforesaid,—or uses any such plate, wood, stone or other material, or any other instrument or device for the making or printing of any such note, or part of such note,—or knowingly has in his custody or possession any such plate, wood, stone or other material, or any such instrument or device,—or knowingly offers, utters, disposes of or puts off, or has in his custody or possession any paper upon which any blank Dominion or Provincial note, or bank note, or part of any such note, or any name, word or character resembling, or apparently intended to resemble, any such subscription, is made or printed, is guilty of felony and liable to fourteen years' imprisonment. 31 V., c. 46, s. 14;—32-33 V., c. 19, s. 19.

Unlawfully uttering such note or part thereof.

Engraving on a plate, &c., any word, number, or device, resembling part of a note.

23. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, engraves or in anywise makes upon any plate whatsoever, or upon any wood, stone or other material, any word, number, figure, device, character or ornament, the impression taken from which resembles, or is apparently intended to resemble any part of a Dominion or Provincial note, or bank note, or uses or knowingly has in his custody or possession any such plate, wood, stone or other material, or any other instrument or device for the impressing or making upon any paper or any other material, any word, number, figure, character or ornament, which resembles, or is apparently intended to resemble any part of any such note as aforesaid,—or knowingly offers, utters, disposes of or puts off, or has in his custody or possession any paper or other material upon which there is

Uttering or having any paper on which any such word,

an impression of any such matter as aforesaid, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 20. &c., is impressed.

24. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, makes or uses any frame, mould or instrument for the manufacture of paper, with the name or firm of any bank or body corporate, company or person carrying on the business of bankers, appearing visible in the substance of the paper, or knowingly has in his custody or possession any such frame, mould or instrument, —or makes, uses, sells, or exposes for sale, utters or disposes of, or knowingly has in his custody or possession any paper, in the substance of which the name or firm of any such bank, body corporate, company or person appears visible,—or, by any art or contrivance causes the name or firm of any such bank, body corporate, company or person to appear visible in the substance of the paper upon which the same is written or printed, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 21. Making or having mould for making paper with the name of any bank, or making or having such paper.

25. Every one who forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any bill of exchange, promissory note, undertaking or order for payment of money, in whatsoever language or languages the same is expressed, and whether the same is or is not under seal, purporting to be the bill, note, undertaking or order of any foreign prince or state, or of any minister or officer in the service of any foreign prince or state, or of any body corporate or body of the like nature, constituted or recognized by any foreign prince or state, or of any person or company of persons resident in any country not under the dominion of Her Majesty,—and every one who, without lawful authority or excuse, the proof whereof shall lie on him, engraves, or in anywise makes upon any plate whatsoever, or upon any wood, stone or other material, any bill of exchange, promissory note, undertaking or order for payment of money, or any part of any bill of exchange, promissory note, undertaking or order for payment of money, in whatsoever language the same is expressed, and whether the same is or is not, or is or is not intended to be under seal, purporting to be the bill, note, undertaking or order, or part of the bill, note, undertaking or order of any foreign prince or state, or of any minister or officer in the service of any foreign prince or state, or of any body corporate or body of the like nature, constituted or recognized by any foreign prince or state, or of any person or company of persons resident in any country not under the dominion of Her Majesty,—or uses or knowingly has in his custody or possession any plate, stone, wood or other material, upon which any such foreign bill, note, undertaking or order, or any part thereof, is engraved or made,—or knowingly offers, Forging foreign bills and uttering the same.

Engraving plates for foreign bills or notes, or using or having such plates.

Uttering paper on which any part of such bill or note is printed.

utters, disposes of or puts off, or has in his custody or possession any paper upon which any part of any such foreign bill, note, undertaking or order is made or printed, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 22.

DEEDS, WILLS, BILLS OF EXCHANGE, ETC.

Forging deeds, bonds, &c., or uttering the same.

26. Every one who, with intent to defraud, forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any deed or any bond or writing obligatory, or any assignment at law or in equity of any such bond or writing obligatory, or forges any name, handwriting or signature purporting to be the name, handwriting or signature of a witness attesting the execution of any deed, bond or writing obligatory, or offers, utters, disposes of or puts off any deed, bond or writing obligatory, having thereon any such forged name, handwriting or signature, knowing the same to be forged, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 23.

Forging wills

27. Every one who, with intent to defraud, forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any will, testament, codicil, or testamentary instrument, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 24.

Forging bills of exchange or promissory notes.

28. Every one who, with intent to defraud, forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any bill of exchange, or any acceptance, indorsement or assignment of any bill of exchange, or any promissory note for the payment of money, or any indorsement on or assignment of any such promissory note, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 25.

Forging orders, receipts, &c., for money, goods, &c.

29. Every one who, with intent to defraud, forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any undertaking, warrant, order, authority or request for the payment of money or for the delivery or transfer of any goods or chattels, or of any note, bill or other security for the payment of money, or for procuring or giving credit, or any indorsement on or assignment of any such undertaking, warrant, order, authority or request, or any accountable receipt, acquittance or receipt for money or for goods, or for any note, bill or other security for the payment of money, or any indorsement on or assignment of any such accountable receipt, or any account, book or thing, written or printed or otherwise made capable of being read, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 26.

30. Every one who, with intent to defraud, draws, makes, signs, accepts or indorses any bill of exchange or promissory note, or any undertaking, warrant, order, authority or request for the payment of money, or for the delivery or transfer of goods or chattels, or of any bill, note or other security for money, by procuration or otherwise, for, in the name, or on the account of any other person, without lawful authority or excuse,—or offers, utters, disposes of or puts off any such bill, note, undertaking, warrant, order, authority or request, so drawn, made, signed, accepted or indorsed, by procuration or otherwise, without lawful authority or excuse, knowing the same to have been so drawn, made, signed, accepted or indorsed, as aforesaid, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 27.

Making or accepting any bill, &c., by procuration, without lawful authority, or uttering such bill.

31. Whenever any cheque or draft on any banker is crossed with the name of a banker, or with two transverse lines with the words "and company," or any abbreviation thereof, every one who, with intent to defraud, obliterates, adds to or alters any such crossing, or offers, utters, disposes of or puts off any cheque or draft whereon any such obliteration, addition or alteration has been made, knowing the same to have been made, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 28.

Obliterating crossing on cheques.

32. Every one who forges or fraudulently alters, or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any debenture issued under any lawful authority whatsoever, either within Her Majesty's dominions or elsewhere, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 29.

Forging debentures.

PASSENGER TICKETS.

33. Every one who, with intent to defraud, forges, offers or utters, disposes of or puts off, knowing the same to be forged, any ticket or order for a free or paid passage on any railway or any steam or other vessel, is guilty of felony, and liable to three years' imprisonment. 32-33 V., c. 19, s. 32.

Forging railway tickets, &c.

RECORDS, PROCESS, INSTRUMENTS OF EVIDENCE, ETC.

34. Every one who forges or fraudulently alters or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any record, writ, return, panel, process, rule, order, warrant, interrogatory, deposition, affidavit, affirmation, recognizance, *cognovit actionem*, warrant of attorney, bill, petition, process, notice, rule, answer, pleading, interrogatory, report, order or decree, or any original document whatsoever of or belonging to any court of justice, or any document or writing, or any copy of any document or writing, used or intended to be used as evidence in any such

Forging proceedings of courts.

court, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 33.

Uttering false copies or certificates of records, or process of courts, or using forged process.

35. Every one who, being the clerk of any court or other officer having the custody of the records of any court, or being the deputy of any such clerk or officer, utters any false copy or certificate of any record, knowing the same to be false; and every one, other than such clerk, officer or deputy, who signs or certifies any copy or certificate of any record as such clerk, officer or deputy,—and every one who forges or fraudulently alters or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any copy or certificate of any record, or offers, utters, disposes of or puts off any copy or certificate of any record having thereon any false or forged name, handwriting or signature, knowing the same to be false or forged,—and every one who forges the seal of any court of record, or forges or fraudulently alters any process of any court whatsoever, or serves or enforces any forged process of any court whatsoever, knowing the same to be forged, or delivers or causes to be delivered to any person any paper, falsely purporting to be any such process or a copy thereof, or to be any judgment, decree or order of any court whatsoever, or a copy thereof, knowing the same to be false, or acts or professes to act under any such false process, knowing the same to be false, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 34;—C. S. U. C., c. 16, s. 16. *part.*

Forging instruments made evidence by any Act of Parliament, &c.

36. Every one who forges or fraudulently alters, or offers, utters, disposes of, puts off, or tenders in evidence, knowing the same to be forged or fraudulently altered, any instrument, whether written or printed, or partly written and partly printed, which is made evidence by any Act of the Parliament of Canada or of the Legislature of any Province of Canada, and for which offence no other punishment is in this Act provided, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 35;—39 V., c. 26, s. 14;—C. S. C., c. 80, s. 7, *part.*

Causing proclamation, &c., falsely to purport to be printed by Queen's Printer, &c.

37. Every one who,—
(a.) Prints any proclamation, order, regulation or appointment, or notice thereof, and causes the same falsely to purport to have been printed by the Queen's Printer for Canada, or the Government Printer for any Province of Canada, as the case may be, or tenders in evidence any copy of any proclamation, order, regulation or appointment, which falsely purports to have been printed as aforesaid, knowing that the same was not so printed; or—

Forging or tendering forged certificate.

(b.) Forges, or tenders in evidence, knowing the same to be forged, any certificate authorized to be made or given by any Act of the Parliament of Canada, or of the Legislature of any Province of Canada, for the purpose of certifying or

verifying any copy or extract of any proclamation, order, regulation, appointment, paper, document or writing, of which a certified copy may lawfully be offered as *primâ facie* evidence,—

Is guilty of felony, and liable to seven years' imprisonment. Punishment. 44 V., c. 28, s. 4.

NOTARIAL ACTS, REGISTERS OF DEEDS, ETC.

38. Every one who forges or fraudulently alters, or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any notarial act or instrument or copy, purporting to be an authenticated copy thereof or any *procès verbal* of a surveyor, or like copy thereof,—or forges or fraudulently alters, or offers or utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any duplicate of any instrument, or any memorial, affidavit, affirmation, entry, certificate, indorsement, document or writing, made or issued under the provisions of any Act of the Parliament of Canada, or of the Legislature of any Province of Canada, for or relating to the registry of deeds or other instruments or documents respecting or concerning the title to or claims upon any real or personal property whatsoever, or forges, or counterfeits the seal of or belonging to any office for the registry of deeds or other instruments as aforesaid, or any stamp or impression of any such seal,—or forges any name, handwriting or signature, purporting to be the name, handwriting or signature of any person to any such memorial, affidavit, affirmation, entry, certificate, indorsement, document or writing required or directed to be signed by or by virtue of any such Act,—or offers, utters, disposes of or puts off any such memorial or other writing as in this section mentioned, having thereon any such forged stamp or impression of any such seal, or any such forged name, handwriting or signature, knowing the same to be forged, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 37.

Forging notarial instruments, or other authentic documents, or as to the registry of deeds.

Uttering such documents.

ORDERS OF JUSTICES OF THE PEACE.

39. Every one who, with intent to defraud, forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any summons, conviction, order or warrant, of any justice of the peace, or any recognizance purporting to have been entered into before any justice of the peace or other officer authorized to take the same, or any examination, deposition, affidavit, affirmation or solemn declaration, taken or made before any justice of the peace, is guilty of felony, and liable to three years' imprisonment. 32-33 V., c. 19, s. 38.

Forging orders of justices, recognizances, affidavits, &c.

NAMES OF JUDGES, ETC.

40. Every one who, with intent to defraud, forges or alters any certificate, report, entry, indorsement, declaration of

Forging name of judge, &c.

trust, note, direction, authority, instrument or writing made or purporting or appearing to be made by any judge, commissioner, clerk or other officer of any court in Canada, or the name, handwriting or signature of any such judge, commissioner, clerk, or other officer, as aforesaid,—or offers, utters, disposes of or puts off any such certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing, knowing the same to be forged or altered, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 39;—C. S. U. C., c. 16, s. 16, *part*.

RECOGNIZANCES, ETC.

Acknowledging recognizance, bail, cognovit, &c., in the name of another.

41. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, in the name of any other person, acknowledges any recognizance of bail, or any *cognovit actionem*, or judgment, or any deed or other instrument, before any court, judge, notary or other person lawfully authorized in that behalf, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 40.

MARRIAGE LICENSES.

Forging or uttering forged marriage license or certificate.

42. Every one who forges or fraudulently alters any license or certificate for marriage, or offers, utters, disposes of or puts off any such license or certificate, knowing the same to be forged or fraudulently altered, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 19, s. 41.

REGISTERS OF BIRTHS, MARRIAGES AND DEATHS.

Forging or defacing, &c., registers of births, baptisms, marriages, deaths or burials.

43. Every one who unlawfully destroys, defaces or injures, or causes or permits to be destroyed, defaced or injured, any register of births, baptisms, marriages, deaths or burials, authorized or required to be kept in Canada, or in any Province of Canada, or any part of any such register, or any certified copy of any such register, or of any part thereof,—or forges or fraudulently alters in any such register any entry relating to any birth, baptism, marriage, death or burial, or any part of any such register, or any certified copy of such register, or of any part thereof,—or knowingly and unlawfully inserts, or causes or permits to be inserted in any such register, or in any certified copy thereof, any false entry of any matter relating to any birth, baptism, marriage, death or burial,—or knowingly and unlawfully gives any false certificate relating to any birth, baptism, marriage, death or burial, or certifies any writing to be a copy or extract from any such register, knowing such writing, or the part of such register whereof such copy or extract is so given, to be false in any material particular,—or forges or counterfeits the seal of or belonging to any registry office or burial board,—or offers, utters, disposes of or puts off any such register, entry,

certified copy, certificate or seal, knowing the same to be false, forged or altered, or offers, utters, disposes of, or puts off any copy or any entry in any such register, knowing such entry to be false, forged or altered, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 42.

Or uttering
the same.

44. Every one who, knowingly and wilfully, inserts or causes or permits to be inserted, in any copy of any register directed or required by law to be transmitted to any registrar or other officer, any false entry of any matter relating to any baptism, marriage or burial,—or forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any copy of any register so directed or required to be transmitted as aforesaid,—or knowingly or wilfully signs or verifies any copy of any register so directed or required to be transmitted as aforesaid, which copy is false in any part thereof, knowing the same to be false,—or unlawfully destroys, defaces or injures, or for any fraudulent purpose, takes from its place of deposit, or conceals any such copy of any register, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 43.

Making false
entries in
copies of
register sent
to registrar.

Destroying or
concealing
such copies.

DEMANDING PROPERTY UPON FORGED INSTRUMENTS.

45. Every one who, with intent to defraud, demands, receives or obtains, or causes or procures to be delivered or paid to any person, or endeavors to receive or obtain, or to cause or procure to be delivered or paid to any person, any chattel, money, security for money or other property whatsoever, under, upon or by virtue of any forged or altered instrument whatsoever, knowing the same to be forged or altered, or under, upon or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing on which such probate or letters of administration were obtained, to have been forged or altered, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation or affidavit, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 19, s. 44.

Demanding or
obtaining pro-
perty upon
forged instru-
ments.

CASES NOT OTHERWISE PROVIDED FOR.

46. Every one who, for any purpose of fraud or deceit, forges or fraudulently alters any document or thing written, printed or otherwise made capable of being read, or offers, utters, disposes of or puts off any such forged or altered document or thing, knowing the same to be forged or altered, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 19, s. 45, *part*.

Forging any
document or
writing
whatsoever.

47. If by this or any other Act any person is liable to punishment for forging or altering, or for offering, uttering, disposing of or putting off, knowing the same to be

Forging any
instrument,
however
designated,

which is in
law a will, bill
of exchange,
&c.

forged or altered, any instrument or writing designated in such Act by any special name or description, and such instrument or writing, however designated, is in law a will, testament, codicil or testamentary writing, or a deed, bond or writing obligatory, or a bill of exchange, or a promissory note for the payment of money, or an indorsement on or assignment of a bill of exchange or promissory note for the payment of money, or an acceptance of a bill of exchange, or an undertaking, warrant, order, authority or request for the payment of money, or an indorsement on or assignment of an undertaking, warrant, order, authority or request for the payment of money, within the true intent and meaning of this Act,—every one who forges or alters such instrument or writing, or offers, utters, disposes of or puts off such instrument or writing, knowing the same to be forged or altered, may be indicted as an offender against this Act, and punished accordingly. 32-33 V., c. 19, s. 46.

Forging, &c.,
in Canada,
documents
purporting to
be made, or
actually made
out of
Canada.

48. Every one who, in Canada, forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any writing or matter of which the forging or altering, or the offering, uttering, disposing of or putting off, knowing the same to be forged or altered, is, in this Act, expressed to be an offence,—in whatsoever country or place out of Canada, whether under the dominion of Her Majesty or not, such writing or matter purports to be made or has been made, and in whatsoever language the same or any part thereof is expressed,—and every one who aids, abets or counsels the commission of any such offence, shall be deemed to be an offender within the meaning of this Act, and shall be punishable in the same manner as if the writing or matter purported to be made or was made in Canada. 32-33 V., c. 19, s. 47, *part*.

Forging, &c.,
in Canada,
bills, &c.,
purporting to
be payable out
of Canada.

49. Every one who, in Canada, forges or alters or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any bill of exchange, or any promissory note for the payment of money, or any indorsement on or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, order, authority or request for the payment of money, or for the delivery or transfer of any goods or security, or any deed, bond or writing obligatory for the payment of money, (whether such deed, bond or writing obligatory is made only for the payment of money, or for the payment of money together with some other purpose,) or any indorsement on or assignment of any such undertaking, warrant, order, authority, request, deed, bond or writing obligatory,—in whatsoever place or country out of Canada, whether under the dominion of Her Majesty or not, the money payable or secured by such bill, note, undertaking, warrant, order, authority, request, deed, bond or

writing obligatory is or purports to be payable, and in whatsoever language the same respectively or any part thereof is expressed, and whether such bill, note, undertaking, warrant, order, authority or request is or is not under seal,—and every one who aids, abets or counsels the commission of any such offence, shall be deemed to be an offender within the meaning of this Act, and shall be punishable in the same manner as if the money purported to be payable or was payable in Canada. 32-33 V., c. 19, s. 47, *part.*

50. Whenever, by any Act, any person falsely making, forging, counterfeiting, erasing or altering any matter whatsoever, or uttering, publishing, offering, disposing of, putting off or making use of any matter whatsoever, knowing the same to have been falsely made, forged, counterfeited, erased or altered, or any person demanding or endeavoring to receive or have anything, or to do or to cause to be done any act, upon or by virtue of any matter whatsoever, knowing such matter to have been falsely made, forged, counterfeited, erased or altered,—or whenever, by any such Act, any person falsely personating another, or falsely acknowledging anything in the name of another, or falsely representing any other person than the real person to be such real person, or wilfully making a false entry in any book, account or document, or in any manner wilfully falsifying any part of any book, account or document, or wilfully making a transfer of any stock, annuity or fund in the name of any person not being the owner thereof, or knowingly taking any false oath, or knowingly making any false affidavit or false affirmation, or demanding or receiving any money or other thing by virtue of any probate or letters of administration, knowing the will on which such probate was obtained to have been false or forged, or knowing such probate or letters of administration to have been obtained by means of any false oath or false affirmation,—or whenever, by any such Act, any person making or using, or knowingly having in his custody or possession any frame, mould or instrument for the making of paper, with certain words visible in the substance thereof, or any person making such paper, or causing certain words to appear visible in the substance of any paper, would, according to the provisions contained in any such Act, be guilty of felony, and be liable to any greater punishment than is provided by this Act,—if any person is convicted of any such felony as is in this section mentioned, or of aiding, abetting, counselling or procuring the commission thereof, and the same is not punishable under any of the other provisions of this Act, every such person shall be liable to imprisonment for life. 32-33 V., c. 19, s. 56.

Forgeries which were punishable more severely than under this Act, and are not otherwise punishable hereunder.

Punishment in such cases.



CHAPTER 166.

An Act respecting the fraudulent marking of Mer- A. D. 1886.
chandise.

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

1. This Act may be cited as "*The Trade Marks Offences Act.*" Short title. 35 V., c. 32, s. 26.

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

(a.) The expression "person" includes any person, whether a subject of Her Majesty or not, and any body corporate or body of the like nature, whether constituted according to the law of Canada or any of Her Majesty's dominions or colonies, or according to the law of any foreign country, and also any company, association or society of persons, whether the members thereof are subjects of Her Majesty or not, or some of such persons are subjects of Her Majesty and some of them not, and whether such body corporate, body of the like nature, company, association or society is established or carries on business within Her Majesty's dominions or elsewhere, or partly within Her Majesty's dominions and partly elsewhere ;

Interpreta-
tion.
"Person."

(b.) The expression "mark" includes any name, signature, word, letter, device, emblem, figure, sign, seal, stamp, diagram, label, ticket or other mark of any other description ; and—

"Mark."

(c.) The expression "trade mark" includes any such name, signature, word, letter, device, emblem, figure, sign, seal, stamp, diagram, label, ticket or other mark as aforesaid, registered or unregistered, lawfully used by any person to denote any chattel or article to be an article or thing of the manufacture, workmanship, production or merchandise of such person, or to be an article or thing of any peculiar or particular description, made or sold by such person,—and also includes any name, signature, word, letter, number, figure, mark or sign which, in pursuance of any statute relating to trade marks or registered designs, is to be put or placed upon or attached to any chattel or article during the existence or continuance of any patent, copyright or other sole right acquired under the provisions of any such statute. 35 V., c. 32, s. 1.

"Trade
Mark."

What shall be deemed a forged and counterfeited trade mark.

And what an act of forging such mark.

3. Every addition to, alteration of, and imitation of any trade mark, which is made, applied or used with intent to defraud, or to enable any other person to defraud, or which causes a trade mark with such alteration or addition, or causes such imitation of a trade mark, to resemble any genuine trade mark so or in such manner as to be calculated or likely to deceive, shall be and be deemed to be a false, forged and counterfeited trade mark within the meaning of this Act; and every act of making, applying or otherwise using, procuring, vending or delivering to another, any such addition to or alteration of a trade mark or any such imitation of a trade mark as aforesaid, done by any person with intent to defraud, or to enable any other person to defraud, shall be and be deemed to be forging and counterfeiting a trade mark within the meaning of this Act; and every act of making, applying, using, procuring, vending or delivering to another, or having in possession any forged or counterfeited trade mark, or any trade mark without the authority of the owner of such trade mark, or of some person by him authorized to use or apply the same, or other lawful and sufficient excuse, shall be *prima facie* evidence of an intent to defraud, or to enable another person to defraud, and shall be deemed to be forging and counterfeiting such trade mark, within the meaning of this Act. 35 V., c. 32, s. 5.

Forging or counterfeiting any trade mark.

4. Every one who, with intent to defraud, or to enable another to defraud any person,—

(a.) Forges or counterfeits, or causes or procures to be forged or counterfeited, any trade mark, or applies, or causes or procures to be applied, any trade mark, or any forged or counterfeited trade mark, to any chattel or article, not being the manufacture, workmanship, production or merchandise of any person denoted or intended to be denoted by such trade mark, or denoted or intended to be denoted by such forged or counterfeited trade mark, or not being the manufacture, workmanship, production or merchandise of any person whose trade mark is so forged or counterfeited, or—

Unlawfully applying a trade mark.

(b.) Applies, or causes or procures to be applied, any trade mark, or any forged or counterfeited trade mark, to any chattel or article, not being the particular or peculiar description of manufacture, workmanship, production or merchandise denoted, or intended to be denoted, by such trade mark, or by such forged or counterfeited trade mark,—

Articles marked to be forfeited, and also instruments used in marking.

Is guilty of a misdemeanor, and shall forfeit to Her Majesty every chattel and article belonging to him to which he has so unlawfully applied, or caused or procured to be applied, any such trade mark or forged or counterfeited trade mark as aforesaid; and also every instrument in his possession or power, and by means of which any such trade mark, or forged or counterfeited trade mark as aforesaid, has been so applied, and every instrument or mark in his possession or power, for applying any such trade mark or

counterfeited trade mark as aforesaid; and the court before which any such misdemeanor is tried may order such forfeited chattels or articles as aforesaid, to be destroyed or otherwise disposed of as such court thinks fit. 35 V., c. 32, s. 2.

How disposed of.

5. Every one who, with intent to defraud, or to enable another to defraud any person,—

Fraudulently attaching trade mark.

(a) Applies or causes or procures to be applied, any trade mark, or any forged or counterfeited trade mark, to any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing in, on or with which any chattel or article is intended to be sold, or is sold or uttered or exposed for sale, or intended for any purpose of trade or manufacture,—

(b.) Incloses or places any chattel or article, or causes or procures any chattel or article to be inclosed or placed in, upon, under or with any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing to which any trade mark has been falsely applied, or to which any forged or counterfeited trade mark has been applied,—

Inclosing, &c., anything in vessel, &c., so falsely marked.

(c.) Applies or attaches or causes or procures to be applied or attached to any chattel or article, any case, cover, reel, ticket or label or other thing to which any trade mark has been falsely applied, or to which any forged or counterfeited trade mark has been applied, or—

Attaching case, &c., falsely marked to anything.

(d.) Incloses, places or attaches any chattel or article, or causes or procures any chattel or article to be inclosed, placed, or attached in, upon, under, with, or to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing having thereon any trade mark of any other person,—

Inclosing, &c., anything in vessel, &c., bearing trade mark of another person.

Is guilty of a misdemeanor, and shall forfeit to Her Majesty every such chattel and article, and also every such cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing as aforesaid in his possession or power, and also every other similar cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing made to be used in like manner as aforesaid, and every instrument in his possession or power, and by means of which any such trade mark, or forged or counterfeited trade mark as aforesaid, has been applied, and also every instrument or mark in his possession or power for applying any such trade mark or forged or counterfeited trade mark as aforesaid; and the court before which any such misdemeanor is tried may order such forfeited articles as aforesaid, to be destroyed or otherwise disposed of as such court thinks fit. 35 V., c. 32, s. 3.

How disposed of.

6. Every one who sells, utters or exposes, either for sale or for any purpose of trade or manufacture, or causes or

Selling and uttering articles bear-

ing forged
trade mark, or
mark wrong-
fully applied-

procures to be sold, uttered or exposed for sale or other purpose as aforesaid, any chattel or article, together with any forged or counterfeited trade mark, which he knows to be forged or counterfeited, or together with the trade mark of any other person applied or used falsely or wrongfully, or without lawful authority or excuse, knowing such trade mark of another person to have been so applied or used as aforesaid,—whether any such trade mark or forged or counterfeited trade mark as aforesaid, together with which any such chattel or article is sold, uttered or exposed for sale or other purpose as aforesaid, is in, upon, about or with such chattel or article, or in, upon, about or with any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing in, upon, about or with which such chattel or article is so sold or uttered, or exposed for sale or other purpose as aforesaid—shall, for every such offence, incur a penalty not exceeding twenty dollars and not less than two dollars, over and above the value of the chattel or article so sold, uttered, offered or exposed for sale or other purpose as aforesaid. 35 V., c. 32, s. 4.

Penalty.

Person selling
any article
bearing
forged trade
mark bound
to give infor-
mation when
required.

7. Whenever any person has sold, uttered or exposed for sale or other purpose as aforesaid, or has caused or procured to be sold, uttered or exposed for sale or other purpose as aforesaid, any chattel or article together with any forged or counterfeited trade mark, or together with the trade mark of any other person used without lawful authority or excuse as aforesaid, whether such trade mark, or such forged or counterfeited trade mark as aforesaid, is in, upon, about or with such chattel or article, or in, upon, about or with any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing in, upon, about or with which such chattel or article has been sold or exposed for sale,—such person shall be bound, upon demand in writing delivered to him, or left for him at his last known dwelling-house or at the place of sale or exposure for sale, by or on the behalf of any person whose trade mark has been so forged or counterfeited, or used without lawful authority or excuse as aforesaid, to give to the person requiring the same, or his attorney or agent, within forty-eight hours after such demand, full information in writing of the name and address of the person from whom he purchased or obtained such chattel or article, and of the time when he obtained the same; and any justice of the peace may, on information on oath of such demand and refusal, summon before him the person refusing, and on being satisfied that such demand ought to be complied with, may order such information to be given within a certain time to be appointed by him; and any such person who refuses or neglects to comply with such order shall incur a penalty of twenty dollars, and such refusal or neglect shall be *prima facie* evidence that the person so refusing or neglecting had

In case of
refusal may
be summoned
by a justice of
the peace.

Penalty for
refusing to
comply.

full knowledge that the trade mark together with which such chattel or article was sold, uttered or exposed for sale or other purpose as aforesaid, at the time of such selling, uttering or exposing, was a forged, counterfeited and false trade mark, or was the trade mark of a person which had been used without lawful authority or excuse, as the case may be. 35 V., c. 32, s. 6.

8. Every one who, with intent to defraud, or to enable another to defraud,—

(a.) Puts or causes or procures to be put upon any chattel or article, or upon any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, together with which any chattel or article is intended to be, or is sold or uttered, or exposed for sale or for any purpose of trade or manufacture, or upon any case, frame or other thing, in or by means of which any chattel or article is intended to be or is exposed for sale, any false description, statement or other indication of or respecting the quality, number, quantity, measure or weight of such chattel or article or any part thereof, or of the place or country in which such chattel or article has been made, manufactured, bottled, put up or produced, or—

Falsely designating any article with intent to defraud.

(b.) Puts or causes or procures to be put upon any such chattel or article, cask, bottle, stopper, cork, capsule, vessel case, cover, wrapper, band, reel, ticket, label or thing as aforesaid, any word, letter, figure, signature or mark, for the purpose of falsely indicating such chattel or article, or the mode of manufacturing, bottling or putting up, or producing the same, or the ornamentation, shape or configuration thereof, to be the subject of any existing patent, privilege or copyright,—

Attaching a letter, figure, &c., falsely indicating article to be patented. &c.

Shall, for every such offence, incur a penalty not exceeding twenty dollars and not less than two dollars, over and above the value of the chattel or article so sold or uttered, or exposed for sale. 35 V., c. 32, s. 7.

Penalty.

9. Every one who sells, utters or exposes for sale or for any purpose of trade or manufacture, or causes or procures to be sold, uttered or exposed for sale or other purpose as aforesaid, any chattel or article, upon which has been, to his knowledge, put, or upon any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, together with which such chattel or article is sold or uttered or exposed for sale or other purpose as aforesaid, has been so put, or upon any case, frame or other thing used or employed to expose or exhibit such chattel or article for sale, has been so put, any false description, statement or other indication of or respecting the number, quantity, measure or weight of such chattel or article, or any part thereof, or the place or country in which such chattel or article has been made, manufactured or produced, shall, for every such

Knowingly selling any article falsely marked or designated.

Penalty.

offence, incur a penalty not exceeding twenty dollars and not less than two dollars. 35 V., c. 32, s. 8.

Except that terms in general use may be employed.

10. The provisions of this Act shall not be construed so as to make it any offence for any person to apply to any chattel or article, or to any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, with which such chattel or article is sold, or intended to be sold, any name, word or expression generally used for indicating that such chattel or article is of some particular class or description of manufacture only; or so as to make it any offence for any person to sell, utter or offer or expose for sale any chattel or article to which, or to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing sold therewith, any such generally used name, word or expression as aforesaid, has been applied. 35 V., c. 32, s. 9.

Specific description of trade mark unnecessary in indictment, &c.

11. In every indictment, pleading, proceeding and document whatsoever, in which any trade mark is intended to be mentioned, it shall be sufficient to mention or state the same to be a trade mark, without further or otherwise describing such trade mark, or setting forth any copy or *fac simile* thereof; and in every indictment, pleading, proceeding and document whatsoever, in which it is intended to mention any forged or counterfeited trade mark, it shall be sufficient to mention or state the same to be a forged or counterfeited trade mark, without further or otherwise describing such forged or counterfeited trade mark, or setting forth any copy or *fac simile* thereof. 35 V., c. 32, s. 10.

Remedy at law not to be affected.

12. The provisions in this Act contained, concerning any act or any proceeding, judgment or conviction for any act hereby declared to be a misdemeanor or offence, shall not take away, diminish or prejudicially affect any suit, process, proceeding, right or remedy which any person, aggrieved by such act, may be entitled to at law, in equity or otherwise, —and shall not exempt or excuse any person from answering or making discovery upon examination as a witness, or upon interrogatories, or otherwise, in any suit or other civil proceeding; but no evidence, statement or discovery, which any person is so compelled to give or make, shall be admissible in evidence against such person in support of any indictment for a misdemeanor at common law or otherwise, or of any proceeding under the provisions of this Act. 35 V., c. 32, s. 11.

Compulsory evidence not to be used in prosecution of the person giving it.

Indictment stating intent to defraud generally shall be sufficient.

13. In every indictment, information, conviction, pleading and proceeding against any person for any misdemeanor or other offence against the provisions of this Act, in which it is necessary to allege or mention an intent to defraud, or to enable another to defraud, it shall be sufficient to allege or

mention that the person accused of having done any act which is hereby made a misdemeanor or other offence, did such act with intent to defraud, or with intent to enable some other person to defraud, without alleging or mentioning any intent to defraud any particular person; and on the trial of any such indictment or information for any such misdemeanor, and on the hearing of any information or charge of or for any such other offence as aforesaid, and on the trial of any action against any person to recover a penalty for any such other offence as aforesaid, it shall not be necessary to prove an intent to defraud any particular person, or an intent to enable any particular person to defraud any particular person, but it shall be sufficient to prove with respect to every such misdemeanor or offence that the person accused did the act charged with intent to defraud, or with intent to enable some other person to defraud, or with the intent that any other person might be enabled to defraud. 35 V., c. 32, s. 12.

Intent to defraud a particular person need not be proved.

14. Every one who is convicted or found guilty of any offence which is, by this Act, made a misdemeanor, is liable to a fine, in the discretion of the court, or to two years' imprisonment, or to both, and also to imprisonment until the fine is paid. 35 V., c. 32, s. 14.

Punishment for misdemeanor under this Act

15. Every pecuniary penalty imposed by this Act may be recovered in an action of debt, which any person may, as plaintiff for and on behalf of Her Majesty, commence and prosecute to judgment in any court of record, and the amount of every such penalty recovered in any such action, shall or may be determined by the jury, if any, sworn to try the issue in such action, and if there is no such jury, then by the court or some other jury, as the court thinks fit; or such penalty may be recovered by a summary proceeding, before two justices of the peace having jurisdiction in the county or place where the offender resides or has any place of business, or in the county or place in which the offence has been committed, and under the provisions of the "*Act respecting summary proceedings before Justices of the Peace.*" 35 V., c. 32, ss. 15 and 16.

Recovery of penalties.

Recovery in a summary manner.

16. Whenever judgment is obtained in any such action as aforesaid, for the amount of any such penalty, the amount thereof shall be paid by the defendant to the sheriff or the officer of the court, who shall account for the same in like manner as other moneys payable to Her Majesty,—and if it is not paid, may be recovered, or the amount thereof levied, or the payment thereof enforced by execution or other proper proceeding, as money due to Her Majesty; and the plaintiff, suing on behalf of Her Majesty, upon obtaining judgment, shall be entitled to recover and have execution for all his costs of suit, which shall include a full indemnity for all

Penalties, how paid and accounted for.

Costs.

costs and charges which he has expended or incurred in, about or for the purposes of the action, unless the court or a judge thereof directs that costs of the ordinary amount only shall be allowed. 35 V., c. 32, s. 17.

As to defendant's costs if he obtains judgment.

17. In every action under the provisions of this Act, which any person commences as plaintiff, for or on behalf of Her Majesty, for recovering any penalty, if the defendant obtains judgment, he shall be entitled to recover his costs of suit, which shall include a full indemnity for all the costs, charges and expenses by him expended or incurred in, about or for the purposes of the action, unless the court or a judge thereof directs that costs of the ordinary amount only shall be allowed. 35 V., c. 32, s. 23.

In certain cases plaintiff may be required to give security for costs.

18. In any action under the provisions of this Act, which any person commences as plaintiff, for or on behalf of Her Majesty, for recovering any penalty, if it is shown to the satisfaction of the court or a judge thereof that the person suing as plaintiff for or on behalf of Her Majesty, has no ground for alleging that he has been aggrieved by the committing of the alleged offence, in respect of which the penalty is alleged to have become payable, and also that the person so suing as plaintiff is not resident within the jurisdiction of the court, or is not a person of sufficient property to be able to pay any costs which the defendant may recover in the action, the court or judge may order that the plaintiff shall give security, by the bond or recognizance of himself and a surety or by the deposit of a sum of money or otherwise, as the court or judge thinks fit, for the payment to the defendant of any costs which he is entitled to recover in the action. 35 V., c. 32, s. 24.

Time for commencing action limited.

19. No person shall commence any action or proceeding for the recovery of any penalty, or for procuring the conviction of any offender in manner hereinbefore provided, after the expiration of three years next after the committing of the offence, or one year next after the first discovery thereof by the person proceeding. 35 V., c. 32, s. 18.

Contract to sell article bearing trade mark to imply that the same is genuine.

20. Whenever any person sells or contracts to sell, whether by writing or not, to any other person, any chattel or article, with any trade mark thereon, or upon any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, together with which such chattel or article is sold or contracted to be sold, the sale or contract to sell shall in every such case be deemed to have been made with a warranty or contract by the vendor to or with the vendee, that every trade mark upon such chattel or article, or upon any such cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing as aforesaid, was genuine and true, and not forged or

counterfeit, and not wrongfully used, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered to and accepted by the vendee. 35 V., c. 32, s. 19.

21. Whenever any person sells or contracts to sell, whether by writing or not, to any other person, any chattel or article upon which, or upon any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, together with which such chattel is sold, or contracted to be sold, there is any description, statement or other indication of or respecting the number, quality, quantity, measure or weight of such chattel or article, or the place or country in which such chattel or article has been made, manufactured, bottled or put up, or produced, the sale or contract to sell shall, in every such case, be deemed to have been made with a warranty or contract by the vendor to or with the vendee, that no such description, statement or other indication was in any material respect false or untrue, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered to and accepted by the vendee. 35 V., c. 32, s. 20.

Contract to sell article bearing special designation or description to imply that the same is genuine.

22. In every case, in any suit or action against any person for forging or counterfeiting any trade mark, or for fraudulently applying any trade mark to any chattel or article, or for selling, exposing for sale or uttering any chattel or article with any trade mark falsely or wrongfully applied thereto, or with any forged or counterfeit trade mark applied thereto, or for preventing the repetition or continuance of any such wrongful act, or the commission of any similar act, in which the plaintiff obtains a judgment or decree against the defendant, the court shall have power to direct every such chattel and article to be destroyed or otherwise disposed of; and in every such suit in a court of law, the court may, upon giving judgment for the plaintiff, award a writ or writs of injunction to the defendant, commanding him to forbear from committing, and not, by himself or otherwise, to repeat or commit any offence or wrongful act of the like nature as that of which he has been convicted by such judgment,—and any disobedience of any such writ or writs of injunction shall be punished as a contempt of court; and in every such suit or action the court, or a judge thereof, may make such order as such court or judge thinks fit, for the inspection of every or any manufacture or process carried on by the defendant, in which any such forged or counterfeit trade mark, or any such trade mark as aforesaid, is alleged to be used or applied as aforesaid, and of every or any chattel, article and thing, in the possession or power of the defendant, alleged to have thereon or in any way attached thereto, any forged or counterfeit trade mark, or any trade mark falsely or wrongfully applied, and every

Court may order article wrongfully marked to be destroyed or otherwise disposed of.

And may issue injunction to defendant.

And may order inspection of manufacture or process to be made.

Penalty for refusing to allow inspection.

or any instrument or mark in the possession or power of the defendant, used, or intended to be, or capable of being used for producing or making any forged or counterfeit trade mark, or trade mark alleged to be forged or counterfeit, or for falsely or wrongfully applying any trade mark; and any person who refuses or neglects to obey any such order shall be held guilty of a contempt of court. 35 V., c. 32, s. 21.

Certain acts specified.

Forging trade mark.

Applying forged trade mark.

Inclosing, &c., article in vessel, &c., to which mark is falsely applied.

Attaching case, &c., so falsely marked to anything.

Inclosing, &c., anything in vessel, &c., bearing trade mark of another person.

In such cases action for damages may be maintained.

23. If any person does, or causes to be done, any of the wrongful acts following, that is to say:—

(a.) Forges or counterfeits any trade mark,—

(b.) For the purpose of sale or for the purpose of any manufacture or trade, applies any forged or counterfeit trade mark to any chattel or article, or to any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or thing in or with which any chattel or article is intended to be sold, or is sold or uttered or exposed for sale or for any purpose of trade or manufacture,—

(c.) Incloses or places any chattel or article in, upon under or with any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, to which any trade mark has been falsely applied, or to which any forged or counterfeit trade mark has been applied,—

(d.) Applies or attaches to any chattel or article, any case, cover, reel, wrapper, band, ticket, label or other thing to which any trade mark has been falsely applied, or to which any forged or counterfeit trade mark has been applied, or—

(e.) Incloses, places or attaches any chattel or article in, upon, under, with or to any cask, bottle, stopper, cork, capsule, vessel, case, cover, reel, wrapper, band, ticket, label or other thing having thereon any trade mark of any other person,—

Every person aggrieved by any such wrongful act shall be entitled to maintain an action or suit for damages in respect thereto, against the person guilty of having done such act, or causing or procuring the same to be done, and for preventing the repetition or continuance of the wrongful act and the commission of any similar act. 35 V., c. 32, s. 22.



CHAPTER 167.

An Act respecting Offences relating to the Coin. A. D. 1886.

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

1. In this Act, unless the context otherwise requires,—
- (a.) The expression “current gold or silver coin” includes any gold or silver coined in any of Her Majesty’s mints, or gold or silver coin of any foreign prince or state, or country, or other coin lawfully current, by virtue of any proclamation or otherwise, in Canada, or in any other part of Her Majesty’s dominions; Interpretation.
“Current gold or silver coin.”
- (b.) The expression “current copper coin” includes any copper coin and any coin of bronze or mixed metal coined in any of Her Majesty’s mints, or lawfully current, by virtue of any proclamation or otherwise, in Canada, or any other part of Her Majesty’s dominions; “Current copper coin.”
- (c.) The expression “copper or brass coin” includes coins and tokens of bronze, or of any other mixed metal, or other than gold or silver; “Copper or brass coin.”
- (d.) The expression “false or counterfeit coin, resembling or apparently intended to resemble or pass for current gold or silver coin,” or other similar expression, includes any of the current coin which has been gilt, silvered, washed, colored or cased over, or in any manner altered so as to resemble or be apparently intended to resemble or pass for any of the current coin of a higher denomination; “False or counterfeit coin.”
- (e.) The expression “current coin” includes any coin coined in any of Her Majesty’s mints, or lawfully current, by virtue of any proclamation or otherwise, in Canada, or any other part of Her Majesty’s dominions; and whether made of gold, silver, copper, bronze or mixed metal. 31 V., c. 47, s. 10;—32-33 V., c. 18, s. 1, *part.* “Current coin.”

2. Whenever the having any matter in the custody or possession of any person is mentioned in this Act, it shall include not only the having of it by himself in his personal custody or possession, but also the knowingly and wilfully having it in the actual custody or possession of any other person, and also the knowingly and wilfully having it in any dwelling-house or other building, lodging, apartment, field or other place, open or inclosed, whether

Having in custody or possession.

belonging to or occupied by himself or not, and whether such matter is so had for his own use or benefit, or for that of any other person. 32-33 V., c. 18, s. 1, *part*.

Counterfeit-
ing current
gold or silver
coin.

3. Every one who falsely makes or counterfeits any coin resembling or apparently intended to resemble or pass for any current gold or silver coin, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 18, s. 2.

Coloring any
coin or any
pieces of
metal with in-
tent to make
them pass for
gold or silver
coin.

4. Every one who gilds or silvers, or with any wash or materials capable of producing the color or appearance of gold or of silver, or by any means whatsoever, washes, cases over or colors any coin whatsoever, resembling or apparently intended to resemble or pass for any current gold or silver coin,—or gilds or silvers, or with any wash or materials capable of producing the color or appearance of gold or silver, or by any means whatsoever, washes, cases over or colors any piece of silver or copper, or of coarse gold or coarse silver, or of any metal or mixture of metals respectively, being of a fit size and figure to be coined, and with intent that the same shall be coined into false and counterfeit coin resembling or apparently intended to resemble or

Coloring or
altering genu-
ine coin, with
intent to
make it pass
for coin of a
higher value.

pass for any current gold or silver coin,—or gilds or, with any wash or materials capable of producing the color and appearance of gold, or by any means whatsoever, washes, cases over or colors any current silver coin, or files or in any manner alters such coin, with intent to make the same resemble or pass for any current gold coin,—or gilds or silvers or with any wash or materials capable of producing the color or appearance of gold or silver, or by any means whatsoever, washes, cases over or colors any current copper coin, or files or in any manner alters such coin with intent to make the same resemble or pass for any current gold or silver coin, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 18, s. 3.

Impairing the
gold or silver
coin.

5. Every one who impairs, diminishes or lightens any current gold or silver coin, with intent that the coin so impaired, diminished, or lightened may pass for current gold or silver coin is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 18, s. 4.

Unlawful pos-
session of
filings or clip-
pings of gold
or silver coin.

6. Every one who unlawfully has in his custody or possession any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise, which have been produced or obtained by impairing, diminishing or lightening any current gold or silver coin, knowing the same to have been so produced or obtained, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 18, s. 5.

Buying or
selling, &c.,
counterfeit

7. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, buys, sells, receives, pays

or puts off, or offers to buy, sell, receive, pay or put off, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, at or for a lower rate or value than the same imports, or was apparently intended to import, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 18, s. 6, *part.*

gold or silver coin for lower value than its denomination imports.

8. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, imports or receives into Canada any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 18, s. 7.

Importing counterfeit coin.

9. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, exports or puts on board any ship, vessel or boat, or on any railway or carriage or vehicle of any description whatsoever, for the purpose of being exported from Canada, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current coin, or for any foreign coin of any prince, country or state, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 18, s. 8.

Exporting counterfeit coin.

10. Every one who tenders, utters or puts off, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and liable to fourteen years' imprisonment. 32-33 V., c. 18, s. 9.

Uttering counterfeit gold or silver coin.

11. Every one who tenders, utters or puts off as being current, any gold or silver coin of less than its lawful weight, knowing such coin to have been impaired, diminished or lightened, otherwise than by lawful wear, is guilty of a misdemeanor, and liable to one year's imprisonment. 32-33 V., c. 18, s. 10.

Passing light gold or silver coin.

12. Every one who has in his custody or possession any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit coin, and with intent to utter or put off any such false or counterfeit coin, is guilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 18, s. 11.

Having counterfeit gold or silver coin in possession, &c.

13. Every one who, having been convicted of any such misdemeanor as in any of the three sections next preceding mentioned, or of any misdemeanor or felony against this or any other Act relating to the coin, afterwards commits any

Subsequent offence after a previous conviction.

of the misdemeanors in any of the said sections mentioned, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 18, s. 12.

Uttering foreign coin, medals, &c., as current coin, with intent to defraud.

14. Every one who, with intent to defraud, tenders, utters or puts off, as or for any current gold or silver coin, any coin not being such current gold or silver coin, or any medal, or piece of metal or mixed metals, resembling, in size, figure and color, the current coin as or for which the same is so tendered, uttered or put off, such coin, medal or piece of metal or mixed metals so tendered, uttered or put off, being of less value than the current coin as or for which the same is so tendered, uttered or put off, is guilty of a misdemeanor, and liable to one year's imprisonment. 32-33 V., c. 18, s. 13.

Counterfeiting, &c., copper coin; or buying or selling it for less than its denomination imports, &c.

15. Every one who falsely makes or counterfeits any coin resembling or apparently intended to resemble or pass for any current copper coin, or without lawful authority or excuse, the proof of which shall lie on him, knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession, any instrument, tool or engine adapted and intended for the counterfeiting any current copper coin, or buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay or put off, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current copper coin, at or for a lower rate of value than the same imports or was apparently intended to import, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 18, s. 14.

Uttering base copper coin.

16. Every one who tenders, utters or puts off any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current copper coin, knowing the same to be false or counterfeit, or has in his custody or possession three or more pieces of false or counterfeit coin, resembling or apparently intended to resemble or pass for any current copper coin, knowing the same to be false or counterfeit, with an intent to utter or put off the same, or any of them, is guilty of a misdemeanor, and liable to one year's imprisonment. 32-33 V., c. 18, s. 15.

Defacing the coin by stamping words thereon.

17. Every one who defaces any current gold, silver or copper coin, by stamping thereon any names or words, whether such coin is or is not thereby diminished or lightened, and afterwards tenders the same, is guilty of a misdemeanor, and liable to one year's imprisonment. 32-33 V., c. 18, s. 16.

Uttering coin so defaced.

18. Every one who tenders, utters or puts off any coin so defaced, shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding ten dollars; but no person shall proceed for any such last mentioned

penalty without the consent of the Attorney General for the Province in which such offence is alleged to have been committed. 32-33 V., c. 18, s. 17, *part*.

19. Every one who makes or counterfeits any kind of coin not being current gold or silver coin, but resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state or country, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 18, s. 18.

Counterfeit-
ing foreign
gold and
silver coin,
not current
in Canada.

20. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, brings or receives into Canada any such false or counterfeit coin, resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state or country, not being current coin, knowing the same to be false or counterfeit, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 18, s. 19.

Bringing such
counterfeit
coin into
Canada.

21. Every one who tenders, utters or puts off any such false or counterfeit coin, resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state or country, not being current coin, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and liable to six months' imprisonment :

Penalty for
uttering such
counterfeit
foreign coin.

2. Every one who, having been convicted of any such offence, afterwards commits the like offence of tendering, uttering or putting off any such false or counterfeit coin, as aforesaid, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years :

Second
offence.

3. Every one who, having been twice convicted of any such offence, afterwards commits the like offence of tendering, uttering or putting off any such false or counterfeit coin, as aforesaid, knowing the same to be false or counterfeit, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 18, ss. 20 and 21.

Subsequent
offence.

22. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, has in his possession or custody any forged, false or counterfeit piece or coin, counterfeited to resemble any foreign gold or silver coin described in the three sections next preceding, knowing the same to be false or counterfeit, with intent to put off any such false or counterfeit coin, is guilty of a misdemeanor, and liable to three years' imprisonment. 32-33 V., c. 18, s. 22.

Having such
coin in pos-
session.

23. Every one who falsely makes or counterfeits any kind of coin, not being current coin, but resembling or apparently intended to resemble or pass for any copper coin, or any other coin made of any metal or mixed metals, of less value

Counterfeit-
ing foreign
coin, other
than gold and
silver coin.

than the silver coin of any foreign prince, state or country, is guilty of a misdemeanor, and liable, for the first offence, to one year's imprisonment; and for any subsequent offence, to seven years' imprisonment. 32-33 V., c. 18, s. 23.

Persons
who—

24. Every one who, without lawful authority or excuse, the proof whereof shall lie on him,—

Make, mend
or have unlaw-
fully posses-
sion of any
coining tools.

(a.) Knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession any puncheon, counter puncheon, matrix, stamp, die, pattern or mould, in or upon which there is made or impressed, or which will make or impress, or which is adapted and intended to make or impress the figure, stamp or apparent resemblance of both or either of the sides of any current gold or silver coin, or of any coin of any foreign prince, state or country, or any part or parts of both or either of such sides,—

Or any edging
instrument.

(b.) Makes or mends, or begins or proceeds to make or mend or buys or sells, or has in his custody or possession any edger, edging or other tool, collar, instrument or engine adapted and intended for the marking of coin round the edges with letters, grainings, or other marks or figures, apparently resembling those on the edges of any such coin as in this section aforesaid, knowing the same to be so adapted and intended as aforesaid, or—

Or any coin-
age press or
cutting
engine.

(c.) Makes or mends or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession, any press for coinage, or any cutting engine for cutting by force of a screw or of any other contrivance, round blanks out of gold, silver or other metal or mixture of metals, or any other machine, knowing such press to be a press for coinage, or knowing such engine or machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such coin as in this section aforesaid,—

Punishment.

Is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 18, s. 24.

Conveying
tools or
moneys, or
metal out of
the mint with-
out authority.

25. Every one who, without lawful authority or excuse, the proof whereof shall lie on him, knowingly conveys out of any of Her Majesty's mints into Canada, any puncheon, counter puncheon, matrix, stamp, die, pattern, mould, edger, edging or other tool, collar, instrument, press or engine, used or employed in or about the coining of coin, or any useful part of any of the several articles aforesaid, or any coin, bullion, metal or mixture of metals, is guilty of felony and liable to imprisonment for life. 32-33 V., c. 18, s. 25.

Coin sus-
pected to be
diminished or
counterfeit
may be cut.

26. If any coin is tendered as current gold or silver coin to any person who suspects the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, such person may cut, break, bend or deface such coin, and

if any coin so cut, broken, bent or defaced appears to be diminished otherwise than by reasonable wearing, or to be counterfeit, the person tendering the same shall bear the loss thereof; but if the same is of due weight, and appears to be lawful coin, the person cutting, breaking, bending or defacing the same, shall be bound to receive the same at the rate for which it was coined:

Who shall bear the loss.

2. If any dispute arises whether the coin so cut, broken, bent or defaced, is diminished in manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary manner by any justice of the peace, who may examine, upon oath, the parties as well as any other person. for the purpose of deciding such dispute, and if he entertains any doubt in that behalf, he may summon three persons, the decision of a majority of whom shall be final:

Disputes, how decided.

3. Every officer employed in the collection of the revenue in Canada shall cut, break or deface, or cause to be cut, broken or defaced, every piece of counterfeit or unlawfully diminished gold or silver coin which is tendered to him in payment of any part of such revenue in Canada. 32-33 V., c. 18, s. 26.

Revenue officers to destroy such coin.

27. Every offence of falsely making or counterfeiting any coin, or of buying, selling, receiving, paying, tendering, uttering or putting off, or of offering to buy, sell, receive, pay, utter or put off, any false or counterfeit coin, against the provisions of this Act, shall be deemed to be complete, although the coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered or put off, or offered to be bought, sold, received, paid, tendered, uttered or put off, was not in a fit state to be uttered, or the counterfeiting thereof was not finished or perfected. 32-33 V., c. 18, s. 32.

When the offence of counterfeiting shall be deemed to be complete.

MANUFACTURE AND IMPORTATION OF UNCURRENT COPPER COIN.

28. Every one who manufactures in Canada any copper or brass coin, or imports into Canada any copper or brass coin, other than current copper coin, with the intention of putting the same into circulation as current copper coin, shall, on summary conviction, be liable to a penalty not exceeding twenty dollars for every pound Troy of the weight thereof; and all such copper or brass coin so manufactured or imported shall be forfeited to Her Majesty, for the public uses of Canada. 31 V., c. 47, ss. 1 and 2.

Unlawful manufacture or importation of copper coin.

29. Any two or more justices of the peace, on the oath of a credible person, that any copper or brass coin has been unlawfully manufactured or imported, shall cause the same to be seized and detained, and shall summon the person in whose possession the same is found, to appear before them; and if it appears to their satisfaction, on the oath of

Seizure of such coin.

Forfeiture on proof.

a credible witness, other than the informer, that such copper or brass coin has been manufactured or imported in violation of this Act, such justice shall declare the same forfeited, and shall place the same in safe keeping to await the disposal of the Governor General, for the public uses of Canada. 31 V., c. 47, s. 3.

When the penalty shall be enforced.

30. If it appears, to the satisfaction of such justices, that the person in whose possession such copper or brass coin was found, knew the same to have been so unlawfully manufactured or imported, they may condemn him to pay the penalty aforesaid with costs, and may cause him to be imprisoned for a term not exceeding two months, if such penalty and costs are not forthwith paid. 31 V., c. 47, s. 4.

Recovery from the owner in certain cases.

31. If it appears, to the satisfaction of such justices, that the person in whose possession such copper or brass coin was found was not aware of it having been so unlawfully manufactured or imported, the penalty may, on the oath of any one credible witness, other than the plaintiff, be recovered, from the owner thereof, by any person who sues for the same in any court of competent jurisdiction. 31 V., c. 47, s. 5.

Officer of customs may seize such coin.

32. Any officer of Her Majesty's customs may seize any copper or brass coin imported or attempted to be imported into Canada in violation of this Act, and may detain the same as forfeited, to await the disposal of the Governor General, for the public uses of Canada. 31 V., c. 47, s. 6.

Uttering unlawful copper coin.

33. Every one who utters, tenders or offers in payment any copper or brass coin, other than current copper coin, shall forfeit double the nominal value thereof :

Recovery of penalty.

2. Such penalty may be recovered, with costs, in a summary manner, on the oath of one credible witness, other than the informer, before any justice of the peace, who, if such penalty and costs are not forthwith paid, may cause the offender to be imprisoned for a term not exceeding eight days. 31 V., c. 47, ss. 7 and 8.

Application of penalties.

34. A moiety of any of the penalties imposed by any of the five sections next preceding, but not the copper or brass coins forfeited under the provisions thereof, shall belong to the informer or person who sues for the same, and the other moiety shall belong to Her Majesty, for the public uses of Canada. 31 V., c. 47, s. 9.



CHAPTER 168.

An Act respecting Malicious Injuries to Property. A. D. 1886.

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

1. In this Act, unless the context otherwise requires, the expression "cattle" includes any horse, mule, ass, swine, sheep, or goat, as well as any neat cattle or animal of the bovine species, and whatever is the age or sex of the animal, and whether castrated or not, and by whatever technical or trivial name it is known, and shall apply to one animal as well as to many. 32-33 V., c. 22, s. 44;—40 V., c. 29, s. 2.

Interpretation.
"Cattle."

INJURIES BY FIRE TO BUILDINGS AND GOODS THEREIN.

2. Every one who unlawfully and maliciously sets fire to any church, chapel, meeting-house or other place of divine worship, is guilty of felony and liable to imprisonment for life. 32-33 V., c. 22, s. 1.

Setting fire to a church, chapel, &c.

3. Every one who unlawfully and maliciously sets fire to any dwelling-house, any person being therein, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 2.

Setting fire to a dwelling-house, any person being therein.

4. Every one who unlawfully and maliciously sets fire to any house, stable, coach-house, out-house, warehouse, office, shop, mill, malt-house, hop-oast, barn, storehouse, granary, hovel, shed or fold, or to any farm building, or to any building or erection used in farming land, or in carrying on any trade or manufacture or any branch thereof, whether the same is then in the possession of the offender, or in the possession of any other person, with the intent thereby to injure or defraud any person, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 3;—35 V., c. 34, s. 1.

Setting fire to a house, out-house, manufactory, farm building, &c.

5. Every one who unlawfully and maliciously sets fire to any station, engine-house, warehouse or other building, belonging or appertaining to any railway, port, dock or harbor, or to any canal or other navigable water, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 4.

Setting fire to any railway station, &c.

Setting fire to any of Her Majesty's dock-yards, ships, &c.

6. Every one who unlawfully and maliciously sets on fire or burns, or otherwise destroys or causes to be set on fire or burnt, or otherwise destroyed, any of Her Majesty's ships or vessels of war, whether afloat or building, or begun to be built in any of Her Majesty's dock-yards, or building or repairing by contract in any private yard, for the use of Her Majesty,—or any of Her Majesty's arsenals, magazines, dock-yards, rope-yards, victualling offices, or any of the buildings erected therein or belonging thereto, or any timber or material there placed for building, repairing or fitting out of ships or vessels, or any of Her Majesty's military, naval or victualling stores or other ammunition of war,—or any place or places where any such military, naval, or victualling stores, or other ammunition of war, are kept, placed or deposited, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 5.

Setting fire to any public building.

7. Every one who unlawfully and maliciously sets fire to any building, other than such as are in this Act before mentioned, belonging to Her Majesty or to any county, riding, division, city, town, village, parish or place, or belonging to any university or college, or hall of any university, or to any corporation, or to any unincorporated body or society of persons, associated together for any lawful purpose, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 6.

Setting fire to other buildings.

8. Every one who unlawfully and maliciously sets fire to any building other than such as are in this Act before mentioned, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 22, s. 7.

Setting fire to anything in any building, the setting fire to which is felony.

9. Every one who unlawfully and maliciously sets fire to any matter or thing, being in, against or under any building, under such circumstances that, if the building were thereby set fire to, the offence would amount to felony, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 22, s. 8.

Attempting to set on fire.

10. Every one who, unlawfully and maliciously, by any overt act, attempts to set fire to any building, or any matter or thing in the next preceding section mentioned, under such circumstances that if the same were thereby set fire to the offender would be guilty of felony, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 22, s. 12.

Setting fire by negligence to any forest, tree, lumber, &c.

11. Every one who, by such negligence as shows him to be reckless or wantonly regardless of consequences, or in violation of a municipal law of the locality, sets fire to any forest, tree, manufactured lumber, square timber, logs

or floats, boom, dam or slide on the Crown domain, or land leased or lawfully held for the purpose of cutting timber, or on private property, on any creek or river, or rollway, beach or wharf, so that the same is injured or destroyed, is guilty of a misdemeanor, and liable to two years' imprisonment:

2. If, in the opinion of the magistrate investigating any charge under this section, the consequences have not been serious, he may, in his discretion, dispose of the matter summarily, without sending the offender for trial, by imposing a fine not exceeding fifty dollars, or in default of payment, by the committal of the offender to prison for any term not exceeding six months, with or without hard labor. 32-33 V., c. 22, ss. 9 and 10.

In certain cases magistrate may impose a fine, without committal for trial.

12. Every one who unlawfully and maliciously sets fire to any forest, tree, manufactured lumber, square timber, logs or floats, boom, dam or slide on the Crown domain, or on land leased or lawfully held for the purpose of cutting timber, or on private property, or on any creek, river, rollway, beach or wharf, so that the same is injured or destroyed, is guilty of felony, and liable to fourteen years' imprisonment 32-33 V., c. 22, s. 11.

Setting fire maliciously to any forest, tree, lumber, &c.

INJURIES BY EXPLOSIVE SUBSTANCES.

13. Every one who, unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroys, throws down or damages the whole or any part of any dwelling-house, any person being therein, or of any building, whereby the life of any person is endangered, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 13.

Destroying, &c., a house with gunpowder, &c., any person being therein.

14. Every one who unlawfully and maliciously places or throws in, into, upon, under, against or near any building, any gunpowder or other explosive substance, with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods or chattels, whether or not any explosion takes place, and whether or not any damage is caused, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 22, s. 14.

Attempting to destroy buildings with gunpowder, &c.

INJURIES TO BUILDINGS BY TENANTS.

15. Every one who, being possessed of any dwelling-house or other building, or part of any dwelling-house or other building, held for any term of years or other less term, or at will, or held over after the termination of any tenancy, unlawfully and maliciously pulls down or demolishes, or unlawfully and maliciously begins to pull down or demolish the same or any part thereof, or unlawfully and maliciously pulls down or severs from the freehold any fix-

Tenants of houses, &c., maliciously injuring them.

ture fixed in or to such dwelling-house or building, or part of such dwelling house or building, is guilty of a misdemeanor. 32-33 V., c. 22, s. 17.

INJURIES TO MANUFACTURES, MACHINERY, ETC.

Destroying goods in process of manufacture.

16. Every one who unlawfully and maliciously cuts, breaks or destroys, or damages, with intent to destroy or to render useless, any goods or article of silk, woollen, linen, cotton, hair, mohair or alpaca, or of any one or more of those materials mixed with each other, or mixed with any other material, or any framework-knitted piece, stocking, hose or lace, being in the loom or frame, or on any machine or engine, or on the rack or tenters, or in any stage, process or progress of manufacture,—or unlawfully and maliciously cuts, breaks, or destroys or damages with intent to destroy or render useless, any warp or shute of silk, woollen, linen, cotton, hair, mohair or alpaca, or of any one or more of those materials mixed with each other, or mixed with any other material,—or unlawfully and maliciously cuts, breaks or destroys, or damages with intent to destroy or render useless, any loom, frame, machine, engine, rack, tackle, tool or implement, whether fixed or movable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing or otherwise manufacturing or preparing any such goods or articles, or by force enters into any house, shop, building or place, with intent to commit any of the offences in this section mentioned, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 18.

Or certain machinery used in such manufactures.

Destroying machines in other manufactures, thrashing machines, &c.

17. Every one who unlawfully and maliciously cuts, breaks or destroys, or damages with intent to destroy or render useless, any machine or engine, whether fixed or movable, used or intended to be used for sowing, reaping, mowing, thrashing, ploughing or draining, or for performing any other agricultural operation, or any machine or engine, or any tool or implement whether fixed or movable, prepared for or employed in any manufacture whatsoever except the manufacture of silk, woollen, linen, cotton, hair, mohair or alpaca goods, or goods of any one or more of those materials mixed with each other, or mixed with any other material, or any framework-knitted piece, stocking, hose or lace, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 22, s. 19.

INJURY TO CORN, TREES AND VEGETABLE PRODUCTIONS.

Setting fire to crops of hay, corn, &c.

18. Every one who unlawfully and maliciously sets fire to any crop of hay, grass, corn, grain or pulse, or of any cultivated vegetable produce, whether standing or cut down, or to any part of any wood, coppice or plantation of trees, or to any heath, gorse, furze or fern, wheresoever the same is

growing, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 22, s. 20.

19. Every one who unlawfully and maliciously sets fire to any stack of corn, grain, pulse, tares, hay, straw, haulm or stubble, or of any cultivated vegetable produce, or of furze, gorse, heath, fern, turf, peat, coals, charcoal, wood or bark, or to any stere or pile of wood or bark, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 21.

Setting fire to stacks of corn, &c.

20. Every one who unlawfully and maliciously, by any overt act, attempts to set fire to any matter or thing mentioned in either of the two sections next preceding, under such circumstances that if the same were thereby set fire to, the offender would be, under either of such sections, guilty of felony, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 22, s. 22.

Attempting to set fire to any crops or stacks of corn, hay, &c.

21. Every one who unlawfully and maliciously cuts or otherwise destroys any hop-binds growing on poles in any plantation of hops, or any grape vines growing in any vineyard, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 22, s. 23.

Destroying hop-binds, grape-vines, &c.

22. Every one who unlawfully and maliciously cuts, breaks, barks, roots up or otherwise destroys or damages the whole or any part of any tree, sapling or shrub, or any underwood growing in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house, if the amount of the injury done exceeds the sum of five dollars, is guilty of felony, and liable to three years' imprisonment. 32-33 V., c. 22, s. 24.

Destroying, &c., trees, &c., worth more than \$5, growing in a pleasure ground, &c.

23. Every one who unlawfully and maliciously cuts, breaks, barks, roots up or otherwise destroys or damages the whole or any part of any tree, sapling or shrub, or any underwood growing in any public street or place or elsewhere than in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house, if the amount of injury done exceeds the sum of twenty dollars, is guilty of felony, and liable to three years' imprisonment. 32-33 V., c. 22, s. 25.

Destroying, &c., trees, shrubs, &c., worth more than \$20, growing elsewhere.

24. Every one who unlawfully and maliciously cuts, breaks, barks, roots up or otherwise destroys or damages the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same is growing, the injury done being to the amount of twenty-five cents at the least, shall, on summary conviction, be liable to a penalty not exceeding five dollars over and above the amount of the injury done, or to one month's imprisonment, with or without hard labor :

Damaging trees, &c., wheresoever growing to the amount of 25 cents.

Second offence.

2. Every one who, having been convicted of any such offence, either against this or any other Act or law, afterwards commits any of the offences in this section mentioned, shall, on summary conviction, be liable to a penalty not exceeding twenty dollars over and above the amount of the injury done, or to three months' imprisonment with hard labor :

Subsequent offence.

3. Every one who, having been twice convicted of any such offence, afterwards commits any of the offences in this section mentioned, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 22, s. 26.

Destroying any fruit or vegetable production in a garden, &c.

25. Every one who unlawfully and maliciously destroys, or damages with intent to destroy, any plant, root, fruit or vegetable production, growing in any garden, orchard, nursery ground, house, hot-house, green-house or conservatory, shall, on summary conviction, be liable to a penalty not exceeding twenty dollars over and above the amount of the injury done, or to three months' imprisonment, with or without hard labor :

Subsequent offence.

2. Every one who, having been convicted of any such offence, either against this or any other Act or law, afterwards commits any of the offences in this section mentioned, is guilty of felony, and liable to two years' imprisonment. 32-33 V., c. 22, s. 27.

Destroying, &c., vegetable productions not growing in a garden, &c.

26. Every one who unlawfully and maliciously destroys, or damages with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard or nursery ground, shall, on summary conviction, be liable to a penalty not exceeding five dollars over and above the amount of the injury done, or to one month's imprisonment, with or without hard labor, and in default of payment of such penalty and costs, if any, to imprisonment for any term not exceeding one month :

Subsequent offence.

2. Every one who, having been convicted of any such offence, either against this or any other Act or law, afterwards commits any of the offences in this section mentioned, shall, on summary conviction, be liable to three months' imprisonment with hard labor. 32-33 V., c. 22, s. 28.

INJURIES TO FENCES.

Destroying, &c., any fence, gate, &c.

27. Every one who unlawfully and maliciously cuts, breaks, throws down, or in anywise destroys any fence of any description whatsoever, or any wall, stile or gate, or any part thereof, respectively, shall on summary conviction be liable to a penalty not exceeding five dollars, over and above the amount of the injury done :

2. Every one who, having been convicted of any such offence, either against this or any other Act or law, afterwards commits any of the offences in this section mentioned, shall, on summary conviction, be liable to three months' imprisonment with hard labor. 32-33 V., c. 22, s. 29.

Subsequent
offence.

INJURIES TO MINES.

28. Every one who unlawfully and maliciously sets fire to any mine of coal, cannel coal, anthracite or other mineral fuel, or to any mine or well of oil or other combustible substance, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 30.

Setting fire to
a coal-mine,
oil-well, &c.

29. Every one who unlawfully and maliciously, by any overt act, attempts to set fire to any mine, or to any such oil well, under such circumstances that if the same were thereby set fire to, the offender would be guilty of felony, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 22, s. 31.

Attempting to
set fire to a
mine, oil-
well, &c.

30. Every one who unlawfully and maliciously causes any water, earth, rubbish or other substance to be conveyed or to run or fall into any mine, or into any oil well, or into any subterraneous passage communicating therewith, with intent thereby to destroy or damage such mine or well, or to hinder or delay the working thereof,—or who, with the like intent, unlawfully and maliciously pulls down, fills up or obstructs or damages with intent to destroy, obstruct or render useless, any airway, waterway, drain, pit, level, or shaft of or belonging to any mine or well, is guilty of felony, and liable to seven years' imprisonment :

Conveying
water, earth,
rubbish, &c.,
into a mine or
oil-well, ob-
structing the
shaft, &c.

2. This section shall not extend to any damage committed underground by any owner of any adjoining mine or well in working the same, or by any person duly employed in such working. 32-33 V., c. 22, s. 32.

Exception.

31. Every one who, unlawfully and maliciously, pulls down or destroys or damages with intent to destroy or render useless any steam engine or other engine for sinking, draining, ventilating or working, or for in anywise assisting in sinking, draining, ventilating or working any mine or oil well or any appliance or apparatus in connection with any such steam or other engine, or any stait, building or erection used in conducting the business of any mine or oil well, or any bridge, wagon-way or track for conveying minerals or oil from any mine or well, whether such engine, stait, building, erection, bridge, wagon-way or track is completed or in an unfinished state,—or unlawfully and maliciously stops, obstructs or hinders the working of any such steam or other engine, or of any such appliances or apparatus as aforesaid, with intent thereby to destroy or damage any mine or oil

Damaging
steam en-
gines, stait, s,
wagon-ways,
&c., for
working
mines.

Unlawfully
obstructing
machinery.

Damaging ropes, chains or tackle.

well, or to hinder, obstruct or delay the working thereof, —or unlawfully and maliciously, wholly or partially, cuts through, severs, breaks or unfastens, or damages with intent to destroy or render useless, any rope, chain or tackle, of whatsoever material the same is made, used in any mine or oil well, or in or upon any inclined plane, railway or other way or other work whatsoever, in anywise belonging or appertaining to or connected with or employed in any mine or oil well, or the working or business thereof, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 22, s. 33.

INJURIES TO SEA AND RIVER BANKS, AND TO WORKS ON RIVERS, CANALS, ETC.

Destroying any sea bank or wall on any canal, dam, &c., used for hydraulic purposes, &c.

32. Every one who unlawfully and maliciously breaks down or cuts down, or otherwise damages or destroys any sea bank, sea wall, dyke or aboiteau, or the bank, dam or wall of or belonging to any river, canal, drain, reservoir, pool or marsh, whereby any land or building is, or is in danger of being overflowed or damaged, —or unlawfully and maliciously throws, breaks or cuts down, levels, undermines or otherwise destroys any quay, wharf, jetty, lock, sluice, floodgate, weir, tunnel, towing-path, drain, water-course or other work belonging to any port, harbor, dock or reservoir, or on or belonging to any navigable water or canal, or any dam or structure erected to create or utilize any hydraulic power, or any embankment for the support thereof, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 34.

Removing piles of any sea bank, &c., or obstructing navigation of a river or canal.

33. Every one who unlawfully and maliciously cuts off, draws up or removes any piles, stone or other materials fixed in the ground and used for securing any sea bank or sea wall, or the bank, dam or wall of any river, canal, drain, aqueduct, marsh, reservoir, pool, port, harbor, dock, quay, wharf, jetty or lock, —or unlawfully and maliciously opens or draws up any floodgate or sluice, or does any other injury or mischief to any navigable river or canal, with intent and so as thereby to obstruct or prevent the carrying on, completing or maintaining the navigation thereof, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 22, s. 35.

INJURIES TO FISH-PONDS.

Breaking down the dam of a fishery, &c., or mill-dam, or poisoning fish.

34. Every one who unlawfully and maliciously cuts through, breaks down, or otherwise destroys the dam, flood-gate or sluice of any fish-pond, or of any water which is private property, or in which there is any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, —or unlawfully and

maliciously puts any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish that are then or that may thereafter be put therein,—or unlawfully and maliciously cuts through, breaks down or otherwise destroys the dam or floodgate of any mill-pond, reservoir or pool, is guilty of a misdemeanor, and liable to seven years' imprisonment. 32-33 V., c. 22, s. 36.

INJURIES TO BRIDGES, VIADUCTS AND TOLL-BARS.

35. Every one who unlawfully and maliciously pulls or throws down, or in anywise destroys any bridge, whether over any stream of water or not, or any viaduct or aqueduct, over or under which bridge, viaduct or aqueduct any highway, railway or canal passes, or does any injury with intent and so as thereby to render such bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under the same, or any part thereof, dangerous or impassable, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 37.

Injuring a public bridge, or viaduct.

36. Every one who unlawfully and maliciously throws down, levels or otherwise destroys, in whole or in part, any turnpike gate or toll-bar, or any wall, chain, rail, post, bar or other fence belonging to any turnpike gate or toll-bar, or set up or erected to prevent passengers passing by without paying any toll directed to be paid by any Act or law relating thereto, or any house, building or weighing engine erected for the better collection, ascertainment or security of any such toll, is guilty of a misdemeanor, and liable to fine or imprisonment, or both, in the discretion of the court. 32-33 V., c. 22, s. 38.

Destroying a turnpike gate, toll house, &c.

INJURIES TO RAILWAYS.

37. Every one who unlawfully and maliciously, and with intent to obstruct, endanger, upset, overthrow, injure or destroy any engine, tender, carriage, truck or vehicle, on any railway, or any property passing over or along any railway,—

Certain injuries to railways.

(a.) Puts, places, casts or throws any wood, stone or other matter or thing upon or across any railway,—

Obstructions.

(b.) Breaks, takes up, removes, displaces, injures or destroys any rail, railway switch, sleeper, bridge, fence or other matter or thing, or any portion thereof, belonging to any railway,—

Injuring or removing rail, &c.

(c.) Turns, moves or diverts any point or other machinery belonging to any railway,—

Moving points.

(d.) Makes or shows, hides or removes any signal or light upon or near any railway, or—

Lights.

(e.) Does or causes to be done, any other matter or thing,—

Other acts.

Punishment. Is guilty of a felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 39;—42 V., c. 9, s. 88, *part*;—44 V., c. 25, s. 116, *part*.

Maliciously injuring, obstructing use of, or hindering the completing, &c., of any railway or railway works.

38. Every one who unlawfully and maliciously—

(a.) Breaks, throws down, injures or destroys, or does any other hurt or mischief to,—

(b.) Obstructs or interrupts the free use of, or—

(c.) Obstructs, hinders or prevents the carrying on, completing, supporting or maintaining of—

Any railway or any part thereof, or any building, structure, station, depot, wharf, vessel, fixture, bridge, fence, engine, tender, carriage, truck, vehicle, machinery or other work, device, matter or thing of such railway, or appertaining thereto or connected therewith,—

Punishment. Is guilty of a misdemeanor, and liable to five years' imprisonment. 42 V., c. 9, ss. 87 and 90;—44 V., c. 25, ss. 115 and 118.

Obstructing use of railway and railway works.

39. Every one who, by any means, or in any manner or way whatsoever, or by any wilful omission or neglect, obstructs or interrupts, or causes to be obstructed or interrupted, or aids or assists in obstructing or interrupting, the free use of any railway or any part thereof, or any building, structure, station, depot, wharf, vessel, fixture, bridge, fence, engine, tender, carriage, truck, vehicle, machinery or other work, device, matter or thing of such railway, or appertaining thereto, or connected therewith, is guilty of a misdemeanor, and liable to two years' imprisonment. 32-33 V., c. 22., s. 40;—42 V., c. 9, s. 86;—44 V., c. 25, s. 114.

INJURIES TO ELECTRIC TELEGRAPHS, ETC.

Injuring electric or magnetic telegraphs, &c.

40. Every one who unlawfully and maliciously cuts, breaks, throws down, destroys, injures or removes any battery, machinery, wire, cable, post or other matter or thing whatsoever, being part of or being used or employed in or about any electric or magnetic telegraph, electric light, telephone or fire alarm, or in the working thereof, or for the transmission of electricity for other lawful purposes, or unlawfully and maliciously prevents or obstructs, in any manner whatsoever, the sending, conveyance or delivery of any communication by any such telegraph, telephone or fire alarm, or the transmission of electricity for any such electric light or for any such purpose as aforesaid, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 22, s. 41.

Attempts to injure such telegraphs, &c.

41. Every one who unlawfully and maliciously, by any overt act, attempts to commit any of the offences in the next preceding section mentioned, shall, on summary conviction, be liable to a penalty not exceeding fifty dollars,

or to three months' imprisonment, with or without hard labor. 32-33 V., c. 22, s. 42.

INJURIES TO WORKS OF ART.

42. Every one who unlawfully and maliciously destroys or damages any book, manuscript, picture, print, statue, bust or vase, or any other article or thing kept for the purposes of art, science or literature, or as an object of curiosity, in any museum, gallery, cabinet, library or other depository, which museum, gallery, cabinet, library or other depository is, either at all times or from time to time, open for the admission of the public or of any considerable number of persons to view the same, either by the permission of the proprietor thereof, or by the payment of money before entering the same, or any picture, statue, monument or other memorial of the dead, painted glass or other monument or work of art in any church, chapel, meeting-house or other place of divine worship, or in any building belonging to Her Majesty, or to any county, riding, city, town, village, parish or place, or to any university, or college or hall of any university, or in any street, square, church-yard, burial ground, public garden or ground, or any statue or monument exposed to public view, or any ornament, railing or fence surrounding such statue or monument, or any fountain, lamp, post, or other thing of metal, glass, wood or other material, in any street, square or other public place, is guilty of a misdemeanor, and liable to one year's imprisonment:

Destroying or damaging works of art in museums, churches, &c., or in public places.

2. Nothing herein contained shall affect the right of any person to recover damages for the injury so committed. 32-33 V., c. 22, s. 43.

Civil remedy saved.

INJURIES TO CATTLE AND OTHER ANIMALS.

43. Every one who unlawfully and maliciously kills, maims, wounds, poisons or injures any cattle, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 22, s. 45.

Killing or maiming cattle.

44. Every one who unlawfully and maliciously attempts to kill, maim, wound, poison or injure any cattle, or unlawfully and maliciously places poison in such a position as to be easily partaken of by any cattle, is guilty of a misdemeanor, and liable to fine or imprisonment, or both, in the discretion of the court. 32-33 V., c. 22, s. 46.

Wantonly attempting to poison, &c., cattle.

45. Every one who unlawfully and maliciously kills, maims, wounds, poisons or injures any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or kept for any domestic purpose, or purpose of lawful profit or advantage or science, shall, on sum-

Killing or maiming other animals.

mary conviction, be liable to a penalty not exceeding one hundred dollars, over and above the amount of injury done, or to three months' imprisonment with or without hard labor:

Subsequent offence.

2. Every one who, having been convicted of any such offence, afterwards commits any of the offences in this section mentioned, is guilty of a misdemeanor, and liable to fine or imprisonment, or both, in the discretion of the court. 32-33 V., c. 22, s. 47.

INJURIES TO SHIPS.

Setting fire to, casting away or destroying a ship.

46. Every one who unlawfully and maliciously sets fire to, casts away or in anywise destroys any ship or vessel, whether the same is complete or in an unfinished state, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 48.

Setting fire to, casting away, &c., ships to prejudice the owner or underwriters.

47. Every one who unlawfully and maliciously sets fire to or casts away or in anywise destroys any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person who has underwritten or who underwrites any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 49.

Attempting to commit such offences.

48. Every one who unlawfully and maliciously, by any overt act, attempts to set fire to, cast away, or destroy any ship or vessel, under such circumstances that, if the ship or vessel were thereby set fire to, cast away or destroyed, the offender would be guilty of felony, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 22, s. 50.

Placing gunpowder near a ship with intent to damage it.

49. Every one who unlawfully and maliciously places or throws in, into, upon, against or near any ship or vessel, any gunpowder or other explosive substance, with intent to destroy or damage any ship or vessel, or any machinery, working-tools, goods or chattels, whether or not any explosion takes place, and whether or not any injury is effected, is guilty of felony, and liable to fourteen years' imprisonment. 32-33 V., c. 22, s. 51.

Damaging ships otherwise.

50. Every one who unlawfully and maliciously damages, otherwise than by fire, gunpowder or other explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same or render the same useless, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 22, s. 52.

Exhibiting false signals, &c., or doing

51. Every one who unlawfully masks, alters, removes or extinguishes any light or signal, or unlawfully exhibits

any false light or signal, with intent to bring any ship, vessel or boat into danger,—or unlawfully and maliciously does any thing tending to the immediate loss or destruction of any ship, vessel or boat, and for which no punishment is hereinbefore provided, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 22, s. 53 ;—33 V., c. 18, s. 4, *part*. acts of like nature.

52. Every one who, unlawfully and maliciously, cuts away, casts adrift, removes, alters, defaces, sinks or destroys, or unlawfully and maliciously does any act with intent to cut away, cast adrift, remove, alter, deface, sink or destroy,—or in any other manner unlawfully and maliciously injures or conceals any lighthouse, light-ship, floating or other light, lantern or signal, or any boat, buoy, buoy-rope, beacon, anchor, perch or mark used or intended for the guidance of seamen, or for the purpose of navigation, is guilty of felony, and liable to seven years' imprisonment. 32-33 V., c. 22, s. 54 ;—33 V., c. 18, s. 4, *part*. Injuring, removing, defacing or concealing lighthouses, buoys, &c.

53. Every one who makes fast any vessel or boat to any such buoy, beacon or sea mark, shall, on summary conviction, be liable to a penalty not exceeding ten dollars, and in default of payment, to one month's imprisonment. 32-33 V., c. 22, s. 55. Making vessels fast to buoys, beacons, or sea marks.

54. Every one who unlawfully and maliciously breaks, injures, cuts, loosens, removes or destroys, in whole or in part, any dam, pier, slide, boom or other such work, or any chain or other fastening attached thereto, or any raft, crib of timber or saw-logs, or unlawfully and maliciously impedes or blocks up any channel or passage intended for the transmission of timber, is guilty of a misdemeanor, and liable to a fine or to two years' imprisonment or to both. 32-33 V., c. 22, s. 56 ;—C. S. C., c. 68, s. 67. Cutting booms or rafts adrift.
Impeding channel.

INJURIES TO POLL BOOKS, ETC.

55. Every one who unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names in or upon, or aids, consents or assists in so destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names in or upon any writ of election, or any return to a writ of election, or any indenture, poll book, voters' list, certificate, affidavit or report, or any document or paper made, prepared or drawn out according to any law in regard to provincial, municipal or civic elections, is guilty of felony, and liable to a fine in the discretion of the court, or to seven years' imprisonment, or to both. 29-30 V. (Can.), c. 51, s. 188, *part* ;—R. S. B. C., c. 157, ss. 99 and 100, *part*. Destroying, injuring or altering election documents.

INJURIES TO LAND MARKS.

Defacing or removing land marks of Province, &c.

56. Every one who knowingly and wilfully pulls down, defaces, alters or removes any mound, land mark, post or monument lawfully erected, planted or placed to mark or determine the boundaries of any Province, county, city, town, township, parish or other municipal division, is guilty of felony, and liable to seven years' imprisonment. C. S. C., c. 77, s. 107, *part*;—C. S. U. C., c. 93, s. 4, *part*.

And of concession, range, &c.

57. Every one who knowingly and wilfully defaces, alters or removes any mound, land mark, post or monument lawfully placed by any land surveyor to mark any limit, boundary or angle of any concession, range, lot or parcel of land, is guilty of a misdemeanor, and liable to a fine not exceeding one hundred dollars, or to three months' imprisonment, or to both :

Exception as to land surveyors.

2. Nothing herein shall prevent any land surveyor in his operation from taking up posts or other boundary marks when necessary, if he carefully replaces them as they were before. C. S. C., c. 77, s. 107, *part*;—C. S. U. C., c. 93, s. 4, *part*.

INJURIES NOT BEFORE PROVIDED FOR.

Committing damage, not before provided for, exceeding \$20.

58. Every one who unlawfully and maliciously commits any damage, injury or spoil to or upon any real or personal property whatsoever, either of a public or a private nature, for which no punishment is hereinbefore provided, the damage, injury or spoil being to an amount exceeding twenty dollars, is guilty of a misdemeanor, and liable to five years' imprisonment. 32-33 V., c. 22, s. 59.

Committing damage, not before provided for, and not exceeding \$20.

59. Every one who unlawfully and maliciously commits any damage, injury or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall, on summary conviction, be liable to a penalty not exceeding twenty dollars, and such further sum, not exceeding twenty dollars, as appears to the justice to be a reasonable compensation for the damage, injury or spoil so committed,—which last mentioned sum of money shall, in the case of private property, be paid to the person aggrieved; and if such sums of money, together with the costs, if ordered, are not paid, either immediately after the conviction, or within such period as the justice shall, at the time of the conviction, appoint, the justice may cause the offender to be imprisoned for any term not exceeding two months, with or without hard labor :

Compensation to person aggrieved.

Not to extend to certain cases.

2. Nothing herein contained shall extend to any case where the person acted under a fair and reasonable supposition that he had a right to do the act complained of, or to any trespass, not being wilful and malicious, committed in

hunting or fishing, or in the pursuit of game; but every such trespass shall be punishable in the same manner as if this Act had not been passed :

3. The provisions of this section shall extend to any person who unlawfully and maliciously commits any injury to any tree, sapling, shrub or underwood, for which no punishment is hereinbefore provided. 32-33 V., c. 22, ss. 60 and 61.

This section
to apply to
trees, &c.

OTHER MATTERS.

60. Every punishment and penalty by this Act imposed on any person maliciously committing any offence, whether the same is punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence is committed from malice conceived against the owner of the property in respect of which it is committed, or otherwise. 32-33 V., c. 22, s. 66.

Malice against
owner not
necessary.

61. Every provision of this Act, not hereinbefore so applied, shall apply to every person who, with intent to injure or defraud any person, does any of the acts hereinbefore made punishable, although the offender is in possession of the property against or in respect of which such act is done. 32-33 V., c. 22, s. 67.

Application
to persons in
possession of
property in-
jured.



CHAPTER 169.

An Act respecting offences relating to the Army and Navy. A. D. 1886.

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

1. Every one who, not being an enlisted soldier in Her Majesty's service, or a seaman in Her Majesty's naval service, by words or with money or by any other means whatsoever, directly or indirectly persuades or procures, or goes about or endeavors to persuade, prevail on or procure any such soldier or seaman to desert from or leave Her Majesty's military or naval service, or conceals, receives or assists any deserter from Her Majesty's military or naval service, knowing him to be such deserter, is guilty of a misdemeanor, and liable, on summary conviction, to a penalty not exceeding two hundred dollars, and not less than eighty dollars and costs, and in default of payment, to imprisonment for any term not exceeding six months. 32-33 V., c. 25, s. 1, *part.*

Enticing soldiers or sailors to desert.

Concealing or assisting deserter.

2. Every one who buys, exchanges or detains, or otherwise receives from any soldier or deserter any arms, clothing or furniture belonging to Her Majesty, or any such articles, belonging to any soldier or deserter, as are generally deemed regimental necessaries, according to the custom of the army, or causes the color of such clothing or articles to be changed, or exchanges, buys or receives from any soldier any provisions, without leave in writing from the officer commanding the regiment or detachment to which such soldier belongs, is guilty of a misdemeanor, and liable, on summary conviction, to a penalty not exceeding forty dollars, and not less than twenty dollars and costs, and in default of payment, to imprisonment for any term not exceeding six months. 32-33 V., c. 25, s. 2.

Receiving regimental necessaries, &c.

3. Every one who buys, exchanges or detains, or otherwise receives from any seaman or marine, upon any account whatsoever, or has in his possession any arms or clothing, or any such articles, belonging to any seaman, marine or deserter, as are generally deemed necessaries, according to the custom of the navy, is guilty of a misdemeanor, and liable, on summary conviction, to a penalty not exceeding one hundred and twenty dollars, and not less than sixty dollars and costs, and in default of payment, to imprisonment for a term not exceeding six months. 32-33 V., c. 25, s. 3.

Receiving necessaries from a seaman or marine.

Prosecution of offender.

4. Every offender against the provisions of the preceding sections may be tried and convicted in a summary manner before any two justices of the peace, or before the mayor of any city and any one justice of the peace, or before any recorder, judge of the sessions of the peace or police magistrate, on the evidence of one credible witness, or he may be prosecuted by indictment for the misdemeanor, and shall then be liable to punishment by fine and imprisonment in the discretion of the court; and nothing in this Act shall be construed to prevent any person being prosecuted, convicted and punished under any Act of the Parliament of the United Kingdom in force in Canada; but no person shall be twice punished for the same offence. 32-33 V., c. 25, s. 1, *part, and* s. 5.

Prosecution may be under Imperial Act.

Examination of witnesses about to leave the Province, &c.

5. The examination of any soldier, seaman or marine liable to be ordered from the Province in which any offence against this Act is prosecuted, or of any witness, sick, infirm or about to leave such Province, may be taken *de bene esse* before any commissioner or other proper authority, in like manner as depositions in civil cases are taken. 32-33 V., c. 25, s. 6.

Apprehension of suspected deserters.

6. Every one who is reasonably suspected of being a deserter from Her Majesty's service may be apprehended and brought for examination before any justice of the peace, and if it appears that he is a deserter, he shall be confined in gaol until claimed by the military or naval authorities, or proceeded against according to law. 32-33 V., c. 25, s. 7.

Warrant required to enter a building in search of deserters.

7. No one shall break open any building to search for a deserter unless he has obtained a warrant for that purpose from a justice of the peace,—such warrant to be founded on affidavit that there is reason to believe that the deserter is concealed in such building, and that admittance has been demanded and refused; and every one who resists the execution of any such warrant shall incur a penalty of eighty dollars, recoverable on summary conviction in like manner as other penalties under this Act. 32-33 V., c. 25, s. 8.

Warrant to apprehend offenders.

8. Any justice of the peace, upon information on oath or affirmation, may issue a warrant for the apprehension of any person charged with an offence against this Act, as in the case of other offences against the law. 32-33 V., c. 25, s. 9.

Application of penalties.

9. One moiety of the amount of any penalty recovered under any of the preceding sections shall be paid over to the prosecutor or person by whose means the offender has been convicted, and the other moiety shall belong to the Crown. 32-33 V., c. 25, s. 4.



CHAPTER 170.

An Act respecting Military and Naval Stores.

A. D. 1886.

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

- 1.** In this Act, unless the context otherwise requires, the expression “stores” includes any single store or article. 32-33 V., c. 26, s. 14. Interpretation. “Stores.”
- 2.** The marks described in the schedule to this Act, may be applied in or on Her Majesty’s naval, military, ordnance, barrack, hospital and victualling stores, to denote Her Majesty’s property in stores so marked. 32-33 V., c. 26, s. 1. Marks to be used on H. M. stores.
- 3.** The Admiralty and War Department, their contractors, officers and workmen, may apply the said marks, or any of them, in or on any such stores as are described in the said schedule. 32-33 V., c. 26, s. 2. Who may apply such marks.
- 4.** Every one who, without any lawful authority, the proof of which shall lie on him, applies any of the said marks in or on any such or any like stores, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 26, s. 3. Unlawfully using such marks.
- 5.** Every one who, with intent to conceal Her Majesty’s property, in any naval, military, ordnance, barrack, hospital or victualling stores, takes out, destroys or obliterates, wholly or in part, any such mark as aforesaid, is guilty of felony, and liable to imprisonment for any term less than two years. 32-33 V., c. 26, s. 4. Unlawfully obliterating or concealing such marks.
- 6.** Every one who, without lawful authority, the proof of which shall lie on him, receives, possesses, keeps, sells or delivers; any naval, military, ordnance, barrack, hospital or victualling stores, bearing any such mark as aforesaid, knowing them to bear such mark, is guilty of a misdemeanor, and liable to imprisonment for any term not exceeding one year. 32-33 V., c. 26, s. 5. Unlawfully keeping or selling stores so marked.

Knowledge that goods bear mark, presumed until contrary shown.

7. If the person charged with such a misdemeanor as last aforesaid was, at the time at which the offence is charged to have been committed, a dealer in marine stores, or a dealer in old metals, or in Her Majesty's service or employment, knowledge on his part that the stores to which the charge relates bore such mark as aforesaid, shall be presumed, until the contrary is shown. 32-33 V., c. 26, s. 6.

When value of stores does not exceed \$25, case to be tried summarily.

8. Every person charged with such misdemeanor as last aforesaid in relation to stores, the value of which does not exceed twenty-five dollars, is liable, on summary conviction before two justices of the peace, or any recorder, stipendiary magistrate or police magistrate, or the city court of Halifax, to a penalty not exceeding one hundred dollars, or to imprisonment for any term not exceeding six months, with or without hard labor. 32-33 V., c. 26, s. 7.

Persons in whose possession stores with mark are found, must prove that they obtained them lawfully.

9. If any naval, military, ordnance, barrack, hospital or victualling stores, bearing any such mark, are found in the possession of any person who is not a dealer in marine stores or a dealer in old metals, and who is not in Her Majesty's service, and such person, when taken or summoned before two justices of the peace, recorder, stipendiary magistrate, or police magistrate, or the city court of Halifax, does not satisfy the justice, recorder, magistrate, or the court, that he came lawfully by the stores so found, he shall, on summary conviction, be liable to a penalty not exceeding twenty-five dollars; and if any such person satisfies the justices, recorder, stipendiary or police magistrate or court, that he came lawfully by the stores so found, the justices, recorder, magistrate or court, in their discretion, as the evidence given or the circumstances of the case require, may summon before them every person through whose hands such stores appear to have passed; and if any such person, who has had possession thereof, does not satisfy the justices, recorder, stipendiary or police magistrate or court, that he came lawfully by the same, he shall, on summary conviction of having had possession thereof, be liable to a penalty not exceeding twenty-five dollars, and in default of payment, to imprisonment for any term not exceeding three months, with or without hard labor. 32-33 V., c. 26, s. 8.

Former possessor may be summoned.

What shall be deemed possession.

10. For the purposes of this Act, stores shall be deemed to be in the possession or keeping of any person, if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field or place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another. 32-33 V., c. 26, s. 9.

11. No person shall, without permission in writing from the Admiralty or from some person authorized by the Admiralty in that behalf, creep, sweep, dredge or otherwise search for stores in the sea or any tidal or inland water, within one hundred yards from any vessel belonging to Her Majesty or in Her Majesty's service, or from any mooring place or anchoring place, appropriated to such vessels, or from any mooring belonging to Her Majesty, or from any of Her Majesty's wharves or docks, victualling or steam factory yards. 32-33 V., c. 26, s. 10.

Searching for stores near H. M. vessels, wharves, &c., without permission.

12. Every one who violates the next preceding section shall, on summary conviction before two justices of the peace, or any recorder, stipendiary or police magistrate, or the city court of Halifax, be liable to a penalty not exceeding twenty-five dollars, or to imprisonment for any term not exceeding three months, with or without hard labor. 32-33 V., c. 26, s. 11.

Penalty in such case.

13. No person other than the officer commanding the naval or military forces in Canada or some person acting under his authority, shall institute or carry on under this Act, any prosecution or proceeding for any offence against it. 32-33 V., c. 26, s. 12.

Who only may prosecute.

14. Nothing in this Act shall prevent any person from being indicted, under this Act or otherwise, for any indictable offence, made punishable on summary conviction by this Act, or prevent any person from being liable, under any other Act or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person is twice punished for the same offence. 32-33 V., c. 26, s. 13.

Nothing in this Act shall prevent indictment under this or any other Act.

15. In all prosecutions under this Act, proof that any soldier, seaman or marine was actually doing duty in Her Majesty's service shall be *prima facie* evidence that his enlistment, entry or enrolment has been regular. 32-33 V., c. 26, s. 15.

Proof under this Act.

16. Any person convicted or sentenced to imprisonment under this Act, before the city court of Halifax, may, in the discretion of the court, be imprisoned in the city prison with hard labor, instead of the county gaol. 32-33 V., c. 26, s. 16.

Imprisonment under this Act.

SCHEDULE.

Marks appropriated for Her Majesty's use in or on Naval, Military, Ordnance, Barrack, Hospital and Victualling stores.

STORES.	MARKS.
Hempen cordage and wire rope.	White, black or colored worsted threads laid up with the yarns and the wire, respectively.
Canvas, fearnought hammocks and seamen's bags.	A blue line in a serpentine form.
Bunting.	A double tape in the warp.
Candles.	Blue or red cotton threads in each wick, or wicks of red cotton.
Timber, metal and other stores not before enumerated.	The broad arrow, with or without the letters W.D.

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CHAPTER 171.

An Act respecting the protection of the Property of A. D. 1886.
Seamen in the Navy.

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

- 1.** In this Act, unless the context otherwise requires,—
- (a.) The expression “Admiralty” means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral; Interpretation.
“Admiralty.”
- (b.) The expression “seaman” means every person, not being a commissioned, warrant or subordinate officer, who is in or belongs to Her Majesty’s Navy, and is borne on the books of any one of Her Majesty’s ships in commission, and every person, not being an officer as aforesaid, who, being borne on the books of any hired vessel in Her Majesty’s service, is, by virtue of any Act of the Parliament of the United Kingdom for the time being in force for the discipline of the Navy, subject to the provisions of such Act; “Seaman.”
- (c.) The expression “seaman’s property” means any clothes, slops, medals, necessaries or articles usually deemed to be necessaries for sailors on board ship, which belong to any seaman. 33 V., c. 31, s. 2. “Seaman’s
“property.”
- 2.** Every one who detains, buys, exchanges, takes on pawn or receives, from any seaman or any person acting for a seaman, any seaman’s property, or solicits or entices any seaman, or is employed by any seaman to sell, exchange or pawn any seaman’s property, shall, unless he proves that he acted in ignorance of the same being seaman’s property, or of the person with whom he dealt being or acting for a seaman, or that the same was sold by order of the Admiralty or Commander-in-Chief, be liable, on summary conviction, to a penalty not exceeding one hundred dollars; and if convicted of a second offence, to the same penalty, or, in the discretion of the justice or justices, to imprisonment for a term not exceeding six months, with or without hard labor. 33 V., c. 31, s. 3. Purchasing,
selling, &c.,
seaman’s pro-
perty.

Penalty.

- 3.** If any seaman’s property is found in the possession or keeping of any person, and he is taken or summoned before Having pos-
session of
seaman’s pro-

perty and not
accounting
for it.

a justice of the peace (which taking and summoning are hereby authorized), and the justice sees reasonable grounds for believing the property so found to have been stolen, or to have been detained, bought, exchanged, pawned or otherwise received, contrary to the provisions of this Act, then if such person does not satisfy the justice that he came by the seaman's property, so found, lawfully and without any violation of this Act, he shall be liable, on summary conviction before a justice or justices, to a penalty not exceeding twenty-five dollars; and for the purposes of this section, seaman's property shall be deemed to be in the possession or keeping of any person, if he knowingly has any such property in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field or place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another. 33 V., c. 31, s. 4.

Penalty.

What shall be
deemed hav-
ing in pos-
session.

Nothing in
this Act shall
prevent in-
dictment
under this or
any other
Act.

4. Nothing in this Act shall prevent any person from being indicted under this Act, or otherwise, for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act, or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person is punished twice for the same offence. 33 V., c. 31, s. 7.

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CHAPTER 172.

An Act respecting Cruelty to Animals.

A D. 1886.

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

1. In this Act, unless the context otherwise requires, the expression "cattle" includes any horse, mule, ass, swine, sheep or goat, as well as any neat cattle or animal of the bovine species, and whatever is the age or sex of the animal, and whether castrated or not, and by whatever technical or trivial name it is known, and shall apply to one animal as well as to many. 32-33 V., c. 27, s. 10;—38 V., c. 42, s. 1.

Interpretation.
"Cattle."

CRUELTY TO ANIMALS.

2. Every one who wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, overdrives or tortures any cattle, poultry, dog, domestic animal or bird,—or who, while driving any cattle or other animal is, by negligence or ill-usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal,—or who, in any manner, encourages, aids or assists at the fighting or baiting of any bull, bear, badger, dog, cock or other kind of animal, whether of domestic or wild nature, shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding fifty dollars or to imprisonment for any term not exceeding three months, with or without hard labor, or to both. 43 V., c. 38, s. 2.

Cruelty to animals, how punishable.

3. Every one who builds, makes, maintains or keeps a cockpit on premises belonging to or occupied by him, or allows a cockpit to be built, made, maintained or kept on premises belonging to or occupied by him, shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding fifty dollars, or to imprisonment for any term not exceeding three months, with or without hard labor, or to both :

Making or maintaining a cock-pit.

2. All cocks found in any such cockpit, or on the premises wherein such cockpit is, shall be confiscated and sold for the benefit of the municipality in which such cockpit is situated. 43 V., c. 38, s. 3.

Forfeiture in such case.

Apprehension
of offenders.

4. If any such offence is committed, any constable or other peace officer, or the owner of any such cattle, animal or poultry, upon view thereof, or upon the information of any other person (who shall declare his name and place of abode to such constable or other peace officer), may seize and secure, and forthwith, and without any warrant, may convey any such offender before a justice of the peace within whose jurisdiction the offence was committed, to be dealt with according to law. 32-33 V., c. 27, s. 4.

If offender
refuses to dis-
close his
name, &c.

5. If any person apprehended for having committed any such offence refuses to disclose his name and place of abode to the justice of the peace before whom he is brought, such person shall be immediately delivered over to a constable or other peace officer, and shall, by him, be conveyed to the common gaol or place of confinement for the district, county or place within which the offence was committed, or in which the offender was apprehended, there to remain for any term not exceeding one month, or until he makes known his name and place of abode to the said justice. 32-33 V., c. 27, s. 5.

Time for
prosecution
limited.

6. No prosecution for any such offence shall be brought, except within three months next after the commission of the offence. 32-33 V., c. 27, s. 6.

Application of
penalties.

7. Every pecuniary penalty recovered with respect to any such offence shall be applied in the following manner, that is to say: one moiety thereof to the corporation of the city, town, village, township, parish or place in which the offence was committed, and the other moiety, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the justices of the peace seems proper. 32-33 V., c. 27, s. 8.

THE CONVEYANCE OF CATTLE.

Cattle to be
unladen for
food, rest, &c.,
at certain
intervals.

8. No railway company within Canada, whose railway forms any part of a line of road over which cattle are conveyed from one Province to another Province, or from the United States to or through any Province, or from any part of a Province to another part of the same, or owner or master of any vessel carrying or transporting cattle, from one Province to another Province, or within any Province, or from the United States through or to any Province, shall confine the same in any car, or vessel of any description, for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water and feeding for a period of at least five consecutive hours, unless prevented from so unloading and furnishing water and food by storm or other unavoidable cause, or by necessary delay or detention in the crossing of trains;

Exception.

2. In reckoning the period of confinement, the time during which the cattle have been confined without such rest and without the furnishing of food and water, on any connecting railways or vessels from which they are received, whether in the United States or in Canada, shall be included :

Time, how reckoned.

3. The foregoing provisions as to cattle being unladen shall not apply when cattle are carried in any car or vessel in which they have proper space and opportunity for rest and proper food and water. 38 V., c. 42, ss. 2 and 5, *part*.

Exception, if proper food and space are furnished.

9. Cattle so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railway company or owner or master of the vessel transporting the same, at the expense of the owner or person in custody thereof; and such company, owner or master shall, in such case, have a lien upon such cattle for food, care and custody furnished, and shall not be liable for any detention of such cattle. 38 V., c. 42, s. 3.

Cattle unladen to be fed and watered.

10. Where cattle are unladen from cars for the purpose of receiving food, water and rest, the railway company then having charge of the cars in which they have been transported shall, except during a period of frost, clear the floors of such cars, and litter the same properly with clean sawdust or sand before reloading them with live stock. 38 V., c. 42, s. 4.

Cars to be cleaned out.

11. Every railway company, owner or master of a vessel, having cattle in transit, as aforesaid, who knowingly and wilfully fails to comply with the provisions contained in the eighth section of this Act, shall, for every such failure to comply with its provisions, incur a penalty not exceeding one hundred dollars. 38 V., c. 42, s. 5, *part*.

Penalty for violation of section 8.

12. Every peace officer and constable may, at all times, enter any premises where he has reasonable grounds for supposing that any car, truck or vehicle, in respect whereof any company or person has failed to comply with the provisions of the four sections next preceding is to be found, or enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has, on any occasion, so failed :

Constable may enter premises or vessel.

2. Every one who refuses admission to such peace officer or constable, shall be liable, on summary conviction, to a penalty not exceeding twenty dollars and not less than five dollars, and costs, and in default of payment, to imprisonment for any term not exceeding thirty days. 38 V., c. 42, ss. 6, 7 and 8.

Penalty for refusing constable admission.

Application of penalties and limitation of suits.

13. Every penalty recoverable under the two sections next preceding, shall belong to the Crown for the public uses of Canada; and no proceeding for the recovery of such penalty shall be commenced except within one month next after the commission of the offence. 38 V., c. 42, s. 10.

GENERAL.

Right of suit for damages not affected.

14. Nothing in this Act shall prevent or abridge any remedy by action which any person has against the offender or his employer. 32-33 V., c. 27, s. 3, *part*;—38 V., c. 42, s. 9, *part*.

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CHAPTER 173.

An Act respecting Threats, Intimidation and other Offences. A. D. 1886.

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

THREATS.

1. Every one who sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing, demanding of any person with menaces, and without any reasonable or probable cause, any property, chattel, money, valuable security or other valuable thing, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 21, s. 43.

Letters demanding money, &c., with menaces.

2. Every one who, with menaces or by force, demands any property, chattel, money, valuable security or other valuable thing of any person, with intent to steal the same, is guilty of felony, and liable to two years' imprisonment. 32-33 V., c. 21, s. 44.

Demanding money, &c., with menaces or by force.

3. Every one who sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing, accusing or threatening to accuse or cause to be accused any other person of any crime punishable by law with death, or imprisonment for not less than seven years, or of any assault with intent to commit any rape, or of any attempt or endeavor to commit any rape, or of any infamous crime as hereinafter defined, with a view or intent, in any of such cases, to extort or gain, by means of such letter or writing, any property, chattel, money, valuable security or other valuable thing from any person, is guilty of felony, and liable to imprisonment for life:

Letters threatening to accuse of crime.

2. The crime of buggery, committed either with mankind or with beast, and every assault with intent to commit the said crime, and every attempt or endeavor to commit the said crime, and every solicitation, persuasion, promise or threat offered or made to any person whereby to move or induce such person to commit or permit the said crime, shall be deemed to be an infamous crime within the meaning of this Act:

"Infamous crime" defined.

What shall be sending such letter.

3. Every species of parting with any such letter to the end that it may come, or whereby it comes into the hands of the person for whom it is intended, shall be deemed a sending of such letter. 32-33 V., c. 21, s. 45.

Accusing or threatening to accuse of crime.

4. Every one who accuses, or threatens to accuse, either the person to whom such accusation or threat is made or any other person, of any of the infamous or other crimes lastly hereinbefore mentioned, with the view or intent, in any of the cases last aforesaid, to extort or gain from such person so accused or threatened to be accused, or from any other person, any property, chattel, money, valuable security or other valuable thing, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 21, s. 46.

Inducing a person by threats or violence to execute deeds, &c.

5. Every one who, with intent to defraud or injure any other person, by any unlawful violence to or restraint of, or threat of violence to or restraint of the person of another, or by accusing or threatening to accuse any person of any treason, felony or infamous crime, as hereinbefore defined, compels or induces any person to execute, make, accept, indorse, alter or destroy the whole or any part of any valuable security, or to write, impress or affix his name, or the name of any other person or of any company, firm or co-partnership, upon or to any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of felony, and liable to imprisonment for life. 32-33 V., c. 21, s. 47.

Immaterial by whom menaces are to be executed.

6. It shall be immaterial whether the menaces or threats hereinbefore mentioned are of violence, injury or accusation, to be caused or made by the offender or by any other person. 32-33 V., c. 21, s. 48.

Letters threatening to murder.

7. Every one who maliciously sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, is guilty of felony, and liable to ten years' imprisonment. 32-33 V., c. 20, s. 15.

Letters threatening to burn or destroy houses, &c.

8. Every one who sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any house, barn or other building, or any rick or stack of grain, hay or straw or other agricultural produce, or any grain, hay or straw or other agricultural produce, in or under any building, or any ship or vessel, or to kill, maim, wound, poison or injure any cattle, is guilty of felony, and liable to ten years' imprisonment. 32-33 V., c. 22, s. 58.

INTIMIDATION.

9. Every one who, in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business or manufacture, or respecting any person concerned or employed therein, unlawfully assaults any person, or, in pursuance of any such combination or conspiracy, uses any violence or threat of violence to any person, with a view to hinder him from working or being employed at such trade, business or manufacture, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 20, s. 42.

Assaults arising from combination.

10. Every one who beats or uses any violence or threat of violence to any person, with intent to deter or hinder him from buying, selling or otherwise disposing of any wheat or other grain, flour, meal, malt or potatoes or other produce or goods, in any market or other place, or beats or uses any such violence or threat to any person having the charge or care of any wheat or other grain, flour, meal, malt or potatoes, whilst on the way to or from any city, market, town or other place, with intent to stop the conveyance of the same, shall, on summary conviction before two justices of the peace, be liable to imprisonment, with hard labor, for any term not exceeding three months. 32-33 V., c. 20, s. 40.

Assaults with intent to obstruct the sale of grain, &c., or its free passage.

11. Every one who, unlawfully and with force, hinders or prevents any seaman, stevedore, ship-carpenter or other person usually working at or on board any ship or vessel, from working at or exercising his lawful trade, business or occupation, or beats or uses any violence to any such person with intent to hinder or prevent him from working at or exercising the same, shall, on summary conviction before two justices of the peace, be liable to imprisonment, with hard labor, for any term not exceeding three months. 32-33 V., c. 20, s. 41.

Assaults on seamen, stevedores, &c.

12. Every one who, wrongfully and without lawful authority, with a view to compel any other person to abstain from doing anything which he has a lawful right to do, or to do anything from which he has a lawful right to abstain,—

Certain acts contrary to free action.

(a.) Uses violence to such other person, or his wife or children, or injures his property,—

Violence.

(b.) Intimidates such other person, or his wife or children, by threats of using violence to him, her or any of them, or of injuring his property,—

Intimidation.

(c.) Persistently follows such other person about from place to place,—

Following.

(d.) Hides any tools, clothes or other property owned or used by such other person, or deprives him or hinders him in the use thereof,—

Hiding property.

Disorderly following.

(e.) Follows such other person, with one or more other persons, in a disorderly manner, in or through any street or road, or—

Besetting house, &c.

(f.) Besets or watches the house or other place where such other person resides or works, or carries on business or happens to be,—

Penalty.

Shall, on summary conviction before two justices of the peace, or on indictment, be liable to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months :

“Besetting house” defined.

2. Attending at or near or approaching to such house or other place as aforesaid, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section :

Proceedings if person accused objects to being tried by justices.

3. Any person accused of any such offence may, on appearing before the justices, declare that he objects to being tried for such offence by such justices ; and thereupon such justices shall not proceed with such trial, but may deal with the case in all respects as if the accused was charged with an indictable offence and not with an offence punishable on summary conviction, and the accused may be prosecuted on indictment accordingly :

Description of offence, and proof of exceptions, &c.

4. It shall be sufficient to describe any such offence in the words of this section ; and any exception, proviso, excuse or qualification, whether it does or does not accompany the description of the offence, may be proved by the defendant, but need not be specified in the information or complaint, and if so specified and negatived, no proof in relation to the matter so specified and negatived shall be required on the part of the informant or prosecutor :

Certain persons not to act as magistrates.

5. No person who is a master, or the father, son or brother of a master in the particular manufacture, trade or business, in or in connection with which any offence under this section is charged to have been committed, shall act as a magistrate or justice, in any case of complaint or information under this section, or as a member of any court for hearing any appeal in any such case. 35 V., c. 31, s. 2, *part*, and s. 4 ;—39 V., c. 37, ss. 2 and 3.

“Trade combination” defined.

13. In this section the expression “trade combination” means any combination between masters or workmen or other persons, for regulating or altering the relations between any persons being masters or workmen, or the conduct of any master or workman, in or in respect of his business or employment, or contract of employment or service ; and the expression “act” includes a default, breach or omission :

“Act” defined.

Prosecution for conspiracy.

2. No prosecution shall be maintainable against any person for conspiracy to do any act, or to cause any act to be done for the purposes of a trade combination, unless such act is an offence punishable by statute. 39 V., c. 37, s. 4.

14. Every person who, before or at the time of the public sale of any Indian lands, or public lands of Canada, or of any Province of Canada, by intimidation, combination or unfair management, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any lands so offered for sale, is guilty of a misdemeanor, and liable to a fine not exceeding four hundred dollars or to two years' imprisonment, or to both. 23 V. (Can.), c. 2, s. 33; —43 V., c. 28, s. 55.

Preventing bidding for public lands.

CRIMINAL BREACHES OF CONTRACT.

15. Every one who,—

(a.) Wilfully and maliciously breaks any contract made by him, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or to cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury,—

Breach of contract endangering life, person or property.

(b.) Being under any contract made by him with any municipal corporation or authority, or with any company bound, agreeing or assuming to supply any city or any other place, or any part thereof, with gas or water, wilfully and maliciously breaks such contract, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city or place, or part thereof, wholly or to a great extent, of their supply of gas or water, or—

Or cutting off supply of gas or water.

(c.) Being under any contract made by him with a railway company, bound, agreeing or assuming to carry Her Majesty's mails, or to carry passengers or freight; or with Her Majesty, or any one on behalf of Her Majesty, in connection with a Government railway on which Her Majesty's mails, or passengers or freight are carried, wilfully and maliciously breaks such contract, knowing or having reason to believe that the probable consequences of his so doing, either alone or in combination with others, will be to delay or prevent the running of any locomotive engine, or tender, or freight or passenger train or car, on the railway,—

Or delaying or hindering running of railway cars, engines, &c.

Shall, on summary conviction before two justices of the peace, or on indictment, be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, with or without hard labor. 40 V., c. 35, s. 2.

Punishment.

16. Every municipal corporation or authority or company which, being bound, agreeing or assuming to supply any city, or any other place, or any part thereof, with gas or water, wilfully and maliciously breaks any contract made by such municipal corporation, authority, or company, know-

Breach of contract by a corporation.

ing or having reason to believe that the probable consequences of its so doing will be to deprive the inhabitants of that city or place or part thereof, wholly, or to a great extent, of their supply of gas or water, is liable to a penalty not exceeding one hundred dollars. 40 V., c. 35, s. 3, *part*.

Breach of contract by a railway company.

17. Every railway company which, being bound, agreeing or assuming to carry Her Majesty's mails, or to carry passengers or freight, wilfully and maliciously breaks any contract made by such railway company, knowing or having reason to believe that the probable consequences of its so doing will be to delay or prevent the running of any locomotive engine or tender, or freight or passenger train or car, on the railway, is liable to a penalty not exceeding one hundred dollars. 40 V., c. 35, s. 3, *part*.

Malice need not be against a particular individual.

18. Every punishment under the three sections next preceding imposed on any person maliciously committing any offence, shall equally apply and be enforced, whether the offence is committed from malice conceived against the person, corporation, authority or company with which the contract is made or otherwise. 40 V., c. 35, s. 4.

Certain corporations to keep copies of these provisions posted up.

19. Every such municipal corporation, authority or company, shall cause to be posted up at the gas works, or water-works, or railway stations, as the case may be, belonging to such corporation, authority or company, a printed copy of this section and the four sections next preceding, in some conspicuous place, where the same may be conveniently read by the public; and as often as such copy becomes defaced, obliterated or destroyed, shall cause it to be renewed with all reasonable despatch:

Penalty for default.

2. Every such municipal corporation, authority or company which makes default in complying with the provisions of this section in relation to such copy as aforesaid, shall be liable to a penalty not exceeding twenty dollars for every day during which such default continues; and every person unlawfully injuring, defacing or covering up any such copy so posted up, shall be liable, on summary conviction, to a penalty not exceeding ten dollars. 40 V., c. 35, s. 7.

And for injuring copies.

FRAUDS WITH RESPECT TO CONTRACTS AND BUSINESS WITH THE GOVERNMENT.

Making gift or offer for influence respecting a government contract.

20. Every one who makes any offer, proposal, gift, loan, promise, agreement, compensation or consideration, directly or indirectly, to any officer or person in the employment of the Government of Canada, or of any Province of Canada, with intent to secure the influence of such officer or person to promote either the obtaining or the execution of any contract with such government, or the payment of the consideration moneys therefor, and—

Every officer or person in the employment of such government, who accepts, or agrees to accept, any such offer, proposal, gift, loan, promise, agreement, compensation or consideration,—

Accepting such gift or offer.

Is guilty of a misdemeanor and liable to a fine not exceeding one thousand dollars and not less than one hundred dollars, and to imprisonment for a term not exceeding one year and not less than one month, and in default of payment of such fine, to imprisonment for a further term not exceeding six months. 46 V., c. 32, s. 1.

Punishment.

21. Every one who, in the case of tenders being called for by or on behalf of the Government of Canada, or of any Province of Canada, for any contract, directly or indirectly, by himself or by the agency of any other person on his behalf, with intent to obtain such contract, either for himself or for any other person, proposes or makes any gift, loan, offer, promise or agreement, or offers or gives any consideration or compensation whatsoever, to any person tendering for such contract, or to any officer or person in the employment of such government, and—

Making gift or offer to tenderer, &c., to obtain such contract.

Every person so tendering and every officer or person in the employment of the said government who accepts or agrees to accept any such gift, loan, offer, promise, agreement, consideration or compensation whatsoever,—

Accepting such gift or offer.

Is guilty of a misdemeanor, and liable to a fine not exceeding one thousand dollars and not less than one hundred dollars, and to imprisonment for a term not exceeding one year and not less than one month, and, in default of payment of such fine, to imprisonment for a further term not exceeding six months. 46 V., c. 32, s. 2.

Punishment.

22. Every one who, being a public officer or paid employee of the Government of Canada, or of any Province of Canada, receives, directly or indirectly, any promise, offer, gift, loan, compensation or consideration whatsoever, either in money or otherwise, from any person whomsoever, for fraudulently assisting or favoring any individual in the transaction of any business whatsoever connected with such government, or for doing so contrary to the duties of his special position as an officer or employee of the government, is guilty of a misdemeanor, and liable to a fine not exceeding two thousand dollars, and shall be incapable, for the term of five years, of holding any public office; and every one who makes such offer shall be liable to the same penalty. 46 V., c. 32, s. 3.

Public officers receiving gift, &c., for assistance in transaction of business with Government.

23. Every person convicted of any offence under the provisions of the three sections next preceding shall be incapable of contracting with or holding any contract under any of the said governments. 46 V., c. 32, s. 4.

Offenders disqualified.

Time for
prosecution
limited.

24. No prosecution under the provisions of the four sections next preceding shall be commenced except within two years from the commission of the offence. 46 V., c. 32, s. 5.

WILFUL VIOLATION OF STATUTES.

Violation of
statutes.

25. Every wilful violation of any Act of the Parliament of Canada, or of the Legislature of any Province of Canada, which is not made an offence of some other kind, shall be a misdemeanor, and punishable accordingly:

Punishment
of violation
of statutes.

2. Whenever any wilful violation of any Act is made an offence of any particular kind or name, the person guilty of such violation shall, on conviction thereof, be punishable in the manner in which such offence is, by law, punishable. 31 V., c. 1, s. 7, paragraphs 20 and 21;—31 V., c. 71, s. 3.

CONSPIRACIES—FRAUDS.

Fraud or
cheating.

26. Every one who is convicted of fraud, or of cheating, or of conspiracy, shall, in any case in which no special punishment is provided by any statute, be liable to seven years' imprisonment. 32-33 V., c. 29, s. 86.

Destroying or
altering
books, &c.,
to defraud
creditors.

27. Every one who destroys, alters, mutilates or falsifies any of his books, papers, writings or securities, or makes, or is privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors, or any one or more of them, is guilty of a misdemeanor, and liable to six months' imprisonment. C. S. U. C., c. 26, s. 19.

Making away
with property
to defraud
creditors.

28. Every one who makes, or causes to be made, any gift, conveyance, assignment, sale, transfer or delivery of his lands, hereditaments, goods or chattels, or who removes, conceals or disposes of any of his goods, chattels, property or effects of any description, with intent to defraud his creditors or any of them, and every one who receives any such property, real or personal, with such intent, is guilty of a misdemeanor, and liable to a fine not exceeding eight hundred dollars, and to one year's imprisonment. C. S. U. C., c. 26, s. 20.

MISCONDUCT OF OFFICERS INTRUSTED WITH EXECUTION OF WRITS.

Misconduct of
sheriffs and
other officers.

29. Every one who, being a sheriff, deputy sheriff, coroner, elisor, bailiff, constable or other officer intrusted with the execution of any writ, warrant or process, wilfully misconducts himself in the execution of the same, or wilfully and without the consent of the person in whose favor the writ, warrant or process was issued, makes any false return thereto, is guilty of a misdemeanor, and liable to a fine and imprisonment, in the discretion of the court. 27-28 V. (Can.), c. 28, s. 31, *part.*

EMBRACERY.

30. Every one who is guilty of the offence of embracery, Embracery. and every juror who wilfully and corruptly consents thereto, is liable, on indictment, to fine and imprisonment. C.S.U.C., c. 31, s. 166.

QUI TAM ACTIONS—QUEBEC.

31. Every private prosecutor in the Province of Quebec who, being a plaintiff in a *qui tam* action, discontinues or suspends such action without the permission or direction of the Crown, is guilty of a misdemeanor. Discontinuing *qui tam* actions. 27-28 V. (Can.), c. 43, s. 2, *part.*

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CHAPTER 174.

An Act respecting procedure in Criminal Cases. A. D. 1886.

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

SHORT TITLE.

1. This Act may be cited as "*The Criminal Procedure Act.*" Short title.

INTERPRETATION.

2. In this and in any other Act of Parliament containing any provision relating to criminal law, unless the context otherwise requires,—

(a.) The expression "any Act," or, "any other Act," includes any Act passed or to be passed by the Parliament of Canada, or any Act passed by the legislature of the late Province of Canada, or passed or to be passed by the Legislature of any Province of Canada, or passed by the legislature of any Province included in Canada, before it was included therein ;

(b.) The expression "justice" means a justice of the peace, and includes two or more justices, if two or more justices act or have jurisdiction, and also any person having the power or authority of two or more justices of the peace,— and one justice may act, unless otherwise specially provided ;

(c.) The expression "indictment" includes information, inquisition and presentment as well as indictment, and also any plea, replication or other pleading, and any record ;

(d.) The expression "finding of the indictment" includes also the taking of an inquisition, the exhibiting an information and the making of a presentment ;

(e.) The expression "property" includes goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed ;

(f.) The expression "district, county or place" includes any division of any Province of Canada, for purposes relative to the administration of justice in criminal cases ;

(g.) The expression "territorial division" means county, union of counties, township, city, town, parish or other judicial division or place to which the context applies ;

“ Court for
“ Crown cases
“ reserved.”

(h.) The expression “ the court for crown cases reserved ” means and includes,—

(1.) In the Province of Ontario, any division of the High Court of Justice for Ontario ;

(2.) In the Province of Quebec, the Court of Queen’s Bench, on the appeal side thereof ;

(3.) In the Provinces of Nova Scotia, New Brunswick and British Columbia, the Supreme Court in and for each of the said Provinces, respectively ;

(4.) In the Province of Prince Edward Island, the Supreme Court of Judicature for that Province ;

(5.) In the Province of Manitoba, Her Majesty’s Court of Queen’s Bench for Manitoba ; and—

(6.) In the North-West Territories, the Supreme Court of the North-West Territories. 32-33 V., c. 29, s. 1, *part*, and c. 30, s. 65 ;—46 V., c. 10, s. 5, *part* ;—49 V., c. 25, s. 14 ;—C. S. L. C., c. 77, s. 57, *part* ;—R. S. N. S. (3rd S.), c. 171, s. 99, *part* ;—1 R. S. N. B., c. 159, s. 22, *part*.

JURISDICTION.

Powers of
superior
courts.

3. Every superior court of criminal jurisdiction shall have power to try any treason, felony or other indictable offence. 34 V., c. 14, s. 2 ;—37 V., c. 42, s. 5 ;—40 V., c. 4, *part*.

Certain
courts not to
try certain
offences.

4. No Court of General or Quarter Sessions or Recorder’s Court, nor any court but a superior court having criminal jurisdiction, shall have power to try any treason, or any felony punishable with death, or any libel. 32-33 V., c. 29, s. 12.

Justices, &c.,
not to try
certain
offences by
explosives.

5. Neither the justices of the peace acting in and for any district, county, division, city or place, nor any judge of the Sessions of the Peace, nor the recorder of any city, shall, at any session of the peace, or at any adjournment thereof, try any person for any offence under sections twenty-one, twenty-two and twenty-three of the “ *Act respecting offences against the Person.* ” 32-33 V., c. 20, s. 48.

Court of Ses-
sions not to
try certain
offences under
Larceny Act.

6. No Court of General or Quarter Sessions of the Peace shall have power to try any offence under any of the provisions of sections sixty to seventy-six, both inclusive, of “ *The Larceny Act.* ” 32-33 V., c. 21, s. 92.

Certain
magistrates
may act
alone.

7. The judge of the Sessions of the Peace for the city of Quebec, the judge of the Sessions of the Peace for the city of Montreal, and every police magistrate, district magistrate or stipendiary magistrate appointed for any territorial division, and every magistrate authorized by the law of the Province in which he acts, to perform acts usually required to be done by two or more justices of the peace, may do alone whatever is authorized by this Act to be done by any two or more justices of the peace, and the several forms in

this Act contained may be varied so far as necessary to render them applicable to such case. 32-33 V., c. 30, s. 59, and c. 36, s. 8.

PLACE OF COMMISSION AND TRIAL OF OFFENCES.

8. When any offence punishable under the laws of Canada has been committed within the jurisdiction of the Admiralty of England, the same may be dealt with, inquired of and tried and determined in the same manner as any offence committed within the jurisdiction of any court before which the offender is brought for trial. 32-33 V., c. 29, s. 136.

Offences committed within the jurisdiction of the Admiralty.

9. When any person, being feloniously stricken, poisoned, or otherwise hurt, upon the sea, or at any place out of Canada, dies of such stroke, poisoning or hurt, in Canada, or, being feloniously stricken, poisoned or otherwise hurt at any place in Canada, dies of such stroke, poisoning, or hurt, upon the sea, or at any place out of Canada, every offence committed in respect of any such case, whether the same amounts to murder or manslaughter, or of being accessory to murder or manslaughter, may be dealt with, inquired of, tried, determined and punished in the district, county or place in Canada in which such death, stroke, poisoning or hurt happens, in the same manner, in all respects, as if such offence had been wholly committed in that district, county or place. 32-33 V., c. 20, s. 9.

If death only or cause of death only happens in Canada.

10. When any felony or misdemeanor is committed on the boundary of two or more districts, counties or places, or within the distance of one mile of any such boundary, or in any place with respect to which it is uncertain within which of two or more districts, counties or places it is situate, or when any felony or misdemeanor is begun in one district, county or place, and completed in another, every such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished, in any one of the said districts, counties or places, in the same manner as if it had been actually and wholly committed therein. 32-33 V., c. 29, s. 8.

Offences committed on the confines of districts, &c.

11. When any felony or misdemeanor is committed on any person, or on or in respect of any property, in or upon any coach, wagon, cart or other carriage whatsoever, employed in any journey, or is committed on any person, or on or in respect of any property on board any vessel, boat or raft whatsoever, employed in any voyage or journey upon any navigable river, canal or inland navigation, such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished, in any district, county or place, through any part whereof such coach, wagon, cart, carriage or vessel, boat or raft, passed in the course of the journey or voyage during which such felony or misdemeanor was committed,

Offences committed on persons or property in transit.

in the same manner as if it had been actually committed in such district, county or place. 32-33 V., c. 29, s. 9.

Offences committed on highways, rivers, &c., dividing two districts.

12. Whenever the side, centre, bank or other part of any highway or of any river, canal or navigation, constitutes the boundary of any two districts, counties or places, any felony or misdemeanor mentioned in the two sections next preceding may be dealt with, inquired of, tried, determined and punished in either of such districts, counties or places, through or adjoining to, or by the boundary of any part whereof such coach, wagon, cart, carriage or vessel, boat or raft, passed in the course of the journey or voyage during which such felony or misdemeanor was committed, in the same manner as if it had been actually committed in such district, county or place. 32-33 V., c. 29, s. 10.

Place of trial after dissolution of union of counties to be as ordered by the court.

13. If, upon the dissolution of a union of counties, any information, indictment or other criminal proceeding, in which the venue is laid in a county of the union is pending, the court in which such information, indictment or proceeding is pending, or any judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the venue to be changed to the new county, and all records and papers to be transmitted to the proper officers of such county,—and in the case of any such indictment found at any court of criminal jurisdiction, any judge of a superior court may make the order :

If no order is made.

2. If no such change is directed, all such informations, indictments and other proceedings shall be carried on and tried in the senior county :

Place of trial of indictable offence in such case.

3. Any person charged with an indictable offence who, at the time of the disuniting of a junior from a senior county, is imprisoned on the charge in the gaol of the senior county, or is under bail or recognizance to appear for trial at any court in the senior county, and against whom no indictment has been found before the disunion takes place, shall be indicted, tried and sentenced in the senior county, unless a judge of a superior court orders the proceedings to be conducted in the junior county,—in which event the prisoner or recognizance, as the case may be, shall be removed to the latter county and the proceedings shall be had therein ; and when, in any such case, the offence is charged to have been committed in a county other than that in which such proceedings are had, the venue may be laid in the proper county describing it as “formerly one of the united counties of
” 29-30 V. (Can.), c. 51, ss. 52, 53 and 55.

Where offences in unorganized tracts may be charged to have been

14. All crimes and offences committed in any of the unorganized tracts of country in the Province of Ontario, including lakes, rivers and other waters therein, not embraced within the limits of any organized county, or within any

provisional judicial district, may be laid and charged to have been committed and may be inquired of, tried and punished within any county of such Province; and such crime or offence shall be within the jurisdiction of any court having jurisdiction over crimes or offences of the like nature committed within the limits of such county,—before which court such crime or offence may be prosecuted; and such court shall proceed therein to trial, judgment and execution or other punishment for such crime or offence, in the same manner as if such crime or offence had been committed within the county where such trial is had :

committed,
and be tried.

2. When any provisional judicial district or new county is formed and established in any of such unorganized tracts, all crimes and offences committed within the limits of such provisional judicial district or new county, shall be inquired of, tried and punished within the same, in like manner as such crimes or offences would have been inquired of, tried and punished if this section had not been passed :

Where to be
tried when
judicial dis-
tricts or new
counties are
formed.

3. Any person accused or convicted of any offence in any such provisional district may be committed to any common gaol in the Province of Ontario; and the constable or other officer having charge of such person and intrusted with his conveyance to any such common gaol, may pass through any county in such Province with such person in his custody; and the keeper of the common gaol of any county in such Province in which it is found necessary to lodge for safe keeping any such person so being conveyed through such county in custody, shall receive such person and safely keep and detain him in such common gaol for such period as is reasonable or necessary; and the keeper of any common gaol in such Province, to which any such person is committed as aforesaid, shall receive such person and safely keep and detain him in such common gaol under his custody until discharged in due course of law, or bailed in cases in which bail may by law be taken. C. S. U. C., c 128, ss. 100, 101 and 105.

Persons ac-
cused or con-
victed of
crimes in any
such pro-
visional dis-
tricts may be
committed to
any gaol in
Ontario.

15. Whenever any offence is committed in the district of Gaspé, the offender, if committed to gaol before trial, may be committed to the common gaol of the county in which the offence was committed, or may, in law, be deemed to have been committed, and if tried before the Court of Queen's Bench, he shall be so tried at the sitting of such court held in the county to the gaol of which he has been committed, and if imprisoned in the common gaol after trial he shall be so imprisoned in the common gaol of the county in which he has been tried. C. S. L. C., c. 80, s. 6.

Commitment
and trial in
the district of
Gaspé.

16. Every person accused of perjury, bigamy or any offence under the provisions of sections fifty-three, fifty-four and fifty-five of "*The Larceny Act*," may be dealt with, indicted, tried and punished in the district, county or place in which

Venue in the
case of certain
offences.

the offence is committed, or in which he is apprehended or is in custody. 32-33 V., c. 20, s. 58, *part*, and c. 21, s. 72, *part*, and c. 23, s. 8;—33 V., c. 26, s. 1, *part*.

Place of trial
of accessories.

17. The offence of any person who is an accessory, either before or after the fact, to any felony, may be dealt with, inquired of, tried, determined and punished by any court which has jurisdiction to try the principal felony, or any felonies committed in any district, county or place in which the act, by reason whereof such person became such accessory, has been committed: Provided, that no person once duly tried, either as an accessory before or after the fact, or for a substantive felony, shall be liable to be afterwards prosecuted for the same offence. 31 V., c. 72, s. 8;—32-33 V., c. 17, s. 2.

No second
prosecution.

Place of trial
of forgery
offences.

18. Every one who commits any offence against the "*Act respecting Forgery*," or commits any offence of forging or altering any matter whatsoever, or of offering, uttering, disposing of or putting off any matter whatsoever, knowing the same to be forged or altered, whether the offence in any such case is indictable at common law, or by virtue of any Act, may be dealt with, indicted, tried and punished in any district, county or place in which he is apprehended or is in custody, in the same manner in all respects as if the offence had been actually committed in that district, county or place; and every accessory before or after the fact to any such offence, if the same is a felony, and every person aiding, abetting or counselling the commission of any such offence, if the same is a misdemeanor, may be dealt with, indicted, tried and punished, in any district, county or place in which he is apprehended or is in custody, in the same manner in all respects as if his offence, and the offence of his principal, had been actually committed in such district, county or place. 32-33 V., c. 19, s. 48.

And of acces-
sories in such
cases.

Place of trial
of offences by
kidnapping.

19. Every one accused of any offence against the provisions of section forty-six of the "*Act respecting Offences against the Person*" may be tried either in the district, county or place in which the same was committed, or in any district, county or place into or through which the person kidnapped or confined was carried or taken while under such confinement; but no person who has been once duly tried for any such offence shall be liable to be again indicted or tried for the same offence. 32-33 V., c. 20, s. 71.

No second
prosecution.

Place of trial
for receiving
stolen goods.

20. Every one who receives any chattel, money, valuable security or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, converted or disposed of, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, may be dealt with, in-

dicted, tried and punished in any county, district or place in which he has or has had any such property in his possession, or in any county, district or place in which the person guilty of the principal felony or misdemeanor may, by law, be tried, in the same manner as such receiver may be dealt with, indicted, tried and punished in the county, district or place where he actually received such property. 32-33 V., c. 21, s. 105.

21. Every one who brings into Canada, or has in his possession therein, any property stolen, embezzled, converted or obtained by fraud or false pretences in any other country, in such manner that the stealing, embezzling, converting or obtaining it in like manner in Canada, would, by the laws of Canada, be a felony or misdemeanor, may be tried and convicted in any district, county or place in Canada into or in which he brings such property, or has it in possession. 32-33 V., c. 21, s. 112, *part.*

Place of trial for bringing into Canada property stolen, &c.

22. If any person has in his possession in any one part of Canada, any chattel, money, valuable security or other property whatsoever, which he has stolen or otherwise feloniously or unlawfully taken or obtained, by any offence against "*The Larceny Act*," in any other part of Canada, he may be dealt with, indicted, tried and punished for larceny or theft in that part of Canada where he so has such property, in the same manner as if he had actually stolen, or taken or obtained it in that part; and if any person in any one part of Canada receives or has any chattel, money, valuable security or other property whatsoever, which has been stolen or otherwise feloniously or unlawfully taken or obtained in any other part of Canada, such person knowing such property to have been stolen or otherwise feloniously or unlawfully taken or obtained, may be dealt with, indicted, tried and punished for such offence in that part of Canada where he so receives or has such property, in the same manner as if it had been originally stolen or taken or obtained in that part. 32-33 V., c. 21, s. 121.

Place of trial of persons who have stolen in one part of Canada and have the property in another part.

23. If any person tenders, utters, or puts off any false or counterfeit coin in any one Province of Canada, or in any one district, county or jurisdiction therein, and also tenders, utters or puts off any other false or counterfeit coin, in any other Province, district, county or jurisdiction, either on the day of such first mentioned tendering, uttering or putting off, or within the space of ten days next ensuing, or if two or more persons, acting in concert in different Provinces, or in different districts, counties or jurisdictions therein, commit any offence against the "*Act respecting Offences relating to the Coin*," every such offender may be dealt with, indicted, tried and punished, and the offence laid and charged to have been committed, in any one of the said Provinces, or dis-

Place of trial of persons uttering counterfeit coin, &c., in more places than one.

districts, counties or jurisdictions, in the same manner in all respects, as if the offence had been actually and wholly committed within one Province, district, county or jurisdiction. 32-33 V., c. 18, s. 29.

APPREHENSION OF OFFENDERS.

Apprehension without warrant by an officer in certain cases.

24. Any person found committing an offence punishable either upon indictment or upon summary conviction, may be immediately apprehended without a warrant by any constable or peace officer, or by the owner of the property on or with respect to which the offence is being committed, or by his servant or any other person authorized by such owner, and shall be forthwith taken before some neighboring justice of the peace, to be dealt with according to law. 32-33 V., c. 22, s. 69, *and* c. 29, s. 2.

And by any person in certain other cases.

25. Any person found committing any offence punishable either upon indictment or upon summary conviction, by virtue of "*The Larceny Act*" or the "*Act respecting the protection of the Property of Seamen in the Navy*," may be immediately apprehended without a warrant by any person, and forthwith taken, together with the property, if any, on or with respect to which the offence is committed, before some neighboring justice of the peace to be dealt with according to law. 32-33 V., c. 21, s 117, *part*;—33 V., c. 31, s. 5, *part*.

And by person to whom property is offered for sale, &c.

26. If any person, to whom any property is offered to be sold, pawned or delivered, has reasonable cause to suspect that any such offence has been committed on or with respect to such property, he may, and, if in his power, he shall apprehend and forthwith carry before a justice of the peace, the person offering the same, together with such property, to be dealt with according to law. 32-33 V., c. 21, s. 117, *part*, *and* c. 29, s. 3;—33 V., c. 31, s. 5, *part*.

Apprehension of offenders caught in the act in the night time.

27. Any person may apprehend any other person found committing any indictable offence in the night, and shall convey or deliver him to some constable or other person, so that he may be taken, as soon as conveniently may be, before a justice of the peace, to be dealt with according to law. 32-33 V., c. 29, s. 4.

Apprehension in other cases without warrant.

28. Any constable or peace officer may, without a warrant, take into custody any person whom he finds lying or loitering in any highway, yard or other place, during the night, and whom he has good cause to suspect of having committed, or being about to commit, any felony, and may detain such person until he can be brought before a justice of the peace, to be dealt with according to law:

Detention of person arrested, limited.

2. No person who has been so apprehended shall be detained after noon of the following day without being brought before a justice of the peace. 32-33 V., c. 29, ss. 5 *and* 6.

29. Any person may apprehend any other person who is found committing any indictable offence, against the "*Act respecting Offences relating to the Coin,*" and convey and deliver him to a peace officer, constable or officer of police, so that he may be conveyed, as soon as reasonably may be, before a justice of the peace, to be dealt with according to law. 32-33 V., c. 18, s. 33.

Apprehension of person committing coinage offence.

ENFORCING APPEARANCE OF ACCUSED.

30. Whenever a charge or complaint (A) is made before any justice of the peace for any territorial division in Canada, that any person has committed, or is suspected to have committed, any treason or felony, or any indictable misdemeanor or offence within the limits of the jurisdiction of such justice, or that any person guilty or suspected to be guilty of having committed any such crime or offence elsewhere out of the jurisdiction of such justice, is or resides or is suspected to be or reside within the limits of the jurisdiction of such justice, then, and in every such case, if the person so charged or complained against is not in custody, such justice may issue his warrant (B), to apprehend such person, and to cause him to be brought before him or any other justice for the same territorial division. 32-33 V., c. 30, s. 1.

Justice may grant a warrant to cause persons charged with certain offences to be brought before him.

31. The justice to whom the charge or complaint is preferred, instead of issuing, in the first instance, his warrant to apprehend the person charged or complained against, may, if he thinks fit, issue his summons (C) directed to such person, requiring him to appear before him at the time and place therein mentioned, or before such other justice of the same territorial division as shall then be there, and if, after being served with the summons in manner hereinafter mentioned, he fails to appear at such time and place, in obedience to such summons, the justice or any other justice for the same territorial division may issue his warrant (D), to apprehend the person so charged or complained against, and cause such person to be brought before him, or before some other justice for the same territorial division, to answer to the charge or complaint, and to be further dealt with according to law; but any justice may, if he sees fit, issue the warrant hereinbefore first mentioned, at any time before or after the time mentioned in the summons for the appearance of the accused person. 32-33 V., c. 30, s. 2.

Justice may issue a summons instead of a warrant in the first instance.

Warrant if summons is disobeyed

Proviso.

32. Whenever any indictable offence is committed on the high seas, or in any creek, harbor, haven or other place, in which the Admiralty of England have or claim to have jurisdiction, and whenever any offence is committed on land beyond the seas for which an indictment may be preferred or the offender may be arrested in Canada, any justice for any territorial division in which any person charged with

As to indictable offences committed on the high seas, &c.

having committed, or suspected of having committed any such offence, is or is suspected to be, may issue his warrant (D 2), to apprehend such person, to be dealt with as therein and hereby directed. 32-33 V., c. 30, s. 3.

Warrant to apprehend person against whom an indictment is found.

33. If an indictment is found by the grand jury in any court of criminal jurisdiction, against any person then at large, and whether such person has been bound by any recognizance to appear to answer to any such charge or not, and if such person has not appeared and pleaded to the indictment, the person who acts as clerk of the Crown or chief clerk of such court shall, at any time, at the end of the term or sittings of the court at which the indictment has been found, upon application of the prosecutor, or of any person on his behalf, and on payment of a fee of twenty cents, grant to such prosecutor or person a certificate (E) of such indictment having been found; and upon production of such certificate to any justice for the territorial division in which the offence is alleged in the indictment to have been committed, or in which the person indicted resides, or is supposed or suspected to reside or to be, such justice shall issue his warrant (F), to apprehend the person so indicted, and to cause him to be brought before him or any other justice for the same territorial division, to be dealt with according to law. 32-33 V., c. 30, s. 4.

Commitment, or bail.

34. If the person is thereupon apprehended and brought before any such justice, such justice, upon its being proved upon oath or affirmation before him that the person so apprehended is the person charged and named in the indictment, shall, without further inquiry or examination, commit (G) him for trial or admit him to bail as hereinafter mentioned. 32-33 V., c. 30, s. 5.

If person indicted is already in prison for some other offence, justice may order him to be detained.

35. If the person so indicted is confined in any gaol or prison for any other offence than that charged in the indictment at the time of such application and production of such certificate to the justice, such justice, upon its being proved before him, upon oath or affirmation, that the person so indicted and the person so confined in prison are one and the same person, shall issue his warrant (H) directed to the gaoler or keeper of the gaol or prison in which the person so indicted is then confined, commanding him to detain such person in his custody until he is removed therefrom by writ of *habeas corpus*, or by order of the proper court, for the purpose of being tried upon the said indictment, or until he is otherwise removed or discharged out of his custody by due course of law. 32-33 V., c. 30, s. 6.

Bench warrants not prevented.

36. Nothing hereinbefore contained shall prevent the issuing or execution of bench warrants, whenever any court of competent jurisdiction thinks proper to order the issuing of any such warrant. 32-33 V., c. 30, s. 7.

37. Any justice may grant or issue any warrant as aforesaid, or any search warrant, on a Sunday or other statutory holiday, as well as on any other day. 32-33 V., c. 30, s. 8. Warrant may be issued on Sunday, &c.

38. Whenever a charge or complaint for any indictable offence is made before any justice, if it is intended to issue a warrant in the first instance against the person charged, an information and complaint thereof (A) in writing, on the oath or affirmation of the informant, or of some witness or witnesses in that behalf, shall be laid before such justice. 32-33 V., c. 30, s. 9. If a warrant is to be issued, information to be upon oath, &c.

39. When it is intended to issue a summons instead of a warrant in the first instance, the information and complaint shall also be in writing, and be sworn to or affirmed in manner aforesaid, except whenever, by some Act or law, it is specially provided that the information and complaint may be by parol merely, and without any oath or affirmation to support or substantiate the same. 32-33 V., c. 30, s. 10. And so in case of summons, unless otherwise provided.

40. The justice receiving any information and complaint as aforesaid, if he thinks fit, may issue his summons or warrant as hereinbefore directed, to cause the person charged to be and appear as thereby directed; and every summons (C) shall be directed to the person so charged by the information, and shall state shortly the matter of such information, and shall require the person to whom it is directed to be and appear at a certain time and place therein mentioned, before the justice who issues the summons, or before such other justice for the same territorial division as shall then be there, to answer to the charge and to be further dealt with according to law. 32-33 V., c. 30, s. 13. Upon complaint, justice may issue summons or warrant for appearance of person charged.

41. Every such summons shall be served by a constable or other peace officer, upon the person to whom it is directed, by delivering the same to such person, or if he cannot conveniently be so served, then by leaving the same for him with some person at his last or usual place of abode. 32-33 V., c. 30, s. 14. Service of summons.

42. The constable or other peace officer who serves the same, shall attend at the time and place, and before the justice in the summons mentioned, to depose, if necessary, to the service of the summons. 32-33 V., c. 30, s. 15. Constables, &c., to attend and prove service.

43. If the person served does not appear before the justice at the time and place mentioned in the summons, in obedience to the same, the justice may issue his warrant (D) for apprehending the person so summoned, and bringing him before such justice, or before some other justice for the same territorial division, to answer the charge in the information and complaint mentioned, and to be further dealt with according to law. 32-33 V., c. 30, s. 16. If person summoned does not attend, justice may issue a warrant.

Warrant to apprehend to be under the hand and seal of justice: to whom to be addressed, &c.

44. Every warrant (B) issued by any justice to apprehend any person charged with any indictable offence shall be under the hand and seal of the justice issuing the same, and may be directed to all or any of the constables or other peace officers of the territorial division within which the same is to be executed, or to any such constable and all other constables or peace officers in the territorial division within which the justice issuing the same has jurisdiction, or generally to all the constables or peace officers within such last mentioned territorial division; and it shall state shortly the offence on which it is founded, and shall name or otherwise describe the offender; and it shall order the person or persons to whom it is directed to apprehend the offender, and bring him before the justice issuing the warrant, or before some other justice for the same territorial division, to answer the charge contained in the information, and to be further dealt with according to law. 32-33 V., c. 30, s. 17.

What it shall set forth.

Affixing seal and effect thereof.

45. If, in any warrant or other instrument or document issued in any Province of Canada, at any time, by any justice, it is stated that the same is given under the hand and seal of any justice signing it, such seal shall be presumed to have been affixed by him, and its absence shall not invalidate the instrument, or such justice may, at any time thereafter, affix such seal, with the same effect as if it had been affixed when such instrument was signed. 32-33 V., c. 36, s. 4, *part.*

Warrant in force until executed.

46. It shall not be necessary to make the warrant returnable at any particular time, but the same shall remain in force until executed. 32-33 V., c. 30, s. 18.

How and where a warrant may be executed.

47. Such warrant may be executed by apprehending the offender at any place in the territorial division within which the justice issuing the same has jurisdiction, or in case of fresh pursuit, at any place in the next adjoining territorial division, and within seven miles of the border of the first mentioned territorial division, without having the warrant backed as hereinafter mentioned. 32-33 V., c. 30, s. 19.

When any constable, &c., may execute warrant.

48. If any warrant is directed to all constables or other peace officers in the territorial division within which the justice has jurisdiction, any constable or other peace officer for any place within such territorial division may execute the warrant at any place within the jurisdiction for which the justice acted when he granted such warrant, in like manner as if the warrant had been directed specially to such constable by name, and notwithstanding the place within which such warrant is executed is not within the place for which he is constable or peace officer. 32-33 V., c. 30, s. 20.

49. If the person against whom any warrant has been issued cannot be found within the jurisdiction of the justice by whom the same was issued, or if he escapes into, or is supposed or is suspected to be, in any place within Canada, out of the jurisdiction of the justice issuing the warrant, any justice within the jurisdiction of whom the person so escapes, or in which he is or is suspected to be, upon proof alone being made on oath or affirmation of the handwriting of the justice who issued the same, without any security being given, shall make an indorsement (I) on the warrant, signed with his name, authorizing the execution of the warrant within the jurisdiction of the justice making the indorsement; and such indorsement shall be sufficient authority to the person bringing such warrant, and to all other persons to whom the same was originally directed, and also to all constables and other peace officers of the territorial division where the warrant has been so indorsed, to execute the same in such other territorial division, and to carry the person against whom the warrant issued, when apprehended, before the justice who first issued the warrant, or before some other justice for the same territorial division, or before some justice of the territorial division in which the offence mentioned in the warrant appears therein to have been committed. 32-33 V., c. 30, s. 23.

Provisions as to the indorsement of warrants.

Effect of such indorsement.

50. If the prosecutor or any of the witnesses for the prosecution are then in the territorial division where such person has been apprehended, the constable or other person or persons who have apprehended him may, if so directed by the justice backing the warrant, take him before the justice who backed the warrant, or before some other justice for the same territorial division or place; and the said justice may thereupon take the examination of such prosecutor or witnesses, and proceed in every respect in the manner hereinafter directed, with respect to persons charged before a justice with an offence alleged to have been committed in another territorial division than that in which such persons have been apprehended. 32-33 V., c. 30, s. 24.

Proceedings after arrest in such case.

SEARCH WARRANTS AND SEARCHES.

51. If a credible witness proves, upon oath (K) before a justice, that there is reasonable cause to suspect that any property whatsoever, on or with respect to which any larceny or felony has been committed, is in any dwelling-house, out-house, garden, yard, croft or other place or places, the justice may grant a warrant (K 2), to search such dwelling-house, garden, yard, croft or other place or places for such property, and if the same, or any part thereof, is then found, to bring the same and the person or persons in whose possession such house or other place then is, before the justice granting the warrant, or some other justice for the same territorial division. 32-33 V., c. 30, s. 12.

Search warrant may be granted in certain cases.

And in certain other cases.

52. If any credible witness proves, upon oath before any justice, a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever, on or with respect to which any offence, punishable either upon indictment or upon summary conviction, by virtue of "*The Larceny Act*" or the "*Act respecting the protection of the Property of Seamen in the Navy*," has been committed, the justice may grant a warrant to search for such property, as in the case of stolen goods. 32-33 V., c. 21, s. 117, *part*; —33 V., c. 31, s. 5, *part*.

Search warrant for gold, silver, quartz, &c.

53. On complaint in writing made to any justice of the county, district or place, by any person interested in any mining claim, that mined gold or gold-bearing quartz, or mined or unmanufactured silver or silver ore, is unlawfully deposited in any place, or held by any person contrary to law, a general search warrant may be issued by such justice, as in the case of stolen goods, including any number of places or persons named in such complaint; and if, upon such search, any such gold or gold-bearing quartz, or silver or silver ore is found to be unlawfully deposited or held, the justice shall make such order for the restoration thereof to the lawful owner as he considers right :

Order, if the same is found.

Appeal on certain conditions.

2. The decision of such justice shall be subject to appeal, as in ordinary cases on summary conviction; but before such appeal shall be allowed, the appellant shall enter into a recognizance in the manner provided by law in cases of appeal from summary convictions, to the value of the gold or other property in question, that he will prosecute his appeal at the next sittings of any court having jurisdiction in that behalf, and will pay the costs of the appeal in case of a decision against him,—and, if the defendant appeals, that he will pay such fine as the court may impose, with costs. 32-33 V., c. 21, ss. 33 and 34.

Search for timber, lumber, &c., unlawfully detained.

54. If any constable or peace officer has reasonable cause to suspect that any timber, mast, spar, saw-log or other description of lumber, belonging to any lumberman or owner of lumber, and bearing the registered trade mark of such lumberman or owner of lumber, is kept or detained in any saw-mill, mill-yard, boom or raft, without the knowledge or consent of the owner, such constable or peace officer may enter into or upon the same, and search or examine, for the purpose of ascertaining whether such timber, mast, spar, saw-log or other description of lumber is detained therein without such knowledge and consent. 38 V., c. 40, s. 1, *part*.

Search for paper or implements employed in any forgery and for forged instruments.

55. If it is made to appear, by information on oath or affirmation before a justice, that there is reasonable cause to believe that any person has in his custody or possession, without lawful authority or excuse, any Dominion or Provincial note, or any note or bill of any bank or body corpo-

rate, company or person carrying on the business of bankers, or any frame, mould, or implement for making paper in imitation of the paper used for such notes or bills, or any such paper, or any plate, wood, stone or other material, having thereon any words, forms, devices or characters capable of producing or intended to produce the impression of any such note or bill or any part thereof, or any tool, implement or material used or employed, or intended to be used or employed, in or about any of the operations aforesaid, or any forged security, document or instrument whatsoever, or any machinery, frame, mould, plate, die, seal, paper or other matter or thing used or employed, or intended to be used or employed, in the forgery of any security, document or instrument whatsoever, such justice may, if he thinks fit, grant a warrant to search for the same; and if the same is found upon such search, it shall be lawful to seize and carry the same before some justice of the district, county or place, to be by him disposed of according to law; and all such matters and things so seized as aforesaid shall, by order of the court by which any such offender is tried, or if there is no such trial, then by order of some justice of the peace, be defaced and destroyed, or otherwise disposed of as such court or justice directs. 32-33 V., c. 19, s. 53.

The same may be destroyed by order of the court.

56. If any person finds or discovers, in any place whatsoever, or in the custody or possession of any person having the same without lawful authority or excuse, any false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold, silver or copper coin, or any coin of any foreign prince, state or country, or any instrument, tool or engine whatsoever, adapted and intended for the counterfeiting of any such coin, or any filings or clippings, or any gold or silver bullion, or any gold or silver, in dust, solution or otherwise, which has been produced or obtained by diminishing or lightening any current gold or silver coin, the person so finding or discovering shall seize and carry the same forthwith before a justice :

Counterfeit coin, &c., and coining tools to be seized.

2. If it is proved, on the oath of a credible witness, before any justice, that there is reasonable cause to suspect that any person has been concerned in counterfeiting current gold, silver or copper coin, or any foreign or other coin mentioned in the "*Act respecting Offences relating to the Coin,*" or has in his custody or possession any such false or counterfeit coin, or any instrument, tool or engine whatsoever, adapted and intended for the making or counterfeiting of any such coin, or any other machine used or intended to be used for making or counterfeiting any such coin, or any such filings, clippings or bullion, or any such gold or silver, in dust, solution or otherwise, as aforesaid, any justice may, by warrant under his hand, cause any place whatsoever belonging to or in the occupation or under the control of such suspected person to

Search for counterfeit coin and coining tools.

be searched, either in the day or in the night, and if any such false or counterfeit coin, or any such instrument, tool or engine, or any such machine, or any such filings, clippings or bullion, or any such gold or silver, in dust, solution or otherwise, as aforesaid, is found in any place so searched, to cause the same to be seized and carried forthwith before a justice :

How counterfeit coin, &c., and coinage tools shall be disposed of in such case.

3. Whenever any such false or counterfeit coin, or any such instrument, tool or engine, or any such machine, or any such filings, clippings or bullion, or any such gold or silver, in dust, solution or otherwise, as aforesaid, is in any case seized and carried before a justice, he shall, if necessary, cause the same to be secured, for the purpose of being produced in evidence against any person prosecuted for an offence against such Act ; and all such false and counterfeit coin, and all instruments, tools and engines adapted and intended for the making or counterfeiting of coin, and all such machines, and all such filings, clippings and bullion, and all such gold and silver, in dust, solution or otherwise, as aforesaid, after they have been produced in evidence, or when they have been seized and are not required to be produced in evidence, shall forthwith be defaced, by the order of the court, or otherwise disposed of as the court directs. 32-33 V., c. 18, s. 27.

PROCEEDINGS ON APPEARANCE.

Place of examination not an open court.

57. The room or building in which the justice takes the examination and statement shall not be deemed an open court ; and the justice, in his discretion, may order that no person shall have access to or be or remain in such room or building without his consent or permission, if it appears to him that the ends of justice will be best answered by so doing. 32-33 V., c. 30, s. 35.

No objection allowed for alleged defect in substance or form.

58. No objection shall be taken or allowed to any information, complaint, summons or warrant, for any defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the justice who takes the examination of the witnesses in that behalf. 32-33 V., c. 30, ss. 11 and 21.

If variance is important case may be adjourned.

59. If it appears to the justice that the person charged has been deceived or misled by any such variance in any summons or warrant, such justice, at the request of the person charged, may adjourn the hearing of the case to some future day, and in the meantime may remand such person, or admit him to bail, as hereinafter mentioned. 32-33 V., c. 30, s. 22.

Power to justices to summon witnesses to

60. If it is made to appear to any justice, by the oath or affirmation of any credible person, that any person within Canada is likely to give material evidence for the prosecution,

and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the examination of the witnesses against the accused, such justice shall issue his summons (L) to such person, requiring him to be and appear before him at a time and place therein mentioned, or before such other justice for the same territorial division as shall then be there, to testify what he knows concerning the charge made against the accused person. 32-33 V., c. 30, s. 25.

attend, and
give evi-
dence.

61. If any person so summoned neglects or refuses to appear at the time and place appointed by the summons, and no just excuse is offered for such neglect or refusal, (after proof upon oath or affirmation of the summons having been served upon such person, personally or by being left with some person for him at his last or usual place of abode), the justice before whom such person should have appeared may issue a warrant (L 2), to bring such person, at a time and place therein mentioned, before the justice who issued the summons, or before such other justice for the same territorial division as shall then be there, to testify as aforesaid, and, if necessary, the said warrant may be backed as hereinbefore mentioned, so that it may be executed out of the jurisdiction of the justice who issued the same. 32-33 V., c. 30, s. 26.

If summons is
not obeyed,
warrant may
be issued to
compel at-
tendance.

62. If the justice is satisfied, by evidence upon oath or affirmation, that it is probable the person will not attend to give evidence unless compelled so to do, then, instead of issuing such summons, the justice may issue his warrant (L 3) in the first instance, and the warrant, if necessary, may be backed as aforesaid. 32-33 V., c. 30, s. 27.

In certain
cases warrant
may issue in
first instance.

63. If, on the appearance of the person so summoned, either in obedience to the summons or by virtue of the warrant, he refuses to be examined upon oath or affirmation concerning the premises, or refuses to take such oath or affirmation, or having taken such oath or affirmation, refuses to answer the questions then put to him concerning the premises, without giving any just excuse for such refusal, any justice then present and there having jurisdiction may, by warrant (L 4) commit the person so refusing to the common gaol or other place of confinement, for the territorial division where the person so refusing then is, there to remain and be imprisoned for any term not exceeding ten days, unless he in the meantime consents to be examined and to answer concerning the premises. 32-33 V., c. 30, s. 28.

Persons
appearing on
summons and
refusing to be
examined
may be com-
mitted.

64. If, from the absence of witnesses or from any other reasonable cause, it becomes necessary or advisable to defer the examination or further examination of the witnesses for any time, the justice before whom the accused appears or has been brought may, by his warrant (M), from time to

Person ac-
cused may be
remanded
from time to
time by war-
rant.

time, remand the person accused to the common gaol in the territorial division for which such justice is then acting, for such time as he deems reasonable, not exceeding eight clear days at any one time. 32-33 V., c. 30, s. 41.

Or for three days only by verbal order.

65. If the remand is for a time not exceeding three clear days, the justice may verbally order the constable or other person in whose custody the accused person then is, or any other constable or person named by the justice in that behalf, to keep the accused person in his custody, and to bring him before the same or such other justice as shall be there acting, at the time appointed for continuing the examination. 32-33 V., c. 30, s. 42.

Person accused may be brought upon an earlier day.

66. Any such justice may order the accused person to be brought before him, or before any other justice for the same territorial division, at any time before the expiration of the time for which such person has been remanded, and the gaoler or officer in whose custody he then is shall duly obey such order. 32-33 V., c. 30, s. 43.

Admission to bail on recognizance.

67. Instead of detaining the accused person in custody during the period for which he has been so remanded, any one justice, before whom such person has appeared or been brought, may discharge him, upon his entering into a recognizance (M 2, 3), with or without sureties, in the discretion of the justice, conditioned for his appearance at the time and place appointed for the continuance of the examination. 32-33 V., c. 30, s. 44.

Proceedings if accused does not appear according to his recognizance.

68. If the accused person does not afterwards appear at the time and place mentioned in the recognizance, the said justice, or any other justice who is then and there present, having certified (M 4) upon the back of the recognizance the non-appearance of such accused person, may transmit the recognizance to the clerk of the court where the accused person is to be tried, or other proper officer appointed by law, to be proceeded upon in like manner as other recognizances; and such certificate shall be *prima facie* evidence of the non-appearance of the accused person. 32-33 V., c. 30, s. 45.

Examination of witnesses to be in the presence of the accused, &c.

69. Whenever any person appears or is brought before any justice charged with any indictable offence,—whether committed in Canada, or upon the high seas, or on land beyond the sea,—and whether such person appears voluntarily upon summons or has been apprehended, with or without warrant, or is in custody for the same or any other offence,—such justice, before he commits such accused person to prison for trial or before he admits him to bail, shall, in the presence of the accused person (who shall be at liberty to put questions to any witness produced against him), take

the statements (N) on oath or affirmation of those who know the facts and circumstances of the case, and shall reduce the same to writing; and such depositions shall be read over to and signed respectively by the witnesses so examined, and shall be signed also by the justice taking the same; and the justice shall, before any witness is examined, administer to such witness the usual oath or affirmation. 32-33 V., c. 30, ss. 29 and 30, *part*.

Witnesses to be sworn.

70. After the examinations of all the witnesses for the prosecution have been completed, the justice or one of the justices, by or before whom the examinations have been completed, shall, without requiring the attendance of the witnesses, read or cause to be read to the accused, the depositions taken against him, and shall say to him these words, or words to the like effect: "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you at your trial;" and whatever the prisoner then says in answer thereto shall be taken down in writing (O) and read over to him, and shall be signed by the justice, and kept with the depositions of the witnesses, and shall be transmitted with them, as hereinafter mentioned. 32-33 V., c. 30, s. 31.

After examination, justice to read depositions taken against the accused, and caution him as to any statement he may make.

71. The justice shall, before the accused makes any statement, state to him and give him clearly to understand that he has nothing to hope from any promise of favor, and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession of his guilt, but that whatever he then says may be given in evidence against him upon his trial, notwithstanding such promise or threat. 32-33 V., c. 30, s. 32.

Explanations to be made to the accused person.

72. Nothing herein contained shall prevent any prosecutor from giving in evidence any admission or confession, or other statement, made at any time by the person accused or charged, which by law would be admissible as evidence against him. 32-33 V., c. 30, s. 33.

Not to prevent giving in evidence confession, &c.

73. When all the evidence offered upon the part of the prosecution against the accused has been heard, if the justice is of opinion that it is not sufficient to put the accused upon his trial for any indictable offence, such justice shall forthwith order the accused, if in custody, to be discharged as to the information then under inquiry; but if in the opinion of such justice the evidence is sufficient to put the accused upon his trial for an indictable offence, although it may not raise such a strong presumption of guilt as would induce him to commit the accused for trial without bail, or if the offence with which the person is accused is a misdemeanor,

Discharge if evidence is insufficient.

Admission to bail.

Committal in certain cases.

then the justice shall admit the accused to bail, as hereinafter provided; but if the offence is a felony, and the evidence given is such as to raise a strong presumption of guilt, then the justice shall, by his warrant (P), commit the accused to the common gaol for the territorial division to which, by law, he may be committed,—or in the case of an indictable offence committed on the high seas or on land beyond the sea, to the common gaol of the territorial division within which such justice has jurisdiction, to be there safely kept until delivered in due course of law: Provided, that in cases of misdemeanor the justice who has committed the accused for trial may, at any time before the first day of the sitting of the court at which the accused is to be tried, admit him to bail in manner aforesaid, or may certify on the back of the warrant of committal the amount of bail to be required, in which case any justice for the same territorial division may admit such person to bail in such amount, at any time before such first day of the sitting of the court aforesaid. 32-33 V., c. 30, s. 56.

As to bail after committal for trial.

Person accused entitled to a copy of depositions.

74. At any time after all the examinations have been completed, and before the first sitting of the court at which any person so committed to prison or admitted to bail is to be tried, such person may require and shall be entitled to have from the officer or person having the custody of the same, copies of the depositions on which he has been committed or bailed, on payment of a reasonable sum for the same, not exceeding the rate of five cents for each folio of one hundred words. 32-33 V., c. 30, s. 58.

RECOGNIZANCES TO PROSECUTE OR GIVE EVIDENCE.

Justice may bind over the prosecutors and witnesses.

75. Any justice before whom any witness is examined, may bind, by recognizance (Q), the prosecutor and every such witness (except married women and infants, who shall find security for their appearance, if the justice sees fit) to appear at the next court of competent criminal jurisdiction at which the accused is to be tried, then and there to prosecute, or prosecute and give evidence, or to give evidence, as the case may be, against the person accused, which recognizance shall particularly specify the place of residence and the addition or occupation of each person entering into the same. 32-33 V., c. 30, s. 36.

Recognizances to be subscribed by justice, &c.

76. The recognizance, being duly acknowledged by the person entering into the same, shall be subscribed by the justice before whom the same is acknowledged, and a notice (Q 2) thereof, signed by the said justice, shall, at the same time, be given to the person bound thereby. 32-33 V., c. 30, s. 37.

Recognizances, &c., to be trans-

77. The several recognizances so taken, together with the written information, if any, the depositions, the statement

of the accused, and the recognizance of bail, if any, shall be delivered by the justice, or he shall cause the same to be delivered to the proper officer of the court in which the trial is to be had, before or at the opening of the court on the first day of the sitting thereof, or at such other time as the judge, justice or person who is to preside at such court, or at the trial, orders and appoints. 32-33 V., c. 30, s. 38.

mitted to the court in which the trial is to be had.

78. If any witness refuses to enter into recognizance, the justice, by his warrant (R), may commit him to the common gaol for the territorial division in which the person accused is to be tried, there to be imprisoned and safely kept until after the trial of such accused person, unless in the meantime such witness duly enters into a recognizance before a justice for the territorial division in which such gaol is situate. 32-33 V., c. 30, s. 39.

Witness refusing to enter into recognizances may be committed.

79. If afterwards, for want of sufficient evidence in that behalf, or other cause, the justice before whom the accused person has been brought does not commit him or hold him to bail for the offence charged, such justice, or any other justice for the same territorial division, by his order (R 2) in that behalf, may order and direct the keeper of the gaol where the witness is in custody to discharge him from the same, and such keeper shall thereupon forthwith discharge him accordingly. 32-33 V., c. 30, s. 40.

Release if person accused is discharged.

80. If any charge or complaint is made before any justice that any person has committed, within the jurisdiction of such justice, any of the offences following, that is to say: perjury, subornation of perjury, conspiracy, obtaining money or other property by false pretences, forcible entry or detainer, nuisance, keeping a gambling house, keeping a disorderly house, or any indecent assault, and such justice refuses to commit or to bail the person charged with such offence, to be tried for the same, then, if the prosecutor desires to prefer an indictment respecting the said offence, the said justice shall take the recognizance of such prosecutor, to prosecute the said charge or complaint, and transmit the recognizance, information and depositions, if any, to the proper officer, in the same manner as such justice would have done in case he had committed the person charged to be tried for such offence. 32-33 V., c. 29, s. 29;—40 V., c. 26, s. 2.

Proceedings in the case of certain offences.

BAIL.

81. When any person appears before any justice charged with a felony, or suspicion of felony, other than treason or felony punishable with death, or felony under the "*Act respecting Treason and other Offences against the Queen's authority*," and the evidence adduced is, in the opinion of such justice, sufficient to put the accused on his trial, but does

Two justices may admit to bail persons charged with felony not capital, &c.

not furnish such a strong presumption of guilt as to warrant his committal for trial, the justice, jointly, with some other justice, may admit the accused to bail upon his procuring and producing such surety or sureties as, in the opinion of the two justices, will be sufficient to insure his appearance at the time and place when and where he ought to be tried for the offence; and thereupon the two justices shall take the recognizances (S and S 2) of the accused and his sureties, conditioned for his appearance at the time and place of trial, and that he will then surrender and take his trial and not depart the court without leave; and when the offence committed or suspected to have been committed is a misdemeanor, any one justice before whom the accused appears may admit to bail in manner aforesaid,—and such justice may, in his discretion, require such bail to justify upon oath as to their sufficiency, which oath the said justice may administer; and in default of such person procuring sufficient bail, such justice may commit him to prison, there to be kept until delivered according to law. 32-33 V., c. 30, s. 52.

And one justice in cases of misdemeanor.

Superior or county judge may order a person committed for trial to be admitted to bail.

82. In all cases of felony or suspicion of felony, other than treason or felony punishable with death, or felony under the "*Act respecting Treason and other Offences against the Queen's authority*," and in all cases of misdemeanor, where the accused has been finally committed as herein provided, any judge of any superior or county court, having jurisdiction in the district or county within the limits of which the accused is confined, may, in his discretion, on application made to him for that purpose, order the accused to be admitted to bail on entering into recognizance with sufficient sureties before two justices, in such amount as the judge directs, and thereupon the justices shall issue a warrant of deliverance (S 3) as hereinafter provided, and shall attach thereto the order of the judge directing the admitting of the accused to bail. 32-33 V., c. 30, s. 53.

Certain offences not bailable except by judge's order.

83. No judge of a county court or justices shall admit any person to bail accused of treason or felony punishable with death, or felony under the "*Act respecting Treason and other Offences against the Queen's authority*," nor shall any such person be admitted to bail, except by order of a superior court of criminal jurisdiction for the Province in which the accused stands committed, or of one of the judges thereof, or in the Province of Quebec, by order of a judge of the Court of Queen's Bench or Superior Court; and nothing herein contained shall prevent such courts or judges admitting any person accused of felony or misdemeanor to bail when they think it right so to do. 32-33 V., c. 30, s. 54.

Justice bailing after committal to issue a warrant of deliverance.

84. Whenever any justice or justices admit to bail any person who is then in any prison charged with the offence for which he is so admitted to bail, such justice or justices

shall send to or cause to be lodged with the keeper of such prison, a warrant of deliverance (S 3) under his or their hands and seals, requiring the said keeper to discharge the person so admitted to bail if he is detained for no other offence, and upon such warrant of deliverance being delivered to or lodged with such keeper, he shall forthwith obey the same. 32-33 V., c. 30, s. 55.

DELIVERY OF ACCUSED TO PRISON.

85. The constable or any of the constables, or other person to whom any warrant of commitment authorized by this or any other Act or law is directed, shall convey the accused person therein named or described to the gaol or other prison mentioned in such warrant, and there deliver him, together with the warrant, to the keeper of such gaol or prison, who shall thereupon give the constable or other person delivering the prisoner into his custody, a receipt (T) for the prisoner, setting forth the state and condition of the prisoner when delivered into his custody. 32-33 V., c. 30, s. 57.

Conveyance of prisoners to gaol.

PROCEEDINGS WHERE OFFENDER IS APPREHENDED IN A DISTRICT IN WHICH THE OFFENCE WAS NOT COMMITTED.

86. Whenever a person appears or is brought before a justice in the territorial division, wherein such justice has jurisdiction, charged with an offence alleged to have been committed within any territorial division in Canada wherein such justice has not jurisdiction, such justice shall examine such witnesses and receive such evidence in proof of the charge as may be produced before him within his jurisdiction; and if in his opinion, such testimony and evidence are sufficient proof of the charge made against the accused, the justice shall thereupon commit him to the common gaol for the territorial division where the offence is alleged to have been committed, or shall admit him to bail as hereinbefore mentioned, and shall bind over the prosecutor (if he has appeared before him) and the witnesses, by recognizance as hereinbefore mentioned. 32-33 V., c. 30, s. 46.

If a person is apprehended in one division for an offence committed in another, he may be examined in the former, and committed in the latter.

87. If the testimony and evidence are not, in the opinion of the justice, sufficient to put the accused upon his trial for the offence with which he is charged, the justice shall, by recognizance, bind over the witness or witnesses whom he has examined to give evidence as hereinbefore mentioned; and such justice shall, by warrant (U), order the accused to be taken before any justice in and for the territorial division where the offence is alleged to have been committed, and shall, at the same time, deliver up the information and complaint, and also the depositions and recognizances so taken by him to the constable who has the execution of the last mentioned warrant, to be by him delivered to the justice before whom he takes the accused, in obedience to the war-

If evidence is not deemed sufficient, it may be transmitted to the proper division, &c.

Transmission of record in such case.

rant ; and the depositions and recognizances shall be deemed to be taken in the case, and shall be treated to all intents and purposes as if they had been taken by or before the last mentioned justice,—and shall, together with the depositions and recognizances taken by the last mentioned justice in the matter of the charge against the accused, be transmitted to the clerk of the court or other proper officer where the accused ought to be tried, in the manner and at the time herein mentioned, if the accused is committed for trial upon the charge, or is admitted to bail. 32-33 V., c. 30, s. 47.

Expenses of constable conveying the accused to be repaid him.

88. If the accused is taken before the justice last aforesaid, by virtue of the said last mentioned warrant, the constable or other person or persons to whom the said warrant is directed, and who has conveyed the accused before such last mentioned justice, shall, upon producing the accused before such justice and delivering him into the custody of such person as the said justice directs or names in that behalf, be entitled to be paid his costs, and expenses of conveying the accused before such justice. 32-33 V., c. 30, s. 48.

Justice to furnish constable with a receipt or certificate, &c.

89. Upon the constable delivering to the justice the warrant, information, if any, depositions and recognizances, and proving on oath or affirmation, the handwriting of the justice who has subscribed the same, such justice, before whom the accused is produced, shall thereupon furnish such constable with a receipt or certificate (U 2) of his having received from him the body of the accused, together with the warrant, information, if any, depositions and recognizances, and of his having proved to him, upon oath or affirmation, the handwriting of the justice who issued the warrant. 32-33 V., c. 30, s. 49.

Constable to be paid by proper officer.

90. The said constable, on producing such receipt or certificate to the proper officer for paying such charges, shall be entitled to be paid all his reasonable charges, costs and expenses of conveying the accused into such other territorial division, and returning from the same. 32-33 V., c. 30, s. 50.

Recognizances void in certain cases.

91. If such justice does not commit the accused for trial, or hold him to bail, the recognizances taken before the first mentioned justice shall be void. 32-33 V., c. 30, s. 51.

DUTIES OF CORONERS AND JUSTICES.

Duty of coroner, in cases of murder or manslaughter.

92. Every coroner, upon any inquisition taken before him, whereby any person is indicted for manslaughter or murder, or as an accessory to murder before the fact, shall, in presence of the accused, if he can be apprehended, reduce to writing the evidence given to the jury before him, or as much thereof as is material, giving the accused full opportunity of cross-examination ; and the coroner shall have

authority to bind by recognizance all such persons as know or declare anything material touching the manslaughter or murder, or the offence of being accessory to murder, to appear at the next court of oyer and terminer, or gaol delivery, or other court or term or sitting of a court, at which the trial is to be, then and there to prosecute or give evidence against the person charged; and every such coroner shall certify and subscribe the evidence and all the recognizances, and also the inquisition taken before him, and shall deliver the same to the proper officer of the court at the time and in the manner specified in the seventy-seventh section of this Act. 32-33 V., c. 30, s. 60.

Recognizances, &c., to be sent to proper officer.

93. When any person has been committed for trial by any justice or coroner, the prisoner, his counsel, attorney or agent may notify the committing justice or coroner, that he will, as soon as counsel can be heard, move before a superior court of the Province in which such person stands committed, or one of the judges thereof, or the judge of the county court, if it is intended to apply to such judge, under the eighty-second section of this Act, for an order to the justice or coroner for the territorial division where such prisoner is confined, to admit such prisoner to bail,—whereupon such committing justice or coroner shall, as soon as may be, transmit to the office of the clerk of the Crown, or the chief clerk of the court, or the clerk of the county court or other proper officer, as the case may be, close under his hand and seal, a certified copy of all informations, examinations and other evidences, touching the offence wherewith the prisoner has been charged, together with a copy of the warrant of commitment and inquest, if any such there is; and the packet containing the same shall be handed to the person applying therefor, for transmission, and it shall be certified on the outside thereof to contain the information concerning the case in question. 32-33 V., c. 30, s. 61.

When person committed wishes to be bailed, justices to forward all information to the proper officer.

How transmitted.

94. Upon such application to any such court or judge, as in the next preceding section mentioned, the same order concerning the prisoner being bailed or continued in custody, shall be made as if the prisoner was brought up upon a *habeas corpus*. 32-33 V., c. 30, s. 62.

Same order to be made as upon *habeas corpus*.

95. If any justice or coroner neglects or offends in anything contrary to the true intent and meaning of any of the provisions of the three sections next preceding, the court to whose officer any such examination, information, evidence, bailment, recognizance or inquisition ought to have been delivered, shall, upon examination and proof of the offence, in a summary manner, impose such fine upon every such justice or coroner as the court thinks fit. 32-33 V., c. 30, s. 63.

Penalty on justices and coroners disobeying foregoing provisions.

Provisions to apply to all justices and coroners.

96. The provisions of this Act relating to justices and coroners, shall apply to the justices and coroners not only of districts and counties at large, but also of all other territorial divisions and jurisdictions. 32-33 V., c. 30, s. 64.

REMOVAL OF PRISONERS.

Removal of prisoners to another gaol may be ordered if gaol is insecure.

97. The Governor in Council or the Lieutenant Governor in Council of any Province may, if, from the insecurity or unfitness of any gaol of any county or district for the safe custody of prisoners, or for any other cause, he deems it expedient so to do, order any person charged with treason or felony confined in such gaol or for whose arrest a warrant has been issued, to be removed to any other gaol of any other county or district in the same Province, to be named in such order, there to be detained until discharged in due course of law, or removed for the purpose of trial to the gaol of the county or district in which the trial is to take place; and a copy of such order, certified by the clerk of the Queen's Privy Council for Canada, or the clerk of the Executive Council, or by any person acting as such clerk of the Privy Council or Executive Council, shall be sufficient authority to the sheriffs and gaolers of the counties or districts respectively named in such order, to deliver over and to receive the body of any person named in such order. 31 V., c. 74, s. 1;—47 V., c. 44, ss. 1 and 2, *parts*.

Authority for such removal.

Sheriff may be directed to remove prisoner.

98. The Governor in Council or a Lieutenant Governor in Council may, in any such order, direct the sheriff in whose custody the person to be removed then is, to convey the said person to the gaol of the county or district in which he is to be confined, and the sheriff or gaoler of such county or district to receive the said person, and to detain him until he is discharged in due course of law, or is removed for the purpose of trial to any other county or district. 31 V., c. 74, s. 2;—47 V., c. 44, ss. 1 and 2, *parts*.

Removal for trial into county where indictment is found.

99. If a true bill for treason or felony, is afterwards returned by any grand jury of the county or district from which any such person is removed, against any such person, the court into which such true bill is returned, may make an order for the removal of such person, from the gaol in which he is then confined, to the gaol of the county or district in which such court is sitting, for the purpose of his being tried in such county or district. 31 V., c. 74, s. 3;—47 V., c. 44, s. 2, *part*.

When sentence of death or of imprisonment has been pronounced.

100. The Governor in Council or a Lieutenant Governor in Council may make an order as hereinbefore provided in respect of any person under sentence of imprisonment or under sentence of death,—and, in the latter case, the sheriff to whose gaol the prisoner is removed shall obey any direction

given by the said order or by any subsequent order in council, for the return of such prisoner to the custody of the sheriff by whom the sentence is to be executed. 47 V., c. 44, s. 3.

101. When an indictment is found against any person and such person is confined in any penitentiary or gaol within the jurisdiction of such court, under warrant of commitment or under sentence for some other offence, the court may, by order in writing, direct the warden of the penitentiary or the keeper of such gaol, to bring up such person to be arraigned on such indictment, without a writ of *habeas corpus*, and the warden or keeper shall obey such order. 32-33 V., c. 29, s. 14.

When indictment is found against a person already in custody.

CHANGE OF VENUE.

102. Whenever it appears to the satisfaction of the court or judge hereinafter mentioned, that it is expedient to the ends of justice that the trial of any person charged with felony or misdemeanor should be held in some district, county or place other than that in which the offence is supposed to have been committed, or would otherwise be triable, the court before which such person is or is liable to be indicted may, at any term or sitting thereof, and any judge who might hold or sit in such court may, at any other time, either before or after the presentation of a bill of indictment, order that the trial shall be proceeded with in some other district, county or place within the same Province, named by the court or judge in such order; but such order shall be made upon such conditions as to the payment of any additional expense thereby caused to the accused, as the court or judge thinks proper to prescribe:

Change of venue in certain cases.

Payment of expenses.

2. Forthwith upon the order of removal being made by the court or judge, the indictment, if any has been found against the prisoner, and all inquisitions, informations, depositions, recognizances and other documents whatsoever, relating to the prosecution against him, shall be transmitted by the officer having the custody thereof to the proper officer of the court at the place where the trial is to be had, and all proceedings in the case shall be had, or, if previously commenced, shall be continued in such district, county or place, as if the case had arisen or the offence had been committed therein:

Transmission of record, &c., to place of trial.

3. The order of the court, or of the judge, made under this section, shall be a sufficient warrant, justification and authority, to all sheriffs, gaolers and peace officers, for the removal, disposal and reception of the prisoner, in conformity with the terms of such order; and the sheriff may appoint and empower any constable to convey the prisoner to the gaol in the district, county or place in which the trial is ordered to be had:

Removal of prisoners to new place of trial.

Recognizances to apply to such place.

4. Every recognizance entered into for the prosecution of any person, and every recognizance, as well of any witness to give evidence, as of any person for any offence, shall, in case any such order, as provided by this section, is made, be obligatory on each of the persons bound by such recognizance as to all things therein mentioned with reference to the said trial, at the place where such trial is so ordered to be had, in like manner as if such recognizance had been originally entered into for the doing of such things at such last mentioned place: Provided that notice in writing shall be given either personally or by leaving the same at the place of residence of the persons bound by such recognizance, as therein described, to appear before the court, at the place where such trial is ordered to be had. 32-33 V., c. 29, s. 11.

Proviso: notice to cognizors.

INDICTMENTS.

Indictment need not be on parchment.

103. It shall not be necessary that any indictment or any record or document relative to any criminal case be written on parchment. 32-33 V., c. 29, s. 13.

Not necessary to state the venue in the body of the indictment.

104. It shall not be necessary to state any venue in the body of any indictment; and the district, county or place named in the margin thereof, shall be the venue for all the facts stated in the body of the indictment; but if local description is required, such local description shall be given in the body thereof. 32-33 V., c. 29, s. 15.

As to abolition of benefit of clergy.

105. The abolition of the benefit of clergy shall not prevent the joinder in any indictment of any counts which might have been joined but for such abolition. 32-33 V., c. 29, s. 16.

In cases specified more than one overt act may be charged.

106. Any number of the matters, acts or deeds by which any compassings, imaginations, inventions, devices or intentions, or any of them, have been expressed, uttered or declared, may be charged against the offender, for any felony, under the "*Act respecting Treason and other Offences against the Queen's authority.*" 31 V., c. 69, s. 7.

Form of indictment for perjury.

107. In any indictment for perjury, or for unlawfully, illegally, falsely, fraudulently, deceitfully, maliciously or corruptly taking, making, signing or subscribing any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing, it shall be sufficient to set forth the substance of the offence charged against the accused, and by what court or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing was taken, made, signed or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding, either in law or equity, and without setting forth the commission or authority of the court or person before whom such offence was committed. 32-33 V., c. 23, s. 9.

108. In every indictment for subornation of perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly, to take, make, sign or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing, it shall be sufficient, whenever such perjury or other offence aforesaid has been actually committed, to allege the offence of the person who actually committed such perjury or other offence, in the manner hereinbefore mentioned, and then to allege that the defendant unlawfully, wilfully and corruptly did cause and procure the said person to do and commit the said offence in manner and form aforesaid; and whenever such perjury or other offence aforesaid has not actually been committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury. 32-33 V., c. 23, s. 10.

Form of indictment for subornation of perjury.

109. In any indictment for murder or manslaughter, or for being an accessory to any murder or manslaughter, it shall not be necessary to set forth the manner in which, or the means by which, the death of the deceased was caused; but it shall be sufficient in any indictment for murder to charge that the accused did feloniously, wilfully, of his malice aforethought, kill and murder the deceased,—and it shall be sufficient in any indictment for manslaughter to charge that the accused did feloniously kill and slay the deceased; and it shall be sufficient in any indictment against any accessory to any murder or manslaughter to charge the principal with the murder or manslaughter, as the case may be, in the manner hereinbefore specified, and then to charge the accused as an accessory, in the manner heretofore used and accustomed, or by law provided. 32-33 V., c. 20, s. 6.

Form of indictment for murder or manslaughter.

110. In any indictment for stealing, or, for any fraudulent purpose, destroying, cancelling, obliterating or concealing the whole or any part of any document of title to land, it shall be sufficient to allege such document to be or contain evidence of the title, or of part of the title, or of some matter affecting the title, of the person or of some one of the persons having an interest, whether vested or contingent, legal or equitable, in the real property to which the same relates, and to mention such real property or some part thereof. 32-33 V., c. 21, s. 16, *part*.

Form of indictment for stealing, &c., document of title to lands.

111. Any number of distinct acts of embezzlement, or of fraudulent application or disposition, not exceeding three, committed by the offender, against Her Majesty, or against the same municipality, master or employer, within the space

Distinct acts of embezzlement, &c., may be charged in

the same indictment.

of six months from the first to the last of such acts, may be charged in any indictment,—and if the offence relates to any money or any valuable security, it shall be sufficient to allege the embezzlement or fraudulent application or disposition to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained if the offender is proved to have embezzled or fraudulently applied or disposed of any amount, although the particular species of coin or valuable security of which such amount was composed is not proved, or if he is proved to have embezzled or fraudulently applied or disposed of any piece of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security was delivered to him in order that some part of the value thereof should be returned to the person delivering the same or to some other person, and such part has been returned accordingly. 32-33 V., c. 21, s. 73.

Form of indictment for obtaining property by false pretences.

112. In any indictment for obtaining or attempting to obtain any property by false pretences it shall be sufficient to allege that the person accused did the act with intent to defraud, and without alleging an intent to defraud any particular person, and without alleging any ownership of the chattel, money or valuable security; and on the trial of any such indictment, it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the person accused did the act charged with an intent to defraud. 32-33 V., c. 21, s. 93, *part.*

Intent to defraud need not be stated in case specified.

113. It shall not be necessary to allege, in any indictment against any person for wrongfully and wilfully pretending or alleging that he inclosed and sent, or caused to be inclosed and sent, in any post letter, any money, valuable security or chattel, or to prove on the trial that the act was done with intent to defraud. 32-33 V., c. 21, s. 96, *part.*

Form of indictment for forgery, &c.

114. In any indictment for forging, altering, uttering, offering, disposing of or putting off any instrument whatsoever, where it is necessary to allege an intent to defraud, it shall be sufficient to allege that the person accused did the act with intent to defraud, without alleging an intent to defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the person accused did the act charged with an intent to defraud. 32-33 V., c. 19, s. 51.

Form of indictment for buying or selling counterfeit coin, &c.

115. In any indictment against any person for buying, selling, receiving, paying or putting off, or offering to buy, sell, receive, pay or put off, without lawful authority or excuse, any false or counterfeit coin, resembling or apparently intended

to resemble or pass for any current gold or silver coin, at or for a lower rate or value than the same imports or was apparently intended to import, it shall be sufficient to allege that the person accused did buy, sell, receive, pay or put off, or did offer to buy, sell, receive, pay or put off the false or counterfeit coin, at or for a lower rate of value than the same imports, or was apparently intended to import, without alleging at or for what rate, price or value the same was bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off. 32-33 V., c. 18, s. 6, *part*.

116. It shall be sufficient in any indictment for any offence against the "*Act respecting Malicious Injuries to Property*," where it is necessary to allege an intent to injure or defraud, to allege that the person accused did the act with intent to injure or defraud, as the case may be, without alleging an intent to injure or defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to injure or defraud any particular person, but it shall be sufficient to prove that the person accused did the act charged with an intent to injure or defraud, as the case may be. 32-33 V., c. 22, s. 68.

Form of indictment for malicious injury to property.

117. In any indictment for any offence committed in or upon or with respect to,—

In case of offences with respect to—
churches, &c.

(a.) Any church, chapel, or place of religious worship, or anything made of metal fixed in any square or street, or in any place dedicated to public use or ornament, or in any burial-ground,—

(b.) Any highway, bridge, court-house, gaol, house of correction, penitentiary, infirmary, asylum, or other public building,—

Public buildings, &c.

(c.) Any railway, canal, lock, dam, or other public work, erected or maintained in whole or in part at the expense of Canada, or of any of the Provinces of Canada, or of any municipality, county, parish or township, or other sub-division thereof,—

Public works.

(d.) Any materials, goods or chattels belonging to or provided for, or at the expense of Canada, or of any such Province, or of any municipality or other sub-division thereof, to be used for making, altering or repairing any highway or bridge, or any court-house or other such building, railway, canal, lock, dam or other public work as aforesaid, or to be used in or with any such work, or for any other purpose whatsoever,—

Materials for such buildings or works.

(e.) The whole or any part of any record, writ, return, affirmation, recognizance, *cognovit actionem*, bill, petition, answer, decree, panel, process, interrogatory, deposition, affidavit, rule, order or warrant of attorney, or of any original document whatsoever, of or belonging to any court of justice, or relating to any cause or matter, begun, depending or terminated in any such court, or of any original document

Records of courts, &c.

in any wise relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any court of justice, or in any Government or public office,—

Wills.

(f.) The whole or any part of any will, codicil or other testamentary instrument, or—

Election documents.

(g.) Any writ of election, return to a writ of election, indenture, poll-book, voters' list, certificate, affidavit, report, document or paper, made, prepared or drawn out according to any law respecting provincial, municipal or civic elections,—

Allegations as to property.

It shall not be necessary to allege that any such property, instrument or article is the property of any person. 32-33 V., c. 21, ss. 17, *part*, 18, *part*, 20, *part*, and c. 29, s. 19 ;—29-30 V. (Can.), c. 51, s. 188, *part*.

If property is owned by partners, &c., it shall be sufficient to name one of such partners, &c.

118. If, in any indictment for any offence, it is requisite to state the ownership of any property, real or personal, which belongs to or is in possession of more than one person, whether such persons are partners in trade, joint tenants, parceners or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named, and another or others, as the case may be. 32-33 V., c. 29, s. 17.

Case of joint tenants, joint stock companies, &c.

119. If, in any indictment for any offence, it is necessary for any purpose to mention any partners, joint tenants, parceners or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision and that of the next preceding section shall extend to all joint stock companies and trustees. 32-33 V., c. 29, s. 18.

Property in roads, &c., to be laid in trustees or commissioners without naming them.

120. In any indictment for any offence committed on or with respect to any house, building, gate, machine, lamp, board, stone, post, fence or other thing erected or provided by any trustees or commissioners, in pursuance of any Act in force in Canada, or in any Province thereof, for making any turnpike road, or to any conveniences or appurtenances thereunto respectively belonging, or to any materials, tools or implements provided for making, altering or repairing any such road, it shall be sufficient to state any such property to belong to the trustees or commissioners of such road, without specifying the names of such trustees or commissioners. 32-33 V., c. 29, s. 20.

Ownership of property in possession of public officers, how to be stated.

121. In any indictment for any offence committed on or with respect to any buildings, or any goods or chattels, or any other property, real or personal, in the occupation or under the superintendence, charge or management of any public officer or commissioner, or any county, parish, township or municipal officer or commissioner, it shall be sufficient to state any such property to belong to the officer or commissioner in whose occupation or under whose super-

intendence, charge or management such property is, and it shall not be necessary to specify the names of any such officers or commissioners. 32-33 V., c. 29, s. 21.

122. All property, real and personal, whereof any body corporate has, by law, the management, control or custody, shall, for the purpose of any indictment or proceeding against any other person for any offence committed on or in respect thereof, be deemed to be the property of such body corporate. 32-33 V., c. 29, s. 22.

Property under management of body corporate.

123. In any indictment against any person for stealing any oysters or oyster brood from any oyster bed, laying or fishery, it shall be sufficient to describe, either by name or otherwise, the bed, laying or fishery in respect of which any of the said offences has been committed, without stating the same to be in any particular county, district or local division. 32-33 V., c. 21, s. 14, *part*.

County or district need not be stated in indictment for stealing oysters, &c.

124. In any indictment for any offence mentioned in sections twenty-five to twenty-nine, both inclusive, of "*The Larceny Act*," it shall be sufficient to lay the property in Her Majesty, or in any person or corporation, in different counts in such indictment; and any variance in the latter case, between the statement in the indictment and the evidence adduced, may be amended at the trial; and if no owner is proved the indictment may be amended by laying the property in Her Majesty. 32-33 V., c. 21, s. 36.

In whom property may be laid in indictment for stealing minerals, &c.

125. In any indictment for any offence committed in respect of any postal card, postage stamp or other stamp issued or prepared for issue by the authority of the Parliament of Canada, or of the Legislature of any Province of Canada, for the payment of any fee, rate or duty whatsoever, the property therein may be laid in the person in whose possession, as the owner thereof, it was when the larceny or offence was committed, or in Her Majesty, if it was then unissued, or in the possession of any officer or agent of the Government of Canada or of the Province, by authority of the Legislature whereof it was issued or prepared for issue. 35 V., c. 33, s. 1, *part*.

In indictment for stealing postage stamps, &c.

126. In every case of larceny, embezzlement or fraudulent application or disposition of any chattel, money or valuable security, under sections fifty-three, fifty-four and fifty-five of "*The Larceny Act*," the property in any such chattel, money or valuable security may, in the warrant of commitment by the justice of the peace before whom the offender is charged, and in the indictment preferred against such offender, be laid in Her Majesty, or in the municipality, as the case may be. 32-33 V., c. 21, s. 72, *part*.

In indictment for embezzlement by persons in the public service.

Form of indictment in case of stealing by lodgers.

127. An indictment in the common form for larceny may be preferred against any person who steals any chattel let to be used by him in or with any house or lodging,—and in every case of stealing any fixture so let to be used, an indictment in the same form as if the offender was not a tenant or lodger may be preferred,—and in either case the property may be laid in the owner or person letting to hire. 32-33 V., c. 21, s. 75, *part*.

Omission of certain averments, &c., not fatal to indictment.

128. No indictment shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words “as appears upon the record” or “as appears by the record,” or of the words “with force and arms,” or of the words “against the peace,”—or for the insertion of the words “against the form of the statute” instead of the words “against the form of the statutes,” or *vice versá*, or for the omission of such words,—or for the want of an addition or for an imperfect addition of any person mentioned in the indictment, or because any person mentioned in the indictment is designated by a name of office or other descriptive appellation instead of his proper name,—or for omitting to state the time at which the offence was committed in any case in which time is not of the essence of the offence, or for stating the time imperfectly, or for stating the offence to have been committed on a day subsequent to the finding of the indictment, or on an impossible day, or on a day that never happened,—or for want of a proper or perfect venue, or for want of a proper or formal conclusion, or for want of or imperfection in the addition of any defendant,—or for want of the statement of the value or price of any matter or thing, or the amount of damage, injury or spoil, in any case in which the value or price or amount of damage, injury or spoil is not of the essence of the offence. 32-33 V., c. 29, s. 23.

What necessary to state in describing money or bank notes.

129. Whenever, in any indictment, it is necessary to make an averment as to any money or to any note of any bank, or Dominion or Provincial note, it shall be sufficient to describe such money or note simply as money, without any allegation, so far as regards the description of the property, specifying any particular coin or note; and such averment shall be sustained by proof of any amount of coin or of any such note, although the particular species of coin of which such amount was composed or the particular nature of the note is not proved. 32-33 V., c. 29, s. 25.

Description of instruments generally.

130. Whenever it is necessary to make an averment in an indictment, as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same is usually known, or by the purport thereof, without setting out any copy or *fac simile* of the whole or of any part thereof. 32-33 V., c. 29, s. 24.

131. In any indictment for forging, altering, offering, uttering, disposing of or putting off any instrument, stamp, mark or thing, it shall be sufficient to describe the same by any name or designation by which the same is usually known, or by the purport thereof, without setting out any copy or *fac simile* thereof, or otherwise describing the same or the value thereof. 32-33 V., c. 19, s. 49.

Description of instrument in indictment for forgery.

132. In any indictment for engraving or making the whole or any part of any instrument, matter or thing whatsoever, or for using or having the unlawful custody or possession of any plate or other material upon which the whole or any part of any instrument, matter or thing whatsoever has been engraved or made, or for having the unlawful custody or possession of any paper upon which the whole or any part of any instrument, matter or thing whatsoever has been made or printed, it shall be sufficient to describe such instrument, matter or thing by any name or designation by which the same is usually known, without setting out any copy or *fac simile* of the whole or any part of such instrument, matter or thing. 32-33 V., c. 19, s. 50.

And in indictment for unlawful engraving.

133. Any number of accessories at different times to any felony may be charged with substantive felonies, in the same indictment, and may be tried together, notwithstanding the principal felon is not included in the same indictment, or is not in custody or amenable to justice. 31 V., c. 72, s. 7, *part*.

Several accessories may be included in one indictment.

134. Several counts may be inserted in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three, committed by him against the same person, within six months from the first to the last of such acts, and all or any of them may be proceeded upon. 32-33 V., c. 21, s. 5.

Three larcenies may be charged in one indictment.

135. In any indictment containing a charge of feloniously stealing any property, a count, or several counts, for feloniously receiving the same or any part or parts thereof, knowing the same to have been stolen may be added, and in any indictment for feloniously receiving any property, knowing it to have been stolen, a count for feloniously stealing the same may be added. 32-33 V., c. 21, s. 101, *part*.

Indictment for stealing may have a count for receiving.

136. Every one who receives any chattel, money, valuable security or other property whatsoever, the stealing, taking, extorting, obtaining, embezzling and otherwise disposing whereof, amounts to a felony, either at common law or by statute, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled or disposed of, may be indicted and convicted, either as an accessory after the fact or for a substantive felony, and in the latter case, whether the principal felon has or has not been previously convicted,

How receiver of stolen goods may be indicted, &c

or is or is not amenable to justice: Provided, that no person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence. 32-33 V., c. 21, s. 100, *part*.

If stealing, &c., is a misdemeanor.

137. Every such receiver may, if the offence is a misdemeanor, be indicted and tried for the misdemeanor, whether the person guilty of the principal misdemeanor has or has not been previously convicted thereof, or is or is not amenable to justice. 32-33 V., c. 21, s. 104, *part*.

Separate receivers may be included in the same indictment.

138. Any number of receivers at different times, of property, or any part or parts thereof, so stolen, taken, extorted, obtained, embezzled or otherwise disposed of at one time, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding that the principal felon is not included in the same indictment, or is not in custody or amenable to justice. 31 V., c. 72, s. 7, *part*;—32-33 V., c. 21, s. 102.

Indictment, &c., for subsequent offences: what statements shall be sufficient.

139. In any indictment for any indictable offence, committed after a previous conviction or convictions for any felony, misdemeanor, or offence or offences punishable upon summary conviction (and for which a greater punishment may be inflicted on that account), it shall be sufficient, after charging the subsequent offence, to state that the offender was at a certain time and place, or at certain times and places convicted of felony or of a misdemeanor, or of an offence or offences punishable upon summary conviction, as the case may be, and to state the substance and effect only, omitting the formal part of the indictment and conviction, or of the summary conviction, as the case may be, for the previous offence, without otherwise describing the previous offence or offences. 32-33 V., c. 29, s. 26, *part*.

PRELIMINARY REQUIREMENTS AS TO CERTAIN INDICTMENTS.

Requirements as to indictments for certain offences.

140. No bill of indictment for any of the offences following, that is to say: perjury, subornation of perjury, conspiracy, obtaining money or other property by false pretences, forcible entry or detainer, nuisance, keeping a gambling house, keeping a disorderly house, or any indecent assault, shall be presented to or found by any grand jury, unless the prosecutor or other person presenting such indictment has been bound by recognizance to prosecute or give evidence against the person accused of such offence, or unless the person accused has been committed to or detained in custody, or has been bound by recognizance to appear to answer to an indictment to be preferred against him for such offence, or unless the indictment for such offence is preferred by the direction of the Attorney General or Solicitor General for the Province, or by the direction or with the consent of a court

or judge having jurisdiction to give such direction or to try the offence:

2. Nothing herein shall prevent the presentment to or finding by a grand jury of any bill of indictment, containing a count or counts for any of such offences, if such count or counts are such as may now be lawfully joined with the rest of such bill of indictment, and if the same count or counts are founded, in the opinion of the court in or before which the said bill of indictment is preferred, upon the facts or evidence disclosed in any examination or deposition taken before a justice in the presence of the person accused or proposed to be accused by such bill of indictment, and transmitted or delivered to such court in due course of law. 32-33 V., c. 29, s. 28;—40 V., c. 26, ss. 1 and 2.

Indictment may contain counts for such offences upon certain conditions.

PLEAS.

141. No person prosecuted shall be entitled as of right to traverse or postpone the trial of any indictment preferred against him in any court, or to imparl, or to have time allowed him to plead or demur to any such indictment: Provided always, that if the court, before which any person is so indicted, upon the application of such person, or otherwise, is of opinion that he ought to be allowed a further time to plead or demur or to prepare for his defence, or otherwise, such court may grant such further time to plead or demur, or may adjourn the receiving or taking of the plea or demurrer and the trial, or, as the case may be, the trial of such person, to a future time of the sittings of the court or to the next or any subsequent session or sittings of the court, and upon such terms, as to bail or otherwise, as to the court seem meet, and may, in the case of adjournment to another session or sitting, respite the recognizances of the prosecutor and witnesses accordingly,—in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent session or sittings, without entering into any fresh recognizances for that purpose. 32-33 V., c. 29, s. 30.

No person entitled of right to traverse or to have time to plead.

Court may postpone trial, upon terms, &c.

142. No indictment shall be abated by reason of any dilatory plea of misnomer, or of want of addition, or of wrong addition of any person offering such plea; but if the court is satisfied, by affidavit or otherwise, of the truth of such plea, the court shall forthwith cause the indictment to be amended according to the truth, and shall call upon such person to plead thereto, and shall proceed as if no such dilatory plea had been pleaded. 32-33 V., c. 29, s. 31.

Indictment not to be abated by reason of dilatory plea of misnomer, &c.

143. Every objection to any indictment for any defect apparent on the face thereof, shall be taken by demurrer or motion to quash the indictment, before the defendant has pleaded, and not afterwards; and every court before which

When objection to indictment is to be taken.

How defects
may be
amended.

any such objection is taken may, if it is thought necessary, cause the indictment to be forthwith amended in such particular, by some officer of the court or other person, and thereupon the trial shall proceed as if no such defect had appeared; and no motion in arrest of judgment shall be allowed for any defect in the indictment which might have been taken advantage of by demurrer, or amended under the authority of this Act. 32-33 V., c. 29, s. 32.

Effect of plea
of "Not
guilty."

144. If any person, being arraigned upon any indictment for any indictable offence, pleads thereto a plea of "not guilty," he shall, by such plea, without any further form, be deemed to have put himself upon the country for trial, and the court may, in the usual manner, order a jury for the trial of such person accordingly. 32-33 V., c. 29, s. 33.

Court may
order a plea
of "Not
guilty" to be
entered, in
case of refusal
to plead.

145. If any person, being arraigned upon any indictment for any indictable offence, stands mute of malice, or will not answer directly to the indictment, the court may order the proper officer to enter a plea of "not guilty," on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same. 32-33 V., c. 29, s. 34.

Form of plea
of *autrefois*
convict or *au-*
trefois acquit.

146. In any plea of *autrefois convict* or *autrefois acquit* it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted, as the case may be, of the offence charged in the indictment. 32-33 V., c. 29, s. 35.

Attainder of
another crime
not pleadable.

147. No plea setting forth any attainder shall be pleaded in bar of any indictment, unless the attainder is for the same offence as that charged in the indictment. 32-33 V., c. 29, s. 36.

LIBEL.

What may be
pleaded in a
case of libel.

148. Every one accused of publishing a defamatory libel may plead that the defamatory matter was true, and that it was for the public benefit that such matter should be published, to which plea the prosecutor may reply generally, denying the whole thereof. 37 V., c. 38, s. 5, *part*, and s. 6, *part*.

Truth not to
be inquired
into unless
specially
pleaded.

149. Without such plea, the truth of the matters charged as libellous in any such indictment or information, or that it was for the public benefit that such matters should have been published, shall in no case be inquired into. 37 V., c. 38, s. 7.

Effect of plea
of justifica-
tion.

150. If, after such plea, the defendant is convicted on such indictment or information, the court, in pronouncing sentence, may consider whether the guilt of the defendant

is aggravated or mitigated by such plea, and by the evidence given to prove or disprove the same. 37 V., c. 38, s. 8.

151. In addition to such plea of justification, the defendant may plead not guilty; and no defence otherwise open to the defendant under the plea of not guilty shall be taken away or prejudiced by reason of such special plea. 37 V., c. 38, s. 9.

Plea of not guilty in addition.

152. On the trial of any indictment or information for the making or publishing of any defamatory libel, on the plea of not guilty pleaded, the jury sworn to try the issue may give a general verdict of guilty or not guilty, upon the whole matter put in issue upon such indictment or information, and shall not be required or directed, by the court or judge before whom such indictment or information is tried, to find the defendant guilty, merely on the proof of publication by such defendant of the paper charged to be a defamatory libel, and of the sense ascribed to the same in such indictment or information; but the court or judge before whom such trial is had shall, according to the discretion of such court or judge, give the opinion and direction of such court or judge to the jury, on the matter in issue, as in other criminal cases; and the jury may, on such issue, find a special verdict if they think fit so to do; and the defendant, if found guilty, may move in arrest of judgment on such ground and in such manner as he might have done before the passing of this Act. 37 V., c. 38, s. 4.

Proceedings on indictment for libel.

153. In the case of an indictment or information by a private prosecutor for the publication of a defamatory libel, if judgment is given against the defendant he shall be liable for the costs sustained by the prosecutor, by reason of such indictment or information; and if judgment is given for the defendant he shall be entitled to recover from such prosecutor the costs incurred by him, by reason of such indictment or information; and such costs, so to be recovered by the prosecutor or defendant respectively, shall be taxed by the court, judge or the proper officer of the court before which such indictment or information is tried. 37 V., c. 38, s. 12.

As between private prosecutor and defendant, costs to follow the judgment.

154. The costs mentioned in the next preceding section shall be recoverable either by warrant of distress issued out of the said court, or by action or suit as for an ordinary debt. 37 V., c. 38, s. 13.

Enforcing payment of such costs.

CORPORATIONS.

155. Every corporation against which a bill of indictment for a misdemeanor is found, at any court having criminal jurisdiction, shall appear by attorney in the court in which such indictment is found, and plead or demur there-to. 46 V., c. 34, s. 1.

Corporation indicted to appear and plead by attorney.

Certiorari not required, &c.

156. No writ of *certiorari* shall be necessary to remove any such indictment into any superior court with the view of compelling the defendant to plead thereto; nor shall it be necessary to issue any writ of *distringas*, or other process, to compel the defendant to appear and plead to such indictment. 46 V., c. 34, s. 2.

What notice shall be served on the corporation.

157. The prosecutor, when any such indictment is found against any corporation, or the clerk of the court, when such indictment is founded on a presentment of the grand jury, may cause a notice thereof to be served on the mayor or chief officer of such corporation, or upon the clerk or secretary thereof, stating the nature and purport of such indictment, and that, unless such corporation appears and pleads thereto in two days after the service of such notice, a plea of not guilty will be entered thereto for the defendant by the court, and that the trial thereof will be proceeded with in like manner as if the said corporation had appeared and pleaded thereto. 46 V., c. 34, s. 3.

On default to appear, court may order plea of not guilty to be entered.

158. If such corporation does not appear, in the court in which the indictment has been found, and plead or demur thereto within the time specified in the said notice, the judge presiding at such court may, on proof to him by affidavit of the due service of such notice, order the clerk or proper officer of the court to enter a plea of "not guilty" on behalf of such corporation; and such plea shall have the same force and effect as if such corporation had appeared by its attorney and pleaded such plea. 46 V., c. 34, s. 4.

Trial may be proceeded with in absence of defendant.

159. The court may,—whether such corporation appears and pleads to the indictment, or whether a plea of "not guilty" is entered by order of the court,—proceed with the trial of the indictment in the absence of the defendant, in the same manner as if the corporation had appeared at the trial and defended the same; and, in case of conviction, may award such judgment and take such other and subsequent proceedings to enforce the same as are applicable to convictions against corporations. 46 V., c. 34, s. 5.

JURIES AND CHALLENGES.

Who are qualified to serve as grand or petit jurors.

160. Every person qualified and summoned as a grand juror or as a petit juror, according to the laws in force for the time being in any Province of Canada, shall be and shall be held to be duly qualified to serve as such grand or petit juror in criminal cases in that Province, whether such laws were in force or were or are enacted by the Legislature of the Province before or after such Province became a part of Canada, but subject always to any provision in any Act of the Parliament of Canada, and in so far as such laws are not inconsistent with any such Act. 32-33 V., c. 29, s. 44;—46 V., c. 10, s. 3.

161. No alien shall be entitled to be tried by a jury *de medietate linguæ*, but shall be tried as if he was a natural born subject. 32-33 V., c. 29, s. 39 ;—44 V., c. 13, s. 8.

Juries de medietate linguæ.

162. Any quaker or other person allowed by law to affirm instead of swearing in civil cases, or solemnly declaring that the taking of any oath is, according to his religious belief, unlawful, who is summoned as a grand or petit juror in any criminal case shall, instead of being sworn in the usual form, be permitted to make a solemn affirmation beginning with the words following: "I, A. B. do solemnly, sincerely and truly affirm," and then may serve as a juror as if he had been sworn, and his declaration or affirmation shall have the same effect as an oath to the like effect; and in any record or proceeding relating to the case, it may be stated that the jurors were sworn or affirmed; and in any indictment, the words "upon their oath present," shall be understood to include the affirmation of any juror affirming instead of swearing. 32-33 V., c. 29, s. 43.

Certain persons may make affirmation and act as jurors.

163. If any person arraigned for treason or felony challenges peremptorily a greater number of persons returned to be of the jury than twenty, in a case of indictment for treason or felony punishable with death, or twelve, in a case of indictment for any other felony, or four, in a case of indictment for misdemeanor, every peremptory challenge beyond the number so allowed in the said cases respectively, shall be void, and the trial of such person shall proceed as if no such challenge had been made; but nothing herein contained shall be construed to prevent the challenge of any number of jurors for cause. 32-33 V., c. 29, s. 37.

Peremptory challenge by the prisoner; to what extent allowed and when void.

164. In all criminal trials, four jurors may be peremptorily challenged on the part of the Crown; but this shall not be construed to affect the right of the Crown to cause any juror to stand aside until the panel has been gone through, or to challenge any number of jurors for cause. 32-33 V., c. 29, s. 38.

Challenges on part of the Crown.

165. The right of the Crown to cause any juror to stand aside until the panel has been gone through, shall not be exercised on the trial of any indictment or information by a private prosecutor for the publication of a defamatory libel. 37 V., c. 38, s. 11.

As to right to set juries aside in cases of libel.

166. In those districts in the Province of Quebec in which the sheriff is required by law to return a panel of petit jurors, composed one half of persons speaking the English language, and one half of persons speaking the French language, he shall, in his return, specify separately those jurors whom he returns as speaking the English language, and those whom he returns as speaking the French language

As to juries half English and half French in Quebec.

respectively ; and the names of the jurors so summoned shall be called alternately from such lists :

Peremptory challenges to be divided.

2. Whenever any person accused of treason or felony elects to be tried by a jury composed one half of persons skilled in the language of the defence, the number of peremptory challenges to which he is entitled shall be divided, so that he shall only have the right to challenge one half of such number from among the English speaking jurors and one half from among the French speaking jurors :

Application of section.

3. This section applies only to the Province of Quebec. 32-33 V., c. 29, s. 40.

As to juries half English and half French in Manitoba.

167. Whenever any person who is arraigned before the Court of Queen's Bench for Manitoba, demands a jury composed for the one half at least of persons skilled in the language of the defence, if such language is either English or French, he shall be tried by a jury composed for the one half at least of the persons whose names stand first in succession upon the general panel, and who, on appearing, and not being lawfully challenged, are found, in the judgment of the court, to be skilled in the language of the defence :

Provision if the panel is exhausted.

2. Whenever, from the number of challenges, or any other cause, there is, in any such case, a deficiency of persons skilled in the language of the defence, the court shall fix another day for the trial of such case, and the sheriff shall supply the deficiency by summoning, for the day so fixed, such additional number of jurors skilled in the language of the defence as the court orders, and as are found inscribed next in succession on the list of petit jurors :

Peremptory challenges to be divided.

3. Whenever a person accused of treason or felony elects to be tried by a jury composed one half of persons skilled in the language of the defence, the number of peremptory challenges to which he is entitled shall be divided, so that he shall only have the right to challenge one half of such number from among the English speaking jurors, and one half from among the French speaking jurors :

Application of section.

4. This section applies only to the Province of Manitoba. 34 V., c. 14, ss. 3, 4 and 5.

Supplying jurors if the panel is exhausted

168. Whenever, in any criminal case, the panel has been exhausted by challenge, or by default of jurors by non-attendance or not answering when called, or from any other cause, and a complete jury for the trial of such case cannot be had by reason thereof, then, upon request made on behalf of the Crown, the court may, in its discretion, order the sheriff or other proper officer forthwith to summon such number of good men of the district, county or place, whether on the roll of jurors or otherwise qualified as jurors or not, as the court deems necessary and directs, in order to make up a full jury :

2. Such sheriff or officer shall forthwith summon by word of mouth or in writing, the number of persons he is so required to summon, and add their names to the general panel of jurors returned to serve at that court, and, subject to the right of the Crown and of the accused respectively, as to challenge or direction to stand aside, the persons whose names are so added to the panel shall, whether otherwise qualified or not, be deemed duly qualified as jurors in the case, and so until a complete jury is obtained, and the trial shall then proceed as if such jurors were originally returned duly and regularly on the panel; and if, before such order, one or more persons have been sworn or admitted unchallenged on the jury, he or they may be retained on the jury, or the jury may be discharged, as the court directs:

How such jurors shall be summoned.

3. Every person so summoned as a juror shall forthwith attend and act in obedience to the summons, and if he makes default shall be punishable in like manner as a juror summoned in the usual way; and such jurors so newly summoned shall be added to the panel for such case only. 32-33 V., c. 29, s. 41.

Person so summoned shall attend.

169. In all criminal cases, less than felony, the jury may, in the discretion of the court, and under its direction as to the conditions, mode and time, be allowed to separate during the progress of the trial. 32-33 V., c. 29, s. 57.

Jury may be allowed to separate.

170. Nothing in this Act shall alter, abridge or affect any power or authority which any court or judge has when this Act takes effect, or any practice or form in regard to trials by jury, jury process, juries or jurors, except in cases where such power or authority is expressly altered by or is inconsistent with the provisions of this Act. 32-33 V., c. 29, s. 42.

Saving of powers not expressly altered.

VIEW.

171. Whenever it appears to any court having criminal jurisdiction or to any judge thereof, that it will be proper and necessary that the jurors, or some of them, who are to try the issues in such case, should have a view of the place in question, in order to their better understanding the evidence that may be given upon the trial of such issues, whether such place is situate within the county or united counties in which the venue in any such case is laid, or without such county or united counties, in any other county, such court or judge may order a rule to be drawn up, containing the usual terms,—and, if such court or judge thinks fit, also requiring the person applying for the view to deposit in the hands of the sheriff of the county or united counties in which the venue in any such case is laid, a sum of money to be named in the rule, for payment of the expenses of the view. 29-30 V. (Can.), c. 46, s. 1.

Court may order a view within or out of the county in which the venue is laid.

Rule.

Deposit by person requiring the view.

Duties of sheriffs, &c., in such cases.

172. All the duties and obligations now imposed by law on the several sheriffs and other persons when the place to be viewed is situate in the county or united counties in which the venue in any such case is laid, shall be imposed upon and attach to such sheriffs and other persons when the place to be viewed is situate out of the county or united counties in which the venue in any such case is laid. 29-30 V. (Can.), c. 46, s. 2.

SWEARING WITNESSES BEFORE GRAND JURY.

Witness before grand jury need not be sworn in court.

173. It shall not be necessary for any person to take an oath in open court in order to qualify him to give evidence before any grand jury. C. S. U. C., c. 109, s. 1.

How such witness may be sworn.

174. The foreman of the grand jury and any member of the grand jury who may, for the time being, act on behalf of the foreman in the examination of witnesses, may administer an oath to every person who, under the circumstances hereinafter enacted, appears before such grand jury to give evidence in support of any bill of indictment; and every such person may be sworn and examined upon oath by such grand jury touching the matters in question. C. S. U. C., c. 109, ss. 2 and 6, *part*;—C. S. L. C., c. 105, s. 2.

Name to be indorsed on the bill and marked with initials of the foreman.

175. The name of every witness examined, or intended to be so examined, shall be indorsed on the bill of indictment; and the foreman of the grand jury, or any member of the grand jury so acting for him, shall write his initials against the name of each witness sworn by him and examined touching such bill of indictment. C. S. U. C., c. 109, s. 3.

Who may be examined before grand jury.

176. The name of every witness intended to be examined on any bill of indictment shall be submitted to the grand jury by the officer prosecuting on behalf of the Crown, and no others shall be examined by or before such grand jury, unless upon the written order of the presiding judge. C. S. U. C., c. 109, s. 4.

As to fees.

177. Nothing in this Act shall affect any fees by law payable to any officer of any court for swearing witnesses, but such fees shall be payable as if the witnesses had been sworn in open court. C. S. U. C., c. 109, s. 5.

TRIAL.

Full defence allowed.

178. Every person tried for any indictable offence shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by counsel learned in the law. 32-33 V., c. 29, s. 45, *part*.

179. Upon the trial the addresses to the jury shall be regulated as follows: the counsel for the prosecution, in the event of the defendant or his counsel not announcing, at the close of the case for the prosecution, his intention to adduce evidence, shall be allowed to address the jury a second time at the close of such case, for the purpose of summing up the evidence; and the accused, or his counsel, shall then be allowed to open his case and also to sum up the evidence, if any is adduced for the defence; and the right of reply shall be according to the practice of the courts in England: *Provided* always, that the right of reply shall be always allowed to the Attorney General or Solicitor General, or to any Queen's counsel acting on behalf of the Crown. 32-33 V., c. 29, s. 45, *part.*

How addresses of counsel to jury shall be regulated.

Proviso.

180. Every person under trial shall be entitled, at the time of his trial, to inspect, without fee or reward, all depositions, or copies thereof, taken against him, and returned into the court before which such trial is had. 32-33 V., c. 29, s. 46.

Inspection of depositions by prisoners.

181. Every person indicted for any crime or offence shall, before being arraigned on the indictment, be entitled to a copy thereof, on paying the clerk ten cents per folio for the same, if the court is of opinion that the same can be made without delay to the trial, but not otherwise. 32-33 V., c. 29, s. 47.

Copy of indictment to persons under trial.

182. Every person indicted shall be entitled to a copy of the depositions returned into court on payment of ten cents per folio for the same, provided, if the same are not demanded before the opening of the assizes, term, sittings or sessions, the court is of opinion that the same can be made without delay to the trial, but not otherwise; but the court may, if it sees fit, postpone the trial on account of such copy of the depositions not having been previously had by the person charged. 32-33 V., c. 29, s. 48.

Also copies of depositions, under certain conditions.

183. If, on the trial of any person charged with any felony or misdemeanor, it appears to the jury, upon the evidence, that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not, by reason thereof, be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanor charged in the indictment; and no person tried as lastly mentioned shall be liable to be afterwards prosecuted for committing or attempting to commit

Verdict and punishment in cases where offences are not completed.

the felony or misdemeanor for which he was so tried. 32-33 V., c. 29, s. 49.

Persons tried for misdemeanor and found guilty of felony not to be acquitted.

184. If, upon the trial of any person for any misdemeanor, it appears that the facts given in evidence, while they include such misdemeanor, amount in law to a felony, such person shall not, by reason thereof, be entitled to be acquitted of such misdemeanor, unless the court before which such trial is had thinks fit, in its discretion, to discharge the jury from giving any verdict upon such trial, and to direct such person to be indicted for felony,—in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor; and the person tried for such misdemeanor, if convicted, shall not be liable to be afterwards prosecuted for felony on the same facts. 32-33 V., c. 29, s. 50.

Non-liability for attempt after trial for commission.

185. No person shall be tried or prosecuted for an attempt to commit any felony or misdemeanor, who has been previously tried for committing the same offence. 32-33 V., c. 29, s. 52.

Indictment for felony valid, though facts amount to treason.

186. If the facts or matters alleged in an indictment for any felony under the "*Act respecting Treason and other Offences against the Queen's authority*," amount in law to treason, such indictment shall not, by reason thereof, be deemed void, erroneous or defective; and if the facts or matters proved on the trial of any person indicted for felony under the said Act amount in law to treason, such person shall not, by reason thereof, be entitled to be acquitted of such felony; but no person tried for such felony shall be liable to be afterwards prosecuted for treason upon the same facts. 31 V., c. 69, s. 8.

No inquiry concerning lands.

187. The jury empanelled to try any person for treason or felony shall not be charged to inquire concerning his lands, tenements or goods, nor whether he fled for such treason or felony. 32-33 V., c. 29, s. 53.

On trial for murder of a child, conviction may be for concealment of birth.

188. If any person tried for the murder of any child is acquitted thereof, the jury by whose verdict such person is acquitted may find, in case it so appears in evidence, that the child had recently been born, and that such person did, by some secret disposition of such child or of the dead body of such child, endeavor to conceal the birth thereof, and thereupon the court may pass such sentence as if such person had been convicted upon an indictment for the concealment of birth. 32-33 V., c. 20, s. 61, *part*.

On trial for felony, conviction may be for causing grievous bodily harm.

189. If, upon the trial of any indictment for any felony, except in cases of murder or manslaughter, the indictment alleges that the accused did wound or inflict grievous bodily harm on any person with intent to maim, disfigure or disable

any person, or to do some other grievous bodily harm to any person, or with the intent to resist or prevent the lawful apprehension or detainer of any person, and the jury is satisfied that the accused is guilty of the wounding, or inflicting grievous bodily harm, charged in the indictment, but is not satisfied that the accused is guilty of the felony charged in such indictment, the jury may acquit of the felony, and find the accused guilty of unlawfully and maliciously wounding, or inflicting grievous bodily harm; and such accused shall be liable to three years' imprisonment. 32-33 V., c. 20, s. 19, *part.*

190. If, upon the trial of any person for unlawfully and maliciously administering to or causing to be administered to or taken by any other person, any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, the jury is not satisfied that such person is guilty of such felony, but is satisfied that he is guilty of the misdemeanor of unlawfully and maliciously administering to, or causing to be administered to or taken by such person, any poison or other destructive or noxious thing, with intent to injure, aggrieve or annoy such person, the jury may acquit the accused of such felony, and find him guilty of such misdemeanor; and thereupon he shall be punished in the same manner as if convicted upon an indictment for such misdemeanor. 32-33 V., c. 20, s. 24.

On trial for felony by poisoning, conviction may be of misdemeanor.

191. If, upon the trial of any person for any felony whatsoever, the crime charged includes an assault against the person, although an assault is not charged in terms, the jury may acquit of the felony, and find a verdict of guilty of assault against the person indicted, if the evidence warrants such finding, and the person so convicted shall be liable to five years' imprisonment. 32-33 V., c. 29, s. 51.

Verdict of assault in cases of felony including assault.

192. If, upon the trial of any person upon an indictment for robbery, it appears to the jury, upon the evidence, that the accused did not commit the crime of robbery, but that he did commit an assault with intent to rob, the accused shall not, by reason thereof, be entitled to be acquitted, but the jury may find him guilty of an assault with intent to rob; and thereupon he shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and no person so tried, as is herein lastly mentioned, shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried. 32-33 V., c. 21, s. 40.

On trial for robbery, conviction may be of assault with intent to rob.

193. Every one who is indicted for any burglary, where the breaking and entering are proved at the trial to have been made in the day-time and no breaking out appears to

On trial for burglary, conviction may be of house-breaking.

have been made in the night-time, or where it is left doubtful whether such breaking and entering or breaking out took place in the day or night-time, shall be acquitted of the burglary, but may be convicted of the offence of breaking and entering the dwelling-house with intent to commit a felony therein. 32-33 V., c. 21, s. 57.

Proof of burglary not a defence on charge of house-breaking.

194. It shall not be available, by way of defence, to a person charged with the offence of breaking and entering any dwelling-house, church, chapel, meeting-house or other place of divine worship, or any building within the curtilage, school-house, shop, warehouse or counting-house, with intent to commit any felony therein, to show that the breaking and entering were such as to amount in law to burglary: Provided, that the offender shall not be afterwards prosecuted for burglary upon the same facts; but it shall be open to the court before which the trial for such offence takes place, upon the application of the person conducting the prosecution, to allow an acquittal on the ground that the offence, as proved, amounts to burglary; and if an acquittal takes place on such ground, and is so returned by the jury in delivering its verdict, the same shall be recorded together with the verdict, and such acquittal shall not then avail as a bar or defence upon an indictment for such burglary. 32-33 V., c. 21, s. 58.

Offender in such case may be indicted for burglary.

On trial for embezzlement, &c., conviction may be of larceny and *vice versa*.

195. If, upon the trial of any person indicted for embezzlement or fraudulent application or disposition of any chattel, money or valuable security, it is proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury may acquit the accused of embezzlement or fraudulent application or disposition, and find him guilty of simple larceny or larceny as a clerk, servant or person employed for the purpose or in the capacity of a clerk or servant, or as a person employed in the public service, as the case may be, and thereupon the accused shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny; and if, upon the trial of any person indicted for larceny, it is proved that he took the property in question in any such manner as to amount in law to embezzlement or fraudulent application or disposition as aforesaid, he shall not, by reason thereof, be entitled to be acquitted, but the jury may acquit the accused of larceny, and find him guilty of embezzlement or fraudulent application or disposition, as the case may be, and thereupon the accused shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement, fraudulent application or disposition; and no person so tried for embezzlement, fraudulent application or disposition, or larceny as aforesaid, shall be liable to be afterwards prose-

cuted for larceny, fraudulent application or disposition, or embezzlement, upon the same facts. 32-33 V., c. 21, s. 74.

196. If, upon the trial of any person indicted for obtaining from any other person, by any false pretence, any chattel, money or valuable security, with intent to defraud, it is proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall not, by reason thereof, be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts. 32-33 V., c. 21, s. 93, *part.*

No acquittal of obtaining property by false pretences because offence amounts to larceny.

197. If, upon the trial of any person for any misdemeanor, under any of the provisions of sections sixty to seventy-six, both inclusive, of "*The Larceny Act*," it appears that the offence proved amounts to larceny, he shall not by reason thereof be entitled to be acquitted of the misdemeanor. 32-33 V., c. 21, s. 92, *part.*

The like in cases of frauds by agents, &c.

198. If, upon the trial of any person for larceny, it appears that the property taken was obtained by such person by fraud, under circumstances which do not amount to such taking as constitutes larceny, such person shall not by reason thereof be entitled to be acquitted, but the jury may acquit the accused of larceny, and find him guilty of obtaining such property by false pretences, with intent to defraud, if the evidence proves such to have been the case, and thereupon the accused shall be punished in the same manner as if he had been convicted upon an indictment for obtaining property by false pretences, and no person so tried for larceny as aforesaid, shall be afterwards prosecuted for obtaining property by false pretences upon the same facts. 32-33 V., c. 21, s. 99.

On trial for larceny, conviction may be of obtaining property by false pretences.

199. If any indictment containing counts for feloniously stealing any property, and for feloniously receiving the same, or any part or parts thereof, knowing the same to have been stolen, has been preferred and found against any person, the prosecutor shall not be put to his election, but the jury may find a verdict of guilty, either of stealing the property or of receiving the same, or any part or parts thereof, knowing the same to have been stolen; and if such indictment has been preferred and found against two or more persons, the jury may find all or any of the said persons guilty either of stealing the property or receiving the same, or any part or parts thereof, knowing the same to have been stolen, or may find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving the same, or any part or parts thereof, knowing the same to have been stolen. 32-33 V., c. 21, s. 101, *part.*

When indictment for stealing contains a count for receiving.

If two or more persons are included.

Conviction on indictment for jointly receiving.

200. If, upon the trial of two or more persons indicted for jointly receiving any property, it is proved that one or more of such persons separately received any part or parts of such property, the jury may convict, upon such indictment, such of the said persons as are proved to have received any part or parts of such property. 32-33 V., c. 21, s. 103.

On trial for larceny, &c., conviction may be of fraudulent appropriation.

201. If, on the trial of any person for larceny, for embezzlement, or for obtaining any property by false pretences, the jury is of opinion that such person is not guilty of the offence charged in the indictment, but is of opinion that he is guilty of an offence against section eighty-five of "*The Larceny Act*," it may find him so guilty, and he shall be liable to be punished as therein provided, as if he had been convicted on an indictment under such section. 32-33 V., c. 21, s. 110, *part*.

If one act of larceny is charged and several acts at different times are proved.

202. If, upon the trial of any indictment for larceny, it appears that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor or counsel for the prosecution shall not, by reason thereof, be required to elect upon which taking he will proceed, unless it appears that there were more than three takings, or that more than six months elapsed between the first and the last of such takings; and in either of such last mentioned cases the prosecutor or counsel for the prosecution shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six months from the first to the last of such takings. 32-33 V., c. 21, s. 6.

Evidence of former possession of other stolen goods in cases of receiving.

203. When proceedings are taken against any person for having received goods, knowing them to be stolen, or for having in his possession stolen property, evidence may be given, at any stage of the proceedings, that there was found in the possession of such person other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property which forms the subject of the proceedings taken against him to be stolen: Provided, that not less than three days' notice in writing has been given to the person accused, that proof is intended to be given of such other property, stolen within the preceding period of twelve months, having been found in his possession; and such notice shall specify the nature or description of such other property, and the person from whom the same was stolen. 40 V., c. 26, s. 3.

Notice to accused.

And of previous conviction of fraud or dishonesty in such cases.

204. When proceedings are taken against any person for having received goods, knowing them to be stolen, or for having in his possession stolen property, and evidence has been given that the stolen property has been found in his

possession,—then if such person has, within five years immediately preceding, been convicted of any offence involving fraud or dishonesty, evidence of such previous conviction may be given at any stage of the proceedings, and may be taken into consideration for the purpose of proving that the person accused knew the property which was proved to be in his possession to have been stolen: Provided, that not less than three days' notice in writing has been given to the person accused, that proof is intended to be given of such previous conviction; and it shall not be necessary, for the purposes of this section, to charge in the indictment the previous conviction of the person so accused. 40 V., c. 26, s. 4.

Notice to accused.

Previous conviction need not be charged.

205. Upon the trial of any person accused of any offence respecting the currency or coin, or against the provisions of the "*Act respecting Offences relating to the Coin*" no difference in the date or year, or in any legend marked upon the lawful coin described in the indictment, and the date or year or legend marked upon the false coin counterfeited to resemble or pass for such lawful coin, or upon any die, plate, press, tool or instrument used, constructed, devised, adapted or designed, for the purpose of counterfeiting or imitating any such lawful coin, shall be considered a just or lawful cause or reason for acquitting any such person of such offence; and it shall, in any case, be sufficient to prove such general resemblance to the lawful coin as will show an intention that the counterfeit should pass for it. 32-33 V., c. 18, s. 31.

Differences in date, &c., of true and false coin, not ground for acquittal.

206. If, upon the trial of any person for any felony mentioned in the ninth section of the "*Act respecting riots, unlawful assemblies, and breaches of the peace*," the jury is not satisfied that such person is guilty thereof, but is satisfied that he is guilty of any offence mentioned in the tenth section of such Act, they may find him guilty thereof, and he may be punished accordingly. 32-33 V., c. 22, s. 16, *part*.

On trial for destroying buildings, conviction may be of injuring the same.

Proceedings when previous offence charged.

207. The proceedings upon any indictment for committing any offence after a previous conviction or convictions, shall be as follows, that is to say: the offender shall, in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence, and if he pleads not guilty, or if the court orders a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to inquire concerning such subsequent offence only, and if the jury finds him guilty, or if, on arraignment, he pleads guilty, he shall then, and not before, be asked whether he was so previously convicted as alleged in the indictment; and if he answers that he was so previously convicted, the court may proceed to sentence him accordingly, but if he

How previous conviction shall be proved.

If the defendant adduces evidence of good character.

denies that he was so previously convicted, or stands mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall, for all purposes, be deemed to extend to such last mentioned inquiry: Provided, that if upon the trial of any person for any such subsequent offence, such person gives evidence of his good character, the prosecutor may, in answer thereto, give evidence of the conviction of such person for the previous offence or offences, before such verdict of guilty is returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence. 32-33 V., c. 29, s. 26, *part*.

Impounding Documents.

Court may order documents to be impounded.

208. Whenever any instrument which has been forged or fraudulently altered is admitted in evidence, the court or the judge or person who admits the same, may, at the request of any person against whom the same is admitted in evidence, direct that the same shall be impounded and be kept in custody of some officer of the court or other proper person, for such period and subject to such conditions as to the court, judge or person admitting the same, seems meet. 32-33 V., c. 19, s. 36.

Destroying Counterfeit Coin.

Counterfeit coin to be destroyed.

209. If any false or counterfeit coin is produced in any court, the court shall order the same to be cut in pieces in open court, or in the presence of a justice of the peace, and then delivered to or for the lawful owner thereof, if such owner claims the same. 32-33 V., c. 18, s. 28.

WITNESSES AND EVIDENCE.

Witnesses summoned must attend.

210. Every witness duly subpoenaed to attend and give evidence at any criminal trial before any court of criminal jurisdiction, shall be bound to attend and remain in attendance throughout the trial. 39 V., c. 36, s. 1.

Judge may cause witness to be arrested to answer for his default.

211. Upon proof to the satisfaction of the judge, of the service of the subpoena upon any witness who fails to attend or remain in attendance, and that the presence of such witness is material to the ends of justice, he may, by his warrant, cause such witness to be apprehended and forthwith brought before him to give evidence and to answer for his disregard of the subpoena; and such witness may be detained on such warrant before the judge or in the common gaol, with a view to secure his presence as a witness, or, in the discretion of the judge, he may be released on a recognizance

with or without sureties, conditioned for his appearance to give evidence and to answer for his default in not attending or not remaining in attendance; and the judge may, in a summary manner, examine into and dispose of the charge against such witness, who, if he is found guilty thereof, shall be liable to a fine not exceeding one hundred dollars, or to imprisonment, with or without hard labor, for a term not exceeding ninety days, or to both. 39 V., c. 36, s. 2.

Punishment of witness found guilty of such default.

212. If any witness in any criminal case, cognizable by indictment in any court of criminal jurisdiction at any term, sessions or sittings of any such court in any part of Canada, resides in any part thereof, not within the ordinary jurisdiction of the court before which such criminal case is cognizable, such court may issue a writ of subpœna, directed to such witness, in like manner as if such witness was resident within the jurisdiction of the court; and if such witness does not obey such writ of subpœna, the court issuing the same may proceed against such witness for contempt or otherwise, or bind over such witness to appear at such days and time as are necessary, and upon default being made in such appearance, may cause the recognizances of such witness to be estreated, and the amount thereof to be sued for and recovered by process of law, in like manner as if such witness was resident within the jurisdiction of the court. 32-33 V., c. 29, s. 59.

Witnesses within Canada but without the jurisdiction of the court.

Punishment for disobeying subpœna.

213. When the attendance of any person confined in any penitentiary or in any prison or gaol in Canada, or upon the limits of any gaol, is required in any court of criminal jurisdiction in any case cognizable therein by indictment, the court before whom such prisoner is required to attend may, or any judge of such court, or of any superior court or county court may, before or during any such term or sittings at which the attendance of such person is required, make an order upon the warden of the penitentiary, or upon the sheriff, gaoler or other person having the custody of such prisoner, to deliver such prisoner to the person named in such order to receive him; and such person shall, at the time prescribed in such order, convey such prisoner to the place at which such person is required to attend, there to receive and obey such further order as to the said court seems meet. 32-33 V., c. 29, s. 60.

Witnesses confined in a penitentiary, &c.

214. No person offered as a witness shall, by reason of any alleged incapacity from crime or interest, be excluded from giving evidence on the trial of any criminal case, or in any proceeding relating or incidental to such case. 32-33 V., c. 29, s. 62, and c. 19, s. 54, *part*.

Who may be admitted as witnesses.

215. Every person so offered shall be admitted and be compellable to give evidence on oath, or solemn affirmation, where an affirmation is receivable, notwithstanding that such

An interest in the question, or a conviction not to disqualify.

person has or may have an interest in the matter in question, or in the event of the trial in which he is offered as a witness, or of any proceeding relating or incidental to such case, and notwithstanding that such person so offered as a witness has been previously convicted of a crime or offence. 32-33 V., c. 29, s. 63.

Defendant competent as witness in case of assault.

216. On the summary or other trial of any person upon any complaint, information or indictment, for common assault, or for assault and battery, the defendant shall be a competent witness for the prosecution or on his own behalf:

Evidence of wife or husband. If another crime is charged, but not proved.

2. On any such trial the wife or husband of the defendant shall be a competent witness on behalf of the defendant:

3. If another crime is charged, and the court having power to try the same is of opinion, at the close of the evidence for the prosecution, that the only case apparently made out is one of common assault, or of assault and battery, the defendant shall be a competent witness for the prosecution or on his own behalf, and his wife, or her husband, if the defendant is a woman, shall be a competent witness on behalf of the defendant, in respect of the charge of common assault, or assault and battery:

Application of section.

4. Except as in the next preceding sub-section mentioned, this section shall not apply to any prosecution in which any other crime than common assault, or assault and battery, is charged in the information or indictment. 43 V., c. 37, s. 2.

In other cases, accused or wife or husband not to give evidence.

217. Nothing herein contained shall, except as provided in the next preceding section, render any person who is charged, in any criminal proceeding, with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself, or shall render any person compellable to answer any question tending to criminate himself; and nothing herein contained shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband in any criminal proceeding. C. S. U. C., c. 32, s. 18;—R. S. N. S. (3rd S.), c. 135, s. 44, *part*;—19 V. (N.B.), c. 41, s. 2, *part*;—16 V. (P. E. I.), c. 12, s. 13, *part*.

Corroborative evidence necessary in forgery cases.

218. The evidence of any person interested or supposed to be interested in respect of any deed, writing, instrument or other matter given in evidence on the trial of any indictment or information against any person for any offence punishable under the "*Act respecting Forgery*," shall not be sufficient to sustain a conviction for any of the said offences unless the same is corroborated by other legal evidence in support of such prosecution. 32-33 V., c. 19, s. 54, *part*.

Certain persons may make solemn affirmation.

219. Any quaker or other person allowed by law to affirm instead of swearing in civil cases, or who solemnly declares that the taking of any oath is, according to his religious

belief, unlawful, who is required to give evidence in any criminal case shall, instead of taking an oath in the usual form, be permitted to make his solemn affirmation or declaration, beginning with the words following, that is to say : "I, (A. B.), do solemnly, sincerely and truly declare and affirm ;" which said affirmation or declaration shall be of the same force and effect as if such quaker or other person as aforesaid had taken an oath in the usual form. 32-33 V., c. 29, s. 61.

220. Whenever it is made to appear at the instance of the Crown, or of the prisoner or defendant, to the satisfaction of a judge of a superior court, or a judge of a county court having criminal jurisdiction, that any person who is dangerously ill, and who, in the opinion of some licensed medical practitioner is not likely to recover from such illness, is able and willing to give material information relating to any indictable offence, or relating to any person accused of any such offence, such judge may, by order under his hand, appoint a commissioner to take in writing the statement on oath or affirmation of such person :

Commissioner may be appointed to take evidence of person dangerously ill.

2. Such commissioner shall take such statement and shall subscribe the same and add thereto the names of the persons, if any, present at the taking thereof, and if the deposition relates to any indictable offence for which any accused person is already committed or bailed to appear for trial, shall transmit the same, with the said addition, to the proper officer of the court for trial at which such accused person has been so committed or bailed ; and in every other case he shall transmit the same to the clerk of the peace of the county, division or city in which he has taken the same, and such clerk of the peace shall preserve the same and file it of record, and, upon order of the court or of a judge, transmit the same to the proper officer of the court where the same shall be required to be used as evidence :

To be transmitted to the proper officers.

3. If afterwards, upon the trial of any offender or offence to which the same relates, the person who made the statement is proved to be dead, or if it is proved that there is no reasonable probability that such person will ever be able to attend at the trial to give evidence, such statement may, upon the production of the judge's order appointing such commissioner, be read in evidence, either for or against the accused, without further proof thereof,—if the same purports to be signed by the commissioner by or before whom it purports to have been taken, and if it is proved to the satisfaction of the court that reasonable notice of the intention to take such statement was served upon the person (whether prosecutor or accused) against whom it is proposed to be read in evidence, and that such person or his counsel or attorney had, or might have had, if he had chosen to be present, full opportunity of cross-examining the person who made the same. 43 V., c. 35, ss. 1 and 3, part.

Statement may be read in evidence if deponent is dead or not able to attend.

How prisoner
may be
present at the
taking of such
statement.

221. Whenever a prisoner in actual custody is served or receives notice of an intention to take such statement as hereinbefore mentioned, the judge who has appointed the commissioner may, by an order in writing, direct the gaoler having the custody of the prisoner to convey him to the place mentioned in the said notice, for the purpose of being present at the taking of the statement; and such gaoler shall convey the prisoner accordingly, and the expenses of such conveyance shall be paid out of the funds applicable to the other expenses of the prison from which the prisoner has been conveyed. 43 V., c. 35, ss. 2 and 3, *part.*

Depositions of
persons
dying, absent,
&c., how to
be used.

222. If, upon the trial of any accused person, it is proved upon the oath or affirmation of any credible witness, that any person whose deposition has been taken by a justice in the preliminary or other investigation of any charge, is dead, or is so ill as not to be able to travel, or is absent from Canada, and if it is also proved that such deposition was taken in the presence of the person accused, and that he, his counsel or attorney, had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the justice by or before whom the same purports to have been taken, it shall be read as evidence in the prosecution, without further proof thereof, unless it is proved that such deposition was not in fact signed by the justice purporting to have signed the same. 32-33 V., c. 30, s. 30, *part.*

Statement of
accused may
be given in
evidence.

223. The statement made by the accused person before the justice may, if necessary, upon the trial of such person, be given in evidence against him without further proof thereof, unless it is proved that the justice purporting to have signed the same did not in fact sign the same. 32-33 V., c. 30, s. 34.

Depositions
taken on one
charge may
be read in
prosecution
of others.

224. Depositions taken in the preliminary or other investigation of any charge against any person may be read as evidence in the prosecution of such person for any other offence whatsoever, upon the like proof and in the same manner, in all respects, as they may, according to law, be read in the prosecution of the offence with which such person was charged when such depositions were taken. 32-33 V., c. 29, s. 58.

Certificate of
trial at which
perjury was
committed,
sufficient evi-
dence of trial.

225. A certificate, containing the substance and effect only, omitting the formal part, of the indictment and trial for any felony or misdemeanor, purporting to be signed by the clerk of the court or other officer having the custody of the records of the court whereat the indictment was tried, or among which such indictment has been filed, or by the deputy of such clerk or other officer, shall, upon the trial of an indictment for perjury or subornation of perjury, be sufficient evidence of the trial of such indictment for felony or mis-

demeanor, without proof of the signature or official character of the person appearing to have signed the same. 32-33 V., c. 23, s. 11.

226. Whenever, upon the trial of any offence, it is necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete on proof of any degree of penetration only. 32-33 V., c. 20, s. 65.

What shall be evidence of carnal knowledge.

227. The trial of any woman charged with the murder of any issue of her body, male or female, which, being born alive, would, by law, be bastard, shall proceed and be governed by such and like rules of evidence and presumption as are by law used and allowed to take place in respect to other trials for murder. 32-33 V., c. 20, s. 62.

Evidence at trial for child murder.

228. In any prosecution, proceeding or trial for any offence under the eighty-seventh section of "*The Larceny Act*," a timber mark, duly registered under the provisions of the "*Act respecting the Marking of Timber*," on any timber, mast, spar, saw-log, or other description of lumber, shall be *prima facie* evidence that the same is the property of the registered owner of such timber mark; and possession by any offender, or by others in his employ, or on his behalf, of any such timber, mast, spar, saw-log or other description of lumber so marked, shall, in all cases, throw upon the person charged with any such offence the burden of proving that such timber, mast, spar, saw-log or other description of lumber, came lawfully into his possession, or the possession of such others in his employ or on his behalf as aforesaid. 38 V., c. 40, s. 1, *part*.

What shall be evidence of ownership of timber.

Proof of lawful possession of marked timber to lie on accused.

229. When, upon the trial of any person, it becomes necessary to prove that any coin produced in evidence against such person is false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the evidence of any moneyer or other officer of Her Majesty's mint, or other person employed in producing the lawful coin in Her Majesty's dominions or elsewhere, whether the coin counterfeited is current coin, or the coin of any foreign prince, state or country, not current in Canada, but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness. 32-33 V., c. 18, s. 30.

What shall be evidence of coin being false or counterfeit.

230. A certificate, containing the substance and effect only, omitting the formal part, of any previous indictment and conviction for any felony or misdemeanor, or a copy of any summary conviction, purporting to be signed by the clerk of the court or other officer having the custody of the records of the court before which the offender was first con-

Certificate by proper officer of previous conviction to be evidence.

victed, or to which such summary conviction was returned, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of such conviction, without proof of the signature or official character of the person appearing to have signed the same. 32-33 V., c. 29, s. 26, *part.*

Proof of previous conviction of a witness may be given, if he denies it, &c.

231. A witness may be questioned as to whether he has been convicted of any felony or misdemeanor, and upon being so questioned, if he either denies the fact or refuses to answer, the opposite party may prove such conviction; and a certificate, as provided in the next preceding section, shall, upon proof of the identity of the witness, as such convict, be sufficient evidence of his conviction, without proof of the signature or the official character of the person appearing to have signed the certificate. 32-33 V., c. 29, s. 65.

When attesting witness need not be called.

232. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite; and such instrument may be proved by admission or otherwise as if there had been no attesting witness thereto. 32-33 V., c. 29, s. 66.

Comparison of disputed writing with genuine.

233. Comparison of a disputed writing with any writing proved to the satisfaction of the court to be genuine, shall be permitted to be made by witnesses; and such writings and the evidence of witnesses respecting the same may be submitted to the court and jury, as evidence of the genuineness or otherwise of the writing in dispute. 32-33 V., c. 29, s. 67.

How far a party may discredit his own witness.

234. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but if the witness, in the opinion of the court, proves adverse, such party may contradict him by other evidence, or, by leave of the court, may prove that the witness made at other times a statement inconsistent with his present testimony; but before such last mentioned proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, shall be mentioned to the witness, and he shall be asked whether or not he did make such statement. 32-33 V., c. 29, s. 68.

Cross-examination as to previous statements in writing.

235. Upon any trial, a witness may be cross-examined as to previous statements made by him in writing, or reduced to writing, relative to the subject matter of the case, without such writing being shown to him; but if it is intended to contradict the witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him; and the judge at any time during the trial may require the production of the writing

for his inspection, and he may thereupon make such use of it for the purposes of the trial as he thinks fit: Provided, that a deposition of the witness, purporting to have been taken before a justice on the investigation of the charge, and to be signed by the witness and the justice, returned to and produced from the custody of the proper officer, shall be presumed *primâ facie* to have been signed by the witness. 32-33 V., c. 29, s. 64;—40 V., c. 26, s. 5.

PROVIDO:
proof of depo-
sition of
witness.

236. If a witness, upon cross-examination as to a former statement made by him, relative to the subject matter of the case, and inconsistent with his present testimony, does not distinctly admit that he did make such statement, proof may be given that he did in fact make it; but before such proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, shall be mentioned to the witness, and he shall be asked whether or not he did make such statement. 32-33 V., c. 29, s. 69.

Proof or con-
tradictory
statements by
witness.

VARIANCES—RECORDS.

237. Whenever, in the indictment whereon a trial is pending before any court of criminal jurisdiction in Canada, any variance appears between any matter in writing or in print produced in evidence, and the recital or setting forth thereof, such court may cause the indictment to be forthwith amended in such particular or particulars, by some officer of the court, and after such amendment the trial shall proceed in the same manner in all respects, both with regard to the liability of witnesses to be indicted for perjury, and otherwise, as if no such variance had appeared. 32-33 V., c. 29, s. 70.

Variances,
how cor-
rected.

238. Whenever, on the trial of an indictment for any felony or misdemeanor, any variance appears between the statement in such indictment and the evidence offered in proof thereof, in names, dates, places or other matters or circumstances therein mentioned, not material to the merits of the case, and by the misstatement whereof the person on trial cannot be prejudiced in his defence on such merits, the court before which the trial is pending may order such indictment to be amended according to the proof, by some officer of the court or other person—both in that part of the indictment where the variance occurs, and in every other part of the indictment which it may become necessary to amend—on such terms as to postponing the trial to be had before the same or another jury as such court thinks reasonable; and if the trial is postponed the court may respite the recognizances of the prosecutor and witnesses, and of the defendant and his sureties, if any,—in which case they shall respectively be bound to attend at the time and place to which the trial is postponed, without entering into new

Court may
order indict-
ment to be
amended, to
agree with
evidence.

Conditions
may be im-
posed by the
court.

recognizances, and as if such time and place had been mentioned in the recognizances respited, as those at which they were respectively bound to appear. 32-33 V., c. 29, s. 71.

How trial may be afterwards proceeded with.

239. After any such amendment the trial shall proceed, whenever the same is proceeded with, in the same manner and with the same consequences, both with respect to the liability of witnesses to be indicted for perjury and in all other respects, as if no such variance had occurred. 32-33 V., c. 29, s. 72.

Order for amending to be recorded.

240. In such case the order for the amendment shall be indorsed on the record; and all other rolls and proceedings connected therewith shall be amended accordingly by the proper officer and filed with the indictment, among the proper records of the court. 32-33 V., c. 29, s. 73.

In case of trial before a second jury.

241. When any such trial is had before a second jury, the Crown and the defendant respectively shall be entitled to the same challenges as they were entitled to with respect to the first jury. 32-33 V., c. 29, s. 74.

Verdict, &c., to be valid after amendment.

242. Every verdict and judgment given after the making of any such amendment shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it is after such amendment has been made. 32-33 V., c. 29, s. 75.

Formal record, how to be drawn up.

243. If it becomes necessary to draw up a formal record in any case in which an amendment has been made as aforesaid, such record shall be drawn up in the form in which the indictment remained after the amendment was made, without taking any notice of the fact of such amendment having been made. 32-33 V., c. 29, s. 76.

Record of conviction or acquittal.

244. In making up the record of any conviction or acquittal on any indictment, it shall be sufficient to copy the indictment with the plea pleaded thereto, without any formal caption or heading; and the statement of the arraignment and the proceedings subsequent thereto, shall be entered of record in the same manner as before the passing of this Act, subject to any such alterations in the forms of such entry as are, from time to time, prescribed by any rule or rules of the superior courts of criminal jurisdiction respectively,—which rules shall also apply to such inferior courts of criminal jurisdiction as are therein designated. 32-33 V., c. 29, s. 77.

FORMAL DEFECTS CURED AFTER VERDICT.

What defects not to vitiate judgment after verdict

245. No judgment upon any indictment for any felony or misdemeanor, whether after verdict or outlawry, or by confession, default or otherwise, shall be stayed or reversed

for want of the averment of any matter unnecessary to be proved,—nor for the omission of the words “as appears by the record,” or of the words “with force and arms,” or of the words “against the peace,” nor for the insertion of the words “against the form of the statute,” instead of the words “against the form of the statutes,” or *vice versa*, or the omission of such words or words of like import,—nor because any person mentioned in the indictment is designated by a name of office or other descriptive appellation, instead of his proper name, nor for want of or any imperfection in the addition of any defendant or other person,—nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information, or on an impossible day, or on a day that never happened,—nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury or spoil, in any case where such value, price, damage, injury or spoil, is not of the essence of the offence,—nor for the want of a proper or perfect venue, where the court appears by the indictment to have had jurisdiction over the offence. 32-33 V., c. 29, s. 78.

or conviction
by confession
or otherwise.

246. Judgment, after verdict upon an indictment for any felony or misdemeanor, shall not be stayed or reversed for want of a *similiter*,—nor by reason that the jury process has been awarded to a wrong officer, upon an insufficient suggestion,—nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors,—nor because any person has served upon the jury who was not returned as a juror by the sheriff or other officer; and where the offence charged is an offence created by any statute, or subjected to a greater degree of punishment by any statute, the indictment shall, after verdict, be held sufficient, if it describes the offence in the words of the statute creating the offence, or prescribing the punishment, although they are disjunctively stated or appear to include more than one offence, or otherwise. 32-33 V., c. 29, s. 79.

Certain formal defects not to stay or reverse judgment after verdict.

247. No omission to observe the directions contained in any Act as respects the qualification, selection, balloting or distribution of jurors, the preparation of the juror's book, the selecting of jury lists, the drafting panels from the jury lists or the striking of special juries, shall be a ground for impeaching any verdict, or shall be allowed for error upon any writ of error or appeal to be brought upon any judgment rendered in any criminal case. C. S. U. C., c. 31, s. 139.

Verdict not to be impeached for certain omissions as to jurors.

COSTS.

248. When any person is convicted on any indictment of any assault whether with or without battery and wound-

On conviction for assault defendant

may be ordered to pay prosecutor's costs.

ing, or either of them, such person may, if the court thinks fit, in addition to any sentence which the court deems proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses of the prosecution, and such moderate allowance for loss of time as the court, by affidavit or other inquiry and examination, ascertains to be reasonable; and unless the sums so awarded are sooner paid, the offender shall be liable to imprisonment for any term not exceeding three months, in addition to the term of imprisonment, if any, to which the offender is sentenced for the offence. 32-33 V., c. 20, s. 78.

Such costs may be levied by distress.

249. The court may, by warrant in writing, order such sum as is so awarded, to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor, and the surplus, if any, arising from such sale, to the owner; and if such sum is so levied, the offender shall be released from such imprisonment. 32-33 V., c. 20, s. 79.

RESTITUTION OF STOLEN PROPERTY.

Restitution of stolen property after conviction.

250. If any person who is guilty of any felony or misdemeanor, in stealing, taking, obtaining, extorting, embezzling, appropriating, converting or disposing of, or in knowingly receiving any chattel, money, valuable security, or other property whatsoever, is indicted for such offence, by or on behalf of the owner of the property, or his executor or administrator, and convicted thereof, the property shall be restored to the owner or his representative:

Writs of restitution.

2. In every such case, the court before whom such person is tried for any such felony or misdemeanor, shall have power to award, from time to time, writs of restitution for the said property or to order the restitution thereof in a summary manner; and the court may also, if it sees fit, award restitution of the property taken from the prosecutor, or any witness for the prosecution, by such felony or misdemeanor, although the person indicted is not convicted thereof, if the jury declares, as it may do, that such property belongs to such prosecutor or witness, and that he was unlawfully deprived of it by such felony or misdemeanor:

Restitution in other cases.

As to valuable and negotiable securities.

3. If it appears before any award or order is made, that any valuable security has been *bonâ fide* paid or discharged by any person liable to the payment thereof, or being a negotiable instrument, has been *bonâ fide* taken or received by transfer or delivery, by any person, for a just and valuable consideration, without any notice or without any reasonable cause to suspect that the same had, by any felony or misdemeanor, been stolen, taken, obtained, extorted, embezzled, converted or disposed of, the court shall not award or order the restitution of such security:

Not to apply to certain offenders.

4. Nothing in this section contained shall apply to the case of any prosecution of any trustee, banker, merchant,

attorney, factor, broker or other agent intrusted with the possession of goods or documents of title to goods, for any misdemeanor under "*The Larceny Act.*" 32-33 V., c. 21, s. 113.

251. When any prisoner has been convicted, either summarily or otherwise, of any larceny or other offence, including the stealing or unlawfully obtaining any property, and it appears to the court, by the evidence, that the prisoner sold such property or part of it to any person who had no knowledge that it was stolen or unlawfully obtained, and that money has been taken from the prisoner on his apprehension, the court may, on the application of such purchaser and on restitution of the property to its owner, order that out of the money so taken from the prisoner, a sum not exceeding the amount of the proceeds of the sale be delivered to such purchaser. 32-33 V., c. 21, s. 114.

Restitution in certain cases out of money taken from the prisoner.

INSANE PRISONERS.

252. Whenever it is given in evidence upon the trial of any person charged with any offence, whether the same is treason, felony or misdemeanor, that such person was insane at the time of the commission of such offence, and such person is acquitted, the jury shall be required to find, specially, whether such person was insane at the time of the commission of such offence, and to declare whether he is acquitted by it on account of such insanity; and if it finds that such person was insane at the time of committing such offence, the court before which such trial is had, shall order such person to be kept in strict custody in such place and in such manner as to the court seems fit, until the pleasure of the Lieutenant Governor is known. 32-33 V., c. 29, s. 99.

Jury acquitting prisoner on ground of insanity, to state so in their verdict.

253. The Lieutenant Governor of the Province in which the case arises may, thereupon, make such order for the safe custody of such person during his pleasure, in such place and in such manner as to him seems fit. 32-33 V., c. 29, s. 100.

Such person may be ordered to be kept in custody.

254. If any person, before the passing of this Act, whether before or after the first day of July, one thousand eight hundred and sixty-seven, was acquitted of any such offence on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person by order of the court before which such person was tried, and still remains in custody, the Lieutenant Governor may make a like order for the safe custody of such person during pleasure. 32-33 V., c. 29, s. 101;—40 V., c. 26, s. 7.

Lt. Governor may give like order in certain other cases.

255. If any person indicted for any offence is insane, and upon arraignment is so found by a jury empanelled for that purpose, so that such person cannot be tried upon such

Provisions with respect to persons indicted for

any offence, and found to be insane by a jury.

indictment, or if, upon the trial of any person so indicted, such person appears to the jury charged with the indictment to be insane, the court, before which such person is brought to be arraigned, or is tried as aforesaid, may direct such finding to be recorded, and thereupon may order such person to be kept in strict custody until the pleasure of the Lieutenant Governor is known. 32-33 V., c. 29, s. 102.

And in the case of a prisoner about to be discharged for want of prosecution.

256. If any person charged with an offence is brought before any court to be discharged for want of prosecution, and such person appears to be insane, the court shall order a jury to be empanelled to try the sanity of such person; and if the jury so empanelled finds him insane, the court shall order such person to be kept in strict custody, in such place and in such manner as to the court seems fit, until the pleasure of the Lieutenant Governor is known. 32-33 V., c. 29, s. 103.

In such cases Lt. Governor may give orders, &c.

257. In all cases of insanity so found, the Lieutenant Governor may make such order for the safe custody, during pleasure, of the person so found to be insane, in such place and in such manner as to him seems fit. 32-33 V., c. 29, s. 104.

Removal and custody of insane prisoners.

258. The Lieutenant Governor, upon such evidence of the insanity of any person imprisoned for an offence, or imprisoned for safe custody charged with an offence, or imprisoned for not finding bail for good behavior or to keep the peace, as the Lieutenant Governor considers sufficient, may order the removal of such insane person to a place of safe keeping; and such person shall remain there, or in such other place of safe keeping, as the Lieutenant Governor from time to time orders, until his complete or partial recovery is certified to the satisfaction of the Lieutenant Governor, who may then order such insane person back to imprisonment, if then liable thereto, or otherwise to be discharged. 36 V., c. 51, s. 1.

CROWN CASES RESERVED.

In certain cases questions of law may be reserved.

259. Every court before which any person is convicted on indictment of any treason, felony or misdemeanor, and every judge within the meaning of "*The Speedy Trials Act*," trying any person under such Act, may, in its or his discretion, reserve any question of law which arises on the trial, for the consideration of the justices of the court for Crown cases reserved, and thereupon may respite execution of the judgment on such conviction, or postpone the judgment, until such question has been considered and decided; and in either case the court before which the person is convicted may, in its discretion, commit the person convicted to prison, or take a recognizance of bail, with one or two sufficient sureties, in such sum as such court thinks fit, conditioned

Committal or admission to bail in such case.

for his appearance at such time as such court directs, to receive judgment or to render himself in execution, as the case may be. 38 V., c. 45, s. 1;—46 V., c. 10, s. 5, *part*;—49 V., c. 47, s. 1;—C. S. U. C., c. 112, s. 1;—C. S. L. C., c. 77, s. 57;—R. S. N. S. (3rd S.), c. 171, s. 99, *part*;—1 R. S. N. B., c. 159, s. 22, *part*.

260. The judge or other person presiding at the court before which the person is convicted, shall thereupon state in a case to be signed by such judge or other person, any question of law so reserved, with the special circumstances upon which the same arose; and such case shall be transmitted by such judge, or other person, to the court for Crown cases reserved, on or before the last day of the first week of the term of such court next after the time when such trial was had. C. S. U. C., c. 112, s. 2;—C. S. L. C., c. 77, s. 58, *part*;—R. S. N. S. (3rd S.), c. 171, s. 100;—1 R. S. N. B., c. 159, s. 23, *part*.

Judge to state and sign a case.

Transmission thereof.

261. The justices of the court for Crown cases reserved, to which the case is transmitted, shall hear and finally determine such question, and reverse, affirm or amend any judgment given on the trial wherein such question arose, or shall avoid such judgment or order an entry to be made on the record, that in the judgment of such justices the person convicted ought not to have been convicted, or shall arrest the judgment, or if no judgment has been given, shall order judgment to be given thereon at some future session of the court before which the person was convicted, or shall make such other order as justice requires. C. S. U. C., c. 112, s. 3;—C. S. L. C., c. 77, s. 58, *part*;—R. S. N. S. (3rd S.), c. 171, s. 101;—1 R. S. N. B., c. 159, s. 23, *part*.

Proceedings thereupon in court for Crown cases reserved.

262. The judgment and order of such justices shall be certified under the hand of the chief justice, president or senior judge of the court for Crown cases reserved, to the clerk of the court before which the person was convicted, who shall enter the same on the original record in proper form, and a certificate of such entry, under the hand of such clerk, in the form as near as may be, or to the effect mentioned in the third schedule to this Act, with the necessary alterations to adapt it to the circumstances of the case, shall be delivered or transmitted by him to the sheriff or gaoler in whose custody the person convicted is; and the said certificate shall be sufficient warrant to such sheriff or gaoler, and all other persons, for the execution of the judgment, as so certified to have been affirmed or amended, and execution shall thereupon be carried out on such judgment, or if the judgment has been reversed, avoided or arrested, the person convicted shall be discharged from further imprisonment, and the court before which the person was convicted shall, at its next session, vacate the recognizance of bail, if

How judgment or order shall be certified.

Entry and certificate thereof.

Effect of such certificate.

any; or if the court before which the person was convicted is directed to give judgment, such court shall proceed to give judgment at the next session thereof. 46 V., c. 10, s. 5, *part*;—C. S. U. C., c. 112, s. 4;—C. S. L. C., c. 77, s. 59;—R. S. N. S. (3rd S.), c. 171, s. 102;—1 R. S. N. B., c. 159, s. 23, *part*.

How the judgment shall be delivered.

263. The judgment of the justices of the court for Crown cases reserved shall be delivered in open court, after hearing counsel or the parties, in case the prosecutor or person convicted thinks it fit that the case should be argued, in like manner as other judgments of such court are delivered, but no notice, appearance or other form of procedure, except such only as such justices in such case see fit to direct, shall be requisite. C. S. U. C., c. 112, s. 5;—C. S. L. C., c. 77, s. 60;—R. S. N. S. (3rd S.), c. 171, s. 103.

Case may be sent back for amendment.

264. The justices of the court for Crown cases reserved, when any question has been so reserved for their consideration, may cause the case or certificate to be sent back for amendment, and thereupon the same shall be amended accordingly, and judgment may be delivered after it has been amended. C. S. U. C., c. 112, s. 6;—C. S. L. C., c. 77, s. 61;—1 R. S. N. B., c. 159, s. 24.

WRITS OF ERROR.

Writs of error, how tested and returnable.

265. Writs of error shall run in the name of the Queen, and shall be tested and returnable according to the practice of the court granting such writ, and shall, in the province of Quebec, operate a stay of execution of the judgment of the court below. C. S. U. C., c. 113, s. 16, *part*;—C. S. L. C., c. 77, s. 56, *part*.

On what such writ shall be founded.

266. No writ of error shall be allowed in any criminal case unless it is founded on some question of law which could not have been reserved, or which the judge presiding at the trial refused to reserve for the consideration of the court having jurisdiction in such cases. 32-33 V., c. 29, s. 80, *part*.

Proceedings in court of error.

267. Whenever in a criminal case any writ of error has been brought upon any judgment or any indictment, information, presentment or inquisition, and the court of error reverses the judgment, the court of error may either pronounce the proper judgment, or remit the record to the court below, in order that such court may pronounce the proper judgment upon such indictment, information, presentment or inquisition. C. S. U. C., c. 113, s. 17;—C. S. L. C., c. 77, s. 62;—1 R. S. N. B., c. 160, s. 1.

NEW TRIALS.

268. A new trial shall not be granted in any criminal case unless the conviction is declared bad for a cause which makes the former trial a nullity so that there was no lawful trial in the case: Provided that a new trial may be granted in cases of misdemeanor in which, by law, new trials may now be granted, and that nothing herein contained shall interfere with the power of the Supreme Court of Canada to grant a new trial, as provided in "*The Supreme and Exchequer Courts Act*," 32-33 V., c. 29, s. 80, *part*.

When a new trial may and may not be granted.

SPECIAL PROVISIONS.

269. Any judge, retired judge, or Queen's counsel presiding at any sittings of the High Court of Justice of Ontario may reserve the giving of his final decision on questions raised at the trial; and his decision, whenever given, shall be considered as if given at the time of the trial.

Judge, &c., in Ontario may reserve decision.

46 V., c. 10, s. 1.

270. The practice and procedure in all criminal cases and matters whatsoever in the said High Court of Justice shall be the same as the practice and procedure in similar cases and matters before the establishment of the said High Court.

Practice and procedure in criminal cases.

46 V., c. 10, s. 2.

271. If any general commission for the holding of a court of assize and nisi prius, oyer and terminer or general gaol delivery is issued by the Governor General for any county or district in the Province of Ontario, such commission shall contain the names of the justices of the Supreme Court of Judicature for Ontario, and may also contain the names of the judges of any of the county courts in Ontario, 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 if any such commission is for a provisional judicial district such commission may contain the name of the judge of the district court of the said district:

Who may be commissioned for holding assizes, &c.

2. The said courts shall be presided over by one of the justices of the said Supreme Court, or in their absence by one of such county court judges or by one of such counsel, or in the case of the said district by the judge of the said district court.

Who shall preside.

272. It shall not be necessary for any court of General Sessions in the Province of Ontario to deliver the gaol of all prisoners who are confined upon charges of simple larceny, but the court may leave any such cases to be tried at the next court of oyer and terminer and general gaol delivery, if, by reason of the difficulty or importance of the case, or for any other cause, it appears to it proper so to do. C. S. U. C., c. 17, s. 8.

Court not required to deliver the gaol.

Defendant in misdemeanor may not postpone trial by imparlance.

273. If any person is prosecuted in either division of the High Court of Justice for Ontario, for any misdemeanor, by information there filed or by indictment there found, or removed into such court, and appears therein in term time, in person, or, in case of a corporation, by attorney, to answer to such information or indictment, such defendant, upon being charged therewith, shall not imparl to a following term, but shall plead or demur thereto, within four days from the time of his appearance; and in default of his pleading or demurring within four days as aforesaid, judgment may be entered against such defendant for want of a plea. C. S. U. C., c. 108, s. 1.

Defendant may be required to plead forthwith.

274. If such defendant appears to such information or indictment by attorney, such defendant shall not imparl to a following term, but a rule, requiring him to plead, may forthwith be given and served, and a plea to such information or indictment may be enforced, or judgment in default may be entered, in the same manner as might have been done formerly in cases in which the defendant had appeared to such information or indictment by attorney in a previous term; but the court, or any judge thereof, upon sufficient cause shown for that purpose, may allow further time for such defendant to plead or demur to such information or indictment. C. S. U. C., c. 108, s. 2.

Time may be allowed.

Provision if defendant is not brought to trial within 12 months.

275. If any prosecution for misdemeanor instituted by the Attorney General for Ontario in the said court, is not brought to trial within twelve months next after the plea of not guilty has been pleaded thereto, the court in which such prosecution is depending, upon application made on behalf of any defendant in such prosecution, of which application twenty days' previous notice shall be given to such Attorney General, may make an order, authorizing such defendant to bring on the trial of such prosecution; and thereupon such defendant may bring on such trial accordingly, unless a *nolle prosequi* is entered to such prosecution. C. S. U. C., c. 108, s. 4.

Calendar of criminal cases for grand jury in N. S.

276. In the Province of Nova Scotia a calendar of the criminal cases shall be sent by the clerk of the Crown to the grand jury in each term, together with the depositions taken in each case and the names of the different witnesses, and the indictments shall not be made out, except in Halifax, until the grand jury so directs. R. S. N. S. (3rd S.), c. 123, s. 17.

When sentence may be pronounced in N. S.

277. A judge of the Supreme Court of Nova Scotia may sentence convicted criminals on any day of the sittings at Halifax, as well as in term time. R. S. N. S. (3rd S.), c. 171, s. 75.

GENERAL PROVISIONS.

278. The several forms in the schedules to this Act, or forms to the like effect, shall be good, valid and sufficient in law, and the forms of indictment contained in the second schedule to this Act may be used, and shall be sufficient as respects the several offences to which they respectively relate; and as respects offences not mentioned in such second schedule, the said forms shall serve as a guide to show the manner in which offences are to be charged, so as to avoid surplusage and verbiage, and the averment of matters not necessary to be proved, and the indictment shall be good if, in the opinion of the court, the prisoner will sustain no injury from its being held to be so, and the offence or offences intended to be charged by it can be understood from it.

Forms in schedule to be sufficient.

As to offences not mentioned.

32-33 V., c. 29, s. 27, and c. 30, s. 66.

279. Nothing herein contained shall alter or affect any of the laws relating to the government of Her Majesty's land or naval forces.

Army and navy laws not affected.

32-33 V., c. 29, s. 137.

FIRST SCHEDULE.

(A.)

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

Canada,
 Province of
 district (or county,
 united counties, or
 as the case may be),
 of

The information and complaint of C. D. of (yeoman), taken this day of , in the year before the undersigned, , a justice of the peace in and for the said district (or county, or as the case may be), of , who says that (&c., stating the offence).

Sworn (or affirmed) before (me) the day and year first above mentioned, at

J. S.

(B.)

WARRANT TO APPREHEND A PERSON CHARGED WITH AN
INDICTABLE OFFENCE.

Canada,
Province of
district (or county,
united counties, or
as the case may be),
of

To all or any of the constables or other peace officers in the said district (or county, united counties, or as the case may be), of

Whereas A. B., of (laborer), has this day been charged upon oath before the undersigned , a justice of the peace in and for the said district (or county, united counties, or as the case may be), of , for that he, on , at , did (&c., stating shortly the offence): These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (me) or some other justice of the peace in and for the said district (or county, united counties, or as the case may be), of , to answer unto the said charge, and to be further dealt with according to law.

Given under (my) hand and seal, this day of at , in the district (county, &c.), aforesaid.

J. S. [L.S.]

(C.)

SUMMONS TO A PERSON CHARGED WITH AN INDICTABLE
OFFENCE.

Canada,
Province of
district (or county,
united counties, or
as the case may be),
of

To A. B., of , (laborer):

Whereas you have this day been charged before the undersigned , a justice of the peace in and for the said district (or county, united counties, or as the case may be), of for that you on , at (&c., stating shortly the offence): These are therefore to command you, in Her Majesty's name, to be and appear before (me) on , at o'clock in the (fore) noon, at , or before such other justice or justices of the peace for the same district (or county, united counties, or as the case may be), of , as shall then

be there, to answer to the said charge, and to be further dealt with according to law. Herein fail not.

Given under (*my*) hand and seal, this day of , in the year , at , in the district (or county, &c.), aforesaid.

J. S. [L. s.]

(D.)

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Canada, }
Province of }
district (or county, }
united counties, or }
as the case may be), }
of }

To all or any of the constables, or other peace officers in the said district (or county, united counties, or as the case may be), of :

Whereas on the day of (instant or last past) A. B., of the , was charged before (*me* or *us*), the undersigned (or *name the justice or justices, or as the case may be*), (*a*) justice of the peace in and for the said district (or county, united counties, as the case may be), of for that (&c., as in the summons); and whereas (*I, or he the said justice of the peace, or we or they, the said justices of the peace*) did then issue (*my, our, his or their*) summons to the said A. B., commanding him, in Her Majesty's name, to be and appear before (*me*) on at o'clock in the (fore) noon, at , or before such other justice or justices of the peace as should then be there, to answer to the said charge and to be further dealt with according to law; and whereas the said A. B. has neglected to be or appear at the time and place appointed in and by the said summons, although it has now been proved to (*me*) upon oath that the said summons was duly served upon the said A. B.: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (*me*) or some other justice of the peace in and for the said district (or county, united counties, or as the case may be), of , to answer the said charge, and to be further dealt with according to law.

Given under (*my*) hand and seal, this day of in the year , at , in the district (or county, &c.), aforesaid.

J. S. [L.S.]

(D. 2.)

WARRANT TO APPREHEND A PERSON CHARGED WITH AN INDICTABLE OFFENCE COMMITTED ON THE HIGH SEAS OR ABROAD.

For offences committed on the high seas the warrant may be the same as in ordinary cases, but describing the offence to have been committed "on the high seas, out of the body of any district or county of Canada and within the jurisdiction of the Admiralty of England."

For offences committed abroad, for which the parties may be indicted in Canada, the warrant also may be the same as in ordinary cases, but describing the offence to have been committed "on land out of Canada, to wit: at _____ in the Kingdom of _____, or, at _____, in the Island of _____, in the West Indies, or at _____, in the East Indies," or as the case may be.

(E.)

CERTIFICATE OF INDICTMENT BEING FOUND.

I hereby certify that at a Court of (Oyer and Terminer, or General Gaol Delivery, or General Sessions of the Peace) holden in and for the district (or county, united counties, or as the case may be), of _____, at _____, in the said district, (county, &c.), on _____, a bill of indictment was found by the grand jury against A. B., therein described as A. B., late of _____ (laborer), for that he (&c., stating shortly the offence), and that the said A. B. has not appeared or pleaded to the said indictment.

Dated this _____ day of _____, in the year

Z. X.
Clerk.

Clerk of the Crown, (or deputy clerk of the Crown) for the district (or county, united counties, or as the case may be);

or

Clerk of the peace of and for the said district (or county, united counties, or as the case may be).

(F.)

WARRANT TO APPREHEND A PERSON INDICTED.

Canada,
 Province of
 district (or county,
 united counties, or
 as the case may be),
 of

To all or any of the constables or other peace officers in the said district (or county, united counties, or as the case may be), of

Whereas it has been duly certified by J. D., clerk of the Crown, of (name the court) (or E. G., deputy clerk of the Crown or clerk of the peace, as the case may be), in and for the district (or county, united counties, or as the case may be), of , that (&c., stating the certificate): These are therefore to command you in Her Majesty's name forthwith to apprehend the said A. B., and to bring him before (me) or some other justice or justices of the peace in and for the said district (or county, united counties, or as the case may be), to be dealt with according to law.

Given under my hand and seal, this day of
 in the year , at , in the district (or
 county, &c.), aforesaid.

J. S. [L. S.]
 J. P.

(G.)

WARRANT OF COMMITMENT OF A PERSON INDICTED.

Canada,
 Province of
 district (or county,
 united counties, or
 as the case may be),
 of

To all or any of the constables, or other peace officers in the said district (or county, &c.), of , and the keeper of the common gaol, at , in the said district (or county, united counties, or as the case may be), of

Whereas by a warrant under the hand and seal of (a) justice of the peace in and for the said district (or county, united counties, or as the case may be), of under hand and seal, dated , after reciting that it had been certified by J. D., (&c., as in the certificate), () the said justice of the peace commanded all or any of the constables, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (him) the said justice of the peace in and for the said district (or

county, united counties, or as the case may be), of before some other justice or justices in and for the said district (or county, united counties, or as the case may be), to be dealt with according to law; and whereas the said A. B. has been apprehended under and by virtue of the said warrant, and being now brought before (me) it is hereupon duly proved to (me) upon oath that the said A. B. is the same person who is named and charged by , in the said indictment: These are therefore to command you, the said constables and peace officers, or any of you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said common gaol at , in the said district (or county, united counties, or as the case may be), of and there to deliver him to the keeper thereof, together with this precept; and (I) hereby command you the said keeper to receive the said A. B., into your custody in the said gaol, and him there safely to keep until he shall thence be delivered by due course of law.

Given under (my) hand and seal, this day of in the year , at , in the district (or county, &c.), aforesaid.

J. S. [L.S.]
J. P.

(H.)

WARRANT TO DETAIN A PERSON INDICTED WHO IS ALREADY IN CUSTODY FOR ANOTHER OFFENCE.

Canada,)
Province of)
district (or county,)
united counties, or)
as the case may be),)
of)

To the keeper of the common gaol at in the said district (or county, united counties, or as the case may be), of

Whereas it has been duly certified by J. D., clerk of the Crown of (name the court, or deputy clerk of the Crown or clerk of the peace) of and for the district (or county, united counties, or as the case may be), of that (&c., stating the certificate); And whereas (I am) informed that the said A. B., is in your custody in the said common gaol at aforesaid, charged with some offence, or other matter; and it being now duly proved upon oath before (me) that the said A. B., so indicted as aforesaid, and the said A. B., in your custody, as aforesaid, are one and the same person: These are therefore to command you, in Her Majesty's name, to detain the said A. B. in your custody in the common gaol aforesaid, until by a writ of *habeas corpus* he shall be removed therefrom, for the purpose of being tried upon the said indict-

ment, or until he shall otherwise be removed or discharged out of your custody by due course of law.

Given under (*my*) hand and seal, this day of
in the year , at , in the
district (*or county, &c.*), aforesaid.

J. S. [L.S.]
J. P.

(I.)

INDORSEMENT IN BACKING A WARRANT.

Canada,)
Province of)
 district (*or county,*)
 united counties, *or*)
 as the case may be,)
of

Whereas proof upon oath has this day been made before me, a justice of the peace in and for the said district (*or county, united counties, or as the case may be*), of

that the name of J.S. to the within warrant subscribed, is of the handwriting of the justice of the peace within mentioned: I do therefore hereby authorize W.T. who brings to me this warrant and all other persons to whom this warrant was originally directed, or by whom it may be lawfully executed, and also all constables and other peace officers of the said district (*or county, united counties, or as the case may be*), of , to execute the same within the said last mentioned district (*or county, united counties, or as the case may be*).

Given under my hand, this day of , in the year , at , in the district (*or county, &c.*), aforesaid.

J. L.

(K.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Canada,)
Province of)
 district (*or county,*)
 united counties, *or*)
 as the case may be,)
of

The information of A. B., of the , of , in the said district (*or county, &c.*), (*yeoman*), taken this day of , in the year before me, W. S., Esquire, a justice of the peace, in and for the district (*or county, united counties, or as the case may be*), of , who says that on the day of (*insert the description of articles stolen*) of the goods and chat-

tels of deponent, were feloniously stolen, taken and carried away, from and out of the (*dwelling-house, &c.*), of this deponent, at the (*township, &c.*), aforesaid, by some person or persons unknown (*or name the person*), and that he has just and reasonable cause to suspect, and suspects, that the said goods and chattels, or some part of them are concealed in the (*dwelling-house, &c.*) of C. D., of in the said district (*or county, &c.*), (*here add the causes of suspicion, whatever they may be*): Wherefore (*he*) prays that a search warrant may be granted to him to search the (*dwelling-house, &c.*), of the said C. D., as aforesaid, for the said goods and chattels so feloniously stolen, taken and carried away as aforesaid.

Sworn (*or affirmed*) before me the day and year first above mentioned, at in the said district (*or county, &c.*), of

W. S.,

(K. 2.)

SEARCH WARRANT.

Canada,
Province of
district (*or county,*
united counties, *or*
as the case may be),
of

To all or any of the constables, or other peace officers, in the district (*or county, united counties, or as the case may be*), of

Whereas A. B. of the of in the said district (*or county, &c.*), has this day made oath before me the undersigned a justice of the peace, in and for the said district (*or county, united counties, or as the case may be*), of that, on the day of (*copy information as far as place of supposed concealment*): These are therefore in Her Majesty's name to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day-time into the said (*dwelling-house, &c.*), of the said, and there diligently search for the said goods and chattels, and if the same, or any part thereof, are found upon such search, that you bring the goods so found, and also the body of the said C. D. before me, and some other justice of the peace, in and for the said district (*or county, united counties, or as the case may be*), of to be disposed of and dealt with according to law.

Given under my hand and seal, at, in the said district (*or county, &c.*), this day of, in the year

W. S., (Seal.)

(L.)

SUMMONS TO A WITNESS.

Canada,
Province of
district (or county,
united counties, or
as the case may be),
of

To E. F., of (laborer).

Whereas information has been laid before the undersigned
, a justice of the peace in and for the said district (or
county, united counties, or as the case may be), of
that A. B. (&c., as in the summons or warrant against the
accused), and it has been made to appear to me, upon (oath),
that you are likely to give material evidence for (the prosecu-
tion); These are therefore to require you to be and to appear
before me on next, at o'clock in the (fore)
noon, at , or before such other justice or justices
of the peace of the same district (or county, united counties,
or as the case may be), of , as shall then be there, to
testify what you know concerning the said charge so made
against the said A. B. as aforesaid. Herein fail not.

Given under my hand and seal, this day of in
the year , at , in the district (or county, &c.),
aforesaid.

J.S. [L.S.]

(L. 2.)

WARRANT WHEN A WITNESS HAS NOT OBEYED THE
SUMMONS.

Canada,
Province of
district (or county,
united counties, or
as the case may be),
of

To all or any of the constables or other peace officers in
the said district (or county, united counties, or as the case
may be), of

Whereas information having been laid before , a
justice of the peace, in and for the said district (or county,
&c.), of , that A. B. (&c., as in the summons); and
it having been made to appear to (me) upon oath that E.F.
of (laborer), was likely to give material evidence for
(the prosecution), (I) duly issued (my) summons to the said
E.F., requiring him to be and appear before (me) on

, at or before such other justice or justices of the peace for the same district (*or county, united counties, or as the case may be*), as should then be there, to testify what he knows respecting the said charge so made against the said A.B., as aforesaid; and whereas proof has this day been made upon oath before (*me*) of such summons having been duly served upon the said E.F.; and whereas the said E.F. has neglected to appear at the time and place appointed by the said summons, and no just excuse has been offered for such neglect: These are therefore to command you to bring and have the said E.F. before (*me*) on at o'clock in the (fore) noon, at or before such other justice or justices for the same district (*or county, united counties, or as the case may be*), as shall then be there, to testify what he knows concerning the said charge so made against the said A.B. as aforesaid.

Given under (*my*) hand and seal, this day of in the year , at in the district (*or county, &c.*), aforesaid.

J. S. [L.S.]

(L. 3.)

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Canada, }
Province of }
district (*or county,* }
united counties, *or* }
as the case may be), }
of }

To all or any of the constables or other peace officers in the said district (*or county, united counties, or as the case may be*), of

Whereas information has been laid before the undersigned , a justice of the peace, in and for the said district (*or county, united counties, or as the case may be*), of , that (*&c., as in the summons*); and it having been made to appear to (*me*) upon oath, that E. F. of (*laborer*), is likely to give material evidence for the prosecution, and that it is probable that the said E. F. will not attend to give evidence unless compelled to do so: These are therefore to command you to bring and have the said E. F. before (*me*) on at o'clock in the (fore) noon, at , or before such other justice or justices of the peace for the same district (*or county, united counties, or as the case may be*), as shall then be there, to testify what he knows concerning the said charge so made against the said A. B. as aforesaid.

Given under my hand and seal, this day of in the year , at in the district (*or county, &c.*), aforesaid.

J. S. [L.S.]

(M.)

WARRANT REMANDING A PRISONER.

Canada,
 Province of
 district (or county,
 united counties, or
 as the case may be),
 of

To all or any of the constables and other peace officers in the said district (or county, united counties, or as the case may be), of , and to the keeper of the (common gaol or lock-up house) , in the said district (or county, &c.), of

Whereas A. B. was this day charged before the undersigned , a justice of the peace in and for the said district (or county, united counties, or as the case may be), of , for that (&c., as in the warrant to apprehend), and it appears to (me) to be necessary to remand the said A. B. : These are therefore to command you, the said constables and peace officers in Her Majesty's name, forthwith to convey the said A. B. to the (common gaol or lock-up house) at , in the said district (or county, &c.), and there to deliver him to the keeper thereof, together with this precept; and I hereby command you the said keeper to receive the said A. B. into your custody in the said (common gaol or lock-up house), and there safely keep him until the day of , (instant) when I hereby command you to have him at , at o'clock in the (fore) noon of the same day before (me) or before such other justice or justices of the peace for the said district (or county, united counties, or as the case may be), as shall then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Given under my hand and seal, this day of , in the year , at in the district (or county, &c.), aforesaid.

J. S. [I.S.]

(M. 2.)

RECOGNIZANCE OF BAIL INSTEAD OF REMAND ON AN ADJOURNMENT OF EXAMINATION.

Canada,
 Province of
 district (or county,
 united counties, or
 as the case may be),
 of

Be it remembered, that on the day of
 in the year A.B. of (laborer),

L. M., of (grocer), and N. O., of (butcher) personally came before me, a justice of the peace for the said district (or county, united counties, or as the case may be), and severally acknowledged themselves to owe to our Sovereign Lady the Queen, her heirs and successors, the several sums following, that is to say : the said A. B. the sum of and the said L. M. and N. O. the sum of , each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, her heirs and successors, if he, the said A. B., fails in the condition indorsed (or hereunder written).

Taken and acknowledged the day and year first above mentioned, at before me.

J. S.

CONDITION.

The condition of the within (or above) written recognizance is such that whereas the within bounden A. B. was this day (or on last past) charged before me for that (&c., as in the warrant); and whereas the examination of the witnesses for the prosecution in this behalf is adjourned until the day of (instant): If, therefore, the said A. B. appears before me on the said day of (instant) at o'clock in the (fore) noon, or before such other justice or justices of the peace for the said district (or county, united counties, or as the case may be), as shall then be there, to answer (further) to the said charge, and to be further dealt with according to law, the said recognizance to be void, otherwise to stand in full force and virtue.

(M. 3.)

NOTICE OF RECOGNIZANCE TO BE GIVEN TO THE ACCUSED AND HIS SURETIES.

Canada,
Province of
district (or county,
united counties, or
as the case may be),
of

Take notice that you, A. B., of , are bound in the sum of , and your sureties, L. M. and N. O., in the sum of , each, that you, A. B., appear before me, J. S., a justice of the peace for the district (or county, united counties, or as the case may be), of , on the day of (instant), at o'clock in the (fore) noon at , or before such other

justice or justices of the same district (or county, united counties, or as the case may be), as shall then be there, to answer (*further*) to the charge made against you by C. D., and to be further dealt with according to law; and unless you, A. B., personally appear accordingly, the amounts mentioned in the recognizance entered into by yourself and sureties will be forthwith levied on you and them.

Dated this day of , in the year

J. S.

(M. 4.)

CERTIFICATE OF NON-APPEARANCE TO BE INDORSED ON THE RECOGNIZANCE.

I hereby certify that the said A. B. has not appeared at the time and place, in the above condition mentioned, but therein has made default, by reason whereof the within written recognizance is forfeited.

J. S.,
J. P.

(N.)

DEPOSITIONS OF WITNESSES.

Canada,
Province of
district (or county,
united counties, or
as the case may be),
of

The examination of C. D., of (*farmer*), and E. F., of (*laborer*), taken on (*oath*) this day of , in the year , at in the district (or county, &c., or as the case may be), aforesaid, before the undersigned , a justice of the peace for the said district (or county, united counties, or as the case may be), in the presence and hearing of A. B., who is charged this day before (*me*) for that he, the said A. B., at (&c., describe the offence as in a warrant of commitment).

This deponent, C. D., upon his (*oath*) says as follows: (&c., stating the deposition of the witness as nearly as possible in the words he uses. When his deposition is completed let him sign it).

And this deponent, E. F., upon his (*oath*) says as follows: (&c.)

The above depositions of C. D. and E. F. were taken and (*sworn*) before me, at , on the day and year first above mentioned.

J. S.

(O.)

STATEMENT OF THE ACCUSED.

Canada,
 Province of
 district (or county,
 united counties, or
 as the case may be),
 of

A. B. stands charged before the undersigned
 a justice of the peace, in and for the district (or county,
 united counties, or as the case may be), aforesaid, this
 day of , in the year , for
 that the said A. B., on , at (&c.,
 as in the captions of the depositions); and the said charge
 being read to the said A. B., and the witnesses for the prose-
 cution, C. D. and E. F., being severally examined in his
 presence, the said A. B. is now addressed by me as follows :
 " Having heard the evidence, do you wish to say anything
 " in answer to the charge? You are not obliged to say any-
 " thing unless you desire to do so; but whatever you say
 " will be taken down in writing, and may be given in
 " evidence against you at your trial." Whereupon the said
 A. B. says as follows: (*Here state whatever the prisoner says,
 and in his very words, as nearly as possible. Get him to sign
 it if he will.*)

A. B.

Taken before me, at , the day and year first
 above mentioned.

J.S.

(P.)

WARRANT OF COMMITMENT.

Canada,
 Province of
 district (or county,
 united counties, or
 as the case may be),
 of

To all or any of the constables or other peace officers in the
 district (or county, united counties, or as the case may be),
 of , and to the keeper of the common gaol of
 the district (or county, united counties, or as the case
 may be), at , in the said district
 (or county, &c.), of

Whereas A. B. was this day charged before (me) J. S., a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____ on the oath of C. D., of _____ (farmer), and others, for that (&c., stating shortly the offence) : These are therefore to command you the said constables or peace officers, or any of you, to take the said A. B., and him safely convey to the common gaol at _____ aforesaid, and there deliver him to the keeper thereof, together with this precept : And I do hereby command you, the said keeper of the said common gaol, to receive the said A. B. into your custody in the said common gaol, and there safely to keep him until he shall be thence delivered by due course of law.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the district (or county, &c.), aforesaid.

J. S. [L. s.]

(Q.)

RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE.

Canada, }
 Province of }
 district (or county, }
 united counties, or }
 as the case may be), }
 of }

Be it remembered, that on the _____ day of _____, in the year _____ C. D. of _____, in the _____ of _____, in the (township) of _____, in the said district (or county, &c.), of _____ (farmer), personally came before me _____, a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____, and acknowledged himself to owe to our Sovereign Lady the Queen, Her heirs and successors, the sum of _____, of good and lawful current money of Canada, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Sovereign Lady the Queen, Her heirs and successors, if the said C. D. fails in the condition indorsed (or hereunder written).

Taken and acknowledged the day and year first above mentioned at _____, before me.

J. S.

CONDITION TO PROSECUTE.

The condition of the within (or above) written recognizance is such that whereas one A. B. was this day charged before me, J. S., a justice of the peace within mentioned, for that (*ſc. as in the caption of the depositions*); if, therefore, he the ſaid C. D. appears at the next court of oyer and terminer or general gaol delivery, (or at the next court of General or Quarter Sessions of the Peace), to be holden in and for the diſtrict (or county, united counties, or as the caſe may be), of* , and there prefers or cauſes to be preferred a bill of indictment for the offence aforeſaid, againſt the ſaid A. B., and there alſo duly proſecutes ſuch indictment, then the ſaid recognizance to be void otherwiſe to ſtand in full force and virtue.

CONDITION TO PROSECUTE AND GIVE EVIDENCE.

(*Same as the laſt form, to the aſterisk,* and then thus*):—And there prefers or cauſes to be preferred a bill of indictment againſt the ſaid A. B. for the offence aforeſaid, and duly proſecutes ſuch indictment, and gives evidence thereon, as well to the jurors who ſhall then inquire into the ſaid offence, as alſo to them who ſhall paſs upon the trial of the ſaid A. B., then the ſaid recognizance to be void, or elſe to ſtand in full force and virtue.

CONDITION TO GIVE EVIDENCE.

(*Same as the laſt form but one, to the aſterisk,* and then thus*):—And there gives ſuch evidence as he knows upon a bill of indictment to be then and there preferred againſt the ſaid A. B. for the offence aforeſaid, as well to the jurors who ſhall there inquire of the ſaid offence, as alſo to the jurors who ſhall paſs upon the trial of the ſaid A. B., if the ſaid bill ſhall be found a true bill, then the ſaid recognizance to be void, otherwiſe to remain in full force and virtue.

(Q. 2.)

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE PROSECUTOR AND HIS WITNESSES.

Canada,)
 Province of)
 diſtrict (or county,)
 united counties, or)
 as the caſe may be,)
 of)

Take notice that you C. D. of , are bound in the ſum of to appear at the next court of oyer and terminer and general gaol delivery (or at the next court of

General Sessions of the Peace), in and for the district (or county, united counties, or as the case may be), of _____, to be holden at _____, in the said district (or county, &c.), and then and there (*prosecute and*) give evidence against A. B., and unless you then appear there (*prosecute*) and give evidence accordingly, the amount mentioned in the recognizance entered into by you will be forthwith levied on you.

Dated this _____ day of _____ in the year _____

J. S.

(R.)

COMMITMENT OF A WITNESS FOR REFUSING TO ENTER INTO THE RECOGNIZANCE.

Canada,)
 Province of)
 district (or county,)
 united counties, or)
 as the case may be,)
 of)

To all or any of the constables or other peace officers in the said district (or county, &c.), of _____, and to the keeper of the common gaol of the said district, (or county, &c., or as the case may be), at _____, in the said district (or county, &c., or as the case may be), of _____:

Whereas A. B. was lately charged before the undersigned (*name of the justice of the peace*), a justice of the peace in and for the said district (or county, &c.), of _____ for that (&c., *as in the summons to the witness*), and it having been made to appear to (*me*) upon oath that E. F., of _____ was likely to give material evidence for the prosecution, (*I*) duly issued (*my*) summons to the said E. F., requiring him to be and appear before (*me*) on _____, at _____ or before such other justice or justices of the peace as should then be there, to testify what he knows concerning the said charge so made against the said A. B. as aforesaid; and the said E. F. now appearing before (*me*) (or being brought before (*me*) by virtue of a warrant in that behalf to testify as aforesaid), has been now examined before (*me*) touching the premises, but being by (*me*) required to enter into a recognizance conditioned to give evidence against the said A. B., now refuses so to do: These are therefore to command you the said constables or peace officers, or any one of you, to take the said E. F. and him safely convey to the common gaol at _____, in the district (or county, &c.), aforesaid, and there deliver him to the said keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said common gaol, to receive the said E. F. into your custody in

the said common gaol, there to imprison and safely keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime the said E. F. duly enters into such recognizance as aforesaid, in the sum of before some one justice of the peace for the said district, (or county, united counties, or as the case may be), conditioned in the usual form to appear at the next court of oyer and terminer, or general gaol delivery (or General or Quarter Sessions of the Peace), to be holden in and for the said district (or county, united counties, or as the case may be), of , and there to give evidence before the grand jury upon any bill of indictment which shall then and there be preferred against the said A. B. for the offence aforesaid, and also to give evidence upon the trial of the said A. B. for the said offence, if a true bill is found against him for the same.

Given under my hand and seal, this day of , in the year , at in the district (or county, &c.), aforesaid.

J. S. [L.S.]

(R. 2.)

SUBSEQUENT ORDER TO DISCHARGE THE WITNESS.

Canada, }
Province of }
district (or county, }
united counties, or }
as the case may be), }
of }

To the keeper of the common gaol at , in the district (or county, &c.), of aforesaid .

Whereas by (my) order dated the day of (instant) reciting that A. B. was lately before then charged before (me) for a certain offence therein mentioned, and that E. F. having appeared before (me) and being examined as a witness for the prosecution on that behalf, refused to enter into recognizance to give evidence against the said A. B., and I therefore thereby committed the said E. F. to your custody, and required you safely to keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime he should enter into such recognizance as aforesaid; and whereas for want of sufficient evidence against the said A. B., the said A. B. has not been committed or holden to bail for the said offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said E. F. should be detained longer in your custody: These are therefore to order and direct you

the said keeper to discharge the said E. F. out of your custody, as to the said commitment, and suffer him to go at large.

Given under my hand and seal, this day of
in the year , at in the district (or county,
&c.), aforesaid.

J. S. [L. s.]
J.P.

(S.)

RECOGNIZANCE OF BAIL.

Canada,)
Province of)
district (or county,)
united counties, or)
as the case may be,)
of)

Be it remembered, that on the day of in
the year , A. B. of (laborer), L. M.
of , (grocer), and N. O. of (butcher,) personally
came before (us) the undersigned, (two) justices of the peace
for the district (or county, united counties, or as the case
may be), of and severally acknowledged themselves
to owe to our Sovereign Lady the Queen, Her heirs and
successors, the several sums following, that is to say : the
said A. B. the sum of , and the said L. M. and N.O.
the sum of , each, of good and lawful current money
of Canada, to be made and levied of their several goods and
chattels, lands and tenements respectively, to the use of
our said Sovereign Lady the Queen, Her heirs and succes-
sors, if he, the said A. B., fails in the condition indorsed (or
hereunder written).

Taken and acknowledged the day and year first above
mentioned, at before us.

J. S.
J. N.

CONDITION.

The condition of the within (or above) written recogni-
zance, is such that whereas the said A. B. was this day
charged before (us), the justices within mentioned for that
(&c. as in the warrant) ; if, therefore, the said A. B. appears
at the next court of oyer and terminer (or general gaol de-
livery or court of General or Quarter Sessions of the Peace) to
be holden in and for the district (or county, united counties,
or as the case may be), of , and there surrenders himself
into the custody of the keeper of the common gaol (or lock-
up house) there, and pleads to such indictment as may be

found against him by the grand jury, for and in respect to the charge aforesaid, and takes his trial upon the same, and does not depart the said court without leave, then the said recognizance to be void, otherwise to stand in full force and virtue.

(S. 2.)

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE
ACCUSED AND HIS BAIL.

Take notice that you A. B., of _____, are bound in the sum of _____, and your sureties (L. M. and N. O.) in the sum of _____, each, that you A. B. appear (*&c.*, as in the condition of the recognizance), and not depart the said court without leave; and unless you, the said A. B., personally appear and plead, and take your trial accordingly, the amount mentioned in the recognizance entered into by you and your sureties shall be forthwith levied on you and them.

Dated this _____ day of _____, in the year
J. S.

(S. 3.)

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A
PRISONER ALREADY COMMITTED.

Canada,
Province of _____ }
district (or county,
united counties, or
as the case may be), }
of _____ }

To the keeper of the common gaol of the district (or county, united counties, or as the case may be), of _____ at _____, in the said district (or county, united counties, or as the case may be).

Whereas A. B. late of _____ (laborer), has before (us) (two) justices of the peace in and for the said district (or county, united counties, or as the case may be), of _____, entered into his own recognizance, and found sufficient sureties for his appearance at the next court of oyer and terminer or general gaol delivery (or court of General or Quarter Sessions of the Peace), to be holden in and for the district (or county, united counties, or as the case may be), of _____, to answer Our Sovereign Lady the Queen, for that (*&c.*, as in the commitment), for which he was taken and committed to your said common gaol: These are therefore to command

you, in Her Majesty's name, that if the said A. B. remains in your custody in the said common gaol for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under our hands and seals, this _____ day of _____, in the year _____, at _____ in the district (or county, &c.), aforesaid.

J. S. [L. s.]
J. N. [L. s.]

(T.)

GAOLER'S RECEIPT TO THE CONSTABLE FOR THE PRISONER.

I hereby certify that I have received from W. T., constable, of the district (or county, &c.), of _____, the body of A. B., together with a warrant under the hand and seal of J. S., Esquire, a justice of the peace for the said district (or county, united counties, or as the case may be), of _____, and that the said A. B. was sober, (or as the case may be), at the time he was delivered into my custody.

P. K.,
Keeper of the common gaol of
the said district (or county,
&c).

(U.)

WARRANT TO CONVEY THE ACCUSED BEFORE A JUSTICE OF THE COUNTY IN WHICH THE OFFENCE WAS COMMITTED.

Canada, }
Province of }
district (or county, }
united counties, or }
as the case may be), }
of }

To all or any of the constables or other peace officers in the said district (or county, united counties, or as the case may be), of _____

Whereas A. B., of _____ (laborer), has this day been charged before the undersigned _____, a justice of the peace, in and for the said district (or county, united counties, or as the case may be), of _____, for that (&c., as in the warrant to apprehend): and whereas (I) have taken the deposition of C. D., a witness examined by (me) in this behalf, but inasmuch as (I) am informed that the principal witnesses to prove the said offence against the said A. B. reside in the

district (or county, united counties, or as the case may be), of _____ where the said offence is alleged to have been committed : These are therefore to command you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said district (or county, united counties, or as the case may be), of _____, and there carry him before some justice or justices of the peace in and for that district (or county, united counties, or as the case may be), and in or near unto the (township of _____) where the offence is alleged to have been committed, to answer further to the said charge before him or them, and to be further dealt with according to law ; and (I) hereby further command you to deliver to the said justice or justices the information in this behalf, and also the said deposition of C. D., now given into your possession for that purpose, together with this precept.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the district (or county, &c.), aforesaid.

J. S. [L.S.]

(U. 2.)

RECEIPT TO BE GIVEN TO THE CONSTABLE BY THE JUSTICE
FOR THE COUNTY IN WHICH THE OFFENCE WAS COMMIT-
TED.

Canada,)
Province of)
district (or county,)
united counties, or)
as the case may be,)
of)

I, J. P., a justice of the peace in and for the district (or county, &c.), of _____, hereby certify that W. T., constable, (or peace officer), of the district (or county, united counties, or as the case may be), of _____, has, on this day of _____, in the year _____,

by virtue of and in obedience to a warrant of J. S., Esquire, a justice of the peace in and for the district (or county, united counties, or as the case may be), of _____, produced before me one A. B., charged before the said J. S. with having (&c., stating shortly the offence), and delivered him into the custody of _____, by my direction, to answer to the said charge, and further to be dealt with according to law, and has also delivered unto me the said warrant, together with the information (if any) in that behalf, and the deposition (s) of C. D. (and of _____) in the said warrant mentioned, and that he has also proved to me,

upon oath, the handwriting of the said J. S. subscribed to the same.

Dated the day and year first above mentioned, at in the said district (*or county, &c.*), of

J. P.

SECOND SCHEDULE.

FORMS OF INDICTMENT.

Murder.

County (*or district*) } The jurors for our Lady the Queen,
of , to wit: } upon their oath, present that A. B., on
the day of in the year
, at in the county (*or district*)
of , did feloniously, wilfully, and of his malice afore-
thought, kill and murder one C. D.

Manslaughter.

County (*or district*) } *Same as last form, omitting "wilfully*
of , to wit: } *and of malice aforethought," and sub-*
stituting the word "slay" for the word "murder."

Bodily Harm.

County (*or district*) } The jurors for our Lady the Queen,
of , to wit: } upon their oath, present that J. B., on
the day of , at , did feloniously administer
to (*or cause to be taken by*) one A. B., poison (*or other des-*
tructive thing) and did thereby cause bodily harm to the
said A. B., with intent to kill the said A. B. (*or C. D.*)

Rape.

County (*or district*) } The jurors for our Lady the Queen,
of , to wit: } upon their oath, present that A. B., on
the day of , at , by force and against her
will, feloniously ravished and carnally knew C.D., a woman
above the age of *twelve* years.

Simple Larceny.

County (*or district*) } The jurors for our Lady the Queen,
of , to wit: } upon their oath, present that A.B., on
the day of , at , did feloniously steal a
gold watch, the property of C. D.

Robbery.

County (or district) } The jurors for our Lady the Queen,
of , to wit: } upon their oath, present that A. B.,
on the day of , at , did feloniously
rob C. D. (and at the time of, or immediately before or after
such robbery (if the case is so), did cause grievous bodily
harm to the said C. D.), (or to any person, naming him).

Burglary.

County (or district) } The jurors for our Lady the Queen,
of , to wit: } upon their oath, present that A. B., on
the day of , at , did feloniously
break into and enter the dwelling-house of C. D., in the
night-time, with intent to commit a felony therein (or as
the case may be).

Stealing Money.

County (or district) } The jurors for our Lady the Queen,
of , to wit: } upon their oath, present that A. B., on
the day of , at , did feloniously
steal a certain sum of money, to wit, to the amount of
dollars, the property of one C. D. (or as the case may be).

Embezzlement.

County (or district) } The jurors for our Lady the Queen,
of , to wit: } upon their oath, present that A. B., on
the day of , at , being a servant
(or clerk) then employed in that capacity by one C. D., did
then and there, in virtue thereof, receive a certain sum of
money, to wit, to the amount of , for and on
account of the said C. D., and the said money did feloniously
embezzle.

False Pretences.

County (or district) } The jurors for our Lady the Queen,
of , to wit: } on their oath, present that A. B., on
the day of , at , unlawfully,
fraudulently and knowingly, by false pretences, did obtain
from one C. D., six yards of muslin, of the goods and chattels
of the said C. D., with intent to defraud.

Offences against the Habitation.

County (or district) } The jurors for our Lady the Queen,
of , to wit: } upon their oath, present that A. B., on
the day of , at , did feloniously
and maliciously set fire to the dwelling-house of C. D., the
said C. D. (or some other person by name, or if the name is un-
known, some person) being therein.

Malicious Injuries to Property.

County (or district) }
of , to wit: } The jurors for our Lady the Queen,
the day of , at , did feloniously
and maliciously set fire, or attempt to set fire, to a certain
building or erection, that is to say (a house or barn or bridge,
or as the case may be) the property of one C. D. (or as the case
may be).

Forgery.

County (or district) }
of , to wit: } The jurors for our Lady the Queen.
the day of , at , did feloniously
forge (or utter, knowing the same to be forged) a certain
promissory note, &c. (or clandestinely and without the con-
sent of the owner, did make an *alteration* in a certain writ-
ten instrument with intent to defraud, or as the case may be).

Coining.

County (or district) }
of , to wit: } The jurors for our Lady the Queen,
the day of , at , did feloniously
counterfeit a gold coin of the United Kingdom, called a
sovereign, current by law in Canada, with intent to defraud,
(or had in his possession a
counterfeit of a gold coin of the United Kingdom, called a
sovereign, current by law in Canada, knowing the same to be
counterfeit, and with intent to defraud by uttering the same).

Perjury.

County (or district) }
of , to wit: } The jurors for our Lady the Queen,
before (one of the judges of our Lady the Queen), a certain
issue between one E. F. and one J. H., in a certain action of
covenant, was tried, upon which trial A. B. appeared as a
witness for and on behalf of the said E. F., and was then
and there duly sworn before the said , and did then
and there, upon his *oath*, aforesaid, falsely, wilfully and
corruptly depose and swear in substance and to the effect
following, "that he saw the said G. H. duly execute the deed
on which the said action was brought," whereas, in truth, the
said A. B. did not see the said G. H. execute the said deed,
and the said deed was not executed by the said G. H., and
the said A. B. did thereby commit wilful and corrupt perjury.

Subornation of Perjury.

County (or district) } Same as last form to the end, and then
of , to wit : } proceed :—And the jurors further present, that before the committing of the said offence by the said A. B., to wit, on the day of , at , C.D., unlawfully, wilfully and corruptly did cause and procure the said A. B. to do and commit the said offence in manner and form aforesaid.

Offences against the Public Peace.

County (or district) } The jurors for our Lady the Queen,
of to wit : } upon their oath, present that A.B., on the day of , at , with two or more persons, did riotously and tumultuously assemble together to the disturbance of the public peace, and with force did demolish, pull down or destroy (or attempt or begin to demolish, &c.), a certain building or erection of C. D.

Offences against the Administration of Justice.

County (or district) } The jurors for our Lady the Queen,
of , to wit : } upon their oath, present that A.B., on the day of , at did corruptly take or receive money under pretence of helping C. D. to a chattel (or money, &c.), that is to say, a horse (or five dollars, or a note, or a carriage), which had been stolen (or as the case may be).

Bigamy or offences against the Law for the Solemnization of Marriage.

County (or district) } The jurors for our Lady the Queen,
of , to wit : } upon their oath, present that A.B., on the day of , at , being then married, did feloniously marry C. D. during the lifetime of the wife of the said A. B.—(or not being duly authorized, did solemnize (or assist in the solemnization of) a marriage between C. D. and E. F., or being duly authorized to marry, did solemnize marriage between C. D. and E. F. before proclamation of banns according to law, or without a license for such marriage under the hand and seal of the Governor).

Offences relating to the Army.

County (or district) } The jurors for our Lady the Queen,
of , to wit : } upon their oath, present that A.B., on the day of , at , did solicit (or procure) a soldier to desert the Queen's service (or as the case may be).

Offences against Public Morals and Decency.

County (or district) } The jurors for our Lady the Queen,
of , to wit: } upon their oath, present that A. B., on
the day of , at , did keep a common gaming,
bawdy or disorderly house (or rooms).

General Form.

County (or district) } The jurors for our Lady the Queen,
of to wit: } upon their oath, present that A. B., on
the day of , at , did (*here describe the
offence in the terms in which it is described in the law, or state
such facts as constitute the offence intended to be charged, and
if the offence is felony, state the act to have been done feloniously*).

THIRD SCHEDULE.

Whereas at (*stating the session of the court before which
the person was convicted*), held for the county (or united
counties) of , on before
A. B., late of , having been found
guilty of felony, and judgment thereon given, that (*state
the substance*), the court before whom he was tried reserved
a certain question of law for the consideration of the justices
of (*name of court*), and execution was thereupon respited in
the meantime (*as the case may be*): This is to certify that
the justices of (*name of court*) having met at
in term (*or as the case may be*), it was con-
sidered by the said justices there, that the judgment afore-
said should be annulled, and an entry made on the record,
that the said A. B. ought not, in the judgment of the said
justices, to have been convicted of the felony aforesaid; and
you are therefore hereby required forthwith to discharge the
said A. B. from your custody.

(Signed), E. F.
Clerk of (*as the case may be*).

To the sheriff of , and }
the gaoler of , and }
all others whom it may concern. }

32-33 V., c. 29, sch. A, and c. 30, sch.;—C. S. U. C., c. 112,
sch.;—C. S. L. C., c. 77, sch. A.;—R. S. N. S. (3rd S.), c.
171, sch.;—1 R. S. N. B., Title XL, and sch., Form (U).



CHAPTER 175.

An Act for the speedy trial, in the Provinces of Ontario, A. D. 1886.
Quebec and Manitoba, of certain indictable offences.

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

1. This Act may be cited as "*The Speedy Trials Act.*" Short title.
42 V., c. 44, s. 1.

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

(a.) The expression "judge" means and includes,—

(1.) In the Province of Ontario, any judge of a county court, junior judge or deputy judge authorized to act as chairman of the General Sessions of the Peace, and also the judge of the provisional district of Algoma, authorized to act as chairman of the General Sessions of the Peace ;

(2.) In the Province of Quebec, in any district wherein there is a judge of the sessions, such judge of sessions, and in any district wherein there is no judge of sessions but wherein there is a district magistrate, such district magistrate, and in any district wherein there is neither a judge of sessions nor a district magistrate, the sheriff of such district ;

(3.) In the Province of Manitoba, the chief justice, or a puisné judge of the Court of Queen's Bench or a county court :

(b.) The expression "Court of General Sessions of the Peace" means and includes,—

(1.) In the Province of Quebec, any court for the time being discharging the functions of a Court of General Sessions of the Peace ;

(2.) In the Province of Manitoba, the Court of Queen's Bench and the county court judges' criminal courts :

(c.) The expression "county attorney" or "clerk of the peace" includes, in the Province of Manitoba, any deputy clerk of the peace, Crown attorney, the prothonotary of the Court of Queen's Bench and any deputy prothonotary thereof. 32-33 V., c. 35, s. 8 ;—37 V., c. 41 ;—42 V., c. 44, s. 9 ;—47 V., c. 41, s. 1.

Application
of Act.

3. This Act shall apply to the Provinces of Ontario, Quebec and Manitoba only. 32-33 V., c. 35, s. 9;—38 V., c. 54, s. 1.

Court to be a
court of
record.

4. The judge sitting on any trial under this Act, for all the purposes thereof and proceedings connected therewith or relating thereto, shall be a court of record, and in the Provinces of Ontario and Manitoba such court shall be called "The County Judge's Criminal Court" of the county or union of counties or judicial district in which the same is held :

How styled.

2. The record in any such case shall be filed among the records of the court of General Sessions of the Peace, as indictments are filed, and as part of such records. 32-33 V., c. 35, s. 5;—42 V., c. 44, s. 2.

Records,
where filed.

Speedy trial
of certain
offenders with
their own
consent.

5. Every person committed to a gaol for trial on a charge of being guilty of any offence for which he may be tried at a court of General Sessions of the Peace, may, with his own consent (of which consent an entry shall then be made of record), and subject to the provisions herein, be tried out of sessions, whether the court before which, but for such consent, the said person would be triable for the offence charged, or the grand jury thereof is or is not then in session, and if such person is convicted, he may be sentenced by the judge. 32-33 V., c. 35, s. 1;—38 V., c. 45, s. 2.

Duty of sheriff
having a pris-
oner so
triable.

6. Every sheriff shall within twenty-four hours after any prisoner charged as aforesaid is committed to gaol for trial, notify the judge in writing that such prisoner is so confined, stating his name and the nature of the charge preferred against him,—whereupon with as little delay as possible, such judge shall cause the prisoner to be brought before him. 32-33 V., c. 35, s. 2.

Statement to
be made to
the prisoner
by the judge.

7. The judge, upon having obtained the depositions on which the prisoner was so committed, shall state to him,—
(a.) That he is charged with the offence, describing it ;
(b.) That he has the option to be forthwith tried before such judge without the intervention of a jury, or to remain untried until the next sittings of the court of the General Sessions of the Peace or of a court of oyer and terminer, or, in Quebec, of any court having criminal jurisdiction :

If the prisoner
objects—or
consents.

2. If the prisoner demands a trial by jury the judge shall remand him to gaol ; but if he consents to be tried by the judge without a jury, the county attorney or clerk of the peace shall draw up a record of the proceedings as nearly as may be in one of the forms A or B in the schedule to this Act ; and if, upon being arraigned upon the charge, the prisoner pleads guilty, such plea shall be entered on the record, and the judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect

If he pleads
guilty.

as if passed at any Court of General Sessions of the Peace. 32-33 V., c. 35, s. 3.

8. If one of two or more prisoners charged with the same offence demands a trial by jury, and the other or others consent to be tried by the judge without a jury, the judge, in his discretion, may remand the said prisoners to gaol to await trial, in all respects as if this Act had not been passed. 38 V., c. 45, s. 3.

As to several prisoners charged with the same offence.

9. If under "*The Summary Trials Act*," or "*The Juvenile Offenders' Act*," any person has been asked to elect whether he would be tried by the magistrate or justices of the peace, as the case may be, or before a jury, and he has elected to be tried before a jury, and if such election is stated in the warrant of committal for trial, the sheriff and judge shall not be required to take the proceedings directed by this Act. 38 V., c. 47, s. 6, *part*.

Effect of election, under certain Acts, of trial by a jury.

10. If, on the trial under "*The Summary Trials Act*," or "*The Juvenile Offenders' Act*," of any person charged with any offence triable under this Act, the magistrate or justices of the peace decide not to try the same summarily, but commit such person for trial, such person may afterwards, with his own consent, be tried under this Act. 32-33 V., c. 33, s. 5, *part*;—38 V., c. 47, s. 7, *part*.

If the magistrate decides not to proceed under the said Acts.

11. If the prisoner upon being so arraigned and consenting as aforesaid pleads not guilty, the judge shall appoint an early day, or the same day, for his trial, and the county attorney or clerk of the peace shall subpoena the witnesses named in the depositions, or such of them and such other witnesses as he thinks requisite to prove the charge, to attend at the time appointed for such trial, and the prisoner being ready, the judge shall proceed to try him, and if he is found guilty, sentence shall be passed as hereinbefore mentioned; but if he is found not guilty the judge shall immediately discharge him from custody, so far as respects the charge in question. 32-33 V., c. 35, s. 4.

If the prisoner pleads not guilty.

Trial and conviction or discharge.

12. The county attorney or clerk of the peace may, with the consent of the judge, prefer against the prisoner a charge or charges for any offence or offences for which he may be tried at a court of General Sessions of the Peace, other than the charge or charges for which he has been committed to gaol for trial, although such charge or charges do not appear or are not mentioned in the depositions upon which the prisoner was so committed. 42 V., c. 44, s. 3.

Offender may be charged with other offences than that for which he was committed.

13. The judge shall, in any case tried before him, have the same power as to acquitting or convicting, or convicting of any other offence than that charged, as a jury would

Powers of the judge in any case tried before him.

have in case the prisoner was tried at a sitting of the court of General Sessions of the Peace, and may render any verdict which may be rendered by a jury, upon a trial at a sitting of a court of General Sessions of the Peace. 42 V., c. 44, s. 4.

Judge may admit to bail prisoner electing to be tried without a jury.

14. If a prisoner elects to be tried by the judge without the intervention of a jury, the judge may, in his discretion, admit him to bail to appear for his trial, and extend the bail, from time to time, in case the court is adjourned or there is any other reason therefor ; and such bail may be entered into and perfected before the clerk of the peace in open court. 42 V., c. 44, s. 5.

Or if he elects to be tried by a jury.

15. If a prisoner elects to be tried by a jury, the judge may, instead of remanding him to gaol, admit him to bail, to appear for trial at such time and place and before such court as is determined upon, and such bail may be entered into and perfected before the clerk of the peace in open court. 42 V., c. 44, s. 6.

Adjourning trial.

16. The judge may adjourn any trial from time to time until finally terminated. 42 V., c. 44, s. 7.

Powers of amendment.

17. The judge shall have all powers of amendment which the court of General Sessions of the Peace would have if the trial was before such court. 42 V., c. 44, s. 8.

Attendance of witnesses.

18. Every witness, whether on behalf of the prisoner or against him, duly summoned or subpoenaed to attend and give evidence before such judge, sitting on any such trial, on the day appointed for the same, shall be bound to attend, and remain in attendance throughout the trial ; and if he fails so to attend, he shall be held guilty of contempt of court, and may be proceeded against therefor accordingly. 32-33 V., c. 35, s. 6.

Proceedings against witnesses failing to attend when summoned.

19. Upon proof to the satisfaction of the judge of the service of subpoena upon any witness who fails to attend before him, as required by such subpoena, and such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence as required by such subpoena, and to answer for his disregard of the same ; and such witness may be detained on such warrant before the said judge or in the common gaol, with a view to secure his presence as a witness ; or, in the discretion of the judge, such witness may be released on recognizance with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his default, in not attending upon the said subpoena, as for a con-

Witness may be admitted to bail.

tempt; and the judge may, in a summary manner, examine into and dispose of the charge of contempt against the said witness who, if found guilty thereof, may be fined or imprisoned, or both,—such fine not to exceed one hundred dollars, and such imprisonment to be in the common gaol, with or without hard labor, and not to exceed the term of ninety days:

Punishment
for contempt.

2. Such warrant may be in the form C and the conviction for contempt in the form D in the schedule to this Act, and the same shall be authority to the persons and officers therein required to act, to do as therein they are respectively directed. 32-33 V., c. 35, s. 7.

Form of war-
rant and
conviction.

SCHEDULE.

FORM A.

Form of Record when the Prisoner pleads Not Guilty.

Province of _____,
County (or district) of _____, } Be it remembered that A.B., being
of _____, to wit: } a prisoner in the gaol of the said
county (or district), committed for
trial on a charge of having, on _____ day of _____, 18____, feloniously
stolen, &c. (*one cow, the property of C.D., or as the case may
be, stating briefly the offence*), and being brought before me,
_____, (*describe the judge*) on the _____ day of _____, 18____, and
asked by me if he consented to be tried before me without
the intervention of a jury, consented to be so tried; and that
upon the _____ day of _____, 18____, the said A.B., being again
brought before me for trial, and declaring himself ready, was
arraigned upon the said charge and pleaded not guilty; and
after hearing the evidence adduced, as well in support of
the said charge as for the prisoner's defence (*or as the case
may be*), I find him to be guilty of the offence with which
he is charged as aforesaid, and I accordingly sentence him
to be (*here insert such sentence as the law allows and the judge
thinks right*), (*or I find him not guilty of the offence
with which he is charged, and discharge him accordingly*).

Witness my hand at _____, in the county (or district)
of _____, this _____ day of _____, 18____.

O. K.,
Signature of Judge.

FORM B.

Form of Record when the Prisoner pleads Guilty.

Province of _____,
County (or district) of _____, } Be it remembered that A.B., being
of _____, to wit: } a prisoner in the gaol of the said
county (or district), on a charge of
having on the _____ day of _____, 18____, feloniously stolen, &c.,

FORM D.

Form of Conviction for Contempt.

(L.S.) Canada, }
 Province of }
 County (or district) }
 of , to wit: } Be it remembered, that on the
 day of , in the year 18 , in
 the county (or district, or as the
case may be) of , E. F. is
 convicted before me, for that he the said E. F. did not attend
 before me to give evidence on the trial of a certain charge
 against one A. B. of (*larceny, or as the case may be*), although
 duly subpoenaed or bound by recognizance to appear and
 give evidence in that behalf (*as the case may be*), but made
 default therein, and has not shown before me any sufficient
 excuse for such default, and I adjudge the said E. F., for his
 said offence, to be imprisoned in the common gaol of the
 county (or district) of at for the space of ,
 there to be kept at hard labor (*and in case a fine is also in-*
tended to be imposed, then proceed); and I also adjudge that
 the said E. F. do forthwith pay to and for the use of Her
 Majesty a fine of dollars, and in default of payment,
 that the said fine, with the cost of collection, be levied by
 distress and sale of the goods and chattels of the said E. F.
 (*or in case a fine alone is imposed, then the clause for imprison-*
ment is to be omitted).

Given under my hand at in the said county (or
 district) of , the day and year first above mentioned.

O. K.,
 Judge.

32-33 V., c. 35, sch. A, B, C and D.



CHAPTER 176.

An Act respecting the Summary Administration of Criminal Justice. A. D. 1886.

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

1. This Act may be cited as "*The Summary Trials Act.*" Short title.

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

(a.) The expression "magistrate" means and includes,—

(1.) In the Provinces of Ontario, Quebec and Manitoba, any recorder, judge of a county court, being a justice of the peace, commissioner of police, judge of the sessions of the peace, police magistrate, district magistrate, or other functionary or tribunal, invested by the proper legislative authority, with power to do alone such acts as are usually required to be done by two or more justices of the peace, and acting within the local limits of his or of its jurisdiction ;

Interpretation.
"Magistrate."

In Ont., Quec. and Man.

(2.) In the Provinces of Nova Scotia and New Brunswick, any recorder, judge of a county court, stipendiary magistrate or police magistrate, acting within the local limits of his jurisdiction, and any commissioner of police and any functionary, tribunal or person invested by the proper legislative authority with power to do alone such acts as are usually required to be done by two or more justices of the peace ;

In N. S. and N. B.

(3.) In the Provinces of Prince Edward Island and British Columbia and in the District of Keewatin, any two justices of the peace sitting together, and any functionary or tribunal having the powers of two justices of the peace :

In P. E. I. and B. C., &c.

(4.) In the North-West Territories, any judge of the Supreme Court of the said Territories, any two justices of the peace sitting together, and any functionary or tribunal having the powers of two justices of the peace :

In the N.-W. T.

(b.) The expression "the common gaol or other place of confinement," in the case of any offender whose age at the time of his conviction does not, in the opinion of the magistrate, exceed sixteen years, includes any reformatory prison provided for the reception of juvenile offenders in the Province in which the conviction referred to takes place, and to which by the law of that Province the offender may be sent ; and—

"Common gaol or other place of confinement."

“Property.” (c.) The expression “property” includes everything included under the same expression or under the expression “valuable security,” as defined by “*The Larceny Act*,” and in the case of any “valuable security,” the value thereof shall be reckoned in the manner prescribed in the said Act. 32-33 V., c. 32, ss. 1 and 33;—37 V., c. 39, s. 3;—37 V., c. 40, s. 1;—39 V., c. 21, sch., *part*;—40 V., c. 4, sch., *part*;—47 V., c. 42, s. 1, *part*;—49 V., c. 25, s. 30.

Certain offences specified. **3.** Whenever any person is charged before a magistrate,—

Larceny, &c. (a.) With having committed simple larceny, larceny from the person, embezzlement or obtaining money or property by false pretences, or feloniously receiving stolen property, and the value of the property alleged to have been stolen, embezzled, obtained or received, does not, in the judgment of the magistrate, exceed ten dollars,—

Attempts at larceny. (b.) With having attempted to commit larceny from the person, or simple larceny,—

Aggravated assault. (c.) With having committed an aggravated assault by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously wounding any other person,—

Assaults on females or children. (d.) With having committed an assault upon any female whatsoever, or upon any male child whose age does not, in the opinion of the magistrate, exceed fourteen years, such assault being of a nature which cannot, in the opinion of the magistrate, be sufficiently punished by a summary conviction before him under any other Act, and such assault, if upon a female, not amounting, in his opinion, to an assault with intent to commit a rape,—

Assaults on magistrates or officers. (e.) With having assaulted, obstructed, molested or hindered any magistrate, bailiff or constable, or officer of customs or excise or other officer, in the lawful performance of his duty, or with intent to prevent the performance thereof,—

Disorderly houses. (f.) With keeping or being an inmate, or habitual frequenter of any disorderly house, house of ill-fame or bawdy house, or—

Using premises for betting or pool-selling. (g.) With using or knowingly allowing any part of any premises under his control to be used for the purpose of recording or registering any bet or wager, or selling any pool, or—

Keeping, exhibiting, or employing, or knowingly allowing to be kept, exhibited or employed, in any part of any premises under his control, any device or apparatus for the purpose of recording or registering any bet or wager, or selling any pool, or—

Becoming the custodian or depository of any money, property, or valuable thing staked, wagered or pledged, or—

Recording or registering any bet or wager, or selling any pool,—

Upon the result of any political or municipal election, or of any race, or of any contest or trial of skill or endurance of man or beast,—

The magistrate may, subject to the provisions hereinafter made, hear and determine the charge in a summary way. Summary trial.
32-33 V., c. 32, s. 2;—40 V., c. 31, s. 3.

4. The jurisdiction of such magistrate shall be absolute in the case of any person charged, within the police limits of any city in Canada, with therein keeping or being an inmate or habitual frequenter of any disorderly house, house of ill-fame or bawdy house, and shall not depend on the consent of the person charged to be tried by such magistrate, nor shall such person be asked whether he consents to be so tried; nor shall this Act affect the absolute summary jurisdiction given to any justice or justices of the peace in any case by any other Act. 32-33 V., c. 32, s. 15. Jurisdiction of magistrate absolute in certain cases.

5. The jurisdiction of the magistrate shall be absolute in the case of any person who, being a seafaring person and only transiently in Canada, and having no permanent domicile therein, is charged, either within the city of Quebec, as limited for the purpose of the police ordinance, or within the city of Montreal, as so limited, or in any other seaport city or town in Canada, where there is such magistrate, with the commission therein of any of the offences hereinbefore mentioned, and also in the case of any other person charged with any such offence on the complaint of any such seafaring person whose testimony is essential to the proof of the offence; and such jurisdiction shall not depend on the consent of any such person to be tried by the magistrate, nor shall such person be asked whether he consents to be so tried. 32-33 V., c. 32, s. 16. And as to certain persons.

6. The jurisdiction of the magistrate under this Act shall, in the Provinces of Prince Edward Island and British Columbia, and in the District of Keewatin, be absolute without the consent of the person charged. 39 V., c. 21, sch., *part*;—40 V., c. 4, sch., *part*;—47 V., c. 42, s. 1, *part*. And in all cases in certain parts of Canada.

7. If any person is charged, in the Province of Ontario, before a police magistrate or before a stipendiary magistrate in any county, district or provisional county in such Province, with having committed any offence for which he may be tried at a court of General Sessions of the Peace, or if any person is committed to a gaol in the county, district or provisional county, under the warrant of any justice of the peace, for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such magistrate, and may, if found guilty, be sen- Trial by consent before magistrate in Ontario, instead of Court of G. S.

tenced, by the magistrate, to the same punishment as he would have been liable to if he had been tried before the court of General Sessions of the Peace. 38 V., c. 47, ss. 1 and 2.

Accused to be asked if he consents to be tried summarily.

8. Whenever the magistrate, before whom any person is charged as aforesaid, proposes to dispose of the case summarily under the provisions of this Act, such magistrate, after ascertaining the nature and extent of the charge, but before the formal examination of the witnesses for the prosecution, and before calling on the person charged for any statement which he wishes to make, shall state to such person the substance of the charge against him, and (if the charge is not one that can be tried summarily without the consent of the accused) shall then say to him these words, or words to the like effect: "Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a jury at the (*naming the court at which it could soonest be tried*);" and if the person charged consents to the charge being summarily tried and determined as aforesaid, or if the power of the magistrate to try it does not depend on the consent of the accused, the magistrate shall reduce the charge to writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge. 32-33 V., c. 32, s. 3.

If he consents, or the jurisdiction is absolute.

If he admits the charge.

9. If the person charged confesses the charge, the magistrate shall then proceed to pass such sentence upon him as by law may be passed in respect to such offence, subject to the provisions of this Act; but if the person charged says that he is not guilty, the magistrate shall then examine the witnesses for the prosecution, and when the examination has been completed, the magistrate shall inquire of the person charged whether he has any defence to make to such charge, and if he states that he has a defence, the magistrate shall hear such defence, and shall then proceed to dispose of the case summarily. 32-33 V., c. 32, s. 4.

If not.

And if he has a defence.

Sentence in case of conviction of larceny, &c.

10. In the case of larceny, feloniously receiving stolen property, or attempt to commit larceny from the person, or simple larceny, charged under paragraphs (a) or (b) of the third section of this Act, the magistrate, after hearing the whole case for the prosecution and for the defence, shall, if he finds the charge proved, convict the person charged and commit him to the common gaol or other place of confinement, there to be imprisoned, with or without hard labor, for any term not exceeding six months. 32-33 V., c. 32, s. 5.

Sentence on persons convicted of certain offences.

11. In any case summarily tried under paragraphs (c), (d), (e), (f) or (g), of the third section of this Act, if the magistrate finds the charge proved, he may convict the person charged and commit him to the common gaol or other place of confinement, there to be imprisoned, with or without hard labor,

for any term not exceeding six months, or may condemn him to pay a fine not exceeding, with the costs in the case, one hundred dollars, or to both fine and imprisonment not exceeding the said sum and term; and such fine may be levied by warrant of distress under the hand and seal of the magistrate, or the person convicted may be condemned, in addition to any other imprisonment on the same conviction, to be committed to the common gaol or other place of confinement for a further term not exceeding six months, unless such fine is sooner paid. 32-33 V., c. 32, s. 17.

Levying fine imposed.

12. When any person is charged before a magistrate with simple larceny, or with having obtained property by false pretences, or with having embezzled, or having feloniously received stolen property, or with committing larceny from the person, or with larceny as a clerk or servant, and the value of the property stolen, obtained, embezzled or received exceeds ten dollars, and the evidence in support of the prosecution is, in the opinion of the magistrate, sufficient to put the person on his trial for the offence charged, such magistrate, if the case appears to him to be one which may properly be disposed of in a summary way, and may be adequately punished by virtue of the powers conferred by this Act, shall reduce the charge to writing, and shall read it to the said person, and, unless such person is one who can be tried summarily without his consent, shall then put to him the question mentioned in the eighth section, and shall explain to him that he is not obliged to plead or answer before such magistrate, and that if he does not plead or answer before him, he will be committed for trial in the usual course. 32-33 V., c. 32, s. 10.

If the value of the property exceeds \$10, and the magistrate thinks the case one to be tried summarily.

13. If the person so charged consents to be tried by the magistrate, the magistrate shall then ask him whether he is guilty or not of the charge, and if such person says that he is guilty, the magistrate shall thereupon cause a plea of guilty to be entered upon the proceedings, and shall convict him of the offence, and commit him to the common gaol or other place of confinement, there to be imprisoned, with or without hard labor, for any term not exceeding twelve months. 32-33 V., c. 32, s. 11, *part*.

If the offender consents and pleads guilty.

14. If, when his consent is necessary, the person charged does not consent to have the case heard and determined by the magistrate, or whenever it appears to the magistrate that the offence is one which, owing to a previous conviction of the person charged, or from any other circumstance, ought to be made the subject of prosecution by indictment rather than to be disposed of summarily, such magistrate may, before such person has made his defence, decide not to adjudicate summarily upon the case, and shall deal therewith in all respects as if this Act had not been passed;

If the accused does not consent or the magistrate thinks the case proper to be otherwise tried.

but a previous conviction shall not prevent the magistrate from trying the offender summarily, if he thinks fit so to do. 32-33 V., c. 32, s. 8;—38 V., c. 47, s. 7, *part*.

Fact of election to be mentioned in the warrant.

15. If, when his consent is necessary, the person charged does not so consent, but elects to be tried before a jury, the magistrate shall state in the warrant of committal the fact of such election having been made. 38 V., c. 47, s. 6, *part*.

Full defence allowed.

16. In every case of summary proceedings under this Act, the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney. 32-33 V., c. 32, s. 12.

Magistrate's court to be open.

17. Every court, held by a magistrate for the purposes of this Act, shall be an open public court, and a written or printed notice of the day and hour for holding such court shall be posted up or affixed, by the clerk of the court, upon the outside of some conspicuous part of the building or place where the same is held. 32-33 V., c. 32, s. 26.

Power to summon and compel attendance of witnesses.

18. The magistrate before whom any person is charged under this Act may, by summons, require the attendance of any person as a witness upon the hearing of the case, at a time and place to be named in such summons, and such magistrate may bind, by recognizance, all persons whom he considers necessary to be examined, touching the matter of such charge, to attend at the time and place appointed by him and then and there to give evidence upon the hearing of such charge; and if any person so summoned, or required or bound as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, and if proof is made of such person having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, the magistrate before whom such person should have attended may issue a warrant to compel his appearance as a witness. 32-33 V., c. 32, s. 13.

Mode of summoning under this Act.

19. Every summons issued under this Act may be served by delivering a copy of the summons to the person summoned, or by delivering a copy of the summons to some inmate of such person's usual place of abode; and every person so required by any writing under the hand of any magistrate to attend and give evidence as aforesaid, shall be deemed to have been duly summoned. 32-33 V., c. 32, s. 14.

Offence not proved.

20. Whenever the magistrate finds the offence not proved, he shall dismiss the charge, and make out and deliver to the person charged a certificate under his hand stating the fact of such dismissal. 32-33 V., c. 32, s. 6.

Discharge in certain cases.

21. If, upon the hearing of the charge, the magistrate is of opinion that there are circumstances in the case which

render it inexpedient to inflict any punishment, he may dismiss the person charged, without proceeding to a conviction. 32-33 V., c. 32, s. 9.

22. Every conviction under this Act shall have the same effect as a conviction upon indictment for the same offence would have had, except that no conviction under this Act shall be attended with forfeiture beyond the penalty, if any, imposed in the case. 32-33 V., c. 32, s. 28;—38 V., c. 47, s. 3. Effect of conviction.

23. Every person who obtains a certificate of dismissal or is convicted under this Act, shall be released from all further or other criminal proceedings for the same cause. 32-33 V., c. 32, s. 29;—38 V., c. 47, s. 4. And of dismissal.

24. No conviction, sentence or proceeding under this Act, shall be quashed for want of form; and no warrant of commitment upon a conviction shall be held void by reason of any defect therein, if it is therein alleged that the offender has been convicted, and there is a good and valid conviction to sustain the same. 32-33 V., c. 32, s. 30;—38 V., c. 47, s. 5. No conviction to be quashed for want of form.

25. The magistrate adjudicating under this Act shall transmit the conviction, or a duplicate of a certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, to the next court of General or Quarter Sessions of the Peace or to the court discharging the functions of a court of General or Quarter Sessions of the Peace, for the district, county or place, there to be kept by the proper officer among the records of the court. 32-33 V., c. 32, s. 23. Conviction to be transmitted to court of sessions of the peace.

26. A copy of such conviction, or of such certificate of dismissal, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction or dismissal for the offence mentioned therein, in any legal proceedings whatsoever. 32-33 V., c. 32, s. 24. Proof of conviction or dismissal.

27. The magistrate by whom any person has been convicted under this Act, may order restitution of the property stolen, or taken or obtained by false pretences, in any case which the court before whom the person convicted would have been tried but for this Act, might by law order restitution. 32-33 V., c. 32, s. 25. Restitution of property.

28. Whenever any person is charged before any justice or justices of the peace, with any offence mentioned in this Act, and in the opinion of such justice or justices the case is proper to be disposed of by a magistrate, as herein provided, the justice or justices before whom such person is so Persons brought before justices may be remanded for trial under this Act.

charged may, if he or they see fit, remand such person for further examination before the nearest magistrate, in like manner in all respects as a justice or justices are authorized to remand a person accused for trial at any court, under "The Criminal Procedure Act." 32-33 V., c. 32, s. 19.

But not into any other Province.

29. No justice or justices of the peace, in any Province, shall so remand any person for further examination or trial before any such magistrate in any other Province. 32-33 V., c. 32, s. 20.

Before whom to be tried.

30. Any person so remanded for further examination before a magistrate in any city, may be examined and dealt with by any other magistrate in the same city. 32-33 V., c. 32, s. 21.

Person not appearing according to his recognizance.

31. If any person suffered to go at large, upon entering into such recognizance as the justice or justices are authorized, under the last mentioned Act, to take on the remand of a person accused, conditioned for his appearance before a magistrate, does not afterwards appear, pursuant to such recognizance, the magistrate before whom he should have appeared shall certify, under his hand, on the back of the recognizance, to the clerk of the peace of the district, county or place, or other proper officer, as the case may be, the fact of such non-appearance, and such recognizance shall be proceeded upon in like manner as other recognizances; and such certificate shall be *primâ facie* evidence of such non-appearance. 32-33 V., c. 32, s. 22.

Application of penalties.

32. Every fine and penalty imposed under the authority of this Act shall be paid and applied as follows, that is to say:—

In Ontario.

(a.) In the Province of Ontario, to the magistrate who imposed the same, or to the clerk of the court or clerk of the peace, as the case may be, to be paid over by him to the county treasurer for county purposes;

In Quebec.

(b.) In any new district in the Province of Quebec, to the sheriff of such district, as treasurer of the building and jury fund for such district, to form part of such fund,—and if in any other district in the said Province, to the prothonotary of such district, to be applied by him, under the direction of the Lieutenant Governor in Council, towards the keeping in repair of the court house in such district, or to be added by him to the moneys and fees collected by him for the erection of a court house and gaol in such district, so long as such fees are collected to defray the cost of such erection;

In N.S. and N.B.

(c.) In the Provinces of Nova Scotia and New Brunswick, to the county treasurer for county purposes; and—

In P.E.I., Man. and B.C.

(d.) In the Provinces of Prince Edward Island, Manitoba and British Columbia, to the treasurer of the Province. 32-33 V., c. 32, s. 32;—40 V., c. 4, s. 8, *part*.

33. Every conviction or certificate may be in the form in the schedule hereto applicable to the case, or to the like effect, and whenever the nature of the case requires it, such forms may be altered by omitting the words stating the consent of the person to be tried before the magistrate, and by adding the requisite words, stating the fine imposed, if any, and the imprisonment, if any, to which the person convicted is to be subjected if the fine is not sooner paid. 32-33 V., c. 32, s. 7, s. 11, *part*, and s. 18.

Forms in schedule may be used.

34. The provisions of "*The Criminal Procedure Act*," except as mentioned in the twenty-eighth section, and of "*The Summary Convictions Act*," shall not apply to any proceedings under this Act. 32-33 V., c. 32, s. 27.

Certain provisions not to apply to cases under this Act.

35. Nothing in this Act shall affect the provisions of "*The Juvenile Offenders' Act*," and this Act shall not extend to persons punishable under that Act, so far as regards offences for which such persons may be punished thereunder. 32-33 V., c. 32, s. 31.

Act not to affect that for trial of juvenile offenders.

SCHEDULE.

FORM A.

CONVICTION.

Province of _____, city (or as the)
case may be of _____ to wit: _____ }

Be it remembered that on the _____ day of _____
 in the year _____, at _____, A.B., being
 charged before me, the undersigned, _____, of the said
 (city) (and consenting to my trying the charge summarily),
 is convicted before me, for that he, the said A.B., &c. (*stating
 the offence, and the time and place when and where committed*),
 and I adjudge the said A.B., for his said offence, to be im-
 prisoned in the _____ (and there kept to hard labor)
 for the term of _____.

Given under my hand and seal, the day and year first
 above mentioned, at _____ aforesaid.

J. S. [L.S.]

FORM B.

CONVICTION UPON A PLEA OF GUILTY.

Province of _____, city (or as the)
case may be of _____ to wit: _____ }

Be it remembered that on the _____ day of _____,
 in the year _____, at _____, A.B., being
 charged before me, the undersigned, _____, of the said

(city) (and consenting to my trying the charge summarily), for that he, the said A.B., &c. (*stating the offence, and the time and place when and where committed*), and pleading guilty to such charge, he is thereupon convicted before me of the said offence; and I adjudge him, the said A.B., for his said offence, to be imprisoned in the (and there kept to hard labor) for the term of

Given under my hand and seal, the day and year first above mentioned, at aforesaid.

J. S. [L.S.]

FORM C.

CERTIFICATE OF DISMISSAL.

Province of _____, city (or as the)
case may be) of _____ to wit: }

I, the undersigned, _____, of the city (or as the case may be) of _____, certify that on the day of _____, in the year _____, at aforesaid, A.B., being charged before me (and consenting to my trying the charge summarily), for that he, the said A.B., &c. (*stating the offence charged, and the time and place when and where alleged to have been committed*), I did, after having summarily tried the said charge, dismiss the same.

Given under my hand and seal, this _____ day of _____, at aforesaid.

J. S. [L.S.]

32-33 V., c. 32, sch.

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CHAPTER 177.

An Act respecting Juvenile Offenders.

A. D. 1886.

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

1. This Act may be cited as "*The Juvenile Offenders' Act.*" Short title.

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

(a.) The expression "two or more justices," or "the justices" includes,—

Interpretation.
"Two or more justices" or "the justices."

(1.) In the Provinces of Ontario and Manitoba any judge of the county court being a justice of the peace, police magistrate or stipendiary magistrate, or any two justices of the peace, acting within their respective jurisdictions;

In Ontario and Manitoba.

(2.) In the Province of Quebec any two or more justices of the peace, the sheriff of any district, except Montreal and Quebec, the deputy sheriff of Gaspé, and any recorder, judge of the Sessions of the Peace, police magistrate, district magistrate or stipendiary magistrate acting within the limits of their respective jurisdictions;

In Quebec.

(3.) In the Provinces of Nova Scotia, New Brunswick, Prince Edward Island, and British Columbia, and in the District of Keewatin, any functionary or tribunal invested by the proper legislative authority with power to do acts usually required to be done by two or more justices of the peace;

In N. S., N. B., P. E. I. and B. C.

(4.) In the North-West Territories, any judge of the Supreme Court of the said Territories, any two justices of the peace sitting together, and any functionary or tribunal having the powers of two justices of the peace:

In the N.-W. T.

(b.) The expression "the common gaol or other place of confinement" includes any reformatory prison provided for the reception of juvenile offenders in the Province in which the conviction referred to takes place, and to which, by the law of that Province, the offender may be sent. 32-33 V., c. 33, s. 1;—37 V., c. 39, s. 3, *part*;—39 V., c. 21, *sch.*, *part*;—40 V., c. 4, *sch.*, *part*;—47 V., c. 42, s. 2, *part*;—49 V., c. 25, s. 30.

"Common gaol or other place of confinement."

3. Every person charged with having committed, or having attempted to commit, or with having been an aider, abettor, counsellor or procurer in the commission of any

Summary trial of persons not more than sixteen

years of age charged with certain offences.

offence which is simple larceny, or punishable as simple larceny, and whose age, at the period of the commission or attempted commission of such offence, does not, in the opinion of the justice before whom he is brought or appears, exceed the age of sixteen years, shall, upon conviction thereof, in open court, upon his own confession or upon proof, before any two or more justices, be committed to the common gaol or other place of confinement within the jurisdiction of such justices, there to be imprisoned, with or without hard labor, for any term not exceeding three months, or, in the discretion of such justices, shall forfeit and pay such sum, not exceeding twenty dollars, as such justices adjudge. 32-33 V., c. 33, s. 2.

Compelling person accused to attend.

4. Whenever any person, whose age is alleged not to exceed sixteen years, is charged with any offence mentioned in the next preceding section, on the oath of a credible witness, before any justice of the peace, such justice may issue his summons or warrant, to summon or to apprehend the person so charged, to appear before any two justices of the peace, at a time and place to be named in such summons or warrant. 32-33 V., c. 33, s. 7.

Power to remand or take bail.

5. Any justice of the peace, if he thinks fit, may remand for further examination or for trial, or suffer to go at large, upon his finding sufficient sureties, any such person charged before him with any such offence as aforesaid. 32-33 V., c. 33, s. 8.

Condition of recognizance.

6. Every such surety shall be bound by recognizance to be conditioned for the appearance of such person before the same or some other justice or justices of the peace for further examination, or for trial before two or more justices of the peace as aforesaid, or for trial by indictment at the proper court of criminal jurisdiction, as the case may be. 32-33 V., c. 33, s. 9.

Enlarging or discharging recognizance.

7. Every such recognizance may be enlarged, from time to time, by any such justice or justices to such further time as he or they appoint; and every such recognizance not so enlarged shall be discharged without fee or reward, when the person has appeared according to the condition thereof. 32-33 V., c. 33, s. 10.

Defendant to be asked if he consents to be tried summarily.

8. The justices before whom any person is charged and proceeded against under this Act, before such person is asked whether he has any cause to show why he should not be convicted, shall say to the person so charged, these words, or words to the like effect:

“We shall have to hear what you wish to say in answer to the charge against you; but if you wish to be tried by a jury, you must object now to our deciding upon it at once.”

And if such person, or a parent or guardian of such person, then objects, such person shall be dealt with as if this Act had not been passed; but nothing in this Act shall prevent the summary conviction of any such person before one or more justices of the peace, for any offence for which he is liable to be so convicted under any other Act. 32-33 V., c. 33, s. 3.

If he does not consent.

9. If the justices are of opinion, before the person charged has made his defence, that the charge is, from any circumstance, a fit subject for prosecution by indictment, or if the person charged, upon being called upon to answer the charge, objects to the case being summarily disposed of under the provisions of this Act, such justices shall, instead of summarily adjudicating thereupon, deal with the case in all respects as if this Act had not been passed; and, in the latter case, shall state in the warrant of commitment the fact of such election having been made. 32-33 V., c. 33, s. 5, *part*;—38 V., c. 47, s. 6, *part*.

Justices may send the case to be tried by a jury.

10. Any justice of the peace may, by summons, require the attendance of any person as a witness upon the hearing of any case before two justices, under the authority of this Act, at a time and place to be named in such summons. 32-33 V., c. 33, s. 11.

Summoning witnesses.

11. Any such justice may require and bind by recognizance every person whom he considers necessary to be examined, touching the matter of such charge, to attend at the time and place appointed by him and then and there to give evidence upon the hearing of such charge. 32-33 V., c. 33, s. 12.

Binding witnesses to attend.

12. If any person so summoned or required or bound, as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, and if proof is given of such person having been duly summoned, as hereinafter mentioned, or bound by recognizance, as aforesaid, either of the justices before whom any such person should have attended, may issue a warrant to compel his appearance as a witness. 32-33 V., c. 33, s. 13.

Compelling attendance in case of refusal or neglect.

13. Every summons issued under the authority of this Act may be served by delivering a copy thereof to the person, or to some inmate at such person's usual place of abode, and every person so required by any writing under the hand or hands of any justice or justices to attend and give evidence as aforesaid, shall be deemed to have been duly summoned. 32-33 V., c. 33, s. 14.

Service of summons.

14. If the justices, upon the hearing of any such case, deem the offence not proved, or that it is not expedient to

Discharge in certain cases.

inflict any punishment, they shall dismiss the person charged, — in the latter case on his finding sureties for his future good behavior, and in the former case without sureties, and then make out and deliver to the person charged a certificate in the form A in the schedule to this Act, or to the like effect, under the hands of such justices, stating the fact of such dismissal. 32-33 V., c. 33, s. 4, *part*.

Certificate of discharge.

15. Every person who obtains such certificate of dismissal, or is so convicted, shall be released from all further or other criminal proceedings for the same cause. 32-33 V., c. 33, s. 6.

Effect of such certificate or of conviction.

16. The justices before whom any person is summarily convicted of any offence hereinbefore mentioned, may cause the conviction to be drawn up in the form B in the schedule hereto, or in any other form to the same effect, and the conviction shall be good and effectual to all intents and purposes. 32-33 V., c. 33, s. 15, *part*.

Form of conviction.

17. No such conviction shall be quashed for want of form, or be removed by *certiorari* or otherwise into any court of record; and no warrant of commitment shall be held void by reason of any defect therein, if it is therein alleged that the person has been convicted, and there is a good and valid conviction to sustain the same. 32-33 V., c. 33, s. 16.

Conviction not void for want of form, &c.

18. The justices before whom any person is convicted under the provisions of this Act, shall forthwith transmit the conviction and recognizances to the clerk of the peace or other proper officer, for the district, city, county or union of counties wherein the offence was committed, there to be kept by the proper officer among the records of the court of General or Quarter Sessions of the Peace, or of any other court discharging the functions of a court of General or Quarter Sessions of the Peace. 32-33 V., c. 33, s. 17.

Conviction to be sent to clerk of the peace, &c.

19. Every clerk of the peace, or other proper officer, shall transmit to the Minister of Agriculture a quarterly return of the names, offences and punishments mentioned in the convictions, with such other particulars as are, from time to time, required. 32-33 V., c. 33, s. 18.

Returns to Minister of Agriculture.

20. No conviction under the authority of this Act shall be attended with any forfeiture, except such penalty as is imposed by the sentence; but whenever any person is adjudged guilty under the provisions of this Act, the presiding justice may order restitution of the property in respect of which the offence was committed, to the owner thereof or his representatives. 32-33 V., c. 33, s. 19.

No forfeiture; but restitution may be ordered.

21. If such property is not then forthcoming, the justices, whether they award punishment or not, may inquire into and ascertain the value thereof in money; and, if they

Or the payment of the value in money.

think proper, order payment of such sum of money to the true owner, by the person convicted, either at one time or by instalments, at such periods as the justices deem reasonable. 32-33 V., c. 33, s. 20.

22. The person ordered to pay such sum may be sued for the same as a debt in any court in which debts of the like amount are, by law, recoverable, with costs of suit, according to the practice of such court. 32-33 V., c. 33, s. 21. Recovery of such value.

23. Whenever the justices adjudge any offender to forfeit and pay a pecuniary penalty under the authority of this Act, and such penalty is not forthwith paid, they may, if they deem it expedient, appoint some future day for the payment thereof, and order the offender to be detained in safe custody until the day so appointed, unless such offender gives security, to the satisfaction of the justices, for his appearance on such day; and the justices may take such security by way of recognizance or otherwise in their discretion. 32-33 V., c. 33, s. 22. Enforcing payment of penalties.

24. If at any time so appointed such penalty has not been paid, the same or any other justices of the peace may, by warrant under their hands and seals, commit the offender to the common gaol or other place of confinement within their jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication. 32-33 V., c. 33, s. 23. Committal for non-payment.

25. The justices before whom any person is prosecuted or tried for any offence cognizable under this Act, may, in their discretion, at the request of the prosecutor or of any other person who appears on recognizance or summons to prosecute or give evidence against such person, order payment to the prosecutor and witnesses for the prosecution, of such sums as to them seem reasonable and sufficient, to reimburse such prosecutor and witnesses for the expenses they have severally incurred in attending before them, and in otherwise carrying on such prosecution, and also to compensate them for their trouble and loss of time therein,—and may order payment to the constables and other peace officers for the apprehension and detention of any person so charged. 32-33 V., c. 33, s. 24. Costs of prosecution may be awarded.

26. The justices may, although no conviction takes place, order all or any of the payments aforesaid to be made, when they are of opinion that the persons, or any of them, have acted in good faith. 32-33 V., c. 33, s. 25. Even without conviction.

27. Every fine imposed under the authority of this Act shall be paid and applied as follows, that is to say:— Application of penalties.

In Ontario. (a.) In the Province of Ontario, to the justices who impose the same, or the clerk of the county court, or the clerk of the peace, or other proper officer, as the case may be, to be by him or them paid over to the county treasurer for county purposes ;

In Quebec. (b.) In any new district in the Province of Quebec, to the sheriff of such district as treasurer of the building and jury fund for such district, to form part of such fund, and in any other district in the Province of Quebec, to the prothonotary of such district, to be applied by him, under the direction of the Lieutenant Governor in Council, towards the keeping in repair of the court house in such district, or to be added by him to the moneys or fees collected by him for the erection of a court house or gaol in such district, so long as such fees are collected to defray the cost of such erection ;

In N.S. and N.B. (c.) In the Provinces of Nova Scotia and New Brunswick, to the county treasurer, for county purposes ; and—

In P.E.I., Man., and B.C. (d.) In the Provinces of Prince Edward Island, Manitoba and British Columbia, to the treasurer of the Province. 32-33 V., c. 33, s. 26 ;—40 V., c. 4, s. 8, *part*.

Certificate of expenses.

28. The amount of expenses of attending before the justices and the compensation for trouble and loss of time therein, and the allowances to the constables and other peace officers for the apprehension and detention of the offender, and the allowances to be paid to the prosecutor, witnesses and constables for attending at the trial or examination of the offender, shall be ascertained by and certified under the hands of such justices ; but the amount of the costs, charges and expenses attending any such prosecution, to be allowed and paid as aforesaid, shall not in any one case exceed the sum of eight dollars. 32-33 V., c. 33, s. 27.

By whom such expenses shall be paid.

29. Every such order of payment to any prosecutor or other person, after the amount thereof has been certified by the proper justices of the peace as aforesaid, shall be forthwith made out and delivered by the said justices or one of them, or by the clerk of the peace or other proper officer, as the case may be, to such prosecutor or other person, upon such clerk or officer being paid his lawful fee for the same, and shall be made upon the officer to whom fines imposed under the authority of this Act are required to be paid over in the district, city, county or union of counties in which the offence was committed, or was supposed to have been committed, who, upon sight of every such order, shall forthwith pay to the person named therein, or to any other person duly authorized to receive the same on his behalf, out of any moneys received by him under this Act, the money in such order mentioned, and shall be allowed the same in his accounts of such moneys. 32-33 V., c. 33, s. 28

As to certain offences in P.E.I., B.C.,

30. This Act shall not apply to any offence committed in the Provinces of Prince Edward Island or British Colum-

bia, or the District of Keewatin, punishable by imprisonment for two years and upwards; and in such Provinces and District it shall not be necessary to transmit any recognition to the clerk of the peace or other proper officer. 39 V., c. 21, sch., *part*;—40 V., c. 4, sch., *part*;—47 V., c. 42, s. 2, *part*.

31. This Act shall not authorize two or more justices of the peace to sentence offenders to imprisonment in a reformatory in the Province of Ontario. 43 V., c. 39, s. 15, *part*.

No sentence to a reformatory in Ontario.

SCHEDULE.

FORM A.

To wit: { , justices of the peace for
 } the of , (or if a recorder,
 &c., I, a , of the
 of , as the case may be), do hereby certify, that
 on the day of , in the year
 at , in the said of , (M. N.)
 was brought before us, the said justices (or me, the said
), charged with the following offence, that is
 to say (*here state briefly the particulars of the charge*), and that
 we, the said justices, (or I, the said) thereupon
 dismissed the said charge.

Given under our hands (or my hand) this day of

J. P. [L. S.]
 J. R. [L. S.]
 or S. J. [L. S.]

FORM B.

To wit: { Be it remembered, that on the day of
 } , in the year
 , at , in the district of
 (county or united counties, &c., or as the case
 may be), A. O. is convicted before us, J. P. and J. R., justices
 of the peace for the said district (or city, &c., or me, S. J.,
 recorder, &c., , of the , of
 as the case may be) for that, he, the said A. O. did (*specify the
 offence and the time and place when and where the same was
 committed, as the case may be, but without setting forth the evi-
 dence*), and we, the said J. P. and J. R. (or I, the said S. J.),
 adjudge the said A. O., for his said offence, to be imprisoned
 in the (or to be imprisoned in the ,
 and there kept at hard labor), for the space of ,
 (or we) (or I) adjudge the said A. O., for his said offence, to

forfeit and pay _____ (*here state the penalty actually imposed*), and in default of immediate payment of the said sum, to be imprisoned in the _____ (or to be imprisoned in the _____ and kept at hard labor) for the term of _____, unless the said sum is sooner paid.

Given under our hand and seals (*or my hand and seal*), the day and year first above mentioned.

J. P. [L. S.]
 J. R. [L. S.]
 or S. J. [L. S.]

32-33 V., c. 33, s. 4, *part*, and s. 15, *part*.

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CHAPTER 178.

An Act respecting Summary Proceedings before Justices A. D. 1886.
of the Peace.

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

SHORT TITLE.

1. This Act may be cited as "*The Summary Convictions Act*." Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
(a.) The expression "justice" means a justice of the peace, and includes two or more justices if two or more justices act or have jurisdiction, and also a police magistrate, a stipendiary magistrate and any person having the power or authority of two or more justices of the peace; Interpretation.
"Justice."

(b.) The expression "clerk of the peace" includes the proper officer of the court having jurisdiction in appeal under this Act; "Clerk of the
"peace."

(c.) The expression "territorial division" means district, county, union of counties, township, city, town, parish or other judicial division or place; "Territorial
"division."

(d.) The expression "district" or "county" includes any territorial or judicial division or place, in and for which there is such judge, justice, justice's court, officer or prison as is mentioned in the context; "District"
or "county."

(e.) The expression "common gaol" or "prison" means any place other than a penitentiary in which persons charged with offences are usually kept and detained in custody. 32-33 V., c. 31, ss. 94 and 95;—40 V., c. 27, s. 3;—49 V., c. 49, s. 1. "Common
"gaol" or
"prison."

JURISDICTION.

3. This Act shall apply to.—

(a.) Every case in which any person commits, or is suspected of having committed any offence or act over which the Parliament of Canada has legislative authority, and for which such person is liable, on summary conviction, to imprisonment, fine, penalty or other punishment; Application
of Act.
Offences pun-
ishable on
summary con-
viction.

Cases in which an order for the payment of money may be made.

(b.) Every case in which a complaint is made to any justice in relation to any matter over which the Parliament of Canada has legislative authority, and with respect to which such justice has authority by law to make any order for the payment of money or otherwise;—

Subject to any special provision otherwise enacted with respect to such offence, act or matter. 32-33 V., c. 18, s. 35, c. 20, s. 80, c. 21, s. 123, c. 22, s. 75, c. 27, s. 7, c. 29, s. 7, and c. 31, s. 1. *part*;—33 V., c. 31, s. 6;—35 V., c. 31, ss. 2, *part*, and 3;—38 V., c. 42, s. 11;—40 V., c. 35, s. 5;—43 V., c. 38, s. 4;—44 V., c. 30, s. 10, *part*.

By whom complaint shall be heard.

4. Every complaint and information shall be heard, tried, determined and adjudged by one justice or two or more justices, as directed by the Act or law upon which the complaint or information is framed, or by any other Act or law in that behalf. 32-33 V., c. 31, s. 27.

If there is no direction in the Act.

5. If there is no such direction in any Act or law, then the complaint or information may be heard, tried, determined and adjudged by any one justice for the territorial division where the matter of the complaint or information arose. 32-33 V., c. 31, s. 28.

In what matters one justice may always act.

6. Any one justice may receive the information or complaint, and grant a summons or warrant thereon, and issue his summons or warrant to compel the attendance of any witnesses for either party, and do all other acts and matters necessary, preliminary to the hearing, even if by the statute in that behalf it is provided that the information or complaint shall be heard and determined by two or more justices. 32-33 V., c. 31, s. 85.

After hearing, &c.

7. After a case has been heard and determined, one justice may issue all warrants of distress or commitment thereon. 32-33 V., c. 31, s. 86.

Proceedings after judgment.

8. It shall not be necessary that the justice who acts before or after the hearing be the justice or one of the justices by whom the case is or was heard and determined. 32-33 V., c. 31, s. 87.

If two justices are required.

9. If it is required by any Act or law that an information or complaint shall be heard and determined by two or more justices, or that a conviction or order shall be made by two or more justices, such justices shall be present and acting together during the whole of the hearing and determination of the case. 32-33 V., c. 31, s. 88.

Certain magistrates to have the power of two justices.

10. Every judge of Sessions of the Peace, recorder, police magistrate, district magistrate or stipendiary magistrate, appointed for any district, county, city, borough, town or

place, shall have full power to do alone whatever is authorized to be done by two or more justices. 32-33 V., c. 31, s. 91, *part.*

LIMITATIONS.

11. If no time is specially limited for making any complaint or laying any information in the Act or law relating to the particular case, the complaint shall be made and the information shall be laid within three months from the time when the matter of the complaint or information arose, except in the North-West Territories, and in that part of the county of Saguenay which extends from Portneuf, in the said county, to the eastward as far as the limits of Canada, including all the islands adjoining thereto, where the time within which such complaint shall be made, or such information shall be laid, shall be extended to twelve months from the time when the matter of the complaint or information arose. 32-33 V., c. 31, s. 26 ;—43 V., c. 25, sch., *part.*

When no time is limited for information or complaint.

Exception as to certain districts.

ABETTORS.

12. Every one who aids, abets, counsels or procures the commission of any offence punishable on summary conviction, may be proceeded against and convicted either in the territorial division or place where the principal offender may be convicted, or in that in which the offence of aiding, abetting, counselling or procuring was committed. 32-33 V., c. 31, s. 15, *part.*

Where abettors may be proceeded against.

ENFORCING ATTENDANCE OF DEFENDANTS.

13. Whenever an information (A) is laid before any justice for any territorial division of Canada, that any person, being within the jurisdiction of such justice, has committed or is suspected to have committed any offence or act for which he is liable by law, on summary conviction, to be imprisoned or fined, or otherwise punished, or a complaint is made to any such justice in relation to any matter upon which he has authority by law to make any order for the payment of money or otherwise, such justice may issue his summons (B), directed to such person, stating shortly the matter of the information or complaint, and requiring him to appear at a certain time and place, before such justice, or before such other justice in and for the same territorial division as shall then be there, to answer to the said information or complaint, and to be further dealt with according to law. 32-33 V., c. 31, s. 1, *part.*

When information is laid before justice, a summons to the accused may be issued.

14. Every such summons shall be served by a constable or other peace officer, or other person to whom the same is delivered, upon the person to whom it is directed, by delivering the same to such person personally, or by leaving it with

Service of summons.

some person for him at his last or most usual place of abode. 32-33 V., c. 31, s. 2.

Proof of service.

15. The constable, peace officer or person who serves such summons, shall attend at the time and place, and before the justice in the summons mentioned, to depose, if necessary, to the service thereof. 32-33 V., c. 31, s. 3.

As to *ex parte* cases.

16. Nothing herein contained shall oblige any justice to issue any such summons whenever the application for any order may, by law, be made *ex parte*. 32-33 V., c. 31, s. 4.

If the summons is not obeyed, the justice may issue his warrant.

17. If the person served with a summons does not appear before the justice at the time and place mentioned in the summons, and it is made to appear to the justice, by oath or affirmation, that the summons was duly served, a reasonable time, in the opinion of the justice, before the time therein appointed for appearing to the same, the justice, upon oath or affirmation being made before him, substantiating the matter of the information or complaint to his satisfaction, may, if he thinks fit, issue his warrant (C) to apprehend the person so summoned, and to bring him before such justice or before some other justice in and for the same territorial division, to answer to the said information or complaint, and to be further dealt with according to law. 32-33 V., c. 31, s. 6, *part*.

Warrant may issue in the first instance on information supported by oath, &c.

18. Any justice before whom any such information is laid for any offence punishable on summary conviction, may, if he thinks fit, upon oath or affirmation being made before him, substantiating the matter of the information to his satisfaction, instead of issuing a summons, issue in the first instance his warrant (D) for apprehending the person against whom the information has been laid, and bringing him before such justice, or before some other justice in and for the same territorial division, to answer to the information and to be further dealt with according to law: Provided, that whenever a warrant is issued in the first instance, the justice issuing it shall furnish a copy or copies thereof, and cause a copy to be served on each person arrested at the time of such arrest. 32-33 V., c. 31, s. 6, *part*.

Copy of warrant to be served on defendant.

Warrant to be under hand and seal; to whom directed.

19. Every warrant to apprehend a defendant, that he may answer to an information or complaint, shall be under the hand and seal of the justice issuing the same, and may be directed to any one or more or to all of the constables or other peace officers of the territorial division within which it is to be executed, or to such constable and all other constables in the territorial division within which the justice who issued the warrant has jurisdiction, or generally to all the constables or peace officers within such territorial division:

2. Such warrant shall state shortly the matter of the information or complaint on which it is founded, and shall name or otherwise describe the person against whom it has been issued, and it shall order the constables or other peace officers to whom it is directed, to apprehend the defendant and to bring him before one or more justice or justices of the same territorial division, as the case requires, to answer to the information or complaint and to be further dealt with according to law. 32-33 V., c. 31, s. 8.

What the warrant shall contain.

20. It shall not be necessary to make the warrant returnable at any particular time, but the same shall remain in full force until executed; and the warrant may be executed by apprehending the defendant at any place in the territorial division within which the justice who issued the same has jurisdiction, or, in case of fresh pursuit, at any place in the next adjoining territorial division, within seven miles of the border of the first mentioned territorial division, without having the warrant backed as hereinafter mentioned. 32-33 V., c. 31, s. 9.

Duration of warrant and how to be executed.

21. If the warrant is directed to all constables or peace officers in the territorial division within which the justice who issued the same has jurisdiction, any constable or peace officer for any place within the limits of the jurisdiction may execute the warrant, in like manner as if the warrant was directed specially to him by name, and notwithstanding that the place in which the warrant is executed is not within the place for which he is a constable or peace officer. 32-33 V., c. 31, s. 10.

What officer may execute it, and where.

22. If any person against whom any warrant has been issued is not found within the jurisdiction of the justice by whom it was issued, or, if he escapes into, or is or is suspected to be in any place within Canada, out of the jurisdiction of such justice, any justice, within whose jurisdiction such person is or is suspected to be, upon proof upon oath or affirmation of the handwriting of the justice issuing the warrant, may make an indorsement upon it, signed with his name, authorizing the execution of the warrant within his jurisdiction; and such indorsement shall be a sufficient authority to the person bringing the warrant, and to all other persons to whom it was originally directed, and to all constables or other peace officers of the territorial division wherein the indorsement is made, to execute the same in any place within the jurisdiction of the justice indorsing the same, and to carry the offender, when apprehended, before the justice who first issued the warrant or some other justice having the same jurisdiction. 32-33 V., c. 31, s. 11.

Indorsing of the warrant in another jurisdiction.

Effect of such indorsement.

INFORMATIONS AND COMPLAINTS.

Certain complaints need not be in writing.

23. It shall not be necessary that any complaint upon which a justice may make an order for the payment of money or otherwise, shall be in writing, unless it is so required by some particular Act or law upon which such complaint is founded. 32-33 V., c. 31, s. 20.

Complaints need not be on oath unless so provided.

24. Every complaint upon which a justice is authorized by law to make an order, and every information for any offence or act punishable on summary conviction, may, unless it is herein or by some particular Act or law otherwise provided, be made or laid without any oath or affirmation as to the truth thereof. 32-33 V., c. 31, s. 24.

Exception, when warrant is issued in the first instance.

25. Whenever the justice issues his warrant in the first instance, the matter of the information shall be substantiated by the oath or affirmation of the informant, or by some witness or witnesses on his behalf, before the warrant is issued. 32-33 V., c. 31, s. 25, *part*.

Complaint to be for one matter only, &c.

26. Every complaint shall be for one matter of complaint only, and not for two or more matters of complaint, and every information shall be for one offence only, and not for two or more offences; and every complaint or information may be laid or made by the complainant or informant in person, or by his counsel or attorney or other person authorized in that behalf. 32-33 V., c. 31, s. 25, *part*.

Description of property of partners, &c.

27. In any information or complaint, or proceedings thereon, in which it is necessary to state the ownership of any property belonging to or in possession of partners, joint tenants, parceners or tenants in common, or *par indivis*, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named, and another or others, as the case may be:

Partners, &c., may be described in like manner.

2. Whenever, in any information or complaint, or the proceedings thereon, it is necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners or tenants in common, or *par indivis*, it shall be sufficient to describe them in the manner aforesaid:

Description of property of municipal corporation.

3. Whenever, in any information or complaint, or the proceedings thereon, it is necessary to describe the ownership of any work or building made, maintained or repaired at the expense of the corporation or inhabitants of any territorial division or place, or of any materials for the making, altering or repairing the same, they may be therein described as the property of the inhabitants of such territorial division or place. 32-33 V., c. 31, s. 14.

No objection allowed on account of defect in sub-

28. No objection shall be allowed to any information, complaint, summons or warrant, for any alleged defect therein, in substance or in form, or for any variance between such in-

formation, complaint, summons or warrant, and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint :

stance or form, &c.

2. Any variance between the information, for any offence or act punishable on summary conviction, and the evidence adduced in support thereof as to the time at which such offence or act is alleged to have been committed, shall not be deemed material, if it is proved that such information was, in fact, laid within the time limited by law for laying the same :

When variance as to time shall not be material.

3. Any variance between the information and the evidence adduced in support thereof, as to the place in which the offence or act is alleged to have been committed, shall not be deemed material, if the offence or act is proved to have been committed within the jurisdiction of the justice by whom the information is heard and determined :

When variance as to place shall not be material.

4. If any such variance, or any other variance between the information, complaint, summons or warrant, and the evidence adduced in support thereof, appears to the justice present, and acting at the hearing, to be such that the defendant has been thereby deceived or misled, the justice may, upon such terms as he thinks fit, adjourn the hearing of the case to some future day. 32-33 V., c. 31, ss. 5, 12, *part*, 21 and 22, *part*.

If defendant had been misled, the justice may adjourn the case.

WITNESSES.

29. If it is made to appear to any justice, by the oath or affirmation of any credible person, that any person within the jurisdiction of such justice is likely to give material evidence on behalf of the prosecutor or complainant or defendant, and will not voluntarily appear as a witness at the time and place appointed for the hearing of the information or complaint, the justice shall issue his summons (E 1) to such person, requiring him to be and appear at a time and place mentioned in the summons, before such justice, or any other justice in and for the territorial division, who shall then be there, to testify what he knows concerning the information or complaint. 32-33 V., c. 31, s. 16.

Summons to person likely to give material evidence.

30. If any person so summoned neglects or refuses to appear at the time and place appointed by the summons, and no just excuse is offered for such neglect or refusal, then, after proof upon oath or affirmation of the summons having been served upon him, either personally or by leaving the same for him with some person at his last or most usual place of abode, the justice before whom such person should have appeared may issue a warrant (E 2) to bring and have such person, at a time and place to be therein mentioned, before the justice who issued the summons, or before any other justice in and for the same territorial division who shall then be there, to testify as aforesaid, and

Warrant if such person fails to appear.

May be backed.

the said warrant may, if necessary, be backed as herein mentioned, in order to its being executed out of the jurisdiction of the justice who issued the same. 32-33 V., c. 31, s. 17.

Warrant in the first instance.

31. If the justice is satisfied, by evidence upon oath or affirmation, that it is probable that the person will not attend to give evidence without being compelled so to do, he may instead of issuing a summons issue his warrant (E 3) in the first instance, and the warrant may, if necessary, be backed as aforesaid. 32-33 V., c. 21, s. 18.

Commitment for refusal to give evidence.

32. If, on the appearance of the person so summoned before the justice, either in obedience to the summons or upon being brought before him, by virtue of the warrant, such person refuses to be examined upon oath or affirmation, concerning the premises, or refuses to take an oath or affirmation, or having taken the oath or affirmation, refuses to answer such questions concerning the premises as are then put to him, without offering any just excuse for his refusal, any justice then present and having jurisdiction, may, by warrant (E 4), commit the person so refusing to the common gaol or other prison for the territorial division where the person then is, there to remain and be imprisoned for any term not exceeding ten days, unless, in the meantime, he consents to be examined and to answer concerning the premises. 32-33 V., c. 31, s. 19.

HEARING.

Place of hearing to be deemed an open court.

33. The room or place in which the justice sits to hear and try any complaint or information shall be deemed an open and public court, to which the public generally may have access, so far as the same can conveniently contain them. 32-33 V., c. 31, s. 29.

Defendant may make full defence.

34. The person against whom the complaint is made or information laid shall be admitted to make his full answer and defence thereto, and to have the witnesses examined and cross-examined by counsel or attorney on his behalf. 32-33 V., c. 31, s. 30.

Prosecutor may be heard by counsel or attorney.

35. Every complainant or informant in any such case shall be at liberty to conduct the complaint or information, and to have the witnesses examined and cross-examined, by counsel or attorney on his behalf. 32-33 V., c. 31, s. 31.

Witnesses to be examined on oath.

36. Every witness at any hearing shall be examined upon oath or affirmation, and the justice before whom any witness appears for the purpose of being examined shall have full power and authority to administer to every witness the usual oath or affirmation. 32-33 V., c. 31, s. 45, *part*.

37. Every prosecutor of any information not having any pecuniary interest in the result, and every complainant in any complaint, whatever his interest may be in the result of the same, shall be a competent witness to support such information or complaint; and no prosecutor shall be deemed incompetent as a witness on the ground only that he may be liable to costs. 32-33 V., c. 31, s. 45, *part*.

Prosecutor, &c., competent witnesses in certain cases.

38. The evidence of the person aggrieved, and also the evidence of any inhabitant of the district, county or place in which any offence has been committed, shall be admitted in proof of the offence, notwithstanding that any forfeiture or penalty incurred by the offence is payable to any public fund of such district, county or place. 32-33 V., c. 31, s. 90.

Certain evidence may be admitted.

39. If, on the day and at the place appointed by the summons for hearing and determining the complaint or information, the defendant against whom the same has been made or laid does not appear when called, the constable or other person who served the defendant with the summons shall declare upon oath in what manner he served the summons; and if it appears to the satisfaction of the justice that such constable or other person duly served the summons a reasonable time before the time appointed for appearance, such justice may proceed *ex parte* to hear and determine the case in the absence of the defendant, as fully and effectually, to all intents and purposes, as if the defendant had personally appeared in obedience to such summons, or the justice, upon the non-appearance of the defendant, may, if he thinks fit, issue his warrant in manner herein directed, and adjourn the hearing of the complaint or information until the defendant is apprehended. 32-33 V., c. 31, ss. 7 and 32.

If the defendant does not appear.

Proceeding *ex parte*, or warrant and adjournment.

40. When the defendant has been apprehended under the warrant, he shall be brought before the justice who issued it, or some other justice in and for the same territorial division, who shall thereupon, either by his warrant (F) commit the defendant to the common gaol or other prison, or if he thinks fit, verbally to the custody of the constable or other person who apprehended him, or to such other safe custody as he deems fit, and may order the defendant to be brought up at a certain time and place before him, —of which order the complainant or informant shall have due notice; but no committal under this section shall be for more than one week. 32-33 V., c. 31, s. 33.

When defendant has been apprehended.

Proviso.

41. If, upon the day and at the place so appointed, the defendant appears voluntarily in obedience to the summons in that behalf served upon him, or is brought before the justice by virtue of a warrant, then, if the complainant or informant, having had due notice, does not appear by himself, his counsel or attorney, the justice shall dismiss the

If defendant appears, &c., and the complainant does not.

complaint or information, unless for some reason he thinks proper to adjourn the hearing of the same until some other day, upon such terms as he thinks fit. 32-33 V., c. 31, s. 34, *part.*

If both parties appear.

42. If both parties appear, either personally or by their respective counsel or attorneys, before the justice who is to hear and determine the complaint or information, such justice shall proceed to hear and determine the same. 32-33 V., c. 31, s. 36.

Proceedings on the hearing.

43. If the defendant is present at the hearing, the substance of the information or complaint shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted, or why an order should not be made against him, as the case may be. 32-33 V., c. 31, s. 37.

Justice may convict, &c., if defendant admits the truth.

44. If the defendant thereupon admits the truth of the information or complaint, and shows no sufficient cause why he should not be convicted, or why an order should not be made against him, as the case may be, the justice present at the hearing, shall convict him or make an order against him accordingly. 32-33 V., c. 31, s. 38.

If he does not admit the truth, &c., examination of witnesses, &c.

45. If the defendant does not admit the truth of the information or complaint, the justice shall proceed to hear the prosecutor or complainant and such witnesses as he examines and such other evidence as he adduces in support of his information or complaint, and shall also hear the defendant and such witnesses as he examines, and such other evidence as he adduces in his defence, and also hear such witnesses as the prosecutor or complainant examines in reply, if such defendant has examined any witnesses or given any evidence other than evidence as to his general character. 32-33 V., c. 31, s. 39.

As to observations by either party.

46. The prosecutor or complainant shall not be entitled to make any observations in reply, upon the evidence given by the defendant, nor shall the defendant be entitled to make any observations in reply upon the evidence given by the prosecutor or complainant in reply. 32-33 V., c. 31, s. 40.

If information or complaint negatives any exemption, &c.

47. If the information or complaint in any case negatives any exemption, exception, proviso or condition in the statute on which the same is founded, it shall not be necessary for the prosecutor or complainant to prove such negative, but the defendant may prove the affirmative thereof in his defence, if he wishes to avail himself of the same. 32-33 V., c. 31, s. 44.

Adjournment of the case.

48. Before or during the hearing of any information or complaint, the justice may, in his discretion, adjourn the hearing of the same to a certain time and place, to be then

appointed and stated in the presence and hearing of the party or parties, or of their respective attorneys or agents then present, but no such adjournment shall be for more than one week. 32-33 V., c. 31, s. 46, *part*.

49. If, at the time and place to which the hearing or further hearing is adjourned, either or both of the parties do not appear, personally or by his or their counsel or attorneys respectively, before the justice or such other justice as shall then be there, the justice who is then there may proceed to the hearing or further hearing as if the party or parties were present. 32-33 V., c. 31, s. 47.

If prosecutor or defendant does not appear, case may proceed.

50. If the prosecutor or complainant does not appear, the justice may dismiss the information with or without costs, as to him seems fit. 32-33 V., c. 31, s. 48.

If the prosecutor does not appear.

51. Whenever any justice adjourns the hearing of any case, he may suffer the defendant to go at large or may commit him (G) to the common gaol or other prison, within the territorial division for which such justice is then acting, or to such other safe custody as such justice thinks fit, or may discharge the defendant upon his recognizance (H), with or without sureties, at the discretion of such justice, conditioned for his appearance at the time and place to which such hearing or further hearing is adjourned :

On adjournment defendant may be allowed to go at large, or may be committed.

2. Whenever any defendant who is discharged upon recognizance or allowed to go at large, does not appear at the time mentioned in the recognizance or to which the hearing or further hearing is adjourned, the justice may issue his warrant for the apprehension of the defendant. 32-33 V., c. 31, ss. 12, *part*, 13, *part*, 22, *part*, 34, *part*, and 46, *part*.

Warrant may be issued for arrest of defendant on bail not appearing.

52. The justice, having heard what each party has to say, and the witnesses and evidence adduced, shall consider the whole matter, and, unless otherwise provided, determine the same, and convict or make an order upon the defendant, or dismiss the information or complaint, as the case may be. 32-33 V., c. 31, s. 41.

Decision of the case.

53. If the justice convicts or makes an order against the defendant, a minute or memorandum thereof shall then be made, for which no fee shall be paid, and the conviction or order shall afterwards be drawn up by the justice on parchment or on paper, under his hand and seal, in such one of the forms of conviction (J 1, 2, 3) or of orders (K 1, 2, 3) in the schedule to this Act, as is applicable to the case or to the like effect. 32-33 V., c. 31, ss. 42, 50 and 51.

Minute of conviction or order to be made.

54. When several persons join in the commission of the same offence, and, upon conviction thereof, each is adjudged to pay a penalty, which includes the value of the property, limited.

Amount payable to person aggrieved limited.

or the amount of the injury done, no further sum shall be paid to the person aggrieved than such amount or value, and costs, if any, and the residue of the penalties imposed shall be applied in the same manner as other penalties imposed by a justice are directed to be applied. 32-33 V., c. 31, s. 89.

In certain cases defendant may be discharged on making satisfaction.

55. Whenever any person is summarily convicted before a justice of any offence against "*The Larceny Act*," or the "*Act respecting Malicious Injuries to Property*," or the "*Act respecting the Protection of the Property of Seamen in the Navy*," and it is a first conviction, the justice may, if he thinks fit, discharge the offender from his conviction, upon his making such satisfaction to the person aggrieved, for damages and costs, or either of them, as are ascertained by the justice. 32-33 V., c. 21, s. 119, and c. 22, s. 72;—33 V., c. 31, s. 5, part.

Certificate if the complaint, &c., is dismissed.

56. If the justice dismisses the information or complaint, he may, when required so to do, make an order of dismissal of the same (L), and shall give the defendant a certificate thereof (M),—which certificate, upon being afterwards produced, shall, without further proof, be a bar to any subsequent information or complaint for the same matter, against the same defendant. 32-33 V., c. 31, s. 43.

Defendant to be served with copy of the minute before distress or commitment.

57. Whenever, by any Act or law, authority is given to commit a person to prison or to levy any sum upon his goods or chattels by distress, for not obeying an order of a justice, the defendant shall be served with a copy of the minute of the order before any warrant of commitment or of distress is issued in that behalf; and the order or minute shall not form any part of the warrant of commitment or of distress. 32-33 V., c. 31, s. 52.

COSTS.

Justice may award costs not inconsistent with the fees established by law.

58. In every case of a summary conviction, or of an order made by a justice, such justice may, in his discretion, award and order in and by the conviction or order, that the defendant shall pay to the prosecutor or complainant such costs as to the said justice seems reasonable in that behalf, and not inconsistent with the fees established by law to be taken on proceedings had by and before justices. 32-33 V., c. 31, s. 53.

Costs may be awarded to defendant when the case is dismissed.

59. Whenever the justice, instead of convicting or making an order, dismisses the information or complaint, he may, in his discretion, in and by his order of dismissal, award and order that the prosecutor or complainant shall pay to the defendant such costs as to the said justice seems reasonable and consistent with law. 32-33 V., c. 31, s. 54.

Costs so allowed shall be specified, &c.

60. The sums so allowed for costs shall, in all cases, be specified in the conviction or order, or order of dismissal,

and the same shall be recoverable in the same manner and under the same warrants as any penalty, adjudged to be paid by the conviction or order, is to be recovered. 32-33 V., c. 31, s. 55.

61. Whenever there is no such penalty to be recovered, such costs shall be recoverable by distress and sale of the goods and chattels of the party, and in default of distress, by imprisonment, with or without hard labor, for any term not exceeding one month. 32-33 V., c. 31, s. 56, *part*.

May be recovered by distress.

WARRANTS OF DISTRESS AND COMMITMENT.

62. Whenever a conviction adjudges a pecuniary penalty or compensation to be paid, or an order requires the payment of a sum of money, and by the Act or law authorizing such conviction or order, the penalty, compensation or sum of money is to be levied upon the goods and chattels of the defendant, by distress and sale thereof,—and whenever, by the Act or law in that behalf, no mode of raising or levying the penalty, compensation or sum of money, or of enforcing the payment of the same, is stated or provided, the justice or any one of the justices making such conviction or order, or any justice in and for the same territorial division, may issue his warrant of distress (N 1, N 2) for the purpose of levying the same,—which warrant of distress shall be in writing, under the hand and seal of the justice making the same. 32-33 V., c. 31, s. 57.

Justice may issue warrant of distress in cases where a pecuniary penalty, &c., has been adjudged.

63. If, after delivery of the warrant of distress to the constable or constables to whom the same has been directed to be executed, sufficient distress cannot be found within the limits of the jurisdiction of the justice granting the warrant, then upon proof being made upon oath or affirmation of the handwriting of the justice granting the warrant, before any justice of any other territorial division, such justice shall thereupon make an indorsement (N 3) on the warrant, signed with his hand, authorizing the execution of the warrant within the limits of his jurisdiction,—by virtue of which warrant and indorsement the penalty or sum and costs, or so much thereof as has not been before levied or paid, shall be levied by the person bringing the warrant, or by the person or persons to whom the warrant was originally directed, or by any constable or other peace officer of the last mentioned territorial division, by distress and sale of the goods and chattels of the defendant therein. 32-33 V., c. 31, s. 58.

In certain cases warrant may be backed for execution in another jurisdiction.

64. Whenever it appears to any justice to whom application is made for any warrant of distress, that the issuing thereof would be ruinous to the defendant and his family, or whenever it appears to the justice, by the confession

When the issuing of a warrant would be ruinous to

defendant, or there are no goods, justice may commit him.

of the defendant or otherwise, that he has no goods and chattels whereon to levy such distress, then the justice, if he deems it fit, instead of issuing a warrant of distress, may (O 1, O 2) commit the defendant to the common gaol or other prison in the territorial division. there to be imprisoned, with or without hard labor, for the time and in the manner the defendant could by law be committed in case such warrant of distress had issued, and no goods or chattels had been found whereon to levy the penalty or sum and costs. 32-33 V., c. 31, s. 59.

When warrant of distress is issued, defendant may be bailed or detained until it is returned.

65. Whenever a justice issues any warrant of distress, he may suffer the defendant to go at large, or verbally, or by a written warrant in that behalf, may order the defendant to be kept and detained in safe custody, until return has been made to the warrant of distress, unless the defendant gives sufficient security, by recognizance or otherwise, to the satisfaction of the justice, for his appearance, at the time and place appointed for the return of the warrant of distress, before him or before such other justice for the same territorial division as shall then be there. 32-33 V., c. 31, s. 60.

In default of sufficient distress, justice may commit defendant to prison.

66. If, at the time and place appointed for the return of any warrant of distress, the constable, who has had the execution of the same, returns (N 4) that he could find no goods or chattels whereon he could levy the sum or sums therein mentioned, together with the costs of or occasioned by the levy of the same, the justice before whom the same is returned may issue his warrant of commitment (N 5), directed to the same or any other constable, reciting the conviction or order shortly, the issuing of the warrant of distress and the return thereto, and requiring the constable to convey the defendant to the common gaol or other prison of the territorial division for which the justice is then acting, and there to deliver him to the keeper thereof,—and requiring the keeper to receive the defendant into such gaol or prison, and there to imprison him, or to imprison him and keep him at hard labor, in the manner and for the time directed by the Act or law on which the conviction or order mentioned in the warrant of distress is founded, unless the sum or sums adjudged to be paid, and all costs and charges of the distress, and also the costs and charges of the commitment and conveying of the defendant to prison, if such justice thinks fit so to order (the amount thereof being ascertained and stated in such commitment), are sooner paid. 32-33 V., c. 31, s. 62, *part.*

Term for which defendant may be committed in default of distress.

67. Whenever, by the Act or law on which the conviction or order is founded, the justice is authorized to issue a warrant of distress, to levy penalties or other sums recovered before him by distress and sale of the defendant's goods, but no further remedy is thereby provided in case no sufficient

distress is found whereon to levy such penalties or other sums,—and whenever the Act or law on which the conviction or order is founded provides no remedy, in case it shall be returned to a warrant of distress thereon, that no sufficient goods of the defendant can be found, the justice to whom such return is made, or any other justice in and for the same territorial division, may, if he thinks fit, by his warrant, as aforesaid, commit the defendant to the common gaol or other prison of the territorial division for which such justice is acting, for any term not exceeding three months. 32-33 V., c. 31, s. 62, *part*.

68. In every case of a summary conviction for an offence under "*The Larceny Act*," the "*Act respecting Malicious Injuries to Property*," or the "*Act respecting the Protection of the Property of Seamen in the Navy*," when the penalty imposed by the justice is not paid, either immediately after the conviction, or within such period as the justice, at the time of the conviction, appoints, such justice, unless where otherwise specially directed, may commit the offender to the common gaol or other place of confinement, there to be imprisoned only, or to be imprisoned and kept at hard labor, in the discretion of the justice, for any term not exceeding two months if the amount of the penalty imposed, together with the costs, does not exceed twenty-five dollars, and for any term not exceeding three months if such amount, with costs, exceeds twenty-five dollars. 32-33 V., c. 21, s. 118, and c. 22, s. 71;—33 V., c. 31, s. 5, *part*.

Term of imprisonment in certain cases if penalty imposed is not paid.

69. Whenever a justice, upon any information or complaint, adjudges the defendant to be imprisoned, and the defendant is then in prison undergoing imprisonment upon conviction for any other offence, the warrant of commitment for the subsequent offence shall be forthwith delivered to the gaoler or other officer to whom it is directed; and the justice who issued the same, if he thinks fit, may award and order therein that the imprisonment for the subsequent offence shall commence at the expiration of the imprisonment to which the defendant was previously sentenced. 32-33 V., c. 31, s. 63.

Imprisonment for a subsequent offence if defendant is already in gaol.

70. When any information or complaint is dismissed with costs, the sum awarded for costs in the order for dismissal may be levied by distress (P 1) on the goods and chattels of the prosecutor or complainant, in the manner aforesaid; and in default of distress or payment, the prosecutor or complainant may be committed (P 2) to the common gaol or other prison, in manner aforesaid, for any term not exceeding one month, unless such sum, and all costs and charges of the distress, and of the commitment and conveying of the prosecutor or complainant to prison (the amount thereof being ascertained and stated in the commitment), are sooner paid. 32-33 V., c. 31, s. 64.

If information is dismissed, costs may be recovered by distress on prosecutor.

RECOGNIZANCES.

If defendant is discharged on recognizance and fails to appear.

71. Whenever a defendant gives security by or is discharged upon recognizance and does not afterwards appear at the time and place mentioned in the recognizance, the justice who took the recognizance, or any justice who is then present, having certified (Q) upon the back of the recognizance the non-appearance of the defendant, may transmit such recognizance to the proper officer in the Province appointed by law to receive the same, to be proceeded upon in like manner as other recognizances; and such certificate shall be *primâ facie* evidence of the non-appearance of the said defendant. 32-33 V., c. 31, ss. 13, part, 23, 35, 49 and 61.

To what officers recognizances shall be transmitted.

72. Whenever a person who has entered into any recognizance under this Act, has failed to appear according to the condition of such recognizance, and his default has been certified by the justice, the proper officer to whom the recognizance and certificate of default are to be transmitted, in the Province of Ontario, shall be the clerk of the peace of the county for which such justice is acting; and the court of General Sessions of the Peace for such county shall, at its then next sitting, order all such recognizances to be forfeited and estreated, and the same shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such court; and in the other Provinces of Canada, the proper officer to whom any such recognizance and certificate shall be transmitted, shall be the officer to whom like recognizances have been heretofore accustomed to be transmitted under the law in force before the passing of this Act; and such recognizances shall be enforced and collected in the same manner as like recognizances have heretofore been enforced and collected. 32-33 V., c. 36, s. 6.

In Ontario.

In the other Provinces.

ASSAULTS.

Proceedings in a case of assault.

73. Whenever any person unlawfully assaults or beats any other person, any justice, upon complaint by or on behalf of the person aggrieved, praying him to proceed summarily on the complaint, may hear and determine such offence:

When there has been an attempt to commit felony, &c.

2. If such justice finds the assault or battery complained of to have been accompanied by an attempt to commit felony, or is of opinion that the same is, from any other circumstance, a fit subject for prosecution by indictment, he shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if he had no authority finally to hear and determine the same:

In certain cases justice not to determine the matter.

3. No justice shall hear and determine any case of assault or battery, in which any question arises as to the title to any lands, tenements, hereditaments, or any interest therein or accruing therefrom, or as to any bankruptcy or insolvency.

or any execution under the process of any court of justice. 32-33 V., c. 20, s. 43, *part*, and s. 46.

74. If the justice, upon the hearing of any case of assault or battery upon the merits, where the complaint is preferred by or on behalf of the person aggrieved, under the next preceding section, deems the offence not to be proved, or finds the assault or battery to have been justified, or so trifling as not to merit any punishment, and accordingly dismisses the complaint, he shall forthwith make out a certificate under his hand, stating the fact of such dismissal, and shall deliver such certificate to the person against whom the complaint was preferred. 32-33 V., c. 20, s. 44.

Certificate if the case is dismissed.

75. If any person against whom any such complaint has been preferred, by or on the behalf of the person aggrieved, obtains such certificate, or, having been convicted, pays the whole amount adjudged to be paid or suffers the imprisonment, or imprisonment with hard labor awarded, he shall be released from all further or other proceedings, civil or criminal, for the same cause. 32-33 V., c. 20, s. 45.

Certificate of conviction a bar to any further proceeding.

APPEALS.

76. Unless it is otherwise provided in any special Act under which a conviction takes place or an order is made by a justice, or unless some other court of appeal having jurisdiction in the premises is provided by an Act of the Legislature of the Province within which such conviction takes place or such order is made, any person who thinks himself aggrieved by any such conviction or order may appeal, in the Province of Ontario, to the court of General Sessions of the Peace; in the Province of Quebec, to the Court of Queen's Bench, Crown side; in the Provinces of Nova Scotia, New Brunswick and Manitoba, to the county court of the district or county where the cause of the information or complaint arose; in the Province of Prince Edward Island, to the Supreme Court; in the Province of British Columbia, to the county or district court, at the sitting thereof which shall be held nearest to the place where the cause of the information or complaint arose; and in the North-West Territories, to a judge of the Supreme Court of the said territories sitting without a jury; and if any other court of appeal is provided in any Province as aforesaid, the appeal shall be to such court:

Unless otherwise provided parties aggrieved may appeal to certain courts in the several Provinces.

2. In the districts of Muskoka and Parry Sound, in the Province of Ontario, such person may appeal to the court of General Sessions of the Peace for the county of Simcoe; in the provisional county of Haliburton, to the court of General Sessions of the Peace for the county of Victoria, in the said Province; in the district of Thunder Bay, to the court of General Sessions of the Peace for the district of Algoma;

In certain districts and provisional counties in Ontario.

and in the district of Nipissing, to the court of General Sessions of the Peace for the county of Renfrew. 40 V., c. 4, s. 6, *part*, and c. 27, s. 2, *part*;—47 V., c. 43, s. 1;—48-49 V., c. 51, s. 7, *part*.

Conditions of appeal.

77. Every right of appeal shall, unless it is otherwise provided in any special Act, be subject to the conditions following, that is to say:—

To what sittings appeal shall be made.

(a.) If the conviction or order is made more than fourteen days before the sittings of the court to which the appeal is given, such appeal shall be made to the then next sittings of such court; but if the conviction or order is made within fourteen days of the sittings of such court, then to the second sittings next after such conviction or order:

Notice to be given.

(b.) The person aggrieved shall give to the prosecutor or complainant, or to the convicting justice, for him, a notice in writing (R) of such appeal, within ten days after such conviction or order:

Person so appealing to remain in custody or give security.

(c.) The person aggrieved shall either remain in custody until the holding of the court to which the appeal is given, or shall enter into a recognizance (S) with two sufficient sureties, before a justice, conditioned personally to appear at the said court, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as are awarded by the court; or, if the appeal is against any conviction or order, whereby only a penalty or sum of money is adjudged to be paid, the person aggrieved, (although the order directs imprisonment in default of payment), instead of remaining in custody as aforesaid, or giving such recognizance as aforesaid, may deposit with the justice convicting or making the order such sum of money as such justice deems sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction or order, and the costs of the appeal; and upon such recognizance being given, or such deposit being made, the justice before whom such recognizance is entered into, or deposit made, shall liberate such person, if in custody:

Deposit of money in certain cases.

Proceedings on the appeal.

(d.) The court to which such appeal is made shall thereupon hear and determine the matter of appeal and make such order therein, with or without costs to either party, including costs of the court below, as seems meet to the court,—and, in case of the dismissal of the appeal or the affirmance of the conviction or order, shall order and adjudge the offender to be punished according to the conviction, or the defendant to pay the amount adjudged by the said order, and to pay such costs as are awarded,—and shall, if necessary, issue process for enforcing the judgment of the court; and whenever after any such deposit has been made as aforesaid, the conviction or order is affirmed, the court may order the sum thereby adjudged to be paid, together with the costs of the conviction or order, and the costs of the appeal, to be paid out of the money deposited, and the residue,

If the conviction or order is affirmed.

if any, to be repaid to the defendant; and whenever, after any such deposit, the conviction or order is quashed, the court shall order the money to be repaid to the defendant: If quashed.

(e.) The said court shall have power, if necessary, from time to time, by order indorsed on the conviction or order, to adjourn the hearing of the appeal from one sittings to another, or others, of the said court: Proceedings may be adjourned.

(f.) Whenever any conviction or order is quashed on appeal, as aforesaid, the clerk of the peace or other proper officer shall forthwith indorse on the conviction or order a memorandum that the same has been quashed; and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall, when certified under the hand of the clerk of the peace, or of the proper officer having the custody of the same, be sufficient evidence, in all courts and for all purposes, that the conviction or order has been quashed. 33 V., c. 27, s. 1. *part*;—40 V., c. 4, s. 6, *part*, and c. 27, s. 2, *part*;—49 V., c. 49, ss. 11 and 12. Memorandum of quashing to be made.

78. When an appeal against any summary conviction or decision has been lodged in due form, and in compliance with the requirements of this Act, the court appealed to may, at the request of either appellant or respondent, empanel a jury to try the facts of the case, and shall administer to such jury an oath in the form following:— Court appealed to may empanel a jury to try the case.

“You shall well and truly try the facts in dispute in the matter of A. B. (*the informant*) against C. D. (*the defendant*), and a true verdict give according to the evidence. So help you God:” Oath of juror.

And the court, on the finding of the jury, shall give such judgment as the law requires; and if a jury is not so demanded, the court shall try and be the absolute judge, as well of the fact as of the law, in respect to such conviction or decision; and any of the parties to the appeal may call witnesses and adduce evidence, whether such witnesses were called or evidence adduced at the hearing before the justice or not. 32-33 V., c. 31, s. 66;—42 V., c. 44, s. 10. Judgment.

79. No judgment shall be given in favor of the appellant if the appeal is based on an objection to any information, complaint or summons, or to any warrant to apprehend a defendant, issued upon any such information, complaint or summons, for any alleged defect therein, in substance or in form, or for any variance between such information, complaint, summons or warrant and the evidence adduced in support thereof at the hearing of such information or complaint, unless it is proved before the court hearing the appeal that such objection was made before the justice before whom the case was tried and by whom such conviction, judgment or decision was given, nor unless it is proved that notwithstanding it was shown to such justice that by such Appeal not to be based on alleged defect in form or substance, except in cases specified.

variance the person summoned and appearing or apprehended had been deceived or misled, such justice refused to adjourn the hearing of the case to some further day, as herein provided. 32-33 V., c. 31, s. 67.

Decision to be given on the merits, notwithstanding defect of form in conviction, which may be amended.

80. In every case of appeal from any summary conviction or order had or made before any justice, the court to which such appeal is made shall hear and determine the charge or complaint on which such conviction or order has been had or made, upon the merits, notwithstanding any defect of form or otherwise in such conviction or order; and if the person charged or complained against is found guilty, the conviction or order shall be affirmed and the court shall amend the same if necessary; and any conviction or order so affirmed, or affirmed and amended, shall be enforced in the same manner as convictions or orders affirmed on appeal. 32-33 V., c. 31, s. 68.

If appeal is abandoned, after notice given, costs to be recoverable.

81. The court to which an appeal is made, upon proof of notice of the appeal to such court having been given to the person entitled to receive the same, though such appeal was not afterwards prosecuted or entered, may, if such appeal has not been abandoned according to law, at the same sittings for which such notice was given, order to the party or parties receiving the same such costs and charges as are thought reasonable and just by the court, to be paid by the party or parties giving such notice; and such costs shall be recoverable in the manner provided by this Act for the recovery of costs upon an appeal against an order or conviction. 32-33 V., c. 31, s. 69.

Proceedings after appeal.

82. If any appeal against any conviction or order is decided in favor of the respondents, the justice who made the conviction or order, or any other justice for the same territorial division, may issue the warrant of distress or commitment for execution of the same, as if no appeal had been brought. 32-33 V., c. 31, s. 70.

No conviction approved to be removed by *certiorari*, &c.

83. No conviction or order affirmed, or affirmed and amended, in appeal, shall be quashed for want of form, or be removed by *certiorari* into any superior court, and no warrant or commitment shall be held void by reason of any defect therein, provided it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same. 33 V., c. 27, s. 2.

No *certiorari* when appeal is had.

84. No writ of *certiorari* shall be allowed to remove any conviction or order had or made before any justice of the peace if the defendant has appealed from such conviction or order to any court to which an appeal from such conviction or order is authorized by law, or shall be allowed to remove any conviction or order made upon such appeal. 49 V., c. 49, s. 7.

85. Every justice before whom any person is summarily convicted of any offence, shall transmit the conviction to the court to which the appeal is herein given, in and for the district, county or place wherein the offence has been committed, before the time when an appeal from such conviction may be heard, there to be kept by the proper officer among the records of the court; and if such conviction has been appealed against, and a deposit of money made, such justice shall return the deposit into the said court, and the conviction shall be presumed not to have been appealed against, until the contrary is shown. 32-33 V., c. 31, s. 72, *part.*

Justice convicting to transmit the conviction.

And the deposit money, if any.

86. And upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence. 32-33 V., c. 31, s. 72, *part.*

Certificate of conviction to be evidence.

87. No conviction or order made by any justice of the peace and no warrant for enforcing the same, shall, on being removed by *certiorari* be held invalid for any irregularity, informality or insufficiency therein, provided that the court or judge before which or whom the question is raised is, upon perusal of the depositions, satisfied that an offence of the nature described in the conviction, order or warrant, has been committed, over which such justice has jurisdiction, and that the punishment imposed is not in excess of that which might have been lawfully imposed for the said offence; and any statement which, under this Act or otherwise, would be sufficient if contained in a conviction, shall also be sufficient if contained in an information, summons, order or warrant. 49 V., c. 49, s. 2.

Convictions, &c., not to be invalid for informalities. Proviso.

88. The following matters amongst others shall be held to be within the provisions of the next preceding section:—

Matters within s. 87.

(a.) The statement of the adjudication, or of any other matter or thing, in the past tense instead of in the present;

Statements.

(b.) The punishment imposed being less than the punishment by law assigned to the offence stated in the conviction or order, or to the offence which appears by the depositions to have been committed;

Punishment.

(c.) The omission to negative circumstances, the existence of which would make the act complained of lawful, whether such circumstances are stated by way of exception or otherwise in the section under which the offence is laid, or are stated in another section;

Omission to negative exception or proviso.

But nothing in this section contained shall be construed to restrict the generality of the wording of the next preceding section. 49 V., c. 49, s. 3.

Proviso.

Protection of justices.

89. If an application is made to quash a conviction or order made by a justice of the peace, on the ground that such justice has exceeded his jurisdiction, the court or judge to which or whom the application is made, may, as a condition of quashing the same, if the court or judge thinks fit so to do, provide that no action shall be brought against the justice of the peace who made the conviction, or against any officer acting under any warrant issued to enforce such conviction or order. 49 V., c. 49, s. 5.

Order may be made as to security in proceedings to quash.

90. The court having authority to quash any conviction, order or other proceeding by or before a justice of the peace may prescribe by general order that no motion to quash any conviction, order or other proceeding by or before such justice and brought before any court by *certiorari*, shall be entertained unless the defendant is shown to have entered into a recognizance with one or more sufficient sureties, before a justice or justices of the county or place within which such conviction or order has been made, or before a judge or other officer, as may be prescribed by such general order, or to have made a deposit to be prescribed in like manner, with a condition to prosecute such writ of *certiorari* at his own costs and charges, with effect, without any wilful or affected delay, and, if ordered so to do, to pay the person in whose favor the conviction, order or other proceeding is affirmed, his full costs and charges to be taxed according to the course of the court where such conviction, order or proceeding is affirmed. 49 V., c. 49, s. 6.

5 Geo. 2nd, c. 19, s. 2, superseded.

91. The second section of the Act of the Parliament of the United Kingdom, passed in the fifth year of the reign of His Majesty King George the Second, and chaptered nineteen, shall no longer apply to any conviction, order or other proceeding by or before a justice of the peace in Canada, but the next preceding section of this Act shall be substituted therefor, and the like proceedings may be had for enforcing the condition of a recognizance taken under the said section as might be had for enforcing the condition of a recognizance taken under the said Act of the Parliament of the United Kingdom. 49 V., c. 49, s. 8.

Court to take judicial notice of proclamations.

92. No order, conviction or other proceeding shall be quashed or set aside, and no defendant shall be discharged by reason of any objection that evidence has not been given of a proclamation or order of the Governor General in Council, but such proclamation or order of the Governor General in Council shall be judicially noticed. 49 V., c. 49, s. 9.

Procedendo not necessary for return of proceedings not quashed.

93. If a motion or rule to quash a conviction, order or other proceeding is refused or discharged, it shall not be necessary to issue a writ of *procedendo*, but the order of the

court refusing or discharging the application shall be a sufficient authority for the registrar or other officer of the court forthwith to return the conviction, order and proceedings to the court or justice from which or whom they were removed, and for proceedings to be taken thereon for the enforcement thereof, as if a *procedendo* had issued, which shall forthwith be done. 49 V., c. 49, s. 10.

94. Whenever it appears by the conviction, that the defendant has appeared and pleaded, and the merits have been tried, and that the defendant has not appealed against the conviction, where an appeal is allowed, or if appealed against, the conviction has been affirmed, such conviction shall not afterwards be set aside or vacated in consequence of any defect of form whatever, but the construction shall be such a fair and liberal construction as will be agreeable to the justice of the case. 32-33 V., c. 31, s. 73.

Effect of conviction if no appeal.

95. If upon any appeal the court trying the appeal orders either party to pay costs, the order shall direct the costs to be paid to the clerk of the peace or other proper officer of the court, to be paid over by him to the person entitled to the same, and shall state within what time the costs shall be paid. 32-33 V., c. 31, s. 74.

To whom costs to be payable.

96. If such costs are not paid within the time so limited, and the person ordered to pay the same has not been bound by any recognizance conditioned to pay such costs, the clerk of the peace or his deputy, on application of the person entitled to the costs, or of any person on his behalf, and on payment of any fee to which he is entitled, shall grant to the person so applying, a certificate (T) that the costs have not been paid; and upon production of the certificate to any justice in and for the same territorial division, such justice may enforce the payment of the costs by warrant of distress (U 1) in manner aforesaid, and in default of distress may commit (U 2) the person against whom the warrant has issued in manner hereinbefore mentioned, for any term not exceeding two months, unless the amount of the costs and all costs and charges of the distress and also the costs of the commitment and conveying of the party to prison, if the justice thinks fit so to order, (the amount thereof being ascertained and stated in the commitment), are sooner paid. 32-33 V., c. 31, s. 75.

Enforcement of payment.

By distress or imprisonment.

TENDER AND PAYMENT.

97. Whenever a warrant of distress has issued against any person, and such person pays or tenders to the constable having the execution of the same, the sum or sums in the warrant mentioned, together with the amount of the expenses of the distress up to the time of payment or tender,

In case of tender or payment of the amount of distress.

the constable shall cease to execute the same. 32-33 V., c. 81, s. 83.

Payment may be made to the keeper of the prison.

98. Whenever any person is imprisoned for non-payment of any penalty or other sum, he may pay or cause to be paid to the keeper of the prison in which he is imprisoned, the sum in the warrant of commitment mentioned, together with the amount of the costs and charges and expenses therein also mentioned, and the keeper shall receive the same, and shall thereupon discharge the person, if he is in his custody for no other matter. 32-33 V., c. 81, s. 56, *part*, and s. 84.

RETURNS RESPECTING CONVICTIONS AND MONEYS RECEIVED.

Returns to be made quarterly by justices.

99. Every justice shall, quarterly, on or before the second Tuesday in each of the months of March, June, September and December in each year, make to the clerk of the peace or other proper officer of the court having jurisdiction in appeal, as herein provided, a return in writing, under his hand, of all convictions made by him, and of the receipt and application by him of the moneys received from the defendants,—which return shall include all convictions and other matters not included in some previous return, and shall be in the form (V) in the schedule to this Act :

Joint return.

2. If two or more justices are present, and join in the conviction, they shall make a joint return :

In Prince Edward Island.

3. In the Province of Prince Edward Island such return shall be made to the clerk of the court of assize of the county in which the convictions are made, and up to the fourteenth day next before the sitting of the said court next after such convictions are so made :

In certain districts and provisional counties in Ontario.

4. Every such return shall be made, in the districts of Muskoka and Parry Sound, in the Province of Ontario, to the clerk of the peace for the county of Simcoe, in the said Province ; in the provisional county of Haliburton, in the said Province, to the clerk of the peace for the county of Victoria, in the said Province ; in the district of Thunder Bay, in the said Province, to the clerk of the peace for the district of Algoma, in the said Province ; and in the district of Nipissing in the said Province, to the clerk of the peace for the county of Renfrew, in the said Province. 32-33 V., c. 81, s. 76, *part* ;—33 V., c. 27, s. 3 ;—40 V., c. 4, s. 7 ;—47 V., c. 43, s. 2 ;—49 V., c. 49, s. 13.

Return of subsequent receipts. &c.

100. Every justice, to whom any such moneys are afterwards paid, shall make a return of the receipts and application thereof, to the court having jurisdiction in appeal as hereinbefore provided,—which return shall be filed by the clerk of the peace with the records of his office. 32-33 V., c. 31, s. 77.

101. Every justice, before whom any such conviction takes place or who receives any such moneys, who neglects or refuses to make such return thereof, or wilfully makes a false, partial or incorrect return, or wilfully receives a larger amount of fees than by law he is authorized to receive, shall incur a penalty of eighty dollars, together with full costs of suit, which may be recovered by any person who sues for the same by action of debt or information in any court of record in the Province in which such return ought to have been or is made :

Penalty on justices of the peace neglecting to comply with the provisions of this Act as to returns, &c.

2. One moiety of such penalty shall belong to the person suing, and the other moiety to Her Majesty, for the public uses of Canada. 32-33 V., c. 31, s. 78.

Application of penalty.

102. All prosecutions for penalties arising under the provisions of the next preceding section shall be commenced within six months next after the cause of action accrues, and the same shall be tried in the district, county or place wherein such penalties have been incurred; and if a verdict or judgment passes for the defendant, or the plaintiff becomes non-suit, or discontinues the action after issue joined, or if, upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs of suit, as between solicitor and client, and shall have the like remedy for the same as any defendant has by law in other cases. 32-33 V., c. 31, s. 79.

Actions for such penalties limited to six months after cause.

As to costs.

103. The clerk of the peace of the district or county in which any such returns are made, or the proper officer, other than the clerk of the peace, to whom such returns are made, shall, within seven days after the adjournment of the next ensuing General or Quarter Sessions, or of the term or sitting of such other court as aforesaid, cause the said returns to be published in one newspaper in the district or county, or if there is no such newspaper, then in a newspaper of an adjoining district or county, and shall also post up in the court house of the district or county, and also in a conspicuous place in the office of such clerk of the peace, or other proper officer, for public inspection, a schedule of the returns so made by such justices; and the same shall continue to be so posted up and exhibited until the end of the next ensuing General or Quarter Sessions of the Peace, or of the term or sitting of such other court as aforesaid; and for every schedule so made and exhibited by such clerk or officer, he shall be allowed the expense of publication, and such fee as is fixed by competent authority. 32-33 V., c. 31, s. 80.

Clerk of the peace, &c., to publish and post up the returns so made.

Fee for posting up.

104. Such clerk of the peace or other officer of each district or county, within twenty days after the end of each General or Quarter Sessions of the Peace, or the sitting of such court as aforesaid, shall transmit to the Minister of

Copy of returns to be sent to Minister of Finance.

Finance and Receiver General a true copy of all such returns made within his district or county. 32-33 V., c. 31, s. 81.

Not to prevent prosecution of a justice in default.

105. Nothing in the six sections next preceding shall have the effect of preventing any person aggrieved from prosecuting, by indictment, any justice, for any offence, the commission of which would subject him to indictment at the time of the coming into force of this Act. 32-33 V., c. 31, s. 82.

GENERAL PROVISIONS.

Returns not vitiated by certain matters being included therein.

106. No return purporting to be made by any justice under this Act shall be vitiated by the fact of its including, by mistake, any convictions or orders had or made before him in any matter over which any Provincial Legislature has exclusive jurisdiction, or with respect to which he acted under the authority of any provincial law. 32-33 V., c. 36, s. 7.

Offences may be laid conjunctively or disjunctively.

107. No information, summons, conviction, order or other proceeding shall be held to charge two offences, or shall be held to be uncertain on account of its stating the offence to have been committed in different modes, or in respect of one or other of several articles, either conjunctively or disjunctively; for example, in charging an offence under section twenty-four of the "*Act respecting Malicious Injuries to Property*," it may be alleged that "the defendant unlawfully and maliciously did cut, break, root up and otherwise destroy or damage a tree, sapling or shrub;" and it shall not be necessary to define more particularly the nature of the act done, or to state whether such act was done in respect of a tree, or a sapling, or a shrub. 49 V., c. 49, s. 4.

Example.

Seals to warrants and other documents.

108. If it is stated in any summons, warrant, document or other instrument issued at any time in any Province of Canada, by any justice, that the same is given under the hand and seal of the justice signing it, such seal shall be presumed to have been affixed by him, and its absence shall not invalidate the instrument; or such justice may at any time thereafter affix such seal with the same effect as if it had been affixed when such instrument was signed. 32-33 V., c. 36, s. 4, *part*.

Power to preserve order, &c.

109. Every judge of Sessions of the Peace, police magistrate, district magistrate or stipendiary magistrate, shall have such and like powers and authority to preserve order in the said courts during the holding thereof, and by the like ways and means as now by law are or may be exercised and used in like cases and for the like purposes by any court in Canada, or by the judges thereof, during the sittings thereof. 32-33 V., c. 31, s. 92.

110. Every judge of the Sessions of the Peace, police magistrate, district magistrate or stipendiary magistrate, whenever any resistance is offered to the execution of any summons, warrant of execution or other process issued by him, may enforce the due execution of the same by the means provided by the law for enforcing the execution of the process of other courts in like cases. 32-33 V., c. 31, s. 93. Power to punish resistance to process, &c.

111. The several forms in the schedule to this Act contained, varied to suit the case, or forms to the like effect, shall be deemed good, valid and sufficient in law. 32-33 V., c. 31, ss. 91, *part, and* 96. Forms to be sufficient.

SCHEDULE.

(A.)

FORM OF INFORMATION OR OF COMPLAINT ON OATH.

Canada.
Province of
district (or county,
united counties, or as
the case may be),
of

The information (or complaint) of C. D., of the township of _____, in the said district (or county, united counties, or as the case may be), of _____ (laborer). (If preferred by an attorney or agent, say—by D. E., his duly authorized agent or attorney, in this behalf), taken upon oath before me, the undersigned, a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____, at N., in the said district (or county. as the case may be) of _____, this _____ day of _____, in the year _____, who says that he has just cause to suspect and believe, and does suspect and believe that A. B., of the (township) of _____, in the said district (or county, as the case may be) of _____, within the space of _____, (the time within which the information (or complaint) should be laid), last past, to wit, on the _____ day of _____, at the (township) of _____, in the district (county, or as the case may be) aforesaid, did (here set out the offence, &c.), contrary to the form of the statute in such case made and provided.

C. D. (or D. E.)

Taken and sworn before me, the day and year and at the place above mentioned.

J. S.

(B.)

SUMMONS TO THE DEFENDANT UPON AN INFORMATION OR COMPLAINT.

Canada.
Province of
district (or county,
united counties, or
as the case may be),
of

To A. B., of (laborer) :

Whereas information has this day been laid (or complaint has this day been made) before the undersigned, a justice of the peace in and for the said district (or county, united counties, city, town, &c., as the case may be), of for that you (here state shortly the matter of the information or complaint) : These are, therefore, to command you, in Her Majesty's name, to be and appear on at o'clock in the (fore) noon, at before me, or such justice or justices of the peace for the said district (or county, united counties, or as the case may be), as shall then be there, to answer to the said information (or complaint), and to be further dealt with according to law.

Given under my hand and seal this day of , in the year , at in the district (or county, or as the case may be), aforesaid.

J. S. [L. s.]

(C.)

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Canada.
Province of
district (or county,
united counties, or
as the case may be),
of

To all or any of the constables or other peace officers in the said district (or county, united counties, or as the case may be), of

Whereas on last past, information was laid (or complaint was made) before , a justice of the peace in and for the said district (or county, united counties, or as the case may be), of , for that A. B. (&c., as in the summons) ; And whereas (I) the said justice of the peace then issued (my) summons unto the said A. B., commanding him, in Her Majesty's name, to be and appear on , at

o'clock in the (fore) noon, at _____, before (*me*) or such justice or justices of the peace as should then be there, to answer unto the said information (*or complaint*), and to be further dealt with according to law; And whereas the said A. B. has neglected to be and appear at the time and place so appointed in and by the said summons, although it has now been proved to me upon oath that the said summons was duly served upon the said A. B.: These are, therefore, to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (*me*) or some one or more justices of the peace in and for the said district (*or county, united counties, or as the case may be*), to answer to the said information (*or complaint*), and to be further dealt with according to law.

Given under my hand and seal, this _____ day of _____ in the year _____ at _____, in the district (*or county, united counties, or as the case may be*), aforesaid.

J. S. [L. S.]

(D.)

WARRANT IN THE FIRST INSTANCE.

Canada. }
Province of }
district (*or county,*
united counties, *or*
as the case may be), }
of }

To all or any of the constables or other peace officers in the said district (*or county, united counties, or as the case may be*), of

Whereas information has this day been laid before the undersigned, a justice of the peace in and for the said district (*or county, united counties, or as the case may be*), of

for that A. B. (*here state shortly the matter of information*); and oath being now made before me substantiating the matter of such information: These are, therefore, to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (*me*) or some one or more justices of the peace in and for the said district (*or county, united counties, or as the case may be*), to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the district (*county, &c., as the case may be*) aforesaid.

J. S. [L. S.]

(E. 1.)

SUMMONS TO A WITNESS.

Canada.)
 Province of)
 district (or county,)
 united counties, or)
 as the case may be,)
 of .)

To E. F., of _____, in the said district (or county, united counties, or as the case may be), of _____.

Whereas information was laid (or complaint was made) before _____, a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____, for that (&c., as in the summons), and it has been made to appear to me upon (oath) that you are likely to give material evidence on behalf of the prosecutor (or complainant or defendant), in this behalf: These are, therefore, to require you to be and appear on _____ at _____ o'clock in the (fore) noon, at _____, before me or such justice or justices of the peace for the said district (or county, united counties, or as the case may be), as shall then be there, to testify what you know concerning the matter of the said information (or complaint).

Given under my hand and seal this _____ day of _____, in the year _____, at _____, in the district (or county, or as the case may be), aforesaid.

J. S. [L. s.]

(E. 2.)

WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS.

Canada.)
 Province of)
 district (or county,)
 united counties, or)
 as the case may be,)
 of .)

To all or any of the constables and other peace officers in the said district (or county, united counties, or as the case may be), of _____.

Whereas information was laid (or complaint was made) before _____, a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____,

be) of _____, for that (&c., as in the summons), and it having been made to appear to (me) upon oath that E. F., of _____ in the said district (or county, united counties, or as the case may be), (laborer) was likely to give material evidence on behalf of the (prosecutor, or as the case may be). (I) did duly issue (my) summons to the said E. F., requiring him to be and appear on _____, at _____ o'clock in the (fore) noon of the same day, at _____, before me or such justice or justices of the peace for the said district (or county, united counties, or as the case may be), as should then be there, to testify to what he knew concerning the said A. B., or the matter of the said information (or complaint); And whereas proof has this day been made before me, upon oath, of such summons having been duly served upon the said E. F.; And whereas the said E. F. has neglected to appear at the time and place appointed by the said summons, and no just excuse has been offered for such neglect: These are, therefore, to command you to take the said E. F., and to bring and have him on _____, at _____ o'clock in the (fore) noon, at _____, before me or such justice or justices of the peace for the district (or county, united counties, or as the case may be), as shall then be there, to testify what he knows concerning the said information (or complaint).

Given under (my) hand and seal this _____ day of _____ in the year _____, at _____ in the district (or county, or as the case may be), aforesaid.

J. S. [L. S.]

(E. 3.)

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Canada.
Province of _____
district (or county,
united counties, or
as the case may be),
of _____

To all or any of the constables or other peace officers in the said district (or county, united counties, or as the case may be), of _____.

Whereas information was laid (or complaint was made) before the undersigned _____, a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____ for that (&c., as in the summons), and it being made to appear before me

upon oath, that E. F., of _____, (laborer), is likely to give material evidence on behalf of the (prosecutor, or as the case may be), in this matter, and it is probable that the said E. F. will not attend to give evidence without being compelled so to do: These are, therefore, to command you to bring and have the said E. F., on _____, at _____ o'clock in the (fore) noon, at _____, before me or such other justice or justices of the peace, for the district (or county, united counties, or as the case may be), as shall then be there, to testify what he knows concerning the matter of the said information (or complaint).

Given under (my) hand and seal this _____ day of _____, in the year _____, at _____, in the district (or county, or as the case may be), aforesaid.

J. S. [L. s.]

(E. 4.)

COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN OR GIVE EVIDENCE.

Canada.)
 Province of)
 district (or county,)
 united counties or)
 as the case may be),)
 of .)

To all or any of the constables or other peace officers in the said district (or county, united counties, or as the case may be), of _____ and to the keeper of the common gaol of the said district (or county, united counties, or as the case may be), at _____

Whereas information was laid (or complaint was made) before (me) _____, a justice of the peace, in and for the said district (or county, united counties, or as the case may be), of _____, for that (s.c., as in the summons), and one E. F., now appearing before me, such justice as aforesaid, on _____ at _____, and being required by me to make oath (or affirmation) as a witness in that behalf, refuses so to do [or being now here duly sworn as a witness in the matter of the said information (or complaint) refuses to answer certain questions concerning the premises which are now here put to him, and more particularly the following question here insert the exact words of the question], without offering any just excuse for such his refusal: These are, therefore, to command you, or any one of the said constables or peace officers, to take the said E. F., and him safely to convey to the common gaol at _____ aforesaid, and there deliver him to the said keeper thereof, together with this precept:

And I do hereby command you, the said keeper of the said common gaol, to receive the said E. F. into your custody in the said common gaol and there imprison him for such his contempt for the term of _____ days, unless he shall in the meantime consent to be examined and to answer concerning the premises, and for so doing this shall be your sufficient warrant.

Given under (my) hand and seal, this _____ day of _____ in the year _____, at _____, in the district (or county, *or as the case may be*), aforesaid.

J. S. [L. S.]

(F.)

WARRANT TO REMAND A DEFENDANT WHEN APPREHENDED.

Canada.)
Province of)
district (or county,)
united counties, or)
as the case may be,)
of)

To all or any of the constables, or other peace officers in the said district (or county, united counties, *or as the case may be*), of _____, and to the keeper of the common gaol (or lock-up house) at _____

Whereas information was laid (or complaint was made) before _____, a justice of the peace in and for the district (or county, united counties, *or as the case may be*), of _____, for that (&c., *as in the summons or warrant*); And whereas the said A. B. has been apprehended, under and by virtue of a warrant, upon such information (or complaint), and is now brought before me as such justice as aforesaid: These are, therefore, to command you, or any one of the said constables or peace officers, in Her Majesty's name, forthwith to convey the said A. B. to the common gaol (or lock-up house) at _____, and there to deliver him to the said keeper thereof, together with this precept; And I do hereby command you, the said keeper, to receive the said A. B. into your custody in the said common gaol (or lock-up house), and there safely keep him until _____ next, the day of _____ (*instant*), when you are hereby commanded to convey and have him at _____, at _____ o'clock in the _____ noon of the same day, before me, or such justice or justices of the peace for the said district (or county, united counties, *or as the case may be*), as shall then be there, to answer to the said information (or complaint), and to be further dealt with according to law.

(H.)

RECOGNIZANCE FOR THE APPEARANCE OF THE DEFENDANT
WHEN THE CASE IS ADJOURNED, OR NOT AT ONCE PRO-
CEEDED WITH.

Canada.)
Province of)
district (or county,)
united counties, or)
as the case may be),)
of)

Be it remembered, that on _____, A. B.
(laborer), and L. M., of _____ (grocer), and O. P. of
(yeoman), personally came and appeared before the under-
signed, _____, a justice of the peace in and for the
said district (or county, united counties, or as the case may
be) of _____, and severally acknowledged
themselves to owe to our Sovereign Lady the Queen the
several sums following, that is to say: the said A. B., the
sum of _____, and the said L. M. and O. P. the sum
of _____, each, of good and lawful current money of
Canada, to be made and levied of their several goods and
chattels, lands and tenements respectively, to the use of our
said Lady the Queen, her heirs and successors, if he, the said
A. B., fails in the condition indorsed (or hereunder written).

Taken and acknowledged the day and year first above
mentioned at _____ before me.

J. S. [L. s.]

The condition of the within (or the above) written recog-
nizance is such that if the said A. B. personally appears on
the _____ day of _____, (instant) at _____ o'clock in the
(fore) noon, at _____, before me or such justices of
the peace for the said district (or county, united counties.
or as the case may be), as shall then be there, to answer
further to the information (or complaint) of C. D., exhibited
against the said A. B., and to be further dealt with accord-
ing to law, then the said recognizance to be void, otherwise
to remain in full force and virtue.

NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE
DEFENDANT AND HIS SURETIES.

Take notice that you, A. B., are bound in the sum of _____
, and you, L. M. and O. P., in the sum of _____
each, that you A. B., appear personally on _____ at
o'clock in the (fore) noon at _____, before me or such
justice of the peace for the district (or county, united coun-
ties, or as the case may be). of _____, as shall then be
there, to answer further to a certain information (or com-

plaint) of C. D., the further hearing of which was adjourned to the said time and place, and unless you appear accordingly, the recognizance entered into by you, A. B., and by L. M. and O. P. as your sureties, will forthwith be levied on you and them.

Dated this day of , one thousand eight hundred and J. S. [L. S.]

(J. 1.)

CONVICTION FOR A PENALTY TO BE LEVIED BY DISTRESS, AND IN DEFAULT OF SUFFICIENT DISTRESS, BY IMPRISONMENT.

Canada. }
Province of }
district (or county, }
united counties, or }
as the case may be), }
of }

Be it remembered, that on the day of in the year , at in the said district (or county, united counties, or as the case may be), A. B. is convicted before the undersigned, , a justice of the peace for the said district (or county, united counties, or as the case may be), for that the said A. B. (&c., stating the offence, and the time and place when and where committed), and I adjudge the said A. B. for his said offence to forfeit and pay the sum of (stating the penalty, and also the compensation, if any), to be paid and applied according to law, and also to pay to the said C. D. the sum of , for his costs in this behalf; and if the said several sums are not paid forthwith, (or on or before the of next), * I order that the same be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress, * I adjudge the said A. B. to be imprisoned in the common gaol of the said district (or county, united counties, or as the case may be), at in the said district (or county) of (there to be kept at hard labor, if such is the sentence) for the term of unless the said several sums and all costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said gaol) are sooner paid.

Given under (my) hand and seal, the day and year first above mentioned, at , in the district (or county, united counties, or as the case may be), aforesaid.

J. S. [L.S.]

* Or when the issuing of a distress warrant would be ruinous to the defendant or his family, or it appears he has no goods whereon to levy a distress, then instead of the words between the asterisks * * say, "inasmuch as it is now made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B. and his family," [or, "that the said A. B. has no goods or chattels whereon to levy the said sums by distress"], I adjudge, &c., [as above, to the end].

(J. 2.)

CONVICTION FOR A PENALTY, AND IN DEFAULT OF PAYMENT,
IMPRISONMENT.

Canada.)
Province of)
district (or county,)
united counties, or)
as the case may be,)
of .

Be it remembered, that on the day of
in the year , at , in the said district
(or county, united counties, or as the case may be), A. B. is con-
victed before the undersigned, a justice of the peace
for the said district (or county, united counties, or as the case
may be), for that he the said A. B. (&c., stating the offence, and
the time and place when and where it was committed), and I
adjudge the said A. B. for his said offence to forfeit and pay
the sum of (stating the penalty and the compensation,
if any), to be paid and applied according to law; and also
to pay to the said C. D. the sum of for his costs in
this behalf; and if the said several sums are not paid forth-
with (or, on or before next), I adjudge the said A. B.
to be imprisoned in the common gaol of the said district
(or county, united counties, or as the case may be), at ,
in the said district (or county) of (and there to be
kept at hard labor) for the term of , unless the
said sums and the costs and charges of conveying the said
A. B. to the said common gaol are sooner paid.

Given under (my) hand and seal, the day and year first
above mentioned, at in the district (or county,
united counties, or as the case may be), aforesaid.

J. S. [L.S.]

(J. 3.)

CONVICTION WHEN THE PUNISHMENT IS BY IMPRISON-
MENT, ETC.

Canada.)
 Province of)
 district (or county,)
 united counties, or)
 as the case may be,)
 of .)

Be it remembered, that on the _____ day of _____, in the year _____, in the said district (or county, united counties, or as the case may be), A. B. is convicted before the undersigned, _____, a justice of the peace in and for the said district (or county, united counties, or as the case may be), for that he the said A. B. (&c., stating the offence, and the time and place when and where it was committed); and I adjudge the said A. B. for his said offence to be imprisoned in the common gaol of the said district (or county, united counties, or as the case may be), at _____ in the county of _____ (and there to be kept at hard labor) for the term of _____; and I also adjudge the said A. B. to pay to the said C. D. the sum of _____, for his costs in this behalf, and if the said sum for costs are not paid forthwith (or on or before _____ next,) then * I order that the said sum be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress in that behalf, * I adjudge the said A. B. to be imprisoned in the said common gaol (and kept there at hard labor) for the term of _____, to commence at _____ and from the term of his imprisonment aforesaid, unless the said sum for costs is sooner paid.

Given under (my) hand and seal, the day and year first above mentioned at _____, in the district (or county, united counties, or as the case may be), aforesaid.

J. S. [L.S.]

* Or, when the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks * * say, "inasmuch as it is now made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B. and his family," (or, "that the said A. B. has no goods or chattels whereon to levy the said sum for costs by distress") I adjudge, &c.

(K. 1.)

ORDER FOR PAYMENT OF MONEY TO BE LEVIED BY DISTRESS,
AND IN DEFAULT OF DISTRESS, IMPRISONMENT.

Canada.)
 Province of)
 district (or county,)
 united counties, or)
 as the case may be,)
 of)

Be it remembered, that on _____, complaint was made before the undersigned, _____, a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____, for that (stating the facts entitling the complainant to the order, with the time and place when and where they occurred), and now at this day, to wit, on _____, at _____, the parties aforesaid appear before me the said justice (or, the said C. D. appears before me the said justice, but the said A. B., although duly called, does not appear by himself, his counsel or attorney, and it is now satisfactorily proved to me on oath that the said A. B. was duly served with the summons in this behalf, which required him to be and appear here on this day before me or such justice or justices of the peace for the district (or county, united counties, or as the case may be), as should now be here, to answer the said complaint, and to be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. to pay to the said C. D. the sum of _____ forthwith (or on or before _____ next, or as the Act or law requires), and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums are not paid forthwith (or on or before _____ next), then, * I hereby order that the same be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress in that behalf, * I adjudge the said A. B. to be imprisoned in the common gaol of the said district (or county, united counties, or as the case may be), at _____, in the said district (or county) of _____, (and there kept at hard labor) for the term of _____, unless the said several sums, and all costs and charges of the said distress (and the commitment and conveyance of the said A. B. to the said common gaol) are sooner paid.

Given under (my) hand and seal, this _____ day of _____ in the year _____, at _____ in the district (or county, or as the case may be), aforesaid.

J. S. [L.S.]

*Or, when the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears he has no goods whereon to levy a distress, then, instead of the words between the asterisks ** say, " inasmuch as it is now made to appear

to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B. and his family," (or, "that the said A. B. has no goods or chattels whereon to levy the said sums by distress").

(K. 2.)

ORDER FOR PAYMENT OF MONEY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

Canada.)
Province of)
district (or county,)
united counties (or)
as the case may be),)
of)

Be it remembered, that on _____, complaint was made before the undersigned, _____ a justice of the peace in and for the said district (or county, united counties, or as the case may be) of _____, for that (stating the facts entitling the complainant to the order, with the time and place when and where they occurred), and now on this day, to wit, on _____, at _____, the parties aforesaid appear before me the said justice (or the said C. D. appears before me the said justice, but the said A. B., although duly called, does not appear by himself, his counsel or attorney, and it is now satisfactorily proved to me upon oath that the said A. B. was duly served with the summons in this behalf, which required him to be and appear here this day before me, or such justice or justices of the peace for the said district (or county, united counties, or as the case may be), as should now be here, to answer to the said complaint, and to be further dealt with according to law), and now having heard the matter of the said complaint, I do adjudge the said A.B. to pay to the said C. D. the sum of _____ forthwith (or on or before _____ next, or as the Act or law requires), and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums are not paid forthwith (or on or before _____ next), then I adjudge the said A. B. to be imprisoned in the common gaol of the said district (or county, united counties, or as the case may be), at _____, in the said district (or county) of _____ (there to be kept at hard labor if the Act or law authorizes this) for the term of _____ unless the said several sums (and costs and charges of commitment and conveying the said A. B. to the said common gaol) are sooner paid.

Given under (my) hand and seal this _____ day of _____, in the year _____, at _____, in the district (or county, united counties, or as the case may be), aforesaid.

J. S. [L.S.]

(K. 3.)

ORDER FOR ANY OTHER MATTER WHERE THE DISOBEYING
OF IT IS PUNISHABLE WITH IMPRISONMENT.

Canada.)
Province of)
district (or county,)
united counties, or)
as the case may be,)
of)

Be it remembered, that on _____, complaint was made before the undersigned, _____ a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____, for that (*stating the facts entitling the complainant to the order, with the time and place where and when they occurred*); and now on this day, to wit, on _____, at _____, the parties aforesaid appear before me the said justice (or the said C.D. appears before me the said justice, but the said A.B., although duly called, does not appear by himself, his counsel or attorney, and it is now satisfactorily proved to me, upon oath, that the said A.B. was duly served with the summons in this behalf, which required him to be and appear here this day before me, or such justice or justices of the peace for the said district (or county, united counties, or as the case may be), as should now be here, to answer to the said complaint, and to be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A.B. to (*here state the matter required to be done*), and if, upon a copy of the minute of this order being served upon the said A.B., either personally or by leaving the same for him at his last or most usual place of abode, he neglects or refuses to obey the same, in that case I adjudge the said A.B., for such his disobedience, to be imprisoned in the common gaol of the said district (or county, united counties, or as the case may be), at _____, in the said county of _____ (there to be kept at hard labor, *if the statute authorizes this*), for the term of _____, unless the said order is sooner obeyed, and I do also adjudge the said A.B. to pay to the said C.D. the sum of _____, for his costs in this behalf, and if the said sum for costs is not paid forthwith (or on or before _____ next), I order the same to be levied by distress and sale of the goods and chattels of the said A.B., and in default of sufficient distress in that behalf, I adjudge the said A.B. to be imprisoned in the said common gaol (there to be kept at hard labor) for the space of _____, to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs is sooner paid.

Given under (my) hand and seal, this _____ day of _____, in the year _____, at _____, in the district (or county, united counties, or as the case may be), aforesaid.

J. S. [L.S.]

(L.)

FORM OF ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada.
 Province of
 district (or county,
 united counties, or
 as the case may be),
 of

Be it remembered, that on _____, information was laid (or complaint was made) before the undersigned, _____ a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____, for that (&c., as in the summons of the defendant) and now at this day, to wit, on _____, at _____, (if at any adjournment insert here: "to which day the hearing of this case was duly adjourned, of which the said C.D. had due notice"), both the said parties appear before me in order that I should hear and determine the said information (or complaint) (or the said A.B. appears before me, but the said C.D., although duly called, does not appear); [whereupon the matter of the said information (or complaint) being by me duly considered, it manifestly appears to me that the said information (or complaint) is not proved, and] (if the informant (or complainant) does not appear, these words may be omitted), I do therefore dismiss the same, and do adjudge that the said C.D. do pay to the said A.B. the sum of _____, for his costs incurred by him in defence in his behalf; and if the said sum for costs is not paid forthwith (or on or before _____), I order that the same be levied by distress and sale of the goods and chattels of the said C.D., and in default of sufficient distress in that behalf, I adjudge the said C.D. to be imprisoned in the common gaol of the said district (or county, united counties, or as the case may be), of _____, at _____, in the said (county) of _____ (and there kept at hard labor) for the term of _____, unless the said sum for costs, and all costs and charges of the said distress (and of the commitment and conveying of the said C.D. to the said common gaol) are sooner paid.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the district (or county, united counties, or as the case may be), aforesaid.

J. S. [L.S.]

(M.)

FORM OF CERTIFICATE OF DISMISSAL.

I hereby certify that an information (*or complaint*) preferred by C.D. against A.B. for that (*&c., as in the summons*) was this day considered by me, a justice of the peace in and for the said district (*or county, united counties, or as the case may be*), of _____, and was by me dismissed (with costs).

Dated this _____ day of _____, one thousand _____ J. S.

(N. 1.)

WARRANT OF DISTRESS UPON A CONVICTION FOR A PENALTY.

Canada.
Province of _____
district (*or county, united counties, or as the case may be*),
of _____

To all or any of the constables or other peace officers in the said district (*or county, united counties, or as the case may be*), of _____

Whereas A.B., late of _____ (*laborer*) was on this day (*or on* _____ last past) duly convicted before a justice of the peace, in and for the said district (*or county, united counties, or as the case may be*), of _____, for that (*stating the offence, as in the conviction*), and it was thereby adjudged that the said A.B. should for such his offence, forfeit and pay (*&c., as in the conviction*), and should also pay to the said C.D. the sum of _____, for his costs in that behalf; and it was thereby ordered that if the said several sums were not paid (forthwith) the same should be levied by distress and sale of the goods and chattels of the said A.B., and it was thereby also adjudged that the said A.B., in default of sufficient distress, should be imprisoned in the common gaol of the said district (*or county, united counties, or as the case may be*), at _____, in the said county of _____ (and there kept at hard labor) for the space of _____, unless the said several sums and all costs and charges of the said distress, and of the commitment and conveying of the said A.B. to the said common gaol were sooner paid; *And whereas the said A.B., being so convicted as aforesaid, and being (now) required to pay the said sums of _____ and _____ has not paid the same or any part thereof, but therein has made default :

These are, therefore, to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A.B.; and if within _____ days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the distress, are not paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale unto me (*the convicting justice, or one of the convicting justices*) that I may pay and apply the same as by law directed, and may render the overplus, if any, on demand, to the said A.B.; and if no such distress is found, then to certify the same unto me, that such further proceedings may be had thereon as to law appertain.

Given under my hand and seal, this _____ day of _____ in the year _____, at _____, in the district (or county, or as the case may be), aforesaid.

J. S. [L.S.]

(N. 2.)

WARRANT OF DISTRESS UPON AN ORDER FOR THE PAYMENT OF MONEY.

Canada.
Province of _____
district (or county,
united counties, or
as the case may be),
of _____

To all or any of the constables or other peace officers, in the said district (or county, united counties, or as the case may be), of _____

Whereas on _____, last past, a complaint was made before _____, a justice of the peace in and for the said district (or county, united counties, or as the case may be), for that (&c., as in the order), and afterwards, to wit, on _____, at _____, the said parties appeared before _____ (as in the order), and thereupon the matter of the said complaint having been considered, the said A.B. was adjudged (to pay to the said C. D. the sum of _____, on or before _____ then next), and also to pay to the said C.D. the sum of _____, for his costs in that behalf; and it was ordered that if the said several sums were not paid on or before the said _____ then next, the same should be levied by distress and sale of the goods and chattels of the said A.B.; and it was adjudged that in default of sufficient distress in that behalf, the said A.B. should be imprisoned in the common gaol of the said district (or county, united counties, or as the case may be), at _____, in _____

the said county of _____ (and there kept at hard labor) for the term of _____, unless the said several sums and all costs and charges of the distress (and of the commitment and conveying of the said A.B. to the said common gaol) were sooner paid; *And whereas the time in and by the said order appointed for the payment of the said several sums of _____, and _____ has elapsed, but the said A. B. has not paid the same, or any part thereof, but therein has made default: These are, therefore, to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of _____ days after the making of such distress, the said last mentioned sums, together with the reasonable charges of taking and keeping the said distress, are not paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale unto me (*or some other of the convicting justices, as the case may be*), that I (*or he*) may pay and apply the same as by law directed, and may render the overplus, if any, on demand to the said A. B.; and if no such distress can be found, then to certify the same unto me, to the end that such proceedings may be had therein, as to law appertain.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the district (*or county, or as the case may be*), aforesaid.

J. S. [L. S.]

(N. 3.)

INDORSEMENT IN BACKING A WARRANT OF DISTRESS.

Canada. }
 Province of }
 district (*or county,*
united counties, or
as the case may be), }
 of }

Whereas proof upon oath has this day been made before me _____, a justice of the peace in and for the said district (*or county, united counties, or as the case may be*), that the name of J. S. to the within warrant subscribed, is of the handwriting of the justice of the peace within mentioned, I do therefore authorize U. T., who brings me this warrant, and all other persons to whom this warrant was originally directed, or by whom the same may be lawfully executed, and also all constables and other peace officers in the said district (*or county, united counties, or as the case may be*), of _____ to execute the same within the said district (*or county, united counties, or as the case may be*).

Given under my hand, this _____ day of _____, one thousand eight hundred and _____

O. K.

(N. 4.)

CONSTABLE'S RETURN TO A WARRANT OF DISTRESS.

I, W. T., constable of _____, in the district (or county, united counties, *or as the case may be*), of _____ hereby certify to J. S., Esquire, a justice of the peace in and for the district (or county, united counties, *or as the case may be*), of _____, that by virtue of this warrant I have made diligent search for the goods and chattels of the within mentioned A. B., and that I can find no sufficient goods or chattels of the said A. B. whereon to levy the sums within mentioned.

Witness my hand, this _____ day of _____, one thousand eight hundred and _____

W. T.

(N. 5.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

Canada.)
 Province of)
 district (or county,)
 united counties, or)
 as the case may be,)
 of .

To all or any of the constables, or other peace officers in the district (or county, united counties, *or as the case may be*), of _____, and to the keeper of the common gaol of the said district (or county, united counties, *or as the case may be*), of _____, at _____, in the said district (or county) of _____.

Whereas (&c., *as in either of the foregoing distress warrants, N 1, N 2, to the asterisk,* and then thus*): And whereas, afterwards on the _____ day of _____, in the year aforesaid, I, the said justice, issued a warrant to all or any of the constables or other peace officers of the district (or county, united counties, *or as the case may be*), of _____, commanding them, or any of them, to levy the said sums of _____ and _____ by distress and sale of the goods and chattels of the said A. B.; And whereas it appears to me, as well by the return of the said warrant of distress, by the constable who had the execution of the same, as otherwise, that the said constable has made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the sums above mentioned could be found: These are, therefore, to command you, the said constables or peace officers, or any one of you, to take the said A. B., and him safely to convey to the common gaol at

aforesaid, and there deliver him to the said keeper, together with this precept: And I do hereby command you, the said keeper of the said common gaol, to receive the said A. B. into your custody, in the said common gaol, there to imprison him (and keep him at hard labor) for the term of _____, unless the said several sums, and all the costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said common gaol) amounting to the further sum of _____, are sooner paid unto you, the said keeper; and for so doing this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the district (or county, united counties, or as the case may be), aforesaid.

J. S. [L. S.]

(O. 1.)

WARRANT OF COMMITMENT UPON A CONVICTION FOR A PENALTY IN THE FIRST INSTANCE.

Canada.)
Province of)
district (or county)
united counties, or)
as the case may be,)
of)

To all or any of the constables and other peace officers in the said district (or county, united counties, or as the case may be), of _____, and to the keeper of the common gaol of the said district (or county, united counties, or as the case may be), of _____, at _____, in the said district (or county) of _____.

Whereas A. B., late of _____ (laborer), was on this day convicted before the undersigned _____, a justice of the peace in and for the said district (or county, united counties, or as the case may be), for that (stating the offence, as in the conviction), and it was thereby adjudged that the said A. B., for his offence, should forfeit and pay the sum of _____ (&c., as in the conviction), and should pay to the said C. D. the sum of _____, for his costs in that behalf; and it was thereby further adjudged that if the said several sums were not paid (forthwith) the said A. B. should be imprisoned in the common gaol of the said district (or county, united counties, or as the case may be), at _____, in the said district (or county) of _____ (and there kept at hard labor) for the term of _____, unless the said several sums (and the costs and charges of conveying the said A. B. to the said common gaol) were sooner paid; And whereas the time in and by the said conviction appointed for the payment of the said several sums has elapsed, but the said

A. B. has not paid the same, or any part thereof, but therein has made default: These are, therefore, to command you, the said constables or peace officers, or any one of you, to take the said A. B., and him safely to convey to the common gaol at _____ aforesaid, and there to deliver him to the said keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said common gaol, to receive the said A. B. into your custody in the said common gaol, there to imprison him (and keep him at hard labor) for the term of _____, unless the said several sums (and costs and charges of carrying him to the said common gaol, amounting to the further sum of _____), are sooner paid unto you, the said keeper; and for your so doing, this shall be your sufficient warrant.

Given under (my) hand and seal, this _____ day of _____, in the year _____, at _____, in the district or county, united counties or as the case may be), aforesaid.

J. S. [L. S.]

(O. 2.)

WARRANT OF COMMITMENT ON AN ORDER IN THE FIRST INSTANCE.

Canada. }
 Province of }
 district (or county, }
 united counties, or }
 as the case may be), }
 of }

To all or any of the constables and other peace officers in the said district (or county, united counties, or as the case may be), of _____, and to the keeper of the common gaol of the district (or county, united counties, or as the case may be), of _____, at _____, in the said district (or county) of _____

Whereas, on _____ last past, complaint was made before the undersigned _____, a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____, for that (&c., as in the order), and afterwards, to wit, on the _____ day of _____, at _____, the parties appeared before me, the said justice (or as it is in the order), and thereupon having considered the matter of the complaint, I adjudged the said A. B. to pay the said C. D. the sum of _____, on or before the _____ day of _____ then next, and also to pay to the said C. D. the sum of _____, for his costs in that behalf; and I also thereby adjudged that if the said several sums were not paid on or before the _____ day of _____ then next, the said A. B. should be imprisoned in the common gaol of the district (or county, united counties, or as the case may be), of _____, at _____, in

the said county of _____ (and there be kept at hard labor) for the term of _____, unless the said several sums (and the costs and charges of conveying the said A.B. to the said common gaol, *as the case may be*) were sooner paid; And whereas the time in and by the said order appointed for the payment of the said several sums of money has elapsed, but the said A.B. has not paid the same, or any part thereof, but therein has made default: These are, therefore, to command you, the said constables and peace officers, or any of you, to take the said A.B. and him safely to convey to the said common gaol, at _____ aforesaid, and there to deliver him to the keeper thereof, together with this precept; And I do hereby command you, the said keeper of the said common gaol, to receive the said A.B. into your custody in the said common gaol, there to imprison him (and keep him at hard labor) for the term of _____, unless the said several sums (and the costs and charges of conveying him to the said common gaol, amounting to the further sum of _____), are sooner paid unto you the said keeper; and for your so doing, this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the district (or county, united counties or *as the case may be*), aforesaid.

J. S. [L.S.]

(P. 1.)

WARRANT OF DISTRESS FOR COSTS UPON AN ORDER FOR
DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada
Province of
district (or county,
united counties, or
as the case may be),
of

To all or any of the constables or other peace officers in the said district (or county, united counties, or *as the case may be*), of _____:

Whereas on _____ last past, information was laid (or complaint was made) before _____ a justice of the peace in and for the said district (or county, united counties, or *as the case may be*), of _____, for that (&c., *as in the order of dismissal*) and afterwards, to wit, on _____ at _____, both parties appearing before _____, in order that (I) should hear and determine the same, and the several proofs adduced to (me) in that behalf, being by (me) duly heard and considered, and it manifestly appearing to (me) that the said information (or complaint) was not proved, (I) therefore dismissed

the same and adjudged that the said C.D. should pay to the said A.B. the sum of _____, for his costs incurred by him in his defence in that behalf; and (I) ordered that if the said sum for costs was not paid (forthwith) the same should be levied on the goods and chattels of the said C.D., and (I) adjudged that in default of sufficient distress in that behalf the said C.D. should be imprisoned in the common gaol of the said district (or county, united counties, or as the case may be), of _____, at _____, in the said district or county of _____ (and there kept at hard labor) for the space of _____, unless the said sum for costs, and all costs and charges of the said distress, and of the commitment and conveying of the said A.B. to the said common gaol, were sooner paid; *And whereas the said C.D. being now required to pay to the said A.B. the said sum for costs, has not paid the same, or any part thereof, but therein has made default: These are, therefore, to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said C.D., and if within the term of _____ days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale to me (the justice who made such order or dismissal, as the case may be) that (I), may pay and apply the same as by law directed, and may render the overplus (if any) on demand to the said C.D., and if no distress can be found, then to certify the same unto me (or to any other justice of the peace for the same district or county, united counties, or as the case may be), that such proceedings may be had therein as to law appertain.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the district (or county, united counties, or as the case may be), aforesaid.

J.S. [L.S.]

(P. 2.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE LAST CASE.

Canada. }
 Province of }
 district (or county, }
 united counties, or }
 as the case may be), }
 of }

To all or any of the constables or other peace officers in the said district (or county, united counties, or as the case may be), of _____, and to the keeper of the common gaol of the said district (or county, united counties, or as the case may be), of _____, at _____, in the said district (or county) of _____

Whereas (&c., as in the last form, to the asterisk, * and then thus): And whereas afterwards, on the _____ day of _____, in the year aforesaid, I, the said justice, issued a warrant to all or any of the constables or other peace officers of the said district (or county, united counties, or as the case may be), commanding them, or any one of them, to levy the said sum of _____, for costs, by distress and sale of the goods and chattels of the said C. D.: And whereas it appears to me, as well by the return to the said warrant of distress of the constable (or peace officer) charged with the execution of the same, as otherwise, that the said constable has made diligent search for the goods and chattels of the said C.D., but that no sufficient distress whereon to levy the sum above mentioned could be found: These are, therefore, to command you, the said constables and peace officers, or any one of you, to take the said C.D., and him safely convey to the common gaol of the said district (or county, united counties, or as the case may be), at _____ aforesaid, and there deliver him to the keeper thereof, together with this precept; And I hereby command you, the said keeper of the said common gaol, to receive the said C.D. into your custody in the said common gaol, there to imprison him (and keep him at hard labor) for the term of _____, unless the said sum, and all the costs and charges of the said distress (and of the commitment and conveying of the said C.D. to the said common gaol, amounting to the further sum of _____), are sooner paid unto you the said keeper; and for your so doing, this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the district (or county, united counties, or as the case may be), aforesaid.

J. S. [L.S.]

(Q.)

CERTIFICATE OF NON-APPEARANCE TO BE INDORSED ON THE DEFENDANT'S RECOGNIZANCE.

I hereby certify that the said A.B. has not appeared at the time and place in the said condition mentioned, but therein has made default, by reason whereof the within written recognizance is forfeited.

J. S. [L. S.]

J. P.

(R.)

NOTICE OF APPEAL AGAINST A CONVICTION OR ORDER.

To C.D., of, &c., and——(the names and additions of the parties to whom the notice of appeal is required to be given)

Take notice, that I, the undersigned, A.B., of _____ intend to enter and prosecute an appeal at the next General

Sessions of the Peace (or other court, as the case may be), to be holden at _____, in and for the district (or county united counties, or as the case may be), of _____, against a certain conviction (or order) bearing date on or about the day of _____, instant, and made by (you) C.D., Esquire, a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____, whereby I, the said A.B. was convicted of having (or was ordered) to pay _____, (here state the offence as in the conviction, information, or summons, or the amount adjudged to be paid, as in the order, as correctly as possible).

Dated this _____ day of _____, one thousand eight hundred and _____.

A. B.

MEMORANDUM.—If this notice is given by several defendants, or by an attorney, it may be adapted to the case.

(S.)

FORM OF RECOGNIZANCE TO TRY THE APPEAL.

Be it remembered, that on _____, A. B., of _____ (laborer), and L. M., of _____ (grocer), and N. O., of _____ (yeoman), personally came before the undersigned _____, a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____, and severally acknowledged themselves to owe to our Sovereign Lady the Queen, the several sums following, that is to say, the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, her heirs and successors, if he the said A. B. fails in the condition indorsed (or hereunder written).

Taken and acknowledged the day and year first above mentioned at _____, before me.

J. S.

The condition of the within (or the above) written recognizance is such that if the said A. B. personally appears at the (next) General Sessions of the Peace (or other court discharging the functions of the court of General Sessions, as the case may be), to be holden at _____, on the day of _____ next, in and for the said district (or county, united counties, or as the case may be), of _____, and tries an appeal against a certain conviction, bearing date the day of _____ instant, and made by (me) the said justice, whereby he, the said A. B., was convicted, for that he, the said A. B., did, on the _____ day of _____, at the

township of _____, in the said district (or county, united counties, or as the case may be), of _____, (here set out the offence as stated in the conviction); and also abides by the judgment of the court upon such appeal and pays such costs as are by the court awarded, then the said recognizance to be void, otherwise to remain in full force and virtue.

FORM OF NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO
THE DEFENDANT (APPELLANT) AND HIS SURETIES.

Take notice, that you, A. B., are bound in the sum of _____, and you L. M. and N. O. in the sum of _____, each, that you the said A. B. will personally appear at the next General Sessions of the Peace to be holden at _____, in and for the said district (or county, united counties, or as the case may be), of _____, and try an appeal against a conviction (or order) dated the _____ day of _____ (instant) whereby you A. B. were convicted of (or ordered, &c.), (stating offence or the subject of the order shortly), and abide by the judgment of the court upon such appeal and pay such costs as are by the court awarded, and unless you the said A. B. personally appear and try such appeal and abide by such judgment and pay such costs accordingly, the recognizance entered into by you will forthwith be levied on you, and each of you.

Dated this _____ day of _____, one thousand eight hundred and _____.

(T.)

CERTIFICATE OF CLERK OF THE PEACE THAT THE COSTS OF
AN APPEAL ARE NOT PAID.

Office of the clerk of the peace for the district (or county, united counties, or as the case may be), of _____.

Title of the Appeal.

I hereby certify, that at a court of General Sessions of the Peace, (or other court discharging the functions of the Court of General Sessions, as the case may be), holden at _____, in and for the said district (or county, united counties, or as the case may be), on _____ last past, an appeal by A. B. against a conviction (or order) of J. S., Esquire, a justice of the peace in and for the said district (or county, united counties, or as the case may be), came on to be tried, and was there heard and determined, and the said court of General Sessions (or other court, as the case may be), thereupon ordered that the said conviction (or order) should be confirmed (or quashed), and that the said (appellant) should pay to the said (respondent) the sum of _____, for his costs incurred by him in the said appeal, and which sum was thereby ordered to be paid to the clerk of the peace for the

said district (or county, united counties, or as the case may be), on or before the day of instant, to be by him handed over to the said (respondent), and I further certify that the said sum for costs has not, nor has any part thereof, been paid in obedience to the said order.

Dated this day of , one thousand eight hundred and

G. H.,
Clerk of the Peace.

(U. 1.)

WARRANT OF DISTRESS FOR COSTS OF AN APPEAL AGAINST
A CONVICTION OR ORDER.

Canada. }
Province of }
district (or county, }
united counties, or }
as the case may be), }
of }

To all or any of the constables or other peace officers in the said district (or county, united counties, or as the case may be), of :

Whereas (&c., as in the warrants of distress, N 1, N 2, ante, and to the end of the statement of the conviction or order, and then thus): And whereas the said A. B. appealed to the court of General Sessions of the Peace (or other court discharging the functions of the Court of General Sessions, as the case may be), for the said district (or county, united counties, or as the case may be), against the said conviction or order, in which appeal the said A. B. was the appellant, and the said C. D. (or J. S., Esquire, the justice of the peace who made the said conviction or order) was the respondent, and which said appeal came on to be tried and was heard and determined at the last General Sessions of the Peace (or other court, as the case may be) for the said district (or county, united counties, or as the case may be), holden at , on ; and the said court thereupon ordered that the said conviction (or order) should be confirmed (or quashed) and that the said (appellant) should pay to the said (respondent) the sum of , for his costs incurred by him in the said appeal, which said sum was to be paid to the clerk of the peace for the said district (or county, united counties, or as the case may be), on or before the day of , one thousand eight hundred and , to be by him handed over to the said C. D.; and whereas the clerk of the peace of the said district (or county, united counties, or as the case may be), has, on the day of instant, duly certified that the said sum for costs had not been paid: * These are,

therefore, to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B., and if, within the term of _____ days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, are not paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale to the clerk of the peace for the said district (*or county, united counties, or as the case may be*), of _____, that he may pay and apply the same as by law directed; and if no such distress can be found, then to certify the same unto me or any other justice of the peace for the same district (*or county, united counties, or as the case may be*), that such proceedings may be had therein as to law appertain.

Given under my hand and seal, this _____ day of _____, in the year _____, at _____, in the district (*or county, or as the case may be*), aforesaid.

O. K. [L.S.]

(U. 2.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE
LAST CASE.

Canada.)
Province of)
district (*or county,*)
united counties, *or*)
as the case may be),)
of .)

To all or any of the constables or other peace officers in the said district (*or county, united counties, or as the case may be*), of _____, and to the keeper of the common gaol of the said district (*or county, united counties, or as the case may be*), of _____, at _____, in the said county of _____;

Whereas (&c., *as in the last form, to the asterisk,* and then thus*): And whereas, afterwards, on the _____ day of _____, in the year aforesaid, I, the undersigned, issued a warrant to all or any of the constables or other peace officers in the said district (*or county, united counties, or as the case may be*), of _____, commanding them, or any of them, to levy the said sum of _____, for costs, by distress and sale of the goods and chattels of the said A. B.; And whereas it appears to me, as well by the return to the said warrant of distress of the constable (*or peace officer*) who was charged with the execution of the same, as otherwise, that the said constable has made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the said sum above mentioned could be found:

These are, therefore, to command you, the said constables or peace officers, or any one of you, to take the said A. B., and him safely to convey to the common gaol of the said district, (or county, united counties, or as the case may be), of at aforesaid, and there deliver him to the said keeper thereof, together with this precept; And I do hereby command you, the said keeper of the said common gaol, to receive the said A. B. into your custody in the said common gaol, there to imprison him (and keep him at hard labor) for the term of , unless the said sum and all costs and charges of the said distress (and for the commitment and conveying of the said A. B. to the said common gaol, amounting to the further sum of), are sooner paid unto you, the said keeper; and for so doing this shall be your sufficient warrant.

Given under my hand and seal, this day of , in the year , at , in the district (or county, united counties, or as the case may be), aforesaid.

J. N. [L.S.]

V.

RETURN of convictions made by me (or us, as the case may be), during the quarter ending 18 .

Name of the Prosecutor.	Name of the Defendant.	Nature of the Charge.	Date of Conviction.	Name of Convicting Justice.	Amount of Penalty, Fine or Damage.	Time when paid or to be paid to the said Justice.	T., whom paid over by the said Justice.	If not paid, why not, and general observations, if any.

A. B., Convicting Justice,

or

A. B. and C. D., Convicting Justices (as the case may be).

32-33 V., c. 31, s. 76 part and sch. part;—33 V., c. 27, s. 4.



CHAPTER 179.

An Act respecting Recognizances.

A. D. 1886.

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

1. Any surety for any person charged with any indictable offence may, upon affidavit showing the grounds therefor, with a certified copy of the recognizance, obtain from a judge of a superior court or from a judge of a county court having criminal jurisdiction, an order in writing under his hand, to render such person to the common gaol of the county where the offence is to be tried. 1 R. S. N. B., c. 157, s. 1. Surety may obtain order to render.

2. The sureties, under such order, may arrest such person, and deliver him, with the order, to the gaoler named therein, who shall receive and imprison him in the said gaol, and shall be charged with the keeping of such person until he is discharged by due course of law. 1 R. S. N. B., c. 157, s. 2. Sureties may arrest, &c.

3. The person rendered may apply to a judge of a superior court, or in cases in which a judge of a county court may admit to bail, to a judge of a county court, to be again admitted to bail, who may on examination allow or refuse the same, and make such order as to the number of the sureties and the amount of recognizance as he deems meet,—which order shall be dealt with in the same manner as the first order for bail, and so on as often as the case requires. 1 R. S. N. B., c. 157, s. 3. Application for admission to bail.

4. On due proof of such render, and certificate of the sheriff, proved by the affidavit of a subscribing witness, that such person has been so rendered, a judge of the superior or county court, as the case may be, shall order an entry of such render to be made on the recognizance by the officer in charge thereof, which shall vacate the recognizance, and may be pleaded or alleged in discharge thereof. 1 R. S. N. B., c. 157, s. 4. Entry of such render. Effect of entry.

5. The sureties may bring the person charged as aforesaid into the court at which he is bound to appear, during the sitting thereof, and then, by leave of the court, render him in discharge of such recognizance at any time before Render in open court.

trial, and such person shall be committed to gaol, there to remain until discharged by due course of law; but such court may admit such person to bail for his appearance at any time it deems meet. 1 R. S. N. B., c. 157, s. 5.

Arraignment or conviction not to discharge recognizance.

6. The arraignment or conviction of any person charged and bound as aforesaid, shall not discharge the recognizance, but the same shall be effectual for his appearance for trial or sentence, as the case may be; and the court may commit such person to gaol upon his arraignment or trial, or may require new or additional sureties for his appearance for trial or sentence, as the case may be, notwithstanding such recognizance; and such commitment shall be a discharge of the sureties. 1 R. S. N. B., c. 157, s. 6.

Other rights not affected.

7. Nothing in the foregoing provisions shall limit or restrict any right which a surety now has of taking and rendering to custody any person charged with any such offence, and for whom he is such surety.

Fines, forfeited recognizances, &c., to be entered on a roll.

8. Unless otherwise provided, all fines, issues, amercements and forfeited recognizances, the disposal of which is within the legislative authority of the Parliament of Canada, set, imposed, lost or forfeited before any court of criminal jurisdiction shall, within twenty-one days after the adjournment of such court be fairly entered and extracted on a roll by the clerk of the court, or in case of his death or absence, by any other person, under the direction of the judge who presided at such court, which roll shall be made in duplicate and signed by the clerk of the court, or in case of his death or absence, by such judge:

With whom roll shall be filed.

2. If such court is a superior court of criminal jurisdiction, one of such rolls shall be filed with the clerk, prothonotary, registrar or other proper officer,—

(a.) In the Province of Ontario, of a division of the High Court of Justice,—

(b.) In the Provinces of Nova Scotia, New Brunswick and British Columbia, of the Supreme Court of the Province.—

(c.) In the Province of Prince Edward Island, of the Supreme Court of Judicature of that Province,—

(d.) In the Province of Manitoba, of the Court of Queen's Bench of that Province and,—

(e.) In the North-West Territories, of the Supreme Court of the said Territories,—

Time for filing.

On or before the first day of the term next succeeding the court by or before which such fines or forfeitures were imposed or forfeited:

Copy with clerk of certain courts.

3. If such court is a court of General Sessions of the Peace, or a county court, one of such rolls shall remain deposited in the office of the clerk of such court. C. S. U. C., c. 117, ss. 1 and 2, part, 3 and 4, part;—49 V., c. 25, s. 14.

9. The other of such rolls shall, as soon as the same is prepared, be sent by the clerk of the court making the same, or in case of his death or absence, by such judge as aforesaid, with a writ of *feri faciās* and *capias*, according to the form in the schedule to this Act, to the sheriff of the county in and for which such court was holden; and such writ shall be authority to the sheriff for proceeding to the immediate levying and recovering of such fines, issues, amercements and forfeited recognizances, on the goods and chattels, lands and tenements of the several persons named therein, or for taking into custody the bodies of such persons respectively, in case sufficient goods and chattels, lands or tenements cannot be found, whereof the sums required can be made; and every person so taken shall be lodged in the common gaol of the county, until satisfaction is made, or until the court into which such writ is returnable, upon cause shown by the party, as hereinafter mentioned, makes an order in the case, and until such order has been fully complied with. C. S. U. C., c. 117, ss. 2, *part*, 4, *part*, and 5.

Duplicate to be transmitted to sheriff.

Powers of the sheriff thereunder.

10. If any person bound by recognizance for his appearance (or for whose appearance any other person has become so bound) to prosecute or give evidence in any case of felony or misdemeanor, or to answer for any common assault, or to articles of the peace, makes default, the officer of the court by whom the estreats are made out, shall prepare a list in writing, specifying the name of every person so making default, and the nature of the offence in respect of which such person, or his surety, was so bound, together with the residence, trade, profession or calling of every such person and surety,—and shall, in such list, distinguish the principals from the sureties, and shall state the cause, if known, why each such person did not appear, and whether, by reason of the non-appearance of such person, the ends of justice have been defeated or delayed. C. S. C., c. 99, s. 120.

List of estreats to be prepared.

What the list shall set forth.

11. Every such officer shall, before any such recognizance is estreated, lay such list before the judge or one of the judges who presided at the court, or if such court was not presided over by a judge, before two justices of the peace who attended at such court, and such judge or justices shall examine such list, and make such order touching the estreating or putting in process any such recognizance as appears just, subject, in the Province of Quebec, to the provisions hereinafter contained; and no officer of any such court shall estreat or put in process any such recognizance without the written order of the judge or justices of the peace before whom respectively such list has been laid. C. S. C., c. 99, s. 121.

To be submitted to the judge.

No estreat without order.

12. Except in the cases of persons bound by recognizance for their appearance, or for whose appearance any other per-

Court may forbear estreating re-

cognizances
under certain
circum-
stances.

son has become bound to prosecute or give evidence in any case of felony or misdemeanor, or to answer for any common assault, or to articles of the peace, in every case of default whereby a recognizance becomes forfeited, if the cause of absence is made known to the court in which the person was bound to appear, the court, on consideration of such cause, and considering also, whether, by the non-appearance of such person the ends of justice have been defeated or delayed, may forbear to order the recognizance to be estreated; and, with respect to all recognizances estreated, if it appears to the satisfaction of the judge who presided at such court that the absence of any person for whose appearance any recognizance was entered into, was owing to circumstances which rendered such absence justifiable, such judge may make an order directing that the sum forfeited upon such estreated recognizance shall not be levied. C. S. U. C., c. 117, s. 6, *part*.

Minute on roll
by the judge
and effect
thereof.

13. The clerk of the court shall, for such purpose, before sending to the sheriff any roll, with a writ of *feri facias* and *capias*, as directed by this Act, submit the same to the judge who presided at the court, and such judge may make a minute on the said roll and writ of any such forfeited recognizances and fines as he thinks fit to direct not to be levied; and the sheriff shall observe the direction in such minute written upon such roll and writ, or indorsed thereon, and shall forbear accordingly to levy any such forfeited recognizance or fine. C. S. U. C., c. 117, s. 7.

Proceedings
when lands
are seized.

14. If upon any writ issued under this Act, the sheriff takes lands or tenements in execution, he shall advertise the same in like manner as he is required to do before the sale of lands in execution in other cases; and no sale shall take place in less than twelve months from the time the writ came to the hands of the sheriff. C. S. U. C., c. 117, s. 8.

Affidavit to be
made by clerk
of the court.

15. The clerk of the court shall, at the foot of each roll made out as herein directed, make and take an affidavit in the following form, that is to say:—

“I, A. B. (*describing his office*), make oath that this roll is truly and carefully made up and examined, and that all fines, issues, amercements, recognizances and forfeitures which were set, lost, imposed or forfeited, at or by the court therein mentioned, and which, in right and due course of law, ought to be levied and paid, are, to the best of my knowledge and understanding, inserted in the said roll; and that in the said roll are also contained and expressed all such fines as have been paid to or received by me, either in court or otherwise, without any wilful discharge, omission, misnomer or defect whatsoever. So help me God;”

Which oath any justice of the peace for the county is hereby authorized to administer. C. S. U. C., c. 117, s. 9.

16. If any person on whose goods and chattels a sheriff, bailiff or other officer is authorized to levy any such forfeited recognizance, gives security to the said sheriff or other officer for his appearance at the return day mentioned in the writ, in the court into which such writ is returnable, then and there to abide the decision of such court, and also to pay such forfeited recognizance, or sum of money to be paid in lieu or satisfaction thereof, together with all such expenses as are adjudged and ordered by the court, such sheriff or officer shall discharge such person out of custody; and if such person does not appear in pursuance of his undertaking, the court may forthwith issue a writ of *feri facias* and *capias* against the surety or sureties of the person so bound as aforesaid. C. S. U. C., c. 117, s. 10.

Release of a person or goods of a person in custody.

17. The court, into which any writ of *feri facias* and *capias*, issued under this Act, is returnable, may inquire into the circumstances of the case, and may, in its discretion, order the discharge of the whole of the forfeited recognizance, or sum of money paid or to be paid in lieu or satisfaction thereof, and make such order thereon as to such court appears just; and such order shall accordingly be a discharge to the sheriff, or to the party, according to the circumstances of the case. C. S. U. C., c. 117, s. 11.

Forfeited recognizances may be discharged under certain circumstances.

18. The sheriff, to whom any writ is directed under this Act, shall return the same on the day on which the same is made returnable, and shall state, on the back of the roll attached to such writ, what has been done in the execution thereof; and such return shall be filed in the court into which such return is made. C. S. U. C., c. 117, s. 12.

Return of writ by the sheriff.

19. A copy of such roll and return, certified by the clerk of the court into which such return is made, shall be forthwith transmitted to the Minister of Finance and Receiver General, with a minute thereon of any of the sums therein mentioned, which have been remitted by order of the court, in whole or in part, or directed to be forborne, under the authority of this Act. C. S. U. C., c. 117, s. 13.

Copy of roll and return for Minister of Finance.

20. The sheriff or other officer shall, without delay, pay over all moneys collected under this Act by him, to the Minister of Finance and Receiver General, or other person entitled to receive the same. C. S. U. C., c. 117, s. 14.

Payments by the sheriff.

QUEBEC.

21. The provisions of sections eight and nine and of twelve to nineteen, both inclusive, shall not apply to the Province of Quebec, and the following provisions shall apply to that Province only.

Provisions applicable to Quebec.

Forfeited re-
cognizances
in criminal
cases in
Quebec to be
estreated.

22. Whenever default is made in the condition of any recognizance lawfully entered into or taken in any criminal case, proceeding or matter, in the Province of Quebec, within the legislative authority of the Parliament of Canada, so that the penal sum therein mentioned becomes forfeited and due to the Crown, such recognizance shall thereupon be estreated or withdrawn from any record or proceeding in which it then is—or a certificate or minute of such recognizance, under the seal of the court, shall be made from the records of such court where the recognizance has been entered into orally in open court :

And certified
to Superior
Court.

2. Such recognizance, certificate or minute, as the case may be, shall be transmitted by the court, recorder, justice of the peace, magistrate or other functionary before whom the cognizor, or the principal cognizor, where there is a surety or sureties, was bound to appear, or to do that, by his default to do which the condition of the recognizance is broken, to the Superior Court in the district in which the place where such default was made is included for civil purposes, with the certificate of the court, recorder, justice of the peace, magistrate or other functionary as aforesaid, of the breach of the condition of such recognizance, of which and of the forfeiture to the Crown of the penal sum therein mentioned, such certificate shall be conclusive evidence :

Judgment for
the Crown to
be entered.

3. The date of the receipt of such recognizance or minute and certificate by the prothonotary of the said court, shall be indorsed thereon by him, and he shall enter judgment in favor of the Crown against the cognizor for the penal sum mentioned in such recognizance, and execution may issue therefor after the same delay as in other cases, which shall be reckoned from the time when the judgment is entered by the prothonotary of the said court :

Execution to
issue on fiat
of Attorney
General.

4. Such execution shall issue upon fiat or *præcipe* of the Attorney General, or of any person thereunto authorized in writing by him ; and the Crown shall be entitled to the costs of execution and to costs on all proceedings in the case subsequent to execution, and to such costs for the entry of the judgment, as are fixed by any tariff :

Other modes
of recovery
not affected.

5. Nothing in this section contained shall prevent the recovery of the sum forfeited by the breach of any recognizance from being recovered by suit in the manner provided by law, whenever the same cannot, for any reason, be recovered in the manner provided in this section :

Proceedings
in such case.

6. In such case the sum forfeited by the non-performance of the conditions of such recognizance shall be recoverable, with costs, by action in any court having jurisdiction in civil cases to the amount, at the suit of the Attorney General of Canada or of Quebec, or other person or officer authorized to sue for the Crown ; and in any such action it shall be held that the person suing for the Crown is duly empowered so to do, and that the conditions of the recognizance were not performed, and that the sum therein mentioned is, there-

fore, due to the Crown, unless the defendant proves the contrary :

7. In this section, unless the context otherwise requires, the expression "cognizor" includes any number of cognizors in the same recognizance, whether as principals or sureties. C. S. L. C., c. 106, s. 2.

Cognizor defined.

23. When a person has been arrested in any district for a crime or offence committed within the limits of the Province of Quebec, and a justice of the peace has taken recognizances from the witnesses heard before him or another justice of the peace, for their appearance at the next session or term of the court of competent criminal jurisdiction, before which such person is to undergo his trial, there to testify and give evidence on such trial, and such recognizances have been transmitted to the office of the clerk of such court, the said court may proceed on the said recognizances in the same manner as if they had been taken in the district in which such court is held. C. S. L. C., c. 106, s. 1.

Recognizances transmitted to have the same effect as if taken where the court is held.

SCHEDULE.

FORM.

Victoria, by the Grace of God, &c.

To the sheriff of _____, Greeting :

You are hereby commanded to levy of the goods and chattels, lands and tenements, of all and singular, the persons mentioned in the roll or extract to this writ annexed, all and singular the debts and sums of money upon them severally imposed and charged, as therein is specified ; and if any of the said several debts cannot be levied, by reason that no goods or chattels, lands or tenements can be found belonging to the said persons, respectively, then, and in all such cases, that you take the bodies of such persons, and keep them safely in the gaol of your county, there to abide the judgment of our court (*as the case may be*) upon any matter to be shown by them, respectively, or otherwise to remain in your custody as aforesaid, until such debt is satisfied, unless any of such persons respectively gives sufficient security for his appearance at the said court, on the return day hereof, for which you will be held answerable ; and what you do in the premises make appear before us in our court (*as the case may be*), on the _____ day of _____ term next, and have then and there this writ. Witness, &c., A. B., clerk (*as the case may be*). C. S. U. C., c. 117, sch.



CHAPTER 180.

An Act respecting Fines and Forfeitures.

A. D. 1886.

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

1. Whenever any pecuniary penalty or any forfeiture is imposed for any violation of any Act, and no other mode is prescribed for the recovery thereof, such penalty or forfeiture shall be recoverable or enforceable, with costs, by civil action or proceeding at the suit of Her Majesty only, or of any private party suing as well for Her Majesty as for himself—in any form allowed in such case by the law of that Province in which it is brought—before any court having jurisdiction to the amount of the penalty in cases of simple contract—upon the evidence of any one credible witness other than the plaintiff or party interested; and if no other provision is made for the appropriation of any penalty or forfeiture so recovered or enforced, one moiety shall belong to Her Majesty, and the other moiety shall belong to the private party suing for the same, if any, and if there is none, the whole shall belong to Her Majesty. 31 V., c. 1, s. 7, *part.*

Recovery of penalties when no other mode is prescribed.

Appropriation.

2. Whenever no other provision is made by any law of Canada for the application of any fine, penalty or forfeiture imposed for the violation of any such law, the same shall belong to the Crown for the public uses of Canada. 49 V., c. 48, s. 1.

To belong to the Crown in certain cases.

3. The Governor in Council may, from time to time, direct that any fine, penalty or forfeiture, or any portion thereof, which would otherwise belong to the Crown for the public uses of Canada, be paid to any provincial, municipal or local authority, which wholly or in part bears the expenses of administering the law under which such fine, penalty or forfeiture is imposed, or that the same be applied in any other manner deemed best adapted to attain the objects of such law and to secure its due administration. 49 V., c. 48, s. 2.

May be otherwise applied by Order in Council.

4. Any duty, penalty or sum of money, or the proceeds of any forfeiture, which is, by any Act, given to the Crown,

Crown's share when not otherwise

appropriated
to form part
of the Con.
Rev. Fund.

shall, if no other provision is made respecting it, form part of the Consolidated Revenue Fund of Canada, and shall be accounted for and otherwise dealt with accordingly. 31 V., c. 1, s. 7, *part*.

Limitation of
actions.

5. No action, suit or information shall be brought or laid for any penalty or forfeiture under any Act except within two years after the cause of action arises or after the offence is committed, unless the time is otherwise limited by such Act. C. S. U. C., c. 78, s 7, *part*;—C S. L. C.. c. 108, s. 1, *part and s. 2*;—29 V., (N.S.) c. 12, s 15 *part*;—1 R. S. N. B., c. 140, s. 2.

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Most Excellent Majesty.



CHAPTER 18L.

An Act respecting Punishments, Pardons and the Com- A. D. 1886.
mutation of Sentences.

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

PUNISHMENTS.

1. Whenever a person doing a certain act is declared to be guilty of any offence, and to be liable to punishment therefor, it shall be understood that such person shall only be deemed guilty of such offence and liable to such punishment after being duly convicted of such act. 32-33 V., c. 29, s. 1, *part.* Punishment after conviction only.

2. Whenever it is provided that the offender shall be liable to different degrees or kinds of punishment, the punishment to be inflicted shall, subject to the limitations contained in the enactment, be in the discretion of the court or tribunal before which the conviction takes place. 32-33 V., c. 29, s. 1, *part.* Degree of punishment in the discretion of the court.

3. Whenever any offender is punishable under two or more Acts or two or more sections of the same Act, he may be tried and punished under any of such Acts or sections; but no person shall be twice punished for the same offence. 32-33 V., c. 20, ss. 40, *part* and 41, *part*, and c. 21, s. 90, *part*; —36 V., c. 55, s. 33;—40 V., c. 35, s. 6. If offender is punishable under two or more Acts, &c.

CAPITAL PUNISHMENT.

4. Every one who is indicted as principal or accessory for any offence made capital by any statute, shall be liable to the same punishment, whether he is convicted by verdict or on confession. 32-33 V., c. 29, s. 82. Conviction by verdict or on confession.

5. In all cases of treason, the sentence or judgment to be pronounced against any person convicted and adjudged guilty thereof shall be, that he be hanged by the neck until he is dead. 31 V., c. 69, s. 4. Sentence on conviction for treason.

6. Upon every conviction for murder, the court shall pronounce sentence of death, and the same may be carried Sentence on conviction for murder.

into execution, and all other proceedings upon such sentence and in respect thereof may be had and taken in the same manner, and the court before which the conviction takes place shall have the same powers in all respects, as after a conviction for any other felony for which a prisoner may be sentenced to suffer death as a felon. 32-33 V., c. 20. s. 2.

Court to direct execution of sentence of death.

7. Whenever any offender has been convicted before any court of criminal jurisdiction, of an offence for which such offender is liable to and receives sentence of death, the court shall order and direct execution to be done on the offender in the manner provided by law. 32-33 V., c. 29, s. 106.

Report to be made by the judge.

8. In the case of any prisoner sentenced to the punishment of death, the judge before whom such prisoner has been convicted shall forthwith make a report of the case to the Secretary of State, for the information of the Governor General; and the day to be appointed for carrying the sentence into execution shall be such as, in the opinion of the judge, will allow sufficient time for the signification of the Governor's pleasure before such day, and if the judge thinks such prisoner ought to be recommended for the exercise of the Royal mercy, or if, from the non-decision of any point of law reserved in the case, or from any other cause, it becomes necessary to delay the execution, he, or any other judge of the same court, or who might have held or sat in such court, may, from time to time, either in term or in vacation, reprieve such offender for such period or periods beyond the time fixed for the execution of the sentence as are necessary for the consideration of the case by the Crown. 32-33 V., c. 29, s. 107;—36 V., c. 3, s. 1.

Reprieve in certain cases.

Treatment of persons condemned to death.

9. Every one who is sentenced to suffer death shall, after judgment, be confined in some safe place within the prison, apart from all other prisoners; and no person except the gaoler and his servants, the medical officer or surgeon of the prison, a chaplain or a minister of religion, shall have access to any such convict, without the permission, in writing, of the court or judge before whom such convict has been tried, or of the sheriff. 32-33 V., c. 29, s. 108.

Judgment to be executed within walls of prison.

10. Judgment of death to be executed on any prisoner shall be carried into effect within the walls of the prison in which the offender is confined at the time of execution. 32-33 V., c. 29, s. 109.

Sheriff, &c., to be present.

11. The sheriff charged with the execution, and the gaoler and medical officer or surgeon of the prison, and such other officers of the prison and such persons as the sheriff requires, shall be present at the execution. 32-33 V., c. 29, s. 110.

12. Any justice of the peace for the district, county or place to which the prison belongs, and such relatives of the prisoner or other persons as it seems to the sheriff proper to admit within the prison for the purpose, and any minister of religion who desires to attend, may also be present at the execution. 32-33 V., c. 29, s. 111.

Justices of the peace, &c., may be present.

13. As soon as may be after judgment of death has been executed on the offender, the medical officer or surgeon of the prison shall examine the body of the offender, and shall ascertain the fact of death, and shall sign a certificate thereof, and deliver the same to the sheriff. 32-33 V., c. 29, s. 112.

Surgeon to certify death.

14. The sheriff and the gaoler of the prison, and such justices and other persons present, if any, as the sheriff requires or allows, shall also sign a declaration to the effect that judgment of death has been executed on the offender. 32-33 V., c. 29, s. 113.

Declaration to be signed by sheriff, &c.

15. The duties imposed upon the sheriff, gaoler, medical officer or surgeon by the four sections next preceding, may and shall, in his absence, be performed by his lawful deputy or assistant, or other officer or person ordinarily acting for him, or conjointly with him, in the performance of his duties. 32-33 V., c. 29, s. 114.

Deputies may act.

16. A coroner of the district, county or place to which the prison belongs, wherein judgment of death is executed on any offender, shall, within twenty-four hours after the execution, hold an inquest on the body of the offender; and the jury at the inquest shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender; and the inquisition shall be in duplicate, and one of the originals shall be delivered to the sheriff. 32-33 V., c. 29, s. 115.

Coroner's inquest on the body.

17. No officer of the prison or prisoner confined therein shall, in any case, be a juror on the inquest. 32-33 V., c. 29, s. 116.

Officers and prisoners not to be jurors.

18. The body of every offender executed shall be buried within the walls of the prison within which judgment of death is executed on him, unless the Lieutenant Governor in Council, being satisfied that there is not, within the walls of any prison, sufficient space for the convenient burial of offenders executed therein, permits some other place to be used for the purpose. 32-33 V., c. 29, s. 117.

Burial of the body.

19. Every one who knowingly and wilfully signs any false certificate or declaration required with respect to any execution, is guilty of a misdemeanor, and liable to imprisonment for any term less than two years. 32-33 V., c. 29, s. 120.

Penalty for signing false certificate.

Certificate, &c., to be sent to Secretary of State, and exhibited at entrance to prison.

20. Every certificate and declaration, and a duplicate of the inquest required by this Act, shall, in every case, be sent with all convenient speed by the sheriff to the Secretary of State, or to such other officer as is, from time to time, appointed for the purpose by the Governor in Council; and printed copies of such several instruments shall, as soon as possible, be exhibited, and shall, for twenty-four hours at least, be kept exhibited on or near the principal entrance of the prison within which judgment of death is executed. 32-33 V., c. 29, s. 121.

Saving clause as to legality of execution.

21. The omission to comply with any provision of the preceding sections of this Act shall not make the execution of judgment of death illegal in any case in which such execution would otherwise have been legal. 32-33 V., c. 29, s. 123.

As to other matters.

22. Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if this Act had not been passed. 32-33 V., c. 29, s. 124.

IMPRISONMENT.

Offence not punishable with death.

23. Every one who is convicted of any offence not punishable with death shall be punished in the manner, if any, prescribed by the statute especially relating to such offence. 32-33 V., c. 29, s. 88, *part*.

Felony when there is no special punishment.

24. Every person convicted of any felony for which no punishment is specially provided, shall be liable to imprisonment for life:

And misdemeanor on indictment.

2. Every one who is convicted on indictment of any misdemeanor for which no punishment is specially provided, shall be liable to five years' imprisonment:

And on summary conviction.

3. Every one who is summarily convicted of any offence for which no punishment is specially provided, shall be liable to a penalty not exceeding twenty dollars, or to imprisonment, with or without hard labor, for a term not exceeding three months, or to both. 32-33 V., c. 29, s. 88, *part*.

Second conviction for felony.

25. Every one who is convicted of felony, not punishable with death, committed after a previous conviction for felony, is liable to imprisonment for life, unless some other punishment is directed by any statute for the particular offence,—in which case the offender shall be liable to the punishment thereby awarded, and not to any other. 32-33 V., c. 29, s. 83.

Term of imprisonment in the discretion of the court.

26. Every one who is liable to imprisonment for life, or for any term of years, or other term, may be sentenced to imprisonment for any shorter term: Provided, that no one shall

be sentenced to any shorter term of imprisonment than the minimum term, if any, prescribed for the offence of which he is convicted. 32-33 V., c. 29, ss. 89 and 90, *part*.

27. When an offender is convicted of more offences than one, before the same court or person at the same sitting, or when any offender, under sentence or undergoing punishment for one offence, is convicted of any other offence, the court or person passing sentence may, on the last conviction, direct that the sentences passed upon the offender for his several offences shall take effect one after another. 32-33 V., c. 29, s. 92.

Offender convicted of more offences than one, &c.

28. Every one who is sentenced to imprisonment for life, or for a term of years, not less than two, shall be sentenced to imprisonment in the penitentiary for the Province in which the conviction takes place :

Imprisonment in a penitentiary.

2. Every one who is sentenced to imprisonment for a term less than two years shall, if no other place is expressly mentioned, be sentenced to imprisonment in the common gaol of the district, county or place in which the sentence is pronounced, or if there is no common gaol there, then in that common gaol which is nearest to such locality, or in some lawful prison or place of confinement, other than a penitentiary, in which the sentence of imprisonment may be lawfully executed :

In the common gaol.

3. Provided, that any prisoner sentenced for any term by any military, naval or militia court martial, or by any military or naval authority under any Mutiny Act, may be sentenced to imprisonment in a penitentiary :

Prisoners sentenced by court martial.

4. Imprisonment in a penitentiary, in the Central Prison for the Province of Ontario, in the Andrew Mercer Ontario Reformatory for females, and in any reformatory prison for females in the Province of Quebec, shall be with hard labor, whether so directed in the sentence or not :

Hard labor in penitentiary, &c.

5. Imprisonment in a common gaol, or a public prison, other than those last mentioned, shall be with or without hard labor, in the discretion of the court or person passing sentence, if the offender is convicted on indictment, or under "*The Speedy Trials Act*,"—and, if convicted summarily, may be with hard labor, if hard labor is part of the punishment for the offence of which such offender is convicted,—and if such imprisonment is to be with hard labor, the sentence shall so direct :

And in other places of confinement.

6. The term of imprisonment, in pursuance of any sentence, shall, unless otherwise directed in the sentence, commence on and from the day of passing such sentence, but no time during which the convict is out on bail shall be reckoned as part of the term of imprisonment to which he is sentenced :

Commencement of term of imprisonment.

7. Every one who is sentenced to imprisonment in any penitentiary, gaol, or other public or reformatory prison,

Prisoners subject to regulations, &c.

shall be subject to the provisions of the statutes relating to such penitentiary, gaol or prison, and to all rules and regulations lawfully made with respect thereto. 32-33 V., c. 29, ss. 1, *part*, 91, 93, 94, *part*, 96, *part*, and 97;—34 V., c. 30, s. 3, *part*;—43 V., c. 39, s. 14, *part*;—43 V., c. 40, s. 9, *part*;—44 V., c. 32, s. 4;—46 V., c. 37, s. 4.

REFORMATORIES.

Certain offenders may be sentenced to imprisonment in a reformatory.

29. The court or person before whom any offender whose age at the time of his trial does not, in the opinion of the court, exceed sixteen years, is convicted, whether summarily or otherwise, of any offence punishable by imprisonment, may sentence such offender to imprisonment in any reformatory prison in the Province in which such conviction takes place, subject to the provisions of any Act respecting imprisonment in such reformatory; and such imprisonment shall be substituted, in such case, for the imprisonment in the penitentiary or other place of confinement by which the offender would otherwise be punishable under any Act or law relating thereto: Provided, that in no case shall the sentence be less than two years' or more than five years' confinement in such reformatory prison; and in every case where the term of imprisonment is fixed by law to be more than five years, then such imprisonment shall be in the penitentiary:

As to term of imprisonment.

Labor in a reformatory.

2. Every person imprisoned in a reformatory shall be liable to perform such labor as is required of such person. 38 V., c. 43;—43 V., c. 39, ss. 1, *part*, and 14, *part*, and c. 40, ss. 1, *part*, and 9, *part*.

WHIPPING.

Whipping.

30. Whenever whipping may be awarded for any offence, the court may sentence the offender to be once, twice or thrice whipped, within the limits of the prison, under the supervision of the medical officer of the prison; and the number of strokes and the instrument with which they shall be inflicted shall be specified by the court in the sentence; and, whenever practicable, every whipping shall take place not less than ten days before the expiration of any term of imprisonment to which the offender is sentenced for the offence:

Time for its infliction.

No female to be whipped.

2. Whipping shall not be inflicted on any female. 32-33 V., c. 20, ss. 20, 21, *parts*, and c. 29, s. 95;—40 V., c. 26, s. 6.

SURETIES FOR KEEPING THE PEACE, AND FINES.

Sureties may be required in cases of felony.

31. Every one who is convicted of felony may be required to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment otherwise authorized:

2. Every one who is convicted of any misdemeanor may, in addition to or in lieu of any punishment otherwise authorized, be fined, and required to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behavior:

And in cases of misdemeanor.

3. No person shall be imprisoned for not finding sureties under this section, for any term exceeding one year. 31 V., c. 72, s. 5, *part*;—32-33 V., c. 18, s. 34, and c. 19, s. 58, and c. 20, s. 77, and c. 21, s. 122, and c. 22, s. 74.

Imprisonment in default limited.

32. Whenever any person who has been required to enter into a recognizance with sureties to keep the peace and be of good behavior has, on account of his default therein, remained imprisoned for two weeks, the sheriff, gaoler or warden shall give notice, in writing, of the facts to a judge of a superior court, or to a judge of the county court of the county or district in which such gaol or prison is situate, or, in the North-West Territories, to a stipendiary magistrate, —and such judge or magistrate may order the discharge of such person, thereupon or at a subsequent time, upon notice to the complainant or otherwise, or may make such other order, as he sees fit, respecting the number of sureties, the sum in which they are to be bound and the length of time for which such person may be bound. 41 V., c. 19, s. 1.

Notice to be given to a judge when a person has been imprisoned for two weeks in default of sureties.

Discharge may be ordered.

33. Whenever a fine may be awarded or a penalty imposed for any offence, the amount of such fine or penalty shall, within such limits, if any, as are prescribed in that behalf, be in the discretion of the court or person passing sentence or convicting, as the case may be. 32-33 V., c. 29, s. 90, *part*.

Amount of fine at the discretion of the court.

SOLITARY CONFINEMENT.—PILLORY.

34. The punishment of solitary confinement or of the pillory shall not be awarded by any court. 32-33 V., c. 29, s. 81.

No solitary confinement or pillory.

DEODAND.

35. There shall be no forfeiture of any chattels, which have moved to or caused the death of any human being, in respect of such death. 32-33 V., c. 29, s. 54.

No deodand.

ATTAINDER.

36. Except in cases of treason, or of abetting, procuring or counselling the same, no attainder shall extend to the disinheriting of any heir, or to the prejudice of the right or title of any person, other than the right or title of the offender during his natural life only. 32-33 V., c. 29, s. 55.

Except for high treason attainder not to disinherit the heir.

The heir may enter after death of offender.

37. Every one to whom, after the death of any such offender, the right or interest to or in any lands, tenements or hereditaments, should or would have appertained, if no such attainder had taken place, may, after the death of such offender, enter into the same. 32-33 V., c. 19, s. 56.

PARDONS.

Pardon when the committal is for non-payment of moneys.

38. The Crown may extend the Royal mercy to any person sentenced to imprisonment by virtue of any statute, although such person is imprisoned for non-payment of money to some person other than the Crown. 32-33 V., c. 29, s. 125.

Effect of pardon.

39. Whenever the Crown is pleased to extend the Royal mercy to any offender convicted of a felony punishable with death or otherwise, and grants to such offender either a free or a conditional pardon, by warrant under the Royal Sign Manual, countersigned by one of the principal Secretaries of State, or by warrant under the hand and seal-at-arms of the Governor General, the discharge of such offender out of custody, in case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the effect of a pardon of such offender, under the Great Seal, as to the felony for which such pardon has been granted; but no free pardon, nor any discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced, on a subsequent conviction for any felony or offence other than that for which the pardon was granted. 32-33 V., c. 29, s. 126.

As to subsequent convictions.

COMMUTATION OF SENTENCE.

Crown may commute sentence of death.

40. The Crown may commute the sentence of death passed upon any person convicted of a capital crime, to imprisonment in the penitentiary for life, or for any term of years not less than two years, or to imprisonment in any other gaol or place of confinement for any period less than two years, with or without hard labor; and an instrument under the hand and seal-at-arms of the Governor General, declaring such commutation of sentence, or a letter or other instrument under the hand of the Secretary of State or of the Under Secretary of State, shall be sufficient authority to any judge or justice, having jurisdiction in such case, or to any sheriff or officer to whom such letter or instrument is addressed, to give effect to such commutation, and to do all such things and to make such orders, and to give such directions, as are requisite for the change of custody of such convict, and for his conduct to and delivery at such gaol or place of confinement or penitentiary, and his detention

Form and effect of commutation.

therein, according to the terms on which his sentence has been commuted. 32-33 V., c. 29, s. 127.

UNDERGOING SENTENCE, EQUIVALENT TO A PARDON.

41. When any offender has been convicted of an offence not punishable with death, and has endured the punishment to which such offender was adjudged,—or if such offence is punishable with death and the sentence has been commuted, then if such offender has endured the punishment to which his sentence was commuted, the punishment so endured shall, as to the offence whereof the offender was so convicted, have the like effect and consequences as a pardon under the Great Seal; but nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced, on a subsequent conviction for any other offence. 32-33 V., c. 29, s. 128.

Undergoing sentence equivalent to a pardon.
Proviso.

42. When any person convicted of any offence has paid the sum adjudged to be paid, together with costs, under such conviction, or has received a remission thereof from the Crown, or has suffered the imprisonment awarded for non-payment thereof, or the imprisonment awarded in the first instance, or has been discharged from his conviction by the justice of the peace in any case in which such justice of the peace may discharge such person, he shall be released from all further or other proceedings for the same cause. 32-33 V., c. 21, s. 120, and c. 22, s. 73.

Undergoing punishment, &c., a bar to further proceedings.

43. Nothing in this Act shall, in any manner, limit or affect Her Majesty's Royal prerogative of mercy. 32-33 V., c. 29, s. 129.

Royal prerogative saved.

GENERAL PROVISIONS.

44. The Governor in Council may, from time to time, make such rules and regulations to be observed on the execution of judgment of death in every prison, as he, from time to time, deems expedient for the purpose, as well of guarding against any abuse in such execution, as also of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place. 32-33 V., c. 29, s. 118.

Governor in Council to make rules, &c., as to executions.

45. All such rules and regulations shall be laid upon the tables of both Houses of Parliament within six weeks after the making thereof, or, if Parliament is not then sitting, within fourteen days after the next meeting thereof. 32-33 V., c. 29, s. 119.

Such rules to be laid before Parliament.

46. The forms set forth in the schedule to this Act, with such variations or additions as circumstances require, shall

Forms in schedule to be used.

, at N., in the said district, (county, or as the case may be) of this day of , in the year one thousand eight hundred and , who says that A. B., of the (township) of , in the district (county, or as the case may be), of , did, on the day of (instant or last past, as the case may be), threaten the said C. D. in the words or to the effect following, that is to say, (set them out, with the circumstances under which they were used) : and that from the above and other threats used by the said A. B. towards the said C. D., he, the said C. D., is afraid that the said A. B. will do him some bodily injury, and therefore prays that the said A. B. may be required to find sufficient sureties to keep the peace and be of good behavior towards him, the said C. D. ; and the said C. D. also says that he does not make this complaint against nor require such sureties from the said A. B. from any malice or ill-will, but merely for the preservation of his person from injury.

FORM OF RECOGNIZANCE FOR THE SESSIONS.

Be it remembered that on the day of , in the year , A. B. of (laborer), L. M. of (grocer), and N. O. of (butcher), personally came before (us) the undersigned, (two) justices of the peace for the district (or county, united counties, or as the case may be), of , and severally acknowledged themselves to owe to our Lady the Queen the several sums following, that is to say : the said A. B. the sum of , and the said L. M. and N. O. the sum of , each, of good and lawful money of Canada, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, her heirs and successors, if he, the said A. B., fails in the condition indorsed (or hereunder written).

Taken and acknowledged the day and year first above mentioned, at before us.

J. S.
J. T.

The condition of the within (or above) written recognizance is such that if the within bound A. B. (of, &c.), appears at the next court of General Sessions of the Peace, (or other court discharging the functions of the court of General Sessions, or as the case may be), to be holden in and for the said district (or county, united counties, or as the case may be), of to do and receive what is then and there enjoined him by the court, and in the meantime keeps the peace and is of good behavior towards Her Majesty and her liege people, and specially

towards C. D. (of, &c.), for the term of _____ now next ensuing, then the said recognizance to be void, otherwise to stand in full force and virtue.

FORM OF COMMITMENT IN DEFAULT OF SURETIES.

Canada.)
 Province of)
 district (or county,)
 united counties, or)
 as the case may be),)
 of ,)

To all or any of the constables or other peace officers in the district (or county, united counties, or as the case may be), of _____, and to the keeper of the common gaol of the said district (or county, united counties, or as the case may be), at _____, in the said district (or county, &c.)

Whereas on the _____ day of _____ instant, complaint on oath was made before the undersigned (or J. L., Esquire) a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____ by C. D., of the township of _____, in the said district (or county, or as the case may be) (laborer), that A. B., of (&c.), on the _____ day of _____, at the township of _____, aforesaid, did threaten (&c., follow to end of complaint, as in form above, in the past tense, then): And whereas the said A. B. was this day brought and appeared before the said justice (or J. L., Esquire), a justice of the peace in and for the said district (or county, united counties, or as the case may be), of _____, to answer unto the said complaint: and having been required by me to enter into his own recognizance in the sum of _____, with two sufficient sureties in the sum of _____ each, as well for his appearance at the next General Sessions of the Peace (or other court discharging the functions of the court of General Sessions, or as the case may be), to be held in and for the said district (or county, united counties, or as the case may be), of _____, to do what shall be then and there enjoined him by the court, as also in the meantime to keep the peace and be of good behavior towards Her Majesty and her liege people, and especially towards the said C. D., has refused and neglected, and still refuses and neglects, to find such sureties: These are therefore to command you, and each of you, to take the said A. B., and him safely to convey to the (common gaol) at _____ aforesaid, and there to deliver him to the keeper thereof together with this precept; And I do hereby command you, the said keeper of the (common gaol),

to receive the said A. B. into your custody in the said (common gaol), there to imprison him until the said next General Sessions of the Peace (*or the next term of sitting of the said court discharging the functions of the court of General Sessions, or as the case may be*), unless he, in the meantime, finds sufficient sureties as well for his appearance at the said sessions (*or court*) as in the meantime to keep the peace as aforesaid.

Given under my hand and seal, this day of ,
 in the year , at in the district
 (*or county, or as the case may be*) aforesaid.
 32-33 V., c. 31, sch., *part.* J. S. [L. S.]

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CHAPTER 182.

An Act respecting Penitentiaries.

A. D. 1886.

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

1. This Act may be cited as "*The Penitentiary Act.*" 46 V., Short title. c. 37, s. 81.

2. All the penitentiaries in Canada and such other prisons, hospitals, asylums and other public institutions as are, from time to time, 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. 46 V., c. 37, s. 1, *part.*

Penitentiaries, prisons, &c., to be under control of Minister of Justice.

3. The Minister of Justice shall submit to the Governor General an annual report upon all the penitentiaries, prisons and other institutions under his control, to be laid before both Houses of Parliament within the first twenty-one days of each session thereof, showing the state of each penitentiary, prison or other institution, and the amounts received and expended in respect thereof, with such further information as is requisite. 46 V., c. 37, s. 1, *part.*

Annual report thereon by the Minister.

4. The penitentiary situate near the city of Kingston, in the Province of Ontario, known as the Kingston Penitentiary,—the penitentiary situate at St. Vincent de Paul, in the Province of Quebec, known as the St. Vincent de Paul Penitentiary,—the penitentiary situate at Dorchester, in the Province of New Brunswick, known as the Dorchester Penitentiary,—the penitentiary situate in the county of Lisgar, in the Province of Manitoba, known as the Manitoba Penitentiary, and the penitentiary situate in the district of New Westminster, in the Province of British Columbia, 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. 46 V., c. 37, s. 2.

Penitentiaries enumerated and described.

Penitentiaries for the several Provinces.

5. The Kingston Penitentiary, for the Province of Ontario,—the St. Vincent de Paul Penitentiary, for the Province of Quebec,—the Dorchester Penitentiary, for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island,—the Manitoba Penitentiary, for the Province of Manitoba, the North-West Territories and the District of Keewatin, and the British Columbia Penitentiary, for the Province of British Columbia, shall each be maintained as a prison for the confinement and reformation of persons lawfully convicted of crime before the courts of criminal jurisdiction of the Province, Territory or District for which it is the penitentiary, and sentenced to confinement for life, or for any term not less than two years. 32-33 V., c. 29, s. 96, *part*;—46 V., c. 37, s. 3.

Governor in Council may establish penitentiaries, and declare any lands established as such not to be so.

6. The Governor in Council may declare, from time to time, by proclamation, to be published in the *Canada Gazette*, that any tract of land within Canada, 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 by such proclamation may declare for what part of Canada the same shall be a penitentiary; and the Governor in Council, by any proclamation published as aforesaid, may declare that any tract of land established as a penitentiary by the fourth section of this Act, or by any other law, or by proclamation under this section, from and after a certain day to be named in such proclamation, shall cease to be a penitentiary, or a penitentiary for a part of Canada named in such proclamation,—and such tract of land shall cease to be a penitentiary, or a penitentiary for such part of Canada, accordingly. 46 V., c. 37, s. 5.

What shall be included as part of a penitentiary.

7. Every penitentiary now established, or hereafter established by virtue of this Act, shall be held to include all carriages, wagons, sleighs and other vehicles for land carriage, and all boats, scows and other vessels for water carriage, being property belonging to such penitentiary, or employed by hire or otherwise in its service,—and also every wharf at or near the said penitentiary, which, although not within the limits mentioned in the proclamation establishing the same, is used for the accommodation of such boats, scows or other vessels, when so employed in or about any work or labor connected with such penitentiary. 46 V., c. 37, s. 6.

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

8. Every street, highway or public thoroughfare of any kind, along or across which it is necessary that convicts should pass in going to and returning from their work, shall be considered, while so used, as a portion of the tract of land forming the penitentiary; and every escape, or attempt at escape, and every rescue, or aid in rescue, which takes place on such street, highway or public thoroughfare, while so used, shall have the same effect as if such escape, or attempt at escape, or such rescue, or aid in rescue, had taken place

Escapes.

within the prison walls or penitentiary limits. 46 V., c. 37, s. 7.

9. The inspector of penitentiaries, with the approval of the Minister of Justice, may authorize the warden of any penitentiary to construct rail or tram roads to communicate between any one part of the penitentiary and any other part, and to carry the same across, upon or along any public road or street intervening, in such manner as to cause the least possible inconvenience to passengers or carriages using such road or street: but the warden of such penitentiary shall not break ground upon any public road or street for the purpose of constructing such rail or tram roads, in virtue of such authority from the inspector, until after the lapse of one month after a copy of the writing giving such authority, certified by the warden, together with a plan showing the line which such rail or tram roads are to occupy, has been served upon the officer or person charged with the care or supervision of such public road. 46 V., c. 37, s. 8.

Tram roads may be made.

Notice to municipality.

10. The construction and repairs of buildings and other works in the penitentiaries shall be under the control of the Minister of Public Works. 46 V., c. 37, s. 9.

Construction and repair of buildings.

INSPECTOR.

11. The Governor in Council may appoint some fit and proper person to be inspector of all penitentiaries, and of such other prisons, hospitals, asylums and other public institutions as are, from time to time, designated by the Governor in Council; and the inspector shall hold office during pleasure, and shall be an officer of the Department of Justice, and, as such inspector, shall act as the representative of the Minister of Justice. 46 V., c. 37, s. 10.

Governor in Council may appoint inspector.

12. The inspector, under direction from the Minister of Justice, shall visit, examine and report to him, upon the state and management of all the penitentiaries, and all suggestions which the wardens thereof make for the improvement of such penitentiaries. 46 V., c. 37, s. 11.

Inspector to visit penitentiaries and report.

13. The inspector shall keep an exact record of all minutes of inspection made by him in the inspection books of the said institutions, together with all his proceedings in connection therewith, and, after each visit of inspection, shall transmit a copy thereof, under his hand, to the Minister of Justice. 46 V., c. 37, s. 12.

To keep minutes and transmit copy to Minister.

14. The inspector, by virtue of his office, without any property qualification, shall be a justice of the peace for every district, county, city or town of Canada, but shall have power to act in matters connected with the criminal law of Canada only. 46 V., c. 37, s. 13.

To be a justice of the peace.

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

15. The inspector shall, subject to the approval of the Governor in Council, 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 may, from time to time, with such approval, annul, alter or amend the same; and the wardens of the penitentiaries, and every other officer and servant employed in or about the same, shall be bound to obey such rules and regulations when so approved. 46 V., c. 37, s. 14, *part*.

To make an annual report.

16. The inspector shall make an annual report to the Minister of Justice on or before the first day of December in each year, which shall contain a full and accurate statement of 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 deems 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 contain; and such report shall also comprise and embrace the following particulars, that is to say:—

What the report shall contain.

Statistics, facts and suggestions.

(a) Such statistical information in respect to each penitentiary as is embraced in the registers of such penitentiaries, together with any facts which have come to his knowledge with respect to the working of the criminal laws and penal system of Canada, 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 deems expedient;

Inventory and valuation of property.

(b) An inventory and valuation of all the movable and immovable property belonging to the penitentiaries, respectively—distinguishing the estimated value of the several descriptions of property;

Receipts, expenditure and statement of debts.

(c.) 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 on account of the penitentiaries, showing the names of the persons to whom each is due, and showing also the debts, if any, due to the penitentiary, with the amount and nature of each debt;

Estimates for ensuing year.

(d.) An estimate of the expense of the penitentiaries for the ensuing year—distinguishing the ordinary from the extraordinary:

Officers to furnish information.

2. 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. 46 V., c. 37, s. 15.

17. If the inspector at any time finds that any penitentiary is out of repair, or does not possess the proper and requisite sanitary 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 same to the Minister of Justice, and at the same time shall furnish a copy of such report for the Minister of Public Works. 46 V., c. 37, s. 16.

Special reports as to improvements and repairs.

Copy to Minister of Public Works.

EXAMINATIONS AND INVESTIGATIONS.

18. The inspector may, at all times, enter into and remain within any penitentiary or other public institution placed under his control as aforesaid, and have access to every part of the same, and examine all papers, documents, vouchers, records and books of every kind belonging thereto. 46 V., c. 37, s. 17, *part.*

Entry and examination of papers, &c.

19. The inspector may 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, by subpœna issued by him, may summon before him any person, and examine such person upon oath,—which oath the inspector may administer, and may 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 legally served upon him, 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. 46 V., c. 37, s. 17, *part.*

Inquiries into conduct of officers, &c.

Summoning witnesses and administering oaths.

Punishment for refusal to give evidence.

20. The Minister of Justice, at any time when he deems it necessary, may appoint one or more persons to make a special report on the state and management of any penitentiary, and in such case the person or persons so appointed, in order to enable him or them to make such special report, shall have the powers given to the inspector by the two sections next preceding. 46 V., c. 37, s. 18.

Minister of Justice may cause special reports to be made by others than inspector.

ACCOUNTANT OF PENITENTIARIES.

21. 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, and shall be charged

Accountant of penitentiaries.

His duties. 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 are assigned to him by the Governor in Council; and he shall perform such other duties as are required of him by the Minister of Justice :

To audit accounts and inquire into money matters. 2. He shall audit the accounts of the penitentiaries and transmit the same, duly certified as to correctness, to the Minister of Justice; he shall also inquire into the money transactions and financial affairs of the penitentiaries, prisons, hospitals, asylums or other public institutions supported wholly or in part by Canada :

Powers. 3. He shall, in the performance of his duties, have all the powers given to the inspector by sections eighteen and nineteen of this Act. 46 V., c. 37, s. 19.

WARDENS AND OTHER OFFICERS.

Appointment of officers for each penitentiary. **22.** The Governor in Council may appoint, for any penitentiary, a warden, a deputy 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 :

Inspector may suspend any officer. 2. The inspector may summarily 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 the Minister, 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 the inspector shall recommend the removal of any of the above named officers whom he deems incapable, inefficient or negligent in the execution of his duty, or whose presence in the penitentiary he considers detrimental to the interests thereof. 46 V., c. 37, s. 20, *part.*

Removal may be recommended. **23.** The Minister of Justice may appoint, for any penitentiary, a schoolmaster, a schoolmistress, a storekeeper, a steward, a chief keeper, an engineer, a matron, a deputy matron, and such trade instructors as are, from time to time, required, who shall hold their offices during pleasure :

Warden may suspend any of them. 2. The warden may, for misconduct, summarily suspend any of the officers named in this section until the next visit of the inspector, when the warden shall submit to the inspector a report of the circumstances of the case, to be dealt with as to the inspector seems meet. 46 V., c. 37, s. 21, *part.*

Warden may appoint certain officers, guards, &c., and suspend or dismiss them. **24.** The warden may appoint, for any penitentiary, an assistant deputy matron and a clerk, and such and so many keepers and guards and other servants, for the proper protection and care of the institution, as the Minister authorizes, and may suspend any of them for neglect of duty, for such time as he sees fit, or dismiss them, without further

charge than that, in his opinion, they are inefficient; and such suspension or dismissal shall be reported forthwith to the inspector. 46 V., c. 37, s. 22.

25. 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 may direct payment of the same. 46 V., c. 37, s. 23.

As to pay in case of suspension.

26. The warden may impose upon any officer or servant appointed by him or by the Minister of Justice, for any act of negligence or carelessness committed by him, a fine, payable in money, of such reasonable amount, not exceeding one month's pay, as the warden, under the circumstances of the case, thinks fit; and, under like circumstances, the Minister of Justice may impose a like fine on the deputy warden and accountant. 46 V., c. 37, s. 24.

Warden may impose fines for neglect of duty.

27. 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 deems most advantageous for the penitentiary; he shall be responsible for the faithful and efficient administration of the affairs of every department of the penitentiary, shall reside in the penitentiary, and shall receive such allowance of fuel and light as the Governor in Council sees fit to make. 46 V., c. 37, s. 25.

Powers and duties of the warden.

Residence and allowances.

28. In the absence or during the incapacity of the warden the deputy warden shall exercise all the powers and perform all the duties of the warden; and in the absence or during the incapacity of the deputy warden the chief keeper shall exercise all the powers and perform all the duties of the deputy warden. 46 V., c. 37, s. 20, *part*, and s. 21, *part*.

Absence, &c., of the warden and deputy.

29. Every warden, accountant, storekeeper, steward, and every such other officer as is, from time to time, designated by the Governor in Council, shall give and enter into a bond or bonds for the faithful performance of the duties of his office according to law, and in such sum, and with such sufficient surety or sureties, as the Governor in Council or the Minister of Justice approves of, and such bonds shall be filed in the office of the Secretary of State of Canada. 46 V., c. 37, s. 27.

What officers to give bonds and sureties of office.

30. 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 an oath of office in the form following, that is to say:—

Oaths of allegiance and office.

Form of oath of office. "I (A. B.) do promise and swear that I will faithfully, diligently and justly serve in the office and perform the 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. 2. The inspector or warden is hereby authorized to administer such oaths. 46 V., c. 37, s. 28.

Penalty if inspector, warden, &c., acts as contractor. **31.** Every inspector, warden, or other officer or servant employed in a penitentiary, who, either in his own name or in the name of, or in connection with, any other person, provides, furnishes or supplies any materials, goods or provisions for the use of any penitentiary, or is concerned directly or indirectly in furnishing or supplying the same, or in any contract relating thereto, shall incur a penalty of five hundred dollars, recoverable, with costs, by any person who sues for the same in any court of competent jurisdiction. 46 V., c. 37, s. 29.

Warden, &c., not to exercise any other calling. Nor to buy or sell from or to convicts, &c. **32.** No warden, officer or servant, except the surgeon and chaplain, shall carry on any trade or calling of profit or emolument other than his office in the penitentiary; and, except in the case mentioned in section sixty-four, no officer shall buy from or sell to or for any convict anything whatsoever; or take or receive for his own use, or for that of any other person, any fee or gratuity or emolument from any convict or visitor or other person; or, without the consent of the Minister, employ any convict in working for him. 46 V., c. 37, s. 30.

Governor in Council to fix pay of warden and officers. **33.** The Governor in Council may, from time to time, fix the sums to be annually paid to the warden and the other officers and servants of any penitentiary established under the provisions of this Act, regard being had to the number of convicts confined therein, and the consequent responsibility attaching to their offices respectively, and to the length of service and amount of labor devolving upon them; but such salaries shall not exceed the sums specified in the schedule to this Act. 46 V., c. 37, s. 31.

Warden to be a corporation sole. **34.** 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 the proclamation establishing it as a penitentiary), and by that name he and his successors shall have perpetual succession, and may sue and be sued, and may plead and be pleaded unto, in any of Her Majesty's courts. 46 V., c. 37, s. 32.

Contracts, dealings, personal property, &c., to be in his name. **35.** All dealings and transactions on account of any penitentiary, and all contracts for goods, wares or merchandise necessary for maintaining and carrying on the penitentiary, or for the sale of goods prepared or manufactured in the peni-

" 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 peni-
 " tentiary 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 "

By whom ad-
ministered.

2. Such oaths 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. 46 V.,
 c. 37, s. 38.

PRIVILEGED VISITORS.

Who shall
have the right
of visiting.

41. The following persons, other than the inspector or
 persons specially appointed by the Minister of Justice may
 visit any penitentiary at pleasure, that is to say,—the Gov-
 ernor General of Canada, the Lieutenant Governor of any
 Province of Canada, any member of the Queen's Privy Council
 for 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 prescribes. 46 V., c. 37, s. 39.

CONVEYANCE, RECEIPT AND REMOVAL OF CONVICTS.

What shall
be sufficient
authority for
conveying
convicts to
penitentiary.

42. 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 the Governor in Council 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 be-
 fore which the convict was tried, and certified by a judge or
 by the clerk or acting clerk of such court. 46 V., c. 37, s. 40.

When
brought from
any other
penitentiary
or gaol.

43. Whenever a prisoner is ordered, by competent author-
 ity, to be conveyed to any penitentiary from any other peni-
 tentiary, or from a reformatory prison, or from a common
 gaol, there shall be delivered to the warden of the penitenti-

ary receiving such prisoner, together 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. 46 V., c. 37, s. 41.

44. The warden shall receive into the penitentiary every convict legally certified to him as sentenced to imprisonment therein, and shall there detain him, subject to all the rules, regulations and discipline thereof, until the term for which he has been sentenced is completed, or until he is otherwise discharged in due course of law. 46 V., c. 37, s. 42.

Duty of warden as to receiving and detaining convicts.

45. The Governor General may, by warrant signed by the Secretary of State of Canada, or by such other officer as is, from time to time, authorized by the Governor in Council, 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, when required so to do, shall deliver up the said convict to the constable or other officer or person who produces 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 is 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. 46 V., c. 37, s. 43.

Governor may authorize removal from or to any penitentiary.

Proceedings in such case.

Detention of convict.

46. The sheriff, or other officer or 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 has 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, in all territorial divisions or parts of Canada through which it may be necessary to convey such convict, have the same authority and power over and with regard to such con-

Powers of sheriff or officer conveying convicts to a penitentiary.

Assistance in case of escape.

vict, 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 of that division to another. 46 V., c. 37, s. 44.

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

47. If sentence of death has been passed upon any convict by any court in Canada, and the Governor General, 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, 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 V., c. 37, s. 45.

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

48. A letter signed by the Secretary of State or such other officer as aforesaid, notifying the warden of the fact of the commutation of any sentence of death to imprisonment for life or for a term of years, and of the term of years or life term to which the sentence has been commuted, shall be sufficient authority to 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; and it shall not be 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 term to which such sentence is commuted, that the warden should have in his possession a copy of any pardon. 46 V., c. 37, s. 46.

TRANSFER OF JUVENILE OFFENDERS FROM AND TO REFORMATORY PRISONS.

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

49. If a juvenile offender has been ordered by competent authority to be imprisoned in any reformatory prison, and after being imprisoned therein has become incorrigible, and is so certified by the warden and one of the chaplains, 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 under which the juvenile offender was imprisoned therein, and the fact that he is incorrigible, may direct that such juvenile offender be removed to any peni-

penitentiary named in the said warrant ; and the 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 :

2. The warden of the penitentiary therein named shall receive such juvenile offender and deal with him for the unexpired term of the sentence or order under 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 together with the said offender, a copy of the said sentence or order, attested by the warden of the reformatory prison, and also an order from the Lieutenant Governor, directing the warden of such penitentiary to receive such juvenile offender, shall be delivered to the warden of the penitentiary. 46 V., c. 37, s. 47.

And dealt with as if sentenced to the penitentiary.

Copy of sentence or order to be delivered.

50. The Governor General may, at any time, in his discretion, by warrant under his hand, cause any convict in a penitentiary, whose sentence is for a term not less than two years, and who appears to the inspector to be under sixteen years of age, and susceptible of reformation, to be transferred, for the remainder of his term of imprisonment, to the reformatory prison, if there is one, of the Province where such convict was sentenced. 46 V., c. 37, s. 48.

Juvenile offenders in penitentiary may be transferred to reformatory prison.

TREATMENT OF CONVICTS.

51. The following general rules shall be observed in the treatment of convicts in a penitentiary :—

General rules.

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

Clothing.

(b.) He shall be fed on a sufficient quantity of wholesome food ;

Food.

(c.) He shall be provided with a bed and pillow with sufficient covering, varied according to the season ; and—

Bedding.

(d.) He shall, except in case of sickness, be kept in a cell by himself at night, and during the day when not employed. 46 V., c. 37, s. 49.

Solitary confinement.

52. Convict labor may be of two descriptions,—

Convict labor.

(a.) Obligatory, that is to say : every convict, except during sickness or other incapacity, shall be kept constantly at hard labor during at least ten hours, exclusive of hours for meals or schools, of every day, except Sunday, Good Friday, Christmas Day, and such other days as the Governor General sets apart for days of fasting or thanksgiving, and such days as are designated in the rules made by the inspector in that behalf ; and the warden shall determine the kind of such labor ; but no convict professing the Roman Catholic faith shall be compelled to labor on any of the obligatory holidays of his

Obligatory.

Holidays.

As to R. C. holidays.

church,—that is to say, Circumcision, Epiphany, Annunciation, Corpus Christi, Saint Peter and Saint Paul, All Saints, Conception and Ascension, or other festival days of obligation ;

Voluntary.
Over hours,
and payment
therefor.

(b.) Voluntary, that is to say : a convict of exemplary conduct may be allowed by the warden, if he sees fit, to work over hours at such work as may be conveniently done in the penitentiary, and at such rates as are 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 penitentiary, to be paid him on his discharge, subject, however, to any general rules which the inspector makes upon the subject :

Labor of con-
victs not to
be let out.

2. The convicts may be employed either in labor or at trades under the control of the Crown ; but no labor shall be let out to any company or private person. 46 V., c. 37, s. 50.

FEMALE PRISONERS.

Female con-
victs to be
kept separate
and under
female offi-
cers.

53. The female convicts shall be kept separate 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, from time to time, sees fit to order to be employed, reference being had to the number of such convicts and the kinds of work in which they are engaged. 46 V., c. 37, s. 51.

PENAL CELLS.

Penal cells
may be con-
structed.

54. The Governor in Council, whenever he deems it expedient, may order such and so many penal cells to be constructed at any penitentiary, as he sees fit. 46 V., c. 37, s. 52.

SHORTENING OF SENTENCE.

Rules as to
rewards for
good conduct
and diligence.

55. The inspector may, for the purpose of encouraging convicts to good behavior, diligence and industry, and of rewarding them for the same, 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 is exemplary in industry, diligence and faithfulness in his work, and does not violate any of the prison rules :

Remission of
time within a
certain limit

2. When any convict has earned and has at his credit any of the several numbers of days of remission hereinafter respectively mentioned, he may be allowed, for every subsequent month during which his industry, diligence, faithful-

Provision for
increased
rates of re-
mission.

ness in his work and observance of the prison rules continue satisfactory, the following increased rates of remission, that is to say:—

(a.) When he has thirty days' remission at his credit, seven days and one half day's remission may be allowed him for every month thereafter; When 30 days are earned.

(b.) When he has one hundred and twenty days' remission at his credit, ten days' remission may be allowed him for every month thereafter: When 120 days are earned.

3. If any convict, by reason of sickness or any other infirmity, not intentionally produced by himself, is unable to labor, he shall be entitled, by good conduct, to one-half the remission from his sentence every month to which he would otherwise be entitled: Remission in case of sickness.

4. Every convict who escapes, attempts to escape, breaks prison, attempts to break prison, breaks out of his cell, or makes any breach therein with intent to escape, or assaults any officer or servant of the penitentiary, shall forfeit the whole of such remission which he has earned. 46 V., c. 37, ss. 54, 55 and 56, *parts*. Forfeiture for certain offences.

OFFENCES AND PENALTIES.

56. Every convict confined in any penitentiary, who assaults any officer or servant employed therein, is guilty of an aggravated assault and liable to imprisonment in the said penitentiary for a term not exceeding two years. 46 V., c. 37, s. 56, *part*. Assaulting officers.

57. 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, whatsoever, 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 possible and in a respectful manner: and such list shall be printed, and a copy of the same placed in every cell of the penitentiary. 46 V., c. 37, s. 60. Inspector to make list of prison offences. No talking allowed. Posting up list.

58. The inspector may, subject to the approval of the Minister of Justice, make and, from time to time, 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, the warden shall investigate, under oath, the facts of the case, before awarding such punishment or remand, and make a minute of the evidence taken by him, which shall be forwarded forthwith to the inspector; and no such punishment shall be inflicted unless the surgeon Inspector to make rules for discipline and correction. Corporal punishment. Investigation. Surgical certificate, &c.

of the penitentiary has certified that the prisoner is in a physical condition to bear such punishment, and unless the surgeon is present during its infliction; and not more than sixty lashes shall be inflicted upon any prisoner for any such offence. 46 V., c. 37, s. 61.

Bringing money, spirits, letters, &c., to convicts.

59. Every officer, guard or servant of any penitentiary, or other person, who brings in or carries out, or endeavors to bring in or carry out, or knowingly allows to be brought in or carried out, to or from any convict, or carries to any convict while employed outside the prison walls, any money, clothing, provisions, tobacco, spirits, letters, papers or other articles whatsoever, not allowed by the rules of the penitentiary shall, on summary conviction, be liable to a penalty not exceeding one hundred dollars, or to imprisonment with hard labor, for a term not exceeding three months. 46 V., c. 37, s. 59.

Penalty.

TRESPASSES.

Punishment of persons trespassing on penitentiary grounds.

60. Every person who is found trespassing upon any grounds, buildings, yards, offices or other premises whatsoever, belonging or appertaining to any penitentiary, or who enters the same, not being an officer or servant of the penitentiary, or authorized by the warden, shall, on summary conviction for a first offence, be liable to a penalty not exceeding ten dollars, and in default of payment to imprisonment, with or without hard labor, for a term not exceeding one month; and for a subsequent offence to a penalty not exceeding fifty dollars, and in default of payment to imprisonment with or without hard labor, for a term not exceeding three months. 46 V., c. 37, s. 62.

Subsequent offence.

Penalty if vessels are moored within 300 feet of shore or wharf bounding penitentiary.

61. Every person who moors or anchors, or causes to be moored or anchored, any raft, boat, vessel or craft of any kind 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 of such penitentiary, shall, on summary conviction, be liable to a penalty of twenty dollars, and in default of payment of such penalty and costs, to imprisonment with hard labor, for a term not exceeding two months; and the amount of such penalty may be levied 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. 46 V., c. 37, s. 63.

LIQUORS.

No spirits allowed in penitentiary except for warden, &c.

62. No spirituous or fermented liquors shall be brought into the penitentiary for the use of any officer or person therein (except the warden or deputy warden, if the latter is resident therein), or for the use of any convict confined therein, except under the rules of the penitentiary; and any

person who gives any spirituous or fermented liquor, tobacco, snuff or cigars, to any convict, except under the rules of the penitentiary, or conveys the same to any convict, shall incur a penalty of forty dollars, which shall be recoverable by the warden before any court of competent jurisdiction, and placed to the credit of the Minister of Finance and Receiver General. 46 V., c. 37, s. 64.

Giving liquor or tobacco, &c., to convicts.

Penalty.

DISCHARGE OF CONVICTS.

63. No convict shall be discharged from a penitentiary on the termination of his sentence, or otherwise, if he is laboring under any contagious or infectious disease; or, unless at his own request, during the months of November, December, January, February or March, or if he is laboring under any acute or dangerous disease; but such convict may remain in the penitentiary until he recovers from such disease, or until the first day of April following the termination of his sentence: but 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:

Discharge of convicts at certain times and under certain circumstances.

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 are 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 are discharged:

Order of discharge of convicts in April.

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

Sentence expiring on Sunday.

4. Every convict under sentence for life, or for a term not less than two years, shall, upon his discharge, either by expiration of sentence, or otherwise, be furnished, at the expense of the penitentiary, with a suit of clothing other than prison clothing, and with such sum of money as is 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 deems proper; and if any sum remains 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 direct; but if the warden is of opinion that a convict, on being discharged, does not intend *bonâ fide* to return to the place at which he received his sentence, but intends to go to some other place, nearer to the penitentiary, such convict shall be furnished with such less sum of money as is, in the warden's opinion, sufficient to pay his travelling expenses to such nearer place. 46 V., c. 37, s. 65.

Clothing and money to convicts discharged.

Money for over work.

As to convict not returning to place of conviction.

PRISONERS' EFFECTS.

64. Every article found upon the person of a convict at the time of his reception into the penitentiary, which is con-

Articles found on convict on entry

to be kept for him.

sidered worth preservation, shall be taken from him, and a description thereof entered in a book 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 then is; but the warden shall not be liable for any deterioration which takes place in such article in the interval:

May be sold if he desires to dispose of them.

2. 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 who has charge thereof, and also by the convict; and any money received therefor shall be placed to his credit. 46 V., c. 37, s. 66.

CORONERS' INQUESTS.

Coroner to hold inquest in certain cases.

65. If a convict dies in a penitentiary, and the inspector, warden, surgeon or chaplain has reason to believe that the death of such convict arose from any other than ordinary causes, he shall 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 purpose, he and the jury, and all other persons necessarily attending such inquest, shall have admittance to the prison. 46 V., c. 37, s. 67.

Admittance of coroner and jury.

DECEASED CONVICTS.

How the body of convict shall be disposed of.

66. The body of every convict who dies in a penitentiary shall, if claimed by his relatives, be given up to and shall be taken away by them; but if not so claimed, the body may be delivered 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 penitentiary. 46 V., c. 37, s. 68.

INSANE CONVICTS.

Kingston penitentiary insane ward.

67. The Governor in Council may 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 ward for the insane. 46 V., c. 37, s. 69.

Surgeons to report cases of insanity among convicts.

68. If at any time it appears to a surgeon of a penitentiary that any convict confined therein is insane and ought to be removed to the ward for the insane, he shall report the same in writing to the warden, and on such report the warden shall forthwith remove such convict to the ward for the insane. 46 V., c. 37, s. 70.

69. If, at any time before the termination of the sentence of such convict, it is 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 ward for the insane, the warden shall remove such convict therefrom. 46 V., c. 37, s. 71.

If insane convict becomes sane.

70. If the term of imprisonment of any convict expires while detained as insane in the ward for the insane, he may continue to be detained therein pending the proceedings authorized by this Act; and in such case the surgeon shall forthwith certify to the warden whether the person is sane or insane. 46 V., c. 37, ss. 72 and 73.

If insane when his term expires.

71. If the surgeon certifies that such person is sane, he shall be forthwith discharged. 46 V., c. 37, s. 74.

Discharge, if sane.

72. 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, so that he may be removed to a place of safe keeping:

Report in order to removal of insane convict.

2. 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 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, from time to time, orders, until it appears to the Lieutenant Governor that he is 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. 46 V., c. 37, ss. 75 and 76.

Lt. Governor may order removal.

Further power of Lieutenant Governor.

73. If the Lieutenant Governor of the Province within which any such person was sentenced has made arrangements with the Lieutenant Governor of the Province of Ontario for the safe keeping of any such person in Ontario, and such arrangements 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 next preceding section, with the Lieutenant Governor of Ontario, who shall, in such cases, have all the powers thereby given:

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

2. If the Lieutenant Governor does not, within two months after the Secretary of State has communicated, as provided by the next preceding section, cause the person to be removed under the provisions thereof, the Secretary of State may, on the recommendation of the Minister of Justice, direct the convict to be removed for safe keeping to the gaol in which

Provision if Lt. Governor does not provide for removal.

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 next preceding section shall apply to his case. 46 V., c. 37, ss. 77 and 78.

Question of
sanity, how
decided.

74. If any question arises as to the sanity of any convict, the Minister of Justice may order an inquiry 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 is necessary to carry out the provisions of this Act. 46 V., c. 37, s. 79.

SCHEDULE.

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 offices of Steward and Storekeeper are 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
46 V., c. 37, schedule A.	

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CHAPTER 183.

An Act respecting Public and Reformatory Prisons. A. D. 1886.

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

1. In this Act, unless the context otherwise requires, the expression "Lieutenant Governor" means the Lieutenant Governor in Council. Interpretation.
"Lieutenant Governor."

PART I.

INSECURE PRISONS.

2. The Lieutenant Governor of any Province of Canada may, by proclamation published in the official Gazette of the Province, and in the *Canada Gazette*, declare that the common gaol of any district, county or place in such Province is insecure, and may name the gaol of any adjoining district, county or place as the gaol to which offenders within such first mentioned district, county or place, may, from and after a time stated, be committed or sentenced. 40 V., c. 37, s. 1. Lt.-Governor may substitute a neighboring gaol for an insecure one.

3. The Lieutenant Governor may, after the issue of such proclamation, from time to time, direct the sheriff to transfer such of the prisoners then confined in such insecure gaol, as the Lieutenant Governor thinks proper, to the gaol so named as aforesaid; and such order shall be a sufficient authority to the respective sheriffs and officers to deliver and receive, and to the keeper of such last mentioned gaol to detain therein, any such prisoner, according to the exigency of the warrant of sentence under which he was confined in such insecure gaol. 40 V., c. 37, s. 4. Transfer of prisoners to substituted gaol.

4. During the continuance of such proclamation, any person who would otherwise be committed to or sentenced to imprisonment in the common gaol so declared insecure, shall be committed to or sentenced to imprisonment in the gaol named in the proclamation for the purpose, and the respective sheriffs and officers shall have authority to deliver and receive such person; and a warrant directed to the gaoler of the insecure gaol shall be a sufficient authority for the gaoler of the gaol so named as aforesaid to detain in such Effect of such proclamation as to persons who would otherwise be imprisoned in the insecure gaol.

gaol the person named in such warrant, according to the exigency of the warrant, or until he is removed, as is hereinafter provided. 40 V., c. 37, s. 2.

As to place of trial of prisoners in substituted gaol, &c.

5. Every person so confined in the gaol named in such proclamation, may be tried in the district, county or place in the gaol whereof he is confined, unless the judge, or other person presiding at the court at which it is proposed to try such person, or a judge of a court having jurisdiction to try the offence, otherwise directs; and the court of general gaol delivery or General Sessions of the Peace, or other court having like powers, held in such district, county or place, and every judge presiding thereat, shall have jurisdiction to make, in reference to any person committed in default of sureties for good behavior, or to keep the peace, the like order as such court or judge might make if the court was being held in the district, county or place in which such person was committed. 40 V., c. 37, s. 3.

Powers of court and judges.

Proclamation superseding that first issued.

6. The Lieutenant Governor may, at any time, by his proclamation published in the official Gazette of the Province, and in the *Canada Gazette*, declare that any proclamation issued under the second section of this Act, shall, from and after a time stated, cease to have effect; and such proclamation shall cease to have effect accordingly. 40 V., c. 37, s. 5.

Re-transfer of prisoners in consequence.

7. The Lieutenant Governor may, after the issue of such last mentioned proclamation, direct the sheriff to transfer so many of the prisoners then confined in the gaol so named as aforesaid, as the Lieutenant Governor thinks proper, to the gaol of the district, county or place in which, but for the operation of the preceding sections, such prisoners would have been confined; and such order shall be sufficient authority to the respective sheriffs and officers to deliver and receive, and to the keeper of such last mentioned gaol to detain therein, any such prisoners, according to the exigency of the warrant or sentence under which they were originally confined. 40 V., c. 37, s. 6.

EMPLOYMENT OF PRISONERS.

Lt.-Governor in Council may make regulations.

8. The Lieutenant Governor of any Province may, from time to time, make regulations for the purpose of preventing escapes and preserving discipline in the case of prisoners in any common gaol, employed beyond the limits thereof. 40 V., c. 36, s. 1.

And may then authorize employment of prisoners outside of gaols.

9. After such regulations are made, the Lieutenant Governor may, from time to time, direct or authorize the employment, upon any specific work or duty, beyond the limits of any common gaol, of any prisoner who is sentenced to

be imprisoned with hard labor in such gaol, for any offence against any law of Canada. 48-49 V., c. 81, s. 1.

10. Every such prisoner shall, during such employment, be subject to such regulations and to all the rules, regulations and discipline of the gaol, so far as applicable. 40 V., c. 36, s. 3. Discipline of the gaol to be observed.

11. No such prisoner shall be so employed, except under the strictest care and supervision of officers appointed to that duty. 40 V., c. 36, s. 4. Supervision.

12. Every street, highway or public thoroughfare of any kind, along or across which prisoners pass in going to or returning from their work, and every place where they are so employed, shall, while so used, be considered as a portion of the gaol; and any escape or attempt at escape, and any rescue or attempt at rescue, made on such street, highway or thoroughfare, shall be held to have been made within or from such gaol. 40 V., c. 36, s. 5. Place of work, &c., to be deemed part of gaol.

IMPROVEMENT OF PRISON DISCIPLINE.

13. If, in any Province, there is at any time a prison of such a character as to render practicable the application of the three sections next following to such Province, and if the Lieutenant Governor makes rules for keeping a correct record of the daily conduct of every prisoner in such prison, noting his behavior, industry, diligence and faithfulness, and the strictness with which he observes the prison regulations, and if such prison, and the rules so made, are, by the Governor in Council, declared adequate, the Governor in Council may, by proclamation published in the *Canada Gazette*, reciting the premises, and describing the prison, declare such sections in force within such Province from and after a day named in such proclamation. 40 V., c. 39, ss. 1 and 5. On certain conditions the three sections next following may be declared in force in any Province.

14. Any judge sentencing any prisoner to imprisonment in any prison named in the proclamation in the next preceding section mentioned, may sentence such prisoner for a term not more than one sixth longer than the maximum term at present prescribed by law for the offence; and any such sentence may be carried out in such prison, although it is for any term not exceeding two years and four months. 40 V., c. 39, s. 2. Power to judge sentencing a prisoner in certain cases.

15. Every prisoner sentenced to such prison shall be entitled to earn a remission of a portion of the time for which he is sentenced, not exceeding five days for every month during which he is exemplary in behavior, industry and faithfulness, and does not violate any of the prison rules; Prisoner may earn a remission of part of sentence.

and if prevented from labor by sickness, not intentionally produced by himself, he shall be entitled to earn, by good conduct, a remission not exceeding two and one half days for every such month. 40 V., c. 39, s. 3.

Forfeiture of remission in certain cases.

16. Every such prisoner who commits any breach of the laws or of the prison regulations shall, besides any other penalty to which he is liable, be liable to forfeit the whole or any part of any remission which he has so earned. 40 V., c. 39, s. 4.

PART II.

ONTARIO.

Provisions applicable to Ontario.

17. The provisions of sections eighteen to forty-eight both inclusive, being Part two of this Act apply only to the Province of Ontario. 43 V., c. 39, s. 16, *part*, and c. 40, s. 10, *part*.

Interpretation.
"Court."

18. In this part of this Act, the expression "court" includes a police or stipendiary magistrate, but does not include one or more justices of the peace. 43 V., c. 39, s. 2, and c. 40, s. 2;—44 V., c. 32, s. 1, *part*, and s. 6, *part*.

The Central Prison for the Province of Ontario.

Imprisonment in the Central Prison.

19. Every court in the Province of Ontario, before which any person is convicted for an offence against the laws of Canada, punishable by imprisonment in the common gaol, for the term of two months, or for any longer time, may sentence such person to imprisonment in the central prison for the Province of Ontario, instead of the common gaol of the county or judicial district where the offence was committed, or was tried. 44 V., c. 32, s. 6, *part*.

Transfer of prisoners to the Central Prison.

20. Every person confined in any one of the common gaols of the said Province, under sentence of imprisonment for any offence, may, by direction of the Provincial Secretary, be transferred from such common gaol to such central prison, there to be imprisoned for the unexpired portion of the term of imprisonment to which such person was originally sentenced or committed to such common gaol; and such person shall thereupon be imprisoned in such central prison for the residue of such term, unless in the meantime he is lawfully discharged or removed, and shall be subject to all the rules and regulations of such central prison. 36 V., c. 69, s. 2.

Transfer although imprisonment is

21. Such person may be removed to the central prison, notwithstanding such imprisonment, or any part thereof, is imposed in default of the payment of a fine or penalty in

money, and that such person is entitled to be discharged upon payment of such fine or penalty :

for non-pay-
ment of fine.

2. If the fine or penalty is paid after the removal of the offender, the same shall be paid to the proper officer of such prison, to defray the expenses of the removal of the said offender to such prison, and otherwise for the uses of such prison ; but nothing herein contained shall affect the right of any private person to such fine or penalty, or any part thereof. 44 V., c. 32, s. 5.

If fine is paid
subsequently.

22. The warden of the central prison shall receive into the said prison every offender legally certified to him as sentenced to imprisonment therein ; and shall detain him, subject to all the rules, regulations and discipline thereof, until the term for which he has been sentenced is completed, or until he is otherwise discharged in due course of law. 36 V., c. 69, s. 3.

Warden to receive and
detain offenders.

23. The Lieutenant Governor may, from time to time, authorize, direct or sanction the employment upon any specific work or duty, without or beyond the walls or limits of such central prison, of any of the prisoners confined or sentenced to be imprisoned therein ; and all such prisoners shall, during such last mentioned employment, be subject to all the rules, regulations and discipline of such prison, so far as the same are applicable, and to such other regulations, for the purpose of preventing escapes, and otherwise, as are approved by the Lieutenant Governor in that behalf : Provided, that when prisoners are so employed without the walls or limits of such prison, it shall only be done under the strictest care and supervision of officers appointed to that duty. 36 V., c. 69, s. 4.

Employment
of prisoners
on works
without the
prison.

24. The Lieutenant Governor may, from time to time, by warrant signed by the Provincial Secretary, or by such other officer as is authorized by the Lieutenant Governor in that behalf, direct the removal of any offender from the central prison to the Ontario reformatory for boys, or from the central prison to the common gaol of the county in which he was sentenced, or to any other gaol, or from the said reformatory to the said central prison. 48-49 V., c. 79, s. 1.

Transfer of
prisoners to
common gaol.

Ontario Reformatory for Boys.

25. If any boy, who, at the time of his trial, appears to the court to be under the age of sixteen years, is convicted of any offence for which a sentence of imprisonment for a period of three months or longer, but less than five years, may be imposed upon an adult convicted of the like offence, and the court before which such boy is convicted is satisfied that a due regard for the material and moral welfare of the boy manifestly requires that he should be committed to the

What offenders may be
sentenced to
the Ontario
Reformatory
for boys.

Ontario reformatory for boys, then such court may sentence the boy to be imprisoned in such reformatory for such term as the court thinks fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence; and may further sentence such boy to be kept in such reformatory for an indefinite time after the expiration of such fixed term: Provided, that the whole period of confinement in such reformatory shall not exceed five years from the commencement of his imprisonment. 43 V., c. 39, s. 1, *part.*

As to term of imprisonment.

In certain cases offenders summarily convicted may be sentenced to such reformatory.

26. If any boy, apparently under the age of sixteen years, is convicted of any offence punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a period of fourteen days at the least, any judge of any one of the superior courts, or any judge of a county court, in any case occurring within his county, may examine and inquire into the circumstances of such case and conviction, and when he considers the material and moral welfare of the boy requires such sentence, he may, as an additional sentence for such offence, sentence such boy to be sent either forthwith or at the expiration of his imprisonment in such gaol, to such reformatory, to be there detained for the purpose of his industrial and moral education, for an indefinite period, not exceeding in the whole five years, from the commencement of his imprisonment in the common gaol. 43 V., c. 39, s. 3.

Detention for purposes of reform.

27. Every boy so sentenced shall be detained in such reformatory until the expiration of the fixed term, if any, of his sentence, unless sooner discharged by lawful authority, and thereafter shall, subject to the provisions hereof and to any regulations made, as hereinafter provided, be detained in such reformatory for a period not to exceed five years from the commencement of his imprisonment, for the purpose of his industrial and moral education. 43 V., c. 39, s. 4.

Commitment of boy to gaol until conveyed to reformatory.

28. A copy of the sentence of the court, duly certified by the proper officer, or the warrant or order of the judge or other magistrate by whom any boy is sentenced to confinement in such reformatory, shall be a sufficient authority to the sheriff, constable or other officer who is directed, verbally or otherwise, so to do, to convey such boy to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain such boy, until some person, lawfully authorized, requires the delivery of such boy for removal to the reformatory. 43 V., c. 39, s. 6.

If the boy is in bad health.

29. If any boy sentenced to be confined in such reformatory is in such a weak state of health that he cannot safely or conveniently be removed to the reformatory, he may be

detained in the common gaol or other place of confinement in which he is, until he is sufficiently recovered to be safely and conveniently removed to the reformatory. 43 V., c. 39, s. 7.

30. No boy shall be discharged from such reformatory at the termination of his term of confinement, if then laboring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in such reformatory until he recovers from such disease or illness : Provided, that any boy remaining in such reformatory for any such cause shall be under the same discipline and control as if his term was still unexpired. 43 V., c. 39, s. 13.

As to discharge when boy is in bad health.

Proviso.

The Andrew Mercer (Ontario) Reformatory for Females.

31. Every court in the Province of Ontario, before which any female is convicted of an offence against the laws of Canada, punishable by imprisonment in the common gaol for the term of two months, or for any longer time, may sentence such female to imprisonment in the Andrew Mercer (Ontario) reformatory for females, instead of the common gaol of the county or judicial district where the offence was committed or was tried. 44 V., c. 32, s. 1, *part*.

When females may be sentenced to Andrew Mercer Reformatory.

32. Any female, from time to time, confined in any common gaol in the said Province, under sentence of imprisonment for any offence against the laws of Canada, may, by direction of the Provincial Secretary, be transferred from such common gaol to such reformatory, to be imprisoned for the unexpired portion of the term of imprisonment to which such female was originally sentenced or committed to the common gaol ; and such female shall thereupon be imprisoned in such reformatory for the residue of the said term, and shall be subject to all the rules and regulations of the reformatory. 44 V., c. 32, s. 2.

Transfer of prisoners to such reformatory.

33. Any female so sentenced to imprisonment may be removed to such reformatory, notwithstanding such imprisonment, or any part thereof, is imposed in default of the payment of a fine or penalty in money, and that such offender is entitled to be discharged upon payment of such fine or penalty :

Transfer although imprisonment is for non-payment of a fine.

2. If the fine or penalty is paid after the removal of the offender, the same shall be paid to the proper officer of such reformatory, to defray the expense of the removal of the said offender to such reformatory, and otherwise for the uses of such reformatory ; but nothing herein contained shall affect the right of any private person to such fine or penalty, or any part thereof. 42 V., c. 43, s. 3.

If fine is paid subsequently.

Term of imprisonment in certain cases.

34. Whenever any female is convicted under the eighth section of the "*Act respecting Offences against Public Morals and Public Convenience*," or, under "*The Summary Trials Act*," she may be sentenced to the said reformatory for any term less than two years; but if any term exceeding six months is inflicted, no fine shall be imposed in addition. 44 V., c. 32, s. 3.

Conveyance of prisoners.

35. Any officer appointed by the Lieutenant Governor, or other officer or person, by his direction or by direction of the court or other lawful authority, may convey to such reformatory any convict sentenced, or liable to be imprisoned therein, and deliver her to the superintendent or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the court before which the offender was tried, and certified by a judge or the clerk or acting clerk of such court. 42 V., c. 43, s. 7.

Superintendent to receive and detain offenders.

36. The superintendent of the reformatory shall receive into the same every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations and discipline thereof, until the term for which she has been sentenced is completed, or until she is otherwise discharged in due course of law. 42 V., c. 43, s. 8.

Transfer of prisoners to common gaol.

37. The Lieutenant Governor may, from time to time, by warrant signed by the Provincial Secretary, or by such other officer as is authorized by the Lieutenant Governor in that behalf, direct the removal from such reformatory back to the common gaol, or to any other gaol in Ontario, of any person removed to such reformatory under this Act. 42 V., c. 43, s. 9.

Delivery of offender to the proper officer.

38. The superintendent of such reformatory, or the keeper of any common gaol, having the custody of any offender ordered to be removed, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, such offender, together with a copy, attested by the said superintendent or gaoler, of the sentence and date of conviction of such offender, as given on the reception of the offender into the custody of such superintendent or keeper. 42 V., c. 43, s. 10.

The Industrial Refuge for Girls.

On conviction for certain offences girls may be sentenced to Industrial Refuge.

39. If any girl who at the time of her trial appears to the court to be under the age of fourteen years, is convicted of any offence for which a sentence of imprisonment for a term of one month or longer, but less than five years, may be imposed upon an adult convicted of the like offence, and the court before which the girl is convicted is satisfied that

a due regard for her material and moral welfare manifestly requires that she should be committed to the Industrial Refuge for Girls of Ontario, such court may sentence such girl to be imprisoned in the Andrew Mercer (Ontario) reformatory for females, for such fixed term as the court thinks fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence, and may further sentence the said girl to be kept in such industrial refuge for girls for an indefinite time after the expiration of such fixed term: Provided, that the whole term of confinement in such reformatory and industrial refuge shall not exceed five years from the commencement of her imprisonment. 43 V., c. 40, s. 1, *part*.

As to term of imprisonment.

40. If any girl apparently under the age of fourteen years, is convicted of any offence punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a term of fourteen days at the least, any judge of one of the superior courts, or any judge of a county court, in any case occurring within his county, may examine and inquire into the circumstances of such case and conviction, and if he considers the material and moral welfare of the girl requires it, he may, as an additional sentence for such offence, sentence such girl to be sent either forthwith, or at the expiration of her imprisonment in such gaol, to such industrial refuge for girls, to be there detained for the purpose of her industrial and moral education for an indefinite period, not exceeding in the whole five years from the commencement of her imprisonment in the common gaol. 43 V., c. 40, s. 3.

In certain cases offenders summarily convicted may be sentenced to such refuge.

41. Every girl so sentenced shall be detained in such reformatory until the expiration of the fixed term of her sentence, unless sooner discharged by lawful authority; and such girl thereafter shall, and every girl sentenced under the next preceding section shall, subject, in both cases, to the provisions hereof, and to any regulations made as hereinafter provided, be detained in such industrial refuge for girls for a term not to exceed five years from the commencement of her imprisonment, for the purpose of her industrial and moral education. 43 V., c. 40, s. 4.

Detention for purposes of reform.

General Provisions.

42. Any sheriff or other person having the custody of any offender sentenced to imprisonment in the said central prison or either of the said reformatories, may detain the offender in the common gaol of the county or district in which such offender is sentenced, or other place of confinement in which such offender is, until some person lawfully authorized in that behalf requires such offender's delivery for the purpose of being conveyed to such prison or either

Detention in gaol until demanded by proper authority.

of such reformatories. 38 V., c. 46, s. 1;—42 V., c. 43, s. 4;—43 V., c. 39, s. 5.

If offender is certified to be in weak health.

43. If the gaol surgeon, or other medical practitioner acting in that behalf, certifies that any offender sentenced to the central prison or to the Andrew Mercer (Ontario) reformatory for females, is in such a weak state of health that such offender is unable to perform hard labor, such offender may be detained in the common gaol or other place of confinement in which such offender is, until such offender is sufficiently recovered to be employed at hard labor. 38 V., c. 46, s. 2;—42 V., c. 43, s. 5.

Computation of time in such cases.

44. The time for which any person, sentenced to imprisonment in the central prison or in the Andrew Mercer (Ontario) reformatory for females, is held in custody under the provisions of the two sections next preceding, shall be reckoned in computing the time served by such person in such prison or reformatory. 38 V., c. 46, s. 3;—42 V., c. 43, s. 6.

If term expires on Sunday.

45. Whenever the time of any offender's sentence in such prison, reformatories or refuge, under any law within the legislative authority of the Parliament of Canada, expires on a Sunday, such offender shall be discharged on the previous Saturday, unless such offender desires to remain until the Monday following. 36 V., c. 69, s. 6;—42 V., c. 43, s. 11;—43 V., c. 39, s. 12.

Apprenticeship of juvenile offenders.

46. If any respectable and trustworthy person is willing to undertake the charge of any boy committed to the Ontario Reformatory for Boys, when such boy is over the age of twelve years, or of any girl committed to the Industrial Refuge for Girls, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy or girl is confined to the reformatory or refuge by virtue of a sentence or order pronounced under the authority of any Act of the Parliament of Canada, the superintendent of the reformatory or refuge may, with the consent and in the name of the inspector of prisons and public charities of Ontario, bind the said boy or girl to such person for any term not to extend, without his or her consent, beyond a term of five years, from the commencement of his or her imprisonment; and the inspector shall thereupon order that such boy or girl shall be discharged from the said reformatory or refuge on probation, to remain so discharged, provided his or her conduct during the residue of the term of five years, from the commencement of his or her imprisonment, continues good, and such boy or girl shall be discharged accordingly: Provided, that any wages reserved in any indenture of apprenticeship made under this section shall be payable to such boy or girl, or to some other person for his or her benefit:

Discharge on probation in such case.

As to wages.

2. No boy or girl shall be discharged under this section until after the fixed term of his or her sentence has elapsed, unless by the authority of the Governor General. 43 V., c. 39, ss. 8 and 9;—43 V., c. 40, ss. 5 and 6. Sanction of Governor General.

47. The Governor in Council may make such regulations as he considers advisable for the discharge, after the expiration of the fixed term of sentence, of prisoners confined in such reformatory or refuge under any Act of the Parliament of Canada; and such discharge may be either absolute or upon probation, subject to such conditions as are imposed under the authority of the said regulations. 43 V., c. 39, s. 10;—43 V., c. 40, s. 7. Regulations as to discharge.

48. The judge of any county court or any police magistrate may, upon satisfactory proof that any boy or girl who was sentenced under the provisions of any Act of the Parliament of Canada, and who has been discharged on probation, has violated the conditions of his or her discharge, order such boy or girl to be recommitted to such reformatory or refuge, and thereupon such boy or girl shall be detained therein under his or her original sentence, as if such boy or girl had never been discharged. 43 V., c. 39, s. 11, and c. 40, s. 8. Re-commitment for violation of conditions of discharge.

PART III.

QUEBEC.

Reformatory Schools for Boys.

49. The provisions of sections fifty to sixty, both inclusive, being Part three of this Act, apply only to the Province of Quebec. 32-33 V., c. 34, s. 10, *part*. Provisions applicable to Quebec.

50. Every person apparently under the age of sixteen years, who is convicted before any court of criminal jurisdiction or before any judge of the Sessions of the Peace, recorder, district or police magistrate, of any offence for which he would be liable to imprisonment, may be sentenced, on such conviction, to be detained in a certified reformatory school for any term not less than two years nor more than five years, or he may be sentenced to be first imprisoned in the common gaol for a term not in any case exceeding three months, and at the expiration of his sentence, to be sent to a certified reformatory school, and to be there detained for a term of not less than two years and not more than five years. 32-33 V., c. 34, s. 2. Offenders under 16 years may be sent to Reformatory Schools.

51. The Lieutenant Governor may, at any time, in his discretion, order that any offender detained in such reformatory school, under a summary conviction, be discharged. 32-33 V., c. 34, s. 3. Power to discharge.

Removal of
incorrigibles.

52. The Lieutenant Governor may, at any time, on the report of one of the inspectors of prisons for the Province of Quebec, order any offender undergoing sentence in any certified reformatory school, on a conviction for felony, to be removed as incorrigible; and in any such case, the offender shall be imprisoned in the penitentiary for the remainder of the term of his sentence. 32-33 V., c. 34, s. 4.

Detention of
offenders
under 16
years pre-
vious to trial.

53. A person apparently under the age of sixteen years, arrested on a charge of having committed any offence not capital, shall not, while awaiting trial for such offence, be detained in any common gaol, if there is a certified reformatory school within three miles of such gaol, but shall be detained in such reformatory school while awaiting trial; and if there is more than one such school within such distance, the person so charged shall be detained in that one of them which is conducted nearest in accordance with the religious belief to which his parents belong, or in which he has been educated. 32-33 V., c. 34, s. 5.

Punishment
of persons
breaking the
rules of
reformatory
schools.

54. Every offender detained in a certified reformatory school, who wilfully neglects or refuses to conform to the rules thereof, shall, on summary conviction before a justice of the peace having jurisdiction in the place or district in which the school is situate, be imprisoned with hard labor, for any term not exceeding three months; and at the expiration of the term of his imprisonment, he shall, by and at the expense of the managers of the school, be brought back to the school from which he was taken, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to the prison. 32-33 V., c. 34, s. 6.

Reformatory Prisons for Females.

When Refor-
matory Pri-
sons are
established
certain female
convicts may
be sentenced
to be detained
therein.

55. Whenever the Lieutenant Governor of the Province of Quebec has declared, by proclamation published in the *Official Gazette* of that Province, that suitable arrangements have been made in any district in that Province, for the detention and proper government and discipline of female convicts in any separate building or separate portion of the common gaol in such district, as a reformatory prison for such convicts, and that such separate building or portion of a common gaol shall be a reformatory prison for the purposes hereof,—then if any female person is convicted in the said Province of any felony, not capital, and for which she would, without this Act, otherwise be punishable by imprisonment for any term not less than two years, but not exceeding seven years, such female convict shall be punishable by imprisonment in the female reformatory prison for any term less than seven, but not less than five years, and she may be sentenced to such imprisonment accordingly,

although otherwise she would not be liable to imprisonment in the penitentiary for so long a term as that for which she may be so sentenced to imprisonment in the female reformatory prison. 34 V., c. 30, s. 1.

56. If, after such proclamation, any female is convicted of any felony or misdemeanor otherwise punishable by imprisonment, but not for any term so long as two years, or of any offence under the eighth section of the "*Act respecting Offences against Public Morals and Public Convenience*," then, unless it is proved that she has been previously convicted and imprisoned twice or oftener, each of such convictions being for some such felony, misdemeanor or offence, as aforesaid, such convict shall be asked, by the judge, recorder, judge of the Sessions of the Peace, commissioner of police, district, police or stipendiary magistrate, mayor, warden or the two justices of the peace, or other functionary before whom the conviction is had, whether she consents, instead of the imprisonment to which she is otherwise liable, to be sentenced to imprisonment for a term of five years, in the female reformatory prison; and if she refuses to give such consent, sentence shall be passed upon her as if this Act had not been passed, but if she gives such consent, or it is proved that she has been twice convicted as aforesaid, the fact shall be duly recorded or entered on the proceedings in the case, and she shall be sentenced accordingly to imprisonment in the female reformatory prison for a term of five years. 34 V., c. 30, s. 2.

And certain others after two convictions or with their own consent.

57. If, at the time of the passing of any such sentence, there is more than one female reformatory prison in such Province, the imprisonment under such sentence shall be in that one of such reformatory prisons which is in the same district as the place at which the sentence is passed, or if there is no reformatory prison in such district, then in the reformatory prison nearest to such place; but if there is not more than one such reformatory prison in the Province, then such imprisonment shall be in it; and in any case the sheriff of the district in which the sentence is passed, or any person thereunto by him deputed, shall have the like powers for conveying the convict to the reformatory prison in which she is to be imprisoned, as any sheriff has to convey any convict to the penitentiary. 34 V., c. 30, s. 3, *part*.

In what prison such sentence shall be carried out.

Power to convey prisoner to it.

58. Each such female reformatory prison as aforesaid, shall be a house of correction and a public reformatory prison, within the meaning of the sixth sub-section of the ninety-second section of "*The British North America Act, 1867*," and subject to such laws as the Legislature of such Province makes with respect to the establishment, maintenance and management thereof. 34 V., c. 30, s. 4.

Every such prison to be a house of correction, &c.

Employment of Prisoners.

Convicts in
common gaols
may be em-
ployed out-
side the same.

Powers for
preventing
escapes, &c.

Sentence to
include such
employment.

59. Every sheriff or gaoler in the Province of Quebec, being thereunto authorized by the Lieutenant Governor, or in such manner as any Act of the Legislature of the Province provides, and under such regulations as the said Legislature makes or authorizes to be made in that behalf, may employ any male convict sentenced to hard labor in such prison, at hard labor outside the walls or precincts of such prison, and may exercise the same powers of restraint and discipline, and for preventing escape, while such convict is so outside of the walls or precincts, as if he was inside the same, and whether his labor is so employed directly by the Government of the said Province or by any contractor to whom such labor is let or hired out by the said Government, or by any competent authority; and the sentence of any such male convict, whether pronounced before or after the passing of this Act, shall be understood to include such employment as aforesaid,—and any time during which a convict is so employed, shall be reckoned as part of the term for which he was sentenced to be confined in such prison 34 V., c. 30, s. 5.

Common Gaols.

Gaols to be
houses of
correction.

60. Every common gaol in such Province shall be a house of correction, reformatory prison and place of detention. 34 V., c. 30, s. 6.

PART IV.

NOVA SCOTIA.

The Halifax Industrial School.

Certain offen-
ders may be
sentenced to
Halifax In-
dustrial
School.

61. Whenever any boy, who is a Protestant and a minor, apparently under the age of sixteen years, is convicted before the police court in the city of Halifax, or before the stipendiary magistrate for the city of Halifax, of any offence for which, by law, he is liable to imprisonment, the police court or stipendiary magistrate may sentence such boy to be detained in the Halifax Industrial School for any term not exceeding five years, and not less than two years, as to the said police court or stipendiary magistrate appears proper. 33 V., c. 32, s. 1.

As to support
of such boys.

62. No such sentence shall be pronounced unless, nor until, provision has been made by the city of Halifax, out of its funds, for the support of boys so sentenced, at the rate of not less than forty dollars per annum for each boy. 33 V., c. 32, s. 2.

63. The said industrial school shall, at all times, be open to inspection by the mayor and aldermen of the city of Halifax, and the stipendiary magistrate for the city of Halifax, or any of them. 33 V., c. 32, s. 3.

School to be open to inspection.

64. The committee of the said industrial school shall be bound to teach and instruct each boy so sentenced and detained as aforesaid, in reading and writing, and in arithmetic as far as the rule of three, and also to teach each such boy such one of the trades or occupations which is, from time to time, taught in the said school, as the committee deems most adapted to his capabilities. 33 V., c. 32, s. 4.

Boys to be educated and taught trades.

Halifax Reformatory School for Boys of the Roman Catholic Faith.

65. As soon as a proclamation has been issued by the Lieutenant Governor of Nova Scotia, declaring that a reformatory, orphanage, industrial school or home for boys of the Roman Catholic faith has been established in the county of Halifax, and made ready for the confinement of prisoners, any boy, who is a Roman Catholic and apparently under the age of sixteen years, who is convicted before the police court of the city of Halifax, or before the stipendiary magistrate for such city, of any offence for which by law he is liable to imprisonment, with or without hard labor, may be sentenced by such police court or stipendiary magistrate to be detained in such home, whether situate in such city or elsewhere in such county, for any term not exceeding five years, as to such police court or stipendiary magistrate appears proper. 47 V., c. 45, s. 1.

Certain offenders may be sentenced to Halifax Roman Catholic Reformatory.

66. The governing body or head of such home may, at any time, notify the mayor of the city of Halifax that no prisoners, beyond those already under sentence in such home, will be received therein; and after the receipt of such notice by such mayor, no such sentence shall be pronounced until notice has been received by the mayor from such governing body or head that prisoners will again be received in such home. 47 V., c. 45, s. 2.

Number of such prisoners may be limited by the governing body.

67. Such home shall, at all times, be open to inspection by any officer appointed by the Governor in Council to inspect the same, and, when and so long as any pecuniary aid is received from the city of Halifax, shall be open to inspection by the mayor, aldermen and stipendiary magistrate of such city, or any of them. 47 V., c. 45, s. 3.

Reformatory to be open to inspection.

68. The governing body of such home shall be bound to teach and instruct each boy so sentenced and detained as aforesaid in reading and writing, and in arithmetic to the end of simple proportion, and also to teach each such boy

Boys to be educated and taught trades.

such one of the trades or occupations which are, from time to time, taught in such home, as such governing body deems most adapted to his capabilities. 47 V., c. 45, s. 4.

Removal of incorrigibles.

- **69.** If any offender detained in such home becomes incorrigible, he may, on a certificate from the officer in charge of such home, be removed to a penitentiary, as provided in "*The Penitentiary Act.*" 47 V., c. 45, s. 5.

Ticket of leave may be granted by Minister of Justice.

70. If any boy so sentenced and detained in such Home has, in the opinion of the governing body of such Home, so conducted himself during a term of six consecutive months as by his good behaviour, diligence and industry, to warrant his being set at large and no longer detained in the Home, and if the police court or stipendiary magistrate of the city of Halifax concurs with the said governing body in recommending the issue of a license to such boy to be at large, then the Minister of Justice, or such person as he appoints to issue such licenses, may issue a license to such boy to be at large in the Province of Nova Scotia, or in such part thereof as is specified in such license :

And may be revoked or altered.

2. Such license may be revoked or altered at pleasure by the Minister of Justice, or by such person as he appoints as aforesaid :

Minister to make regulations.

3. The Minister of Justice may make such regulations as he sees fit as to the form of such licenses, the conditions of enjoyment and forfeiture thereof, and for ascertaining that such conditions are duly complied with :

Contravention of conditions of ticket of leave how dealt with.

4. Upon information on oath that the holder of any such license has contravened any of the conditions thereof, the police court or stipendiary magistrate of the city of Halifax may issue a warrant for his arrest, wherever in the Dominion of Canada he may be, and cause him to be brought before such court or magistrate, and upon conviction of such contravention, shall remand him to such Home, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to such court or magistrate seems proper. 49 V., c. 54, s. 1.

Jurisdiction of police court, &c., extended.

71. The jurisdiction of the police court and of the stipendiary magistrate of Halifax, and of the policemen and other officers of such court or magistrate, shall, for the purposes hereof, extend to every boy so convicted and sentenced as aforesaid, although he is in any place in the county of Halifax beyond the limits of the city of Halifax. 47 V., c. 45, s. 7.

PART V.

PRINCE EDWARD ISLAND.

Reformatory Prison.

72. As soon as a proclamation has been issued by the Lieutenant Governor of the Province of Prince Edward Island, declaring that a reformatory for juvenile offenders has been established and made ready for the confinement of prisoners, any person, apparently under the age of sixteen, who is convicted in that Province, before the Supreme Court or stipendiary magistrate, of any offence for which, by law, he is liable to imprisonment, may, by the said court or stipendiary magistrate, be sentenced to be detained in the said reformatory for any term not exceeding five years and not less than two years, as to the said court or magistrate appears proper. 43 V., c. 41, s. 1.

Certain offenders may be sentenced to P. E. I. Reformatory.

73. Any person, apparently under the age of sixteen years, thereafter arrested on a charge of having committed any offence within the said Province, not capital, shall not, while awaiting trial for such offence, be detained in any common gaol, but shall be detained in such reformatory. 43 V., c. 41, s. 2.

Offenders awaiting trial.

74. If any offender, detained in such reformatory, wilfully neglects to conform to the rules thereof, he may, upon summary conviction, be imprisoned in the common gaol, with hard labor, for any term not exceeding three months; and at the expiration of his term of imprisonment, he shall be brought back to the reformatory, there to be detained during a term equal to so much of his term of imprisonment as remained unexpired at the time of his being sent to the prison. 43 V., c. 41, s. 3.

Punishment of offenders violating rules.

Removal of Prisoners to the Gaol of Queen's County.

75. The Supreme Court of Judicature of the Province of Prince Edward Island, or any judge thereof, may, on the application of the Attorney General or other Crown officer of such Province, whenever any prisoner is sentenced to any term of imprisonment, with hard labor, in either of the counties of Prince County or King's County, make an order or give directions for the transfer and removal of such prisoner from the gaol of the county in which the conviction of such prisoner takes place, to the gaol of the county of Queen's County, and such order may be made or directions given at the time of passing sentence. 17 V. (P.E.I.), c. 13, s. 1, *part.*

Removal of prisoners to gaol of Queen's County may be ordered

76. Whenever such order is made or directions given, the sheriff of the county in which the conviction takes place

Sheriff to carry out such order.

shall cause such prisoner to be removed with all convenient despatch to the gaol of the county of Queen's County, pursuant to such order or direction. 17 V. (P.E.I.), c. 13, s. 1, *part.*

To what
authority
such prisoners
shall be sub-
ject.

77. Upon such removal, such prisoner shall be subject to the same authority and jurisdiction as if he had been convicted in the county of Queen's County. 17 V. (P.E.I.), c. 13, s. 1, *part.*

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CHAPTER 184.

An Act respecting the Police of Canada.

A. D. 1886.

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

1. The Governor in Council may, from time to time, appoint, by commission under the Great Seal, one or more fit and proper persons to be a commissioner or commissioners of police within Canada, or within one or more of the Provinces, Territories or Districts of Canada, or within any one or more of the districts or counties in any Province, Territory or District, or within any temporary judicial district, or any provisional judicial district in Ontario. 42 V., c. 37, s. 1.

Governor may appoint commissioners of police.

2. The Governor in Council may, from time to time, direct and authorize any commissioner of police, under this Act to appoint any fit and proper persons to serve as police constables under and within the jurisdiction of such commissioner of police, and such commissioner may, at his pleasure, remove any such police constable; and every such police constable shall obey all lawful directions and be subject to the government of such commissioner of police, and shall be charged with all the powers, rights and responsibilities which belong, by law, to constables duly appointed in the Province, District or county of the Province or Territory for which they are appointed, but for the purpose of carrying out the criminal laws and other laws of Canada only. 31 V., c. 73, s. 2.

Appointment of police constables.

Their duties and powers.

3. Every such commissioner of police shall, for the purpose of carrying out the criminal laws and other laws of Canada only, have and exercise, within the limits of his jurisdiction, all the powers and authority, rights and privileges, by law appertaining to justices of the peace generally,—and shall, within the limits of his jurisdiction within any Province have and exercise, for the purpose aforesaid, all the powers and authority, rights and privileges by law appertaining to police magistrates of cities in the same Province,—and shall, within the limits of his jurisdiction in any of the Territories or Districts of Canada, have and exercise, for the purpose aforesaid, all the powers and authority,

Powers of the commissioners in carrying out the laws of Canada.

rights and privileges by law appertaining to stipendiary magistrates in the same District or Territory, and shall be subject in all respects, except as otherwise provided by this Act, to the regulations of the law of the Province, District or Territory, in which he is acting, respecting police magistrates and the office of justice of the peace ; but it shall not be necessary for any commissioner of police appointed under this Act to possess any property qualification, or to be actually resident within the Province, District or Territory for which, or part of which, he is appointed. 42 V., c. 37, s. 2.

No property qualification, &c., required.

Duties of commissioners.

4. Every such commissioner of police shall keep minutes of every proceeding had by and before him, and shall keep such accounts, make such returns and collect such information within his jurisdiction, and perform such other duties as the Governor in Council, from time to time, prescribes and requires. 31 V., c. 73, s. 5.

Regulations, pay and annual account to parliament.

5. Every such commissioner of police and every such police constable, shall be subject to such regulations in respect to the order, management and disposition of the police, and shall receive such rates of pay or allowance as are, from time to time, prescribed by the Governor in Council ; and an account shall be laid before Parliament, within the first fourteen days after the meeting of each session, of the average number of men employed during each month of the year, and of their pay and travelling expenses. 31 V., c. 73, s. 6.

Penalty for misconduct by police constables.

6. Every such police constable, who is guilty of any disobedience of orders, neglect of duty, or any misconduct as such police constable, shall, on summary conviction before any commissioner of police, police magistrate or justice of the peace, be liable to a penalty not exceeding forty dollars and costs, and in default of immediate payment thereof, to imprisonment for any term not exceeding three months, unless such penalty and costs are sooner paid ; and any such person may be proceeded against by indictment for any offence committed by him as such constable, but not both by indictment and under this Act for the same offence. 31 V., c. 73, s. 3.

Application of penalties.

7. All moneys arising from penalties, forfeitures and fines imposed by any commissioner of police, if not directed by law to be otherwise appropriated, shall be, from time to time, paid to such commissioner of police, who shall account for the same and pay over or disburse the moneys arising therefrom at such times and in such manner and to such persons as the Governor in Council, from time to time, directs. 31 V., c. 73, s. 7.



CHAPTER 185.

An Act respecting actions against persons administering the Criminal Law. A. D. 1886.

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

1. Every action and prosecution against any person, for anything purporting to be done in pursuance of any Act of the Parliament of Canada relating to criminal law, shall, unless otherwise provided, be laid and tried in the district, county or other judicial division, where the act was committed, and not elsewhere, and shall not be commenced except within six months next after the act committed. 31 V., c. 15, s. 7, *part*;—32-33 V., c. 29, s. 130. Limitation of actions and prosecutions.

2. Notice in writing of such action and of the cause thereof, shall be given to the defendant, one month at least before the commencement of the action. 32-33 V., c. 29, s. 131. Notice to defendant.

3. In any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial had thereupon. 31 V., c. 15, s. 7, *part*;—32-33 V., c. 29, s. 132. General issue.

4. No plaintiff shall recover in any such action, if tender of sufficient amends is made, before such action brought, or if a sufficient sum of money is paid into court by or on behalf of the defendant, after such action brought. 32-33 V., c. 29, s. 133. In case of tender of sufficient amends.

5. If such action is commenced after the time hereby limited for bringing the same, or is brought or the venue laid in any other place than as aforesaid, a verdict shall be found or judgment shall be given for the defendant; or if the plaintiff becomes non-suit, or discontinues any such action after issue joined, or if upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and shall have the like remedy for the same as any defendant has by law in other cases; and although a verdict or judgment is given for the plaintiff in any such action, such Verdict or judgment for defendant in certain cases, and recovery of costs.

plaintiff shall not have costs against the defendant, unless the judge, before whom the trial is had, certifies his approval of the action. 31 V., c. 15, s. 7, *part*;—32-33 V., c. 29, s. 134.

Protection of
justices of the
peace, &c.

6. Nothing herein shall prevent the effect of any Act in force in any Province of Canada, for the protection of justices of the peace or other officers from vexatious actions for things purporting to be done in the performance of their duty. 32-33 V., c. 29, s. 135.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.

SCHEDULE A.

ACTS AND PARTS OF ACTS REPEALED, from the date of the coming into force of the Revised Statutes of Canada, so far as the said Acts and parts of Acts relate to matters within the legislative authority of the Parliament of Canada.

Chap.	Title of Act.	Extent of Repeal.
CONSOLIDATED STATUTES OF CANADA.		
1.....	An Act respecting the Legislative Council.....	The whole.
2.....	An Act respecting the Representation of the People in the Legislative Assembly.....	do
3.....	An Act containing special provisions respecting both Houses of the Provincial Parliament.....	do
5.....	An Act respecting the Provincial Statutes.....	Sub-sec. 13 of sec. 6 from the word "made" in line 8 to the end of the sub-section.
6	An Act respecting Elections of Members of the Legislature.....	The whole.
7.....	An Act respecting Controverted Parliamentary Elections.....	do
8.....	An Act respecting the Naturalization of Aliens.....	do
10....	An Act respecting the Governor, Civil List, and Salaries of certain Public Officers.....	The whole, except sec. 6.
12....	An Act respecting the Commissions of Public Officers, and the Oaths of Office and Security to be taken and given by them.....	The whole.
13....	An Act respecting Inquiries concerning Public Matters, and Official Notices.....	do
14....	An Act respecting the Public Moneys, Debt and Accounts.....	do
16....	An Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants.....	do
18....	An Act respecting Reciprocity with the United States, as to Customs Duties.....	do
21....	An Act respecting the Duty on Bank-Notes.....	do
23....	An Act respecting the sale and management of Timber on Public Lands.....	Section 9, from the word "seized" in line four to the end of the section, sub-sec. 1 of sec. 10, and sec. 13.
24....	An Act respecting the Ordnance and Admiralty Lauds transferred to the Province.....	The whole.
28....	An Act respecting the Public Works.....	do
29....	An Act respecting Riots near Public Works.....	do
32....	An Act respecting the Bureau of Agriculture and Agricultural Societies.....	do
33....	An Act respecting the Board of Registration and Statistics, and the Census and Statistical information.....	Section 37, so far as it constitutes a misdemeanor.
34....	An Act respecting Patents for Inventions.....	The whole.
36....	An Act respecting Lands and Real Property, held or required by the Imperial Government for the Military defence of this Province.....	do
37....	An Act respecting Lands and Real Property held by the Imperial Authorities for the Naval Defence of the Province.....	do
46....	An Act respecting the Culling and Measuring of Lumber.....	do
54....	An Act respecting Incorporated Banks.....	do
57....	An Act respecting Promissory Notes and Bills of Exchange.....	Sections 1 to 5, inclusive.
58....	An Act respecting Interest.....	The whole.
59....	An Act respecting the protection of Persons who receive Assignments and enter into Contracts in relation to Goods intrusted to Agents.....	Sections 15, 16, 17 and 19.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
CONSOLIDATED STATUTES OF CANADA—Continued.		
61.....	An Act respecting Pawnbrokers and Pawnbroking.....	Sections 6, and 10 to 14, inclusive, and 24 to 27, inclusive.
64.....	An Act respecting Mining Companies.....	The whole.
67.....	An Act respecting Electric Telegraph Companies.....	The whole, except sec. 20.
68.....	An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.....	Section 67.
71.....	An Act respecting Charitable, Philanthropic and Provident Associations.....	The whole.
77.....	An Act respecting Land Surveyors and the Survey of Lands.....	Sections 104 and 107.
80.....	An Act respecting the admission of evidence of foreign judgments, and certain official and other documents.....	Section 7.
82.....	An Act respecting the calling and orderly holding of Public Meetings.....	Sections 15 to 21 inclusive.
87.....	An Act to exempt Firemen from certain Local Duties and Services.....	So much of sections 1 and 4 as relates to exemption from militia duty.
95.....	An Act respecting Lotteries.....	The whole.
99.....	An Act respecting the Procedure in Criminal cases.....	Sections 97, 120 and 121.
100.....	An Act respecting the qualification of Justices of the Peace.....	Section 14.
101.....	An Act respecting the appointment of Magistrates for the more remote parts of this Province.....	The whole.
104.....	An Act respecting the appointment of Special Constables.....	Section 13.
107.....	An Act respecting Prisons for Young Offenders.....	The whole.
109.....	An Act respecting the confinement of Lunatics whose being at large may be dangerous to the public.....	Sections 1 to 6, inclusive.
CONSOLIDATED STATUTES FOR UPPER CANADA.		
2.....	An Act respecting the interpretation of certain words and terms therein mentioned.....	The last 6 lines of sec. 15.
6.....	An Act respecting the maintenance of persons disabled, and the Widows and Children of persons killed in the Military Service of the Crown.....	The whole.
8.....	An Act respecting Light Houses.....	do
10.....	An Act respecting the Superior Courts of Civil and Criminal jurisdiction.....	Sections 11 to 14, inclusive, and 17.
12.....	An Act respecting the Court of Chancery.....	Sections 5, 6 and 7.
15.....	An Act respecting County Courts.....	Sections 3, 10, 11 and 12.
16.....	An Act respecting the Surrogate Cotfrts.....	Section 15 from the word "any" in line 10 to the end of the section, and section 16.
17.....	An Act relating to the Court of General Quarter Sessions of the Peace.....	Section 8.
19.....	An Act respecting the Division Courts.....	Sections 105, 181 and 184.
24.....	An Act respecting Arrest and Imprisonment for Debt.....	Section 6.
26.....	An Act respecting relief of Insolvent Debtors.....	Sections 14, 19 and 20.
31.....	An Act respecting Jurors and Juries.....	Sections 101, 129, 139 and 166.
32.....	An Act respecting Witnesses and Evidence.....	Sections 8 and 18.
39.....	An Act respecting the appointment of Commissioners to take Affidavits and Bail.....	Section 2 from the word "and" in line 5 to the end of the section.
42.....	An Act respecting Bills of Exchange and Promissory Notes.....	Sections 1 to 13 and 15 to 22, inclusive.
43.....	An Act respecting Interest.....	Section 4.
49.....	An Act respecting Joint Stock Companies for the construction of Roads and other Works in Upper Canada.....	Section 103.
54.....	An Act respecting the Municipal Institutions of Upper Canada.....	The whole.
64.....	An Act respecting Common Schools in Upper Canada.....	Section 18.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
CONSOLIDATED STATUTES FOR UPPER CANADA—Concluded.		
67.....	An Act respecting Companies for the establishment of Cemeteries in Upper Canada.....	Section 29 from the word "shall" to the word "and" in line 12.
93.....	An Act respecting the Survey of Lands in Upper Canada.....	Sections 4 and 52.
94.....	An Act respecting the Criminal Law of Upper Canada.....	The whole.
95.....	An Act respecting the apprehension of Criminals, escaping from any of Her Majesty's Provinces and Governments in North America, into Upper Canada.....	do
98.....	An Act to protect the Inhabitants of Upper Canada against lawless aggressions from Subjects of Foreign Countries at peace with Her Majesty.....	do
99.....	An Act to prevent the unlawful training of persons in Military evolutions, and the use of Fire Arms; and to authorize the seizure of Fire Arms collected for purposes dangerous to the public peace.....	Section 3.
101.....	An Act respecting Forgery and Perjury in certain cases.....	Section 2.
102.....	An Act respecting the punishment of Persons illegally solemnizing Marriage in Upper Canada.....	The whole.
103.....	An Act respecting Slander and Libel.....	do
107.....	An Act respecting proceedings to Outlawry in Criminal Cases.....	do
108.....	An Act respecting Prosecutions in cases of Misdemeanor.....	do
109.....	An Act to facilitate the despatch of business before Grand Juries.....	do
112.....	An Act respecting the reservation of Points of Law in Criminal Cases.....	do
113.....	An Act respecting new Trials and Appeals and Writs of Error in Criminal Cases in Upper Canada.....	Sections 16 and 17.
114.....	An Act respecting Appeals in cases of Summary Conviction.....	The whole.
117.....	An Act respecting Estreats.....	do
118.....	An Act respecting the appropriation of Fines in certain cases.....	do
119.....	An Act respecting the Fees of Counsel and other Ministers of Justice.....	Section 4.
124.....	An Act respecting the return of Convictions and Fines by Justices of the Peace and of Fines levied by Sheriffs.....	Section 7.
128.....	An Act respecting the administration of Justice in the unorganized tracts.....	Sections 17, 29, 100, 101, 104 and 105; section 8 from the word "and" in line 10 to the end of the section; section 9 from the word "but" in line 7 to the end of the section; and section 103 from the word "and" where it first occurs in line 8 to the end of the section.
CONSOLIDATED STATUTES FOR LOWER CANADA.		
9.....	An Act respecting certain Ferries over the River St. Lawrence.....	The whole.
11.....	An Act respecting Newspapers, and other like Publications.....	Section 8.
20.....	An Act respecting Registers of Marriages, Baptisms and Burials.....	The proviso to section 13 and section 14.
24.....	An Act respecting Municipalities and Roads in Lower Canada.....	The whole.
37.....	An Act respecting the Registration of Titles to or Charges upon Real Estate,—the Law of Hypothecs,—the Dower and Property of Married Women,—and the Conveyance of Soccage Lands.....	Sections 112, 113 and 114.
46.....	An Act respecting fraudulent seizures of township lands.....	The whole.
58.....	An Act respecting Voyageurs.....	Section 4.
60.....	An Act respecting the discharging of the Cargoes of Vessels.....	The whole.
61.....	An Act respecting the Inspection of Butter.....	do
63.....	An Act respecting the Measurement of Coals and the Weight of Hay and Straw.....	do
64.....	An Act respecting Bills of Exchange and Promissory Notes.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
CONSOLIDATED STATUTES FOR LOWER CANADA—Conclu'd.		
68.....	An Act respecting Mutual Insurance Companies.....	Section 17 from the word "and" in line 12 to the end of the section.
70.....	An Act respecting Joint Stock Companies for the Construction of Roads and certain other Works.....	The whole.
75.....	An Act respecting the division of Lower Canada into Counties,—and the boundaries of certain Cities and Towns for the purpose of Representation in the Legislature.....	Section 1.
77.....	An Act respecting the Court of Queen's Bench.....	Sections 56 to 62, inclusive, and section 64.
78.....	An Act respecting the Superior Court.....	Sections 7 and 10.
80.....	An Act respecting the Court of Queen's Bench, and the Superior and Circuit Courts in the District of Gaspé.....	Section 6.
81.....	An Act respecting the Independence of the Judges of the Court of Queen's Bench and Superior Court, and their Recusation in certain cases.....	Sections 1 and 2.
82.....	An Act respecting certain matters relating to the Administration of Justice generally,—and certain special actions and matters of Procedure.....	Sub-section 3 of section 1.
92...	An Act respecting the Offices of Sheriff and Coroner.....	Section 17.
96...	An Act respecting Courts of Oyer and Terminer.....	Sections 2, 3 and 4.
97....	An Act respecting the Courts of General or Quarter Sessions of the Peace, Justices of the Peace, and Special Sessions of the Peace.....	Sections 14 and 16.
98.....	An Act respecting Appeals from the decisions of Justices of the Peace in Summary Convictions.....	The whole.
99....	An Act respecting the Registers to be kept by Justices of the Peace..	Sections 4, 5 and 6.
102.....	An Act respecting the Police in Quebec and Montreal, and certain regulations of Police in other Towns and Villages.....	Sections 7 and 8 and 10 to 19, inclusive, and sections 22 and 23.
103.....	An Act respecting officers of Militia as Peace Officers and inquests to be held by them in certain cases.....	The whole.
105.....	An Act respecting certain matters connected with the Administration of Justice in Criminal matters.....	do
106.....	An Act respecting proceedings on Recognizances.....	do
109.....	An Act respecting Houses of Correction, Court Houses and Gaols....	Section 3.
110.....	An Act respecting Court Houses and Gaols in the New Districts.....	Section 13.
111.....	An Act respecting Annual Statistical Returns of Judicial Matters....	Sub-section 6 of section 1, and section 6.
STATUTES OF THE LATE PROVINCE OF CANADA.		
<i>23 Victoria (1860).</i>		
1.....	An Act to amend the Act respecting the Representation of the People in the Legislative Assembly.....	The whole.
2.....	An Act respecting the sale and management of the Public Lands....	Section 33.
3.....	An Act to provide for the election of the Speaker of the Legislative Council.....	The whole
4.....	An Act relating to the Sinking Fund for the redemption of the Imperial Guaranteed Loan.....	do
5.....	An Act to grant additional aid to the Canadian Line of Steamers, and for the extension of the Line of Telegraph to Belle-Isle....	do
14.....	An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes.....	do
15.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1860, and for certain other expenses connected with the Public Service, and also for raising a Loan on the credit of the Consolidated Revenue Fund.....	do
22.....	An Act respecting certain Ordnance Land Reserves in Upper Canada.....	Section 1.
34.....	An Act to amend chapter fifty-eight of the Consolidated Statutes of Canada, as regards the investment of money by Insurance Companies.....	The whole.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
STATUTES OF THE LATE PROVINCE OF CANADA—Continued.		
23 Victoria (1860)—Concluded.		
36.....	An Act to amend chapter ninety-five of the Consolidated Statutes of Canada, intituled "An Act respecting Lotteries.".....	The whole.
39.....	An Act to amend "An Act respecting the Territorial Division of Upper Canada.".....	do
40.....	An Act to amend the Act respecting the representation of the People in the Legislative Assembly, and the Act respecting the Territorial Division of Upper Canada.....	do
41.....	An Act respecting the ninety-sixth chapter of the Consolidated Statutes for Upper Canada, respecting the apprehension of fugitive offenders in Foreign Countries.....	do
49.....	An Act to amend the Upper Canada Common School Act.....	Sections 1, 3 and 8.
151.....	An Act respecting the management of Indian Lands and Property..	The whole.
24 Victoria (1861).		
1.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1861, and for certain other expenses connected with the Public Service, and also for raising a Loan on the credit of the Consolidated Revenue Fund.	The whole.
4.....	An Act to amend the twenty-eighth chapter of the Consolidated Statutes of Canada, intituled "An Act respecting the Public Works," in so far as respects the powers of Official Arbitrators.	do
5.....	An Act to continue for a limited time the several Acts therein mentioned, and for other purposes.....	do
8.....	An Act to amend and extend the law in respect to persons injured in this Province and dying abroad	do
9.....	An Act to abolish the mode of procedure in criminal cases called Recording Sentence of death	do
23.....	An Act to amend chapter fifty-four of the Consolidated Statutes of Canada, intituled "An Act respecting Incorporated Banks.".....	Sections 1 and 3.
26.....	An Act to amend and consolidate the laws respecting the Recorder's Court of the City of Quebec	Sub-section 3 of section 14.
44.....	An Act respecting Forfeited Estates in Upper Canada.....	The whole.
45.....	An Act to remove all doubts as to the validity of certain certificates issued by Judges of the County Courts to Insolvents under the Act of 1856.....	do
46.....	An Act to amend chapter 72 of the Consolidated Statutes for Upper Canada, intituled: "An Act respecting Marriages in Upper Canada".....	do
25 Victoria (1862).		
2.....	An Act to extend the provisions of an Act respecting lands and real property held or required by the Imperial Government for the Military defence of this Province, to the construction of Lines of Telegraph connected with such defence	The whole.
3.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government and other purposes, for the year 1862, and for making good certain sums expended for the Public Service in the year 1861	do
9.....	An Act to continue for a limited time the several Acts therein mentioned, and for other purposes.....	do
18.....	An Act respecting the Court of Error and Appeal in Upper Canada	Section 3.
23.....	An Act to amend the Act respecting the Municipal Institutions of Upper Canada, as to the issue of Shop and Tavern Licenses in Cities.....	Section 7.
50.....	An Act to annex the Township of Aston and part of the Township of Wendover to the County of Nicolet.....	Section 1.

Acts and parts of Acts repealed.

SCHEDULE A—Continued.

Ghap.	Title of Act.	Extent of Repeal.
STATUTES OF THE LATE PROVINCE OF CANADA—Continued.		
<i>26 Victoria (1863, 1st Session).</i>		
7....	An Act to amend chapter seventy-five of the Consolidated Statutes for Lower Canada, concerning the division of Lower Canada into Counties.....	Section 1.
41.....	An Act respecting affidavits, declarations and affirmations made out of this Province, for use therein.....	Section 7.
<i>27 Victoria (1863, 2nd Session).</i>		
1.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government and other purposes, for the year 1863, for making good certain sums expended for the Public Service in 1862, and for raising a Loan on the credit of the Consolidated Revenue Fund.....	The whole.
2.....	An Act respecting the Militia.....	do
3.....	An Act respecting the Volunteer Militia Force.....	do
5.....	An Act to revive and continue, for a limited time, the several Acts therein mentioned.....	do
6.....	An Act to amend the Act of 1841, relating to Savings Banks.....	do
8.....	An Act to amend the law respecting the qualification and registration of voters in Lower Canada.....	do
17.....	An Act to enable Municipal Corporations in Upper Canada to invest their surplus Clergy Reserve money for educational purposes in certain securities, and to legalize such investments already made, and for other purposes.....	Section 6.
18.....	An Act relative to Summary Convictions under municipal by-laws in Upper Canada.....	The whole.
<i>27-28 Victoria (1864).</i>		
1.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government, and for certain other purposes connected with the Civil Service, from the end of the year 1863 to the thirtieth day of June, 1865.....	The whole.
4.....	An Act to impose duties on Promissory Notes and Bills of Exchange.....	do
5....	An Act for the collection, by means of Stamps, of fees of office, dues and duties payable to the Crown upon Law Proceedings and Registrations.....	Section 32.
6.....	An Act to amend the law respecting the Public Accounts, and the Board of Audit.....	The whole.
7.....	An Act to authorize the acceptance of certain Incorporated Companies as Sureties for Public Officers.....	do
8.....	An Act to revive and continue for a limited time the provision for the Geological Survey of this Province.....	do
10.....	An Act to amend the Acts respecting the Militia, and the Volunteer Militia Force.....	do
11.....	An Act respecting the Ocean Mail Service.....	do
20.....	An Act to amend the one hundred and first chapter of the Consolidated Statutes of Canada, respecting the appointment of Magistrates in remote parts of the Province.....	do
24.....	An Act to continue, for a limited time, the several Acts therein mentioned.....	do
28.....	An Act to repeal chapter thirty-eight of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the office of Sheriff, and to make further provisions respecting the said office in Upper Canada"	Sections 31 and 52.
30.....	An Act to afford a more expeditious remedy as regards Tenants overholding wrongfully in Upper Canada.....	Section 7.
34.....	An Act to extend the jurisdiction of Police Magistrates in Towns in Upper Canada.....	The whole.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
STATUTES OF THE LATE PROVINCE OF CANADA—Continued.		
27-28 Victoria (1864)—Concluded.		
41.....	An Act respecting Jurors and Juries.....	Sub-sections 8 and 9 of section 7, and section 8.
43.....	An Act to amend the Law in <i>qui tam</i> actions in Lower Canada...	Section 2.
54.....	An Act respecting the representation of the people in the Legislative Assembly as regards the Counties of L'Assomption, Joliette and Montcalm, and for other purposes.....	Section 1.
57.....	An Act to amend the Act twelfth Victoria, chapter one hundred and fourteen, relative to the powers and duties of the Trinity House of Quebec, and for other purposes.....	The whole.
28 Victoria (1865, 1st Session).		
1.....	An Act for the prevention and repression of outrages in violation of the Peace on the Frontier of this Province, and for other purposes.....	do
2.....	An Act to facilitate the conviction and punishment of persons enticing Her Majesty's subjects to enter any Foreign Service, contrary to the provisions of the Foreign Enlistment Act.....	do
3.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1865, and for certain other purposes connected with the Public Service.....	do
4.....	An Act to continue, for a limited time, the several Acts therein mentioned.....	do
5.....	An Act respecting Ocean Mail Service.....	do
9.....	An Act to remove doubts as to the limits of certain Counties in Lower Canada.....	do
10.....	An Act to explain chapter seventy-five of the Consolidated Statutes for Lower Canada and to declare certain Islands to be in the County of Verchères for all purposes.....	do
11.....	An Act to amend the Act twenty-seventh and twenty-eighth Victoria, chapter twenty, respecting the appointment of Magistrates in remote parts of the Province.....	do
15.....	An Act to amend chapter eleven of the Consolidated Statutes for Lower Canada, respecting Newspapers and other like publications.....	Section 1.
20.....	An Act respecting Police Magistrates.....	The whole.
29 Victoria (1865, 2nd Session).		
1.....	An Act to amend the Act intituled "An Act containing special provisions respecting both Houses of the Provincial Parliament".....	The whole.
2.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the financial year ending thirtieth June, 1866, and for other purposes connected with the Public Service.....	do
4.....	An Act to extend the Act to impose Duties on Promissory Notes and Bills of Exchange to all Notes and Bills of whatever amount, and otherwise to amend the said Act.....	do
6.....	An Act further to amend the Act respecting the Militia.....	do
7.....	An Act to extend and amend the Acts respecting Public Works, to and with respect to Works connected with the Defence of the Province.....	do
8.....	An Act for the prevention of contagious diseases at certain Military and Naval Stations in this Province.....	do
16.....	An Act to enable aliens to transmit and take Real Property in this Province by descent.....	do
19.....	An Act granting additional facilities in Commercial transactions.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
<i>STATUTES OF THE LATE PROVINCE OF CANADA—Continued.</i>		
<i>29 Victoria (1865, 2nd Session)—Concluded.</i>		
22.....	An Act to authorize the formation of Companies or Co-operative Associations, for the purpose of carrying on, in common, any trade or business	Section 18, from the word "and" where it occurs secondly in line 7 to the end of the section.
24.....	An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to Lands in Upper Canada	Sections 24, 80 and 81.
25.....	An Act for quieting Titles to Real Estate in Upper Canada.....	Section 49.
28.....	An Act to amend the Law of Property and Trusts in Upper Canada.....	Section 20, except the words from "award" in line 14 to "but" in line 25.
34.....	An Act to regulate the Qualifications of Practitioners in Medicine and Surgery in Upper Canada.....	Sections 30 and 31.
41.....	An Act respecting the Civil Code of Lower Canada.....	The following Articles of the Civil Code of Lower Canada, brought into force on 1st August, 1866, by proclamation, dated 26th May, 1866, under the provisions of this Act:—Articles 22, 25, 26, 609, 1037; Article 1039 from the word "saving" to the end of the Article; Article 1638 from the word "subject" in line 5 to the end of the Article; Article 1656 from the word "and" where it occurs the second time in line 2 to the end of the Article; Articles 1672 to 1675, inclusive, and Article 1677, so far as they relate to carriers by water; Article 1888, the third line of Article 1991, and Article 2463.
55.....	An Act to amend chapter seventy-five of the Consolidated Statutes for Lower Canada, respecting the division of Lower Canada into Counties, in so far as it relates to the Counties of Rimouski and Gaspé	Section 1 from the beginning to the word "representation" in lines 8 and 9.
<i>29-30 Victoria (1866).</i>		
1.....	An Act to authorize the apprehension and detention, until the eighth day of June, 1867, of such persons as shall be suspected of committing acts of hostility or conspiring against Her Majesty's Person and Government.....	The whole.
2.....	An Act to protect the inhabitants of Lower Canada against lawless aggressions from subjects of Foreign Countries at peace with Her Majesty.....	do
3.....	An Act to amend the Act of the present Session, intituled "An Act to protect the inhabitants of Lower Canada against lawless aggressions from subjects of Foreign Countries at peace with Her Majesty"	do
4.....	An Act to amend the ninety-eighth chapter of the Consolidated Statutes for Upper Canada.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
STATUTES OF THE LATE PROVINCE OF CANADA—Concluded.		
29-30 Victoria (1866)—Concluded.		
8.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the financial year ending on the thirtieth of June, 1867, and for other purposes connected with the Public Service.....	The whole.
9.....	An Act for indemnifying the Members of the Executive Government, and others, for the unavoidable departure from the provisions of the Audit Act, occasioned by the necessity of maintaining a large Militia Force on active duty on the Frontier, in the years 1865 and 1866.....	do
10.....	An Act to provide for the issue of Provincial Notes.....	do
12.....	An Act to amend "An Act respecting the Volunteer Militia Force".	do
13.....	An Act to amend chapter six of the Consolidated Statutes of Canada, intituled: "An Act respecting Elections of Members of the Legislature".....	do
14.....	An Act to continue, for a limited time, the several Acts therein mentioned.....	do
19.....	An Act to amend chapter thirty-four of the Consolidated Statutes of Canada relating to Patents of Invention.....	do
21.....	An Act to amend the Act twenty-ninth Victoria, chapter seven, respecting Works connected with the Defence of the Province..	do
37.....	An Act to amend chapter seventy of the Consolidated Statutes for Lower Canada, intituled: "An Act respecting Joint Stock Companies for the construction of roads and certain other works".....	do
40.....	An Act to amend an Act respecting the Superior Courts of Civil and Criminal Jurisdiction in Upper Canada.....	Sec. 1.
41.....	An Act to amend the Law of Crown and Criminal Procedure and Evidence at trial in Upper Canada.....	The whole.
46.....	An Act to amend the Law in respect of View by Jurors in Upper Canada.....	do
47.....	An Act to amend the Law respecting the appointment of Recorders in Upper Canada.....	do
51.....	An Act respecting the Municipal Institutions of Upper Canada.....	The whole, except section 409.
53.....	An Act to amend and consolidate the several Acts respecting the assessment of Property in Upper Canada.....	Sub-section 12 of section 61 from the word "and" where it secondly occurs in line 18 to the end of the sub-section, and sections 178 and 180.
177.....	An Act to postpone for a limited time the issuing of writs for the next election of Members of the Legislative Council.....	The whole.
REVISED STATUTES, NOVA SCOTIA, 3RD SERIES.		
4.....	Of the prevention of corrupt practices at Elections.....	Sub-sec. 5 of sec. 3; sub-sec. 2 of sec. 4 and s. 5.
8.....	Part the second. Of a certain Treaty between Her Majesty and the United States of America.....	The whole of part the second.
10.....	Of the Board of Revenue.....	The whole.
11.....	Of the appointment and duties of Officers of the Customs.....	do
17.....	Of Distilleries.....	do
23.....	Of Sable, Saint Paul and Scatterie Islands, and of Lighthouses.....	Secs. 3, 5 and 6.
27.....	Of Trespasses to Crown property.....	The words "indictment or" in line 6 of sec. 10.
30.....	Of billeting the Troops and Militia.....	The whole.
31.....	Of Public Fortifications.....	do
34.....	Of the privileges and naturalization of Aliens.....	Secs. 1, 2 and 3.
35.....	Of the Census and Statistical information.....	Sec. 7.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES, NOVA SCOTIA, 3RD SERIES—Concluded.		
36.....	Of the Salaries of certain Public Officers and certain Pensions.....	The whole.
37.....	Of the qualifications, appointment and tenure of office of the principal Judicial Officers.....	do
38.....	Of the offices of Receiver-General and Financial Secretary, and the rendering and audit of the Public Accounts.....	Secs. 2, 7, 8 and 10.
39.....	Of Treasury Notes, the Savings Bank and Provincial Loan.....	The whole, except secs. 9 to 12 inclusive.
44.....	Of General and Special Sessions.....	Secs. 5, 6 and 7.
53.....	Of Boards of Health and Infectious Disease.....	The whole.
55.....	Of Nuisances.....	Secs. 14 and 15.
68.....	Of Bridges and Public Landings.....	The whole.
69.....	Of Ferries.....	do
70.....	Of Provincial Government Railroads.....	do
71.....	Of Railroads other than Provincial Government Railroads.....	do
79.....	Of Pilotage, Harbors and Harbor-masters.....	Secs. 17 to 31 inclusive; secs. 33, 35 to 43 inclusive, and Schedule B.
80.....	Of Partnerships.....	Secs. 22 and 24.
81.....	Of Factors and Agents.....	Secs. 11, 12, 13 and 14.
82.....	Of Bills of Exchange and Promissory Notes.....	Sec. 1.
83.....	Of Currency.....	Sec. 3 and secs. 8 to 14 inclusive.
84.....	Of Mills and Millers.....	Sec. 3.
85.....	Of the Regulation and Inspection of Provisions, Lumber, Fuel and other Merchandise.....	Sec. 72.
92.....	Of the Preservation of useful Birds and Animals.....	Secs. 15 to 18 inclusive.
103.....	Of the conveying of Timber and Lumber on Rivers and the removal of obstructions therefrom.....	The whole.
117.....	Of Patents for useful Inventions.....	do
123.....	Of the Supreme Court and its Officers.....	Sec. 17.
125.....	Of an Equity Judge, his office and duties.....	Sec. 1.
129.....	Of Stipendiary or Police Magistrates.....	Secs. 6 to 13 inclusive.
133.....	Of Municipalities.....	Secs. 20, 56 to 58 inclusive; sub-sections 7 and 15 of sec. 66; secs. 88, 94, 100, 102, 104, 109, 121 and 123.
134.....	Of pleadings and practice in the Supreme Court, part 2.....	The proviso to sec. 6.
135.....	Of Witnesses and Evidence and the proof of written Documents.....	Secs. 3, 31, 32 and 33; sec. 44 except as to any proceeding instituted in consequence of adultery; secs. 55 and 57; also secs. 40 to 43 inclusive, 47 to 50 inclusive, and 54, in so far as they relate to criminal matters.
144.....	Of Commissioners without the Province.....	Sec. 1 from "or" in line 10 to "Province" in line 12.
147.....	Of Petty Offences and Trespasses, and Assaults.....	Secs. 17 to 20 inclusive, and 23 to 28 inclusive.
152.....	Of Madmen and Vagrants, and of the custody and estates of Lunatics.....	Secs. 2, 10, 11 and 30.
158.....	Of Illegal Enlistment.....	The whole.
160.....	Of Offences against Public Morals.....	Secs. 3 to 8 inclusive.
161.....	Of Offences against the Law of Marriage.....	Sec. 3.
162.....	Of Offences against the Public Peace.....	Secs. 5 to 9 inclusive.
165.....	Of Combinations of Workmen.....	The whole.
171.....	Of the administration of Criminal Justice in the Supreme Court.....	Secs. 67, 75, 94, 95, 99 to 103 inclusive, and the Schedule.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF NOVA SCOTIA NOT REPEALED BY THE REVISED STATUTES, 3RD SERIES.		
<i>Revised Statutes of Nova Scotia, 2nd Series.</i>		
82.....	Of Interest.....	Sec. 2.
25 Victoria—1862.		
2.....	An Act for the incorporation and winding up of Joint Stock Companies	Sec. 19.
26 Victoria—1863.		
28.....	An Act to regulate the election of Members to serve in the General Assembly.....	Sec. 78 and the remainder as respects Elections for the House of Commons of Canada.
27 Victoria—1864.		
20.....	An Act concerning the Election of representatives to serve in General Assembly.....	Sec. 3.
ACTS OF NOVA SCOTIA SUBSEQUENT TO THE REVISED STATUTES, 3RD SERIES.		
28 Victoria—1865.		
1.....	An Act to amend certain chapters of the Revised Statutes, 3rd Series, and to revive certain Acts.....	Sec. 13.
4.....	An Act to alter and amend chapter 117 of the Revised Statutes: "Of Patents for useful Inventions"	The whole.
5.....	An Act to amend chapter 128 of the Revised Statutes: "Of the jurisdiction of Justices of the Peace in civil cases".....	do
10.....	An Act to amend the Laws affecting Trade and Commerce.....	Sec. 5.
12.....	An Act to amend chapter 70 of the Revised Statutes: "Of Provincial Government Railroads"	The whole.
13.....	An Act to provide for the construction of two other Sections of the Provincial Railways.....	do
14.....	An Act in addition to and to amend chapter 70 of the Revised Statutes (third Series): "Of Railroads"	do
15.....	An Act to amend the Act to provide for the construction of the St. Peter's Canal	do
16.....	An Act in reference to the Militia	do
17.....	An Act to amend the Acts relative to the Elective Franchise.....	do
22.....	An Act to continue and amend chapter 8 of the Revised Statutes: "Of Customs Duties"	do
23.....	An Act to continue chapter 9 of the Revised Statutes: "Of Excise Duties"	do
24.....	An Act to continue chapter 18 of the Revised Statutes: "Of Light-house Duties"	do
25.....	An Act to add an Electoral District in the Western Division of the County of Halifax.....	do
26.....	An Act to add an Electoral District in the Eastern Division of the County of Halifax.....	do
32.....	An Act to confirm and render valid Marriages solemnized in this Province, in certain cases.....	do
34.....	An Act to change the name of a Polling District in the County of Digby.....	do
85.....	An Act to authorize the appointment of a Harbor Master at Sydney, Cape Breton.....	do
29 Victoria—1866.		
3.....	An Act to continue and amend chapter 9 of the Revised Statutes: "Of Excise Duties"	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF NOVA SCOTIA SUBSEQUENT TO THE REVISED STATUTES, 3RD SERIES—Concluded.		
29 Victoria—1866—Concluded.		
4.....	An Act to continue chapter 18 of the Revised Statutes: "Of Lighthouse Duties".....	The whole.
11.....	An Act to amend chapters 123 and 124 of the Revised Statutes: "Of an Equity Judge," and "Of Proceedings in Equity".....	Sec. 15 from "and" in line 8 to the end of the section.
13.....	An Act to amend the Laws relating to Divorce and Matrimonial causes.....	Sec. 12.
17.....	An Act to enforce the taking of the Oath of Allegiance.....	The whole.
18.....	An Act to amend chapter 70 of the Revised Statutes: "Of Provincial Government Railways".....	do
28.....	An Act to amend chapter 120 of the Revised Statutes: "Of the Solemnization of Marriage, and the Registration of Marriages, Births and Deaths".....	Secs. 33 and 37.
29.....	An Act to provide against the introduction of Diseases among Horses and Cattle.....	The whole.
34.....	An Act to amend the Act in reference to the Militia.....	do
49.....	An Act relating to the Sessions of the County of Halifax.....	Secs. 2 and 3.
70.....	An Act to protect the Navigation of Cow Bay, in Cape Breton.....	The whole.
30 Victoria—1867.		
11.....	An Act further to amend chapter 18 of the Revised Statutes: "Of Lighthouse Duties".....	do
14.....	An Act relating to the Refining of Sugar and the Manufacture of Tobacco.....	do
16.....	An Act to amend chapter 25 of the Revised Statutes: "Of Mines and Minerals".....	Secs. 2, 3, 6 and 7.
17.....	An Act to repeal chapter 19 of the Acts of 1859, and to substitute other provisions in lieu thereof.....	The whole.
25.....	An Act to amend the Act in reference to the Militia and the Act in amendment thereof.....	do
100.....	An Act relating to River Philip Harbor, in the County of Cumberland.....	do
REVISED STATUTES OF NEW BRUNSWICK, VOL. I.		
2.....	Of the Grounds and Enclosures around the Province Buildings in Fredericton.....	The whole.
3.....	Of the Land belonging to Government House.....	do
4.....	Of Lands for Military purposes.....	do
5.....	Of the Territorial and Casual Revenue.....	do
12.....	Of Trespasses to Lands and other Property of the Crown.....	do
16.....	Of Sales by Auction.....	Sec. 7.
17.....	Of Pawnbrokers.....	Sec. 4.
20.....	Of the Regulation of Lighthouses.....	Secs. 7, 8, 9, 10 and 16.
23.....	Of Charlotte County Exemptions from Duties.....	The whole.
25.....	Of the Importation of Books and the protection of the British Authors.....	do
30.....	Of certain Salaries.....	Secs. 1, 2 and 3.
37.....	Of old Soldiers of the Revolutionary War.....	The whole.
41.....	Of auditing the Public Accounts.....	do
47.....	Of Penalties and Forfeitures.....	Secs. 1 and 2.
52.....	Of Parish and County Officers.....	Secs. 1 and 8.
53.....	Of Rates and Taxes.....	Sec. 2.
60.....	Of Harbors.....	The whole.
63.....	Of Dams, Sluiceways and Fishways.....	Secs. 5, 6 and 7.
64.....	Of Rules and Regulations.....	Sub-secs. 2, 11, 15 and 16 of sec. 1.
77.....	Of Courts Martial.....	The whole.
98.....	Of Controverted Elections.....	Sec. 15.
99.....	Of the Free Navigation of the Internal Waters.....	The whole.
100.....	Of the Treaty of Washington.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF NEW BRUNSWICK, VOL. I—Concluded.		
116.....	Of Bills, Notes and Choses in Action	Sec. 4.
118.....	Of Letters Patent for Useful Inventions.....	The whole.
120.....	Of Banking.....	Sec. 3.
125.....	Of Absconding, Concealed and Absent Debtors.....	Sec. 23.
133.....	Of Trespasses on Lands, Private Property and Lumber.....	The whole.
138.....	Of Summary Convictions	Sec. 22.
144.....	Of Offences against Religion	Sec. 1.
145.....	Of Offences against Public Morals and Decency.....	Secs. 4 and 5.
146.....	Of Offences against the Law of Marriage.....	Secs. 2 and 3.
147.....	Of Offences against the Public Peace.....	Secs. 6, 7, 8, 9 and 10.
153.....	Of Malicious Injuries to Property.....	Sec. 16.
156.....	Of Proceedings before Indictment.....	Secs. 18, 20 and 22.
157.....	Of Recognizance in Criminal Cases.....	The whole.
158.....	Of Proceedings on Indictment	Secs. 3 and 3.
159.....	Of Trial.....	Secs. 10, 22, 23, 24, 25, 26 and 27, and Form U in the Schedule.
160.....	Of Error, Punishment and Expenses.....	Secs. 1, 8, 9 and 10.
161.....	Of Terms, Explanations and General Provisions	Sec. 30 from "false" in line 18 to the end of the section.
162.....	Of the Promulgation and Repeal of Statutes.....	Sec. 15.
163.....	Of Fees.....	So much of the Table of Fees as relates to fees on Patents of Invention and Discovery.
PUBLIC STATUTES OF NEW BRUNSWICK, VOL. II.		
8 Victoria.		
1.....	An Act relating to certain lands belonging to Her Majesty, and for vesting the title to the same in the Principal Officers of Her Majesty's Ordnance Department.....	The whole.
9 Victoria.		
73.....	An Act relating to an exchange of lands in Fredericton with the Ordnance Department.....	Secs. 1, 2 and 4.
32 George III.		
9.....	An Act to restrain all persons that may be concerned in the collection of Impost Duties from owning any Vessel, or trading or dealing in Dutiable Articles	The whole.
15 Victoria.		
45.....	An Act to reduce the Fees on Militia Commissions	The whole.
6 George IV.		
4.....	An Act to encourage the establishment of Banks for Savings in this Province.....	do
6 William IV.		
52.....	An Act to make provision for carrying on the affairs of the Savings Bank at Saint John.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
<i>PUBLIC STATUTES OF NEW BRUNSWICK, VOL. II—Concluded.</i>		
<i>4 Victoria.</i>		
20.....	An Act to extend the provisions of an Act intituled "An Act to encourage the establishment of Banks for Savings in this Province".....	The whole.
30.....	An Act further to amend the Act to encourage the establishment of Banks of Savings in this Province.....	do
<i>9 Victoria.</i>		
61.....	An Act further to extend the provisions of an Act intituled "An Act to encourage the establishment of Banks for Savings in the Province.".....	do
<i>10 Victoria.</i>		
43.....	An Act relating to Banks for Savings.....	do
<i>15 Victoria.</i>		
58.....	An Act further to extend the provisions of the Bank for Savings at Saint John.....	do
<i>26 George III.</i>		
20.....	An Act for admitting depositions <i>de bene esse</i> of Witnesses aged, infirm and otherwise unable to travel, and of Witnesses departing from the Province.....	Sec. 6.
<i>5 William IV.</i>		
34.....	An Act to facilitate the examination of Witnesses before trial in the Supreme Court.....	Sec. 4.
<i>12 Victoria.</i>		
39.....	An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law.....	Secs. 5 and 9.
<i>LOCAL AND PRIVATE STATUTES, NEW BRUNSWICK, VOL. III.</i>		
<i>5 George IV.</i>		
24.....	An Act to extend the powers of the Mayor, Aldermen and Commonalty of the City of Saint John, for preventing the encumbering and filling up of the Harbor of the said City, to the waters and places of anchorage in the vicinity thereof.....	The whole.
<i>3 William IV.</i>		
21.....	An Act to prevent the importation and spreading of Infectious Distempers in the City of Saint John.....	do
<i>4 William IV.</i>		
8.....	An Act to explain the Act for preventing the importation and spreading of Infectious Distempers in the City of Saint John....	do
<i>7 Victoria.</i>		
37.....	An Act for more effectually securing the Navigation of the River and Harbor of Saint John, in the City and County of Saint John.	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
LOCAL AND PRIVATE STATUTES, NEW BRUNSWICK, VOL. III—Concluded.		
11 Victoria.		
31.....	An Act further to continue an Act intituled "An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of pilotage, beyond the limits now prescribed by charter".....	The whole.
12 Victoria.		
52.....	An Act in addition to, and in amendment of, the Act relating to the Navigation of the River and Harbor of Saint John.....	do
14 Victoria.		
11.....	An Act relating to the Navigation of the River and Harbor of Saint John	do
16 Victoria.		
39.....	An Act to revive and amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield and Saint George, in the County of Charlotte.....	do
17 Victoria.		
9.....	An Act to authorize the erection of a Marine Hospital at the Port of Bathurst.....	do
ACTS OF NEW BRUNSWICK SINCE REVISED STATUTES.		
18 Victoria—1854.		
1.....	An Act for giving effect on the part of the Province of New Brunswick to a certain Treaty between Her Majesty and the United States of America.....	do
2.....	An Act to relieve certain articles from the payment of Duty.....	do
18 Victoria—1855.		
24.....	An Act relating to Jurors	Secs. 11, 13, 14 and 15.
25.....	An Act relating to the Service of Process.....	Sec. 4.
26.....	An Act relating to Trespasses on Lands and Lumber.....	The whole.
37.....	An Act to regulate the Election of Members to serve in the General Assembly	do
39.....	An Act to regulate the navigation of the River Saint John at or near Indian Town, in the County of Saint John	do
40.....	An Act to establish a Board of Health in the City and County of St. John	The last two lines of sec. 5, and sec. 12 from "and" in line 4 to the end of the section.
19 Victoria—1856.		
15.....	An Act to authorize the construction of Railways in this Province...	The whole.
17.....	An Act relating to lands required for Railway purposes.....	do
18.....	An Act to levy an Impost for Railway purposes.....	do
21.....	An Act to amend chapter 118, Title XXX, of the Revised Statutes "Of Letters Patent for Useful Inventions"	do
35.....	An Act relating to the Collection of the Revenue	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF NEW BRUNSWICK SINCE REVISED STATUTES—Continued.		
19 Victoria—1856—Concluded.		
36.....	An Act relating to the exportation of Saltpetre, Nitrate of Soda and other Chemical Salts used in the manufacture of Military and Naval Stores	The whole.
41.....	An Act in further amendment of the Law	Sec. 2, except as to any proceeding instituted in consequence of adultery, secs. 8, 9 and 11, also secs. 12 to 19 inclusive in so far as they relate to criminal matters.
46.....	An Act for transferring to one of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance.....	The whole.
20 Victoria—1857.		
3.....	An Act relating to Railways in this Province.....	do
4.....	An Act to alter and amend an Act intituled "An Act to authorize the construction of Railways in this Province".....	do
21 Victoria—1858.		
3.....	An Act to compel the attendance of Witnesses under Commissions from other countries, and in further amendment of the Law of Evidence.....	Secs. 2 and 3.
15.....	An Act to prevent the use of Poisons in the destruction of Foxes and other Animals.....	The whole.
18.....	An Act for the regulation of Railways	do
22.....	An Act in amendment of the Criminal Law.....	Sec. 5.
33.....	An Act in amendment of Act 18 Victoria, chapter 37, intituled "An Act to regulate the election of Members to serve in the General Assembly"	The whole.
22 Victoria—1859.		
1.....	An Act imposing Duties for raising a Revenue.....	do
3.....	An Act to establish additional Polling Places in King's County.....	do
16.....	An Act to repeal an Act intituled "An Act to amend the Law for the relief of Insolvent Debtors"	do
17.....	An Act to alter and amend the Law relating to Absconding and Insolvent Confined Debtors.	do
20.....	An Act relating to the Law of Evidence	do
21.....	An Act to modify the Laws relating to Interest and Usury	do
22.....	An Act in amendment of chapter 116, Title XXX, of the Revised Statutes "Of Bills, Notes and Choses in Action"	do
24.....	An Act relating to the recovery of Damages against the Commissioners of the European and North American Railway, in certain cases	do
29.....	An Act to place certain Provincial Buildings under the control of the Board of Works	do
34.....	An Act to alter the place for polling at Elections in the Parish of Brunswick, in Queen's County.....	do
23 Victoria—1860.		
19.....	An Act in addition to, and in amendment of, an Act passed in the twenty-second year of the reign of Her present Majesty Queen Victoria, intituled "An Act imposing Duties for raising a Revenue"	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF NEW BRUNSWICK SINCE REVISED STATUTES—Continued.		
23 Victoria—1860—Concluded.		
21.....	An Act relating to the Protection of the Revenue.....	The whole.
22.....	An Act further to amend the Law relating to the Protection of the Revenue	do
27.....	An Act to declare the Law relating to the repeal of the Act intituled "An Act to amend the Law for the relief of Insolvent Debtors."	do
32.....	An Act relating to procedure in Criminal Cases.....	Secs. 1 and 2.
35.....	An Act respecting the apprehension of Criminals escaping from any of Her Majesty's Provinces and Governments in North America into New Brunswick.....	The whole.
41.....	An Act in further amendment of chapter 118, Title XXX, of the Revised Statutes "Of Letters Patent for Useful Inventions"	do
42.....	An Act to establish a Polling Place in the Parish of Kars, in King's County	do
48.....	An Act relating to the mode of Accounting and Currency.....	Sec. 2.
50.....	An Act relating to certain Lands of the War Department	The whole.
53.....	An Act to authorize Investigation in cases of Fire in the City of Fredericton.....	Sec. 4.
65.....	An Act relating to the Inspection and Testing of Gas and Gas Meters in the City of St. John.....	The whole.
24 Victoria—1861.		
3.....	An Act relating to Savings Banks	do
13.....	An Act to establish additional Polling Places in the City of Saint John and City and County of Saint John.....	do
25 Victoria—1862.		
9.....	An Act in addition to, and in amendment of, the Acts imposing Duties for raising a Revenue, and in amendment of an Act passed in the nineteenth year of Her present Majesty's Reign, intituled "An Act to levy an Impost for Railway purposes"	do
12.....	An Act to explain an Act passed at the present Session, intituled "An Act in addition to, and in amendment of, the Acts imposing Duties for raising a Revenue, and in amendment of an Act passed in the nineteenth year of Her Majesty's Reign, intituled "An Act to levy an Impost for Railway purposes""	do
22.....	An Act to authorize Investigation in cases of Fire in the several Counties in this Province	Sec. 4.
30.....	An Act to amend the Revised Statutes, chapter 53, "Of Rates and Taxes"	Sec. 17.
33.....	An Act to repeal part of chapter 163 of the Revised Statutes, "Of Fees," so far as the same relates to Fees on Patents, and to make other provisions in lieu thereof.....	The whole.
58.....	An Act to change the present Polling Place in the Parish of Cambridge, in Queen's County, and to establish another Polling Place in said Parish in lieu thereof.....	do
59.....	An Act to establish an additional Polling Place in the Parish of Grand Manan, in the County of Charlotte.....	do
60.....	An Act to change the Polling Place in the Parish of St. Leonard, in the County of Victoria.....	do
61.....	An Act relating to the Polling Place in the Parish of Maugerville, in the County of Sunbury	do
62.....	An Act relating to the Polling Places in the Parishes of West Isles and Campo Bello, in the County of Charlotte.....	do
63.....	An Act to establish additional Polling Places in the County of York.	do
80.....	An Act relating to the office of Commander-in-Chief	do
26 Victoria—1863.		
1.....	An Act to continue and amend an Act imposing Duties for raising a Revenue, and the several Acts in amendment thereof, and to make further provision for raising a Revenue	do
5.....	An Act to authorize a Loan, and for the construction and management of the Intercolonial Railway	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF NEW BRUNSWICK SINCE REVISED STATUTES—Concluded.		
27 Victoria—1864.		
13.....	An Act relating to the Savings Bank in the City of Saint John.....	The whole.
40.....	An Act relating to Affidavits, Declarations and Affirmations made out of this Province for use therein.....	Sec. 7.
44.....	An Act to facilitate the winding up of the affairs of Incorporated Companies	The whole so far as it relates to insolvency or to the winding up of companies, for the winding up of which provision has been made by the Parliament of Canada.
28 Victoria—1865.		
1.....	An Act relating to the Militia	The whole.
24.....	An Act to enlarge and improve the Landings at Indian Town, in the Parish of Portland, and for other purposes.....	Sec. 10.
61.....	An Act to authorize the exchange of certain Public Lands in the City of Fredericton.....	Secs. 1 and 2.
29 Victoria—1866.		
4.....	An Act to establish additional Polling Places in the County of York	The whole.
5.....	An Act to alter the place for Polling at Elections in the Parish of Hampton, in King's County.....	do
6.....	An Act to establish a Board of Health for the City of Fredericton...	Sec. 7.
30 Victoria—1866.		
1.....	An Act relating to the imposition of Duties for raising a Revenue...	The whole.
6.....	An Act in amendment of an Act relating to the Militia	do
25.....	An Act relating to the Polling Places in the County of York.....	do
30 Victoria—1867.		
1.....	An Act to amend the Law relating to the imposition of Duties for raising a Revenue.....	do
10.....	An Act to establish County Courts.....	Secs. 2 to 6 inclusive, and sec. 35.
11.....	An Act in addition to an Act thirtieth Victoria, intituled "An Act to amend the Law relating to the imposition of Duties for raising a Revenue.".....	The whole.
15.....	An Act to repeal an Act intituled "An Act relating to certain exemptions from duty at the Port of Saint Stephen....."	do
23.....	An Act to establish an additional Polling Place in the Parish of Grand Falls, in the County of Victoria.....	do
24.....	An Act to establish an additional Polling Place in the Parish of Carleton, in the County of Kent.....	do
25.....	An Act to change the place for holding Elections in the Parish of Lepreaux, in the County of Charlotte.....	do
26.....	An Act to establish additional Polling Places in the County of Carleton.....	do
34.....	An Act to amend Chapter 116, Title XXX, of the Revised Statutes "Of Bills, Notes and Choses in Action;" also, twelfth Victoria, chapter 33, relating thereto	Sec. 2.
37.....	An Act to prevent non-resident Peddlers travelling and selling within this Province without License.....	Sec. 7.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF BRITISH COLUMBIA.		
<i>Laws of the formerly separate Colony of Vancouver Island.</i>		
10.....	An Act to authorize the Governor of Vancouver Island to borrow the sum of Forty Thousand Pounds on the security of the General Revenue of the said Colony.....	Sec. 18.
12.....	An Act to amend an Act for the preservation of Game.....	Sec. 2.
15.....	An Act to provide for the retirement of David Cameron, Chief Justice of the Colony of Vancouver Island and its Dependencies..	The whole.
18.....	An Act to prevent the unauthorized issue of Bank Notes and Paper Currency.....	do
19.....	An Act to provide for the periodical publication of the Liabilities and Assets of Banks in Vancouver Island and its Dependencies, and for the registration of the names of the proprietors thereof.....	do
21.....	An Act for the Regulation of Electric Telegraphs within the Colony of Vancouver Island and to secure secrecy and fidelity in the transmission of Telegraphic Messages.....	The whole, except secs. 9, 11, 12, 13 and 15.
24.....	An Act to enable the Governor of Vancouver Island to borrow the sum of Ninety Thousand Dollars upon the security of the General Revenue of the Colony.....	Sec. 7.
<i>Laws of the formerly separate Colony of British Columbia.</i>		
30.....	Proclamation respecting Jurors, "Jurors' Act, 1860".....	Secs. 2 and 3 in so far as they relate to criminal matters, and sec. 5.
32.....	Proclamation, "Road Tolls Act, 1860".....	Secs. 2, 3, and 4.
33.....	Proclamation imposing Duties, Tolls and Fines, "Southern Boundary Act, 1860".....	The whole.
39.....	Proclamation, "The British Columbia Loan Act, 1862".....	Sec. 18.
45.....	Proclamation, "The British Columbia Loan Act, 1863".....	Sec. 18.
50.....	Proclamation, "Crown Officers' Salaries Act, 1863".....	As to salaries of Governor, Judge of Supreme Court, and Collector of Customs.
52.....	An Ordinance to authorize a Loan of one hundred thousand pounds.	Sec. 16.
58.....	An Ordinance to exempt certain articles from Road and Ferry Tolls and for other purposes.....	The whole as respects ferry tolls.
60.....	An Ordinance for regulating the amount and application of the Fees to be taken in the Supreme Court of Civil Justice from suitors therein.....	The words "or in bankruptcy by any Registrar or Official Assignee" in line 10 of sec. 4, and so much of the Schedule as relates to fees in bankruptcy.
62.....	An Ordinance respecting the Salary of the Office of Governor.....	The whole.
65.....	An Ordinance to amend the Law relating to Joint Stock Companies.	The whole so far as it relates to insolvency or to the winding up of companies, for the winding up of which provision has been made by the Parliament of Canada.
<i>Laws of British Columbia after the Union of Vancouver Island and British Columbia.</i>		
69.....	An Ordinance to prevent the violation of Indian Graves.....	The whole.
70.....	An Ordinance to assimilate the general application of English Law.	Sec. 2 so far as it relates to the Criminal Law, and secs. 1 and 3.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF BRITISH COLUMBIA—Continued.		
<i>Laws of British Columbia, &c—Continued.</i>		
72.....	An Ordinance for the regulation of Ferries and Bridges.....	The whole.
74.....	An Ordinance to provide for the taking of Oaths and admission of Evidence in certain cases	Secs. 3 and 9.
75.....	An Ordinance for the protection of Inventions.....	The whole.
76.....	An Ordinance to assimilate and amend the Laws relating to Licenses and direct Taxes on Persons	Sec. 6.
77.....	An Ordinance to assimilate the Law exempting the Homestead and other Property from forced Seizure and Sale in certain cases, in all parts of the Colony of British Columbia.....	Secs. 5, 11 and 12, as to exemption from seizure in bankruptcy matters.
78.....	An Ordinance to declare the application of the existing Laws of Customs	The whole.
79.....	An Ordinance to amend the Duties of Customs.....	do
80.....	An Ordinance to authorize the issue of Debentures for short temporary Loans.....	Sec. 10.
82.....	An Ordinance to render uniform the Laws establishing a Decimal System of Accounts and regulating the Currency of the Colony	The whole.
83.....	An Ordinance to assimilate the Law empowering the Governor to create Ports of Entry in British Columbia	do
85.....	An Ordinance to assimilate and amend the Law prohibiting the sale or gift of Intoxicating Liquor to Indians	The whole, except secs. 6, 10 and 11.
88.....	An Ordinance respecting Practitioners in Medicine and Surgery.....	Sec. 9.
89.....	An Ordinance to regulate the Solemnization of Marriages	Sec. 14.
90.....	An Ordinance to amend the Laws relating to Gold Mining	Secs. 153 and 154.
91.....	An Ordinance to regulate Excise in all parts of the Colony.....	The whole.
92.....	An Ordinance to assimilate the Laws for the regulation of Harbors in all parts of the Colony of British Columbia.....	do
93.....	An Ordinance to assimilate the Law regarding Aliens in all parts of the Colony of British Columbia.....	Secs. 10 and 11.
95.....	An Ordinance to amend and assimilate the procedure of the County Courts in all parts of the Colony of British Columbia.....	Sec. 3.
98.....	An Ordinance for the more effectual protection of Her Majesty's Naval and Victualling Stores.....	The whole.
105.....	An Ordinance to amend "The Shipping Ordinance, 1867"	do
107.....	An Ordinance to establish Banks for Savings within the Colony of British Columbia	do
108.....	An Ordinance for promoting the Public Health in the Colony of British Columbia	Secs. 1 and 6, in so far as they relate to quarantine.
110.....	An Ordinance respecting the appointment of Commissioners to take Affidavits and Bail and for the making of Statutory Declarations	Sec. 2 from the second "and" in line 3 to the end of the section.
114.....	An Ordinance for the better protection of Cattle, and the better prevention of Cattle Stealing	Secs. 1 and 2.
117.....	An Ordinance to establish a Volunteer Force	The whole.
125.....	An Ordinance respecting Indian Reserves	do
129.....	An Ordinance respecting "The Companies' Ordinance, 1866"	The whole so far as it relates to insolvency or to the winding up of companies, for the winding up of which provision has been made by the Parliament of Canada.
134.....	An Ordinance to create a further Duty of Customs for the Public Service	The whole.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF BRITISH COLUMBIA—Concluded.		
<i>Laws of British Columbia, &c.—Concluded.</i>		
138.....	An Act to authorize a loan of £75,000	Sec. 18.
141.....	An Act to make general regulations for the establishment and management of Cemeteries in the Colony of British Columbia.	Sec. 10 and the words "he shall be guilty of a misdemeanor" in line 4 of sec. 11.
143.....	An Ordinance to assimilate the Law relating to the Transfer of Real Estate, and to provide for the registration of Titles to Land throughout the Colony of British Columbia.....	Secs. 81, 82, 83, 84 and 85.
149.....	An Act to amend "The Tolls Exemption Ordinance, 1865".....	The whole, as respects ferry tolls.
150.....	An Act respecting Literary Societies and Mechanics' Institutes.....	Sec. 22.
153.....	An Act to repeal "The Customs Amendment Ordinance, 1870".....	The whole.
156.....	An Act to amend the Law as to the qualification of Electors, and of Elective Members for the Legislature, and to provide for the registration of persons entitled to vote at elections of such Members	The form of oath of allegiance in sec. 3; secs. 18 and 40, and the whole, as respects elections for the House of Commons of Canada.
157.....	An Act to regulate Elections of Members of the Legislature of this Colony	Secs. 30, 99, 100 and 106, and the whole, as respects elections for the House of Commons of Canada.
158.....	An Act to prevent Bribery, Treating and undue Influence at Elections of Members of the Legislature.....	The whole, as respects elections for the House of Commons of Canada.
162.....	An Act to Incorporate Charitable, Philanthropic and Providential Associations	Sec. 9.
164.....	An Act to abolish Road Tolls on all Articles coming from the Interior of the Colony, in the direction of the Seaboard	The whole, as respects ferry tolls.
167.....	An Act to make provision for inquiring into Controverted Elections and Disputed Returns of Members to serve in the Legislature.....	Sec. 29 from "and" in line 2 to the end of the section.
168.....	An Act to exempt (in certain cases) Cattle farmed on shares, and their increase, from the operation of any Bankruptcy or Insolvency Laws.....	Sec. 3 from the second "and" in line 6 to the end of the section.
REVISED STATUTES OF PRINCE EDWARD ISLAND.		
<i>13 George III.</i>		
1.....	An Act for confirming the past Proceedings of His Majesty's Governor and Council, antecedent to the calling of a General Assembly	The whole.
2.....	An Act to confirm and make valid in Law all manner of process and proceedings in the several Courts of Judicature within this Island, from the first day of May, one thousand seven hundred and sixty-nine, to this present Session of Assembly.....	do
5.....	An Act for ascertaining damages on protested Bills of Exchange.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF PRINCE EDWARD ISLAND—Continued.		
16 George III.		
4.....	An Act to confirm and make valid in Law all manner of Process and Proceedings in His Majesty's Supreme Court of Judicature of this Island, from the twenty-fifth day of July, in the year of our Lord one thousand seven hundred and seventy-five, to this present Session of Assembly.....	The whole.
25 George III.		
8.....	An Act for admitting Depositions, <i>de bene esse</i> , of Witnesses, aged, infirm or otherwise unable to travel, and of Witnesses departing from this Island.....	Sec. 3.
10.....	An Act for permitting persons of the profession of the people called Quakers to make an Affirmation instead of taking an Oath.....	Sec. 2 from the beginning to "affirmation" in line 11.
26 George III.		
13.....	An Act for the trial of Actions in a summary way	Sec. 8.
50 George III.		
3.....	An Act to prevent the harboring deserters from His Majesty's Navy or Army, and for giving a reward for apprehending deserters; and to prevent harboring deserters from ships in the Merchant Service.....	Secs. 1 and 2.
5 George IV.		
12.....	An Act to regulate the Fisheries of this Island.....	Sec. 6 from "and" in line 7 to the end of the section, and sec. 7.
18.....	An Act to empower His Excellency the Lieutenant Governor or Commander-in-Chief for the time being to appoint Commissioners to issue Treasury Notes.....	The whole.
6 George IV.		
12.....	An Act to authorize the Commissioners named and appointed under an Act made and passed in the fifth year of the reign of His present Majesty, intituled "An Act to empower His Excellency the Lieutenant Governor or Commander-in-Chief for the time being to appoint Commissioners to issue Treasury Notes" to issue notes of the value of ten shillings each	do
9 George IV.		
2.....	An Act for continuing several Laws near expiring.....	do
10 George IV.		
11.....	An Act for the security of Navigation, and for preserving all ships, vessels and goods which may be found on shore, wrecked or stranded, upon the coasts of this Island, and for punishing persons who shall steal shipwrecked goods, and for the relief of persons suffering loss thereb.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF PRINCE EDWARD ISLAND—Continued.		
11 <i>George IV.</i>		
7.....	An Act for the relief of His Majesty's Roman Catholic subjects.....	The form of oath in sec. 2.
9.....	An Act for the further security and recovery of moneys due to His Majesty upon Duties of Impost and Excise, and for regulating the offices of Treasurer and Collector of Impost.....	Sec. 1, and so much of sec. 2 as relates to Collectors of Impost and Excise.
16.....	An Act to authorize a further issue of Treasury Notes, and to continue an Act intituled "An Act to revive and continue two certain Acts therein mentioned".....	The whole.
1 <i>William IV.</i>		
9.....	An Act to authorize Justices of the Peace to enforce the attendance of Witnesses in certain cases.....	do
15.....	An Act to authorize a further issue of Treasury Notes.....	do
2 <i>William IV.</i>		
2.....	An Act to prevent the destruction of Oysters by burning the same for the purpose of converting the shells thereof into Lime.....	do
13.....	An Act to prevent the importation and spreading of Infectious Diseases within this Island.....	do
14.....	An Act to confirm and render valid certain Marriages heretofore solemnized within this Island; and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the public registry of the same.....	Sec. 1.
15.....	An Act establishing the mode of recovering Penalties and Costs before Justices of the Peace, where the same are imposed by certain Acts of the General Assembly of this Island, and no provision is made for the enforcing thereof.....	The whole.
3 <i>William IV.</i>		
8.....	An Act to repeal two certain Acts therein mentioned, for licensing and regulating Ferries, and to make other provisions in lieu thereof.....	do
10.....	An Act to regulate the registry of Deeds and Instruments relating to the title to Land, and to repeal the Laws heretofore passed for that purpose.....	Sec. 7.
13.....	An Act to authorize a further issue of Treasury Notes, to the amount of Five Thousand Pounds, and to repeal an Act therein mentioned.....	The whole.
4 <i>William IV.</i>		
11.....	An Act to repeal certain Acts therein mentioned.....	do
18.....	An Act for the better conveyance of the Mails in the Winter Season.....	do
5 <i>William IV.—(First Session.)</i>		
11.....	An Act to amend and render perpetual certain laws now in force relating to Treasury Notes.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF PRINCE EDWARD ISLAND—Continued.		
6 William IV.		
3.....	An Act to restrain the issue of certain Promissory Notes	The whole.
12.....	An Act for the appointment of a Commissioner to ascertain and determine the amount to be paid by this Island towards the support and maintenance of Lighthouses	do
21.....	An Act to improve the administration of Justice in Criminal Cases..	do
22.....	An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to "Treasons and Felonies"	do
7 William IV.		
21.....	An Act for granting Patents for useful Inventions	do
1 Victoria.		
18.....	An Act to reduce the penalty imposed on certain offences by an Act of the Imperial Parliament, passed in the seventh year of the reign of His late Majesty, intituled "An Act for punishing Mutiny and Desertion, and for the better payment of the army and their quarters".....	do
2 Victoria—(First Session.)		
2.....	An Act for further continuing an Act intituled "An Act to regulate the Fisheries of this Island....."	do
3 Victoria.		
15.....	An Act to authorize the sale, in certain cases, of vessels, boats, goods, wares and merchandise and other things seized as forfeited under any Revenue Law of this Colony.....	do
16.....	An Act to prevent the bringing persons convicted of felonies and misdemeanors to this Island from the Island of Newfoundland or elsewhere in America.....	do
8 Victoria.		
3.....	An Act to make New Provisions for the support of Lighthouses, Buoys and Beacons.....	do
10.....	An Act to dispense with convictions in form as now required, in certain cases heard before Justices of the Peace.....	do
9 Victoria.		
14.....	An Act for enabling Courts to abstain from pronouncing sentence of death in certain cases.....	do
16.....	An Act for authorizing the Apprehension of Persons in any County or place upon Warrants granted by Justices of the Peace of any other County.....	do
21.....	An Act for the better regulation of business in the public Treasury of this Island.....	Secs. 2, 5 and 6.
10 Victoria.		
4.....	An Act to repeal certain Duties and Customs set forth in a certain Act passed in the Session of Parliament holden in the eighth and ninth years of Her present Majesty's reign, intituled "An Act to regulate the trade of the British Possessions abroad," so far as the same relate to this Colony.....	The whole.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF PRINCE EDWARD ISLAND—Continued.		
10 Victoria—Concluded.		
10.....	An Act to abolish Deodands	The whole.
12.....	An Act to authorize the calling in of all Treasury Notes now in circulation, and the re-issue of the amount thereof from plates of a new design, and to explain and amend the Acts therein mentioned.....	do
17.....	An Act to prevent the failure of justice by reason of variances between Records and the evidence produced in support thereof.	The whole, in so far as it relates to criminal matters.
21.....	An Act for doing away with the Oath of Abjuration heretofore imposed on Roman Catholics.....	The whole.
11 Victoria.		
6.....	An Act to authorize the appointment of a Master of the Rolls to the Court of Chancery, and an Assistant Judge of the Supreme Court of Judicature in this Island.....	Secs. 1 and 4.
28.....	An Act to regulate the Importation of Books and to Protect the British Author.....	The whole.
12 Victoria.		
1.....	An Act relating to the limits and rules of Jails in this Island.....	Sec.4 from the commencement thereof to the word "committed" in line 4.
3.....	An Act to authorize Free Trade with the United States of America in certain enumerated articles.....	The whole.
4.....	An Act for improving the Law of Evidence.....	Sec. 1 from "that" in line 9 to "offence" in line 26, and sec 2, both in so far only as they relate to criminal matters.
9.....	An Act to consolidate, amend and reduce into one Act, all the Acts of the General Assembly of this Island, relating to the establishment of terms of the Supreme Court of Judicature.....	Sec. 4, as respects criminal matters.
12.....	An Act to consolidate and amend the several Acts relating to Prison Discipline and Hard Labor, and to repeal certain Acts therein mentioned	Sec. 2.
16.....	An Act to consolidate and amend the several Acts relating to Summary Trespasses, and to repeal certain Acts therein mentioned.....	Secs. 3, 14, 15, 16, 18 and 21.
18.....	An Act relating to Harbor and Ballast Masters.....	The whole.
20.....	An Act to prevent Peddlers travelling and selling within this Island without License.....	Sec. 5.
22.....	An Act relating to Lighthouses and Buoys and Beacons	The whole.
26.....	An Act to repeal three certain Acts therein mentioned.....	do
27.....	An Act to repeal and alter certain parts of the Emigrant Act.....	do
28.....	An Act relating to costs in cases of penalties recoverable before Justices of the Peace, and to repeal a certain Act therein mentioned.....	do
14 Victoria.		
2.....	An Act to consolidate and amend the Laws now in force for the relief of Insolvent Debtors.....	Sec. 17.
3.....	An Act to commute the Crown Revenues of Prince Edward Island, and to provide for the Civil List thereof as well as for certain compensations therein mentioned.....	The second, third, fourth and fifth paragraphs of sec. 1, and secs. 10, 11 and 16.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF PRINCE EDWARD ISLAND—Continued.		
14 Victoria—Concluded.		
23.....	An Act to provide for removing the Post Office of Charlottetown into the old Court House therein, and for other purposes therein mentioned.....	Sec. 1.
26.....	An Act to reduce the Salary of the Collector of Impost and Excise for the District of Charlottetown.....	The whole.
32.....	An Act to provide Salaries for the Controllers of Customs and Navigation Laws, appointed or to be appointed at the various Outports in this Island, and to repeal a certain Act therein mentioned.....	do
15 Victoria.		
1.....	An Act to further continue an Act intituled "An Act to regulate the Fisheries of this Island".....	do
2.....	An Act to continue two several Acts therein mentioned, relating to the floating of logs, scantling, deals, and other kinds of wood down the rivers and lesser streams in this Island.....	do
4.....	An Act further to continue an Act regulating Seamen shipped on board of any ship or vessel belonging to Prince Edward Island, whilst within the precincts of the said Island.....	do
11.....	An Act to prevent the Stealing of Dogs.....	do
32.....	An Act to facilitate the Proving of Wills and Testamentary Dispositions within this Island.....	Sec. 2.
34.....	An Act relating to the Charlottetown Ferry and the wharves connected therewith.....	Sec. 10.
16 Victoria.		
8.....	An Act for further improving the Administration of Criminal Justice.	The whole.
12.....	An Act to amend the Law of Evidence.....	Secs. 3, 4, 6, 8, 13 and 16.
13.....	An Act to enable the Government of this Island to take possession of Lands when required to erect Lighthouses, and for other purposes connected with Lights and Beacons, and to pay compensation to the Owners or Occupiers thereof.....	The whole.
15.....	An Act relating to the Packet Service between Bedeque and Shediac.....	do
17 Victoria.		
6.....	An Act relating to certain lease and monetary obligations entered into before the passing of the Currency Act.....	do
13.....	An Act relating to Prisoners under sentence of imprisonment with hard labor in Prince and King's Counties.....	do
18 Victoria.		
2.....	An Act to authorize free trade with the United States of America, under a treaty between Great Britain and the United States of America.....	The whole.
17.....	An Act to consolidate and amend the laws relating to the manner of proceeding upon Controverted Elections of Members to serve in the General Assembly.....	Sec. 11, and the whole as respects Elections for the House of Commons of Canada.
19.....	An Act relating to the office of Road Correspondent, and the appointment of Assistants in the several offices in this Island therein mentioned.....	Secs. 2 and 5, as respects the Postmaster General and the Assistant to the Postmaster General.
21.....	An Act to continue the Act relating to the limits and rules of Jails in this Island.....	The whole.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF PRINCE EDWARD ISLAND—Continued.		
<i>19 Victoria.</i>		
4.....	An Act to continue an Act for the regulation of the Mackerel Fishery.....	The whole.
5.....	An Act to continue the Act relating to the laying down, erection and maintenance of buoys and beacons in this Island.....	do
7.....	An Act further to improve the Law of Evidence.....	Secs. 5 to 9 inclusive, as respects criminal procedure.
10.....	An Act relating to the Indians of Prince Edward Island.....	The whole.
21.....	An Act to increase the number of Members to serve in the General Assembly, and to consolidate and amend the laws relating to Elections.....	Sec. 53, and the whole so far as it relates to elections for the House of Commons of Canada.
22.....	An Act to facilitate the performance of the duties of Justices of the Peace in this Island, with respect to persons charged with Indictable Offences.....	The whole, except sec. 16 and the scale of fees in the Schedule.
23.....	An Act to facilitate the performance of the duties of Justices of the Peace with respect to Summary Convictions and Orders.....	The whole, except sec. 24 and the scale of fees in the Schedule.
<i>20 Victoria.</i>		
6.....	An Act to provide for the appointment of an additional Assistant in the Post Office, and to increase the salary of the present Assistant.....	The whole.
7.....	An Act relating to Ferries and Minchin's Point Wharf.....	do
<i>21 Victoria.</i>		
9.....	An Act subjecting the Militia to the Mutiny Act and Articles of War.....	do
14.....	An Act for the safe custody of Insane Persons charged with offences, and otherwise to amend the Law with respect to offenders convicted of crimes punishable with death.....	The whole, except sec. 3.
15.....	An Act to continue, for certain purposes, the Seduction Act, and to make other provisions in lieu thereof as regards all future actions.....	Sec. 10.
<i>22 Victoria.</i>		
4.....	An Act to enable Aliens to hold real estate.....	The whole.
5.....	An Act to continue the Act authorizing the appointment of Coal Meters, except in so far as relates to Charlottetown.....	do
9.....	An Act to continue certain Acts therein mentioned.....	do
12.....	An Act further to continue an Act regulating Seamen shipped on board of any ship or vessel belonging to Prince Edward Island, whilst within the precincts of the said Island.....	do
<i>23 Victoria.</i>		
8.....	An Act to continue certain Acts therein mentioned.....	do
20.....	An Act to enable the Controller of Navigation Laws in this Island to grant and issue Fishery Licenses to citizens of the United States for Vessels built in Prince Edward Island, and owned by them.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF PRINCE EDWARD ISLAND—Continued.		
24 Victoria.		
7.....	An Act for the preservation of the Alewives' Fisheries in this Island.	Secs. 11 and 12.
10.....	An Act to consolidate and amend the Laws relating to Grand and Petit Jurors in this Island	Secs. 20, 21 and 30 and sec. 33 from "or" in line 11 to the end of the section, in so far as they relate to criminal matters.
16.....	An Act to repeal a certain Act therein mentioned relating to the prevention of Smuggling.....	The whole.
17.....	An Act to prevent Congregations being disturbed or disquieted during the performance of Public Worship.....	do
23.....	An Act to continue certain Acts therein mentioned.....	do
26.....	An Act to continue the Act relating to Packets sailing between this Island and the Provinces of Nova Scotia and New Brunswick.	do
27.....	An Act relating to the punishment of certain cases of Felony and Misdemeanor	Secs. 1 and 2.
29.....	An Act for the Protection of Copyright.....	The whole.
31.....	An Act to give summary protection to persons employed in the publication of Parliamentary Papers	The whole, except sec. 4.
34.....	An Act to repeal certain parts of the Act consolidating the Election Laws, and to make other provisions in lieu thereof.....	Secs. 18, 24 and 28, and the whole as respects elections for the House of Commons of Canada
25 Victoria.		
2.....	An Act to consolidate and amend the Laws relating to Statute Labor and the expenditure of Public Moneys on the Highways.	Secs. 31 and 48.
3.....	An Act to continue the several Acts therein mentioned	The whole.
7.....	An Act for raising a Revenue.....	do
9.....	An Act relating to Electric telegraph communication with this Island.....	do
11.....	An Act to authorize the Government to prohibit the exportation of Military or Naval Stores and Provisions.....	do
19.....	An Act to authorize Grants on the Shores of this Island.....	do
22.....	An Act to promote Vaccination	Sec. 9.
24.....	An Act for the naturalization of Aliens.....	The whole.
26 Victoria.		
3.....	An Act relating to Steam Navigation in this Island.....	do
10.....	An Act to alter and amend the Act for the preservation of the Alewives' Fisheries in this Island	do
14.....	An Act for the naturalization of Aliens.....	do
27 Victoria.		
5.....	An Act to regulate the Inspection of Flour and Meal	The whole.
6.....	An Act to amend the Law relating to Bills of Exchange and Promissory Notes	Secs. 1 and 2.
8.....	An Act relating to the office of Commander-in-Chief	The whole.
9.....	An Act to amend the Act now in force for the relief of Insolvent Debtors.....	Sec. 2.
10.....	An Act to revive and continue the Act intituled "An Act to regulate the Fisheries of this Island".....	The whole.
23.....	An Act to provide for the establishment of a Marine Court of Inquiry	do
32.....	An Act relating to Steam communication between Charlottetown and certain parts of the Hillsborough and Elliot Rivers, and to repeal a certain Act therein mentioned.....	Sec. 5.
36.....	An Act relating to the fraudulent marking of Merchandise	The whole.

SCHEDULE A—Continued.

Ch ap.	Title of Act.	Extent of Repeal.
REVISED STATUTES OF PRINCE EDWARD ISLAND—Continued.		
28 Victoria.		
10.....	An Act to amend the Act for constituting Boards of Health.....	The whole.
11.....	An Act to regulate the salaries of the Collectors of Impost and Excise, for the districts of Bedeque and Georgetown.....	do
18.....	An Act to make provisions for the regulation of seamen shipped on board of any ship or vessel owned in or belonging to Prince Edward Island, while such ship or vessel shall be within the precincts of the said Island.....	do
19.....	An Act for regulating the Inspection of Pickled Fish for exportation from this Island.....	do
20.....	An Act in amendment of the Act regulating the Inspection of Pickled Fish for exportation from this Island.....	do
25.....	An Act to amend the Law respecting defamatory Words and Libel.....	Secs. 3 to 8, inclusive, secs. 9 and 10 in so far as they relate to criminal matters, and sec. 11.
28.....	An Act to continue the Act of the twenty-first year of the reign of Her present Majesty, intituled "An Act to continue for certain purposes the Seduction Act, and to make other provisions in lieu thereof, as regards all future actions".....	The whole.
29 Victoria.		
2.....	An Act for the regulation of the Militia and Volunteer Forces.....	do
3.....	An Act to prevent the concealment of Arms or Munitions of War intended for unlawful purposes.....	do
5.....	An Act to continue certain Acts therein mentioned.....	do
8.....	An Act to prevent the clandestine training of persons to the use of Arms, and to the practice of Military evolutions.....	do
10.....	An Act to amend the laws relating to Elections.....	Sec. 11 from the commencement thereof to "to" in line 11, and the whole Act as respects elections for the House of Commons of Canada.
17.....	An Act to continue and amend a certain Act therein mentioned.....	The whole.
29.....	An Act to consolidate and amend the Laws relating to the conveyance and transfer of real and personal Property vested in Mortgagees and Trustees.....	Sec. 59.
30 Victoria.		
5.....	An Act to continue certain Acts therein mentioned.....	The whole.
6.....	An Act to add to and amend the Act for the regulation of the Militia and Volunteer Forces.....	do
13.....	An Act to repeal two certain Acts, compelling masters of vessels to exhibit a Light while in Harbor at night time, and to make other provisions in lieu thereof.....	do
18.....	An Act relating to Practice and Pleading in the Supreme Court.....	Sec. 14 from "provided" in line 9 to the end of the section.
31 Victoria.		
5.....	An Act to revive and continue a certain Act therein mentioned.....	The whole.
6.....	An Act to consolidate and amend the several Laws relating to Education.....	The words "and militia duty" in sec. 32.
8.....	An Act to repeal the Acts now in force, establishing and regulating the rate of Interest, and to make some provisions on the same subject.....	The whole.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal..
REVISED STATUTES OF PRINCE EDWARD ISLAND—Concluded.		
31 Victoria—Concluded.		
10.....	An Act to amend and explain the Act passed in the second year of His Majesty King William the Fourth, relating to the celebration of Marriages, so far as the same relates to the Bible Christian Church.....	Sec. 2.
12.....	An Act for the better security of the Crown and Government of the United Kingdom within this Island.....	The whole.
24.....	An Act to consolidate and amend several Acts therein mentioned relating to the Savings Bank.....	do
ACTS OF PRINCE EDWARD ISLAND SINCE REVISED STATUTES.		
32 Victoria.		
2.....	An Act to provide for the payment of the salaries of future Lieutenant Governors of this Island.....	do
3.....	An Act to provide for the appointment of a Board for the general supervision of the Public Works and Highways in this Island.....	Secs. 1, 3, 6 and 9.
4.....	An Act to authorize the appointment of an Assistant Judge of the Supreme Court of Judicature and Vice Chancellor of the Court of Chancery in this Island.....	Secs. 1, 12 and 22.
13.....	An Act to authorize the increase of the amount of Deposits to be received in the Savings Bank.....	The whole.
17.....	An Act further to amend the Acts for the regulation of the Militia and Volunteer Forces.....	do
18.....	An Act to provide for carrying out of Capital Punishment within Prisons.....	do
19.....	An Act in amendment of the Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies.....	do
20.....	An Act to add to and amend the Act relating to Patents for useful Inventions.....	do
27.....	An Act for the better protection of the Salmon Fisheries, and to repeal a certain Act therein mentioned.....	do
29.....	An Act to constitute two Polling Divisions in the fifth Electoral District of Prince County.....	The whole, as respects elections for the House of Commons of Canada.
33 Victoria.		
2.....	An Act relating to Public Wharves and Bridges, and to repeal a certain Act therein mentioned.....	The whole.
3.....	An Act relating to the mode of summoning Special Juries, and to the entering up of Judgments in the Supreme Court.....	Sec. 6, in so far as it relates to criminal matters.
4.....	An Act to amend the Law regulating the hearing of Appeal Causes, and to repeal part of a certain Act therein mentioned.....	Sec. 3, in so far as it relates to criminal matters.
6.....	An Act for taking the Census of Prince Edward Island.....	The whole.
17.....	An Act to repeal certain sections of an Act to regulate the Specie Currency of Prince Edward Island.....	do
19.....	An Act to amend the Act relating to Patents for useful Inventions..	do
20.....	An Act for the better government of certain rising Towns and Villages in this Island.....	Sec. 14.
34 Victoria.		
2.....	An Act to explain and amend the Acts relating to the terms of and proceedings in the Supreme Court of this Island.....	The whole.
3.....	An Act to increase the amount of Deposits to be received in the Savings Bank.....	do
4.....	An Act to authorize the construction of a Railroad through Prince Edward Island.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF PRINCE EDWARD ISLAND SINCE REVISED STATUTES— <i>Concluded.</i>		
34 <i>Victoria</i> — <i>Concluded.</i>		
5.....	An Act to establish a Decimal System of Currency on this Island.....	The whole, except sec. 3.
8.....	An Act in addition to the Act relating to the appointment of the Harbor and Ballast Master for Hillsborough Bay and the Port of Charlottetown.....	The whole.
10.....	An Act to consolidate and amend the several Acts regulating the sale by license of Spirituous Liquors.....	Secs. 44 and 47.
12.....	An Act to continue certain Acts therein mentioned.....	The whole.
16.....	An Act to amend the Act relating to Light and Anchorage Duties.....	do
20.....	An Act relating to the Island Fisheries, and to repeal certain Acts therein mentioned.....	do
21.....	An Act to amend the Act relating to Public Wharves and Bridges.....	do
33.....	An Act relating to the Hillsborough and other Ferries.....	do
35.....	An Act to define the Fees on Naturalization under the Imperial Acts therein mentioned.....	do
43.....	An Act to authorize the Government to prohibit the exportation of Arms.....	do
35-36 <i>Victoria.</i>		
2.....	An Act relating to the Treaty of Washington, 1871.....	do
7.....	An Act to regulate the time of opening and closing Public Offices in Charlottetown.....	do
12.....	An Act to amend the Act to establish a Decimal System of Currency on this Island.....	do
13.....	An Act to alter and amend the Act to authorize the construction of a Railroad through Prince Edward Island.....	do
20.....	An Act to amend an Act relating to the Inland Fisheries, and to repeal certain Acts therein mentioned.....	do
29.....	An Act to revive and continue certain Acts therein mentioned.....	do
36 <i>Victoria.</i>		
3.....	An Act to establish County Courts of Judicature in this Island.....	Secs. 7, 9, 10 and 43.
4.....	An Act for the Regulation of Railways.....	The whole.
5.....	An Act relating to crossings on the Railway line and in further amendment of "An Act to authorize the construction of a Railway through Prince Edward Island....."	do
11.....	An Act to provide for the collection in this Island of the Cape Race Lighthouse Toll.....	do
12.....	An Act relating to Steam Communication between Prince Edward Island and the Provinces of Nova Scotia and New Brunswick.....	do
22.....	An Act to amend the process, practice and mode of pleading in the Supreme Court of Judicature of Prince Edward Island.....	Sec. 28 from "provided" in line 19 to the end of the section, and secs. 229 and 281.
ACTS OF THE PARLIAMENT OF CANADA.		
31 <i>Victoria</i> —1867-68.		
1.....	An Act respecting the Statutes of Canada.....	The whole.
3.....	An Act relating to the Indemnity to Members and the Salaries of the Speakers of both Houses of Parliament.....	do
4.....	An Act for granting to Her Majesty a certain sum of money required for defraying the expenses of the Public Service not otherwise provided for, for the period therein mentioned, for certain purposes respecting the Public Debt; and for raising money on the credit of the Consolidated Revenue Fund.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
31 Victoria—1867-68—Continued.		
7.....	An Act imposing Duties of Customs with the Tariff of Duties payable under it	The whole.
12.....	An Act respecting the Public Works of Canada.....	do
14.....	An Act to protect the Inhabitants of Canada against lawless aggressions from Subjects of Foreign Countries at peace with Her Majesty.....	do
15.....	An Act to prevent the unlawful training of persons to the use of arms, and the practice of Military evolutions; and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.....	do
22.....	An Act for continuing the Parliament of Canada in case of the demise of the Crown	do
23.....	An Act to define the privileges, immunities and powers of the Senate and House of Commons, and to give summary protection to persons employed in the publication of Parliamentary Papers.	do
24.....	An Act to provide for Oaths to Witnesses being administered in certain cases for the purposes of either House of Parliament...	do
26.....	An Act to declare certain persons therein mentioned indemnified for having sat and voted as Members of the House of Commons while holding certain offices under the Crown	do
27.....	An Act respecting the Internal Economy of the House of Commons, and for other purposes.	do
28.....	An Act to amend an Act intituled "An Act respecting the Statutes of Canada"	do
29.....	An Act to continue for a limited time the several Acts therein mentioned.	do
30.....	An Act respecting the commencement of certain Acts of this Session therein mentioned.....	do
31.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th day of June, 1868, and the 30th day of June, 1869; and for other purposes relating to the Public Service.....	do
32.....	An Act respecting the Consolidated Revenue Fund	do
33.....	An Act respecting the Governor General, the Civil List, and the Salaries of certain Public Functionaries	do
35.....	An Act to regulate and restrict the contingent charges of the Departments of the Public Service, and to establish a Stationery Office.....	do
36.....	An Act respecting Commissions and Oaths of Allegiance and of Office	do
37.....	An Act respecting the Security to be given by Officers of Canada....	do
38.....	An Act respecting Inquiries concerning Public Matters.....	do
39.....	An Act respecting the Department of Justice.....	do
41.....	An Act to make provision for defraying the expense of certain Works of Fortification required for the Defence of the Dominion.....	do
42.....	An Act providing for the Organization of the Department of the Secretary of State of Canada and for the Management of Indian and Ordnance Lands	do
43.....	An Act constituting the Department of Customs.....	do
44.....	An Act to amend the Act of the present Session, intituled "An Act imposing duties of Customs with the Tariff of Duties payable under it"	do
45.....	An Act respecting the Currency.	do
46.....	An Act to enable Banks in any part of Canada to use Notes of the Dominion instead of issuing Notes of their own	do
47.....	An Act respecting the manufacture or importation of Copper Coins or Tokens.....	do
49.....	An Act constituting the Department of Inland Revenue.....	do
52.....	An Act respecting certain penalties in respect of Stamp Duties	do
53.....	An Act for the organization of the Department of Agriculture.....	do
56.....	An Act to impose a duty on Foreign reprints of British Copyright Works	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
<i>ACTS OF THE PARLIAMENT OF CANADA—Continued.</i>		
<i>31 Victoria—1867-68—Concluded.</i>		
57.....	An Act for the organization of the Department of Marine and Fisheries of Canada.....	The whole.
59.....	An Act relating to Lighthouses, Buoys and Beacons.....	do
60.....	An Act for the regulation of Fishing and protection of Fisheries ...	do
61.....	An Act respecting Fishing by Foreign Vessels	do
64.....	An Act respecting the treatment and relief of Sick and Distressed Mariners.....	do
66.....	An Act respecting Aliens and Naturalization	do
69.....	An Act for the better security of the Crown and of the Government.	do
70.....	An Act respecting Riots and Riotous Assemblies	do
71.....	An Act respecting Forgery, Perjury and Intimidation in connection with the Provincial Legislatures and their Acts.....	do
72.....	An Act respecting Accessories to, and Abettors of, Indictable Offences	do
73.....	An Act respecting Police of Canada	do
74.....	An Act respecting persons in custody charged with High Treason or Felony	do
76.....	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.....	do
78.....	An Act to annex a portion of the Seignior of Bélair to the County of Quebec, and another portion thereof to the County of Portneuf.....	do
<i>32-33 Victoria—1869.</i>		
1.....	An Act for granting to Her Majesty certain sums of money required to defray certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1869, and the 30th June, 1870; and for other purposes relating to the Public Service	do
2.....	An Act respecting Nova Scotia.....	do
4.....	An Act respecting the Department of Finance	do
5.....	An Act respecting the Ocean Mail Service	do
7.....	An Act respecting the Office of Queen's Printer and the Public Printing	do
8.....	An Act to amend the Act thirty-first Victoria, chapter thirty-three, and to make further provision with respect to the Salaries and Travelling Allowances of the Judges.....	do
9.....	An Act respecting certain Fee Funds in the Province of Ontario.....	do
10.....	An Act respecting Immigration and Immigrants	do
11.....	An Act respecting Patents of Invention	do
12.....	The Canada Joint Stock Companies' Clauses Act.....	do
14.....	An Act to amend chapter sixty-seven of the Consolidated Statutes of Canada, intitled "An Act respecting Electric Telegraph Companies"	do
15.....	An Act to avoid the necessity of having Documents engrossed on Parchment	do
17.....	An Act to remove doubts as to Legislation in Canada regarding offences not wholly committed within its limits.....	do
18.....	An Act respecting offences relating to the Coin.....	do
19.....	An Act respecting Forgery	do
20.....	An Act respecting offences against the Person	do
21.....	An Act respecting Larceny and other similar offences.....	do
22.....	An Act respecting Malicious Injuries to Property.....	do
23.....	An Act respecting Perjury	do
24.....	An Act for the better preservation of the Peace in the vicinity of Public Works	do
25.....	An Act respecting certain offences relative to Her Majesty's Army and Navy	do
26.....	An Act for the better protection of Her Majesty's Military and Naval Stores	do
27.....	An Act respecting Cruelty to Animals	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
32-33 Victoria—1869—Concluded.		
28.....	An Act respecting Vagrants.....	The whole.
29.....	An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law	do
30.....	An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with Indictable Offences	do
31.....	An Act respecting the duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders.....	do
32.....	An Act respecting the prompt and summary administration of Criminal Justice in certain cases	do
33.....	An Act respecting the trial and punishment of Juvenile Offenders	do
34.....	An Act respecting Juvenile Offenders within the Province of Quebec	do
35.....	An Act for the more speedy trial, in certain cases, of persons charged with Felonies and Misdemeanors, in the Provinces of Ontario and Quebec	do
36.....	An Act respecting the Criminal Law, and to repeal certain enactments therein mentioned.....	do
38.....	An Act respecting inquiries and investigations into Shipwrecks and other matters.....	do
45.....	An Act to alter the limits of the Counties of Joliette and Berthier, for Electoral purposes	do
46.....	An Act to detach the Township of Doncaster from the County of Montcalm, and to attach it to the County of Terrebonne, for Electoral purposes	do
49.....	An Act to continue, for a limited time, the Charters of certain Banks	do
74.....	An Act respecting the Salary of the Governor General	do
33 Victoria—1870.		
2.....	An Act for granting to Her Majesty certain sums of money required to defray certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1870, and the 30th June, 1871	do
3.....	An Act to amend and continue the Act 32 and 33 Victoria, chapter 3, and to establish and provide for the Government of the Province of Manitoba	Secs. 1, 3, 4, 5, 25, 27, 28, 29, 30, 31, 32, 33, 34 and 36.
7.....	An Act to amend the Law respecting the Department of Finance.....	The whole.
9.....	An Act to amend the Acts respecting Customs and Inland Revenue; and to make certain provisions respecting Vessels navigating the Inland Waters of Canada above Montreal.....	do
10.....	An Act to amend the Act 31 Victoria, chapter 46, and to regulate the issue of Dominion Notes.....	do
14.....	An Act respecting the Coasting Trade of Canada.....	do
15.....	An Act to amend the Act respecting Fishing by Foreign Vessels	do
16.....	An Act to make provision for discipline on board of Canadian Government Vessels.....	do
17.....	An Act respecting Certificates to Masters and Mates of Ships	do
18.....	An Act to amend the Act relating to Lighthouses, Buoys and Beacons	do
19.....	An Act to amend the Act respecting the treatment and relief of Sick and Distressed Mariners	do
23.....	An Act to extend the powers of the Official Arbitrators to certain cases therein mentioned.....	do
26.....	An Act to amend the Act respecting Perjury.....	do
27.....	An Act to amend the Act respecting the Duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders	do
28.....	An Act to amend An Act for the better preservation of the peace in the vicinity of Public Works.....	do
31.....	An Act for the better protection of the Clothing and Property of Seamen in Her Majesty's Navy	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
33 Victoria—1870—Concluded.		
32.....	An Act to empower the Police Court in the City of Halifax to sentence Juvenile Offenders to be detained in the Halifax Industrial School.....	The whole.
24.....	An Act to remedy the inconvenience which would arise from the expiration of the Acts and parts of Acts herein mentioned before the passing of the Act of this Session to continue the same.....	do
35.....	An Act respecting Ferries.....	do
36.....	An Act respecting the Marking of Timber.....	do
39.....	An Act to continue, for a limited time, the Act therein mentioned...	do
34 Victoria—1871.		
1.....	An Act for granting to Her Majesty certain sums of money required to defray certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1871, and the 30th June, 1872.....	do
2.....	An Act to indemnify the Members of the Executive Government, and others, for the unavoidable expenditure of Public Money, in excess of the Parliamentary Grant, incurred in repelling the threatened invasion of the Fenians in 1870.....	do
3.....	An Act respecting the Loan authorized by the Act 32 and 33 Victoria, chapter 1, for the purpose of paying a certain sum to the Hudson's Bay Company.....	do
4.....	An Act to establish one uniform Currency for the Dominion of Canada.....	do
5.....	An Act relating to Banks and Banking.....	do
6.....	An Act to provide additional facilities for depositing savings at interest with the security of the Government, and for the issue and redemption of Dominion Notes.....	do
7.....	An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec.....	do
10.....	An Act to amend the Acts relating to Duties of Customs.....	do
12.....	An Act to make provision for validating certain Premium Notes taken or held by Mutual Fire Insurance Companies.....	do
13.....	An Act respecting the force and effect of the Acts of the Parliament of Canada, in and in relation to the Province of Manitoba, and the Colony of British Columbia when it becomes a Province of the Dominion.....	do
14.....	An Act to extend to the Province of Manitoba certain of the Criminal Laws now in force in the other Provinces of the Dominion.....	do
15.....	An Act to amend the Inland Revenue Act, 1868, and to alter the duties of Excise chargeable in the Province of Manitoba.....	do
21.....	An Act in relation to the Library of Parliament.....	do
22.....	An Act to amend the Act 31st Victoria, chapter 66, respecting Aliens and Naturalization.....	do
23.....	An Act further to amend the Act respecting Fishing by Foreign Vessels.....	do
26.....	An Act to authorize the sale or lease of the Rockwood Asylum to the Province of Ontario.....	do
29.....	An Act to continue for a limited time the Acts therein mentioned....	do
30.....	An Act to make provision for the detention of Female Convicts in Reformatory Prisons in the Province of Quebec, and for other purposes relating to Prisons in that Province.....	do
35 Victoria—1872.		
1.....	An Act to amend the Act respecting the Statutes of Canada.....	do
2.....	An Act relating to the Treaty of Washington, 1871.....	do
3.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1872, and the 30th June, 1873, and for other purposes relating to the Public Service.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
35 Victoria—1872—Concluded.		
4.....	An Act to indemnify the Members of the Executive Government and others for the unavoidable expenditure of Public Money without Parliamentary Grant occasioned by the sending of an expeditionary force to Manitoba in 1871	The whole.
5.....	An Act to amend the Act 34 Victoria, chapter 3, respecting the Loan for paying a certain sum to the Hudson's Bay Company	Sec. 1 from the beginning to "loan" in line 8 thereof.
6.....	An Act respecting the Public Debt and the raising of Loans authorized by Parliament	The whole.
7.....	An Act to amend the Act regulating the issue of Dominion Notes...	do
8.....	An Act to amend the Act relating to Banks and Banking	do
9.....	An Act to amend the chapters six and seven of the Statutes of 1871, relating to Savings Banks	do
10.....	An Act relating to Bills of Exchange and Promissory Notes	do
11.....	An Act to repeal the duties of Customs on Tea and Coffee	do
12.....	An Act to amend an Act of the present Session and to enable the Governor in Council to impose a duty on Tea and Coffee imported from the United States in the case therein mentioned...	do
13.....	An Act to readjust the Representation in the House of Commons.....	do
15.....	An Act to compel Members of the Local Legislature in any Province where dual representation is not allowed, to resign their seats before becoming candidates for seats in the Dominion Parliament	do
16.....	An Act to provide for the Revisal of Voters' Lists for Elections to the House of Commons, in a certain Revisal District of the County of Victoria, Nova Scotia	do
17.....	An Act to divide certain Polling Districts in the County of Inverness, in the Province of Nova Scotia, and to provide for Voters' Lists therefor	do
19.....	An Act further to amend an Act respecting the security to be given by Officers of Canada	do
20.....	An Act further to amend the Act 31 Victoria, chapter 33	do
21.....	An Act to amend the Act 32 and 33 Victoria, chapter 8	do
24.....	An Act to remove doubts under the Act respecting the Public Works of Canada	do
25.....	An Act respecting Bridges.....	do
26.....	An Act respecting Patents of Invention	do
27.....	An Act relating to Quarantine.....	do
28.....	An Act to amend the Immigration Act of 1869	do
29.....	An Act to provide for the Incorporation of Immigration Aid Societies	do
30.....	An Act respecting Trade Unions	do
31.....	An Act to amend the Criminal Law relating to Violence, Threats and Molestation	do
32.....	An Act to amend the Law relating to the fraudulent marking of Merchandise	do
33.....	An Act for the avoidance of doubts respecting Larceny of Stamps....	do
34.....	An Act to correct a clerical error in the Act respecting Malicious Injuries to Property	do
35.....	An Act to amend the Law relating to Advertisements respecting Stolen Goods	do
37.....	An Act to extend the Canadian Tariff of Duties of Customs and Excise, and certain Acts relating to Customs and the Revenue, to the Province of British Columbia	do
38.....	An Act to extend certain Laws relating to matters connected with Navigation, to the Province of British Columbia	do
36 Victoria—1873.		
2.....	An Act to render Members of the Legislative Councils and Legislative Assemblies of the Provinces now included, or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
36 Victoria—1873—Continued.		
3.....	An Act to amend the Act respecting procedure in Criminal Cases....	The whole.
4.....	An Act to provide for the establishment of the Department of the Interior.....	do
8.....	An Act with respect to the Carriage of Dangerous Goods in Ships.....	do
9.....	An Act to provide for the appointment of Harbor Masters for certain ports in the Provinces of Nova Scotia and New Brunswick.....	do
26.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial years ending respectively the 30th June, 1873, and the 30th June, 1874, and for other purposes relating to the Public Service.....	do
29.....	An Act to change the limits of the Counties of Montcalm and Joliette, for Electoral purposes.....	do
30.....	An Act to re-adjust the amounts payable to, and chargeable against, the several Provinces of Canada by the Dominion Government, so far as they depend on the debt with which they respectively entered the Union.....	do
31.....	An Act for the re-adjustment of the salaries and allowances of the Judges and other Public Functionaries and Officers, and of the indemnity to the Members of the Senate and House of Commons.	do
33.....	An Act respecting the Ocean Mail Service.....	do
35.....	An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North-West Territories.....	do
36.....	An Act respecting Aliens and Naturalization in the Provinces of British Columbia and Manitoba.....	do
38.....	An Act to remove doubts as to the construction of section 31 of the Act 33 Victoria, chapter 3, and to amend section 108 of the Dominion Lands Act.....	do
39.....	An Act to make further provision as to Duties of Customs in Manitoba and the North-West Territories.....	do
40.....	An Act respecting the admission of the Colony of Prince Edward Island as a Province of the Dominion.....	do
41.....	An Act respecting the Export Duties imposed on Lumber by the Legislature of the Province of New Brunswick.....	do
42.....	An Act to continue for a limited time "The Insolvent Act of 1869," and the Acts amending the same.....	do
43.....	An Act further to amend the Act relating to Banks and Banking.....	do
44.....	An Act to amend the Patent Act of 1872.....	do
45.....	An Act to amend the Act respecting the construction of the Inter-colonial Railway.....	Sec. f.
48.....	An Act to provide for the Inspection of Gas and Gas Meters.....	The whole.
50.....	An Act to amend the Act respecting offences against the person.....	do
51.....	An Act further to amend the law respecting certain matters of procedure in Criminal Cases.....	do
54.....	An Act respecting Pilotage.....	do
55.....	An Act respecting Wreck and Salvage.....	The whole, except secs. 38 and 39.
56.....	An Act respecting Deck Loads.....	The whole.
57.....	An Act to provide for keeping order on board Passenger Steamers...	do
58.....	An Act to amend the Acts for more effectually preventing the Desertion of Seamen; and for other purposes.....	do
59.....	An Act to repeal the Law of British Columbia, intituled "An Ordinance respecting Harbor and Tonnage Dues, and to regulate the Licenses on the Vessels engaged in the coasting and inland navigation trade.....	do
69.....	An Act respecting the Central Prison for the Province of Ontario....	do
70.....	An Act to amend chapter 58 of the Consolidated Statutes of the late Province of Canada.....	do
71.....	An Act respecting Interest and Usury in the Province of Nova Scotia.	do
72.....	An Act to amend the Act respecting certain Savings Banks in the Provinces of Ontario and Quebec.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
36 Victoria—1873—Concluded.		
128.....	An Act relating to Shipping, and for the registration, inspection and classification thereof.....	The whole.
129.....	An Act respecting the Shipping of Seamen.....	do
37 Victoria—1874.		
1.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial years ending respectively the 30th June, 1874, and the 30th June, 1875; and for other purposes relating to the Public Service.....	do
2.....	An Act to authorize the raising of a Loan for the construction of certain Public Works with the benefit of the Imperial Guarantee for a portion thereof.....	do
3.....	An Act to declare the intention of the Act 36 Victoria, chapter 30, as regards the subsidy to be allowed to Nova Scotia.....	do
4.....	An Act to amend the Act 36 Victoria, chapter 31, for the re-adjustment of the salaries of Judges, and other purposes.....	do
5.....	An Act to continue for a limited time certain temporary provisions in the Act respecting the admission of Prince Edward Island into the Dominion.....	do
6.....	An Act to amend the Act 31 Victoria, chapter 44, and other Acts amending the same, and the Tariff of Duties of Customs imposed by the said Acts, and to alter certain Duties of Excise.....	do
7.....	An Act to amend an Act to make further provisions as to Duties of Customs in Manitoba and the North-West Territories, and further to restrain the importation or manufacture of intoxicating liquors into or in the North-West Territories.....	do
9.....	An Act respecting the Elections of Members of the House of Commons.....	do
10.....	An Act to make better provision for the Trial of Controverted Elections of the Members of the House of Commons, and respecting matters connected therewith.....	do
11.....	An Act to indemnify Stanislaus Francis Perry, for having sat and voted as a Member of the House of Commons, under the circumstances therein mentioned.....	do
12.....	An Act to attach the Village of Richmond Hill to the Electoral District of the West Riding of the County of York.....	do
13.....	An Act to amend an Act respecting the Public Works of Canada.....	do
20.....	An Act respecting the appropriation of certain Dominion Lands in Manitoba.....	do
23.....	An Act to amend an Act for the organization of the Department of Marine and Fisheries of Canada.....	do
24.....	An Act to exempt Transports from Port and Harbor Dues.....	do
25.....	An Act respecting Carriers by water.....	do
26.....	An Act to amend the Pilotage Act, 1873.....	do
27.....	An Act to extend certain Acts therein mentioned to the Province of Prince Edward Island.....	do
28.....	An Act respecting the extension and application of the Fisheries Act to and in the Provinces of British Columbia, Prince Edward Island and Manitoba.....	do
29.....	An Act for the removal of obstructions by Wreck and like causes in navigable waters of Canada, and other purposes relative to Wrecks.....	do
32.....	An Act to provide for the appointment of Port Wardens at certain Ports of the Dominion.....	do
34.....	An Act to provide for the appointment of Harbor Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island.....	do
36.....	An Act to establish a Military College in one of the Garrison Towns of Canada.....	do
37.....	An Act for the suppression of Voluntary and Extra-judicial Oaths.....	do
38.....	An Act respecting the Crime of Libel.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
37 Victoria—1874—Concluded.		
39.....	An Act to extend certain Acts relating to the prompt administration of Justice in Criminal Matters to the Province of Manitoba.....	The whole.
40.....	An Act to amend the Act respecting the prompt and summary administration of Criminal Justice in certain cases as respects the Provinces of Nova Scotia and New Brunswick.....	do
41.....	An Act for avoiding doubts as to the application of the Act 32 and 33 Victoria, chapter 35, to the District of Algoma.....	do
42.....	An Act to extend to the Province of British Columbia certain of the Criminal Laws now in force in other Provinces of the Dominion	do
43.....	An Act to amend an Act respecting Vagrants	do
44.....	An Act further to amend the Patent Act of 1872	do
45.....	An Act to make better provision, extending to the whole Dominion of Canada, respecting the Inspection of certain Staple Articles of Canadian Produce	do
47.....	An Act to amend the Law relating to Bills of Exchange and Promissory Notes	do
49.....	An Act to authorize Corporations and Institutions incorporated without the limits of Canada to lend and invest Moneys therein	do
51.....	An Act to authorize the Incorporation of Boards of Trade in the Dominion	do
38 Victoria—1875.		
1.....	An Act to amend the Interpretation Act, as respects the printing and distribution of the Statutes, and the territorial application of Acts amending previous Acts	do
2.....	An Act to continue for a limited time the Acts therein mentioned....	do
3.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1875, and the 30th June, 1876, and for other purposes relating to the Public Service	do
4.....	An Act to amend the Act respecting the Public Debt, and the raising of Loans authorized by Parliament	do
5.....	An Act further to amend the Acts regulating the issue of Dominion Notes.....	do
7.....	An Act to amend and consolidate the Statute Law for the regulation of the Postal Service	do
10.....	An Act to amend the Acts respecting Controverted Elections.....	do
11.....	An Act to establish a Supreme Court and a Court of Exchequer for the Dominion of Canada.....	do
13.....	An Act respecting defective Letters Patent, and the discharge of Securities to the Crown	do
14.....	An Act still further to amend the Patent Act of 1872, and to extend the same, as amended, to Prince Edward Island.....	do
15.....	An Act to amend the Immigration Act of 1872	do
17.....	An Act to amend the Act therein mentioned, respecting Banks and Banking	do
18.....	An Act relating to Interest and Usury in the Province of New Brunswick	do
19.....	An Act to amend the Law relating to Bills of Exchange.....	do
20.....	An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine Business.....	do
26.....	An Act to regulate the construction and maintenance of Marine Electric Telegraphs	do
27.....	An Act to amend an Act respecting the Coasting Trade of Canada..	do
28.....	An Act further to amend the Pilotage Act, 1873.....	do
29.....	An Act to extend certain provisions of the Seamen's Act, 1873, to vessels employed in navigating the Inland Waters of Canada.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
38 Victoria—1875—Concluded.		
30.....	An Act to amend the Acts thirty-sixth Victoria, chapter nine, and thirty-seventh Victoria, chapter thirty-four, respecting the appointment of Harbor Masters	The whole.
31.....	An Act further to amend the Act respecting the treatment and relief of Sick and Distressed Mariners	do
32.....	An Act to repeal an Act of the Legislature of Prince Edward Island, for the collection of the Cape Race Lighthouse Toll.....	do
33.....	An Act to amend the Fisheries Act.....	do
34.....	An Act to amend the Act chapter forty-six of the Consolidated Statutes of Canada, intituled "An Act respecting the Culling and Measuring of Timber".....	do
35.....	An Act to repeal the Export Duty on Stave Bolts and Oak Logs.....	do
36.....	An Act to compel persons delivering certain Merchantable Liquids in Casks to mark on such Casks the capacity thereof	do
37.....	An Act to amend the Gas Inspection Act, 1873.....	do
38.....	An Act to amend the Acts for the better preservation of the Peace in the vicinity of Public Works.....	do
40.....	An Act to amend the Act intituled "An Act respecting Larceny and other similar offences"	do
41.....	An Act for suppressing Gaming Houses, and to punish the Keepers thereof	do
42.....	An Act to prevent Cruelty to Animals while in transit by Railway or other means of conveyance within the Dominion of Canada.....	do
43.....	An Act to amend the Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law.....	do
45.....	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.....	do
46.....	An Act to make further provisions respecting the Central Prison for Ontario.....	do
47.....	An Act for the more speedy trial before Police and Stipendiary Magistrates in the Province of Ontario of persons charged with Felonies or Misdemeanors	do
48.....	An Act to repeal certain provisions of an Act of the Legislature of Nova Scotia respecting Petty Offences, Trespasses and Assaults.....	do
49.....	An Act to amend and consolidate the Laws respecting the North-West Territories.....	do
52.....	An Act to amend an Act respecting the appropriation of certain Lands in Manitoba	do
53.....	An Act respecting conflicting claims to Lands of Occupants in Manitoba	do
54.....	An Act to extend to the Province of Manitoba the Act for the more speedy trial, in certain cases, of persons charged with Felonies and Misdemeanors in the Provinces of Ontario and Quebec.....	do
55.....	An Act respecting the Trinity House and Harbor Commissioners of Quebec	Sec. 2, in so far as it constitutes the Quebec Harbor Commissioners, the Pilotage authority of the Pilotage District of Quebec; sec. 4, sec. 5 from "and" in line 19 thereof to the end of the section; sec. 7 from "the" where it secondly occurs in line 9 thereof to the end of the section, and secs. 11 and 15.
88.....	An Act respecting Copyrights	The whole.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
39 Victoria—1876.		
1.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial years ending respectively the 30th June, 1876, and the 30th June, 1877, and for other purposes relating to the Public Service	The whole.
3.....	An Act to provide for the payment of a temporary Grant to the Province of Manitoba	
4.....	An Act to extend the Acts respecting Dominion Notes to the Provinces of Prince Edward Island, British Columbia and Manitoba	do
7.....	An Act to provide for the examination of Witnesses on Oath by Committees of the Senate and House of Commons, in certain cases	do
8.....	An Act to amend the Act thirty-first Victoria, chapter 3, respecting the Indemnity to Members of both Houses of Parliament	do
9.....	An Act to make more effectual provision for the administration of the Law relating to Corrupt Practices at Elections of Members of the House of Commons	do
10.....	An Act to provide for the more effectual Inquiry into the existence of Corrupt Practices at Elections of Members of the House of Commons	do
11.....	An Act to detach a certain portion of the County of Lotbinière and to attach it to the County of Beauce	do
12.....	An Act to amend the Acts therein mentioned, respecting the Militia and the Defence of the Dominion of Canada	do
13.....	An Act to make provision for the Collection and Registration of the Criminal Statistics of Canada	do
20.....	An Act respecting Roads and Road Allowances in Manitoba	do
21.....	An Act respecting the North-West Territories, and to create a separate Territory out of part thereof	do
25.....	An Act to extend the Acts therein mentioned, respecting Weights and Measures, and the Inspection of Gas and Gas Meters, to Prince Edward Island	do
26.....	An Act to make further provision in regard to the Supreme Court and the Exchequer Court of Canada	do
27.....	An Act to make further provision for the institution of Suits against the Crown by Petition of Right	do
28.....	An Act to extend the provisions of the Act thirty-first Victoria, chapter 33, respecting the Retiring Allowance of Judges, to the Chief Justice and Justices of the Court of Error and Appeal for the Province of Ontario	do
29.....	An Act to provide for the Salaries of County Court Judges in the Province of Nova Scotia, and for other purposes	do
31.....	An Act to make provision for the winding up of Insolvent Incorporated Banks	do
33.....	An Act to amend the Act to make better provision, extending to the whole Dominion of Canada, respecting the Inspection of certain Staple Articles of Canadian Produce	do
34.....	An Act to amend the Act thirty-seventh Victoria, chapter 51, intituled "An Act to authorize the Incorporation of Boards of Trade in the Dominion"	do
36.....	An Act respecting the attendance of Witnesses on Criminal Trials	do
37.....	An Act to amend the Criminal Law relating to Violence, Threats and Molestation	do
40 Victoria—1877.		
1.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1877, and the 30th June, 1878, and for other purposes relating to the Public Service	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
40 Victoria—1877—Concluded.		
2.....	An Act respecting the Act further securing the Independence of Parliament.....	The whole.
4.....	An Act to extend to the Province of Prince Edward Island certain Criminal Laws now in force in other Provinces of Canada.....	do
6.....	An Act respecting the Boundaries of the Province of Manitoba.....	do
7.....	An Act to amend the "North-West Territories Act, 1875".....	do
8.....	An Act respecting certain Ordnance and Admiralty Lands in the Provinces of Ontario and Quebec.....	do
9.....	An Act to make better provision respecting the Geological and Natural History Survey of Canada, and for the maintenance of the Museum in connection therewith.....	do
11.....	An Act to amend certain Acts respecting duties of Customs and Excise.....	do
16.....	An Act to amend the Act respecting the Culling and Measuring of Timber.....	do
17.....	An Act to transfer the management of certain Harbors, Piers and Breakwaters from the Department of Public Works to the Department of Marine and Fisheries.....	do
19.....	An Act respecting the Measurement of Steamships registered under the repealed Act of the late Province of Canada.....	do
20.....	An Act to amend the Pilotage Acts of 1873 and of 1875.....	do
21.....	An Act to establish a Court of Maritime Jurisdiction in the Province of Ontario.....	do
22.....	An Act to amend the Act to make further provision in regard to the Supreme and Exchequer Courts.....	do
23.....	An Act to amend the Act respecting the Salaries of certain Judges.....	do
24.....	An Act to provide for the payment of travelling allowances to the District or County Court Judges in the Province of British Columbia.....	do
25.....	An Act to make provision for the extradition of Fugitive Criminals.....	do
26.....	An Act respecting Procedure and Evidence in Criminal Cases.....	do
27.....	An Act to amend the Law respecting appeals from convictions before, or orders by, Justices of the Peace.....	do
28.....	An Act to amend the Act respecting Offences against the person.....	do
29.....	An Act to amend the Act respecting Larceny and other similar offences.....	do
30.....	An Act to make provision against the improper use of Fire-arms.....	do
31.....	An Act for the repression of Betting and Pool Selling.....	do
32.....	An Act for the prevention of Gambling Practices in certain Public Conveyances.....	do
33.....	An Act to amend the Act for the suppression of Gaming Houses.....	do
34.....	An Act to amend the Post Office Act, 1875.....	do
35.....	An Act to repeal certain laws making Breaches of Contract of service criminal, and to provide for the punishment of certain Breaches of Contract.....	do
36.....	An Act to provide for the employment without the walls of Common Gaols of prisoners sentenced to imprisonment therein.....	do
37.....	An Act to provide for the safe custody of prisoners in places where the Common Gaols become temporarily insecure.....	do
38.....	An Act respecting the transfer of Rockwood Asylum to the Province of Ontario, and to amend "The Penitentiary Act of 1875".....	do
39.....	An Act to make provision for improvement in Prison Discipline.....	do
42.....	An Act to amend and consolidate certain Acts respecting Insurance.....	do
43.....	An Act to amend the Law respecting the Incorporation of Joint Stock Companies by Letters Patent.....	do
44.....	An Act to remove doubts as to the right to vote of Shareholders in certain Banks.....	do
51.....	An Act further to amend the Acts to provide for the management of the Harbor of Quebec and "The Pilotage Act of 1873".....	Sections 6 and 7.
54.....	An Act to extend the provisions of section fifty-six of the Act thirty-fourth Victoria, chapter 5, intitled "An Act relating to Banks and Banking," to the Bank of British North America.....	The whole.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
41 Victoria—1878.		
1.....	An Act respecting the Maritime Court of Ontario	The whole.
2.....	An Act to amend the Post Office Act, 1875	do
4.....	An Act for granting to Her Majesty certain sums of Money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1878, and the 30th June, 1879, and for other purposes relating to the Public Service	do
5.....	An Act further securing the Independence of Parliament	do
6.....	An Act to amend the Act respecting the Elections of Members of the House of Commons	do
7.....	An Act to provide for the better Auditing of the Public Accounts	do
8.....	An Act further to amend the Act intituled "An Act respecting the Public Works of Canada"	do
12.....	An Act to amend the Law respecting Deck Loads.....	do
13.....	An Act to authorize the advance of certain sums to the Province of Manitoba, in aid of the Public Schools therein	do
14.....	An Act to amend an Act respecting conflicting Claims to Lands of Occupants in Manitoba.....	do
15.....	An Act to provide for the creation and registration of Homestead Exemption Estates in the Territories of Canada.....	do
16.....	An Act respecting the Traffic in Intoxicating Liquors	The whole, except sec. 124
19.....	An Act respecting Persons imprisoned in default of giving Sureties to keep the Peace	The whole.
21.....	An Act to make provision for the winding up of Insolvent Incorporated Fire or Marine Insurance Companies.....	do
42 Victoria—1879.		
1.....	An Act for granting to Her Majesty certain sums of Money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1879, and the 30th June, 1880, and for other purposes relating to the Public Service	do
3.....	An Act to provide for the Salary of one additional Judge of the Supreme Court of New Brunswick, and for the Salary of any future Judge in Equity of the Supreme Court of Nova Scotia	do
4.....	An Act respecting the salaries of the County Court Judges of Prince Edward Island	do
6.....	An Act to amend an Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections of Members of the House of Commons	do
7.....	An Act respecting the offices of Receiver General and Minister of Public Works	do
8.....	An Act respecting the Official Arbitrators	do
9.....	An Act to amend and consolidate the Railway Act, 1868, and the Acts amending it	do
15.....	An Act to alter the Duties of Customs and Excise.....	do
16.....	An Act to amend and consolidate the Laws relating to Weights and Measures	do
20.....	An Act to amend the Post Office Act, 1875	do
21.....	An Act respecting Census and Statistics	do
22.....	An Act respecting Trade Marks and Industrial Designs	do
24.....	An Act respecting Tonnage Dues levied in Canadian Ports under Canadian Law	do
25.....	An Act to amend the Pilotage Act, 1873	do
26.....	An Act to extend an Act respecting Certificates to Masters and Mates of Ships.....	do
27.....	An Act to amend the Seamen's Act, 1873.....	do
32.....	An Act to explain and amend the Act respecting the appropriation of certain Dominion Lands in Manitoba.....	do
33.....	An Act respecting certain Ordnance and Admiralty Lands in the Provinces of New Brunswick and Nova Scotia.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
42 Victoria—1879—Concluded.		
36.....	An Act to amend and consolidate, as amended, the several enactments respecting the North-West Mounted Police Force	The whole.
37.....	An Act to amend an Act respecting Police of Canada.....	do
39.....	An Act further to amend the Supreme and Exchequer Court Act.....	do
40.....	An Act to amend the Maritime Jurisdiction Act, 1877	do
41.....	An Act to continue in force for a limited time "The better Prevention of Crime Act, 1878"	do
42.....	An Act to amend the Penitentiary Act, 1875.....	do
43.....	An Act respecting the "Andrew Mercer Ontario Reformatory for Females"	do
44.....	An Act to amend "An Act for the more speedy trial, in certain cases, of persons charged with felonies and misdemeanors, in the Provinces of Ontario and Quebec," and the Act respecting summary convictions before Justices of the Peace.....	do
45.....	An Act to amend the Act relating to Banks and Banking, and the Acts amending the same.....	do
46.....	An Act relating to the protest of Inland Bills of Exchange and Promissory Notes, in Nova Scotia.....	do
47.....	An Act to make the first day of July a Public Holiday, by the name of Dominion Day.....	do
50.....	An Act to remove doubts as to the true intent and meaning of certain provisions of "The Canada Temperance Act, 1878," and to make certain amendments thereto in so far as the said Act relates to Manitoba	do
43 Victoria—1880.		
1.....	An Act to repeal the Acts respecting Insolvency now in force in Canada	do
3.....	An Act further to amend "An Act respecting the Security to be given by Officers of Canada"	do
4.....	An Act to provide for the salaries of two additional Judges of the Supreme Court of British Columbia	do
5.....	An Act further to continue in force for a limited time "The better Prevention of Crime Act, 1878"	do
7.....	An Act for the final settlement of claims to lands in Manitoba by occupancy, under the Act thirty-third Victoria, chapter 3.....	do
10.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1880, and the 30th June, 1881; and for other purposes relating to the Public Service.....	do
11.....	An Act for the appointment of a Resident Representative Agent for Canada in the United Kingdom.....	do
12.....	An Act to authorize making certain investigations under oath.....	do
13.....	An Act further to amend the Acts respecting Dominion Notes.....	do
14.....	An Act to repeal the Act forty-second Victoria, chapter 5, for granting an annual subsidy towards certain telegraphic communication	do
18.....	An Act to amend the Act forty-second Victoria, chapter 15, intituled "An Act to alter the Duties of Customs and Excise."	do
20.....	An Act to amend "The General Inspection Act, 1874," and the Act amending it.....	do
21.....	An Act to amend the Act respecting the Inspection of Petroleum.....	do
22.....	An Act to amend "An Act relating to Banks and Banking," and to continue for a limited time the charters of certain Banks to which the said Act applies.....	do
23.....	An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec	do
24.....	An Act for extending the Consolidated Act of 1879, respecting duties imposed on promissory notes and bills of exchange, to the whole Dominion.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
43 Victoria—1880—Concluded.		
25.....	An Act to amend and consolidate the several Acts relating to the North-West Territories	The whole.
28.....	An Act to amend and consolidate the laws respecting Indians.....	do
29.....	An Act to make better provision respecting the navigation of Canadian waters	do
34.....	An Act further to amend "The Supreme and Exchequer Court Act."	do
35.....	An Act to amend the law of evidence in Criminal Cases, as respects the taking and use of depositions of persons who may be unable to attend at the trial	do
37.....	An Act to amend the Act intituled "An Act respecting offences against the person," and to repeal the Act intituled "An Act to provide that persons charged with common assault shall be competent as witnesses."	do
38.....	An Act further to amend the Act respecting Cruelty to Animals.....	do
39.....	An Act respecting the Ontario Reformatory for Boys.....	do
40.....	An Act respecting "The Industrial Refuge for Girls," of Ontario.....	do
41.....	An Act respecting the Reformatory for Juvenile Offenders in Prince Edward Island.....	do
42.....	An Act relating to Interest on moneys secured by Mortgage of Real Estate	do
44 Victoria—1880-81.		
2.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1881, and the 30th June, 1882: and for other purposes relating to the Public Service.....	do
3.....	An Act to authorize the raising, by way of loan, of certain sums of money required for the public service.....	do
4.....	An Act to extend the Act establishing one uniform currency for the Dominion of Canada to the Provinces of British Columbia and Prince Edward Island	do
5.....	An Act to provide for the salaries of an additional Judge of the Court of Queen's Bench and an additional Judge of the Superior Court, in the Province of Québec	do
6.....	An Act to increase the salaries of the Judges of the Supreme Court of Prince Edward Island	do
8.....	An Act further to amend an Act respecting certain Savings Banks in the Provinces of Ontario and Quebec, and to continue for a limited time the charters of certain banks to which the said Act applies	do
9.....	An Act to correct a clerical error in Schedule B, to the Act forty-third Victoria, chapter twenty-two, amending the Bank Act and continuing the charters of certain Banks.....	do
10.....	An Act further to amend the Acts forty-second Victoria, chapter fifteen, and forty-third Victoria, chapter eighteen, as respects Duties of Customs.....	do
13.....	An Act respecting Naturalization and Aliens.....	do
14.....	An Act to provide for the extension of the boundaries of the Province of Manitoba	do
15.....	An Act to continue in force for a limited time the Act forty-third Victoria, chapter thirty-six.....	do
17.....	An Act to amend the Indian Act, 1880.....	do
19.....	An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.....	do
20.....	An Act to provide for the correspondence of certain provisions of the Act respecting the navigation of Canadian waters with the provisions for like purposes in force in the United Kingdom	do
32.....	An Act to amend the General Inspection Act, 1874, and the Acts amending it.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
44 Victoria—1880-81—Concluded.		
23.....	An Act to amend the Petroleum Inspection Act, 1880.....	The whole.
24.....	An Act to amend the Consolidated Railway Act.....	do
25.....	An Act to amend and consolidate the Laws relating to Government Railways.....	do
26.....	An Act to prescribe a Declaration to be taken by Employees on Telegraph Lines under the control of the Government, and to provide for the punishment of Telegraph Operators and Employees who divulge the contents of certain Telegrams.....	do
27.....	An Act to amend the Insolvent Act of 1875, and amending Acts.....	do
28.....	An Act to amend the Law respecting Documentary Evidence in certain cases.....	do
29.....	An Act further to continue in force for a limited time the better Prevention of Crime Act, 1878.....	do
30.....	An Act respecting Prize Fighting.....	do
31.....	An Act to remove doubts as to the power to Imprison with Hard Labor under the Acts respecting Vagrants.....	do
32.....	An Act with reference to the Andrew Mercer Ontario Reformatory for Females, and the Central Prison for the Province of Ontario.....	do
45 Victoria—1882.		
1.....	An Act to repeal the Duty on Promissory Notes, Drafts, and Bills of Exchange.....	do
2.....	An Act for granting to Her Majesty certain sums of Money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1882, and the 30th June, 1883, and for other purposes relating to the Public Service.....	do
3.....	An Act to readjust the Representation in the House of Commons, and for other purposes.....	do
5.....	An Act for increasing, during a certain time, the yearly Subsidy to the Province of Manitoba.....	do
6.....	An Act further to amend the several Acts imposing Duties of Customs, now in force.....	do
7.....	An Act to provide for the allowance of drawback on certain articles manufactured in Canada, for use in the construction of the Canadian Pacific Railway.....	Sec. 5.
9.....	An Act to provide for the free transmission of Canadian Newspapers by Mail within the Dominion.....	The whole
11.....	An Act to fix and provide for the payment of the Salaries of the Judges of the Supreme Court of Judicature of Ontario, and of certain Judges and County Judges in Manitoba and New Brunswick.....	do
12.....	An Act respecting County Court Judges.....	do
18.....	An Act to authorize an annual Grant for the development of the Sea Fisheries and the encouraging of the building of Fishing Vessels.....	do
19.....	An Act to exempt vessels employed in Fishing from the payment of Duties for the relief of Sick and Distressed Mariners.....	do
20.....	An Act to amend the Extradition Act, 1877.....	do
21.....	An Act respecting Fugitive Offenders in Canada from other parts of Her Majesty's Dominions.....	do
22.....	An Act to further amend the Patent Act of 1872.....	do
23.....	An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations.....	do
25.....	An Act to repeal certain provisions of the General Inspection Act, 1874.....	do
26.....	An Act further to amend the Petroleum Inspection Act, 1880.....	do
27.....	An Act to correct certain errors in the French versions of the Dominion Lands Act, and the Dominion Lands Act, 1879.....	do
28.....	An Act to remove certain doubts as to the effect of the North-West Territories Act, 1880, and to amend the same.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
45 Victoria—1882—Concluded.		
29.....	An Act to amend an Act to amend and consolidate as amended the several enactments respecting the North-West Mounted Police Force.....	The whole.
30.....	An Act to further amend the Indian Act, 1880.....	do
31.....	An Act to amend and further to continue in force, for a limited time, the Act forty-third Victoria, chapter thirty-six.....	do
32.....	An Act further to amend the Pilotage Act, 1873, and the other Acts therein mentioned.....	do
33.....	An Act to further amend the Seamen's Act, 1873.....	do
34.....	An Act to amend the Act forty-second Victoria, chapter forty, intituled "An Act to amend the Maritime Jurisdiction Act, 1877," and to make further provision for the recovery of the wages of seamen employed on vessels navigating the inland waters of Canada.....	do
35.....	An Act to amend and consolidate the Acts respecting the inspection of Steamboats, and the examination and licensing of Engineers employed on them.....	do
36.....	An Act to make further provision respecting Lighthouses, Buoys and Beacons.....	do
37.....	An Act respecting Bridges over navigable waters, constructed under the authority of Provincial Acts.....	do
38.....	An Act further to continue in force for a limited time the better Prevention of Crime Act, 1878.....	do
39.....	An Act to amend the Act fortieth Victoria, chapter thirty, intituled "An Act to make provision against the improper use of Firearms".....	do
40.....	An Act declaratory of the meaning of the word Telegraph in certain cases.....	do
41.....	An Act respecting the sale of Railway Passenger Tickets.....	do
46.....	An Act to amend the General Port Wardens' Act, 1874.....	do
48.....	An Act respecting the Harbor and River Police of the Province of Quebec.....	do
64.....	An Act to make further provision respecting the incorporation of a company to establish a Marine Telegraph between the Pacific coast of Canada and Asia.....	do
46 Victoria—1883.		
1.....	An Act further to amend the Interpretation Act.....	do
2.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial years ending respectively the 30th June, 1883, and the 30th June, 1884; and for other purposes relating to the Public Service.....	do
3.....	An Act to authorize the raising, by way of loan, of certain sums of money required for the public service.....	do
4.....	An Act to amend the Dominion Elections Act, 1874.....	do
5.....	An Act to amend an Act respecting the offices of Receiver General and Minister of Public Works, as to the powers of the Minister of Railways and Canals.....	do
6.....	An Act to amend the Act thirty-sixth Victoria, chapter four, intituled "An Act to provide for the establishment of the Department of the Interior, and to amend the Indian Act, 1880.".....	do
8.....	An Act to amend and consolidate the Acts relating to the Superannuation of persons employed in the Civil Service of Canada.....	do
9.....	An Act to provide for the salaries, and superannuation and travelling allowances of certain Judges of certain Provincial Courts.....	do
10.....	An Act respecting the High Court of Justice.....	do
11.....	An Act consolidating and amending the several Acts relating to the Militia and Defence of the Dominion of Canada.....	do
12.....	An Act to amend and consolidate the Acts respecting the Customs.....	do
13.....	An Act further to amend the Tariff of Duties of Customs.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
46 Victoria—1883—Concluded.		
35.....	An Act to consolidate and amend the several Acts respecting the Inland Revenue.....	The whole.
36.....	An Act to make further provision respecting the Regulation and Collection of Tolls on Government Timber Slides and other Works constructed to facilitate the transmission of Timber, Lumber and Saw-logs.....	do
17.....	An Act further to amend and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned.....	do
18.....	An Act to amend the Post Office Act, 1875.....	do
19.....	An Act to amend the Patent Act of 1872.....	do
20.....	An Act further to amend an Act intituled "An Act relating to Banks and Banking," and the several Acts amending the same.....	do
22.....	An Act relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island.....	do
23.....	An Act to amend an Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations.....	do
24.....	An Act further to amend the Consolidated Railway Act, 1879, and to declare certain Lines of Railway to be works for the general advantage of Canada.....	do
27.....	An Act to extend to British Columbia the Act relating to Fishing by Foreign Vessels.....	do
28.....	An Act respecting Certificates to Masters and Mates of Inland and Coasting Ships.....	do
29.....	An Act further to amend the General Inspection Act, 1874.....	do
30.....	An Act respecting the sale of Intoxicating Liquors, and the issue of licenses therefor.....	do
31.....	An Act to legalize proceedings taken for the naturalization of certain aliens in the Province of Manitoba.....	do
32.....	An Act for the better prevention of Fraud in relation to Contracts involving the expenditure of Public Moneys.....	do
33.....	An Act to continue for a limited time the Acts therein mentioned....	do
34.....	An Act to amend the Acts respecting procedure in Criminal Cases, and other matters relating to Criminal Law.....	do
35.....	An Act to make provision for the taking of Evidence in relation to Criminal matters pending in Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals.....	do
36.....	An Act to amend the Law respecting Lotteries.....	do
37.....	An Act to amend and consolidate the Laws relating to Penitentiaries.....	do
43.....	An Act respecting Booms and other works constructed in Navigable Waters, whether under the authority of Provincial Acts or otherwise.....	do
45.....	An Act further to amend the Act respecting the incorporation of a company to establish a Marine Telegraph between the Pacific coast of Canada and Asia.....	do
47 Victoria—1884.		
2.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1884, and the 30th June, 1885, and for other purposes relating to the public service.....	do
3.....	An Act to authorize the raising, by way of loan, of certain moneys required for the public service.....	do
4.....	An Act to readjust the yearly Subsidies to be allowed by Canada to the several Provinces now included in the Dominion.....	do
6.....	An Act respecting the Vancouver Island Railway, the Esquimalt Graving Dock, and certain Railway Lands of the Province of British Columbia granted to the Dominion.....	Secs. 11 and 12.

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
47 Victoria—1884—Continued.		
7.....	An Act to authorize a further advance to the Province of Manitoba in aid of the Public Schools therein.....	The whole.
11.....	An Act further to amend the Consolidated Railway Act, 1879, and the Acts amending it.....	do
12.....	An Act to provide for the Salary and Travelling Allowances of the Judge of the County Court of Cariboo, in the Province of British Columbia.....	do
13.....	An Act to provide for the Salary and Travelling Allowances of an additional Puisné Judge of the Court of Queen's Bench, in the Province of Manitoba.....	do
14.....	An Act respecting the Independence of Parliament Act, 1878, forty-first Victoria, chapter five.....	do
16.....	An Act further to amend the Act thirty-first Victoria, chapter twelve, intituled "An Act respecting the Public Works of Canada".....	do
17.....	An Act respecting Fortifications and Military Buildings and their maintenance and repair.....	do
18.....	An Act respecting the Department of Marine and Fisheries.....	do
19.....	An Act to amend an Act respecting Certificates to Masters and Mates of Ships, and the Seamen's Act, 1873.....	do
20.....	An Act to amend the Steamboat Inspection Act, 1882, by reducing the Fees payable on renewal of Engineers' Licenses.....	do
21.....	An Act in further amendment of an Act respecting the treatment and relief of Sick and Distressed Mariners.....	do
22.....	An Act to amend an Act respecting Inquiries and Investigation into Shipwrecks, and other matters, as to the powers of the Minister of Marine and Fisheries in certain cases reported to him under it.....	do
23.....	An Act to amend the North-West Territories Act, 1880.....	do
24.....	An Act respecting the territory in dispute between the Dominion of Canada and the Province of Ontario.....	Sec. 3.
25.....	An Act to amend the Dominion Lands Act, 1883.....	The whole.
26.....	An Act to extend the limitation of time under the Act forty-third Victoria, chapter seven, intituled "An Act for the final settlement of Claims to Lands in Manitoba by Occupancy, under the Act thirty-third Victoria, chapter three".....	do
27.....	An Act further to amend the Indian Act, 1880.....	do
28.....	An Act for conferring certain privileges on the more advanced Bands of the Indians of Canada, with the view of training them for the exercise of Municipal Powers.....	do
29.....	An Act to amend the Customs Act, 1883.....	do
30.....	An Act further to amend the present Tariff of Duties of Customs.....	do
31.....	An Act to amend the Canada Temperance Act, 1878.....	do
32.....	An Act to amend the Liquor License Act, 1883.....	do
33.....	An Act further to amend the General Inspection Act, 1874.....	do
35.....	An Act to amend the Acts respecting the Inspection of Gas and Gas Meters.....	do
36.....	An Act to amend the Weights and Measures Act of 1879.....	do
38.....	An Act for the better prevention of Fraud in connection with the Sale of Patent Rights.....	do
39.....	An Act further to amend the Act forty-fifth Victoria, chapter twenty-three intituled "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations".....	do
41.....	An Act to amend the Act thirty-eighth Victoria, chapter fifty-four, intituled "An Act to extend to the Province of Manitoba the Act for the more speedy trial, in certain cases, of persons charged with Felonies and Misdemeanors, in the Provinces of Ontario and Quebec.....	do
42.....	An Act to amend the Act thirty-seventh Victoria, chapter forty-two, intituled "An Act to extend to the Province of British Columbia certain of the Criminal Laws now in force in other Provinces of the Dominion".....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
47 Victoria—1884—Concluded		
43.....	An Act to further amend an Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders	The whole.
44.....	An Act to authorize the transfer of Prisoners from one gaol to another, in certain cases.....	do
45.....	An Act respecting a Reformatory for certain Juvenile Offenders in the County of Halifax, in the Province of Nova Scotia	do
48-49 Victoria—1885.		
1.....	An Act to provide for the appointment of a Deputy Speaker of the House of Commons.....	do
2.....	An Act to amend the Acts respecting the Department of the Secretary of State.....	do
4.....	An Act respecting certain advances to the Provinces.....	do
7.....	An Act respecting Explosive Substances.....	do
40.....	An Act respecting the Electoral Franchise.....	do
41.....	An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1885, and the 30th June, 1886, and for other purposes relating to the Public Service	do
42.....	An Act for granting to Her Majesty the sum of One million seven hundred thousand dollars, required for defraying certain expenses in connection with the troubles in the North-West Territories	do
43.....	An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.....	do
45.....	An Act to amend the Act in relation to the Library of Parliament...	do
46.....	An Act to amend and consolidate the Civil Service Acts of 1882, 1883 and 1884	do
47.....	An Act to amend the sections of Acts therein mentioned, relating to the constitution of the Treasury Board.....	do
48.....	An Act respecting proof of entries in Books of Account kept by Officers of the Crown.....	do
50.....	An Act for the final settlement of the claims made by the Province of Manitoba on the Dominion.....	do
51.....	An Act respecting the administration of Justice, and other matters, in the North-West Territories.....	do
52.....	An Act to continue for a limited time the Act therein mentioned.....	do
53.....	An Act to authorize the augmentation of the North-West Mounted Police	do
54.....	An Act respecting the North-West Mounted Police Force.....	do
55.....	An Act to provide a salary for an additional County Court Judge in the Province of Manitoba.....	do
56.....	An Act to amend the Act forty-sixth Victoria, chapter nine, intitled "An Act to provide for the salaries and superannuation and travelling allowances of certain Judges of certain Provincial Courts	do
61.....	An Act to amend the several Acts relating to Duties of Customs and Excise.....	do
62.....	An Act to amend "The Consolidated Inland Revenue Act, 1883"...	do
63.....	An Act respecting Canned Goods.....	do
64.....	An Act further to amend the Acts relating to Weights and Measures.	do
65.....	An Act further to amend the Acts relating to the Culling and Measuring of Timber in the Provinces of Ontario and Quebec.....	do
66.....	An Act further to amend "The General Inspection Act, 1874," and the Acts amending the same.....	do
67.....	An Act respecting the Adulteration of Food, Drugs and Agricultural Fertilizers.....	do
68.....	An Act respecting Agricultural Fertilizers.....	do
69.....	An Act further to amend the Act respecting the Inspection of Gas and Gas Meters.....	do

SCHEDULE A—Continued.

Chap.	Title of Act.	Extent of Repeal.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
48-49 Victoria—1885—Concluded.		
70.....	An Act respecting Infectious or Contagious Diseases affecting Animals.....	The whole.
71.....	An Act to restrict and regulate Chinese immigration into Canada.....	do
72.....	An Act to amend "The Consolidated Militia Act of 1883".....	do
74.....	An Act respecting "The Liquor License Act, 1883".....	do
75.....	An Act further to amend "The Steamboat Inspection Act, 1882".....	do
79.....	An Act to amend an Act respecting "The Central Prison for the Province of Ontario".....	do
	An Act further to amend "An Act for the better Preservation of the Peace in the vicinity of Public Works," and the Acts in amendment thereof.....	do
81.....	An Act to amend the Act intituled "An Act to provide for the employment without the walls of Common Gaols of Prisoners sentenced to imprisonment therein".....	do
82.....	An Act further to amend an Act intituled "An Act respecting offences against the person".....	do
83.....	An Act respecting The Bank of British Columbia.....	do
84.....	An Act respecting the Commercial Bank of Windsor.....	do
49 Victoria—1886.		
2.....	An Act further to amend "The Interpretation Act.".....	do
3.....	An Act to amend the Act respecting the Electoral Franchise and the Dominion Elections Act, 1874.....	do
5.....	An Act respecting Commissions to Public Officers of Canada.....	do
6.....	An Act to amend the law relating to the salaries of certain Judges of the Supreme Court of Judicature for Ontario.....	do
7.....	An Act to expedite the issue of Letters Patent for Indian Lands.....	do
8.....	An Act to explain the Act intituled: "An Act for the final settlement of the claims made by the Province of Manitoba on the Dominion.".....	do
9.....	An Act further to amend the Act respecting the Canadian Pacific Railway.....	Sec. 7.
21.....	An Act further to amend "The Post Office Act, 1875.".....	The whole.
22.....	An Act respecting the Department of Public Printing and Stationery.....	do
23.....	An Act respecting Experimental Farm Stations.....	do
24.....	An Act respecting the representation of the North-West Territories in the Parliament of Canada.....	do
25.....	An Act further to amend the law respecting the North-West Territories.....	do
26.....	An Act respecting Real Property in the Territories.....	do
27.....	An Act further to amend "The Dominion Lands Act, 1883.".....	do
28.....	An Act to make further provision respecting the administration of the Public Lands of Canada in British Columbia.....	do
34.....	An Act further to amend the Steamboat Inspection Act, 1882.....	do
35.....	An Act respecting certain works constructed in or over Navigable Waters.....	do
36.....	An Act respecting the protection of Navigable Waters.....	do
37.....	An Act further to amend the Acts relating to Duties of Customs and the importation or exportation of goods into or from Canada.....	do
39.....	An Act in amendment of "The Consolidated Inland Revenue Act, 1883," and the Act amending the same.....	do
40.....	An Act in further amendment of the Weights and Measures Act of 1879.....	do
41.....	An Act to amend "The Adulteration Act.".....	do
42.....	An Act to prohibit the manufacture and sale of certain substitutes for Butter.....	do
43.....	An Act to amend "The Animal Contagious Diseases Act.".....	do
44.....	An Act respecting Interest in the Province of British Columbia.....	do

SCHEDULE A—*Concluded.*

ACTS OF THE PARLIAMENT OF CANADA— <i>Concluded.</i>		
49 <i>Victoria</i> —1886— <i>Concluded.</i>		
45.....	An Act respecting Insurance.....	The whole.
46.....	An Act further to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations.".....	do
47.....	An Act to amend the law respecting Crown Cases reserved.....	do
48.....	An Act respecting the application of certain Fines and Forfeitures....	do
49.....	An Act to make further provision respecting Summary Proceedings before Justices and other Magistrates.....	do
50.....	An Act further to amend the law of evidence in certain cases.....	do
51.....	An Act to amend "An Act respecting offences against the Person.".....	do
52.....	An Act to punish seduction, and like offences, and to make further provision for the Protection of Women and Girls.....	do
53.....	An Act to amend the Criminal Law, and to declare it a misdemeanor to leave unguarded and exposed certain holes, openings and excavations.....	do
54.....	An Act to amend an Act respecting a Reformatory for certain Juvenile Offenders in the County of Halifax, in the Province of Nova Scotia.....	do
114.....	An Act further to amend the Act respecting Fishing by foreign vessels.....	do

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SCHEDULE B.

ACTS AND PARTS OF ACTS of a public general nature, which affect Canada, and have relation to matters not within the legislative authority of Parliament, or in respect to which the power of legislation is doubtful or has been doubted, and which have in consequence not been consolidated; and also, Acts of a public general nature, which, for other reasons, have not been considered proper Acts to be consolidated.

Chap.	Title of Act.	Portion of Act.
CONSOLIDATED STATUTES OF CANADA.		
5.....	An Act respecting the Provincial Statutes.....	Secs. 1, 2, 3, 4, 5, 6, except sub-s. 13 from the word "made" in line 8 to the end of the subsection, and sections 14 and 15.
23.....	An Act respecting the sale and management of Timber on Public Lands	The whole, except section 9 from the word "seized" in line 4 to the end of the section, sub-s. 1 of section 10, and section 13.
52.....	An Act respecting the Inspection of Hops.....	The whole.
59.....	An Act respecting the protection of persons who receive assignments and enter into contracts in relation to Goods intrusted to Agents	Section 21.
60.....	An Act respecting Limited Partnerships	Secs. 17, 19, 20, 21 and 22.
66.....	An Act respecting Railways.....	The whole.
68.....	An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.	The whole, except secs. 59, 59 and 67.
69.....	An Act respecting payment of dividends by Insurance Companies.....	The whole.
79.....	An Act respecting the Appointment of Commissioners for taking Affidavits and the Attendance of Witnesses in the Courts of Upper and Lower Canada reciprocally.....	Secs. 4 to 13 inclusive.
CONSOLIDATED STATUTES FOR UPPER CANADA.		
1.....	An Act respecting the Consolidated Statutes for Upper Canada.....	The whole.
2.....	An Act respecting the interpretation of certain words and terms therein mentioned.....	The whole, except the last 6 lines of section 15.
18.....	An Act respecting Insolvent Debtors' Courts.....	The whole.
19.....	An Act respecting the Division Courts.....	Sec. 172.
21.....	An Act respecting the practice and procedure in Suits instituted on behalf of the Crown, in matters relating to the Revenue and the repeal of Letters Patent.....	The whole.
26.....	An Act respecting relief of Insolvent Debtors.....	The whole, except secs. 14, 19 and 20.
47.....	An Act respecting Rivers and Streams.....	The whole.
48.....	An Act respecting Mills and Mill-dams.....	do
50.....	An Act respecting Joint Stock Companies for the construction of Piers, Wharves, Dry Docks and Harbors	do

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
CONSOLIDATED STATUTES FOR UPPER CANADA—Concluded.		
53.....	An Act respecting Building Societies.....	The whole, except secs. 20, 22, 38 and 42.
78.....	An Act respecting remedies for and against Executors and Administrators and respecting the Limitation of certain actions.....	Section 7.
79.....	An Act to prevent Accidents from Machinery.....	The whole.
104.....	An Act to prevent the Profanation of the Lord's Day in Upper Canada.....	do
CONSOLIDATED STATUTES FOR LOWER CANADA.		
1.....	An Act respecting the Consolidated Statutes for Lower Canada.....	do
3.....	An Act respecting the time when certain Laws took effect, the publication of Acts and Proclamations, and the preservation of certain Records.....	Section 1.
10.....	An Act respecting Seditious and Unlawful Associations and Oaths.....	The whole.
14.....	An Act respecting Indians and Indian Lands.....	So much as is not inconsistent with or does not make provision in matters provided for by 39 V., c. 18(D.)
33.....	An Act respecting the sale of Goods on Sundays.....	The whole.
69.....	An Act respecting Building Societies.....	The whole, except sub-s 1 of sec. 1.
87.....	An Act respecting Arrest and Imprisonment for Debt, and the relief of Insolvent Debtors.....	Secs. 12 to 24 inclusive.
95.....	An Act respecting the Writ of <i>Habeas Corpus</i> , Bail and other provisions of Law for securing the liberty of the Subject.....	The whole.
108.....	An Act covering the limitation in general of penal actions.....	do
STATUTES OF THE LATE PROVINCE OF CANADA.		
<i>23 Victoria—1860.</i>		
2.....	An Act respecting the sale and management of the Public Lands.....	The whole, except sec. 33
21.....	An Act respecting the Line of Division between Upper and Lower Canada.....	The whole.
29.....	An Act in amendment of the Railway Act.....	do
82.....	An Act respecting the Indian Lands in the Township of Durham, in the County of Drummond.....	do
123.....	An Act to incorporate the Pilots for and below the Harbor of Quebec.....	do
<i>24 Victoria—1861.</i>		
17.....	An Act to explain and amend the Railway Act.....	do
18.....	The Joint Stock Companies General Clauses Consolidation Act.....	do
68.....	An Act further to amend the Act to provide for the management and improvement of the Harbor of Montreal and the deepening of the Ship Channel between Montreal and Quebec.....	do
<i>25 Victoria—1862.</i>		
26.....	An Act to amend the Act for the management of the Toronto Harbor	do
46.....	An Act to amend the Act to provide for the improvement and management of the Harbor of Quebec.....	do
<i>26 Victoria—1863, (1st Session.)</i>		
53.....	An Act to amend the Act twelfth Victoria, chapter one hundred and fourteen, relating to the Quebec Trinity House.....	do

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
STATUTES OF THE LATE PROVINCE OF CANADA—Continued.		
<i>27-28 Victoria—1864.</i>		
12.....	An Act to replace the improvements in the Navigation of the River St. Lawrence, between the Harbors of Quebec and Montreal, under the control of the Commissioner of Public Works.....	The whole.
18.....	An Act to amend the Laws in force respecting the sale of Intoxicating Liquors and the issue of Licenses therefor, and otherwise for repression of abuses resulting from such sale.....	
68.....	An Act to change the tenure of the Indian Lands in the Township of Dundee, in the County of Huntingdon.....	
69.....	An Act to enable the Huron Indians of La Jeune Lorette, to regulate the cutting of wood in their Reserve	do
<i>28 Victoria (1865, 1st Session.)</i>		
6.....	An Act respecting the Weighing, Measuring and Gauging of certain Articles of General Consumption.....	do
14.....	An Act to regulate the business of Stevedores and Liners in the Harbor of Montreal	do
<i>29 Victoria (1865, 2nd Session.)</i>		
38.....	An Act to make further provisions for the management of Permanent Building Societies in Upper Canada	do
41.....	An Act respecting the Civil Code of Lower Canada	The following articles of the Civil Code of Lower Canada brought into force on 1st August, 1866, by proclamation dated 26th May, 1866, under the provisions of this Act:—Articles 12 to 21, inclusive; article 23; paragraphs 6 and 7 of article 36; article 108; articles 115 to 127, inclusive; articles 135 to 156, inclusive; articles 185, 206, 367; paragraph 2 of article 369; articles 400, 402, 403; paragraphs 2, 3 and 4 of article 594; articles 803, 1569, 1573, 1676, 1678, 1679, 1680, 1681, 1682, 1785, 1886, 1989, 1998, 1999, 2007, 2022, 2032, 2090, 2151, 2211 to 2216, inclusive; articles 2279 to 2354, inclusive; articles 2355, 2356, 2359, 2361, 2362, 2373 and 2374; articles 2383 to 2403, inclusive; articles 2406 to 2462, inclusive; articles 2464 to 2467, inclusive; articles 2552 to 2558, inclusive; articles 2560 to 2567, inclusive; and articles 2594 to 2612, inclusive.

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
STATUTES OF THE LATE PROVINCE OF CANADA—Concluded.		
29 <i>Victoria</i> (1865, 2nd Session)—Concluded.		
46.....	An Act to amend the tenth chapter of the Consolidated Statutes for Lower Canada, respecting Seditious and Unlawful Associations and Oaths.....	The whole.
56.....	An Act further to provide for the deepening of the Ship Channel between Montreal and Quebec.....	do
29-30 <i>Victoria</i> —1866.		
20.....	An Act to confirm the Title to Lands held in trust for certain of the Indians resident in this Province.....	do
43.....	An Act to amend the Law of Upper Canada relating to Crown Debtors.....	do
45.....	An Act for more effectually securing the Liberty of the Subject.....	do
51.....	An Act respecting the Municipal Institutions of Upper Canada.....	Sec. 409.
58.....	An Act to extend the powers of the Trinity House of Quebec.....	The whole.
REVISED STATUTES, NOVA SCOTIA, 3RD SERIES.		
1.....	Of the promulgation and construction of Statutes.....	The whole.
28.....	Of Naval property.....	do
32.....	Of an Electric Telegraph for Military purposes.....	do
82.....	Of Bills of Exchange and Promissory Notes.....	Sec. 2.
85.....	Of the Regulation and Inspection of Provisions, Lumber, Fuel and other Merchandise.....	Secs. 44 to 54, inclusive, 73 to 83, inclusive, and 88 to 121, inclusive.
87.....	Of general provisions respecting Corporations.....	The whole.
126.....	Of the Court of Marriage and Divorce.....	Secs. 4 to 7, inclusive.
133.....	Of Municipalities.....	So much of sec. 118 as relates to the appointment of inspectors of provisions, lumber, fuel, and other merchandise, and is unrepealed by 36 V., c. 49, s. 20 (D).
135.....	Of Witnesses and Evidence and the proof of written documents.....	Sec. 44 in so far as it relates to any proceeding instituted in consequence of adultery.
137.....	Of the relief of Insolvent Debtors.....	The whole.
148.....	Of the Writ of Certiorari.....	Secs. 1 and 2.
153.....	Of the Liberty of the Subject.....	The whole.
155.....	Of Costs and Fees.....	So much as relates to the Court of Marriage and Divorce.
159.....	Of offences against Religion.....	Secs. 2, 4 and 5.
160.....	Of offences against Public Morals.....	Sec. 2.
ACT OF NOVA SCOTIA NOT REPEALED BY THE REVISED STATUTES, 3RD SERIES.		
25 <i>Victoria</i> .—1862.		
2....	An Act for the incorporation and winding up of Joint Stock Companies.....	The whole, except sec. 19.

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
ACTS OF NOVA SCOTIA SUBSEQUENT TO THE REVISED STATUTES, 3RD SERIES.		
29 Victoria—1866.		
12.....	An Act to amend chapter 154 of the Revised Statutes "Of the Limitations of Actions....."	Sec. 15.
13.....	An Act to amend the Laws relating to Divorce and Matrimonial Causes.....	The whole, except sec. 12.
30 Victoria—1867.		
27.....	An Act to vest in the Crown certain public grounds in the Town Plot of Chester.....	do
28.....	An Act to vest in the Crown certain Public Lands in the Town of Lunenburg.....	do
32.....	An Act to amend chapter 92 of the Revised Statutes "Of the preservation of useful Birds and Animals".....	Sec. 7.
REVISED STATUTES OF NEW BRUNSWICK.—VOL. 1.		
64.....	Of Rules and Regulations.....	Sub-sections 24 and 31 of sec. 1.
92.....	Of the Regulation of sales of Lime.....	The whole.
93.....	Of the Measurement of Firewood and Bark.....	do
96.....	Of the Survey and Exportation of Lumber.....	do
116.....	Of Bills, Notes and Choses in Action.....	Sec. 2.
119.....	Of Corporations.....	The whole.
120.....	Of Banking.....	The whole, except sec. 3.
122.....	Of Damaged Goods.....	The whole.
124.....	Of Insolvent confined Debtors.....	The whole, except sec. 9.
127.....	Of Habeas Corpus.....	The whole.
140.....	Of the Limitation of Personal Actions.....	Sec. 2.
144.....	Of Offences against Religion.....	Sec. 2.
145.....	Of Offences against Public Morals and Decency.....	Secs 2 and 3.
161.....	Of Terms, Explanations and General Provisions.....	The whole, except sec. 30 from "false" in line 18 to the end of the section.
162.....	Of the Promulgation and Repeal of Statutes.....	Secs. 1 to 14, inclusive.
PUBLIC STATUTES OF NEW BRUNSWICK.—VOL. 2.		
31 George III.		
5.....	An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication.....	Secs. 5, 9 and 10.
12 Victoria.		
39.....	An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law.....	Sec. 23.
LOCAL AND PRIVATE STATUTES OF NEW BRUNSWICK.—VOL. 3.		
10 Victoria.		
83.....	An Act for the regulation of Benefit Building Societies.....	The whole.

SCHEDULE B.—Continued.

Chap.	Title of Act.	Portion of Act.
ACTS OF NEW BRUNSWICK SINCE THE REVISED STATUTES.		
<i>17 Victoria.</i>		
12.....	An Act to authorize the Election of certain Town or Parish Officers..	The whole.
<i>18 Victoria—1855.</i>		
22.....	An Act in addition to and amendment of certain chapters of Titles eight and ten, and Titles thirty, thirty-one and thirty-four of the Revised Statutes.....	Sec. 6.
24.....	An Act relating to Jurors.....	Sec. 17.
<i>19 Victoria.</i>		
41.....	An Act in further amendment of the Law.....	Sec. 2 in so far as it relates to any proceeding instituted in consequence of adultery.
42.....	An Act for better securing the liberty of the Subject.....	The whole.
47.....	An Act to explain chapter 120, Title XXXI, of the Revised Statutes "Of Banking".....	do
57.....	An Act to amend chapter 138, Title XXXVII, of the Revised Statutes "Of Summary Convictions," so far as the same may apply to the Parish of Portland.....	do
<i>21 Victoria.</i>		
45.....	An Act to provide for the appointment of a Deputy Harbor Master for the Port and Harbor of Saint John.....	do
<i>23 Victoria.</i>		
28.....	An Act to amend the Law relating to Insolvent confined Debtors...	do
37.....	An Act to amend the Law relating to Divorce and Matrimonial causes.....	do
<i>24 Victoria.</i>		
8.....	An Act to amend the Law relating to Divorce and Matrimonial causes.....	do
<i>25 Victoria.</i>		
18.....	An Act to amend chapter 96 of the Revised Statutes "Of the Survey and Exportation of Lumber".....	do
19.....	An Act in addition to chapter 93, Title XVII, of the Revised Statutes "Of the measurement of Firewood and Bark".....	do
28.....	An Act relating to Corporations.....	do
<i>26 Victoria.</i>		
10.....	An Act to amend chapter 124, Title XXXIV, of the Revised Statutes "Of Insolvent confined Debtors".....	The whole.

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
ACTS OF NEW BRUNSWICK SINCE THE REVISED STATUTES.—Concluded.		
<i>27 Victoria.</i>		
8.....	An Act relating to the issuing of Warrants by Justices of the Peace, and in aid of Police Officers and Constables in the execution of their duties.....	Sec. 2.
18.....	An Act relating to the Harbor of the City of Saint John.....	The whole.
<i>28 Victoria.</i>		
6.....	An Act relating to Marriage and Divorce.....	do
21.....	An Act for the protection of Moose.....	Secs. 8, 9 and 10.
<i>29 Victoria.</i>		
22.....	An Act to revive and continue an Act intituled "An Act for the regulation of Benefit Building Societies".....	The whole.
<i>30 Victoria—1867.</i>		
10.....	An Act to establish County Courts.....	Sec. 32.
29.....	An Act in amendment of twenty-fifth Victoria, chapter 28, intituled "An Act relating to Corporations".....	The whole.
34.....	An Act to amend chapter 116, Title XXX, of the Revised Statutes, "Of Bills, Notes and Choses in Action"; also Act 12th Victoria, chapter 39, relating thereto.....	Sec. 1.
REVISED STATUTES OF BRITISH COLUMBIA.		
<i>Laws of the formerly separate Colony of Vancouver Island.</i>		
13.....	An Act for consolidating in one Act certain provisions usually inserted in Acts authorizing the taking of Lands for undertakings of a Public Nature.....	Sec. 12.
<i>Laws of the formerly separate Colony of British Columbia.</i>		
46.....	Proclamation "The Sunday Observance Act, 1863".....	The whole.
65.....	An Ordinance to amend the Law relating to Joint Stock Companies.....	The whole, except secs. 8, 9 and 10, and except in so far as it relates to insolvency or to the winding up of Companies, for the winding up of which provision has been made by the Parliament of Canada.
<i>Laws of British Columbia after the Union of Vancouver Island and British Columbia.</i>		
74.....	An Ordinance to provide for the taking of Oaths and the admission of Evidence in certain cases.....	Secs. 5, 6, 7 and 8.
85.....	An Ordinance to assimilate and amend the Law prohibiting the sale or gift of Intoxicating Liquor to Indians.....	Secs. 10 and 11.
89.....	An Ordinance to regulate the Solemnization of Marriage.....	Secs. 19, 20 and 21.
116.....	An Ordinance to amend the Law of Partnership.....	Sec. 6.
128.....	An Ordinance to encourage the establishment of Investment and Loan Societies.....	The whole.

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
REVISED STATUTES OF BRITISH COLUMBIA—Concluded.		
<i>Laws of British Columbia after the Union of Vancouver Island and British Columbia—Concluded.</i>		
129.....	An Ordinance respecting "The Companies Ordinance, 1866".....	The whole, except in so far as it relates to insolvency or to the winding up of companies, for the winding up of which provision has been made by the Parliament of Canada.
157.....	An Act to regulate Elections of Members of the Legislature of this Colony.....	Secs. 103, 104 and 105.
158.....	An Act to prevent Bribery, Treating and undue Influence at Elections of Members of the Legislature.....	Secs. 14, 15, 16 and 17.
165.....	An Act to amend the "Investment and Loan Societies Ordinance, 1869".....	The whole.
167.....	An Act to make provision for inquiring into Controverted Elections and Disputed Returns of Members to serve in the Legislature.....	Sec. 31.
168.....	An Act to exempt (in certain cases) Cattle farmed on shares, and their increase, from the operation of any Bankruptcy or Insolvency Laws.....	The whole except sec. 3 from the second "and" in line 6 to the end of the section.
REVISED STATUTES OF PRINCE EDWARD ISLAND.		
<i>20 George III—3rd Session.</i>		
3.....	An Act for the due observance of the Lord's Day.....	The whole.
<i>50 George III.</i>		
2.....	An Act to prevent Acts of the General Assembly from taking effect from a time prior to the passing thereof.....	do
<i>5 William IV.</i>		
10.....	An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned.....	do
<i>7 William IV.</i>		
29.....	An Act for investing all Estates and Property in this Island belonging to, or occupied for, the Ordnance Service in the principal Officers of His Majesty's Ordnance, and for granting certain powers to the said principal Officers.....	The whole, except secs. 8 to 13, inclusive.
<i>6 Victoria—1843.</i>		
14.....	An Act relating to the Fisheries, and for the prevention of Illicit Trade in Prince Edward Island, and the coasts and harbors thereof.....	The whole.
<i>14 Victoria—1851.</i>		
2.....	An Act to consolidate and amend the Laws now in force for the relief of Insolvent Debtors.....	The whole, except sec. 17.
4.....	An Act for shortening the language used in Acts of the General Assembly.....	The whole.

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
REVISED STATUTES, PRINCE EDWARD ISLAND—Continued.		
15 Victoria—1852.		
14.....	An Act relating to Corporate Bodies.....	The whole.
15.....	An Act to amend an Act relating to Corporate Bodies.....	do
34.....	An Act relating to the Charlottetown Ferry and the Wharves connected therewith.....	The whole, except secs. 4, 5, 6, 10 and 17.
16 Victoria—1853.		
12.....	An Act to amend the Law of Evidence.....	Sec. 14.
19 Victoria—1856.		
17.....	An Act to alter and amend the Act relating to the Charlottetown Ferry, and the Wharves connected therewith.....	The whole.
19.....	An Act for transferring to one of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance.....	do
20 Victoria—1858.		
10.....	An Act for better securing the Liberty of the Subject.....	do
23 Victoria—1860.		
23.....	An Act to amend the Laws relating to Bills of Lading.....	do
24 Victoria—1861.		
7.....	An Act for the preservation of the Alewives' Fisheries in this Island.	Sec. 10.
27.....	An Act relating to the punishment of certain cases of felony and misdemeanor.....	Sec. 3.
25 Victoria—1862.		
13.....	An Act relating to Limited Partnerships.....	Sec. 9.
23.....	An Act for vesting all Estates and Property occupied by or for the Naval Service of the United Kingdom of Great Britain and Ireland, in the Lord High Admiral, or the Commissioner for executing the office of the Lord High Admiral of the said United Kingdom for the time being.....	The whole.
27 Victoria—1864.		
9.....	An Act to amend the Act now in force for the Relief of Insolvent Debtors.....	Sec. 1.
32.....	An Act relating to Steam Communication between Charlottetown and certain parts of the Hillsborough and Elliot Rivers, and to repeal a certain Act therein mentioned.....	The whole, except sec. 5.
29 Victoria—1866.		
11.....	An Act to amend the Act intituled "An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned".....	The whole.
37.....	An Act for the regulation of Benefit Building Societies.....	The whole, except sec. 33.

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
REVISED STATUTES, PRINCE EDWARD ISLAND— <i>Concluded.</i>		
31 <i>Victoria</i> —1868.		
14.....	An Act to amend the Act for the due observance of the Lord's Day.	The whole.
ACTS OF PRINCE EDWARD ISLAND SINCE REVISED STATUTES.		
32 <i>Victoria</i> —1869.		
11.....	An Act to provide for the Service of Divorce Process on absent parties	do
34.....	An Act to enable the Government to secure Telegraphic Communication	do
33 <i>Victoria</i> —1870.		
7.....	An Act to procure a Steamboat for the Georgetown Ferry.....	do
34 <i>Victoria</i> —1871.		
13.....	An Act to encourage Steam Communication between Charlottetown and Mount Stewart Bridge, on the Hillsborough River.....	do
17.....	An Act relating to certain Grants by the Crown	do
22.....	An Act to amend the Act to procure a Steamboat for the Georgetown Ferry.....	do
ACTS OF THE PARLIAMENT OF CANADA.		
31 <i>Victoria</i> —1867-68.		
13.....	An Act respecting the construction of "The Intercolonial Railway"	The whole, except sec. 3.
77.....	An Act to enable Her Majesty to provide for the Widow and Children of the late Honorable Thomas D'Arcy McGee.....	The whole.
79.....	An Act to amend "An Act to provide for the improvement and management of the Harbor of Quebec," and the Act amending the same	do
32-33 <i>Victoria</i> —1869.		
40.....	An Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of the Dominion	do
42.....	An Act to amend the Act of the late Province of Canada, twelfth <i>Victoria</i> , chapter 114, to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes	do
43.....	An Act to amend the Act twenty-third <i>Victoria</i> , chapter 123, being an Act incorporating the Corporation of Pilots for and below the Harbor of Quebec.....	do
44.....	An Act to amend the Act respecting the improvement and management of the Harbor of Quebec	do
33 <i>Victoria</i> —1870.		
3.....	An Act to amend and continue the Act thirty-two and thirty-three <i>Victoria</i> , chapter 3, and to establish and provide for the Government of the Province of Manitoba	Secs. 2, 6 to 24, both inclusive, and sec. 26.
12.....	An Act to remove certain restrictions with respect to the issue of Bank Notes in Nova Scotia.....	The whole.
20.....	An Act to amend and extend the Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of the Dominion.....	do
24.....	An Act respecting certain Works on the Ottawa River	do
33.....	An Act to continue and make permanent certain Acts and parts of Acts of the Province of New Brunswick relative to the Police Force in the Parish of Portland, in the City and County of St. John	do

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
ACTS OF THE PARLIAMENT OF CANADA—Continued		
33 Victoria—1870—Concluded.		
40.....	An Act to vest in Her Majesty for the purposes, therein mentioned, the property and powers now vested in the Trustees of the Bank of Upper Canada.....	The whole.
44.....	An Act further to amend the Acts respecting the improvement and management of the Harbor of Quebec	do
45.....	An Act to authorize the Corporation of the Township of Collingwood, in the County of Grey, to impose and collect Tolls or Harbor Dues at the mouth of Beaver River, and for other purposes	do
46.....	An Act to authorize the Town of Belleville to impose and collect Harbor Dues, and for other purposes	do
34 Victoria—1871.		
8.....	An Act to amend the Act thirty-third Victoria, chapter 40, respecting the settlement of the affairs of the Bank of Upper Canada.....	do
27.....	An Act to prolong, for a certain time, the term allowed for the redemption of Rents reserved on certain Indian Lands in the Township of Dundee	The whole, except sec. 1.
28.....	An Act to authorize the Sale of the Oakville Harbor	The whole.
31.....	An Act respecting certain Officers of the Trinity House of Quebec...	do
33.....	An Act to provide for the appointment of a Port Warden for the Harbor of Quebec	The whole, except sec 11.
34.....	An Act further to amend the Acts respecting the improvement and management of the Harbor of Quebec	The whole.
35.....	An Act to extend the provisions of the Act authorizing the imposition and collection of Harbor Dues by the Corporation of the Town of Owen Sound.....	do
36.....	An Act to authorize the incorporated Village of Trenton to impose and collect Harbor Dues, and for other purposes	do
35 Victoria—1872.		
5.....	An Act to amend the Act thirty-fourth Victoria, chapter 3, respecting the Loan for paying a certain sum to the Hudson's Bay Company	The whole, except sec. 1 from the beginning to "loan" in line 8 thereof.
36.....	An Act to amend the Act, chapter 47 of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Rivers and Streams"	The whole.
40.....	An Act for imposing Tonnage Dues and Wharfage Rates, to meet the cost of improving the navigation of the St. Lawrence between Montreal and Quebec	do
41.....	An Act to extend the Acts thirty-second and thirty-third Victoria, chapter 40, and thirty-third Victoria, chapter 20, to the Port of Collingwood.....	do
42.....	An Act to provide for the appointment of a Harbor Master for the Port of Halifax	The whole, except secs. 7 and 9.
36 Victoria—1873.		
10.....	An Act to add to the number of the Members of the Corporation of the Trinity House of Quebec, and to increase the powers thereof	The whole.
11.....	An Act to amend the Acts relating to Port Wardens at Montreal and Quebec	The whole, except secs. 1 and 2, and except secs. 5, 6 and 7, as to the Harbor of Montreal.

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
36 Victoria—1873—Concluded.		
13.....	An Act to amend the Act to provide for the appointment of a Harbor Master for the Port of Halifax	The whole.
45.....	An Act to amend the Act respecting the construction of the Inter-colonial Railway	The whole, except sec. 1.
55.....	An Act respecting Wreck and Salvage	Secs. 38 and 39.
60.....	An Act to make further provision for the improvement of the River St. Lawrence between Montreal and Quebec.....	The whole.
61.....	An Act respecting the Trinity House and Harbor Commissioners of Montreal.....	The whole, except secs. 12 and 13.
62.....	An Act further to amend the Acts to provide for the management and improvement of the Harbor of Quebec	The whole, except secs. 5 and 6; sec. 18 from "on" in line 17 to "each" in line 20, and from "on" in line 46 to "thereof" in line 50, sec. 19 and sec. 23..
63.....	An Act respecting the Harbor of Pictou, in Nova Scotia	The whole, except sec. 3.
64.....	An Act to amend the Act respecting Joint Stock Companies to construct Works to facilitate the transmission of Timber down Rivers and Streams.....	The whole.
37 Victoria—1874.		
14.....	An Act to provide for the construction of the Canadian Pacific Railway	do
15.....	An Act to amend the Act respecting the construction of the Inter-colonial Railway	do
16.....	An Act to authorize the transfer of the Windsor Branch of the Nova Scotia Railway to the Western Counties Railway Company ...	do
17.....	An Act to authorize the advance of a certain sum to the Province of British Columbia for the construction of a Graving Dock at Esquimalt, and for other purposes.....	The whole, except sec. 2.
18.....	An Act to authorize the purchase of the Pier or Breakwater at Cow Bay, Nova Scotia, and to provide for its maintenance.....	The whole.
31.....	An Act to amend the Act respecting the Trinity House and Harbor Commissioners of Montreal.....	The whole, except sec. 3.
50.....	An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario	The whole, except secs. 4 and 19.
38 Victoria—1875.		
22.....	An Act respecting the Intercolonial Railway.....	The whole.
23.....	An Act respecting the Lien of the Dominion on the Northern Railway of Canada	do
55.....	An Act respecting the Trinity House and Harbor Commissioners of Quebec	The whole, except sec. 2, in so far as it constitutes the Quebec Harbor Commissioners the Pilotage authority of the Pilotage District of Quebec, sec. 4, sec. 5 from "and" in line 19 to the end of the section, sec. 7 from "the" where it secondly occurs in line 9 thereof to the end of the section, and secs. 11 and 15.

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
38 Victoria—1875—Concluded.		
56.....	An Act respecting the Graving Dock in the Harbor of Quebec, and authorizing the raising of a Loan in respect thereof.....	The whole.
39 Victoria—1876.		
6.....	An Act to amend the Act thirty-eighth Victoria, chapter 23, respecting the Northern Railway of Canada	do
16.....	An Act respecting the Intercolonial Railway.....	do
17.....	An Act respecting the Desjardins Canal.....	do
38.....	An Act to remove doubts under the Acts therein mentioned respecting the Harbor Commissioners of Montreal, and to amend the same	do
39.....	An Act to remove doubts under the Acts therein mentioned respecting the Corporation of the Quebec Harbor Commissioners.....	do
40 Victoria—1877.		
3.....	An Act respecting the Great Seals of the Provinces of Canada, other than Ontario and Quebec	do
46.....	An Act to authorize the transfer of the Truro and Pictou Branch of the Intercolonial Railway, to the person or company constructing a line of railway from New Glasgow to the Strait of Canso, and providing a proper ferry across the Strait	The whole, except secs. 2 and 3.
47.....	An Act respecting the claim of the Dominion on the Northern Railway Company of Canada.....	The whole.
48.....	An Act to amend the Act thirty-seventh Victoria, chapter 50, respecting Permanent Building Societies in Ontario	do
49.....	An Act to amend the "Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario"	The whole, except secs. 2 and 3.
50.....	An Act to make further provision respecting the constituting and management of Building Societies in the Province of Quebec..	The whole.
51.....	An Act further to amend the Acts to provide for the management of the Harbor of Quebec, and the "Pilotage Act, 1873"	The whole, except secs. 6 and 7.
52.....	An Act to authorize the Town of Kincardine, in the County of Bruce, to impose and collect certain Tolls at the Harbor in the said Town.....	The whole.
53.....	An Act respecting Tolls in the Harbor of Montreal.....	do
41 Victoria—1878.		
16.....	An Act respecting the traffic in Intoxicating Liquors	Sec. 124.
22.....	An Act to amend the Law respecting Building Societies carrying on business in the Province of Ontario	The whole.
42 Victoria—1879.		
10.....	An Act to amend an Act intituled "An Act respecting the Intercolonial Railway," passed in the thirty-ninth year of the reign of Her Majesty Queen Victoria	do
11.....	An Act for the acquisition by the Dominion of a certain portion of the Grand Trunk Railway, to be made part of the Intercolonial Railway	do
12.....	An Act to amend "The Truro and Pictou Railway Transfer Act, 1877"	do
13.....	An Act to amend "The Canadian Pacific Railway Act, 1874"	do
14.....	An Act further to amend "The Canadian Pacific Railway Act, 1874"	do

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
42 Victoria—1879—Concluded.		
28.....	An Act to amend the Acts respecting the Trinity House and Harbor Commissioners of Montreal.....	The whole.
29.....	An Act to amend the "Act respecting the Harbor of Pictou, in Nova Scotia".....	do
30.....	An Act respecting the Harbor of North Sydney, in Nova Scotia.....	do
48.....	An Act to provide for the Liquidation of the affairs of Building Societies in the Province of Quebec.....	do
49.....	An Act respecting Building Societies carrying on business in the Province of Ontario.....	do
51.....	An Act to amend so much of the Act thirty-third Victoria, chapter 46, as relates to the imposition and collection of Dues and Tolls upon Logs, Timber, Pine, Cedar and Railway Ties passing down the River Moira, through the Port of Belleville.....	do
43 Victoria—1880.		
8.....	An Act to confirm the purchase, by the Dominion, of a portion of the Grand Trunk Railway, and the agreement made with the Grand Trunk Railway Company of Canada with respect thereto.....	do
9.....	An Act to amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.....	do
15.....	An Act to confirm a certain Order of the Governor in Council respecting the Graving Dock at Esquimalt.....	do
16.....	An Act to ratify and confirm a certain agreement therein mentioned between the Government of Canada and the Canada Central Railway Company.....	do
17.....	An Act to authorize the raising of a further sum to enable the Quebec Harbor Commissioners to complete their Tidal Dock.....	do
31.....	An Act to amend the Acts respecting the Trinity House and Harbor Commissioners of Montreal.....	do
32.....	An Act to enable the Harbor Commissioners of Montreal to pay a life annuity to the Widow of the late Honorable John Young..	do
33.....	An Act further to amend "An Act respecting the Harbor of Pictou, in Nova Scotia".....	do
43.....	An Act for the relief of Permanent Building Societies and Loan Companies.....	do
44 Victoria—1881.		
1.....	An Act respecting the Canadian Pacific Railway.....	do
7.....	An Act to amend the Act thirty-sixth Victoria, chapter 60, respecting the Montreal Harbor Commissioners.....	do
18.....	An Act relating to the Canada Military Asylum at Quebec.....	do
45 Victoria—1882.		
7.....	An Act to provide for the allowance of drawback on certain articles manufactured in Canada, for use in the construction of the Canadian Pacific Railway.....	The whole, except sec. 5
13.....	An Act to increase the amount placed at the disposal of the Governor in Council by the Act thirty-four Victoria, chapter 8, for paying off claims on the Bank of Upper Canada.....	The whole.
14.....	An Act to provide for the granting of subsidies for the construction of certain Lines of Railway therein mentioned.....	do
15.....	An Act to provide for building certain Branch Lines of Railway from points on the Intercolonial Railway and Prince Edward Island Railway respectively.....	do
16.....	An Act respecting the Windsor Branch of the Intercolonial Railway.	do
17.....	An Act to encourage the construction of Dry Docks by granting assistance on certain conditions to Companies constructing them.....	do

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
<i>ACTS OF THE PARLIAMENT OF CANADA—Continued.</i>		
<i>45 Victoria—1882—Concluded.</i>		
24.....	An Act to further amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario.....	The whole.
42.....	An Act concerning Marriage with a Deceased Wife's Sister.....	do
43.....	An Act further to amend the Act respecting the Trinity House and Harbor Commissioners of Montreal.....	do
44.....	An Act to make further provision for the improvement of the River St. Lawrence, between Montreal and Quebec.....	do
45.....	An Act to amend and consolidate the Acts relating to the Office of Port Warden for the Harbor of Montreal.....	do
47.....	An Act further to amend the Acts to provide for the improvement and management of the Harbor of Quebec.....	do
49.....	An Act to amend the Act thirty-fifth Victoria, chapter 42, respecting the appointment of a Harbor Master for the Port of Halifax....	do
50.....	An Act to amend the Act respecting the Harbor of North Sydney, in Nova Scotia.....	do
51.....	An Act relating to the Harbor of St. John, in the Province of New Brunswick.....	do
52.....	An Act to provide for the improvement and management of the Harbor of Three Rivers.....	The whole, except sec. 6
53.....	An Act to authorize the construction, on certain conditions, of the Canadian Pacific Railway through some Pass other than the Yellow Head Pass.....	The whole.
55.....	An Act to provide for the granting of a subsidy to the Chignecto Marine Transport Railway Company (limited).....	do
<i>46 Victoria—1883.</i>		
14.....	An Act to encourage the manufacture of Pig Iron in Canada from Canadian Ore.....	do
21.....	An Act to amend the Act passed in the forty-fifth year of the reign of Her present Majesty, intituled "An Act to repeal the duty on Promissory Notes, Drafts and Bills of Exchange".....	do
25.....	An Act for authorizing Subsidies for the construction of the Lines of Railway therein mentioned.....	do
26.....	An Act to provide for advances to be made by the Government of Canada to "The Saint John Bridge and Railway Extension Company".....	do
38.....	An Act to make further provision for deepening the Ship Channel of the River St. Lawrence, between Montreal and Quebec.....	do
39.....	An Act to amend the Act thirty-sixth Victoria, chapter sixty-two, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbor Commissioners.....	do
40.....	An Act to amend the Act thirty-eighth Victoria, chapter fifty-six, intituled "An Act respecting the Graving Dock in the Harbor of Quebec, and authorizing the raising of a Loan in respect thereof".....	do
41.....	An Act respecting the Harbor Master of the Harbor of Three Rivers.....	do
42.....	An Act further to amend the Act respecting the Harbor of Pictou.....	do
<i>47 Victoria—1884.</i>		
1.....	An Act to amend the Act intituled "An Act respecting the Canadian Pacific Railway," and for other purposes.....	do
5.....	An Act for giving effect to an agreement therein mentioned between the Government of the Dominion and that of Nova Scotia.....	do
6.....	An Act respecting the Vancouver Island Railway, the Esquimaux Graving Dock, and certain Railway Lands of the Province of British Columbia, granted to the Dominion.....	The whole, except secs. 11 and 12.
9.....	An Act to authorize certain subsidies and grants for and in respect of the construction of the Lines of Railway therein mentioned.	The whole.

SCHEDULE B—Continued.

Chap.	Title of Act.	Portion of Act.
ACTS OF THE PARLIAMENT OF CANADA—Continued.		
47 Victoria—1884—Concluded.		
9.....	An Act to make further provision towards the completion of the Tidal Dock in the Harbor of Quebec	The whole.
10.....	An Act to authorize the advance of a further sum for completing the Graving Dock in the Harbor of Quebec	do
24.....	An Act respecting the Territory in dispute between the Dominion of Canada and the Province of Ontario	The whole, except sec. 3
40.....	An Act to amend the Acts fortieth Victoria, chapter 49, and forty-fifth Victoria, chapter 24, being Acts relating to Permanent Building Societies and Loan and Savings Companies carrying on business in Ontario.....	The whole.
48-49 Victoria—1885.		
3.....	An Act to provide for the taking of a Census in the Province of Manitoba, the North-West Territories and the District of Keewatin.....	do
5.....	An Act to amend the Act forty-fifth Victoria, chapter seventeen, to encourage the construction of Dry Docks.....	do
44.....	An Act to provide for the fitting representation of Canada at the Colonial and Indian Exhibition, to be held in London in the year 1886	do
57.....	An Act further to amend the Acts respecting the Canadian Pacific Railway, and to provide for the completion and successful operation thereof	do
58.....	An Act to authorize the granting of further subsidies to and making further provision for the construction and efficient operation of the Railways therein described.....	do
59.....	An Act to authorize the granting of the subsidies therein mentioned in aid of the construction of certain Railways.....	do
60.....	An Act to authorize the grant of certain subsidies in land for the construction of the Railways therein mentioned.....	do
73.....	An Act to authorize grants of land to members of the Militia Force lately on active service in the North-West.....	do
76.....	An Act to authorize the advance of a certain sum to the Harbor Commissioners of Three Rivers.....	do
77.....	An Act for facilitating navigation of the River St. Lawrence, in and near the Harbor of Quebec.....	do
78.....	An Act to amend the Acts respecting the appointment of a Harbor Master at the Port of Halifax.....	do
49 Victoria—1886.		
9.....	An Act further to amend the Act respecting the Canadian Pacific Railway	The whole, except sec. 7.
10.....	An Act to authorize the granting of certain Subsidies for and in aid of the construction of the lines of Railway therein mentioned..	The whole.
11.....	An Act to authorize the grant of certain Subsidies in Land for the construction of the Railways therein mentioned.....	do
12.....	An Act to amend an Act to authorize the granting of Subsidies in Land to certain Railway Companies.....	do
13.....	An Act respecting the extension of the Intercolonial Railway from a point at or near Stellarton to the Town of Pictou.....	do
14.....	An Act to authorize the construction of a Railway from the Straits of Canso to Louisburg or Sydney, as a Public Work.....	do
15.....	An Act respecting the Railway from Esquimalt to Nanaimo, in British Columbia.....	do
16.....	An Act respecting the Carleton, City of Saint John, Branch Railroad	do
17.....	An Act respecting certain Subsidies for a Railway from Metapediae, on the Intercolonial Railway, to Paspebiac.....	do
18.....	An Act to amend the Act to provide for the granting of a Subsidy to the Chignecto Marine Transport Railway Company (limited).....	do
19.....	An Act respecting the improvement of the Harbor of Quebec.....	do

SCHEDULE B—Concluded.

Chap.	Title of Act.	Portion of Act.
ACTS OF THE PARLIAMENT OF CANADA—Concluded.		
49 <i>Victoria</i> —1886—Concluded.		
20.....	An Act respecting the transfer of the Lighthouse at Cape Race, Newfoundland, and its appurtenances, to the Dominion of Canada...	The whole.
29.....	An Act to make further provision respecting grants of Land to Members of the Militia Force on active service in the North-West...	do
30.....	An Act respecting Tolls over the Dunnville Dam and Bridge connecting works constructed over the Grand River.....	do
31.....	An Act respecting the Union Suspension Bridge.....	do
32.....	An Act respecting the Burlington Bay Canal.....	do
33.....	An Act for the relief of the Corporation of the Town of Cobourg.....	do
38.....	An Act respecting the Bounty on Pig Iron manufactured in Canada from Canadian Ore.....	do

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SCHEDULE C.

ACTS AND PARTS OF ACTS repealed so far as they constitute indictable offences from and after a day when the proper Legislature makes provision for the punishment of the offence, by fine or imprisonment, or by both, under "The British North America Act, 1867."

Chap.	Title of Act.	Portion of Act.
CONSOLIDATED STATUTES OF CANADA.		
73.....	An Act respecting Private Lunatic Asylums.....	Sections 17 and 26 ; section 30 from the word "and" in line 3 to the end of the section ; section 43 from the word "and" in line 14 to the end of the section ; section 46 from the word "and" in line 14 to the end of the section ; section 48 ; the last six lines of section 49 ; section 50 from the word "and" in line 13 to the end of the section ; section 52 from the word "and" in line 8 to the end of the section ; section 54 from the word "and" in line 11 to the end of the section ; section 56 ; sub-section 4 of section 60 from the word "and" in line 6 to the end of the sub-section ; section 64 from the word "and" where it occurs secondly in line 3 to the end of the section, and section 66
77.....	An Act respecting Land Surveyors and the Survey of Lands.....	Sec. 31.
82.....	An Act respecting the calling and orderly holding of Public Meetings	Sec. 14.
85.....	An Act respecting certain Roads and Bridges.....	Section 3 from the beginning to the word "had" in line 6.
CONSOLIDATED STATUTES FOR UPPER CANADA.		
19.....	An Act respecting the Division Courts.....	Sec. 48
125.....	An Act respecting Inquests by Coroners.....	Sec. 9.
CONSOLIDATED STATUTES FOR LOWER CANADA.		
73.....	An Act respecting the Notarial Profession.....	Sec. 34.
109.....	An Act respecting Houses of Correction, Court Houses and Gaols.....	The last paragraph of sec. 17.

SCHEDULE C—Concluded.

Chap.	Title of Act.	Portion of Act.
STATUTES OF THE LATE PROVINCE OF CANADA.		
28 <i>Victoria</i> (1865, 1st Session.)		
8.....	An Act to define the right of property in Swarms of Bees, and to exempt them from seizure in certain cases.....	Sec. 5.
29 <i>Victoria</i> (1865, 2nd Session.)		
25.....	An Act for quieting Titles to Real Estate in Upper Canada.....	Secs. 48 and 50.
STATUTES OF NOVA SCOTIA SUBSEQUENT TO THE REVISED STATUTES (3RD SERIES).		
28 <i>Victoria</i> —1865.		
1.....	An Act to amend certain chapters of the Revised Statutes, Third Series, and to revive certain Acts.....	Sec. 15.
REVISED STATUTES OF NEW BRUNSWICK—VOL. I.		
132.....	Of Coroner's Inquests.....	Sec. 2.
LOCAL AND PRIVATE STATUTES OF NEW BRUNSWICK—VOL. 3.		
7 <i>Victoria</i> .		
22.....	An Act in addition to an Act intituled "An Act to prevent Nuisances within the City of Saint John".....	Sec. 3.
REVISED STATUTES, BRITISH COLUMBIA.		
<i>Laws of British Columbia since the Union of the two formerly separate Colonies of Vancouver Island and British Columbia.</i>		
76.....	An Ordinance to assimilate and amend the laws relating to Licenses and direct Taxes on Persons.....	Sec. 7.
77.....	An Ordinance to assimilate the Law exempting the Homestead and other Property from forced seizure and sale in certain cases in all parts of the Colony of British Columbia.....	Sec. 4.
88.....	An Ordinance respecting Practitioners in Medicine and Surgery.....	Sec. 10.
89.....	An Ordinance to regulate the Solemnization of Marriages.....	Sec. 13.
90.....	An Ordinance to amend the Laws relating to Gold Mining.....	Sec. 152.
131.....	An Ordinance to facilitate the issue of Crown Grants.....	Sec. 10.
143.....	An Ordinance to assimilate the Law relating to the Transfer of Real Estate, and to provide for the Registration of Title to land throughout the Colony of British Columbia.....	Sec. 80.
157.....	An Act to regulate Elections of Members of the Legislature of this Colony.....	Secs. 67, 68, 69, 74, 96 and 97.
158.....	An Act to prevent Bribery, Treating and Undue Influence at Elections of Members of the Legislature.....	Secs. 1, 2, 4 and 9.

APPENDIX No. 1.

TABLE

OF ACTS PASSED PRIOR TO CONFEDERATION BY THE DIFFERENT PROVINCES NOW COMPRISED IN THE DOMINION OF CANADA, AND OF ACTS OF THE DOMINION OF CANADA, SHEWING HOW MUCH OF EACH IS IN FORCE, AND HOW EACH HAS BEEN DEALT WITH.

Acts of the Province of Canada 1859—1867.
 “ “ Nova Scotia, 1864—1867.
 “ “ New Brunswick, 1854—1867.
 “ “ British Columbia, 1871.
 “ “ Prince Edward Island, 1773—1873.
 “ Dominion of Canada, 1867—1886.

PROVINCE OF CANADA.

Consolidated Statutes of Canada.—1859.
 “ “ Upper Canada.—1859.
 “ “ Lower Canada.—1860.
 23 Vict.—1860. 27-28 Vict.—1864.
 24 Vict.—1861. 28 Vict.—1865.
 25 Vict.—1862. 29 Vict.—1865.
 26 Vict.—1863. 29-30 Vict.—1866.
 27 Vict.—1863.

CONSOLIDATED STATUTES, CANADA, 1859.

Chap.	Subject Matter.	Remarks.
1	Legislative Council.....	Recommended for repeal.
2	Representation in the Legislative Assembly.....	Ss. 1, 5, 6, 7 and sub-s. 1 of s. 10, consolidated. Remainder recommended for repeal.
3	Legislature, special provisions relating to both Houses.....	Sub-s. 4 of s. 4 repealed by 23 V., c. 3, s. 1 (Canada). Remainder recommended for repeal.
4	Legislative Assembly, office of Speaker....	Provincial.
5	Provincial Statutes, form, &c.....	Sub-s. 13 of s. 6 from the word "made" in line 8 to the end of the sub-section recommended for repeal; ss. 7 to 13 provincial. Remainder in Schedule B.
6	Elections of members of the Legislature....	Sub-ss. 1 and 2 of s. 4 repealed as to Upper Canada by 29-30 V., c. 51, s. 81 (Canada); sub-s. 3 of s. 4 repealed by 29-30 V., c. 13, s. 12 (Canada); and sub-ss. 4 and 5 of s. 42 repealed by s. 10 of the last named Act; ss. 82 and 83 repealed by 23 V., c. 17, s. 1 (Canada.) The whole repealed by 37 V., c. 9, s. 133, (D) except only such provisions thereof as relate to the qualification of electors and the formation of voters' lists. Recommended for repeal.
7	Controverted elections.....	Repealed as to House of Commons elections by 36 V., c. 28, s. 56 (D.)

CONSOLIDATED STATUTES, CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
8	Aliens	Repealed, except s. 9, by 31 V., c. 66, s. 14 (D.); s. 9 superseded by 44 V., c. 13, s. 4 (D.) and recommended for repeal.
9	Indians, civilization and enfranchisement of	S. 3 repealed by 23 V., c. 38, s. 1 (Canada); remainder repealed by 32-33 V., c. 6, s. 23 (D.)
10	Governor, civil list, and salaries of certain officers	Ss. 1-4 superseded by 31 V., c. 33 (D.); s. 5 superseded by British North America Act, 1867, s. 106. S. 6 provincial; remainder recommended for repeal.
11	Civil service	Provincial.
12	Public officers	Superseded, except s. 7, by 31 V., cc. 36 and 37 (D.) Recommended for repeal.
13	Inquiries on public matters, official notices	Recommended for repeal.
14	Public moneys, debts and accounts	"
15	Currency	Repealed by 31 V., c. 45, s. 5 (D.)
16	Revenue, collection and management of, &c.	Sub-s. 2 of s. 40 consolidated. Remainder recommended for repeal.
17	Customs, duties and collection	Repealed by 31 V., c. 6, s. 138 (D.)
18	Customs, reciprocity with United States	Effete; recommended for repeal.
19	Excise duties	Repealed by 27-28 V., c. 3, s. 1 (Canada.)
20	Tavern keepers, duty on	Provincial.
21	Bank notes, duty on	Effete; recommended for repeal.
22	Public lands, sale, &c.	Repealed by 23 V., c. 2, s. 39 (Canada.)
23	Public lands, timber on	S. 9 from the word "seized" in line 4 to the end of the section, sub-s. 1 of s. 10, and s. 13, recommended for repeal. Remainder in Schedule B.
24	Ordnance and Admiralty lands transferred to the province	Consolidated, except s. 2 from the word "but" in the 14th line thereof to the end of the section, and s. 3 from the word "and" in the 3rd line thereof to the end of the section, which are recommended for repeal.
25	Clergy reserves	Provincial.
26	School lands and fund for education	"
27	Geological survey	S. 3 provincial. Remainder repealed by 40 V., c. 9, s. 12 (D.)
28	Public works	Sub-s. 2 of s. 46 and s. 59 repealed by 24 V., c. 4, s. 2 (Canada). The whole recommended for repeal.
29	Riots near public works	Recommended for repeal.
30	Sale of liquors near public works	Repealed by 32-33 V., c. 36 (D.)
31	Post office	S. 18 repealed by 27-28 V., c. 2, s. 10 (Canada). The whole repealed by 31 V., c. 10, s. 2 (D.)
32	Agriculture and agricultural societies	Recommended for repeal.
33	Census and statistics	Ss. 1-24 repealed by 33 V., c. 21, s. 30 (D.); s. 37 recommended for repeal so far as it constitutes a misdemeanor. Remainder of Act provincial.
34	Patents for inventions	Repealed so far as inconsistent by 32-33 V., c. 11, s. 52 (D.), and 35 V., c. 26, s. 52 (D.) Recommended for repeal.
35	Militia	S. 22 repealed by 25 V., c. 1, s. 2 (Canada); s. 32 repealed by 25 V., c. 1, s. 4; s. 40 repealed by 25 V., c. 1, s. 6; s. 43 repealed by 25 V., c. 1, s. 7; remainder by 27 V., c. 2, s. 110 (Canada).
36	Lands for military defence	S. 21 repealed by 29 V., c. 7, s. 8 (Canada); remainder recommended for repeal.
37	Lands for naval defence	Recommended for repeal.
38	Public health	Repealed by 31 V., c. 63, s. 15 (D.)
39	Inoculation and vaccination	Provincial.
40	Emigrants and quarantine	Sub-s. 1 of s. 20 repealed by 25 V., c. 8, s. 1 (Canada); ss. 22, 23, 24 repealed by 31 V., c. 63, s. 15 (D.); remainder repealed by 32-33 V., c. 10, s. 32 (D.)
41	Registration of inland vessels	Repealed by 36 V., c. 128, s. 3 (D.)
42	Encouragement of shipbuilding	"
43	Desertion of seamen	Repealed by 36 V., c. 129, s. 5 (D.)
44	Navigation of Canadian waters	Repealed by 27-28 V., c. 13, s. 1 (Canada).
45	Inspection of steamboats	Repealed by 31 V., c. 65, s. 50 (D.)

CONSOLIDATED STATUTES, CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
46	Culling and measurement of lumber.....	Ss. 5, 6, 11, 12, 13, 14, 17, 18, 19, 20, 24, 30, 31, 32, 33, 35, 40 repealed by 38 V., c. 34, s. 1; the tariff of fees in s. 29 recommended for repeal; s. 43 recommended for repeal from the word "or" where it last occurs in the fourth line thereof to the word "thing" in the fourteenth line thereof. Remainder consolidated.
47	Flour and meal inspection.....	Repealed by 36 V., c. 49, s. 20 (D.)
48	Beef and pork inspection.....	" "
49	Ashes inspection.....	" "
50	Fish and oil inspection.....	" "
51	Sole leather inspection.....	S. 2 repealed by 21 V., c. 22, s. 1 (Canada); remainder by 36 V., c. 49, s. 20 (D.)
52	Hops inspection.....	Schedule B.
53	Weights and measures.....	Repealed by 36 V., c. 47, s. 52 (D.)
54	Incorporated banks.....	S. 11 repealed by 24 V., c. 23, s. 3 (Canada). Remainder superseded by 34 V., c. 5 (D.), and recommended for repeal.
55	Freedom of banking.....	Repealed by 43 V., c. 22, s. 9 (D.)
56	Savings banks.....	Repealed by 34 V., c. 7, s. 1 (D.)
57	Promissory notes and bills of exchange...	Ss. 1, 2 and 3 consolidated; ss. 4 and 5 recommended for repeal. Remainder provincial.
58	Interest and usury.....	Ss. 4, 5 and 7 superseded by 31 V., c. 11, ss. 17-19 (D.) and recommended for repeal; ss. 3, 6, 8 and 9 consolidated; remainder recommended for repeal.
59	Protection of persons dealing with agents	Provincial, except ss. 15, 16, 17 and 19, which are recommended for repeal; s. 21 in Schedule B.
60	Limited partnerships.....	Provincial, except ss. 17, 19, 20, 21 and 22 in Schedule B.
61	Pawnbrokers.....	Provincial, except ss. 6, 10, 11, 12, 13, 24, 25, 26 and 27, which are consolidated, and s. 56 which is repealed by 39 V., c. 18, s. 99 (D.), and s. 14 which is recommended for repeal.
62	Fisheries and fishing.....	Ss. 1 to 51 repealed by 29 V., c. 11, s. 1 (Canada); remainder repealed by 31 V., c. 60, s. 20 (D.)
63	Manufacturing companies.....	Repealed by 32-33 V., c. 13, s. 56 (D.)
64	Mining companies.....	Recommended for repeal.
65	Gas and water companies.....	Provincial.
66	Railways.....	Schedule B.
67	Electric telegraph companies.....	Ss. 1-7 and 10-13 repealed by 32-33 V., c. 13, s. 56 (D.), and s. 16 by 44 V., c. 26, s. 7 (D.); ss. 8, 9, 14, 15, 17, 18, 19 consolidated; ss. 21, 22 and 23 recommended for repeal; s. 20 provincial.
68	Companies for transmission of timber down streams.....	S. 50 repealed by 39 V., c. 18, s. 99 (D.); s. 59 repealed by 43 V., c. 9, s. 1 (D.); s. 67 consolidated. Remainder put in Schedule B.
69	Insurance companies dividends.....	Schedule B.
70	Seizure of stock of incorporated companies under execution.....	Provincial.
71	Charitable and provident associations....	S. 8 consolidated. Remainder recommended for repeal.
72	Library associations and mechanics' insti- tutes.....	Provincial.
73	Private lunatic asylums.....	Provincial, except ss. 17 and 26, s. 30 from the word "and" in line 3 to the end of the section, s. 43 from the word "and" in line 14 to the end of the section, s. 46 from the word "and" in line 14 to the end of the section, s. 48, the last 6 lines of section 49, s. 50 from the word "and" in line 13 to the end of the section, s. 52 from the word "and" in line 8 to the end of the section, s. 54 from the word "and" in line 11 to the end of the section, s. 56, sub-s 4 of s. 60 from the word "and" in line 6 to the end of the sub-section, s. 64 from the word "and" where it secondly occurs in line 3 to the end of the section, all which are recommended for repeal; and s. 66 in Schedule C.
74	Rectories.....	Provincial.
75	Practice of law.....	"
76	Physic, surgery and anatomy.....	"

CONSOLIDATED STATUTES, CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
77	Surveyors and survey of land.....	Provincial, except s. 104, which is recommended for repeal; s. 107 which is consolidated; and s. 31 which is put in Schedule C.
78	Accidents, duels, &c.....	Provincial.
79	Affidavits, witnesses, &c.....	Provincial, except ss. 4 to 13 in Schedule B.
80	Foreign judgments.....	Provincial, except s. 7, which is consolidated from the beginning to the word "established" in line 7; remainder of s. 7 is superseded by 32-33 V., c. 19, ss. 44-47 (D.) and recommended for repeal.
81	Copyright.....	Repealed by 31 V., c. 54, s. 19 (D.)
82	Public meetings, calling, &c., of.....	Ss. 15, 16, 17, 18, 19, 20 and 21 consolidated; s. 14 in Schedule C. Remainder provincial.
83	Consolidated municipal loan fund.....	Provincial.
84	Registration of debentures.....	"
85	Roads and bridges in cities and towns.....	Provincial, except s. 3 from the beginning to the word "had" in line 6. Schedule C.
86	Exemption from toll.....	Provincial.
87	Firemen, exemptions.....	Provincial, except so much of ss. 1 and 4 as relates to exemption from militia duty, which is recommended for repeal.
88	Investigation of accidents by fire.....	Provincial.
89	Extradition (Ashburton Treaty).....	Ss. 1, 2 and 3 repealed by 24 V., c. 6, s. 1 (Canada). The remainder is repealed by 31 V., c. 94, s. 7 (D.)
90	Offences against the State.....	Repealed by 32-33 V., c. 36 (D.)
91	Offences against the person.....	" "
92	Offences against the person and property.	" "
93	Arson and malicious injuries to property.	" "
94	Forgery.....	" "
95	Lotteries.....	Consolidated, except ss. 5 and 8, which are recommended for repeal.
96	Cruelty to animals.....	Repealed by 32-33 V., c. 36 (D.)
97	Principals in the second degree and accessories.....	Repealed by 27-28 V., c. 19, s. 1 (Canada).
98	Sale of poisons.....	Provincial.
99	Procedure in criminal cases.....	S. 43 repealed by 27-28 V., c. 19, s. 1 (Canada); ss. 91 and 92 repealed by 24 V., c. 9, s. 1 (Canada); s. 97 recommended for repeal; ss. 120 and 121 consolidated; s. 87 provincial; remainder repealed by 32-33 V., c. 36 (D.)
100	Qualification of justices of the peace.....	Provincial, except s. 14, which is recommended for repeal.
101	Appointment of justices in remote parts...	Recommended for repeal.
102	Justices, duties out of sessions (indictable offences).....	S. 59 provincial; s. 54 repealed by 24 V., c. 15, s. 1; remainder repealed by 32-33 V., c. 36 (D.)
103	Justices, duties out of sessions (summary convictions).....	Ss. 74-81 and 85 are provincial; remainder repealed by 32-33 V., c. 36 (D.)
104	Special constables.....	Provincial, except s. 13, which is recommended for repeal.
105	Summary administration of justice in minor offences.....	Repealed by 32-33 V., c. 36 (D.), except ss. 30-33, which are repealed by 32-33 V., c. 32, s. 34 (D.)
106	Juvenile offenders.....	Repealed by 32-33 V., c. 36 (D.), except ss. 6-8, which are repealed by 32-33 V., c. 33, s. 29 (D.)
107	Prisons for juvenile offenders.....	Repealed as to Province of Ontario, except in so far as it affects matters within exclusive jurisdiction of Legislatures of Ontario and Quebec, by 43 V., c. 39, s. 15 (D.); ss. 5-12 repealed, as to Quebec, by 32-33 V., c. 34, s. 1 (D.) The whole recommended for repeal.
108	Lunatic asylums for convicts.....	S. 6 repealed by 24 V., c. 13, s. 1 (Canada); remainder repealed by 31 V., c. 75, s. 63 (D.)
109	Restraint of dangerous lunatics.....	Ss. 1-6 are superseded by 32-33 V., c. 29, ss. 99-104 (D.) and recommended for repeal; remainder provincial.
110	Inspection of asylums, &c.....	S. 4, sub-ss. 1 and 3 of s. 11, and s. 25 repealed by 24 V., c. 11, ss. 1, 3, 4 and 5 respectively (Canada); remainder repealed by 31 V., c. 75, s. 1 (D.)

CONSOLIDATED STATUTES, CANADA.—*Concluded.*

Chap.	Subject Matter.	Remarks..
111	Provincial penitentiary.....	Sub-s. 1 of s. 46 and ss. 73 and 74 repealed by 24 V., c. 12, s. 1 (Canada); remainder repealed by 31 V., c. 75, s. 1 (D.)

CONSOLIDATED STATUTES, UPPER CANADA, 1859.

1	The Consolidated Statutes for Upper Canada.....	Schedule B.
2	Interpretation.....	Schedule B, except the last six lines of s. 15, which are recommended for repeal.
3	Territorial divisions of Upper Canada.....	Provincial.
4	Government debentures.....	"
5	Registration of Crown debts.....	Repealed by 29-30 V., c. 43 (Canada)
6	Militia pensions.....	Superseded by 46 V., c. 11, s. 68 (D.) and recommended for repeal
7	Sale and purchase of claims due to Government.....	Provincial.
8	Maintenance of lighthouses.....	Superseded by 31 V., c. 59, s. 7 (D.) Recommended for repeal.
9	Laws as to property and civil rights.....	Provincial.
10	Superior courts of law.....	Ss. 11, 12 and 13 superseded by British North America Act, 1867; s. 14 superseded by 36 V., c. 31 (D.); and s. 17 superseded by 36 V., c. 31 (D.), are recommended for repeal; ss. 16, 18 and 20 repealed by 29-30 V., c. 40, ss. 1, 2 and 6 respectively (Canada). Remainder provincial.
11	Courts of assize and nisi prius.....	S. 1 repealed by 29-30 V., c. 40, s. 3. (Canada). Remainder provincial.
12	Court of chancery.....	S. 5 superseded by British North America Act, 1867, and ss. 6 and 7 superseded by 36 V., c. 31, ss. 2 and 3 (D.) are recommended for repeal. Remainder provincial.
13	Court of error and appeal.....	S. 29 repealed by 32-33 V., c. 29, s. 80 (D.) Remainder provincial.
14	Court of impeachment.....	Ss. 2, 4 and 5 repealed by 29-30 V., c. 38, ss. 1, 2 and 3 respectively (Canada); remainder repealed by 45 V., c. 12, s. 9 (D.)
15	County courts.....	Ss. 10, 11, 12 superseded by 36 V., c. 31, s. 10 (D.), and, with s. 3, recommended for repeal. Remainder provincial.
16	Surrogate courts.....	S. 15 from the word "any" in line 10 to the end of the section recommended for repeal; s. 16 consolidated. Remainder provincial.
17	Courts of general sessions of the peace.....	S. 8 consolidated; remainder provincial.
18	Insolvent debtors court.....	Schedule B.
19	Division courts.....	S. 48 in Schedule C; s. 172 in Schedule B; ss. 105, 181 and 184 recommended for repeal. Remainder provincial.
20	Fee fund from local courts, &c.....	Provincial.
21	Proceedings in exchequer and revenue cases.....	Schedule B.
22	Common law procedure.....	Provincial.
23	Mandamus, &c.....	"
24	Imprisonment for debt.....	Provincial, except s. 6, which is recommended for repeal.
25	Absconding debtors.....	Provincial.
26	Relief of insolvent debtors.....	Ss. 19 and 20 consolidated; s. 14 recommended for repeal; remainder in Schedule B.
27	Ejectment.....	Provincial.
28	Dower.....	"
29	Replevin.....	"
30	Interpleading.....	"

CONSOLIDATED STATUTES, UPPER CANADA—*Continued.*

Chap.	Subject Matter.	Remarks:
31	Jurors and juries.....	S. 51 repealed by 26 V., c. 44, s. 5 (Canada); ss. 99 and 100 repealed by 32-33 V., c. 36 (D.); s. 101 superseded by 32-33 V., c. 29, s. 38 (D.) and recommended for repeal; s. 124 repealed by 29-30 V., c. 46, s. 3; s. 129 superseded by 32-23 V., c. 29, s. 39 (D.) and recommended for repeal; ss. 139 and 166 consolidated. Remainder provincial.
32	Witnesses and evidence.....	Ss. 3 and 4 repealed by 32-33 V., c. 36 (D.); s. 8 recommended for repeal; s. 18 consolidated. Remainder provincial.
33	Law society.....	Provincial.
34	Barristers-at-law.....	"
35	Attorneys-at-law.....	"
36	Reporters in the superior courts.....	"
37	Local Crown attorneys.....	"
38	Sheriffs.....	Repealed by 27-28 V., c. 28, s. 1 (Canada).
39	Commissioners to take affidavits and bail.	Provincial, except s. 2 from the word "and" in line 5 thereof to the end of the section, which is recommended for repeal.
40	Medical practitioners.....	Repealed by 29 V., c. 34, s. 35 (Canada).
41	Homoeopathy.....	Provincial.
42	Bills of exchange and promissory notes....	Ss. 1, 5, 6, 7, 8, 11, 12, 13, 15, 16, 19, 21 and 22 consolidated; ss. 2, 3, 4, 9, 10, 17, 18 and 20 recommended for repeal; remainder provincial.
43	Interest.....	S. 4 consolidated; remainder provincial.
44	Written promises.....	Provincial.
45	Chattel mortgages.....	"
46	Ferries.....	Repealed by 33 V., c. 35, s. 11 (D.), as to ferries under control of Parliament.
47	Rivers and streams.....	Schedule B.
48	Mills and mill dams.....	"
49	Road companies.....	S. 29 repealed by 39 V., c. 18, s. 99 (D.); s. 103 recommended for repeal; remainder provincial.
50	Joint stock companies for piers and wharves.....	Schedule B.
51	Joint stock companies for exhibition buildings.....	Provincial.
52	Mutual fire insurance companies.....	Repealed by 36 V., c. 44, s. 73.
53	Building societies.....	Ss. 20, 22, 38 and 42 repealed by 37 V., c. 50, (D ss. 11, 4, 6 and 10 respectively; remainder in Schedule B.
54	Municipal institutions.....	Repealed by 29-30 V., c. 51, s. 428 (Canada), so far as inconsistent therewith. Recommended for repeal.
55	Assessment of property.....	Repealed by 29-30 V., c. 53, s. 205 (Canada).
56	Travelling on highways.....	Provincial.
57	Line fences and watercourses.....	"
58	Weights and measures.....	Repealed by 36 V., c. 47, s. 52 (D.)
59	Public health.....	S. 5 repealed by 31 V., c. 63, s. 15 (D.); remainder provincial.
60	Destruction of wolves.....	Provincial.
61	Game laws.....	"
62	University of Toronto, &c.....	"
63	Grammar schools.....	"
64	Common schools.....	Provincial, except s. 18, which is recommended for repeal.
65	Separate schools.....	Provincial.
66	Tithes.....	"
67	Cemeteries.....	Provincial, except s. 29 from the word "shall" to the word "and" in line 12, recommended for repeal.
68	Conveyances to trustees for burial places	Provincial.
69	Property of religious institutions.....	"
70	Building fund for lunatic asylums.....	"
71	Provincial lunatic asylums.....	"
72	Marriages.....	"
73	Separate rights of married women.....	"
74	Guardians to infants.....	"
75	Master and servant.....	Ss. 4, 5, 7, 9, 10 and 11 repealed, so far as they constitute criminal offences, by 40 V., c. 35, s. 1 (D.) Remainder provincial.

CONSOLIDATED STATUTES, UPPER CANADA—*Continued.*

Chap.	Subject Matter.	Remarks.
76	Apprentices and minors.....	Provincial.
77	Actions of seduction.....	"
78	Actions by and against executors and limitation of certain actions.....	Provincial, except s. 7, which is put in Schedule B.
79	Accidents from machinery.....	Schedule B.
80	Heir and devisee commission.....	Provincial.
81	Trespasses to public and Indian lands.....	Repealed, so far as it relates to Indians or Indian lands, by 39 V., c. 18, s. 99 (D.) Remainder provincial.
82	Descent of real property.....	Provincial.
83	Assurances of estates tail.....	"
84	Dower.....	"
85	Conveyances by married women.....	"
86	Partition and sale of real estate.....	"
87	Mortgages of real estate.....	"
88	Limitation of actions respecting real property.....	"
89	Registration of instruments relating to land.....	Repealed by 29 V., c. 24, s. 2 (Canada).
90	Transfer of real property.....	Provincial.
91	Short forms of conveyances.....	"
92	Short forms of leases.....	"
93	Survey of lands.....	S. 4 consolidated; s. 52 superseded by 32-33 V., c. 23 (D) and recommended for repeal. Remainder provincial.
94	Criminal law of Upper Canada.....	Consolidated.
95	Apprehension of fugitives escaping from other colonies.....	Recommended for repeal.
96	Apprehension of fugitives escaping from foreign countries.....	Repealed by 23 V., c. 41, s. 1 (Canada)
97	Treason, &c.....	Repealed by 32-33 V., c. 36 (D.)
98	Protection of inhabitants of Upper Canada from lawless aggression.....	S. 3 repealed by 29-30 V., c. 4, s. 1 (Canada.) The whole superseded by 31 V., c. 14 (D.) and recommended for repeal.
99	Illegal drilling, &c.....	Repealed by 32-33 V., c. 36 (D.), except s. 3, which is effete and recommended for repeal.
100	Inducing soldiers, &c., to desert.....	Repealed by 32-33 V., c. 36 (D.)
101	Forgery and perjury.....	Repealed, except s. 2, by 32-33 V., c. 36 (D.); s. 2 recommended for repeal.
102	Punishment of persons illegally solemnizing marriages.....	Consolidated, except s. 1 from "just" in line 9 to the end of the section, s. 3 from "accordingly" in line 6 to the end of the section, and s. 4 from "committed" in line 3 to the end of the section, which are recommended for repeal.
103	Slander and libel.....	Superseded by 37 V., c. 38, s. 14 (D.) and recommended for repeal.
104	Profanation of the Lord's Day.....	Schedule B.
105	Petty trespasses.....	Provincial.
106	County attorneys.....	"
107	Proceedings to outlawry.....	Recommended for repeal.
108	Prosecutions in cases of misdemeanors.....	S. 3 repealed by 32-33 V., c. 36 (D.); remainder consolidated.
109	To facilitate despatch of business before grand juries.....	Consolidated, except s. 6 from the word "and" in line 4 to the end of the section, which is recommended for repeal.
110	To allow persons indicted a copy of the indictment.....	Repealed by 32-33 V., c. 36 (D.)
111	Amendments at the trial.....	"
112	Reservation of points at the trial.....	Consolidated.
113	Appeals in criminal cases.....	Repealed by 32-33 V., c. 36 (D.), except ss. 5, 16 and 17; s. 5 repealed by 36 V., c. 3, s. 2 (D.); ss. 16 and 17 consolidated.
114	Appeals in cases of summary convictions.....	Superseded by 32-33 V., c. 31, s. 66 (D.), and 33 V., c. 27, s. 1 (D.). Recommended for repeal.
115	Commuting sentence of death.....	Repealed by 32-33 V., c. 36 (D.)
116	Corruption of blood.....	"

CONSOLIDATED STATUTES, UPPER CANADA—*Concluded.*

Chap.	Subject Matter.	Remarks.
117	Estreats	Consolidated, except ss. 15 and 16, recommended for repeal.
118	Appropriation of fines.....	Recommended for repeal.
119	Fees of counsel and officers.....	Provincial, except s. 4, which is recommended for repeal.
120	Expenses of administration of justice.....	Provincial.
121	Expenditure of county funds.....	"
122	Support of destitute insane persons.....	"
123	Costs of distresses for small rents and penalties.....	"
124	Returns of convictions and fines.....	Repealed by 32-33 V., c. 36 (D.), except s. 7, which is recommended for repeal.
125	Inquests by coroners.....	Provincial, except s. 9, which is put in Schedule C.
126	Protection of justices of the peace from vexatious actions.....	Provincial.
127	Court houses, gaols, &c.....	"
128	Administration of justice in unorganized tracts.....	Ss. 100, 101, 104 and 105 consolidated; s. 8 from the word "and" in line 10 thereof to the end of the section, s. 9 from the word "but" in line 7 thereof to the end of the section, ss. 17 and 29, and s. 103 from the word "and" where it first occurs in line 8 to the end of the section, recommended for repeal; remainder provincial.

CONSOLIDATED STATUTES, LOWER CANADA, 1860.

1	Consolidated Statutes for Lower Canada	Schedule B
2	Codification of the laws of Lower Canada	Provincial.
3	Commencement of certain Acts, &c., publication of Acts and proclamations, and preservation of ancient records...	S. 1 in Schedule B; remainder provincial.
4	Marriage license fund; exemption of Crown property from taxation.....	Provincial.
5	Duty on sales by auction.....	"
6	Duty on tavern keepers, and sale of liquors	S. 30 repealed by 27-28 V., c. 18, s. 40 (Canada); remainder provincial.
7	Duty on hawkers and pedlars.....	Provincial.
8	Duty on billiard tables.....	"
9	Certain ferries over the river St. Lawrence	Superseded by 33 V., c. 35, s. 11 (D.) Recommended for repeal.
10	Unlawful associations and oaths.....	Schedule B.
11	Newspapers and like publications.....	Provincial, except s. 8, which is recommended for repeal.
12	Disarmament of soldiers.....	Repealed by 32-33 V., c. 36 (D.)
13	Arms and munitions of war.....	"
14	Indians and Indian lands.....	Repealed, so far as inconsistent with or makes provision in matters provided for by 39 V., c. 18, s. 99 (D.) Schedule B.
15	Provincial aid for superior education,—Normal and common schools.....	Provincial.
16	Fabrique schools.....	"
17	Royal institution and McGill College.....	"
18	Parishes, churches, &c., erection of, Fabrique meetings.....	"
19	Religious congregations, lands held by...	"
20	Registers of marriages, baptisms and burials.....	Provincial, except the proviso of s. 13, and s. 14, which are recommended for repeal.
21	Interments and disinterments.....	Provincial.
22	Public worship, good order in or near places of.....	"
23	Sunday sales on, prohibited.....	Schedule B.
24	Municipalities and roads generally.....	Recommended for repeal.
25	Municipalities taking stock in railways, &c.....	Provincial.

CONSOLIDATED STATUTES, LOWER CANADA—Continued.

Chap.	Subject Matter.	Remarks.
26	Agriculture, prevention of abuses prejudicial to.....	Provincial.
27	Masters and servants in the country parts	Ss. 2, 3, 5 and 7 repealed so far as they constitute criminal offences, by 40 V., c. 35, s. 1 (D.) Remainder provincial.
28	Grass on certain beaches in the district of Quebec	Provincial.
29	Game and hunting.....	"
30	Furious driving on certain highways	"
31	Winter roads, vehicles used on (sleighs, &c.).....	"
32	Wolves, to encourage the destruction of...	"
33	Gunpowder, storing of in Quebec and Montreal.....	"
34	Divers personal rights, viz : majority—wills—marriages—criminal connection—guardians of foundlings—Jews—Quakers—inhabitants of Indian reserves.....	"
35	Lands in free and common soccage, laws governing.....	"
36	Confirmation of titles, and discharge of incumbrances by Sheriff's sale, licitation, &c.....	"
37	Registration of titles—law of hypothecs—dower and property of married women—conveyance of soccage lands	Provincial, except s. 112, which is recommended for repeal; and ss. 113 and 114, which are consolidated.
38	Gaspé, titles to lands in	Provincial.
39	Letters patent for lauds.....	"
40	Lessors and lessees.....	"
41	Seigniorial or feudal tenure, general abolition of, &c	"
42	Seminary of St. Sulpice.....	"
43	Seigniorial tenure commutation in Crown seigniories	"
44	Partition of township lands held in common.....	"
45	Illegal detention of soccage lands.....	"
46	Fraudulent seizures of township lands....	Consolidated.
47	Fraudulent conveyance of or damage to lands charged with hypothecs	Provincial.
48	Licitations—voluntary—compulsory.....	"
49	Sale of lands under execution by hypothecary creditors, when the owner is unknown, &c.....	"
50	Ground rents, constituted rents, and life rents.....	"
51	Water courses, respecting the right of improving.....	"
52	Æde, law repealed.....	"
53	Retrait lignager abolished.....	"
54	Naturalization, certain titles secured by..	"
55	Shipping of seamen.....	Repealed by 36 V., c. 129, s. 5 (D.)
56	Desertion of seamen.....	"
57	Seamen's wages, recovery of.....	"
58	Voyageurs, engagement of, &c.....	Provincial, except s. 4, which is recommended for repeal
59	Sick mariners, provision for medical treatment of.....	Repealed by 31 V., c. 64, s. 15 (D.)
60	Discharge of cargoes of certain vessels..	Consolidated.
61	Inspection of butter.....	Superseded by 36 V., c. 49 (D.) and recommended for repeal.
62	Weights and measures, generally	Repealed by 36 V., c. 47, s. 52 (D.)
63	Coals, hay, straw, measurement or weight of.....	Repealed by 36 V., c. 47, s. 52 (D.), except ss. 8 and 9, which are consolidated.

CONSOLIDATED STATUTES, LOWER CANADA—*Continued.*

Chap.	Subject Matter.	Remarks.
64	Bills of exchange and promissory notes...	Ss. 5, 21, 22 and 23 and Schedules consolidated; remainder repealed by 29 V., c. 41, Schedule, Resolution 217 (Canada.)
65	Partnerships for trading purposes.....	Provincial.
66	Unclaimed goods in hands of wharfingers, &c.....	"
67	Limitation of actions in commercial cases and statute of frauds.....	"
68	Mutual insurance companies.....	S. 17 from the word "and" in line 12 thereof to the end of the section recommended for repeal; remainder provincial.
69	Building societies.....	Sub-s. 1 of s. 1 repealed by 40 V., c. 50, s. 23 (D.); remainder Schedule B.
70	Roads and other works, joint stock companies for.....	Recommended for repeal.
71	Medical profession and sale of drugs.....	Provincial.
72	Bar of Lower Canada, advocates and attorneys.....	Repealed by 29-30 V., c. 27, s. 40 (Canada.)
73	Notarial profession.....	Provincial, except s. 34, Schedule C.
74	Certain notarial Acts confirmed.....	Provincial.
75	Counties, &c., division of Lower Canada into.....	S. 1 consolidated, except sub-ss. 11 and 31, which are recommended for repeal. Remainder provincial.
76	Districts, division of Lower Canada into.....	Provincial.
77	Court of Queen's Bench, appeals, error—Crown side.....	Ss. 56 to 62 consolidated; s. 63 repealed by 32-33 V., c. 36 (D.); s. 64 recommended for repeal. Remainder provincial.
78	Superior Court, constitution and jurisdiction.....	Provincial, except ss. 7 and 10 which are recommended for repeal.
79	Circuit Court, constitution and jurisdiction.....	Provincial.
80	Superior and Circuit Courts in Gaspé.....	Provincial, except s. 6, which is consolidated.
81	Independence of judges, recusation, &c.....	Ss. 1 and 2 recommended for repeal; remainder provincial.
82	Certain matters relating to the administration of justice generally, and certain proceedings and actions.....	Provincial, except sub-s. 3 of s. 1, which is superseded by 34 V., c. 4, s. 3 (D.) and recommended for repeal.
83	Ordinary procedure in the Superior and Circuit courts.....	Provincial.
84	Jurors, selecting and summoning of, and juries.....	Repealed by 27-28 V., c. 41, s. 13 (Canada.)
85	Seizures and sales under execution, &c.....	Provincial.
86	Actes of emancipation—meetings of relations and friends.....	"
87	Arrest for debt, and relief of insolvent debtors.....	Provincial, except ss. 12 to 24 put in Schedule B.
88	Corporate rights, protection and enforcement of.....	Provincial.
89	Writs of prohibition, Certiorari and Scire Facias.....	"
90	Foreign judgments and decrees, and proof of official and other documents executed out of Lower Canada.....	"
91	Foreign executors, administrators, corporations, &c., right of action by or against.....	"
92	Office of sheriff and coroner.....	Provincial, except s. 17, which is superseded by 31 V., c. 71, s. 3 (D.) and recommended for repeal.
93	Salaries of certain officers, fee funds, publication of decisions.....	Provincial.
94	Commissioners' courts for the summary decision of small causes.....	"
95	Habeas Corpus, in criminal and civil cases,—bail, &c.....	Schedule B.

CONSOLIDATED STATUTES, LOWER CANADA—*Concluded.*

Chap.	Subject Matter.	Remarks.
96	Courts of Oyer and Terminer.....	Ss. 2, 3 and 4 recommended for repeal; remainder provincial.
97	Courts of quarter sessions, and special sessions of the peace.....	Provincial, except ss 14 and 16, which are recommended for repeal.
98	Appeals from summary convictions.....	Ss. 1 and 2 are repealed by 32-33 V., c. 36 (D.); remainder recommended for repeal.
99	Justices of the peace, registers to be kept by.....	Ss. 4, 5 and 6 superseded by 32-33 V., c. 31, ss. 76, <i>et seq.</i> (D.) and recommended for repeal; remainder provincial.
100	Justices of the peace, clerks and bailiffs employed by.....	Provincial.
101	Justices of the peace and other officers, protection of.....	"
102	Police in towns and villages, &c.....	Ss. 7 and 8, the first five paragraphs of s. 11 and ss. 22 and 23 recommended for repeal; remainder provincial.
103	Officers of militia as peace officers, inquiries by them.....	Recommended for repeal.
104	Clerks of the peace, unclaimed goods in their hands.....	Provincial.
105	Felons from New Brunswick,—grand juries, traverses in misdemeanor—women convicted of high treason, appeals from large fines.....	Ss. 1, 3, 4, 5, repealed by 32-33 V., c. 36 (D.); s. 2 consolidated; s. 6 recommended for repeal.
106	Recognizances, proceedings on forfeited.....	Consolidated.
107	Crown witnesses, payment of.....	Provincial.
108	Limitation of penal actions.....	Schedule B.
109	Gaols and court houses and houses of correction.....	Last paragraph of s. 17 put in Schedule C; and s. 3 recommended for repeal; remainder provincial.
110	Court houses and gaols in new districts.....	Provincial, except s. 13, which is recommended for repeal.
111	Returns, judicial matters.....	Provincial, except sub-s. 6 of s. 1, and s. 6, which are recommended for repeal.

STATUTES OF THE PROVINCE OF CANADA.

23 VICT.—1860.

1	Representation in the Legislative Assembly	Sub-ss. 1, 2 and 3 of s. 1, and s. 5, part, consolidated. Remainder recommended for repeal.
2	Sale and management of the public lands	S. 33 consolidated; remainder, Schedule B.
3	Speaker of legislative council.....	Effete; recommended for repeal.
4	Sinking fund for redemption of Imperial guaranteed loan.....	" "
5	Aid to Canadian line of steamers.....	" "
6	Intoxicating liquors in unorganized tracts.	Provincial.
7	Standard weight for hay, &c., (Q.).....	Repealed by Consolidated Statutes, Lower Canada, Schedule A.
8	Constables.....	Provincial.
9	}	Not public general,
and 10		
11	Quaker marriages.....	Provincial.
12	}	Not public general.
and 13		
14	Several Acts continued.....	Effete; recommended for repeal.
15	Supplies.....	" "
16	Members indemnity.....	Provincial.

STATUTES OF THE PROVINCE OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
17	Corrupt practices at elections.....	Repealed, as to House of Commons' elections, by 37 V., c. 9, s. 133 (D.)
18	Duties of customs.....	Repealed by 31 V., c. 6, s. 138 (D.)
19	Trade with foreign countries.....	" "
20	Free ports of entry.....	Repealed by 29-30 V., c. 6, s. 9 (Canada).
21	Line of division between Upper and Lower Canada.....	Schedule B.
22	Ordnance land reserves.....	S. 1 consolidated. Remainder provincial.
23	Board of arts and manufactures.....	Provincial.
24	Foreign judgments.....	"
25	Seizure for debt.....	"
26	Inspection of flour and meal.....	Repealed by 36 V., c. 49, s. 20 (D.)
27	Trade marks.....	Repealed by 24 V., c. 21, s. 1 (Canada).
28	Passengers by steamboats.....	Repealed by 31 V., c. 65, s. 50 (D.)
29	Railways.....	Schedule B.
30	Joint stock companies for manufactures, &c	Repealed by 32-33 V., c. 13, s. 56 (D.)
31	Joint stock companies, judicial incorporation.....	" "
32	Joint stock gas and water companies.....	Provincial.
33	Fire insurance companies, not within the limits.....	Repealed by 31 V., c. 48, ss. 21 and 24 (D.)
34	Investments by insurance companies.....	Consolidated.
35	Accidents by fire, investigation.....	Provincial.
36	Lotteries.....	Consolidated.
37	Growing timber.....	Repealed by 32-33 V., c. 36 (D.)
38	Indians.....	Repealed by 32-33 V., c. 6, s. 23 (D.)
39	Territorial division, Upper Canada.....	Recommended for repeal.
40	Representation in Legislative Assembly.....	" "
41	Apprehension of fugitive offenders.....	" "
42	Common law procedure.....	Provincial.
43	County courts.....	"
44	Removal of causes from county courts.....	"
45	Replevin.....	"
46	Law society.....	"
47	Barristers-at-law.....	"
48	Attorneys-at-law.....	"
49	Common schools.....	Provincial, except ss. 1, 3 and 8, which are recommended for repeal.
50	Municipal institutions, Upper Canada.....	Repealed by 25 V., c. 19, s. 1 (Canada).
51	Assessment of property, Upper Canada.....	Repealed by 29-30 V., c. 53, s. 205 (Canada).
52	" ".....	" " " (Canada).
53	Intoxicating liquors, Upper Canada.....	Repealed by 25 V., c. 23, s. 1 (Canada).
54	Joint stock road companies, Upper Canada.....	Provincial.
55	Protection of game, Upper Canada.....	"
56	Consolidated statutes, Lower Canada.....	"
57	Administration of justice, Lower Canada.....	} Repealed by Consolidated Statutes, Lower Canada, Schedule A.
58	Annual returns, judicial matters.....	
59	Registry offices, &c., Lower Canada.....	
60	Feudal rights.....	
61	Municipal and road Act, Lower Canada.....	} Repealed by Consolidated Statutes, Lower Canada, Schedule A.
62	Inspectors of fences and ditches.....	
63	Timber, protection of.....	
64	Game Act amendment.....	
65	Articles of law students.....	Provincial.
66	Notarial profession.....	Repealed by Consolidated Statutes, Lower Canada, Schedule A., except ss. 6, 8 and 9, which are not public general.
67	Fabrique meetings.....	Repealed by Consolidated Statutes, Lower Canada, Schedule A.
68	}	} Not public general.
to		
81		
82		
83	Indian lands, Durham.....	Schedule B.
10	}	} Not public general.
122		
123	Pilots for and below Quebec.....	Schedule B.

STATUTES OF THE PROVINCE OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
124 to 150	.....	Not public general.
151	Indian lands.....	Superseded by 31 V., c. 42 (D.); recommended for repeal.

24 VICT.—1861.

1	Supplies.....	Effete; recommended for repeal.
2	Duties of customs.....	Repealed by 31 V., c. 6, s. 138 (D.)
3	False invoices to evade customs.....	" " "
4	Public works.....	Superseded by 31 V., c. 12 (D.) and recommended for repeal.
5	Several Acts continued.....	Effete; recommended for repeal.
6	Extradition.....	Repealed by 31 V., c. 94, s. 7 (D.)
7	Unlawful administering of poison.....	Repealed by 32-33 V., c. 36, (D.)
8	Persons injured in this province and dying abroad.....	Superseded by 32-33 V., c. 20, s. 9 (D.) and recommended for repeal.
9	Recording sentence of death.....	Recommended for repeal.
10	Vexatious indictments for misdemeanors..	Repealed by 32-33 V., c. 36, (D.)
11	Prison and asylum inspection.....	" " "
12	Provincial penitentiary.....	" " "
13	Lunatic asylum for criminals.....	Repealed by 31 V., c. 75, s. 63 (D.)
14	To abolish the right of quarter sessions and recorders' courts to try capital felonies.....	Repealed by 32-33 V., c. 36, (D.)
15	Justices of the peace, duties out of session	" " "
16	Offences committed in New Brunswick by persons afterwards escaping to Canada.....	Disallowed by Order in Council, 6th January, 1863.
17	Railways.....	Schedule B.
18	Joint stock companies general clauses.....	" " "
19	Joint stock companies for manufacturers, &c.....	Repealed by 32-33 V., c. 13, s. 56 (D.)
20	Joint stock companies judicial incorporation.....	" " "
21	Trade marks.....	Repealed by 31 V., c. 55, s. 29 (D.)
22	Inspection of sole leather.....	Repealed by 36 V., c. 49, s. 20 (D.)
23	Banks.....	Ss. 1 and 3 recommended for repeal; remainder provincial.
24	Vaccination.....	Provincial.
25	Election of members of legislature.....	" " "
26	Recorder's court, Quebec.....	S. 36 repealed by 32-33 V., c. 36 (D.); sub-s. 3 of s. 14 recommended for repeal; remainder provincial.
27	Exemption from seizure for debt.....	Provincial.
28	Registration of marriages, Lower Canada	" " "
29	Municipal Act, Lower Canada.....	" " "
30	Agricultural Act, Lower Canada.....	" " "
31	Mining rights, Lower Canada.....	" " "
32	Mutual insurance companies, Lower Canada.....	" " "
33	Accidents by fire.....	" " "
34	Advocates, Lower Canada.....	" " "
35	Notarial profession.....	" " "
36	Court of error and appeal.....	" " "
37	Municipal institutions, Upper Canada.....	Repealed by 29-30 V., c. 51, s. 428 (Canada.)
38	Assessment of property, Upper Canada.....	Repealed by 29-30 V., c. 53, s. 205 (Canada.)
39	Municipal institutions, Upper Canada.....	Repealed by 29-30 V., c. 51, s. 428 (Canada.)
40	Assignment of dower.....	Provincial.
41	Registration of judgments, Upper Canada, abolished.....	Repealed by 29 V., c. 24, s. 2 (Canada.)
42	Registration of deeds, Upper Canada.....	Repealed by 29 V., c. 24, s. 2 (Canada.)
43	Religious institutions.....	Provincial.
44	Forfeited estates, Upper Canada.....	Effete; recommended for repeal.
45	Validity of certain certificates.....	" " "

STATUTES OF THE PROVINCE OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
46	Certain marriages made valid.....	Effete; recommended for repeal.
47	Mutual insurance companies.....	Provincial.
48	Constables.....	"
49	Maps or plans of towns, &c., in Upper Canada.....	"
50	}	Not public general.
60		
67		
68	Harbor of Montreal improvements.....	Schedule B.
69	}	Not public general.
to		
109	}	Provincial.
110		
111		
to	}	Not public general.
141		

25 VICT.—1862.

1	Militia.....	Repealed by 27 V., c. 2, s. 110 (Canada.)
2	Telegraphs connected with military defence.....	Recommended for repeal.
3	Supplies.....	Effete; recommended for repeal.
4	Customs.....	Repealed by 31 V., c. 6, s. 138 (D.)
5	Excise.....	Repealed by 27-28 V., c. 3, s. 1 (Canada.)
6	Tavern licenses.....	Provincial.
7	Bureau of Agriculture.....	Repealed by 31 V., c. 53, s. 8 (D.)
8	Emigrants and quarantine.....	Repealed by 32-33 V., c. 10, s. 32 (D.)
9	Certain Acts continued.....	Effete; recommended for repeal.
10	Court of Appeal, Lower Canada.....	Provincial.
11	Registration of titles, Lower Canada.....	"
12	Lessors and lessees, Lower Canada.....	"
13	Inspectors of police, Montreal and Quebec.....	"
14	Municipal Act, Lower Canada.....	"
15	Public exhibitions, Lower Canada.....	"
16	Registration of marriages, &c.....	"
17	".....	"
18	Court of Error and Appeal, Upper Canada.....	S. 3 superseded by 37 V., c. 4, s. 6 (D.) and recommended for repeal. Remainder provincial.
19	Recorders' courts, Upper Canada.....	Provincial.
20	Limitation of actions, Upper Canada.....	"
21	Mortgages, Upper Canada.....	"
22	Petty trespasses.....	"
23	Tavern and shop licenses.....	S. 7 recommended for repeal; remainder provincial.
24	Separation of York and Peel.....	Provincial.
25	.....	Not public general.
26	Toronto harbor.....	Schedule B.
27	}	Not public general.
45		
to		
46	Quebec harbor improvements.....	Schedule B.
47	}	Not public general.
to		
49	}	S. 1 consolidated; remainder provincial.
50		
51		
to	}	Not public general.
109		

26 VICT.—1863. (First Session.)

1	To enable county councils to raise money for assisting persons to sow their land, Upper Canada.....	Provincial.
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STATUTES OF THE PROVINCE OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
2	To enable county councils to raise money for assisting persons to sow their land, Lower Canada.....	Provincial.
3	Inspection of wheat, &c	Repealed by 36 V., c. 49, s. 20 (D.)
4	Sureties of public officers, Upper Canada..	Provincial.
5	Separate schools, Upper Canada	"
6	Royal institution, Lower Canada.....	"
7	Counties, Lower Canada	S. 1, part, consolidated; remainder of s. 1 recommended for repeal; remainder of Act provincial.
8	County of Saguenay, Lower Canada.....	Provincial.
9	Representation of Osgoode and Gloucester in Legislative Council.....	"
10	}	Not public general.
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41	Affidavits made out of the province.....	S. 7, recommended for repeal; remainder provincial.
42	Persons dying in provincial lunatic asylums.....	Provincial.
43	Fire insurance companies.	Repealed by 31 V., c. 48, ss. 21 and 24 (D.)
44	Jurors and juries.	Provincial.
45	Mercantile amendment Act.....	"
46	Mortgages and sales of personal property.	"
47	}	Not public general.
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52	Port warden, Montreal.....	Repealed by 45 V., c. 45, s. 1. (D.)
53	Trinity house, Quebec.....	Schedule B.
54	}	Not public general.
10		
70		

27 VICT.—1863. (Second Session.)

1	Supplies.....	Effete; recommended for repeal.
2	Militia	Recommended for repeal.
3	Volunteer militia	" "
4	Duties of customs.....	Repealed by 31 V., c. 6, s. 138 (D.)
5	Certain Acts continued.....	Effete; recommended for repeal.
6	Saving banks	" "
7	Inspection of pot and pearl ashes.....	Repealed by 36 V., c. 49, s. 20 (D.)
8	Qualification and registration of voters, Lower Canada.....	Recommended for repeal.
9	Municipal Act, Lower Canada.....	Provincial.
10	Erection of parishes, Lower Canada.....	"
11	Collection of school rates, Lower Canada	"
12	Partition of township lands, Lower Canada	"
13	Common law procedure, Upper Canada.....	"
14	County courts, Upper Canada	"
15	Sales of land under execution against executors, &c	"
16	Municipal institutions, Upper Canada.....	Repealed by 29-30 V., c. 51, s. 428 (Canada.)
17	Investment of clergy reserve moneys, Upper Canada.....	S. 6 recommended for repeal; remainder provincial.
18	Summary convictions under municipal by-laws, Upper Canada.....	Recommended for repeal.
19	Assessment of property, Upper Canada.....	Repealed by 29-30 V., c. 53, s. 205. (Canada.)
20	Protection of sheep.....	Provincial.
21	Recorder's court, Quebec.....	"
22	}	Not public general.
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94		

STATUTES OF THE PROVINCE OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
		27-28 VICT.—1864.
1	Supplies.....	Effete; recommended for repeal.
2	Duties of customs.....	Repealed by 31 V., c. 6, s. 138 (D.)
3	Duties of excise.....	Repealed by 31 V., c. 8, s. 1 (D.)
4	Duties on bills and notes.....	Superseded by 31 V., c. 9 (D.) and recommended for repeal.
5	Law stamps.....	S. 32 superseded by 31-33 V., c. 19, s. 14 and recommended for repeal; remainder provincial.
6	Public accounts.....	Recommended for repeal.
7	Guarantee companies as security for public officers.....	Superseded by 31 V., c. 37; recommended for repeal.
8	Geological survey.....	Effete; recommended for repeal.
9	Gold mines.....	Provincial.
10	Militia.....	Repealed so far as inconsistent therewith, by 31 V., c. 40, s. 99 (D.) Recommended for repeal.
11	Ocean mail service.....	Effete; recommended for repeal.
12	Navigation works on St. Lawrence.....	Schedule B.
13	Navigation of Canadian waters.....	Repealed by 31 V., c. 58, s. 1 (D.)
14	Investigation into shipwrecks.....	Repealed by 32-33 V., c. 38, s. 12 (D.)
15	Inspection of steamboats.....	Repealed by 31 V., c. 65, s. 50 (D.)
16	Emigrants and quarantine.....	Repealed by 32-33 V., c. 10, s. 32 (D.)
17	Insolvency.....	Repealed by 32-33 V., c. 16, s. 154 (D.)
18	Prohibition, sale of intoxicating liquors..	Schedule B.
19	Accessories to indictable offences.....	Repealed by 32-33 V., c. 36 (D.)
20	Appointment of justices of the peace.....	Recommended for repeal.
21	Inspection of raw hides and leather.....	Repealed by 36 V., c. 49, s. 20 (D.)
22	Physic, surgery and anatomy, Upper Canada.....	Provincial.
23	Manufacturing companies.....	Repealed by 32-33 V., c. 13, s. 56 (D.)
24	To continue several Acts.....	Effete; recommended for repeal.
25	Arrest and imprisonment for debt, Upper Canada.....	Provincial.
26	Surrogate courts, Upper Canada.....	"
27	Division courts, Upper Canada.....	"
28	Sheriffs, Upper Canada.....	S. 31 consolidated except from "Court" in line 9 to the end of the section; s. 52 recommended for repeal; remainder provincial.
29	Limitation of actions, Upper Canada.....	Provincial.
30	Overholding tenants, Upper Canada.....	Provincial, except s. 7, which is recommended for repeal.
31	Short forms of mortgages, Upper Canada.....	Provincial.
32	Certain titles obtained on sales by lot quieted.....	"
33	Courts of general sessions, Upper Canada.....	"
34	Jurisdiction of police magistrates, Upper Canada.....	Effete; recommended for repeal.
35	Justices of the peace, provisional judicial districts, Upper Canada.....	Provincial.
36	Informers suing for penalties, security for costs by, Upper Canada.....	"
37	Municipal institutions, Upper Canada.....	"
38	Mutual insurance companies, Upper Canada.....	"
39	Judicature, Lower Canada.....	"
40	Registration of hypothecs, Lower Canada.....	"
41	Jurors and juries, Lower Canada.....	Provincial, except sub-ss. 8 and 9 of s. 7, and s. 8, which are recommended for repeal.
42	Wills, Lower Canada.....	Provincial.
43	Qui tam actions, Lower Canada.....	S. 2 consolidated; remainder provincial.
44	Certain notarial deeds made valid.....	Provincial.
45	Records of abolished courts, Lower Canada.....	"
46	Municipalities, Lower Canada.....	"
47	Convictions under by-laws, Lower Canada.....	"
48	Tavern keepers, Lower Canada.....	"
49	Lands in Bolton and Magog.....	"

STATUTES OF THE PROVINCE OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
50	Meetings of agricultural societies, Lower Canada	Provincial.
51	Medical profession.....	"
52	Protection of insectivorous birds	"
53	Religious societies.....	"
54	Representation of the people, Joliette.....	S. 1 consolidated ; remainder provincial.
55	.....	Not public general.
56	.....	Not public general.
57	Trinity house, Quebec.....	Recommended for repeal.
58	Trinity house, Montreal	Repealed by 36 V., c. 54, s. 92 (D).*
59	.....	Not public general.
60	.....	Not public general.
61	.....	Not public general.
62	.....	Not public general.
63	.....	Not public general.
64	.....	Not public general.
65	.....	Not public general.
66	.....	Not public general.
67	.....	Not public general.
68	Indian lands, Dundee	Schedule B.
69	Huron Indian reserve Lorette	"

28 VICT.—1865. (First Session.)

1	Repression of outrages on the frontier.....	Effete ; recommended for repeal.
2	Foreign enlistment.....	Recommended for repeal.
3	Supplies.....	Effete ; recommended for repeal.
4	Certain Acts continued.....	"
5	Ocean mail service.....	"
6	Weighing, &c., certain articles.....	Schedule B
7	Acts of certain clergymen made valid.....	Provincial.
8	Property in swarms of bees.....	S. 5 in Schedule C ; remainder provincial.
9	Limits of certain counties, Lower Canada.....	Consolidat-d.
10	Limits of county of Verchères.....	"
11	Appointment of magistrates in remote parts.....	Recommended for repeal.
12	Houses of correction, Lower Canada.....	Provincial.
13	Mutual insurance companies, Lower Canada.....	"
14	Stevadores and liners, Lower Canada.....	Schedule B.
15	Newspapers, Lower Canada.....	S. 1 recommended for repeal ; remainder provincial.
16	Municipality of St. Roch.....	Provincial.
17	Court of chancery, Upper Canada.....	"
18	Prohibition and mandamus, Upper Canada.....	"
19	Interpleading, Upper Canada.....	"
20	Police magistrates.....	Effete ; recommended for repeal.
21	Attorneys.....	Provincial.
22	Selling liquor without license.....	"
23	Joint stock companies (roads).....	"
24	To enable county councils to raise money for assisting persons to sow their land, Upper Canada.....	"
25	Not public general.
26	Not public general.
27	Not public general.
28	Not public general.
29	Not public general.
30	Not public general.
31	Not public general.
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72	Not public general.
73	Not public general.
74	Not public general.

29 VICT.—1865. (Second Session.)

1	Provisions concerning both Houses of Parliament.....	Recommended for repeal.
2	Supplies.....	Effete ; recommended for repeal.
3	Duties of excise.....	Repealed by 31 V., c. 8, s. 1 (D.)
4	Duties on bills and notes.....	Superseded by 31 V., c. 9 (D.) and recommended for repeal.
5	Railway postal subsidies.....	Repealed by 31 V., c. 10, s. 2 (D.)

* The note as to Cap. 58 has been made in accordance with the third Schedule of 36 V., c. 54 ; but an error appears to have occurred in that Schedule by transposition.

STATUTES OF THE PROVINCE OF CANADA —Continued.

Chap.	Subject Matter.	Remarks.
6	Militia.....	Repealed so far as inconsistent therewith by 31 V., c. 40, s. 99 (D.) Recommended for repeal.
7	Public works for defence.....	Repealed so far as inconsistent therewith by 31 V., c. 12, s. 71 (D.) Recommended for repeal.
8	Contagious diseases at military and naval stations.....	Effete; recommended for repeal.
9	Gold mining Act.....	Provincial.
10	Bureau of agriculture.....	"
11	Fishing and fisheries.....	Repealed by 31 V., c. 60, s. 20 (D.)
12	Qualification of justices of the peace.....	Provincial.
13	Abolishing punishment of death in certain cases.....	Repealed by 32-33 V., c. 36 (D.)
14	Punishment of kidnapping.....	"
15	To prevent the spreading of certain disorders of animals.....	Repealed by 32-33 V., c. 37, s. 33 (D.)
16	Aliens, transmission of real property.....	Recommended for repeal.
17	Assurances on lives of husbands and parents.....	Provincial.
18	Insolvent Act of 1864 amended.....	Repealed by 32-33 V., c. 16, s. 154 (D.)
19	Warehouse receipts as collateral security.....	Recommended for repeal.
20	Charters to companies for manufactures, &c.....	Repealed by 32-33 V., c. 13, s. 56 (D.)
21	Joint stock companies for manufactures, &c.....	"
22	Co-operative associations.....	S. 18, from the word "and" where it occurs secondly in line 7 to the end of the section, recommended for repeal; remainder provincial.
23	Grammar schools.....	Provincial.
24	Registry offices, &c.....	Ss. 24, 80 and 81 recommended for repeal; remainder provincial.
25	Quieting titles to real estate, Upper Canada.....	S. 49 recommended for repeal; ss. 48 and 50 in Schedule C.
26	Certain sales made valid.....	Provincial.
27	Short forms of mortgages, Upper Canada.....	"
28	Law of property and trusts, Upper Canada.....	S. 20 consolidated except from "award" in line 14 to "but" in line 25, which is provincial, and except from "direct" in line 34 to the end of the section which is recommended for repeal; remainder of Act provincial.
29	Attorneys, Upper Canada.....	Provincial.
30	County courts, Upper Canada.....	"
31	Division courts, Upper Canada.....	"
32	Costs of arbitrations, Upper Canada.....	"
33	Master and servant, Upper Canada.....	"
34	Medicine and surgery, Upper Canada.....	Ss. 30 and 31 recommended for repeal; remainder provincial.
35	Medicine and surgery, Upper Canada.....	Provincial.
36	Joint stock road companies, Upper Canada.....	"
37	Mutual assurance companies, Upper Canada.....	"
38	Permanent building societies, Upper Canada.....	Schedule B
39	Tax on dogs and protection of sheep.....	Provincial.
40	Canada thistles.....	"
41	An Act respecting Civil Code, Lower Canada.....	Effete.
	<i>The Civil Code of Lower Canada</i> , brought into force on 1st August, 1866, by proclamation under the foregoing Act, dated 26th May, 1866.....	Article 590 is repealed by 36 V., c. 55, s. 37 (D). Articles 2357, 2358, 2360, 2363 to 2372, and 2375 to 2382 are repealed by 36 V., c. 128, s. 3 (D). Articles 2404 and 2405 are repealed by 36 V., c. 129, s. 5. The following articles are recommended for repeal: Articles 22, 25, 26, 609, 1037; Article 1039 from the word "saving" to the end of the Article; Article 1638 from the word "subject" in line 5 to the end

STATUTES OF THE PROVINCE OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
		of the Article ; Article 1656 from the word "and" where it occurs the second time in line 2 to the end of the Article ; Articles 1672 to 1675, and Article 1677 so far as they relate to carriers by water ; Articles 1888, the third line of Article 1891, and Article 2463.
		The following Articles are put in Schedule B :—Articles 12 to 21 ; Article 23 ; paragraphs 6 and 7 of Article 36 ; Article 108 ; Articles 115 to 127 ; Articles 135 to 156 ; Articles 185, 206, 367 ; paragraph 2 of Article 369 ; Articles 400, 402, 403 ; paragraphs 2, 3 and 4 of Article 594 ; Articles 803, 1569, 1573, 1676, 1678, 1679, 1680, 1681, 1682, 1785, 1886, 1989, 1998, 1999, 2007, 2022, 2032, 2090, 2151, 2211 to 2216 ; Articles 2279 to 2354 ; Articles 2355, 2356, 2359, 2361, 2362, 2373 and 2374 ; Articles 2383 to 2403 ; Articles 2406 to 2462 ; Articles 2464 to 2467 ; Articles 2552 to 2558 ; Articles 2560 to 2567 and Articles 2594 to 2612.
42	Court of Queen's Bench, Lower Canada.....	Provincial.
43	Procedure in Superior and Circuit Courts, Lower Canada.....	"
44	Certificates of discharge, Lower Canada.....	"
45	Corporate rights, Lower Canada.....	"
46	Seditious and unlawful associations, Lower Canada.....	Schedule B.
47	Notarial profession, Lower Canada.....	Provincial.
48	Education, Lower Canada.....	"
49	School rates, Lower Canada.....	"
50	Municipal Act, Lower Canada.....	"
51	Towns and villages, Lower Canada.....	"
52	Churches, parsonages, &c., Lower Canada.....	"
53	Preservation of standing timber.....	"
54	Tavern keepers.....	"
55	Counties of Rimouski and Gaspé.....	S. 1 consolidated from the beginning to "representation" in lines 8 and 9. Remainder provincial
56	Ship channel, Montreal and Quebec.....	Schedule B.
57	City of Quebec, Incorporation.....	Sub-s. 78 of s. 29, repealed by 48-49 V., c. 77, s. 1 ; remainder not public general.
58	.....	Not public general.
59	Port warden, Montreal.....	R repealed by 45 V., c. 45, s. 1 (D).
60	.....
120	.....	Not public general.

29-30 VICT.—1866.

1	Apprehension of certain persons.....	Effete ; recommended for repeal.
2	Protection of inhabitants of Lower Canada from lawless aggression.....	Superseded by 31 V., c. 14 (D). Recommended for repeal.
3	To amend the preceding Act.....	Superseded by 31 V., c. 14, (D). Recommended for repeal.
4	Consolidated Statutes, Upper Canada, c. 98, amended.....	" " "
5	Unlawful training to the use of arms.....	Repealed by 32-33 V., c. 36 (D).
6	Duties of customs.....	Repealed by 31 V., c. 6, s. 138 (D).
7	Duties of excise.....	Repealed by 31 V., c. 8, s. 1 (D).
8	Supplies.....	Effete ; recommended for repeal.
9	Indemnification of certain members of the Executive Government for certain acts.....	Effete ; recommended for repeal.
10	Provincial notes.....	Recommended for repeal.
11	Postal service.....	Repealed by 31 V., c. 10, s. 2 (D).
12	Volunteer militia force.....	Repealed so far as inconsistent therewith, by 31 V., c. 40, s. 99 (D). Recommended for repeal.

STATUTES OF THE PROVINCE OF CANADA—Continued.

Chap.	Subject Matter.	Remarks:
13	Elections of members of the legislature...	Superseded as to elections ⁹ to House of Commons by 37 V., c. 9, s. 133 (D). Recommended for repeal.
14	Certain Acts continued.....	Effete; recommended for repeal.
15	}	Not public general.
16		
17		
18	Bureau of agriculture.....	Provincial.
19	Patents of invention.....	Superseded by 35 V., c. 26, s. 52 (D). Recommended for repeal.
20	Certain lands in trust for Indians.....	Schedule B.
21	Works connected with the defence of the province.....	Effete; recommended for repeal.
22	Egress from public buildings.....	Provincial.
23	Charters to manufacturing companies.....	Repealed by 32-33 V., c. 13, s. 56 (D.)
24	Inspection of leather and raw hides.....	Repealed by 36 V., c. 49, s. 20 (D.)
25	An Act respecting the code of civil procedure, Lower Canada.....	Effete.
	<i>The Code of Civil Procedure of Lower Canada.</i> Brought into force on the 28th June, 1867, under the provisions of the foregoing Act by proclamation dated 22nd June, 1867.....	
26	Rendering of judgments, Lower Canada.....	Provincial.
27	Bar of Lower Canada.....	"
28	Duty on registrations, Lower Canada.....	"
29	Commissioners' courts, Lower Canada.....	"
30	Seigniorial Act, Lower Canada.....	"
31	Public education, Lower Canada.....	"
32	Municipal Act, Lower Canada, amendment.....	"
33	Agriculture, Lower Canada.....	"
34	Masters and servants, Lower Canada.....	S. 2 repealed by 40 V., c. 35, s. 1 (D.) Remainder provincial.
35	Tavernkeepers, Lower Canada.....	Provincial.
36	Churches, parsonages, fabrique meetings, Lower Canada.....	"
37	Road companies, Lower Canada.....	Recommended for repeal.
38	Court of impeachment, Upper Canada.....	Repealed by 45 V., c. 12, s. 9 (D.)
39	Hearing of causes in the court of chancery, Upper Canada.....	Provincial.
40	Superior courts, Upper Canada.....	Provincial, except s. 1, which is superseded by 31 V. c. 33, s. 4 (D.) and is recommended for repeal.
41	Evidence at the trial.....	Superseded by 32-33 V., c. 29, as to criminal procedure. Recommended for repeal.
42	Common law procedure, Upper Canada.....	Provincial.
43	Crown debtors, Upper Canada.....	Schedule B.
44	Persons in custody charged with high treason.....	Repealed by 32-33 V., c. 36 (D.)
45	Writs of habeas corpus.....	Schedule B.
46	View by jurors.....	Consolidated, except s. 3, which is recommended for repeal.
47	Appointment of recorders.....	Recommended for repeal.
48	Administration of justice in the unorganized tracts.....	Provincial.
49	Attorneys-at-law.....	"
50	Appeals in cases of summary convictions, Upper Canada.....	Repealed by 32-33 V., c. 36 (D.)
51	Municipal institutions, Upper Canada.....	Ss. 52, 53, 55, 187, and 188 consolidated; s. 409 in Schedule B. Remainder recommended for repeal.
52	" ".....	Provincial.
53	Assessment of property, Upper Canada.....	Provincial, except subs. 12 of s. 61 from the word "and" where it secondly occurs in line 18 to the end of the subsection, and ss. 178 and 180, all which are recommended for repeal.
54	Medical Act amended.....	Provincial.
55	Tax on dogs and protection of sheep.....	"

STATUTES OF THE PROVINCE OF CANADA.—*Concluded.*

Chap.	Subject Matter.	Remarks.
56 and 57	.....	Not public general.
58	Trinity house, Quebec.....	Schedule B.
59 to 120	.....	Not public general.
121	Vinegrowers association.....	S. 16 repealed by 32-33 V., c. 36; remainder not public general.
122 to 176	.....	Not public general.
177	Elections to Legislative Council.....	Effete. Recommended for repeal.

NOVA SCOTIA.

Revised Statutes (Third Series) 1864.
 " " Appendix of Unrepealed Acts.
 28 Vict., 1865.
 29 Vict., 1866.
 30 Vict., 1866.

REVISED STATUTES OF NOVA SCOTIA.

THIRD SERIES.

Chap.	Subject Matter.	Remarks.
1	Promulgation and construction of Statutes	Schedule B.
2	Executive and legislative disabilities.....	Provincial.
3	Duration of and representation in, the General Assembly.....	Ss. 1 and 2 provincial, ss. 3-6 repealed, 30 V., c. 2, s. 3.
4	Prevention of corrupt practices at Elections.....	Provincial, except part of ss. 3 (5) 4 (2) and 5, all which are recommended for repeal.
5	Controverted elections.....	Repealed, 36 V., c. 28, s. 56 (D) as to elections for House of Commons of Canada.
6	Vacating seats.....	Provincial.
7	Casual and territorial revenue.....	"
8	Part the first—of Customs duties.....	Expired. See 29 V., c. 2.
	Part the second—of a certain treaty between Her Majesty and the United States of America.....	Effete. Treaty expired. Recommended for repeal.
9	Excise duties.....	Repealed, 31 V., c. 8, s. 1 (D.)
10	Board of revenue.....	Repealed so far as inconsistent, 31 V., c. 5, s. 52; 31 V., c. 43, s. 6; and 32-33 V., c. 4, s. 5 (D.) Remainder recommended for repeal.
11	Appointment and duties of officers of the Customs.....	Repealed so far as inconsistent, 31 V., c. 5, s. 52 (D); 40 V., c. 10 s. 143 (D); and 46 V., c. 12, s. 3 (D.) Remainder recommended for repeal.
12	Laws of the Customs.....	Repealed, 31 V., c. 6, s. 138 (D.)
13	Importation of goods.....	" "
14	Warehousing of goods.....	" "
15	Exportation of goods and drawbacks.....	" "
16	Prevention of smuggling.....	" "
17	Distilleries.....	Repealed so far as inconsistent, 31 V., c. 8, s. 3 (D); 43 V., c. 19, s. 190 (D); and 46 V., c. 15, s. 333 (D.) Recommended for repeal.
18	Lighthouse duties.....	Expired. See 28 V., c. 24; 29 V., c. 4; and 30 V., c. 11.
19	Licenses for sale of intoxicating liquors...	Provincial.
20	Post Office.....	Repealed, 31 V., c. 10, s. 2 (D.)
21	Board of Works.....	Provincial, except as to penitentiary and lighthouses, buoys and beacons; repealed as to penitentiary, 31 V., c. 75 (D) and 38 V., c. 44 (D); repealed as to lighthouses, &c., 31 V., c. 59 (D.)
22	Penitentiary.....	Repealed so far as inconsistent, 31 V., c. 75 (D); 38 V., c. 44 (D.) Wholly repealed, 46 V., c. 37 (D.)

REVISED STATUTES, NOVA SCOTIA—Continued.

Chap.	Subject Matter.	Remarks.
23	Sable, St. Paul's and Scatterie Islands and lighthouses.....	Ss. 3 and 5 consolidated, ss. 1, 2 and 4 repealed by 31 V., c. 59, s. 11 (D.); s. 6 recommended for repeal.
24	Public records.....	Provincial.
25	Mines and minerals	"
26	Crown lands.....	"
27	Trespasses to Crown property.....	Provincial, except s. 10, which is recommended for repeal so far as respects exemption from liability to indictment.
28	Naval property.....	Schedule B.
29	Militia.....	Repealed, 28 V., c. 17.
30	Billeting the troops and militia.....	Repealed so far as inconsistent, 31 V., c. 40 (D.) Recommended for repeal.
31	Public fortifications.....	Repealed so far as inconsistent, 31 V., c. 12. Recommended for repeal.
32	Electric telegraph for military purposes...	Schedule B.
33	Immigrants	Provincial.
34	Privileges and naturalization of aliens...	Sections 1-3 recommended for repeal; remainder repealed, 31 V., c. 66, s. 14 (D.)
35	Census and statistical information.....	Repealed, 33 V., c. 21, s. 30 (D) as to census, being all but ss. 1, 7 and 9, part; s. 7 recommended for repeal; ss. 1 and 9, part, provincial.
36	Salaries of certain public officers and certain pensions.....	Superseded as to Dominion, 31 V., c. 33 (D), and amending Acts. Recommended for repeal.
37	Qualifications, appointment and tenure of office of the principal judicial officers	Recommended for repeal. Ss. 3, 4 and 5 superseded by B.N.A. Act, s. 96, <i>et seq.</i>
38	Offices of Receiver-General and Financial Secretary, and the rendering and audit of the Public Accounts.....	Provincial, except parts of ss. 2 and 7 as to Savings Bank, superseded by 34 V., c. 6 (D), and parts of ss. 8 and 10 as to Customs dues and lighthouses, superseded respectively by 31 V., c. 43 (D) and 31 V., c. 57 (D). All recommended for repeal.
39	Treasury notes, the Savings Bank and Provincial loan.....	Ss. 9, 10, 11, 12 provincial; remainder either effete or repealed. See 32-33 V., c. 4 (D) and amending Acts, and see 34 V., c. 6, s. 15 (D). Recommended for repeal except ss. 9, 10, 11 and 12.
40	Boundaries of counties, districts and townships.....	Provincial.
41	Coroners	"
42	Clerks of the peace.....	"
43	Prothonotaries and clerks of the Crown..	"
44	General and special sessions.....	Provincial, except ss. 5, 6 and 7, which are recommended for repeal.
45	County assessments.....	Provincial.
46	Jails and other county buildings.....	"
47	Townships, certain county and township officers	"
48	Fences and fence viewers and impounding of cattle	"
49	Church of England.....	"
50	Religious congregations and societies....	"
51	Assessments for the repairs of meeting houses	"
52	Quarantine	Repealed, 31 V., c. 63, s. 15 (D.)
53	Boards of Health and Infectious Disease..	Recommended for repeal.
54	Rabid Animals.	Provincial.
55	Nuisances	Provincial, except ss. 14 and 15 which are recommended for repeal.
56	Regulations concerning the practice of physic and surgery	Provincial.
57	Indians.....	Repealed, 31 V., c. 42, s. 31 (D.)
58	Public instruction	Provincial.
59	Roads, laying out and management of certain great	"
60	Roads, laying out other than certain great roads	"
61	Subscriptions to public works	"

REVISED STATUTES, NOVA SCOTIA.—Continued.

Chap.	Subject Matter.	Remarks.
62	Highway labor.....	Provincial.
63	Commissioners of streets	"
64	Expenditure of moneys on the roads	"
65	Preservation of roads	"
66	Supervisors of public grounds	"
67	Closing roads	"
68	Bridges and public landings	Recommended for repeal.
69	Ferries.....	" "
70	Provincial Government railroads	" "
71	Railroads other than Provincial Govern- ment railroads.....	" "
72	Commissioners of sewers and the regula- tion of dyked and marsh lands	Provincial.
73	Commons	"
74	Common fields.....	"
75	Part I.—Shipping and seamen	Repealed so far as inconsistent, 35 V., c. 39, s. 21 (D); secs. 1-8 repealed, 33 V., c. 17, s. 16 (D); remainder repealed, 36 V., c. 129 (D.)
	Part II.—Registry of ships	Repealed, 36 V., c. 128, s. 3 (D.)
76	Marine courts of inquiry	Repealed, 32-33 V., c. 38, s. 12 (D.)
77	Steam navigation	Repealed, 31 V., c. 65, s. 50 (D.)
78	Wrecks, and wrecked goods	Repealed, 36 V., c. 55, s. 37 (D.)
79	Pilotage, harbors and harbor masters.....	Ss. 1-16 and 34 and Schedule A, repealed, 36 V., c. 54, s. 92 (D); s. 32, repealed, 29 V., c. 27; s. 38 effete; remainder repealed so far as inconsistent therewith by 36 V., c. 63, s. 14 (D) as to Pictou Harbor, and by 42 V., c. 30, s. 14 as to North Sydney Harbor; ss. 17- 31, 33, 35-43 and schedule B recommended for repeal.
80	Partnerships.....	Provincial, except ss. 22 and 24, which are recommended for repeal.
81	Factors and agents.....	Provincial, except ss. 11-14, which are recommended for repeal, as having been superseded by 32-33 V., c. 21, s. 79.
82	Bills of exchange and promissory notes...	S. 1 superseded 38 V., c. 19 (D) and recommended for repeal; s. 2 put in Schedule B; remainder provincial.
83	Currency.....	Ss. 1, 2, 6 and 7 repealed, 31 V., c. 45 (D), and 34 V., c. 4 (D); remainder repealed so far as inconsistent with 34 V., c. 4 (D.); ss. 4 and 5 provincial; s. 3 and ss. 8-14 recommended for repeal.
84	Mills and millers.....	Provincial, except s. 3, superseded by 36 V., c. 47 (D) and recommended for repeal.
85	Regulation and inspection of provisions, lumber, fuel and other merchandise...	Ss. 1-43, 55-71, 84-87 repealed, 36 V., c. 49 (D); s. 72, recommended for repeal. Remainder Schedule B.
86	Weights and measures.....	Repealed, 36 V., c. 47, s. 52 (D).
87	General provisions respecting corpora- tions.....	Schedule B.
88	Agricultural and land corporations.....	Provincial.
89	Settlement and support of the poor.....	"
90	Poor districts	"
91	Maintenance of bastard children.....	"
92	Preservation of useful birds and animals	Provincial except ss. 15-18, which are recommended for repeal.
93	Destruction of noxious animals.....	Provincial.
94	Coast and deep sea fisheries.....	Repealed by 49 V., c. 114, s. 2 and schedule
95	River fisheries.....	Repealed, 38 V., c. 33, s. 4 (D).
96	Agriculture, encouragement of.....	Provincial.
97	Trustees and public property.....	"
98	Public markets.....	"
99	Fires and firewards.....	"
100	Discharge of firearms and fireworks.....	"
101	Transportation of gunpowder.....	"
102	Burning woods and marshes.....	"
103	Conveying of timber and lumber on rivers and the removal of obstructions there- from	Recommended for repeal.
104	Public exhibitions.....	Provincial.
105	Stray horses and cattle.....	"

REVISED STATUTES, NOVA SCOTIA.—Continued.

Chap.	Subject Matter.	Remarks.
106	Infected cattle, dogs, swine, vicious animals and geese, going at large of...	Provincial.
107	Sea manure, gathering of.....	"
108	Coasting on the highways, roads over the ice and guide boards.....	"
109	Taxation of dogs.....	"
110	Deeds by married women.....	"
111	Estates tail.....	"
112	Wills of real and personal estate.....	"
113	Joint tenancy and tenancy in common...	"
114	Sale of lands under foreclosure of mortgage.....	"
115	Sale of lands to satisfy execution debts....	"
116	Copyrights.....	Repealed, 31 V., c. 54, s. 19 (D)
117	Patents for useful inventions.....	Repealed so far as inconsistent with or makes the same provision as 32-33 V., c. 11 (D.) and 35 V., c. 26 (D.) See s. 52, of each Act. Recommended for repeal.
118	Prevention of frauds and perjuries.....	Provincial.
119	Prevention of frauds on creditors by secret bills of sale.....	"
120	Solemnization of marriage, and the registration of marriages, births and deaths	Repealed, 29 V., c. 28, s. 45.
121	Guardians and wards.....	Provincial
122	Masters, apprentices and servants.....	"
123	Supreme Court and its officers.....	Provincial except s. 17 consolidated.
124	Proceedings in equity.....	Provincial.
125	Equity Judge, his office and duties.....	Provincial, except s. 1 recommended for repeal; s. 5 superseded by 29 V., c. 13, s. 2. in so far as it relates to Court of Marriage and Divorce.
126	Court of marriage and divorce.....	S. 1 repealed, 28 V., c. 1, s. 10, and 29 V., c. 13; ss. 2 and 3 repealed, 29 V. c. 13. Remainder, Schedule B.
127	Probate Court.....	Provincial.
128	Jurisdiction of justices of the peace in civil cases.....	"
129	Stipendiary or police magistrates.....	Provincial, except s. 6, part, and ss. 7, 8, 9, 10, 11, 12 and 13 part, all which are recommended for repeal.
130	Barristers and attorneys.....	Provincial.
131	Trusts and trustees.....	"
132	Escheating lands forfeited to the Crown..	"
133	Municipalities.....	Provincial, except as follows :—s. 20 recommended for repeal; ss. 56, 57 and 58 recommended for repeal; s. 66, paragraphs 7 and 15 recommended for repeal; ss. 88, 94, 100, 102, 104 and 109 recommended for repeal; s. 114 repealed by 33 V., c. 21, s. 36 (D.) as to Census; s. 118 repealed in part by 26 V., c. 49, s. 20 (D.) as to inspection of certain staple articles; remainder of section 118, in so far as relates to inspection and is unrepealed by 36 V., c. 49 (D.), Schedule B; ss. 121 and 123 recommended for repeal.
134	Pleadings and practice in the Supreme Court.....	Provincial, except part 2, s. 6, proviso, which is recommended for repeal.
135	Witnesses and evidence and the proof of written documents.....	Provincial, except as to evidence in criminal matters, and as to s. 3, which is superseded by 31 V., c. 76 (D.) and is recommended for repeal; and as to s. 31 which is recommended for repeal See "The Merchant Shipping Act, 1854" (Imp) s. 107, and 36 V., c. 128, s. 2 (D) Ss. 32 and 33 superseded by 32-33 V., c. 19 (D.) and recommended for repeal; ss. 40-43 superseded by 32-33 V., c. 29 (D.) and recommended for repeal in so far as respects criminal matters; s. 44, part consolidated, part Schedule B; ss. 47-50 and s. 54 superseded by 32-33 V., c. 29 (D.) and recommended for repeal in so far as respects criminal matters; ss. 55 and 57 superseded by 32-33 V., c. 23 (D.) and recommended for repeal
136	Juries.....	Provincial, except ss. 51 and 57, repealed by 32-33 V., c. 36 (D.)

REVISED STATUTES, NOVA SCOTIA.—Continued.

Chap.	Subject Matter.	Remarks.
137	Relief of insolvent debtors.....	Schedule B. Repealed so far as inconsistent with 32-33 V., c. 16 (D.), and 38 V., c. 16 (D.)
138	Writ of dower.....	Provincial.
139	Partition of lands.....	"
140	Tenancies and forcible entry and detainer.....	"
141	Suits against absent or absconding debtors.....	"
142	Suits against joint debtors.....	"
143	Suits against executors, administrators and trustees.....	"
144	Commissioners without the province.....	Provincial except as to attestation to affidavits relating to the transfer and registry of vessels, which is superseded by 36 V., c. 128 s 19 (D.), and recommended for repeal.
145	Distress for rent, and remedy.....	Provincial.
146	Arbitration.....	"
147	Petty offences, trespasses and assaults.....	Sections 1-10 repealed, 38 V., c. 48, s. 1 (D.); remainder provincial, except ss. 17-20 and 23-28, which are recommended for repeal.
148	Writ of certiorari.....	Ss. 1 and 2, Schedule B; s. 3, provincial.
149	Interpleader.....	Provincial.
150	Protection of justices of the peace.....	"
151	Protection of constables.....	"
152	Madmen and vagrants, and the custody and estates of lunatics.....	Provincial, except s. 2, part, as to idle and wandering persons having no visible means of subsistence, and persons going about to beg alms, which is superseded by 32-33 V., c. 28 (D) and is recommended for repeal, and ss. 10, 11 and 30, which are superseded by 32-33 V., c. 29, ss. 99 <i>et seq.</i> and are recommended for repeal.
153	Liberty of the subject.....	Schedule B.
154	Limitation of actions.....	Provincial.
155	Costs and fees.....	Provincial, except as to Court of marriage and divorce, Schedule B.
156	Treason.....	Repealed, 32-33 V., c. 36 (D).
157	Offences relating to the army and navy.....	" " "
158	Illegal enlistment.....	Superseded by 33-34 V., c. 90 (Imperial.) Recommended for repeal.
159	Offences against religion.....	Ss. 1 and 3 repealed, 32-33 V., c. 36 (D.); remainder Schedule B.
160	Offences against public morals.....	S. 1, provincial; s. 2, Schedule B; remainder recommended for repeal.
161	Offences against the law of marriage.....	Ss. 1 and 2 repealed, 32-33 V., c. 36 (D.); remainder consolidated.
162	Offences against the public peace.....	Ss. 1-4 repealed, 32-33 V., c. 36 (D.); remainder consolidated.
163	Offences against the administration of justice.....	Repealed, 32-33 V., c. 36 (D.)
164	Offences against the person.....	" " "
165	Combinations of workmen.....	Repealed, 32-33 V., c. 36 (D.) so far as inconsistent with 32-33 V., c. 20, s. 42 (D.); and by 35 V., c. 31, s. 5 (D.) in so far as inconsistent with 35 V., c. 31 (D.), 38 V., c. 39 (D.) and 39 V., c. 37, s. 1 (D.) Recommended for repeal.
166	Offences against the habitation.....	Repealed, 32-33 V., c. 36 (D).
167	Fraudulent appropriations.....	" " "
168	Forgery and offences relating to the coin.....	" " "
169	Malicious injuries to property.....	" " "
170	Definition of terms in this title.....	" " "
171	Administration of criminal justice in the Supreme Court.....	Repealed, except ss. 59-67, 75, 86-91, 94-103, and Schedule by 32-33 V., c. 36 (D.); ss. 59-66 provincial; s. 67 recommended for repeal; s. 75 consolidated; ss. 86-91 provincial; ss. 94 and 95 recommended for repeal; ss. 96-98 provincial; ss. 99-103 and schedule consolidated.
172	Duties of justices of the peace in criminal matters.....	Repealed, 32-33 V., c. 36 (D.)

ACTS OF NOVA SCOTIA NOT REPEALED BY REVISED STATUTES
(THIRD SERIES.)

REVISED STATUTES (SECOND SERIES.)

Chap.	Subject Matter.	Remarks.
8	Scrutinies	Provincial.
40	Sheriffs.....	"
63	Surveyors of highways	"
82	Interest.....	Ss. 1, 3 and 6 repealed, 36 V., c. 71, s. 5 (D.); s. 2 consolidated; remainder provincial.
113	Registry of deeds.....	Provincial.
115	Descent of real and personal estate	"
ACT OF 1859.		
9	Taking of evidence and the registry of deeds..... <small>"(1411)"</small>	Provincial.
ACT OF 1860.		
40	Amending Revised Statutes (Second Series) c. 63.....	Provincial.
ACT OF 1862.		
2	Incorporation and winding-up of Joint Stock Companies.....	Schedule B, except s. 19, which is recommended for repeal.
ACT OF 1863.		
28	Elections.....	Ss. 2-11, 13, 15 and 86 repealed by 27 V., c. 20, s. 1. The whole superseded as to elections for House of Commons of Canada by 37 V., c. 9, s. 133 (D.) except as to qualification of voters and formation of voters' lists, as to which it is now superseded by 48-49 V., c. 40 (D.) Recommended for repeal.
ACT OF 1864.		
20	Elections.....	Provincial except s. 3 which is recommended for repeal.

STATUTES OF NOVA SCOTIA SUBSEQUENT TO THE REVISED STATUTES (THIRD SERIES.)

Chap.	Subject Matter.	Remarks.
28 VICT.—1865.		
1	To amend certain chapters of Revised Statutes.....	Provincial, except s. 10, which is repealed by 29 V., c. 13; s. 13 recommended for repeal; and s. 15, Schedule C.
2	Estates tail.....	Provincial.
3	Descent of real property.....	"
4	Patents of invention.....	Repealed by 32-33 V., c. 11 (D.) and 35 V., c. 26 (D.) in so far as inconsistent therewith or making any provision thereby made. Recommended for repeal.
5	Revised Statutes 128 amended as to penalty for harboring or aiding desertion of seamen.....	Recommended for repeal.
6	Stipendiary and police magistrates.....	Provincial.
7	Trusts and trustees (Revised Statutes 131).....	"
8	Juries (Revised Statutes 136).....	"
9	Absent and absconding debtors (Revised Statutes 141).....	"
10	Mercantile law amendment Act.....	Provincial, except s. 5, consolidated.
11	Liquor licenses.....	Provincial.
12	Provincial railways.....	Recommended for repeal.
13	" ".....	" "
14	Revised Statutes, c. 70, amended.....	" "
15	St. Peter's canal.....	Effete. Recommended for repeal.
16	Militia.....	Repealed so far as inconsistent with 31 V., c. 40 (D). Recommended for repeal.
17	Elective franchise.....	Provincial, except as regards preparation of lists for Dominion Elections, <i>vide</i> 37 V., c. 9 (D.), but impliedly repealed by 48-49 V., c. 40 (D.) Recommended for repeal.
18	Revised Statutes, c. 105, amended—stray horses.....	Provincial.
19	Security of guarantee companies for public officers.....	"
20	Agriculture (Revised Statutes, c. 96).....	"
21	Salary of the Lieut.-Governor, &c.....	"
22	Customs.....	Effete and recommended for repeal.
23	Excise.....	" " "
24	Lighthouses.....	" " "
25	Electoral district No. 34 (Halifax, West).....	Provincial, but see note to c. 17. Recommended for repeal.
26	" " " 35 (Halifax, East).....	" " "
27	Spring sittings of Supreme Court.....	Provincial.
28	Public instruction (Revised Statutes 58).....	"
29	Education.....	"
30	Mines and minerals.....	"
31	Registration of marriages, &c.....	"
32	Validating certain marriages.....	Recommended for repeal.
33	June term of Supreme Court.....	Provincial.
34	Polling district, Digby.....	Provincial, but see note to c. 17. Recommended for repeal.
35	Revised Statutes 95, river fisheries.....	Repealed, 38 V., c. 33, s. 4 (D).
36	Supplies.....	Provincial.
37	}	Not public general.
to		
84		
85	Harbor master at Sydney, Cape Breton.....	Recommended for repeal.
86	}	Not public general.
to		
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29 VICT.—1866.

1	Windsor and Annapolis Railway.....	Provincial.
2	Customs duties.....	Expired. See 30 V., c. 10.

STATUTES OF NOVA SCOTIA—Continued.

Chap.	Subject Matter.	Remarks.
3	Excise duties.....	Effete. Recommended for repeal.
4	Revised Statutes, c. 18, continued till 1867	" " "
5	Licenses to clergymen.....	Provincial.
6	Removal of sheriffs.....	"
7	Spring sittings of Supreme Court.....	"
8	Quarantine (Halifax).....	Repealed, 31 V., c. 63, s. 15 (D.)
9	Mines and minerals.....	Provincial.
10	Trespasses to Crown lands.....	"
11	Equity procedure.....	Provincial, except s. 15, part, which is recommended for repeal.
12	Limitation of actions.....	Provincial, except s. 15, which is put in Schedule B.
13	Court of marriage and divorce.....	Schedule B. except s. 12 recommended for repeal.
14	Maintenance of bastards.....	Provincial.
15	Trustees.....	"
16	Partition.....	"
17	Oaths of allegiance.....	Recommended for repeal.
18	Provincial railways.....	"
19	Malicious injuries to property.....	Repealed 32-33 V., c. 36 (D.)
20	Crown lands.....	Provincial.
21	Obtaining possession of Crown lands.....	"
22	Provincial stock farm.....	"
23	Liquor licenses.....	"
24	Exportation of goods and drawback.....	S. 1 repealed, 30 V., c. 12. Remainder repealed, 31 V., c. 6, s. 138 (D.)
25	Preservation of roads.....	Provincial.
26	Mines and minerals.....	"
27	Pilotage, harbors, &c.....	"
28	Solemnization of marriages, &c.....	Provincial, except ss. 33 and 37, which are recommended for repeal.
29	Diseases of horses and cattle.....	Superseded by 32-33 V., c. 37 (D.) and recommended for repeal.
30	Education.....	Provincial.
31	".....	"
32	Sale of school houses.....	"
33	Protection of married women.....	"
34	Militia.....	Repealed so far as inconsistent, 31 V., c. 40 (D.) Recommended for repeal.
35	Deep sea fisheries.....	Repealed by 49 V., c. 114, s. 2 and schedule.
36	River Fisheries.....	Repealed, 38 V., c. 33, s. 4 (D.)
37	Seizure of arms and munitions of war.....	Repealed, 32-33 V., c. 36 (D.)
38	Treason.....	Repealed, 32-33 V., c. 36 (D.)
39	Terms of Supreme Court.....	Provincial.
40	Titles, Cape Breton.....	"
41	Supplies.....	"
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48	Not public general.
49	Sessions, county of Halifax.....	Ss. 2 and 3 recommended for repeal. Remainder provincial.
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70	Navigation of Cow Bay, in Cape Breton.....	Recommended for repeal.
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30 VICT.—1867.

1	Public officers.....	Provincial.
2	Duration, &c., of Legislative Assembly...	"
3	Executive and legislative disabilities.....	"
4	Government railways.....	"
5	" ".....	"
6	" ".....	"
7	" ".....	"
8	Terms of Supreme Court.....	"

STATUTES OF NOVA SCOTIA.—*Concluded.*

Chap.	Subject Matter.	Remarks.
9	Excise Acts continued till 1868.....	Repealed by 31 V., c. 8, s. 1 (D).
10	Customs ".....	" " c. 7, s. 19 (D).
11	Lighthouse duties.....	Effete. Recommended for repeal.
12	Exportation of goods, &c.....	Repealed by 31 V., c. 6, s. 138.
13	Army and navy offences.....	Repealed by 32-33 V., c. 36 (D).
14	Refining of sugar and manufacture of tobacco.....	So much as relates to manufacture of tobacco repealed, 31 V., c. 8, s. 1 (D). Recommended for repeal.
15	Partition.....	Provincial.
16	Mines and minerals.....	Provincial, except ss. 2, 3, 6 and 7, which are recommended for repeal.
17	Elections.....	Superseded by 37 V., c. 9 (D.) as to elections for House of Commons of Canada, and see 48-49 V., c. 40 (D.) Recommended for repeal.
18	Registration of marriages.....	Provincial.
19	Amending certain chapters of Revised Statutes.....	"
20	Practice of Supreme Court.....	"
21	Terms of Supreme Court.....	"
22	Division of voters' lists legalized.....	"
23	Highway labor.....	"
24	Provincial exhibition.....	"
25	Militia.....	Repealed, so far as inconsistent with 31 V., c. 40 (D.) Recommended for repeal.
26	Sale of school houses.....	Provincial.
27	Public land revested in the Crown.....	Schedule B.
28	Public lands, Lunenburg, for military purposes.....	"
29	Agriculture.....	Provincial.
30	Support of the poor.....	"
31	Lunatic asylum.....	"
32	Game law.....	Provincial, except s. 7, Schedule B.
33	Education.....	Provincial
34	Inspection of petroleum.....	Repealed, 31 V., c. 50, s. 21 (D).
35	Supplies.....	Provincial.
36	}	Not public general.
81		
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to		
89	}	Local and provincial.
to		
100	River Philip harbor.....	Recommended for repeal.
101	}	Local and provincial.
to		
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NEW BRUNSWICK.

Revised Statutes, 1854, Vol. i.		
Public Statutes, 1854, Vol. ii. (unrepealed Acts.)		
Local and Private Statutes 1855, Vol. iii. (unrepealed Acts.)		
17 Vict.—1854.	21 Vict.—1857.	26 Vict.—1863.
18 Vict.—1854.	21 Vict.—1858.	27 Vict.—1864.
18 Vict.—1855.	22 Vict.—1859.	28 Vict.—1865.
19 Vict.—1856.	23 Vict.—1860.	29 Vict.—1866.
20 Vict.—1856.	24 Vict.—1861.	30 Vict.—1866.
20 Vict.—1857.	25 Vict.—1862.	30 Vict.—1867.

REVISED STATUTES OF NEW BRUNSWICK, VOL. I.

Chap.	Subject Matter.	Remarks.
	1 Division of the Province into counties and parishes	Provincial.
	2 Grounds and enclosures around the public buildings in Fredericton	Recommended for repeal.
	3 Land belonging to Government house.	" "
	4 Land for military purposes	" "
	5 Territorial and Crown revenue.....	" "
	6 Recovery of certain Crown debts.....	Provincial.
	7 Adjustment of certain debts due to and of claims against the Crown.	" "
	8 Commutation of certain Crown debts.....	" "
	9 Sale of Crown lands in certain cases.....	" "
	10 Granting of mill reserves in certain cases.	Repealed, 20 V., c. 7 (1857).
	11 Escheat of mining leases and mill reserves	Provincial.
	12 Trespasses to lands and other property of the Crown.....	Recommended for repeal.
	13 Fees of certain public officers.....	Provincial.
	14 Ordinary revenue.....	Repealed, 18 V., c. 2 (1855).
	15 Export duty on lumber.....	Provincial.
	16 Sales by auction.....	Provincial, except s. 7, recommended for repeal.
	17 Pawn-brokers	Provincial, except s. 3 part and s. 4, consolidated,
	18 Duties on distilled spirits.....	Repealed, 23 V., c. 20.
	19 Buoys and beacons.....	Ss. 2, 3 and 6 repealed by 23 V., c. 23. Whole Act repealed by 26 V., c. 4.
	20 Regulation of lighthouses.....	Ss. 7-10 and 16 recommended for repeal; ss. 11 and 12 repealed by 21 V., c. 12 (1858); ss. 1-6 and 11-15 repealed by 31 V., c. 59 s. 15. (D).
	21 Passengers and head money.....	Repealed, 24 V., c. 4 (1861).
	22 Sick and disabled seamen.....	S. 3 repealed, 20 V., c. 1 (1857). Whole Act repealed, 31 V., c. 64, s. 15 (D).
	23 Charlotte county exemptions from duties..	Superseded by 31 V., cc. 7 and 44 (D.) Recommended for repeal.
	24 Wrecked property.....	Repealed, 36 V., c. 55 (D).
	25 Importation of books and protection of the British author.....	Repealed so far as inconsistent by 31 V., c. 44 (D). Recommended for repeal.

REVISED STATUTES, NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
26	Management of the treasury department.	Expired.
27	Dutiable goods, payment of duties and entries.....	Repealed, 31 V., c. 6 (D).
28	Warehousing goods.....	" "
29	Seizures, forfeitures and modes of proceeding.....	" "
30	Certain salaries.....	Ss. 1-3 recommended for repeal. Remainder provincial.
31	Navigation of the river St. John.....	Expired.
32	Salt mines.....	Provincial.
33	Insuring the legislative library.....	"
34	Interest on treasury warrants.....	"
35	Quit rents.....	"
36	Desertion from Her Majesty's forces.....	"
37	Soldiers of the revolutionary war.....	Recommended for repeal.
38	Encouragement of agriculture.....	Provincial.
39	Granting lands under special circumstances.....	"
40	Post office.....	Repealed, 31 V., c. 10 (D); and again by 38 V., c. 7 (D).
41	Auditing the public accounts.....	Repealed, 31 V., c. 5, (D) so far as inconsistent. Recommended for repeal.
42	Municipal authorities.....	Provincial.
43	Election of councillors.....	"
44	Qualification of voters and councillors.....	"
45	Council and its officers.....	"
46	Firewards.....	"
47	Penalties and forfeitures.....	Provincial, except ss. 1 and 2, recommended for repeal.
48	Board of education and officers.....	Provincial.
49	Duties and powers of the board, the superintendent and other officers.....	"
50	Training and model schools.....	"
51	Teachers.....	"
52	Parish and county officers.....	Provincial, except ss. 1 and 8, recommended for repeal.
53	Rates and taxes.....	Provincial, except s. 2 recommended for repeal.
54	Buildings, offices and school reserves.....	Provincial.
55	Contingencies and accounts.....	"
56	Actions against officers, and recovery of penalties.....	"
57	Bastardy.....	"
58	Infectious distempers.....	Provincial, except part of s. 3, which is repealed by 31 V., c. 63 (D.)
59	Preventing fires.....	Provincial.
60	Harbors.....	Recommended for repeal.
61	Fences, trespasses and pounds.....	Provincial.
62	Protection of sheep and moose.....	"
63	Dams, sluiceways and fishways.....	Provincial, except ss. 5, 6 and 7 which are recommended for repeal.
64	Rules and regulations.....	Provincial, except as follows:—S. 1, sub-s. 2 recommended for repeal; sub-s. 11, recommended for repeal; sub-s. 14 repealed as to Charlotte County by 26 V., c. 36, and wholly repealed by 36 V., c. 54, s. 92 (D.); sub-ss. 15 and 16, recommended for repeal; sub-ss. 24 and 31, Schedule B; sub-s. 32, repealed by 36 V., c. 49, s. 20 (D.)
65	Great roads.....	Provincial.
66	Highways.....	"
67	Sewer commissioners.....	"
68	Marsh lands and commissioners for Westmoreland and Albert, excepting the parish of Sackville.....	"
69	Commissioners for the parish of Sackville..	"
70	Undivided districts in Sackville.....	"
71	Penalties.....	"
72	Common sewers in the City of Saint John.	"
73	Battalions, regiments and companies and the commander in chief.....	Repealed by 25 V., c. 20.
74	Commanding officers of battalions and regiments.....	" "
75	Captains and subalterns.....	" "

REVISED STATUTES, NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
76	Aliens.....	Repealed by 25 V., c. 20.
77	Courts martial.....	Repealed so far as inconsistent by 31 V., c. 40 (D.) Recommended for repeal.
78	Exempts.....	Repealed by 25 V., c. 20
79	Militia men.....	" "
80	Fines, mode of recovery and application..	" "
81	Militia of St. John.....	" "
82	Artillery and sea fencible companies.....	" "
83	Suspension of certain sections.....	" "
84	Naturalization of aliens.....	Repealed, 24 V., c. 54.
85	Indian reserves.....	Repealed, 31 V., c. 42 (D.)
86	Regulations for seamen.....	Repealed, 36 V., c. 129 (D.)
87	Regulations for shipping seamen at the port of St. John.....	Repealed, 36 V., c. 129 (D.)
88	Management of the estates of lunatics.....	Provincial.
89	Dangerous lunatics.....	"
90	Provincial lunatic asylum.....	"
91	Provincial penitentiary.....	Repealed, 31 V., c. 75, s. 1 (D.) and 38 V., c. 44, s. 1 (D.), so far as inconsistent, and wholly by 46 V., c. 37, s. 80 (D.)
92	Regulation of sales of lime.....	Schedule B.
93	Measurement of firewood and bark.....	"
94	Inspection of flour and meal.....	Repealed, 36 V., c. 49, s. 20 (D.)
95	Weights and measures.....	Repealed, 36 V., c. 47, s. 52 (D.)
96	Survey and exportation of lumber.....	Schedule B.
97	Board of health for the city and county of St. John.....	Provincial.
98	Controverted elections.....	Repealed as to elections for House of Commons of Can- ada by 36 V., c. 28, s. 57 (D.); s. 16 recommended for repeal.
99	Navigation of the internal waters.....	Recommended for repeal.
100	Treaty of Washington.....	" "
101	Sea and river fisheries.....	Repealed by 26 V., c. 6, s. 28.
102	Interest and usury.....	Repealed by 22 V., c. 21.
103	Gambling transactions.....	Provincial.
104	Regulations among proprietors of islands	"
105	Injuries to lands in the vicinity of the River St. John.....	"
106	Marriage.....	"
107	Church of England.....	"
108	Relief of Roman Catholics.....	"
109	Nova Scotia grants.....	"
110	Wills.....	"
111	Intestate estates.....	"
112	Registry of deeds and other instruments..	"
113	Judgments, executions and proceedings thereon.....	"
114	Real and personal property of married women.....	"
115	Estates tail.....	"
116	Bills, notes and choses in action.....	S. 1 repealed by 22 V., c. 22; s. 3 repealed by 30 V., c. 34 (1867); s. 4 consolidated; s. 2, Schedule B.
117	Joint tenancy and tenancy in common.....	Provincial.
118	Letters patent for useful inventions.....	Repealed, 32-33 V., c. 11, s. 52 (D.) and 35 V., c. 26, s. 52 (D.) so far as inconsistent. Recommended for repeal.
119	Corporations.....	Schedule B
120	Banking.....	Schedule B, except s. 3, which is recommended for repeal.
121	Limited partnerships.....	Provincial.
122	Damaged goods.....	Schedule B.
123	Frauds and perjuries.....	Provincial.
124	Insolvent confined debtors.....	Schedule B, except s. 9, which is repealed by 26 V., c. 10.
125	Absconding, concealed or absent debtors	Provincial, except s. 23, which is recommended for repeal.
126	Landlord and tenant and replevin.....	Provincial.
127	Habeas corpus.....	Schedule B.
128	Adverse claims.....	Provincial.
129	Protection of justices.....	"
130	Protection of constables.....	"

REVISED STATUTES, NEW BRUNSWICK.—*Concluded.*

Chap.	Subject Matter.	Remarks.
131	Office of sheriff.....	Provincial.
132	Coroner's inquests.....	Provincial, except s. 2, Schedule C.
133	Trespasses on lands, private property and lumber.....	Recommended for repeal.
134	Minors and apprentices.....	Provincial.
135	Physicians and surgeons.....	"
136	Estates of deceased persons.....	"
137	Jurisdiction of justices in civil suits.....	"
138	Summary convictions.....	Repealed by 32-33 V., c. 36 (D) except s. 22, which is recommended for repeal.
139	Limitation of actions in respect to real property.....	Provincial.
140	Limitation of personal actions.....	S. 2, Schedule B. Remainder provincial.
141	Joint debtors.....	Provincial.
142	Set off.....	"
143	Offences relating to the army.....	Repealed, 30 V. (1866) c. 9.
144	Offences against religion.....	S. 1 superseded by 32-33 V., c. 20, s. 37, and recom- mended for repeal. Remainder Schedule B.
145	Offences against public morals and decency	S. 1 provincial; ss. 2 and 3 Schedule B; s. 4 superseded by 32-33 V., c. 28 and recommended for repeal; part of s. 5, which excepts therefrom the fishery draft in the city of St. John, is repealed by 25 V., c. 50; remainder recommended for repeal.
146	Offences against the law of marriage.....	S. 1 repealed by 27 V., c. 4; ss. 2 and 3 consolidated; remainder provincial.
147	Offences against the public peace.....	Ss. 1-5 repealed by 32-33 V., c. 36 (D); remainder con- solidated.
148	Offences against the administration of justice.....	Repealed by 32-33 V., c. 36 (D).
149	Homicide and other offences against the person.....	" "
150	Offences against the habitation.....	" "
151	Fraudulent appropriations.....	" "
152	Forgery and offences relating to the coin	" "
153	Malicious injuries to property.....	Repealed by 32-33 V., c. 36 (D.) except s. 16, which is recommended for repeal.
154	Other felonies.....	Repealed by 32-33 V., c. 36 (D).
155	Definition of terms and explanations.....	"
156	Proceedings before indictment.....	S. 17 provincial; ss. 18, 20 and 22 recommended for re- peal; remainder repealed, 32-33 V., c. 36 (D).
157	Recognizance in criminal cases.....	Consolidated.
158	Proceedings on indictment.....	S. 8 repealed by 27 V., c. 4. Whole chapter repealed by 32-33 V., c. 36 (D.), except ss. 3 and 23, which are recommended for repeal.
159	Trial.....	S. 15 repealed by 27 V., c. 4. Whole chapter repealed by 32-33 V., c. 36 (D.), except ss. 10, 22-26 and part of s. 27 and Form U in Schedule; ss. 22, 23, 24 and Form U consolidated; remainder recommended for repeal.
160	Error, punishment and expenses.....	S. 1 consolidated; ss. 8, 9 and 10 recommended for repeal; ss. 11, and 12, provincial; remainder re- pealed, 32-33 V., c. 36 (D).
161	Terms, explanations and general provis- ions.....	Schedule B, except part of s. 30 from the word "false" in line 18 to the end of the section, which part is recommended for repeal.
162	Promulgation and repeal of statutes.....	Ss. 1-14, Schedule B. Remainder recommended for repeal.
163	Fees.....	Provincial, except so much as relates to fees on patents of invention, which is repealed so far as inconsis- tent with or making any provision in any matter provided for by 32-33 V., c. 11 (D.) and 35 V., c. 26 (D.) and is recommended for repeal.

PUBLIC UNREPEALED STATUTES, NEW BRUNSWICK.—VOL. II.
PUBLIC GENERAL ACTS UNREPEALED BY THE REVISED STATUTES.

Chapter.	Subject Matter.	Remarks.
8 V., c. 1	Ordinance lands.....	Recommended for repeal.
9 V., c. 73	" "	Ss. 1, 2 and 4 recommended for repeal; s. 3 provincial.
32 G. 3, c. 9	To restrain all persons concerned with collection of impost duties from owning any vessel, &c.....	Recommended for repeal.
6 V., c. 2	Payment of interest on treasury warrants	Provincial.
2 V., c. 44	Prompt payment of all demands on treasury.....	"
12 V., c. 20	"	"
15 V., c. 45	Fees on militia commissions.....	Recommended for repeal.
6 W. 4, c. 14	Reporting decisions of the Supreme Court	Provincial, except s. 2, which is not public general.
13 V., c. 12	" " "	Provincial.
15 V., c. 85	Establishing legal tender.	Repealed, 31 V., c. 45 (D.) and also by 34 V., c. 4 (D)
16 V., c. 33	" "	"
58 G. 3, c. 24	Exclusion of certain persons from Assembly.....	Provincial.
11 V., c. 65	Elections.....	Provincial. Repealed by 18 V., c. 37.
12 V., c. 70	Vacating seats in certain cases.....	Provincial.
16 V., c. 34	Polling places, Carleton.....	Provincial. Repealed by 18 V., c. 37.
16 V., c. 35	Polling places, Northumberland.....	"
7 V., c. 51	County of Carleton (division of).....	Provincial.
16 V., c. 69	Coast fisheries.....	Repealed by 49 V., c. 114, s. 2 and schedule.
6 G. 4, c. 4	Encouragement of Savings Banks.....	} Recommended for repeal.
6 W. 4, c. 52	Savings Bank, St. John	
4 V., c. 20	"	
4 V., c. 30	"	
9 V., c. 61	"	
10 V., c. 43	"	} Provincial.
15 V., c. 58	Savings Bank, St. John.....	
45 G. 3, c. 12	Grammar Schools.....	"
56 G. 3, c. 15	"	"
4 G. 4, c. 33	College of New Brunswick.....	"
9-10 G. 4, c. 29	King's College and Grammar Schools....	"
5 W. 4, c. 30	Grammar Schools.....	"
6 W. 4, c. 10	King's College and Grammar Schools....	"
6 W. 4, c. 54	King's College lands	"
8 V., c. 111	King's College.....	"
1 V., c. 20	Grammar Schools.....	"
2 V., c. 16	"	"
3 V., c. 10	"	"
9 V., c. 74	King's College.....	"
9 V., c. 60	Grammar Schools	"
10 V., c. 8	"	"
13 V., c. 21	"	"
13 V., c. 62	N. B. Society for encouragement of agriculture, &c.....	"
14 V., c. 8	" "	"
15 V., c. 8	" "	"
10 V., c. 32	To encourage raising and dressing of hemp	"
14 V., c. 1	European and North American Railway..	"
15 V., c. 41	" "	"
16 V., c. 2	" "	"
16 V., c. 3	" "	"
17 V., c. 68	" "	"
6 W. 4, c. 31	St. Andrews and Quebec Railway.....	"
7 W. 4, c. 38	"	"
10 V., c. 27	"	"
10 V., c. 84	Railway from St. Andrews to Woodstock	"
11 V., c. 43	To empower justices to sell certain lands.	"
11 V., c. 48	St. Andrews and Quebec Railway.....	"
11 V., c. 63	Railway from St. Andrews to Woodstock	"
12 V., c. 60	St. Andrews and Quebec Railway.....	"
12 V., c. 74	Railway from St. Andrews to Woodstock with branch to St. Stephen.....	"

PUBLIC UNREPEALED STATUTES, NEW BRUNSWICK.—VOL. II.
Concluded.

Chapter.	Subject Matter.	Remarks.
13 V., c. 1	St. Andrews and Quebec Railway.....	Provincial.
14 V., c. 36	“ “	“
15 V., c. 55	“ “	“
16 V., c. 50	“ “	“
17 V., c. 42	“ “	“
31 G. 3, c. 5	Marriage and divorce, incest, &c.....	Ss. 1, 2 and 3 superseded by Revised Statutes ; s. 4 repealed 52 Geo. 3, c. 21 ; s. 6 repealed 6 Wm. 4, c. 34 ; s. 8 repealed 12 V., c. 29 ; remainder repealed so far as inconsistent therewith by 23 V., c. 37, s. 18 ; ss. 5, 9 and 10, Schedule B.
4 W. 4, c. 30 6 W. 4, c. 34 10 V., c. 38 26 G. 3, c. 20	Marriage and divorce.....	Repealed by 23 V., c. 37, s. 18.
26 G. 3, c. 20	Evidence by depositions	Provincial, except s. 6, which is recommended for repeal.
60 G. 3, c. 7	Sittings of Supreme Court	Provincial.
8 G. 4, c. 2	Proceedings against privileged persons...	Provincial, repealed by 24 V., c. 12.
2 W. 4, c. 20	Service of writs of Scire Facias	Provincial.
5 W. 4, c. 34	Witnesses in Supreme Court.....	Provincial, except s. 4, which is recommended for repeal.
5 W. 4, c. 37	Supreme Court.....	Provincial.
3 V., c. 51	Affidavits in Supreme Court.....	“
3 V., c. 63	Replevin.....	“
3 V., c. 65	Proof of Records and Letters Patent.....	“
10 V., c. 1	Easter Term Supreme Court.....	“
12 V., c. 39	Amendment of the law	Provincial, except parts of ss. 5 and 9, which are recommended for repeal ; and s. 23, Sched- ule B.
12 V., c. 40	Summary actions	Provincial, repealed, 30 V., c. 10 (1867).
13 V., c. 32	Amendment of the law.....	“
13 V., c. 33	Abbreviation of names in proceedings.....	“
13 V., c. 37	Proof of certain documents where foreign corporations are parties.....	“
14 V., c. 2	Service of non-bailable process.....	“
14 V., c. 3	Competency of witnesses.....	“
14 V., c. 20	Amendment of the law	“
4 G. 4, c. 18	Civil procedure.....	Provincial, repealed, 30 V., c. 10 (1867.)
5 W. 4, c. 29	Actions in inferior courts of C. P.....	“ “ “
13 V., c. 47	“ “ “	“ “ “
16 V., c. 22	“ “ “ Westmoreland	“ “ “
11 V., c. 16 14 V., c. 26 12 V., c. 41 13 V., c. 43	Juries.....	Repealed by 18 V., c. 24 (1855).
14 V., c. 25	Grand juries.....	“ “ “
5 W. 4, c. 43	Inspection of dry and pickled fish	Repealed by 36 V., c. 49 s. 20 (D.)

LOCAL AND PRIVATE UNREPEALED STATUTES, NEW BRUNSWICK.—VOL. III.

5 G. 4, c. 24	Harbor, St. John.....	Recommended for repeal.
3 W. 4, c. 21	Infectious distempers, St. John.....	“ “
4 W. 4, c. 8	“ “	“ “
3 V., c. 70	Pilotage	Repealed, 36 V., c. 54, s. 92 (D).
3 V., c. 81	Wharves, harbor of St. John.....	Repealed by 27 V., c. 18.
7 V., c. 22	Nuisances, city of St. John.....	Provincial, except s. 3, Schedule C.
7 V., c. 37	Navigation of river and harbor of St. John	Recommended for repeal.
11 V., c. 31	Pilotage	“ “
12 V., c. 52	Navigation, river and harbor, St. John...	“ “
14 V., c. 11	“ “	“ “

LOCAL AND PRIVATE UNREPEALED STATUTES, NEW BRUNSWICK.—VOL. III—*Concluded.*

Chapter.	Subject Matter.	Remarks.
16 V., c. 18	Navigation, river St. Croix.....	Expired.
16 V., c. 39	To regulate the herring fishery in Parishes of Grand Manan, West Isles, &c.....	Recommended for repeal.
17 V., c. 3	Buoys and beacons in bay and harbor of Miramichi.....	Repealed by 23 V., c. 6.
17 V., c. 9	Marine hospital, port of Bathurst.....	Recommended for repeal.
10 V., c. 83	For the regulation of benefit building societies.....	Schedule B.

NOTE.—The remaining Acts printed in this volume are either provincial or not public general, and the references to them are omitted.

STATUTES OF NEW BRUNSWICK, SUBSEQUENT TO THE REVISED STATUTES.

17 VICT.—1854

1	Ordinary revenue.....	Repealed. 18 V., c. 2.
2	Funded debt, N.B.....	Provincial.
3	Appropriation of ordinary revenue.....	"
4	".....	"
5	Roads and bridges.....	"
6	Parish schools.....	"
7	Agriculture.....	Provincial, repealed 25 V., c. 23.
8	Municipal authorities.....	" " 19 V., c. 37.
9	Steam navigation.....	Expired.
10	Dry and pickled fish.....	Repealed by 26 V., c. 49, s. 20 (D.)
11	Townships and parishes.....	Provincial.
12	Town and parish officers.....	Schedule B.
13	Qualification of freeholders in certain cases.....	Provincial, repealed. 18 V., c. 37.
14	Polling places.....	"
15	Sale of spirituous liquors.....	Provincial, expired.
16	Publication of Revised Statutes.....	Provincial, effete.
17	King's College at Fredericton.....	"
18	Administration of justice in equity.....	Provincial.
19	Circuit courts, &c.....	"
20	Proceedings before justices in civil suits.....	"

18 VICT.—1854.

1	To give effect to Reciprocity Treaty.....	Effete. Recommended for repeal.
2	To relieve certain articles from payment of duty.....	Repealed so far as inconsistent by 31 V., c. 7 (D.) Recommended for repeal.
3	Establishment of municipalities.....	Repealed, 19 V., c. 37.
4	Expenses of Legislature.....	Provincial.
5	and }	Not public general.
6		

18 VICT.—1855.

1	To appropriate part of revenue to the patriotic fund.....	Provincial.
2	Duties for raising a revenue.....	Repealed 22 V., c. 1.
3	Supplies.....	Provincial.

STATUTES OF NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
4	To continue certain Acts.....	4 and 6 expired; 5 provincial.
7	Public works.....	Provincial.
8	Line of Great Road Trout Brook bridge to Magaguadavic.....	Repealed, 22 V., c. 11.
9	Tender in actions at law.....	Provincial.
10	.....	Not public general.
11	Quieting titles to certain lands.....	Provincial.
12	.....	.....
13	.....	Not public general.
14	Highways.....	Repealed by 25 V., c. 16.
15	Repairs of bye roads and bridges.....	Provincial.
16	Supplies.....	"
17	Opening and repairing roads.....	"
18	Amendments to Revised Statutes.....	Provincial, except s. 6, Schedule B.
19	Spirituous liquors.....	Expired.
20	Jurors.....	Provincial, except ss. 11, 13, 14 and 15, which are recom- mended for repeal, and s. 17, Schedule B.
21	Service of process.....	Provincial, except portions of s. 4, which is recommende for repeal.
22	Trespasses on lands and lumber.....	Recommended for repeal.
23	Continues certain Parish School Acts.....	Expired.
24	Regulation of lighthouses.....	Repealed by 21 V., c. 12.
25	Sick and disabled seamen.....	Repealed, 31 V., c. 64, s. 15 (D).
26	Post office.....	Repealed, 31 V., c. 10, s. 2 (D.) and 38 V., c. 7, s. 2 (D)
27	Public accounts.....	Provincial.
28	Continues G. W. 4, c. 14.....	"
29	Encouragement of agriculture.....	Provincial, repealed by 25 V., c. 23.
30	Granting of mill reserves.....	Provincial, repealed by 20 V., c. 7 (1857).
31	Preventing fires.....	Provincial.
32	Intoxicating liquors, unlawful importation.....	Repealed, 20 V., c. 1 (1856).
33	Election of members.....	Provincial; repealed as to elections for House of Con- mons of Canada by 37 V., c. 9, s. 133 (D), except as to qualification of voters and formation of voters' list Now superseded by 48-49 V., c. 40. (D). Recom- mended for repeal.
34	Navigation of river St. John, near Indian Town.....	Not public general.
35	Board of health, St. John.....	Recommended for repeal.
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19 VICT.—1856.

1	Supplies.....	Provincial.
2	Hacmatac knees, duty on, repealed.....	"
3	Repair of roads and bridges.....	"

STATUTES OF NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
4		Not public general.
to		
14		Recommended for repeal.
15	Provincial railways.....	
16	Funds for construction of railways.....	Provincial.
17	Lands for railway purposes.....	Recommended for repeal.
18	Impost for railway purposes.....	“ “
19		Not public general.
20	Savings bank and provincial loan.....	Provincial.
21	Patents.....	Repealed so far as inconsistent, 32-33 V., c. 11, s. 52 (D.), 35 V., c. 26, s. 52 (D.). Recommended for repeal.
22	Division between Northesk and Nelson.....	Provincial.
23	Court of C.P. and Gen. Sess., Gloucester.	“
24		Not public general.
to		
32		Provincial.
33	Supplies.....	
34	Roads and bridges.....	“
35	Collection of the revenue.....	Recommended for repeal.
36	Exportation of saltpetre, &c., used in manufacture of military and naval stores..	“ “
37	Municipalities.....	Provincial.
38	Local government of parishes.....	“
39	Militia.....	Repealed by 25 V., c. 20.
40	Terms of Supreme Court.....	Provincial.
41	Amendment of the law.....	Provincial, except as to evidence in criminal matters and as to s. 8, which is recommended for repeal, see “The Merchant Shipping Act, 1854,” (Imp.) s. 107 and 36 V., c. 128, s. 2 (D.) S. 2 part consolidated, part Schedule B; ss. 9 and 11 superseded by 32-33 V., c. 19, s. 34 (D.) and recommended for repeal; ss. 12-19 superseded by 32-33 V., c. 29 (D.) and recommended for repeal in so far as respects criminal matters.
42	Liberty of the subject (Habeas Corpus)...	Schedule B.
43	Jurisdiction of justices in civil suits.....	Provincial.
44	Registration of deeds.....	“
45	Insurance companies.....	Repealed, 31 V., c. 48, s. 24 (D.)
46	Ordnance lands.....	Recommended for repeal.
47	Banking (R.S., c. 120).....	Schedule B.
48	Salaries (R.S., c. 30).....	Provincial.
49	Contingencies (R.S., c. 55).....	“
50		Not public general.
to		
56		Schedule B.
57	Summary convictions in parish of Portland.....	
58		Not public general.
to		
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20 VICT.—1856.

1	Liquor licenses.....	Provincial.
2	Destruction of bears.....	“
3		Not public general.
4	Expenses of the legislature.....	Provincial.

20 VICT.—1857.

1	Sick and disabled seamen.....	Repealed, 31 V., c. 64, s. 15 (D.)
2	Elections.....	Expired.
3		Recommended for repeal.
and	Railways.....	
4		Provincial.
5	Circuit court, Charlotte.....	
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STATUTES OF NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
6	Costs in Exchequer cases.....	Provincial.
7	Mill reserves.....	"
8	.....
10	.....	Not public general.
12	.....
13	Buoys and beacons. Charlotte.....	Repealed, 26 V., c. 4.
14	13 V., c. 18 continued till May, 1862.....	Provincial.
15	.....
16	.....	Not public general.
40	.....

21 VICT.—1857.

1	Roads and bridges.....	Provincial.
2	Supplies.....	"
3	Expenses of the legislature.....	"
4	Buoys and beacons.....	Repealed, 26 V., c. 4.
5	Parish schools.....	Repealed, 21 V., c. 9 (1858).
6	.....
and 7	.....	Not public general.

21 VICT.—1858.

1	Supplies.....	Provincial.
2	Public works.....	"
3	Attendance of witnesses.....	Provincial, except ss. 2 and 3, which are superseded by 31 V., c. 76 (D.) and 46 V., c. 35 (D) and are recommended for repeal.
4	.....
to 8	.....	Not public general.
9	Parish schools.....	Provincial.
10	Post office.....	Repealed, 31 V., c. 10, s. 2 (D.) and 38 V., c. 7, s. 2 (D.)
11	Warehousing goods.....	Repealed, 31 V., c. 6, s. 138 (D).
12	Lighthouses.....	Repealed, 31 V., c. 59, s. 15 (D).
13	Vessels navigating Bay of Fundy to carry lights.....	Repealed, 31 V., c. 58, s. 1 (D).
14	Destruction of wolves.....	Provincial.
15	To prevent use of poisons in destruction of foxes.....	Recommended for repeal.
16	Circuit courts.....	Provincial.
17	Insolvent debtors.....	Repealed, 22 V., c. 16.
18	Railways.....	Recommended for repeal.
19	Co-partnerships (registration of).....	Provincial.
20	Practice of the law.....	"
21	Ejectment.....	"
22	Amendment of criminal law.....	Repealed, 32-33 V., c. 36 (D.), except s. 3, provincial, and s. 5 recommended for repeal.
23	Landlord and tenant and replevin.....	Provincial.
24	Judgments and executions thereon.....	"
25	Dower.....	"
26	Intestate estates.....	"
27	Steam navigation.....	Expired.
28	.....
and 29	.....	Not public general.
30	Highways.....	Repealed, 25 V., c. 16.
31	Certain great roads.....	Repealed, 23 V., c. 11.
32	Sea and river fisheries.....	Repealed, 25 V., c. 26, and 26 V., c. 6.
33	Elections.....	Superseded as to elections for House of Commons of Canada and recommended for repeal.
34	Polling place in Queen's county.....	Provincial, repealed 25 V., c. 58.
35	Grant to King's College discontinued.....	Provincial.

STATUTES OF NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
36 } to } 40 }	.....	Not public general.
41	Conveyance of a wharf to the Queen.....	Provincial.
42 } to } 44 }	.....	Not public general.
45	Deputy harbor master, St. John.....	To be superseded by 45 V., c. 51 (D.) Schedule B.
46 } to } 48 }	.....	Not public general.
49	Public slip near Portland Point.....	Provincial.
50	Public lands in Parish of St. Martin's.....	"
51	Board of health, St. John.....	S. 4 repealed by 31 V., c. 63, s. 15 (D.): remainder provincial.
52 } to } 71 }	.....	Not public general.
72	Disqualification for Legislative Assembly of persons holding office under Government.....	Provincial.

22 VICT.—1859.

1	Duties.....	Recommended for repeal.
2	Circuit courts and courts of Oyer, &c.....	Provincial.
3	Polling places, King's County.....	Superseded as to elections for House of Commons of Canada by 48-49 V., c. 40. Recommended for repeal.
4	Protection of sheep and moose.....	Repealed, 28 V., c. 21.
5 } and } 6 }	.....	Not public general.
7	Cape Race Light.....	Repealed, 31 V., c. 59, s. 15 (D)
8	.....	Not public general.
9	Boundary between N.S. and N.B.....	Provincial.
10	Agriculture.....	Repealed, 25 V., c. 23.
11	The great roads.....	Provincial.
12	Supplies.....	"
13	Roads and bridges expenses.....	"
14	Highways.....	Repealed, 25 V., c. 16.
15	Steam navigation.....	Expired.
16	Relief of insolvent debtors.....	Recommended for repeal.
17	Confined debtors.....	"
18	Medicine and surgery.....	Provincial.
19	Circuit courts in certain counties.....	"
20	Evidence.....	Recommended for repeal.
21	Interest and usury.....	Ss. 2, 3, 4 and 6 consolidated; ss. 1 and 5 recommended for repeal.
22	Bills and choses in action.....	S. 4 consolidated; remainder recommended for repeal.
23	Trespasses to lands, &c.....	Provincial.
24	Damages against E. and N. A. Ry.....	Recommended for repeal.
25	Intestate estates.....	Provincial.
26	Inferior courts in certain counties.....	"
27	Jurisdiction of justices in civil suits.....	"
28	Law library.....	"
29	Certain provincial buildings.....	Recommended for repeal.
30	Lunatics.....	Provincial.
31	Liquor licenses.....	"
32	Destruction of bears.....	Expired.
33	Sick and disabled seamen.....	Repealed, 31 V., c. 64, s. 15 (D).
34	Polling places, Queen's County.....	Superseded as to elections for House of Commons of Canada by 48-49 V., c. 40, and recommended for repeal.
35 } to } 63 }	.....	Not public general.

STATUTES OF NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
23 VICT.—1860.		
1	Payment of demands on provincial treasury.....	Provincial.
2	Witnesses before committees of the Legislature.....	Provincial, except s. 4 and part of s. 9, both which have expired.
3	Courts of probate.....	Provincial.
4	County Council York empowered to raise money for agricultural purposes.....	"
5	Police force, Northumberland.....	"
6	Buoys and beacons, Miramichi.....	Repealed, 31 V., c. 59, s. 15 (D).
7 ₁	.....
12	.....	Not public general.
13	Navigation river St. Croix.....	Expired.
14 ₁	.....
16	.....	Not public general.
17	Supplies.....	Provincial.
18	Roads and bridges appropriation.....	"
19	Customs duties.....	See 31 V., c. 7, s. 19 (D.) Recommended for repeal.
20	Distilleries.....	Repealed, 31 V., c. 8, s. 1 (D).
21	Protection of the revenue.....	Repealed so far as inconsistent therewith, 31 V., c. 6, s. 138 (D.) Recommended for repeal.
22	" " " ".....	" " " "
23	Buoys and beacons, (Revised Statutes, c. 19, amended).....	Repealed, 26 V., c. 4.
24	Registration of deeds, &c.....	Provincial.
25	" " " ".....	"
26	Commissioners for taking affidavits.....	"
27	Relief of insolvent debtors.....	Recommended for repeal.
28	Insolvent confined debtors.....	Schedule B.
29	Evidence as to proof of bankruptcy.....	Provincial.
30	Amendment of the law.....	"
31	Guarantees, bills of exchange and promissory notes.....	"
32	Procedure in criminal cases.....	Ss. 3 and 5 repealed, 32-33 V., c. 36 (D.); s. 4 provincial; ss. 1 and 2 recommended for repeal.
33	Summary convictions (Revised Statutes, c. 138, amended).....	Repealed, 32-33 V., c. 36 (D).
34	False pretences.....	"
35	Apprehension of criminals escaping to other provinces.....	Recommended for repeal.
36	Courts of probate.....	Provincial.
37	Divorce and matrimonial causes.....	Schedule B.
38	Parish and county officers.....	Provincial.
39	Buildings, offices and school reserves.....	"
40	Sea and river fisheries.....	Repealed, 26 V., c. 6, s. 28.
41	Patents for inventions.....	Repealed so far as inconsistent by 32-33 V., c. 11 (D.), and recommended for repeal.
42	Polling place, Kars.....	Superseded as to elections for House of Commons of Canada by 48-49 V., c. 40, and recommended for repeal.
43	Militia law.....	Repealed, 25 V., c. 20.
44	Liquor licenses.....	Expired.
45	Highways.....	Repealed, 25 V., c. 16.
46	Agriculture.....	Repealed, 25 V., c. 23.
47	Medicine and surgery.....	Repealed, 26 V., c. 11.
48	Mode of accounting and currency.....	Repealed, 31 V., c. 45, s. 5 (D.), except ss. 2 and 3; repealed, 34 V., c. 4, s. 11 (D.), except s. 2, which is recommended for repeal.
49	Census.....	Repealed by 33 V., c. 21, s. 39 (D).
50	Certain lands of the war department.....	Recommended for repeal.
51	Railway from St. Andrews to Woodstock.....	Provincial.
52	Fisheries, Restigouche.....	Repealed, 31 V., c. 60, s. 20 (D).
53	Investigation into fires, Fredericton.....	Provincial, except s. 4, which is recommended for repeal.

STATUTES OF NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
54 to 64	.....	Not public general.
65 to 66	Inspection of gas, St. John.....	Recommended for repeal.
66 to 94	.....	Not public general.

24 VICT.—1861.

1	Supplies.....	Provincial.
2	Repair of roads and bridges.....	"
3	Savings banks.....	See 34 V., c. 6, s. 15 (D.) Recommended for repeal.
4	Passengers arriving in this Province.....	Repealed, 32-33 V., c. 10, s. 32 (D.)
5	Circuit court, Sunbury.....	Provincial.
6	Gaol limits.....	"
7	Courts of probate.....	"
8	Divorce and matrimonial causes.....	Schedule B.
9	Solemnization of marriage.....	Provincial.
10	Carrying of deadly weapons.....	Repealed, 32-33 V., c. 36 (D.)
11	Coroners' inquests.....	Provincial.
12	Proceedings against members of the General Assembly.....	"
13	Polling places, Saint John.....	Superseded as to elections for House of Commons of Canada by 48-49 V., c. 40, and recommended for repeal.
14	Post office.....	Repealed, 31 V., c. 10, s. 2 (D.), and 33 V., c. 7, s. 2 (D.)
15	Grammar and superior schools.....	Provincial.
16	Pilots (not to be carried to sea without their consent).....	Repealed, 36 V., c. 54, s. 92 (D.)
17	Municipalities.....	Provincial.
18	Sea and river fisheries (Revised Statutes, c. 101).....	Repealed, 26 V., c. 6, s. 28.
19	Tax on unimproved granted lands.....	Provincial.
20	Railroad, St. Andrews to Woodstock.....	"
21	Marsh lands.....	"
22	French paupers, Dorchester.....	"
23	Sale of spirituous liquors, St. John.....	"
24 and 25	.....	Not public general.
26	Board of Health, St. John.....	Repealed, 31 V., c. 63, s. 15 (D.) in so far as it continues s. 4 of 21 V., c. 51; remainder provincial.
27 to 53	.....	Not public general.
54	Naturalization of aliens.....	Repealed, 31 V., c. 66, s. 14 (D.)

25 VICT.—1862.

1	Expenses of the legislature.....	Provincial.
2	Public revenue, (Revised Statutes, cc. 26, 27, 28 and 29, continued to 1870).....	Effete.
3	Appropriation for expenses in shelter of troops.....	Provincial.
4	Expenses of Prince of Wales celebration.....	"
5	Sewer, St. John.....	"
6	Extinguishment of fires, St. John.....	"
7	Rates of pilotage, St. John (3 V., c. 70, revived and made permanent).....	Repealed, 36 V., c. 54, s. 92 (D.)
8	Parish of Shediac.....	Provincial.
9	Customs duties.....	Recommended for repeal.
10	Offences against the person.....	Repealed, 32-33 V., c. 36 (D.)
11	Jurisdiction of justices in civil suits.....	Provincial.

STATUTES OF NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
12	Amendment of c. 9 above, and 19 V., c. 18	Recommended for repeal.
13	Supplies	Provincial.
14	Savings banks and provincial liabilities.....	"
15	Repair of roads and bridges.....	"
16	Highways consolidation Act.....	"
17	Government of counties, towns and parishes.....	"
18	Survey and exportation of lumber (Revised Statutes, c. 96 amended).....	Schedule B.
19	Measurement of firewood and bark (Revised Statutes, c. 93).....	"
20	Militia.....	Expired.
21	Punishment of death taken away in certain cases.....	Repealed, 32-33 V., c. 36 (D).
22	Investigation of fires.....	Provincial, except s. 4, which is recommended for repeal.
23	Agriculture	Provincial.
24	Trespasses on lands, &c. (Revised Statutes, c. 133 amended).....	"
25	Judgments and execution.....	"
26	Sea and river fisheries (Revised Statutes, c. 101).....	Repealed, 26 V., c. 6, s. 28.
27	Lands held for public uses by justices.....	Provincial.
28	Corporations	Schedule B.
29	Sewers.....	Provincial.
30	Rates and taxes.....	Provincial, except s. 17, which is recommended for repeal.
31	Commissioners for taking affidavits.....	Provincial.
32	Boundary line between N.B. and N.S. (22 V., c. 9 amended).....	"
33	Fees on patents. Fees to foreigners same as British subjects.....	Repealed, so far as inconsistent, 32-33 V., c. 11, s. 52 (D.) Recommended for repeal.
34	Tax on unimproved lands.....	Provincial.
35	University of New Brunswick.....	"
36	Gold mines.....	"
37	Judgments in actions, not summary	"
38	Municipalities.....	"
39	Destruction of wolves.....	"
40	Medicine and surgery.....	Repealed, 26 V., c. 11.
41	Buoys and beacons, Charlotte.....	Repealed, 31 V., c. 59, s. 15 (D.)
42	}	Not public general.
43		
44		
58	Polling place, parish of Cambridge.....	Superseded as to elections for House of Commons of Canada, by 48-49 V., c. 40, and recommended for repeal.
59	" " Grand Manan.....	" "
60	" " St. Leonard.....	" "
61	" " Mauderville	" "
62	Polling places, parishes of West Isles and Campo Bello.....	" "
63	" " county of York.....	" "
64	}	Not public general.
65		
66		
79	Commander in chief.....	Recommended for repeal.

26 VICT.—1863.

1	Customs duties.....	Recommended for repeal.
2	Supplies.....	Provincial.
3	Repair of roads, &c.....	"
4	Buoys and beacons.....	Repealed, 31 V., c. 59, s. 15 (D.)
5	Loan for Intercolonial Railway.....	Recommended for repeal.
6	Coast and river fisheries.....	Repealed, 31 V., c. 60, s. 20 (D.)

STATUTES OF NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
7	Parish schools.....	Provincial.
8	Highways.....	"
9	Rates and taxes.....	"
10	Insolvent confined debtors; amends R.S. c. 124.....	Schedule B.
11	Physicians and surgeons.....	Provincial.
12	Defaulters in payment of taxes.....	"
13	Local government, counties, towns and parishes.....	"
14	Nuisances on highways.....	"
15	Security by public officers.....	"
16	Equity procedure.....	"
17	Post office.....	Repealed, 31 V., c. 10, s. 2 (D.), and 38 V., c. 7, s. 2 (D.)
18	Protection of sheep from dogs.....	Provincial.
19	Duties of parish officers.....	"
20	Courts of probate.....	"
21	Accounts of commissioners for sick and disabled seamen, how sworn.....	Repealed, 31 V., c. 64, s. 15 (D.)
22	Security by deputy treasurers.....	Provincial.
23	Admission of attorneys.....	"
24	Attendance of witnesses before committees.....	Expired.
25 } 26 } 35 }	.....	Not public general.
36	Pilots, county of Charlotte.....	Repealed, 35 V., c. 43, s. 1 (D.)
37 } 40 } 46 }	.....	Not public general.
47	Exemptions from duty, St. Stephen.....	Repealed, 30 V. (1867), c. 15, s. 1.

27 VICT.—1864.

1	Supplies.....	Provincial.
2	Repair of roads and bridges.....	"
3	Aid to railways.....	"
4	Offences against the person.....	Repealed, 32-33 V., c. 36 (D.)
5	Equity procedure.....	Provincial.
6	Larceny and similar offences.....	Repealed, 32-33 V., c. 36 (D.)
7	Jurisdiction of Justices in civil suits.....	Provincial.
8	Issue of warrants by justices.....	S. 1 repealed, 32-33 V., c. 36 (D.) Remainder Schedule B.
9	Post office.....	Repealed, 31 V., c. 10, s. 2 (D.) and 38 V., c. 7, s. 2 (D.)
10	Steam navigation.....	Repealed, 28 V., c. 4, s. 44.
11	Reporting decisions of Supreme Court.....	Provincial.
12	Circuit courts, St. John.....	"
13	Savings bank, St. John.....	Recommended for repeal.
14 } 15 } 17 }	.....	Not public general.
18	Harbor of St. John.....	Schedule B.
19 } 20 } 39 }	.....	Not public general.
40	Affidavits made out of the province for use therein.....	Provincial, except s. 7. which is recommended for repeal.
41	Foreign judgments.....	Provincial.
42 } 43 }	.....	Not public general.
44	Winding up of companies.....	Recommended for repeal so far as it relates to insolvency or to the winding up of companies for the winding up of which provision has been made by the Parliament of Canada.
45	Militia.....	Expired.

STATUTES OF NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
46	City court, St. John.....	Provincial.
47	Highways.....	"
48	Lands for railway purposes.....	"
49	}	Not public general.
to		
59		

28 VICT.—1865.

1	Militia.....	Recommended for repeal.
2	Sale of spirituous liquors.....	Provincial.
3	.....	Not public general.
4	Steam navigation.....	Repealed, 31 V., c. 65, s. 50 (D).
5	Naturalization of aliens.....	Repealed, 31 V., c. 66, s. 14 (D).
6	Marriage and divorce procedure.....	Schedule B.
7	Expenses of legislature.....	Provincial.
8	Supplies.....	"
9	Repair of roads and bridges.....	"
10	Payment of certain provincial debentures under 19 V., c. 20 and 25 V., c. 14.....	"
11	Funds for construction of railways.....	"
12	Aid to railways.....	"
13	Great roads and bridges.....	"
14	Post office.....	Repealed, 31 V., c. 10, s. 2 (D). and 38 V., c. 7, s. 2 (D).
15	Jurisdiction of justices in civil suits.....	Provincial.
16	Municipalities.....	"
17	Sewers.....	"
18	Marsh lands, Sackville.....	"
19	Landlord and tenant and replevin.....	"
20	Preservation of deer on island of Grand Manan.....	"
21	Protection of moose.....	Provincial, except ss. 8, 9 and 10, Schedule B.
22	Destruction of bears.....	Provincial.
23	.....	Not public general.
24	Landings at Indian Town.....	Provincial, except s. 10, which is recommended for repeal.
30	}	Not public general.
to		
60		
61	Public lands, Fredericton.....	Provincial, except ss. 1 and 2, which are recommended for repeal.

29 VICT.—1866.

1	Export duty on lumber.....	Provincial.
2	Naval defence.....	Expired.
3	Rates and taxes.....	Provincial.
4	Polling places, county of York.....	Superseded as to elections for House of Commons of Canada. 48-49 V., c. 49 and recommended for repeal.
5	Polling places, Hampton.....	"
6	Board of health, Fredericton.....	Provincial, except s. 7, which is recommended for repeal.
7	}	Not public general.
to		
21		
22	Benefit building societies.....	Schedule B.
23	.....	Not public general.

30 VICT.—1866.

1	Customs duties.....	Recommended for repeal.
2	Detention of suspected persons.....	Expired.
3	Supplies.....	Provincial.

STATUTES OF NEW BRUNSWICK.—Continued.

Chap.	Subject Matter.	Remarks.
4	Repair of roads, &c.....	Provincial.
5	Expenses of the legislature.....	"
6	Militia	Repealed so far as inconsistent by 31 V., c. 40 (D.) Recommended for repeal.
7	Weights (R. S., c. 95 amended).....	Repealed, 36 V., c. 47, s. 52 (D.)
8	Export duty on lumber.....	Provincial.
9	Army and navy offences.....	Repealed, 32-33 V., c. 36 (D.)
10	Equity procedure.....	Provincial.
11	Parish officers.....	"
12	Connections of railway.....	Expired.
13	Election of councillors and appointment of parish officers.....	Provincial.
14	Oyster beds	Repealed, 31 V., c. 60, s. 20 (D.)
15	Reporting decisions of Supreme Court	Provincial.
16	Payment of demands on public treasury ..	Expired.
17	Warehousing goods (R.S., c. 28, amended)	Repealed, 31 V., c. 6, s. 138 (D.)
18	Vacation of seats in Legislative Assembly.	Provincial.
19	City Hall, St. John.....	"
20	Exemptions, St. John	"
21	Shipping seamen, St. John (R.S., c. 87, amended)	Repealed, 36 V., c. 129, s. 5 (D.)
22	}	Not public general.
23		
24		
25	Polling places, county of York	Superseded as to elections for House of Commons of Can- ada by 48-49 V., c. 40 and recommended for repeal.
26	}	Not public general.
27		
28		

30 VICT.—1867.

1	Duties of customs.....	Recommended for repeal.
2	Export duty on lumber.....	Provincial.
3	Supplies.....	"
4	Repairs of road and bridges.....	"
5	Receiver General.....	Expired.
6	Construction of certain railways.....	Provincial.
7	Admission of attorneys.....	"
8	Relief of sufferers by fire at Indian Town.	"
9	Wiggins' Male Orphan Institution.....	"
10	County courts.....	Provincial, except ss. 2-6, which are recommended for repeal; s. 32, Schedule B; and s. 35, which is recom- mended for repeal.
11	Duties on hops removed.....	Recommended for repeal.
12	Construction of railways.....	Provincial.
13	Aid to railways.....	"
14	Fees of certain public offices.....	"
15	To repeal 26 V., c. 47.....	Recommended for repeal.
16	Equity procedure.....	Provincial.
17	Great roads.....	"
18	Woodstock Railway Company	"
19	"	"
20	Members of Legislative Assembly and dis- qualification of members of the Senate or House of Commons.....	"
21	}	Not public general.
22		
23		
23	Polling place, Grand Falls, county of Victoria.....	Superseded as to elections for House of Commons of Can- ada by 48-49 V., c. 40, and recommended for repeal.
24	Polling place, Parish of Carleton, county of Kent.....	" " "
25	Polling place, Parish of Lepreaux, county of Charlotte.....	" " "
26	Polling places, county of Carleton.....	" " "

STATUTES OF NEW BRUNSWICK.—*Concluded.*

Chap.	Subject Matter.	Remarks.
27	Grammar, superior and common schools...	Provincial.
28	Gaol limits.....	"
29	Corporations	Schedule B.
30	Counties and parishes.....	Provincial.
31	Trade marks.....	Repealed, 31 V., c. 55, s. 29 (D).
32	Parish of St. Mary.....	Provincial.
33	St. Stephen Branch Railway Company.....	"
34	Bills, notes, &c.....	S. 1, Schedule B; s. 2 effeteand recommended for repeal.
35	Public hospital, St. John.....	Provincial.
36	.....	Not public general.
37	Licenses to foreign pedlars.....	Provincial, except s. 7, which is recommended for repeal.
38	Inspection of petroleum, &c.....	Repealed, 31 V., c. 50, s. 21 (D).
39	}	Not public general.
to		
87		

REVISED STATUTES OF BRITISH COLUMBIA—1871.

Chap.	Subject Matter.	Remarks.
(A.) LAWS OF THE FORMERLY SEPARATE COLONY OF VANCOUVER ISLAND.		
1	Protection of the wooden bridges in Vancouver Island.....	Provincial.
2	.....	Not public general.
3	Firemen's Protection Act amended.....	Provincial.
4	.....	Not public general.
5	To prohibit swine and goats from running at large.....	Provincial.
6	Bankruptcy and insolvency in Vancouver Island, &c.....	Repealed, 38 V., c. 16, s. 149 (D.)
7	}	Not public general.
8		
9	Protection of the property of a wife deserted by her husband.....	Provincial.
10	Loan of forty thousand pounds.....	Provincial, except s. 18, which is recommended for repeal.
11	Loan of fifteen thousand pounds.....	Provincial.
12	Preservation of game.....	Provincial, except s. 2, which is recommended for repeal.
13	Consolidation of certain provisions usually inserted in Acts authorizing the taking of lands for undertakings of a public nature.....	Provincial, except s. 12, Schedule B.
14	Consolidation of certain provisions usually inserted in Acts authorizing the making of railways.....	Provincial.
15	Retirement of David Cameron, Chief Justice of Vancouver Island.....	Superseded by 25 V., c. 20, s. 5, (D) and recommended for repeal.
16	.....	Not public general.
17	Protection of the wooden bridges in Vancouver Island.....	Provincial.
18	An Act to prevent the unauthorized issue of bank notes and paper currency.....	Recommended for repeal.
19	Publication of the liabilities and assets of banks in Vancouver Island.....	" "
20	Closing of wells upon unenclosed lands in Vancouver Island.....	Provincial.
21	Electric telegraphs, Vancouver Island.....	Repealed, as to punishment for divulging contents of messages, by 44 V., c. 26, s. 8 (D.); ss. 9, 11, 12, 13, and 15, provincial. Remainder recommended for repeal.
22	Firemen's protection Act, 1861, amended.....	Provincial.
23	.....	Not public general.
24	Loan of ninety thousand dollars.....	Provincial, except s. 7, which is recommended for repeal.
25	Arrest and imprisonment for debt.....	Provincial.
26	Coroner's juries in Vancouver Island.....	"

(B.) LAWS OF THE FORMERLY SEPARATE COLONY OF BRITISH COLUMBIA.

27	Order of court.....	Provincial.
28	Constitution of the Supreme Court of civil justice of British Columbia.....	"
29	.....	Not public general.
30	Grand and petit juries.....	Provincial, except ss. 2 and 3, which are recommended for repeal as respects criminal matters, and s. 5 recommended for repeal.
31	.....	Not public general.
32	Road tolls.....	Provincial except ss. 2, 3 and 4 which are recommended for repeal.

REVISED STATUTES, BRITISH COLUMBIA.—Continued.

Chap.	Subject Matter.	Remarks.
33	Duties, tolls, and fines.....	Repealed, as to duties and in other respects, so far as inconsistent, 35 V., c. 37, s. 7 (D.) Recommended for repeal.
34	Grants of land to the Roman Catholic Bishop of British Columbia.....	Provincial.
35	Protection members of fire companies in New Westminster.....	"
36	.....	Not public general.
37	Tolls on Lillooet-Alexandria road.....	Provincial.
38	Tolls on Lytton-Alexandria road.....	"
39	Loan for the construction and maintenance of roads.....	Provincial, except s. 18, which is recommended for repeal:
40	Tolls imposed by the Lytton-Alexandria road toll Act.....	Provincial.
41	.....	Not public general.
42	Bonds for expenditure to carry on and complete the main routes of the colony.....	Provincial.
43	Free grants to certain officers in Her Majesty's army and navy.....	"
44	Tolls in addition to those imposed by the road toll Act, 1860.....	"
45	Loan for prosecution and maintenance of roads.....	Provincial, except s. 18, recommended for repeal.
46	Observance of the Lord's day.....	Schedule B.
47	Barristers-at-law and attorneys.....	Provincial.
48	Bonds for raising funds for the construction of the Cook's ferry and Clinton road.....	"
49	.....	Not public general.
50	Crown officers' salaries.....	Provincial, except as to salaries of Governor, Judge of Supreme Court and Collector of Customs. Recommended for repeal in that respect.
51	Toll bridge across Thompson river.....	Provincial.
52	Loan of £100,000.....	Provincial, except s.16, which is recommended for repeal.
53	.....
54	.....	Not public general.
55	.....
56	Dues leviable at the port of New Westminster.....	Repealed by "The Shipping Ordinance, 1867," No. 86, also repealed as to duties and in other respects so far as inconsistent, 35 V., c. 37, s. 7, (D).
57	Municipalities in British Columbia.....	Provincial.
58	Tolls exemption ordinance.....	Recommended for repeal as respects ferry tolls.
59	Bankruptcy and insolvency in British Columbia.....	Repealed, 38 V., c. 16, s. 149 (D).
60	Supreme court fee ordinance.....	Provincial, except parts of s. 4 and Schedule, as to bankruptcy, which parts are recommended for repeal.
61	Arrest and imprisonment for debt.....	Provincial.
62	Salary of the office of Governor.....	Superseded, 36 V., c. 31 (D.) Recommended for repeal.
63	Overland telegraph.....	Provincial.
64	.....	Not public general.
65	Joint stock companies.....	Schedule B, except secs. 8, 9 and 10, provincial. The whole Act recommended for repeal so far as it relates to insolvency or to the winding up of companies for the winding up of which provision has been made by the Parliament of Canada.
66	Sinking funds of public loans.....	Provincial.
67	.....	Not public general.

(C.) LAWS OF BRITISH COLUMBIA SINCE THE UNION OF THE TWO FORMERLY SEPARATE COLONIES OF VANCOUVER ISLAND AND BRITISH COLUMBIA.

68	Sheriffs.....	Provincial.
69	Indian graves.....	Consolidated, except §§. 1 and 5, which are recommended for repeal.

REVISED STATUTES, BRITISH COLUMBIA.—Continued.

Chap.	Subject Matter.	Remarks.
70	General application of English law.....	S. 2, consolidated as to Criminal Law ; ss. 1 and 3 recommended for repeal. Remainder provincial.
71	Interest	Repealed by 49 V., c. 44, s. 3.
72	Ferries and bridges	Provincial, except as to ferries and bridges within the jurisdiction of Canada ; recommended for repeal.
73	Barristers-at-law, attorneys, notaries public, &c	Provincial.
74	Oaths and admission of evidence in certain cases	Ss. 3 and 9 recommended for repeal ; ss. 5-8, Schedule B ; remainder provincial.
75	Protection of inventions.	Repealed so far as inconsistent, 35 V., c. 26, s. 52 (D.) ; recommended for repeal.
76	Licenses and direct taxes on persons	Provincial, except s. 6, which is recommended for repeal ; and s. 7, Schedule C.
77	Exemption of property from forced seizure and sale in certain cases	Provincial, except as to exemption from seizure in bankruptcy matters ; ss. 5, 11 and 12, as to this, recommended for repeal ; s. 4, Schedule C.
78	Customs.....	Repealed as to duties and in other respects so far as inconsistent, 35 V., c. 37, s. 7 (3.) ; recommended for repeal.
79	Duties of customs.....	Repealed as to duties and in other respects so far as inconsistent, 35 V., c. 37, s. 7 (3.) ; recommended for repeal.
80	Debentures for short temporary loans	Provincial, except s. 10, which is recommended for repeal.
81	Legal profession.....	Provincial.
82	A decimal system of currency.....	Superseded by 34 V., c. 4 (D.) and 44 V., c. 4 (D.) ; recommended for repeal.
83	Ports of entry in British Columbia.....	Repealed so far as inconsistent with 31 V., c. 6 (D.) and other Customs Acts by 35 V., c. 37, s. 7 (D.) ; recommended for repeal.
84	An ordinance to assimilate the law regulating the postal service	Repealed, 38 V., c. 7, s. 2 (D.)
85	Sale of intoxicating liquors to Indians.....	Ss. 2, 3 and 7 repealed, 37 V., c. 21, s. 13 (D.) ; whole repealed so far as inconsistent by 39 V., c. 18, s. 99 (D.) and 43 V., c. 28, s. 112 (D.). S. 6, provincial ; ss. 10 and 11, Schedule B ; remainder recommended for repeal.
86	Harbor and tonnage dues.....	Repealed, 36 V., c. 59 (D.)
87	Pilotage.....	Repealed, 36 V., c. 54, s. 92 (D.)
88	Medicine and surgery.....	Provincial, except ss. 9 and 10 ; s. 9 recommended for repeal ; s. 10, Schedule C.
89	Solemnization of marriage.....	Provincial, except as follows : s. 13, Schedule C ; s. 14 consolidated ; ss. 19, 20, 21, Schedule B.
90	Gold mining.....	Provincial, except ss. 152-154 ; s. 152, Schedule C ; ss. 153 and 154, recommended for repeal.
91	Excise	Repealed, as to duties and in other respects so far as inconsistent, 35 V., c. 37, s. 7 (7.) (D.) ; recommended for repeal.
92	Harbors	Recommended for repeal.
93	Aliens	Repealed, 36 V., c. 36 (D.), except ss. 10 and 11, which are recommended for repeal.
94	.....	Not public general.
95	Procedure of the County courts	Provincial, except s. 3, recommended for repeal.
96	Sale of land for taxes in Vancouver's Island.....	Provincial.
97	Weights and measures.....	Repealed, 36 V., c. 47, s. 52 (D.)
98	Naval and victualling stores.....	Superseded by 32-33 V., c. 26 (D.), and recommended for repeal.
99	Supreme courts of justice of British Columbia	Provincial.
100	Limitation of certain causes of actions and suits.....	Provincial.
101	Investigation of accidents by fire.....	"
102	Barristers and attorneys-at-law.....	"
103	Sale of the real estate of intestates.....	"
104	Trustees' relief Act.....	"

REVISED STATUTES, BRITISH COLUMBIA.—Continued.

Chap.	Subject Matter.	Remarks.
105	Shipping ordinance, 1868.....	Recommended for repeal.
106	.....	Not public general.
107	Savings banks.....	Recommended for repeal.
108	Public health.....	Provincial, except portions of ss. 1 and 6, which are recommended for repeal as respects quarantine.
109	.....	Not public general.
110	Commissioners to take affidavits and bail.....	Provincial, except s. 2 from the second "and" in line 3 to the end of the section, which part is recommended for repeal.
111	Reconveyance of Vancouver Island to the Crown.....	Provincial.
112	Supreme courts of justice.....	"
113	Fencing of land.....	"
114	Prevention of cattle stealing.....	Ss. 1 and 2 recommended for repeal. Remainder provincial.
115	Stipendiary magistrates.....	Provincial.
116	Law of partnership.....	Provincial, except s. 6, Schedule B.
117	Volunteer force.....	Recommended for repeal.
118	Construction of roads.....	Provincial.
119	Surgery and anatomy.....	"
120	Procedure in civil cases.....	"
121	.....	Not public general.
122	Public schools.....	Provincial.
123	Mineral lands.....	"
124	Religious institutions.....	"
125	Indian reserves.....	Recommended for repeal.
126	County courts ordinance, 1867, amended.....	Provincial.
127	.....	Not public general.
128	Investment and loan societies.....	Schedule B.
129	Companies' ordinance, 1866.....	Schedule B, except in so far as it relates to insolvency, or to the winding up of companies for the winding up of which provision has been made by the Parliament of Canada.
130	Medicine and surgery.....	Provincial.
131	Issue of Crown grants.....	Provincial, except s. 10, Schedule C.
132	The common school ordinance, 1869, amended.....	Provincial.
133	Game ordinance, 1870.....	"
134	Customs.....	Repealed as to duties and in other respects so far as inconsistent, 35 V., c. 37, s. 7 (5.) Recommended for repeal.
135	Supreme Court.....	Provincial.
136	Enforcement of municipal by-laws.....	"
137	County court ordinance, 1867, amended.....	"
138	Loan of £75,000.....	Provincial, except s. 18 recommended for repeal.
139	Fees of Supreme Court.....	Provincial.
140	Road ordinance, 1869, amended.....	"
141	Cemeteries.....	Provincial, except parts of ss. 10 and 11, recommended for repeal.
142	Bills of sale.....	Provincial.
143	Transfer of real estate.....	Provincial, except ss. 81, 82 and 83, and s. 85, from "Judicature" in line 4 to the end of the section, which are consolidated; s. 84 recommended for repeal; s. 80, Schedule C.
144	Crown lands.....	Provincial.
145	Supplies.....	"
146	.....	Not public general.
147	Constitution of this colony.....	Provincial.
148	Supplies.....	"
149	The tolls exemption ordinance, 1865, amended.....	Recommended for repeal as respects ferry tolls.
150	Literary societies and mechanics' institutes.....	Provincial, except s. 22, recommended for repeal.
151	Respecting the tax sale repeal ordinance, 1867.....	Provincial.
152	.....	Not public general.
153	Customs.....	Repealed, so far as inconsistent, 35 V., c. 37, s. 7 (D.) Recommended for repeal.

REVISED STATUTES, BRITISH COLUMBIA.—*Concluded.*

Chap.	Subject Matter.	Remarks.
154	Fire companies aid ordinance, 1869, amended.....	Provincial.
155	The road amendment ordinance, 1870, amended.....	“
156	Qualification of electors and of members for the legislature and the registration of voters.....	Provincial, except part of s 3, as to form of oath of allegiance, which is recommended for repeal; and ss. 18, and 40, recommended for repeal. Whole Act superseded as to elections for House of Commons of Canada, and recommended for repeal in that respect.
157	Elections of members of the legislature of this colony.....	Provincial, except ss. 30 and 106, recommended for repeal; ss. 99 and 100 consolidated; ss. 103-105, Schedule B; and ss. 67-69, 74, 96 and 97, Schedule C. Whole Act superseded as to elections for House of Commons of Canada, and recommended for repeal in that respect.
158	Bribery, treating and undue influence at elections of members of the Legislature.....	Provincial, except ss. 1, 2, 4, 9, Schedule C; ss. 14-17, Schedule B. Whole Act superseded as to elections for House of Commons of Canada, and recommended for repeal in that respect.
159	Charters for tolls.....	Provincial.
160	Civil list.....	“
161	Ordinances and proclamations.....	Effete.
162	Charitable, philanthropic and provident associations.....	Provincial, except s. 9, consolidated.
163	New edition of the laws of British Columbia.....	Provincial.
164	Tolls exemption.....	Recommended for repeal as respects ferry tolls.
165	Investment and loan societies ordinance, 1869, amended.....	Schedule B.
166	Desertion from merchant ships.....	Repealed, 36 V., c. 129, s. 5 (D.)
167	Controverted elections.....	Repealed, 36 V., c. 28, s. 56 (D.), as to elections for House of Commons of Canada. Now provincial, except s. 29, part, recommended for repeal; and s. 31, Schedule B.
168	Cattle exempted from the operation of any bankruptcy or insolvency laws.....	S. 3, from the second “and” in line 6 to the end of the section, recommended for repeal. Remainder, Schedule B.

PRINCE EDWARD ISLAND.

Revised Statutes of Prince Edward Island.

Acts of the General Assembly, Vol. I, 13 Geo. III, to 15 Vict., 1773—1852.

" " " Vol. II, 16 Vict., to 25 Vict., 1853—1862.

" " " Vol. III, 26 Vict., to 31 Vict., 1862—1868.

Statutes of Prince Edward Island subsequent to the Revised Statutes.

32 Vict.—1869.

35-36 Vict.—1872.

33 Vict.—1870.

36 Vict.—1873.

34 Vict.—1871.

REVISED STATUTES OF PRINCE EDWARD ISLAND.

The Acts noted as not in force are so designated by authority of the Revised Statutes.

Chap.	Subject Matter.	Remarks.
13 GEO. III.—1773.		
1	Past proceedings of Governor in Council.	Recommended for repeal
2	Process in Courts of Judicature.....	" "
3	}	Not in force.
and		
4	} Damages on protested bills of exchange...	Recommended for repeal.
5		
6	}	Not in force.
to		
13		
14 GEO. III.—1774.		
1	}	Not in force.
to		
8		
16 GEO. III.—1776.		
1	Fees	Provincial.
2	}	Not in force.
and		
3	} Proceedings in Supreme Court	Recommended for repeal.
4		
5	}	Not in force.
and		
6		
19 GEO. III.—1779.		
1	}	Not in force.
to		
3		
20 GEO. III.—1780.—(2ND SESSION.)		
1	}	Not in force.
to		
4	} Preventing stallions running at large, &c	Provincial.
5		
6	}	Not in force.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Char.	Subject Matter.	Remarks.
20 GEO. III.—1780.—(3RD SESSION.)		
1	Militia.....	Repealed, 29 V., c. 2, s. 80.
2	Division of lands held in common.....	Provincial.
3	Observance of the Lord's Day.....	Schedule B.
4	}	Not in force.
to		
8	}	Not in force.
9		
9	Absent or absconding debtors.....	Provincial.
10	.....	Not in force.
21 GEO. III.—1781.		
1	.....	Not in force.
2	Wills and estates of intestates.....	Repealed, 6 V., c. 26.
3	Lands, &c., liable for debts.....	Repealed, 26 Geo. 3, c. 9.
4	Arbitration.....	Provincial.
5	}	Not in force.
to		
10	}	Not in force.
11		
11	Expiring laws.....	Provincial. So much as relates to matters within legislative control of the Parliament of Canada is not in force.
12	}	Not in force.
to		
16	}	Not in force.
17		
17	Limitation of actions.....	Provincial.
25 GEO. III.—1785.		
1	}	Not in force.
to		
5	}	Not in force.
6		
6	Interest.....	Repealed, 31 V., c. 8, s. 1.
7	.....	Not in force.
8	Depositions of witnesses <i>de bene esse</i>	Provincial, except s. 3, which is recommended for repeal.
9	.....	Not in force.
10	Quaker's affirmations.....	Provincial, except part of s. 2, which is recommended for repeal.
11	}	Not in force.
to		
14	}	Not in force.
14		
26 GEO. III.—1786.		
1	}	Not in force.
and		
2	}	Not in force.
3		
3	Abatement and discontinuance of suits...	Provincial.
4	Amendment of pleadings, &c.....	"
5	}	Not in force.
and		
6	}	Not in force.
7		
7	Jeofails, mispleadings, &c.....	Provincial.
8	.....	Not in force.
9	Lands for payment of debts.....	Provincial.
10	}	Not in force.
to		
12	}	Not in force.
13		
13	Trial of actions in a summary way.....	Provincial, except s. 8, which is recommended for repeal.

REVISED STATUTES, PRINCE EDWARD ISLAND.—*Continued.*

Chap.	Subject Matter.	Remarks.
14 15 and 16	Multiplicity of suits.....	Provincial.
	.....	Not in force.
27 GEO. III.—1786.		
1	.....	Not in force.
28 GEO. III.—1788.		
1	.....	Not in force.
30 GEO. III.—1790.		
1	.....	Not in force.
2	Evidence of records of the council.....	Provincial.
3	.....	Not in force.
4	Bail and attachment.....	Provincial.
5	Grants to loyalists and disbanded troops.	"
6	Dissenters.....	"
7 to 10	.....	Not in force.
31 GEO. III.—1790.		
1	.....	Not in force.
2 and 3	Assignment and recovery of dower	Provincial.
4	.....	Not in force.
5	Fees of magistrates and constables.....	Provincial.
6 to 8	.....	Not in force.
32 GEO. III.—1792.		
1 to 4	.....	Not in force.
35 GEO. III.—1795.		
1	.....	Not in force.
2	Confirming titles.....	Provincial.
3 to 7	.....	Not in force.
8	Sale of lands under execution.....	Provincial.
9 to 12	.....	Not in force.
36 GEO. III.—1796.		
1 to 3	.....	Not in force.
4	To enable proprietors to divide lands held in common	Provincial.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
5	To prevent disorderly persons from riding the horses of others	Provincial.
6	To repeal certain Acts	Effete.
7	Appointing commissioners of sewers.....	Provincial.

37 GEO. III.—1797.

1 and 2	}	Not in force.
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39 GEO. III.—1798.

1	Changing name of Island from St. John to Prince Edward Island.....	Provincial.
2 to 4	}	Not in force.

41 GEO. III.—1801.

1 to 8	}	Not in force.
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43 GEO. III.—1802.

1	Not in force.
2	Collection of quit rents.....	Provincial.
3 to 5	}	Not in force.
6	Establishment of Church of England	Provincial.

43 GEO. III.—1803.

1 and 2	}	Not in force.
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46 GEO. III.—1805.

1 and 2	}	Not in force.
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47 GEO. III.—1806.

1 to 3	}	Not in force.
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48 GEO. III.—1808.

1 to 8	}	Not in force.
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REVISED STATUTES. PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
49 GEO. III.—1809.		
1	Establishing meridianaal line	Provincial.
2	.....	Not in force.
and 3	.....	Not in force.
4	Recording of powers of attorney.....	Provincial.
5	.....	Not in force.
to 8	.....	Not in force.
9	For raising funds to erect public build- ings.....	Provincial.
50 GEO. III.—1810.		
1	.....	Not in force.
and 2	.....	Not in force.
3	Harboring deserters.....	S. 3, Provincial. Remainder superseded by 32-33 V., c. 25, (D.) and recommended for repeal.
4	.....	Not in force.
52 GEO. III.—1812.		
1	.....	Not in force.
to 7	.....	Not in force.
54 GEO. III.—1813.		
1	.....	Not in force.
and 2	.....	Not in force.
57 GEO. III.—1817.		
1	.....	Not in force.
and 2	.....	Not in force.
3	Recovery of debts.....	Provincial.
4	.....	Not in force.
and 5	.....	Not in force.
59 GEO. III.—1818.		
1	.....	Not in force.
2	Respecting Acts of the general assembly...	Schedule B.
3	.....	Not in force.
4	Commissions for examining witnesses out of Island	Provincial.
5	.....	Not in force.
to 8	.....	Not in force.
9	Estates tail.....	Provincial.
1 GEO. IV.—1820.		
1	.....	Not in force.
to 3	.....	Not in force.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.		
5 GEO. IV.—1825.				
1	}	Not in force.		
to				
11				
12			Fisheries.....	Provincial, except s. 6 from "and" in line 7 to the end of the section, and s. 7, which are recommended for repeal.
13			}	Not in force.
to				
15			}	Not in force.
16				
17			Burning of woods.....	Provincial.
18			Treasury notes.....	Not in force.
19			}	Recommended for repeal.
20				
21				
23				
6 GEO. IV.—1825.				
1			} Making 57 Geo. III., c. 3, perpetual.....	Provincial.
2				
to				
11				
12					Treasury notes.....	Recommended for repeal.
8 GEO. IV.—1827.				
1			}	Not in force.
to				
13				
9 GEO. IV.—1828.				
1	}	Not in force.		
2				
3			Continuing certain Acts	Effete. Recommended for repeal.
to				
5			}	Not in force.
6				
7			Makes perpetual 59 Geo. III., c. 4.....	Provincial.
to			}	Not in force.
12				
12				
10 GEO. IV.—1829.				
1			}	Not in force.
to				
3				
4	Estates tail.....	Provincial.		
5	}	Not in force.		
to				
10				
11	Security of navigation and preserving shipwrecked persons and goods.....	Superseded by 32-33 V., c. 22, ss. 48 <i>et seq.</i> (D.), 40 V., c. 4 (D) and 36 V., c. 55 (D). Recommended for repeal.		
12	}	Not in force.		
to				
21				
22				
11 GEO. IV.—1830.				
1	}	Not in force.		
to				
4				
5					Marriages.....	Provincial.

REVISED STATUTES, PRINCE EDWARD ISLAND—Continued.

Chap.	Subject Matter.	Remarks.
6	.....	Not in force.
7	Roman Catholics.....	Ss. 2 and 3 superseded by 10 V., c. 21 and are recommended for repeal; remainder provincial.
8	.....	Not in force.
9	Impost and Excise.....	Provincial, except s. 1 and so much of s. 2 as relates to collectors of impost, which are recommended for repeal.
10	}	Not in force.
15		
16	Treasury notes.....	Recommended for repeal.
17	}	Not in force.
22		

1 W. IV.—1831.

1	}	Not in force.
to		
5	}	Provincial.
6		
7	}	Not in force.
8		
9	Enforcing attendance of witnesses before Justices of the Peace.....	Recommended for repeal.
10	}	Not in force.
12		
13	Set off in actions of debt.....	Provincial.
14	.....	Not in force.
15	Treasury notes (made perpetual by 5 W. IV. c. 11).....	Recommended for repeal.
16	}	Not in force.
18		

2 W. IV.—1832.

1	.....	Not in force.
2	Protection of oysters.....	Recommended for repeal.
3	Marriages.....	Provincial.
4	}	Not in force.
to		
10	}	Provincial.
11		
12	.....	Not in force.
13	To prevent spreading of infectious diseases	Superseded by 31 V., c. 63 (D.) and 35 V., c. 27 (D.) Recommended for repeal.
14	Marriages.....	Provincial, except s. 1, which is effete and is recommended for repeal.
15	Mode of recovering penalties.....	Recommended for repeal.
16	.....	Not in force.
17	}	Not public general.
and		
18	}	Not in force.
19		
to	}	Not in force.
28		

3 W. IV.—1833.

1	Repealing certain acts.....	Provincial.
2	}	Not in force.
to		
7	.....	Not in force.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
8	Ferries.....	Superseded as to ferries within legislative authority of the Parliament of Canada. Recommended for repeal.
9	.....	Not in force.
10	Registry of deeds.....	Provincial.
11	.....	Not in force.
and 12	.....
13	Provincial notes.....	Recommended for repeal.
14	Registry of Orders in Council.....	Provincial.
15	.....	Not in force.
to 25	.....
26	Servants	S. 3 repealed by 40 V., c. 35, s. 1, (D.) in so far as it makes a violation of any of the provisions thereof criminal. Remainder Provincial.
27	.....	Not in force.
to 29	.....
30	Militia	Repealed, 29 V., c. 2, s. 80.
31	Salary of treasurer.....	Provincial.
32	.....	Not in force.
to 39	.....

4 W. IV.—1834.

1	.....	Not in force.
to 4	.....
5	Sheep Reeves.....	Provincial.
6	.....	Not in force.
7	To enable the Supreme Court to give costs in cases of certiorari	Provincial.
8	.....	Not in force.
to 10	.....
11	Repealing certain Acts.....	Effete. Recommended for repeal.
12	Continuing General Assembly on demise of Crown.....	Provincial.
13	.....	Not in force.
and 14	.....
15	Boundary lines of townships	Provincial.
16	.....	Not in force.
and 17	.....
18	Conveyance of mails in winter.....	Repealed by 31 V., c. 10, s. 2 (D.); 36 V., c. 40, s. 1, sub-s. 6 (D.); and 38 V., c. 7, s. 2 (D.) in respect to the postal service. Recommended for repeal.
19	.....	Not in force.
to 23	.....

5 W. IV.—1835. (FIRST SESSION.)

1	.....	Not in force.
to 2	.....
4	Commissions for taking depositions.....	Provincial.
5	.....	Not public general.
6	Distress for rent.....	Provincial.
7	.....	Not in force.
to 9	.....

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Clasp.	Subject Matter.	Remarks.
10	Courts of divorce.....	Schedule B.
11	Making perpetual certain laws relating to treasury notes.....	Recommended for repeal.
12	.....	Not in force.
13	Sale of reserves for church, school and glebe lands.....	Provincial.
14	Not in force.

5 W. IV.—1835. (SECOND SESSION.)

1 to 3	Not in force.
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6 W. IV.—1836.

1 and 2	Not in force.
3	To restrain the issue of certain promissory notes.....	Recommended for repeal.
4 and 5	.....	Not in force.
6	To authorize closing of a certain road within royalty of Princeton.....	Provincial.
7	To prevent persons indecently bathing in the waters contiguous to Charlottetown.....	"
8 to 11	.....	Not in force.
12	Appointment of a commissioner for light-houses.....	Recommended for repeal.
13	.....	Not in force.
14	.....	Not public general.
15	Relating to the abolition of oaths.....	Provincial.
16	Registration of certain original grants.....	"
17	Administrator of the government.....	"
18 to 20	.....	Not in force.
21	To improve the administration of justice in criminal matters.....	Repealed, so far as inconsistent with Acts thereby extended to P.E.I., by 40 V., c. 4 (D.), ss. 1 and 9. Recommended for repeal.
22	Punishment of offences against person and property.....	Ss. 4 and 6 repealed by 32 V., c. 19, s. 1; remainder repealed so far as inconsistent with 40 V., c. 4, ss. 1 and 9 (D). Recommended for repeal.
23	.....	Not public general.
24 and 25	.....	Not in force.

7 W. IV.—1837.

1 to 9	.....	Not in force.
10	Boundary lines of townships.....	Provincial.
11 to 13	.....	Not in force.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
14	Titles to lands acquired under deed from sheriffs or coroners.....	Provincial.
15	}	Not in force.
16		
17		
18	Survey of a certain road in the royalty of Charlottetown.....	Provincial.
19	Charges and duties of pilots.....	Repealed by 37 V., c. 27, s. 2 (3) (D.)
20	}	Not in force.
21		
21	Patents.....	Repealed by 38 V., c. 14, s. 5 (D), so far as inconsistent. Recommended for repeal.
22	}	Not in force.
23		
23	Pounds.....	Provincial.
24	To confirm certain sales of lands.....	"
25	}	Not in force.
26		
28		
29	Ordnance lands.....	Schedule B, except ss. 8-13, provincial.
30	Limitation of actions respecting real estate.....	Provincial.
31	}	Not in force.
32		
33		

1 VICT.—1838.

1	}	Not in force.
to 9		
10	Grist mills.....	Provincial.
11	}	Not in force.
12		
13		
14	Disorderly riding and driving.....	Provincial.
15	Office of surrogate and judge of probate...	"
16	}	Not in force.
and 17		
18	To reduce penalties under Mutiny Act....	Repealed by 40 V., c. 4, s. 9 (D), so far as inconsistent with or making same provision as 32-33 V., cc. 25 and 26 (D.) Recommended for repeal.
19	.....	Not in force.

2 VICT.—1839 (FIRST SESSION.)

1	.....	Not in force.
2	Regulation of fisheries.....	Effete; recommended for repeal.
3	}	Not in force.
to 9		
9		

2 VICT.—1839 (SECOND SESSION.)

1	}	Not in force.
to 3		
4	Reviving 8 Geo. 4, c. 7.....	Provincial.
5	}	Not in force.
to 8		
8		
9	Pounds.....	Provincial.
10	.....	Not in force.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
3 VICT.—1840.		
1 to 11	.....	Not in force.
12	Floating of logs, &c., down rivers and streams	Expired, so far as relates to matters within legislative control of Parliament of Canada.
13 and 14	.....	Not in force.
15	To authorize the sale of vessels, &c., forfeited under revenue laws	Recommended for repeal.
16	To prevent the bringing of persons convicted of felonies and misdemeanors from Newfoundland or elsewhere in America.....	" "
17 to 20	.....	Not in force.
21	Lunatic asylum at Charlottetown	Provincial.
22 to 26	.....	Not in force.
27	Salary of Colonial Secretary, &c.....	Provincial.
4 VICT.—1841.		
1 to 7	.....	Not in force.
8	Appointment of coroners.....	Provincial.
9	Burial grounds at Georgetown.....	"
10	Limitation of actions on mortgages.....	"
11 to 14	.....	Not in force.
5 VICT.—1842.		
1	Confirming certain proceedings of executive	Provincial.
2 to 11	.....	Not in force.
12	To prevent the taking away of boats, &c.....	Provincial.
13 and 14	.....	Not in force.
15	Lunatic asylum near Charlottetown.....	Provincial.
16 to 26	.....	Not in force.
6 VICT.—1843.		
1	.....	Not in force
2	To compel persons appointed as constables to act	Provincial.
3 to 7	.....	Not in force.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
8	Marriages	Provincial.
9	Floating of logs, &c., down rivers and streams	Expired so far as relates to matters within legislative control of Parliament of Canada.
10 } to } 13 }	.....	Not in force.
14	Fisheries	Suspended, during the continuance of the Treaty of Washington, by 35-36 V., c. 2, s. 1. Now in force again by expiry of that treaty. Schedule B.
15 } to } 18 }	.....	Not in force.
19	Distress for rent and replevin.....	Provincial.
20	Landlord and tenant.....	"
21 } to } 25 }	.....	Not in force.
26	Wills.....	Ss. 35, 37-42, and 44-60, repealed by 36 V., c. 21, s. 2. Remainder provincial.
27	.....	Not public general.
28	.....	Not in force.

7 VICT.—1844.

1 } to } 12 }	.....	Not in force.
13	Amendment of laws making lands liable for the payment of debts	Provincial.
14 } to } 19 }	.....	Not in force.
20	Lunatic asylums.....	Provincial.
21 } to } 29 }	.....	Not in force.
30	.....	Not public general.
31 } and } 32 }	.....	Not in force.

8 VICT.—1845.

1 } and } 2 }	.....	Not in force.
3	Lighthouses, buoys and beacons	Superseded by 36 V., c. 40, s. 1 (9) (D.), and 31 V., c. 59 (D.) Recommended for repeal.
4 } and } 5 }	.....	Not in force.
6	Amending certain Acts relating to distress for rent.....	Provincial.
7 } to } 9 }	.....	Not in force.
10	To dispense with convictions in form	Recommended for repeal.
11 } to } 13 }	.....	Not in force.
14	Apprentices	Provincial.
15 } and } 16 }	.....	Not in force.

REVISED STATUTES, PRINCE EDWARD ISLAND.—*Continued.*

Chap.	Subject Matter.	Remarks.
17	Confirming titles to certain lands.....	Provincial.
18	.....	Not public general.
19	.....	Not in force.
20	For regulation of the mackerel fishery.....	Expired.
21	}	Not in force.
and 22		

9 VICT.—1846.

and 2	}	Not in force.
3		
4	Dogs.....	Provincial.
and 5	}	Not in force.
6		
7	Militia	Repealed by 29 V., c. 2, s. 80.
to 10	}	Not in force.
11		
12	Apprentices	Provincial.
13	Land tax	Not in force.
14	For enabling courts to abstain from pronouncing sentence of death in certain cases	Provincial.
15	.....	Superseded by 40 V., c. 4, s. 9 (D.), and 32-33 V., c. 29, s. 107 (D.) Recommended for repeal.
16	For authorizing the apprehension of persons in any county or place upon warrants granted by justices of the peace of any other county.....	Not in force.
17	}	Superseded by 40 V., c. 4, s. 9 (D.), and 32-33 V., c. 30, s. 23 (D.), and 32-33 V., c. 31, s. 11 (D.) Recommended for repeal.
to 19		
20	Relating to the meridional line.....	Not in force.
21	For the better regulation of businesses in the public treasury.....	Provincial.
22	}	Provincial, except ss. 2, 5 and 6, which are recommended for repeal.
to 26		
27	Merchant seamen within the precincts of the Island.....	Not in force.
28	}	Expired.
and 29		
29	.....	Not in force.

10 VICT.—1847.

1	}	Not in force.
to 3		
4	Repealing certain duties of customs.....	Recommended for repeal.
5	}	Not in force.
to 9		
10	To abolish deodands	Superseded by 40 V., c. 4, s. 9 (D) and 32-33 V., c. 29, s. 54 (D.) Recommended for repeal.
11	.....	Not in force.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
12	Treasury notes.....	Recommended for repeal.
13	Township boundary lines.....	Provincial.
14 to 16	}	Not in force.
17	To prevent the failure of justice by reason of variances between records and the evidence produced in support thereof.	Superseded in so far as it relates to criminal matters by 40 V., c. 4, s. 9 (D) and 32-33 V., c. 29, s. 70 (D.) Recommended for repeal in so far as relates to criminal matters.
18	.....	Not in force.
19	For compensating the families of persons killed by accident	Provincial.
20	.....	Not in force.
21	For doing away with oath of abjuration heretofore required from Roman Catholics.....	Recommended for repeal.
22	.....	Not in force.

11 VICT.—1848.

1 to 5	}	Not in force.
6	To authorize appointment of a master of the rolls of the Court of Chancery, and an assistant judge of the Supreme Court of Judicature.....	Provincial, except ss. 1 and 4, which are recommended for repeal.
7	Assessment of lands	Expired.
8	.....	Not in force.
9	.....	Not public general.
10 to 12	}	Not in force.
13	Charlottetown ferry	Repealed by 15 V., c. 34, s. 10.
14	For the punishment of drunkenness.....	Provincial.
15	Accidents by fire, Charlottetown.....	Repealed by 12 V., c. 8.
16	Coal meters	Expired.
17	.....	Not in force.
18	Pilots.....	Repealed by 37 V., c. 27, s. 2 (D.)
19 to 27	}	Not in force.
28	To regulate the importation of books and protect the British author.....	Superseded by 38 V., c. 88 (D.) Recommended for repeal.
29	Elections of members.....	Provincial.
30	.....	Not in force.
31	Barristers, attorneys and solicitors.....	Provincial.
32 to 34	}	Not in force.

12 VICT.—1849.

1	Limits and rules of jails.....	Provincial, except s. 4, from the commencement thereof to the word "committed" in line 4, which part is recommended for repeal.
2	Judgments in Supreme Court of Island...	Provincial.
3	To authorize free trade with United States in certain articles.....	Recommended for repeal.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
4	Law of evidence.....	Provincial, except s. 1 from "that" in line 9 to "offence" in line 26, and s. 2, which are recommended for repeal in so far as relates to criminal matters.
5	Conveyance of real estate.....	Provincial.
6	Constructive revival of Statutes repealed.	"
7	Assessment of land and encouragement of education.....	"
8	.....	Not in force.
9	Terms of Supreme Court of judicature of Island.....	Provincial, except s. 4, which is recommended for repeal in so far as relates to criminal matters.
10	} and	Not in force.
11		
12	Prison discipline and hard labor.....	Provincial, except s. 2, which is recommended for repeal.
13	.....	Not in force.
14	Practice of the Court of Chancery.....	Provincial.
15	.....	Not in force.
16	Summary trespasses	Provincial, except ss. 3, 14-16, 18 and 21, which are recommended for repeal.
17	Relating to bail.....	Provincial.
18	Harbor and ballast masters.....	Superseded by 37 V., c. 34 (D.) Recommended for repeal.
19	Survey of timber and lumber.....	Expired.
20	To prevent pedlars travelling or selling without license.....	Provincial, except s. 5, which is recommended for repeal.
21	.....	Not public general.
22	Lighthouses, buoys and beacons.....	Superseded by 36 V., c. 40, s. 1 (D.) Recommended for repeal.
23	Reprinting of laws of Island	Provincial.
24	Specie currency of Prince Edward Island.	Ss. 3 and 4 repealed by 33 V., c. 17, s. 1; whole Act repealed by 34 V., c. 5, s. 6.
25	.....	Not in force.
26	To repeal certain Acts	Effete; recommended for repeal.
27	To repeal certain parts of the Emigrant Act	" " "
28	Costs in cases of penalties recoverable before justices of the peace.....	Recommended for repeal.
29	} to	Not in force.
30		
31		
32	.....	Not public general.
33	.....	Not in force.
34	Appointment of clerks to justices of the peace, and to regulate proceedings before them.....	Provincial.
35	.....	Not in force.

13 VICT.—1850 (FIRST SESSION.)

1	} and	Not in force.
2		

13 VICT.—1850 (SECOND SESSION.)

1	} and	Not in force.
2		

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
14 VICT.—1851.		
1	Highways	Provincial.
2	Relief of insolvent debtors	Schedule B, except s. 17, which is recommended for repeal.
3	To commute the Crown revenues of Prince Edward Island, and provide for civil list.....	Provincial, except the second, third, fourth and fifth paragraphs of s. 1, and ss. 10, 11 and 16, all which are recommended for repeal.
4	For shortening language used in Acts of general assembly.....	Schedule B.
5	Boards of health	Expired, so far as relates to matters within legislative authority of Parliament of Canada.
6	Militia	Repealed by 29 V., c. 2, s. 80.
7	To compel support of certain indigent persons	Expired, so far as relates to matters within legislative authority of Parliament of Canada.
8	}	Not in force.
to		
10		
11	Emigrants.....	Expired.
12	Postal service	Repealed by 38 V., c. 7, s. 2 (D.)
13	Costs of distresses	Provincial.
14	Stray cattle.....	"
15	}	Not public general.
16		
to		
19		
20	To authorize a loan for the use of the Island.....	Provincial.
21	To provide for the summary trial of common assaults and batteries	Expired.
22	}	Not in force.
23		
24	Post office building, Charlottetown.....	S. 1 effete, and recommended for repeal. Remainder not in force.
25	Authorizing colonial secretary to appoint a deputy.....	Provincial.
26	Authorizing treasurer to appoint a deputy	"
27	To reduce the salary of the collector of impost and excise for the district of Charlottetown	Recommended for repeal.
28	.....	Not in force.
29	.....	Not public general.
30	.....	Not in force.
31	To alter appropriation of land assessment	Provincial.
32	Registrar of deeds.....	"
33	Salaries for comptrollers of Customs at outports.....	Recommended for repeal.
and	}	Not in force.
34		

15 VICT.—1852.

1	To continue an Act to regulate the fisheries	Effete; recommended for repeal.
2	To continue certain Acts relating to floating logs, &c., down streams.....	" "
3	To continue an Act relating to landlord and tenant.....	Provincial.
4	To continue an Act relating to shipping of seamen.....	Effete; recommended for repeal.
5	Leaseholders	Provincial.
	72*	2387

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
6	To facilitate intercourse between Prince Edward Island and Nova Scotia and New Brunswick.....	Expired.
7	Civil List.....	Provincial.
8	}	Not in force.
9		
10	Division fences.....	Provincial.
11	Stealing of dogs.....	Recommended for repeal.
12	}	Not in force.
13		
14	Corporate bodies.....	Schedule B.
15	Amending previous Act.....	"
16	}	Not public general.
17		
18		
19	.....	Not in force.
20	Colonial secretary's office.....	Provincial.
21	Service of non-bailable process.....	"
22	Barristers, attorneys and solicitors.....	"
23	.....	Not in force.
24	Sale of arsenic.....	Provincial.
25	}	Not in force.
26		
30		
31	Publishing of public notices.....	Expired so far as relates to matters within the legislative authority of Parliament of Canada.
32	To facilitate proving of wills.....	Provincial, except s. 2, which is recommended for repeal.
33	Harbor and ballast masters.....	Superseded in part by 37 V., c. 34 (D.) Expired.
34	Charlottetown ferry.....	Ss. 4, 5, 6 and 17 repealed by 19 V., c. 17; s. 10 recommended for repeal. Remainder Schedule B.
35	.....	Not in force.
36	Care and maintenance of idiots and lunatics.....	Provincial.
37	.....	Not in force.
38	}	Not public general.
39		
40	.....	Not in force.
41	.....	Not public general.
42	}	Not in force.
43		

16 VICT —1853.

1	}	Not in force.
2		
3	Salaries of Attorney-General and Solicitor General and Prothonotary.....	Provincial.
4	}	Not in force.
5		
7		
8	Further improving criminal justice.....	Repealed by 40 V., c. 4, s. 9 (D.) so far as inconsistent with Acts thereby extended to Prince Edward Island. Recommended for repeal.
9	}	Not in force.
10		
11	Appointment of Constables and fence viewers.....	Provincial.
12	Evidence.....	S. 13 consolidated; ss. 3, 4, 6, 8 and 16 superseded and recommended for repeal; s. 14 Schedule B; remainder provincial.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
13	Lighthouses, buoys and beacons.....	Superseded by 36 V., c. 40, s. 1 (D.) Recommended for repeal
14	Recovery of arrears of land assessment...	Provincial.
15	Packet service between Bedeque and Shediac.....	Effete; recommended for repeal.
16	}	Not in force.
and		
17	Purchase of lands for Government of Prince Edward Island.....	Provincial.
18		Not public general.
19		Not in force.
20		

17 VICT.—1854.

1	}	Not in force.
to		
3		
4		Not public general.
5		Not in force.
6	Certain monetary obligations.....	Recommended for repeal.
7	Steam communication between Charlottetown and interior.....	Repealed by 27 V., c. 32.
8		Not public general.
9	}	Not in force.
and		
10		
11	}	Not public general.
and		
12		
13	Prisoners under sentence of imprisonment with hard labor.....	Consolidated.
14	}	Not in force.
and		
15		
16		Not public general.
17	Service of unailable process.....	Provincial.
18		Not in force.

18 VICT.—1854-55.

1		Not in force.
2	To authorize free trade with United States of America under treaty of 1854.....	Effete. Recommended for repeal.
3	Amending certain Acts relative to land assessment.....	Provincial.
4	Calling together of legislature during an adjournment.....	"
5	}	Not in force.
and		
6		
7	Relating to office of sheriff.....	Provincial.
8	}	Not in force.
and		
9		
10		Not public general.
11	}	Not in force.
and		
12		
13	Wharf at Georgetown and other wharves	Repealed, 33 V., c. 2, s. 24.
14		Not public general.
15	Emigrants.....	Expired, so far as relates to matters within legislative control of Parliament of Canada.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
16	Controller of customs and collector of excise.....	Repealed, 37 V., c. 27, s. 2 (D.)
17	Controverted elections.....	Superseded, as to elections for House of Commons of Canada, by 37 V., c. 10 (D.) Recommended for repeal in that respect. Provincial in other respects, except s. 11, which is recommended for repeal.
18	Partition of lands.....	Provincial.
19	Office of road correspondent.....	Provincial, except as respects postmaster-general and assistant to postmaster-general; ss. 2 and 5 superseded by 38 V., c. 7, s. 2 (D.) in this respect and recommended for repeal.
20	Insane Asylums.....	Provincial.
21	Continues 12 Vict., c. 1 (relating to jail limits).....	Effete. Recommended for repeal.
22	Surrogate and judge of probate.....	Provincial.
23	Appointment of coroners.....	"
24	Stamped instruments as evidence.....	"
25	.....	Not public general.
26	Opening up of new roads.....	Provincial.
27	Highways.....	"
28	Legislative library.....	"
29	.....
30	.....	Not in force.
31	.....
32	.....	Not public general.
33	.....	Not in force.
34	.....	Not public general.
35	.....
and	.....	Not in force.
36	.....

19 VICT.—1856.

1	For raising a revenue.....	Ss. 61, 62 and 75 repealed by 31 V., c. 1, s. 28. The whole repealed by 34 V., c. 1, s. 140.
2	Sale of spirituous liquors.....	Repealed by 34 V., c. 10, s. 1.
3	Weights and measures.....	Repealed by 39 V., c. 25, s. 2 (D.)
4	Regulation of mackerel fishery. Continuation of 8 V., c. 20.....	Effete; recommended for repeal.
5	Buoys and beacons. Continuation of 15 V., c. 33.....	" "
6	.....	Not public general.
7	Evidence.....	Provincial, except ss. 5-9, which are superseded as regards criminal matters by 32-33 V., c. 29, ss. 64 and 66-69 (D.), and 40 V., c. 26, s. 5 (D.), and are recommended for repeal in so far as they relate to criminal procedure.
8	Limitation of actions respecting real estate	Provincial.
9	Estates tail.....	"
10	Indians of Prince Edward Island.....	Repealed in so far as inconsistent with or making same provision as 39 V., c. 18 (D.), and 43 V., c. 28 (D.) <i>vide ibid</i> , ss. 99 and 112 respectively. Recommended for repeal.
11	.....	Not public general.
12	.....	Not in force.
13	To protect justices of the peace from vexatious actions.....	Provincial.
14	Light and anchorage duties.....	Superseded by 36 V., c. 40, s. 1 (9) (D.), and 37 V., c. 27, s. 2 (D.) Expired.
15	Ejectment and distress.....	Provincial.
16	.....	Not public general.
17	Charlottetown ferry and wharves.....	Schedule B.
18	.....	Not public general.
19	Transferring to one of Her Majesty's principal secretaries of State the powers and estates vested in the principal officers of the ordnance.....	Schedule B.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
20	.....	Not public general.
21	Elections.....	S. 34 repealed by 19 V., c. 21, s. 33; ss. 9, 19, 21, 23, 24, 26-28, 31, 70 and 80 repealed by 24 V., c. 34; remainder except s. 53, which is recommended for repeal, is provincial, but superseded as to elections for House of Commons of Canada by 37 V., c. 9, s. 133 (D.), and 48-49 V., c. 40, s. 58 (D.) Recommended for repeal.
22	Duties of justices of the peace in regard to indictable offences.....	Repealed by 40 V., c. 4, s. 9 (D.) so far as inconsistent with 32-33 V., c. 30 (D.) Recommended for repeal, except s. 16 and scale of fees in Schedule, which are provincial.
23	Duties of justices of the peace with regard to summary convictions.....	S. 25 repealed by 33 V., c. 4, s. 1; whole Act repealed by 40 V., c. 4, s. 9 (D.) so far as inconsistent with 32-33 V., c. 31 (D.) Recommended for repeal, except s. 24, and scale of fees in Schedule, which are provincial.
24	.....	Not public general.
25	.....	Not in force.

20 VICT.—1857.

1	}	Not in force.
2		
3	Practice of the Supreme Court.....	Provincial.
4	Spirituous liquors.....	Repealed by 34 V., c. 10, s. 1.
5	.....	Not in force.
6	Additional assistant in post office.....	Recommended for repeal.
7	Ferries and Minchin's wharf.....	Recommended for repeal in so far as regards ferries and wharves within the legislative authority of the Parliament of Canada.
8	}	Not public general.
9		
10	Better securing the liberty of the subject..	Schedule B.
11	Interpleader	Provincial.
12	}	Not public general.
13		
14	.....	Not in force.
15	}	Not public general.
16		
17	.....	Not in force.
18	}	Not public general.
19		
20	Purchase of lands by government.....	Provincial.
21	.....	Not in force.

21 VICT.—1858.

1	}	Not in force.
2		
3	Confirming appointment of coroners and fence viewers	Provincial.
4	Interest on treasury warrants.....	"
5	.....	Not public general.
6	Publishing of notices relating to public service.....	Provincial

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
17		Not public general.
18		
20	To enable controller of navigation laws in this island to grant and issue fishery licenses to citizens of the United States for vessels built in P.E.I. and owned by them.....	Recommended for repeal.
21	Purchase of lands for government	Provincial.
22	Protection of salmon fishery.....	Repealed, 32 V., c. 27, s. 8.
23	Bills of lading.....	Schedule B.
24		Not in force.
25	To increase amount authorized to be loaned by land purchase Act.....	Provincial.
26		Not public general.
27		Not in force.
28		
29		
30		
34		Not public general.
35	Rights of married women.....	Provincial.
36		Not public general.
37		Not in force.
38		Not public general.
39	Offices of clerk of the executive and legislative councils.....	Provincial.
40	For the transfer of the management of the inland posts within Prince Edward Island.....	Repealed by 38 V., c. 7, s. 2 (D).
41	Office of sheriff.....	Provincial.
42	Cash account with Bank of Prince Edward Island.....	"
43		Not in force.

24 VICT.—1861.

1		Not in force.
2		Not public general.
3	Revising and reprinting of laws of Island.....	Provincial.
4		Not public general.
5	Judgments of Supreme Court.....	Provincial.
6		Not in force.
7	For preservation of Alewife Fisheries.....	Ss. 4-8 repealed by 26 V., c. 10, s. 1; ss. 11 and 12 effete and recommended for repeal; s. 10, Schedule B. Remainder expired.
8		Not in force.
9	Transfer of inland posts.....	Repealed by 25 V., c. 10.
10	Grand and petit juro.s.....	S. 10 repealed by 33 V., c. 3, s. 14; ss. 20, 21, and s. 33 from "or" in line 11 to the end of the section, which are superseded by 40 V., c. 4, and 32-33 V., c. 29 (D) and s. 30 which is effete, are recommended for repeal as respects criminal matters. Remainder provincial.
11	Organization of a volunteer force.....	Ss. 4 and 10 repealed by 25 V., c. 1, s. 1; whole Act repealed by 29 V., c. 2, s. 80.
12		Not in force.
13	Appointment of Hog Reeves.....	Provincial.
14		Not public general.
15		
16	Prevention of smuggling.....	Effete; recommended for repeal.
17	To prevent congregations being disturbed.....	Superseded by 40 V., c. 4 and 32-33 V., c. 20, s. 37 (D), and recommended for repeal.
18	Conveyance of real estate by married women.....	Provincial.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
19 and 20	.....	Not public general.
21	Land assessment on Princetown.....	Provincial.
22	Punishment of persons who shall be guilty of certain trespasses named.....	Expired.
23	Continues certain Acts.....	Effete; recommended for repeal.
24 and 25	.....	Not public general.
26	Packets to Nova Scotia and New Brunswick.....	Effete; recommended for repeal.
27	Punishment of robbery and rape.....	S. 3, Schedule B.; remainder recommended for repeal.
28	To exempt certain bills of exchange, promissory notes, contracts and agreements from the operation of the laws relating to usury.....	Repealed by 31 V., c. 8, s. 1.
29	Protection of copyright.....	Repealed so far as inconsistent, 38 V., c. 88, s. 29 (D.) Recommended for repeal.
30	.....	Not public general.
31	To protect persons employed in the publication of parliamentary papers.....	Consolidated, except s. 4, provincial.
32 and 33	.....	Not public general.
34	Election laws.....	Ss. 18, 24 and 28 recommended for repeal. Remainder superseded as to elections for House of Commons of Canada, by 37 V., c. 9, s. 133 (D) and 48-49 V., c. 40, s. 58 (D) and recommended for repeal in that respect.
35	Funds for education purposes.....	Expired.
36	To consolidate laws relating to education.....	Repealed by 31 V., c. 6, s. 1.
37	.....	Not in force.

25 VICT.—1862.

1	Volunteer force.....	Repealed by 29 V., c. 2, s. 80.
2	Statute labor and expenditure of public money on highways.....	Provincial, except ss. 31 and 48, which are recommended for repeal.
3	Continues certain Acts.....	Effete; recommended for repeal.
4	To give effect to report of commissioners on land question.....	Provincial.
5	Spirituous liquors.....	Repealed by 34 V., c. 10, s. 1.
6	Recovery of small debts.....	Repealed by 36 V., c. 3, s. 63.
7	For raising a revenue.....	Effete; recommended for repeal.
8	.....	Not public general.
9	Electric telegraph communication.....	Recommended for repeal.
10	Transfer of inland posts of Prince Edward Island.....	Repealed by 38 V., c. 7, s. 2 (D.)
11	To authorize the Government to prohibit the exportation of military or naval stores or provisions.....	Recommended for repeal.
12	To facilitate the operation of the report of the commissioners on the land question.....	Provincial.
13	Limited partnerships.....	Provincial, except s. 9, Schedule B.
14	Standard weight of grain and pulse.....	Repealed by 39 V., c. 25, s. 2 (D.)
15 to 17	.....	Not public general.
18	Constitution of the Legislative Council.....	Provincial.
19	To authorize grants of the shores of the island.....	Recommended for repeal.
20 and 21	.....	Not public general.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
22	To promote vaccination.....	Provincial, except s. 9, which is recommended for repeal.
23	For vesting all estates and property occupied by or for the naval service of the United Kingdom in the Lord High Admiral.....	Schedule B.
24	Naturalization of aliens.....	Superseded by 44 V., c. 13, s. 46 (D.) Recommended for repeal.
25	Proof of public documents.....	Provincial.
26	.....	Not in force.

26 VICT.—1863.

1	.....	Not public general.
2	.....	Not in force.
3	Steam navigation in the island.....	Repealed by 37 V., c. 27, s. 2 (3) and Schedule (D.)
4	.....	Not public general.
5	Education.....	Repealed by 31 V., c. 6, s. 1.
6	Statute labor.....	Provincial.
7	.....	Not in force.
8	Military barracks, Charlottetown.....	S. 4 repealed by 29 V., c. 4, s. 1. Remainder provincial.
9	Certain Acts continued.....	Expired.
10	To amend Act for preservation of alewife fisheries.....	S. 1 effete and recommended for repeal; s. 2 expired.
11	}	Not public general.
12		
13		
14	Naturalization of aliens.....	Superseded by 44 V., c. 13, s. 46 (D.) and recommended for repeal.
15	Authorizing Legislative Council and House of Assembly to commit prisoners in contempt to common gaol of Queen's county.....	Provincial.
16	}	Not public general.
17		
18		

27 VICT.—1864.

1	.....	Not in force.
2	Landlord and tenant and to enable tenants in certain townships to purchase the fee simple of their farms.....	Provincial.
3	Trial of actions in a summary way.....	"
4	Establishment of a bank for savings.....	Repealed by 31 V., c. 24, s. 1.
5	Inspection of flour and meal.....	Superseded by 37 V., c. 45 (D.) Recommended for repeal.
6	Bills of exchange and promissory notes.....	Ss. 1 and 2 consolidated; remainder provincial.
7	.....	Not public general.
8	Office of commander in chief.....	Recommended for repeal.
9	Relief of insolvent debtors.....	S. 1, Schedule B; remainder effete and recommended for repeal.
10	Alewife fisheries.....	Effete; recommended for repeal.
11	Destruction of partridges or tree grouse..	Provincial.
12	.....	Not in force.
13	.....	Not public general.
14	Legislative council.....	Provincial.
15	Specie currency of Prince Edward Island	Repealed by 35-36 V., c. 12, s. 5.
16	Additional small debt courts.....	Repealed by 36 V., c. 3, s. 63.
17	Oyster fisheries.....	Repealed by 28 V., c. 13, s. 24.
18	}	Not public general.
19		
20		

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
21	Proceedings in court of chancery.....	Provincial.
22	Marriages.....	"
23	Marine court of inquiry.....	Superseded by 37 V., c. 27, s. 1 (D.) Recommended for repeal.
24	}	Not public general.
25		
26		
27		
27	Partition of lands.....	Provincial.
28	.....	Not public general.
29	Land assessment.....	Provincial.
30	.....	Not public general.
31	Prince of Wales College.....	Provincial.
32	Steam communication between Charlottetown and Hillsborough.....	Schedule B, except s. 5, which is effete and recommended for repeal.
33	.....	Not public general.
34	Payment of certain debentures.....	Provincial.
35	Amendment of Act respecting cash account with bank of Prince Edward Island.....	"
36	Fraudulent marking of merchandise.....	Repealed by 40 V., c. 4, ss. 1 and 9 (D.), so far as inconsistent with or making provision in any matter provided for by 35 V., c. 32 (D.) Recommended for repeal.
37	Assessment of lands and encouragement of education.....	Provincial.
38	.....	Not in force.

28 VICT.—1865.

1	.....	Not public general.
2	Lights on vessels in harbor.....	Repealed by 30 V., c. 13, s. 4.
3	.....	Not in force.
4	.....	Not public general.
5	To assist leaseholders in the purchase of the fee simple of their farms.....	Provincial.
6	Amendment of the law and for the better advancement of justice.....	"
7	Amendment of land purchase Act.....	"
8	Spirituous liquors.....	Repealed by 34 V., c. 10, s. 1.
9	Vaccination.....	Provincial.
10	Boards of health.....	Recommended for repeal.
11	Salaries of collectors of impost and excise.....	"
12	Militia.....	Repealed by 29 V., c. 2, s. 80.
13	Oyster fisheries.....	Repealed by 34 V., c. 20, s. 24.
14	Amendment of law of real property.....	Provincial.
15	Hog reeves.....	"
16	Terms of court.....	"
17	Wills and executors.....	"
18	Shipping of seamen.....	Repealed by 37 V., c. 27, s. 2 (3) (D.)
19	Inspection of pickled fish for exportation.....	Superseded by 37 V., c. 45 (D.) Recommended for repeal.
20	Act amending last Act.....	"
21	Bank of savings.....	Repealed by 31 V., c. 24, s. 1.
22	.....	Not public general.
23	Appointment of clerks to justice of the peace.....	Expired.
24	.....	Not public general.
25	Libel and slander.....	Repealed by 37 V., c. 38, s. 14 (D.) so far as inconsistent therewith; ss. 3-8, ss. 9 and 10 in so far as they relate to criminal matters, and s. 11, recommended for repeal. Remainder provincial.
26	.....	Not public general.
27	.....	Not in force.
28	To continue an Act continuing the Seduction Act.....	Effete; recommended for repeal.
29	Mayor's court of Charlottetown.....	Provincial.

REVISED STATUTES, PRINCE EDWARD ISLAND.—Continued.

Chap.	Subject Matter.	Remarks.
29 VICT.—1866.		
1	.....	Not in force.
2	Militia and volunteer force.....	Ss. 18, 28, 32, 55-57, 70, 71, 76 and 78 repealed by 30 V., c. 6, s. 26, and all other parts inconsistent therewith; ss. 25, 34, 37 and 43 repealed by 32 V., c. 17, s. 8. Remainder superseded and recommended for repeal.
3	Concealment of arms or munitions of war intended for unlawful purposes.....	Recommended for repeal.
4	Transfer of certain funds.....	Provincial.
5	To continue certain Acts.....	Effete; recommended for repeal.
6	Lights on vessels in harbor.....	Repealed by 29 V., c. 13, s. 4.
7	Titles to land acquired under land assessment Acts.....	Provincial.
8	Clandestine training of persons to the use of arms.....	Recommended for repeal.
9	Treason.....	Repealed by 31 V., c. 12, s. 1.
10	Elections.....	Provincial, except s. 11 from the commencement thereof to "to" in line 11, which is recommended for repeal. Whole Act superseded as to elections for House of Commons of Canada by 37 V., c. 9 (D.) and 48-49 V., c. 40 (D.) and is recommended for repeal in that respect.
11	Amending 5 W. IV, c. 10, entitled "An Act to establish a court of divorce".....	Schedule B.
12	To amend the law of real property.....	Provincial.
13	} and 14	Not public general.
14		
15	Small debt court in Prince county.....	Repealed by 36 V., c. 6, s. 63.
16	Oyster fisheries (amends 28 V., c. 13).....	Repealed by 34 V., c. 20, s. 24.
17	Harbor master's salary, Hillsborough.....	Effete; recommended for repeal.
18	.....	Not public general.
19	Amendment to land purchase Act.....	Provincial.
20	.....	Not public general.
21	Office of Solicitor General.....	Provincial.
22	Savings bank, Prince Edward Island.....	Repealed by 31 V., c. 24, s. 1.
23	To exempt property belonging to Her Majesty from duties or assessments.....	Provincial.
24	} to 28	Not public general.
25		
26		
29	Conveyance and transfer of real and personal property vested in mortgagees and trustees.....	Provincial, except s. 59, recommended for repeal.
32	} to 36	Not public general.
33		
34		
37	Benefit building societies.....	S. 33 repealed by 38 V., c. 7, s. 2 (D.); remainder, Schedule B.
38	.....	Not in force.

30 VICT.—1867.

1	} and 2	Revenue.....	Repealed by 31 V., c. 1, s. 40.
2			
3	Authorizing Government to raise a loan.....	Provincial.	
4	Additional small debt courts.....	Repealed by 36 V., c. 3, s. 63.	
5	Continues certain Acts.....	Effete; recommended for repeal.	
6	Militia and volunteer forces.....	Recommended for repeal.	
7	.....	Not in force.
8	Continuing and amending certain Acts relating to education.....	Repealed by 31 V., c. 6, s. 1.	

REVISED STATUTES, PRINCE EDWARD ISLAND.—*Concluded.*

Chap.	Subject Matter.	Remarks.
9 and 10	.....	Not public general.
11	Land assessment.....	Provincial.
12	Exempting property of H. M. from duties or assessments (amendment to 29 V., c. 23).....	"
13	To compel masters of vessels to exhibit a light while in harbor at night time ...	Superseded by 36 V., c. 40, s. 1 (D), and 43 V., c. 29 (D); recommended for repeal.
14	Limits and rules of gaols.....	Provincial.
15	Prince of Wales College.....	"
16	Proceedings in court of chancery.....	"
17	Trustees and leasehold estates.....	"
18	Practice and pleading in Supreme Court..	Provincial, except s. 14 from "provided" in line 9 to the end of the section, which is recommended for repeal.

31 VICT.—1868.

1	Revenue.....	Repealed by 32 V., c. 1, s. 42.
2	Sale of spirituous liquors.....	Repealed by 34 V., c. 10, s. 1.
3	Land purchase.....	Provincial.
4	Settlement and cultivation of public wil- derness lands.....	"
5	Continues "Act regulating size and quality of fish barrels, &c".....	Effete; recommended for repeal.
6	Education.....	Provincial, except s. 32, in which the words "and militia duty" are recommended for repeal.
7	.....	Not in force.
8	Rate of interest.....	Ss. 2, 3 and 4 consolidated; remainder recommended for repeal.
9	To prevent accidents to persons travelling on ice.....	Provincial.
10	Marriages.....	Provincial, except s. 2, which is effete and is recom- mended for repeal.
11	Incorporation of societies for seed grain...	Provincial.
12	Better security of Crown and Government	Superseded by 40 V., c. 4, ss. 1 and 9 (D); recommend- ed for repeal.
13	To empower Government to spend £10,000 in purchase of lands.....	Provincial.
14	Due observance of Lord's day.....	Schedule B.
15	Relief of unfortunate debtors.....	Revived by 37 V., c. 46 (D), but repealed by 38 V., c. 16 s. 149 (D).
16	Language of sheriffs' deeds.....	Provincial.
17 to 23	.....	Not public general.
24	Amending Acts relating to savings bank.	Recommended for repeal.
25	Salaries payable to Attorney and Solicitor General.....	Provincial.

ACTS OF PRINCE EDWARD ISLAND, SINCE REVISED STATUTES.

32 VICT.—1869.

1	Customs, &c.....	Repealed by 33 V., c. 1, s. 43.
2	Salary of Lieutenant Governor.....	Recommended for repeal.
3	Board of works.....	Provincial, except portions of ss. 1, 3, 6 and 9, which are recommended for repeal.
4	Assistant judge of Supreme Court and vice chancellor of Court of Chancery.	Provincial, except ss. 1, 12 and 22, which are recom- mended for repeal.

ACTS OF P.E.I., SINCE REVISED STATUTES,—Continued.

Chap.	Subject Matter.	Remarks.
5	Publication of public notices	Provincial.
6	Weights and measures.....	Repealed by 39 V., c. 25, s. 2 (D).
7	Bills of sale of personal property.....	Provincial.
8	.....	Not public general.
9	Loans.....	Provincial.
10	Land purchase.....	"
11	Service of divorce process on absent parties.....	Schedule B.
12	Small debts courts.....	Repealed by 36 V., c. 3, s. 63.
13	Savings bank.....	Recommended for repeal.
14	Sheriffs.....	Provincial.
15	Supreme Court.....	"
16	Relief of unfortunate debtors.....	Repealed by 38 V., c. 16, s. 149 (D).
17	Militia.....	Recommended for repeal.
18	Carrying out of capital punishment with- in prisons	" "
19	Offences against person and property and repeal of Act relating to treasons and felonies.....	" "
20	Patents.....	Repealed so far as inconsistent, 38 V., c. 14, s. 5 (D). Recommended for repeal.
21	Limits of Saint El-anor's gaol.....	Provincial.
22	}	Not public general.
23		
24	Sheriffs' deeds.....	Provincial.
25	}	Not public general.
26		
27	Protection of salmon fisheries.....	Recommended for repeal.
28	.....	Not public general.
29	Polling divisions, Prince County.....	Superseded by 48-49 V., c. 40, (D). Recommended for repeal as respects elections for the House of Commons of Canada.
30	}	Not public general.
32		
33	Supplies.....	Effete.
34	Telegraphic communication	Schedule B.

33 VICT.—1870.

1	Customs, &c.....	Repealed by 34 V., c. 1, s. 140.
2	Public wharves and bridges.....	Recommended for repeal.
3	Special juries.....	Provincial, except s. 6, which is recommended for repeal as respects criminal matters.
4	Appeal causes.....	Provincial, except s. 3, which is recommended for repeal as respects criminal matters.
5	Government suits at law.....	Provincial.
6	Census.....	Recommended for repeal.
7	Georgetown ferry.....	Schedule B.
8	Elections.....	Provincial.
9	Liquor licenses.....	Repealed by 34 V., c. 10.
10	Idiots, lunatics and persons of unsound mind.....	Provincial.
11	School teachers' salaries.....	"
12	.....	Not public general.
13	Pilots.....	Repealed by 37 V., c. 27, s. 2 (D.)
14	.....	Not public general.
15	Statute labor by volunteer militia.....	Provincial.
16	Clerk of legislative council.....	"
17	Repeals certain sections of currency Act.....	Effete; recommended for repeal.
18	.....	Not public general.
19	Patents	Repealed so far as inconsistent by 38 V., c. 14, s. 5 (D). Recommended for repeal.
20	Better government of certain towns and villages	Provincial, except s. 14, which is recommended for repeal.

ACTS OF P.E.I. SINCE REVISED STATUTES—*Continued.*

Chap.	Subject Matter.	Remarks.
21	Law costs.....	Provincial.
22	.....	Not public general.
23	Escheat.....	Provincial.
24	.....	Not public general.
25	Coal meters.....	Expired, as to matters within legislative authority of Parliament of Canada.
26	.....	Not public general.
27	Supplies.....	Effete.

34 VICT.—1871.

1	Customs, &c.....	Ss. 1-5, 54, and 122 repealed by 35 V., c. 1, s. 11, and again by 36 V., c. 1, s. 11. Remainder expired.	
2	Supreme Court.....	Recommended for repeal.	
3	Savings bank.....	" "	
4	Prince Edward Island railroad.....	Ss. 13-26 superseded by 44 V., c. 25 (D.), ss. 29 and 31. Remainder effete and recommended for repeal.	
5	Decimal currency.....	Recommended for repeal, except s. 3, provincial.	
6	Relief of unfortunate debtors.....	Repealed by 38 V., c. 16, s. 149 (D.)	
7	.....	Not public general.
8	Harbor of Hillsborough bay, and port of Charlottetown.....	Recommended for repeal.	
9	Tenants' compensation Act.....	Provincial.	
10	Liquor licenses.....	Provincial, except ss. 44 and 47, which are recommended for repeal.	
11	.....	Not public general.
12	Continues certain Acts.....	Effete; recommended for repeal.	
13	Steam communication between Charlottetown and Mount Stewart bridge.....	Schedule B.	
14	Treasury warrants.....	Provincial.	
15	Purchase of stock farm.....	"	
16	Light and anchorage duties.....	Recommended for repeal.	
17	Crown grants.....	Schedule B.	
18	} and 19	Not public general.	
19			
20	Island fisheries.....	Part of s. 4 repealed by 35-36 V., c. 20, s. 1. Remainder recommended for repeal.	
21	Public wharves and bridges.....	Recommended for repeal.	
22	Georgetown ferry.....	Schedule B.	
23	Dower.....	Provincial.	
24	Trustees and executors.....	"	
25	Physicians and surgeons.....	"	
26	Registry of mortgages and memorials of judgments.....	"	
27	Law costs.....	"	
28	Small debts court.....	Repealed by 36 V., c. 3, s. 63.	
29	Executors and administrators dealing with mortgages.....	Provincial.	
30	Evidence.....	"	
31	Terms of Supreme Court.....	"	
32	Small debts court.....	Repealed by 36 V., c. 3, s. 63.	
33	Hillsborough and other ferries.....	Recommended for repeal.	
34	.....	Not public general.
35	Fees on naturalization.....	Recommended for repeal.	
36	Boundary line commissioners.....	Provincial.	
37	} and 40 to 42	Not public general.	
38			
39			Vaccination.....
40			
41	.....	Not public general.
42	.....	Not public general.
43	Exportation of arms.....	Recommended for repeal.	

ACTS OF P.E.I. SINCE REVISED STATUTES—Continued.

Chap.	Subject Matter.	Remarks.
44 to 47 48	..... Supplies.....	Not public general. Effete.

35-36 VICT.—1872.

1	Customs, &c.....	Expired.
2	Treaty of Washington.....	Recommended for repeal.
3	Supplies.....	Effete.
4 to 6	.....	Not public general.
7	Opening and closing public offices.....	Recommended for repeal.
8	Accidents by fire	Provincial.
9	Registry of deeds.....	"
10	Tenants' compensation Act, 1872.....	"
11	.....	Not public general.
12	Decimal currency.....	Recommended for repeal.
13	P. E. I. Railway.....	Effete ; recommended for repeal.
14	Prothonotary.....	Provincial.
15	.....	Not public general.
16	Sea weed and kelp	Expired.
17 and 18	.....	Not public general.
19	Board of works.....	Provincial.
20	Inland fisheries.....	Recommended for repeal.
21 to 27	.....	Not public general.
28	Subscriptions to public and other works..	Provincial.
29	Continues certain Acts.....	Recommended for repeal.
30	Life assurance.....	Provincial.

36 VICT.—1873.

1	Customs, &c.....	Expired.
2	Amends preceding Act.....	"
3	County courts.....	Provincial, exc- pt ss. 7, 9, 10 and 43, which are recom- mended for repeal.
4	Regulation of railways.....	Recommended for repeal.
5	Crossings on railway line	"
6	Wild ducks, snipe, woodcock and bittern	Provincial.
7	Absent debtor Act.....	"
8	Supplies.....	Effete.
9	Sale of liquors—Georgetown	Provincial.
10	Continues certain Acts.....	"
11	Cape Race lighthouse toll	Recommended for repeal.
12	Steam communication between P. E. Island and Nova Scotia and New Brunswick	Effete ; recommended for repeal.
13 to 15	.....	Not public general.
16	Judgments affecting real estate.....	Provincial.
17	.....	Not public general.
18	Continues 35 and 36 V., c 8.....	Provincial.
19	.....	Not public general.
20	Written acknowledgments of debt.....	Provincial.
21	Estates of intestates.....	"

ACTS OF P.E.I., SINCE REVISED STATUTES—*Concluded.*

Chap.	Subject Matter.	Remarks.
22	Process, practice and pleadings in the Supreme Court.....	Provincial, except s. 28 from "provided" in line 19 to the end of the section, and ss. 229 and 281, all which are recommended for repeal.
23	Law of inheritance and distribution of intestates' estates.....	Provincial.
24	Amendment of "Tenants' compensation Act, 1872.".....	"
25 to 30	}	Not public general.

DOMINION OF CANADA.

31 Vict.—1867-68.
32-33 Vict.—1869.
33 Vict.—1870.
34 Vict.—1871.
35 Vict.—1872.
36 Vict.—1873.
37 Vict.—1874.
38 Vict.—1875.
39 Vict.—1876.
40 Vict.—1877.

41 Vict.—1878.
42 Vict.—1879.
43 Vict.—1880.
44 Vict.—1881.
45 Vict.—1882.
46 Vict.—1883.
47 Vict.—1884.
48-49 Vict.—1885.
49 Vict.—1886.

Chap.	Subject Matter.	Remarks.
31 VICT.—1867-68.		
1	Interpretation Act.....	Consolidated, except s. 5, which is repealed by 46 V., c. 1, s. 1; sub-s. 16 of s. 7, which is repealed by 46 V., c. 1, s. 2; sub-s. 28 of s. 7, which is repealed by 49 V., c. 2, s. 1; sub-s. 35 of s. 7, which is repealed by 46 V., c. 1, s. 2; ss. 10 and 11, which are repealed by 38 V., c. 1, s. 1; and s. 15, which is repealed by 49 V., c. 2, s. 3.
2	Speaker of the House of Commons.....	Repealed by 48-49 V., c. 1, s. 4.
3	Indemnity to members.....	Consolidated, except s. 1, which is repealed by 36 V., c. 31, s. 13; s. 12, which is repealed by 36 V., c. 31, s. 14; and ss. 10, 11 and 13, which are recommended for repeal.
4	Supplies.....	Effete, and recommended for repeal.
5	Collection of the revenue, &c.....	Repealed by 41 V., c. 7, s. 77.
6	Customs.....	Repealed by 40 V., c. 10, s. 143.
7	Duties of Customs.....	S. 8 is consolidated: ss. 1-4, 7, 9, 12 and 15, and Schedules A, B, C, D and E, are repealed by 31 V., c. 44, s. 1; ss. 5, 6, 10, 11, 13, 16 and 17 are superseded by 46 V., c. 12, and are recommended for repeal; s. 14 is superseded by 42 V., c. 15, s. 1, and is recommended for repeal; and ss. 18, 19 and 20 are effete, and are recommended for repeal.
8	Inland revenue.....	Repealed by 43 V., c. 19, s. 190.
9	Duties on promissory notes and bills of exchange.....	Repealed by 42 V., c. 17, s. 1.
10	Postal service.....	Repealed by 38 V., c. 7, s. 87.
11	Banks.....	Temporary. Expired.
12	Public works of Canada.....	Consolidated, except ss. 1-7, which are repealed by 42 V., c. 7, s. 15; s. 13, which is repealed by 47 V., c. 16, s. 1; s. 16, which is superseded by 41 V., c. 7, s. 33, and is recommended for repeal; s. 27, from "and," in line 6 to the end of the section, which is recommended for repeal; the last twelve words of s. 44, which are repealed by 42 V., c. 8, s. 1; so much of, or in so far as s. 67 relates to "Railways managed by Companies in Nova Scotia and New Brunswick," which is recommended for repeal; the last three lines of s. 70, which are recommended for repeal; and s. 71, which is effete, and is recommended for repeal.
13	Intercolonial railway.....	S. 3 is repealed by 37 V., c. 15, s. 1; remainder, Schedule B.
14	Lawless aggression from subjects of foreign countries.....	Consolidated, except s. 5, which is recommended for repeal.
15	Unlawful training to the use of arms.....	Consolidated, except the last 23 words of s. 7, which are superseded by 32-33 V., c. 29, s. 134, and are recommended for repeal.
16	Apprehension of persons suspected of conspiring.....	Temporary. Expired.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
17 to 21	.....	Not public general.
22	Continuing Parliament in case of demise of the Crown.....	Consolidated.
23	Privileges of Senate and House of Commons.....	"
24	Oaths to witnesses for purposes of Parliament.....	Consolidated, except s. 4, which is recommended for repeal.
25	Independence of Parliament.....	Repealed by 41 V., c. 5, s. 16.
26	Indemnification of certain members having voted while holding office.....	Recommended for repeal.
27	Internal economy of House of Commons.....	Consolidated, except s. 2, from "direction" in line 6 to "during" in line 7, which is superseded by 49 V., c. 22, s. 12, and is recommended for repeal; ss. 3 and 6, which are repealed by 49 V., c. 22, s. 17; and s. 11, which is effete, and is recommended for repeal.
28	Interpretation Act amended.....	Consolidated.
29	To continue certain Acts.....	Effete, and recommended for repeal.
30	Commencement of certain Acts.....	"
31	Supplies.....	"
32	Consolidated revenue fund.....	Consolidated.
33	Governor, civil list, &c.....	Consolidated, except s. 4, which is effete, and is recommended for repeal.
34	Civil service.....	Repealed by 45 V., c. 4, s. 56.
35	Contingencies, stationery, &c.....	Consolidated, except s. 1, from "of" to "maps" in line 4, which is superseded by 49 V., c. 22, s. 3, and is recommended for repeal; s. 2, from "and" in line 5 to the end of the section, which is recommended for repeal; and ss. 12, 13, 14, 15, 16 and 17, which are repealed by 49 V., c. 22, s. 17.
36	Commissions, oaths of office.....	Consolidated.
37	Security by public officers.....	Consolidated, except s. 1, which is effete and is recommended for repeal, and sub-s. 1 of s. 3, which is repealed by 33 V., c. 5, s. 1.
38	Inquiries concerning public matters.....	Consolidated.
39	Department of Justice.....	"
40	Militia.....	Repealed by 46 V., c. 11, s. 99.
41	Expense of certain works of fortification.....	Recommended for repeal.
42	Department of Secretary of State.....	Ss. 1-3, 40 and 41 are consolidated; s. 4, is repealed by 48-49 V., c. 2, s. 1; ss. 5-33, 37 and 38 are repealed by 39 V., c. 8, s. 99; ss. 34-36, 39 and 42 are recommended for repeal.
43	Department of Customs.....	Consolidated, except ss. 4 and 6, which are recommended for repeal.
44	Duties of customs.....	S. 11 is consolidated; s. 6 is repealed by 33 V., c. 9, s. 14; s. 8 is repealed by 33 V., c. 9, s. 10; and the remainder of the Act is recommended for repeal.
45	Currency.....	S. 2, from the beginning of the section to "Brunswick" in line 9 is consolidated, and the remainder of that section is effete and is recommended for repeal; the remainder of the Act is repealed by 34 V., c. 4, s. 11.
46	To enable banks to use Dominion notes.....	S. 8 from "therefore" in line 26 to "payable" in line 38, and from "and" in line 48 to "payable" in line 59, and s. 13 from the beginning of the section to "finesness" in line 5, and s. 14, are consolidated; ss. 1-7 are repealed by 33 V., c. 10, s. 1; s. 10 is repealed by 33 V., c. 10, s. 2; ss. 9 and 11 are repealed by 33 V., c. 10, ss. 7 and 8 respectively; so much of s. 8 as relates to the amount of Dominion notes which may be issued and outstanding at any time, is repealed by 33 V., c. 10, s. 2; s. 12 is superseded by 43 V., c. 13, s. 5, and is recommended for repeal; and the remainder of ss. 8 and 13 and s. 15 are recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
47	Copper coins and tokens.....	Consolidated.
48	Insurance companies.....	Repealed, in so far as it relates to fire and inland marine insurance, by 38 V., c. 20, s. 24, and remainder of Act repealed by 40 V., c. 42, s. 29.
49	Department of Inland Revenue.....	Ss. 1-4 and 6 are consolidated and ss. 5 and 7 are recommended for repeal.
50	Excise duty on spirits and refined petroleum.....	Repealed by 40 V., c. 11, s. 8.
51	Duty on tobacco.....	Repealed by 43 V., c. 19, s. 190.
52	Penalties in respect to stamp duties.....	Recommended for repeal.
53	Department of Agriculture.....	Ss. 1 and 2 and 4-7 are consolidated and ss. 3 and 8 are recommended for repeal.
54	Copyright.....	Repealed by 38 V., c. 88, s. 29.
55	Trade marks.....	Repealed by 42 V., c. 22, s. 38.
56	Duty on foreign reprints of British copyright works.....	Superseded by 42 V., c. 15, and recommended for repeal.
57	Department of Marine and Fisheries.....	Ss. 1 and 2 are consolidated; s. 5, from the beginning of the section to "supervision," in line 6, is consolidated, and the remainder of the section is superseded by 33 V., c. 18, s. 1, and is recommended for repeal; and ss. 3 and 4 are recommended for repeal.
58	Navigation of Canadian waters.....	Repealed by 43 V., c. 20, s. 1.
59	Lighthouses, buoys and beacons.....	Ss. 1, 4, 6-8 and 12-14 are consolidated; s. 9 is repealed by 33 V., c. 18, s. 3; and ss. 2, 3, 5, 10, 11, 15 and 16 are recommended for repeal.
60	Fishing and fisheries.....	Consolidated, except sub-ss. 1 and 2 of s. 7, which are repealed by 38 V., c. 33, ss. 1 and 2; paragraphs 4, 5 and 7 of s. 21, which are repealed by 38 V., c. 33, s. 4; and sub-s. 3 of s. 14, sub-s. 2 of s. 16, s. 20, s. 21 and s. 22, all of which are recommended for repeal.
61	Fishing by foreign vessels.....	Consolidated, except s. 3, which is repealed by 33 V., c. 15, s. 1; s. 5, which is repealed by 34 V., c. 23, s. 1; s. 6, which is repealed by 34 V., c. 23, s. 2, and s. 21 which is recommended for repeal.
62	Harbor police.....	Repealed by 45 V., c. 48, s. 12.
63	Quarantine and public health.....	Repealed by 35 V., c. 27, s. 11.
64	Sick and distressed mariners.....	Consolidated, except sub-s. 3 of s. 4, which is repealed by 38 V., c. 31, s. 1; and ss. 15-17, which are recommended for repeal.
65	Inspection of steamboats.....	Repealed by 45 V., c. 35, s. 2.
66	Aliens and naturalization.....	Superseded by 44 V., c. 13, and recommended for repeal.
67	Geological survey.....	Repealed by 40 V., c. 9, s. 12.
68	Railways.....	Repealed by 42 V., c. 9, s. 102.
69	Security of the Crown, &c., (Treason).....	Consolidated, except s. 10, which is recommended for repeal.
70	Riots and riotous assemblies.....	Consolidated, except s. 9, which is recommended for repeal.
71	Forgery, perjury and intimidation in connection with Provincial Legislatures.....	Consolidated, except ss. 1, 2 and 4, which are recommended for repeal.
72	Accessories.....	Consolidated, except s. 8 from "and" in line 8 to "without" in line 18, which is repealed by 32-33 V., c. 17, s. 2; and s. 10, which is recommended for repeal.
73	Police of Canada.....	Consolidated, except ss. 1 and 4, which are repealed by 42 V., c. 37, ss. 1 and 2 respectively.
74	Persons in custody charged with treason or felony.....	Consolidated.
75	Penitentiaries.....	Repealed by 38 V., c. 44, s. 1.
76	Evidence in Canada for foreign tribunals.....	Consolidated, except s. 5 from "and" in line 8 to the end of the section, which is recommended for repeal.
77	Respecting provision for family of late Hon. T. D'Arcy McGee.....	Schedule B.
78	Electoral district of county of Quebec.....	Consolidated.
79	Harbor of Quebec.....	Schedule B.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.		
80	Not public general.		
46				
93				
94			Extradition.....	Repealed by 40 V., c. 25, s. 3.
95			.....	Not public general.

32-33 VICT.—1869.

1	Supplies.....	So much of s. 3 as makes the loan of money authorized thereby to be borrowed by Canada a charge upon the Consolidated Revenue Fund of Canada, is consolidated, and the remainder of the Act is effete and is recommended for repeal.
2	Respecting Nova Scotia.....	S. 1 is consolidated and the remainder of the Act is recommended for repeal.
3	Temporary Government of Rupert's land and the North-West Territory ..	Temporary. Expired.
4	Department of Finance.....	Consolidated, except s. 3 from the beginning to "Finance" in line 4, which is effete and recommended for repeal; and s. 5, which is recommended for repeal.
5	Ocean mail service.....	Effete and recommended for repeal.
6	Enfranchisement of Indians.....	Repealed by 39 V., c. 18, s. 99.
7	Queen's Printer and public printing.....	Consolidated, except ss. 1, 2, 3, 5, 6, 7 and 8, which are repealed by 49 V., c. 22, s. 17, and s. 9 which is recommended for repeal.
8	Salaries and travelling allowances of the judges.....	Ss. 1, 4, 7 and 8 are consolidated; s. 5 is superseded by 36 V., c. 31, s. 10, and is recommended for repeal; s. 6, is repealed by 35 V., c. 20, s. 1; and ss. 2, 3 and 9, are recommended for repeal.
9	Fee fund, Ontario.....	Effete and recommended for repeal.
10	Immigration and immigrants.....	Consolidated, except sub-s. 1 of s. 2, and s. 32, which are recommended for repeal.
11	Patents of invention	Recommended for repeal.
12	Canada Joint Stock Companies General Clauses Act.....	Consolidated, except s. 43, which is recommended for repeal.
13	Joint Stock Companies by letters patent..	Repealed by 40 V., c. 43, s. 105.
14	Electric Telegraph Companies.....	Effete and recommended for repeal.
15	To avoid necessity of engrossment of documents on parchment.....	Consolidated.
16	Insolvency.....	Repealed by 38 V., c. 16, s. 19, and 43 V., c. 1, s. 1.
17	Removal of doubts as to legislation in Canada regarding offences not wholly committed within its limits.....	Consolidated.
18	Offences relating to the coinage	Consolidated, except ss. 36 and 37, which are recommended for repeal.
19	Forgery	Consolidated, except ss. 30 and 31, which are repealed by 35 V., c. 32, s. 25; and ss. 55 and 59, which are recommended for repeal.
20	Offences against the person.....	Consolidated, except ss. 10 and 51, which are repealed by 40 V., c. 28, ss. 1 and 2 respectively; s. 49, which is superseded by 36 V., c. 50, s. 1, and is recommended for repeal; s. 50, which is repealed by 48-49 V., c. 82, s. 1; ss. 66, 67 and 68, which are repealed by 48-49 V., c. 7, s. 16; and ss. 74 and 81, which are recommended for repeal.
21	Larceny and similar offences	Consolidated, except s. 111, which is repealed by 38 V., c. 40, s. 1; ss. 67 and 68 which are superseded by 36 V., c. 55, s. 20 and are recommended for repeal, and ss. 8, 9 and 124, which are recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
22	Malicious injuries to property.....	Consolidated, except ss. 62-65, which are repealed by 48-49 V., c. 7, s. 16; and s. 76, which is recommended for repeal.
23	Perjury.....	Consolidated, except s. 3, which is superseded by 33 V., c. 26, s. 1, and is recommended for repeal; and ss. 5 and 12, which are recommended for repeal.
24	Peace in vicinity of public works.....	Consolidated, except s. 1, which is repealed by 48-49 V., c. 80, s. 2; ss. 11-16, which are repealed by 48-49 V., c. 80, s. 3; and s. 22, which is recommended for repeal.
25	Offences relative to the army and navy...	Consolidated.
26	Protection of military and naval stores ...	Consolidated, except s. 17, which is recommended for repeal.
27	Cruelty to animals.....	Consolidated, except ss. 1 and 2, which are repealed by 43 V., c. 38, ss. 2 and 3, respectively; s. 3 from "where" in line 3 to the end of the section, which is recommended for repeal; and ss. 9 and 11, which are recommended for repeal.
28	Vagrants.....	Consolidated.
29	Procedure in criminal cases.....	Consolidated, except sub-s. 2 of s. 1, s. 80 from the beginning to "act" in line 16, and s. 138, which are recommended for repeal; s. 98, which is repealed by 38 V., c. 43, s. 1; and s. 105, which is repealed by 36 V., c. 51, s. 1.
30	Duties of justices of the peace out of sessions (indictable offences).....	Consolidated, except s. 67, which is recommended for repeal.
31	Duties of justices of the peace out of sessions (summary convictions).	Consolidated, except s. 65, which is repealed by 33 V., c. 27, s. 1; s. 71, which is repealed by 33 V., c. 27, s. 2; also general form of notice of appeal against a conviction or order, which is repealed by 33 V., c. 27, s. 4; and s. 97, which is recommended for repeal.
32	Summary administration of criminal justice.....	Consolidated, except ss. 34 and 35, which are recommended for repeal.
33	Trial and punishment of juvenile offenders	Consolidated, except ss. 29 and 30, which are recommended for repeal.
34	Juvenile offenders (Quebec).....	Consolidated, except ss. 1 and 9, and s. 10 from "and" in line 4 to the end of the section, which are recommended for repeal.
35	Speedy trial of persons charged with felonies and misdemeanors.....	Consolidated.
36	Criminal law repeal.....	S. 4 from "and" in line 5 to the end of the section, and ss. 6-8, are consolidated, and the remainder of the Act is recommended for repeal.
37	Contagious diseases of animals.....	Repealed by 42 V., c. 23, s. 40.
38	Investigations into shipwrecks.....	Consolidated, except s. 2 from "and" in line 23 to "perjury" in line 26, and s. 12, which are recommended for repeal.
39	Inspection of steamboats.....	Repealed by 45 V., c. 35, s. 2.
40	Improving certain harbors.....	Schedule B.
41	Pilotage in Port of Quebec.....	Repealed by 36 V., c. 54, s. 92.
42	Trinity House, Quebec.....	Schedule B.
43	Corporation of pilots below Quebec.....	"
44	Quebec harbor.....	"
45	Joliette and Berthier for electoral purposes.....	S. 1 is consolidated, and s. 2 is recommended for repeal.
46	Township of Doncaster for electoral purposes.....	Consolidated.
47	}	Not public general.
48		
49	Respecting certain banks.....	Effete and recommended for repeal.
50	}	Not public general.
70		
73		

ACTS OF THE DOMINION OF CANADA — *Continued.*

Chap.	Subject Matter.	Remarks.
74	Salary of the Governor General.....	Consolidated.
75	.....	Not public general.
33 VICT.—1870.		
1	Apprehension of persons conspiring against Her Majesty.....	Temporary, expired.
2	Supplies.....	Effete, and recommended for repeal.
3	Government of Manitoba.....	Ss. 3 and 30, s. 32 except sub-s. 5 thereof, and s. 34 are consolidated; ss. 1, 4, 5, 25, 27-29, 31, sub-s. 5 of s. 32, ss. 33 and 36 are recommended for repeal; s. 35 is repealed by 38 V., c. 49, s. 76; remainder of the Act, Schedule B.
4	Civil Service superannuation.....	Repealed by 46 V., c. 8, s. 16.
5	Security by public officers of Canada.....	Repealed by 33 V., c. 3, s. 1.
6	Queen's printer.....	Repealed by 49 V., c. 22, s. 17.
7	Department of Finance.....	Effete, and recommended for repeal.
8	Collection of the revenue.....	Repealed by 41 V., c. 7, s. 77.
9	Customs and Inland Revenue.....	S. 11 is repealed by 34 V., c. 10, s. 1; ss. 18-20 are repealed by 43 V., c. 19, s. 190; and the remainder of the Act is recommended for repeal.
10	Issue of Dominion notes.....	Ss. 6 and 7 are consolidated; and the remainder of the Act is recommended for repeal.
11	Banks and banking.....	Repealed by 34 V., c. 5, s. 76.
12	Issue of bank notes in Nova Scotia.....	Schedule B.
13	Duties on promissory notes and bills of exchange.....	Repealed by 42 V., c. 17, s. 1.
14	Coasting trade.....	Consolidated, except s. 3 from the beginning of the section to "Canada" in line 4, which is effete and recommended for repeal.
15	Fishing by foreign vessels.....	S. 1 is repealed by 49 V., c. 114, s. 1, and s. 2 is recommended for repeal.
16	Discipline on Government vessels.....	Consolidated.
17	Certificates to masters and mates.....	Consolidated, except s. 15, which is effete and is recommended for repeal.
18	Lighthouses, buoys and beacons.....	Consolidated.
19	Sick and distressed mariners.....	"
20	Improving of certain ports.....	Schedule B.
21	First census.....	Repealed by 42 V., c. 21, s. 39.
22	Signing of militia commissions.....	Repealed by 46 V., c. 11, s. 99.
23	Powers of official arbitrators.....	S. 1, and s. 2 to "provided" in line 5, are consolidated, and the remainder of s. 2 is recommended for repeal.
24	Works on the Ottawa river.....	Schedule B.
25	Extradition to the United States.....	Repealed by 40 V., c. 25, s. 3.
26	Perjury Act.....	Consolidat d.
27	Duties of justices (summary convictions).....	Consolidated, except the first sixteen lines of s. 1, which are repealed by 40 V., c. 27, s. 2.
28	Preservation of peace in the vicinity of public works.....	S. 2 from the beginning of the section to the end of line 5, is consolidated; s. 1, which is superseded by 48-49 V., c. 80, s. 2, and the remainder of section 2 are recommended for repeal.
29	Cruelty to animals Act amended.....	Repealed by 43 V., c. 33, s. 1.
30	Penitentiaries Act amended.....	Repealed by 38 V., c. 44, s. 1.
31	Protection of clothing and property of seamen in Her Majesty's navy.....	Consolidated, except s. 1, which is recommended for repeal.
32	Police court, Halifax.....	Consolidated.
33	Police, New Brunswick.....	Schedule B.
34	Continuance of certain Acts.....	Effete, and recommended for repeal.
35	Ferries.....	Consolidated, except s. 6 from "and" in line 4 to the end of the section; s. 11, and s. 13 from "Provided" in line 11 to the end of the section, all which are recommended for repeal.
36	Marking of timber.....	Consolidated.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
37	Inspection of raw hides and leather.....	Repealed by 36 V., c. 49, s. 20.
38	Official assignees under "The Insolvent Act of 1864" ..	Repealed by 38 V., c. 16, s. 145.
39	Continuance of an Act.....	Effete, and recommended for repeal.
40	Property of Bank of Upper Canada vested in Her Majesty.....	Schedule B.
41 } 42 } 43 }	.....	Not public general.
44	Respecting the harbor of Quebec.....	Schedule B.
45	Respecting harbor dues at mouth of Beaver River and for other purposes...	"
46	Respecting harbor dues at Belleville and for other purposes.....	"
47 } 48 } 49 }	.....	Not public general.

34 VICT.—1871.

1	Supplies.....	Effete, and recommended for repeal.
2	Indemnification of certain members of the Executive for certain acts.....	Recommended for repeal.
3	Loan for paying a certain sum to Hudson's Bay Company.....	S. 1 from the beginning of the section to the end of line 13 is consolidated, and the remainder of the Act is effete and is recommended for repeal.
4	Uniform currency for the Dominion.....	Consolidated, except ss. 1 and 11, which are recommended for repeal.
5	Banks and banking	Consolidated, except s. 12, which is repealed by 46 V., c. 20, s. 2; the form for monthly returns in s. 13, which is superseded by 36 V., c. 43, s. 1, and is recommended for repeal; s. 15, which is effete and is recommended for repeal; s. 19, which is repealed by 42 V., c. 45, s. 1; ss. 45-56 which are repealed by 43 V., c. 22, s. 7; s. 51, which is repealed by 43 V., c. 22, s. 8; the proviso in s. 68, consisting of the last four lines thereof, which is effete and recommended for repeal; s. 70, which is recommended for repeal; s. 74, which is effete and is recommended for repeal; and ss. 76 and 77 and the schedule which are recommended for repeal.
6	Government savings banks	Consolidated, except the proviso in s. 12 from "Provided" in line 16 to the end of the section, which is recommended for repeal; the proviso in s. 13 from "Provided" in line 10 to the end of the section, which is recommended for repeal; and ss. 15, 16, 19 and 20, and s. 21 to "repealed" in line 2, which are recommended for repeal.
7	Certain savings banks, Ontario & Quebec	Consolidated, except ss. 1-6 and s. 8, which are effete, and are recommended for repeal; s. 9 from "but" in line 5 to "up" in line 10, which is effete and is recommended for repeal; s. 23, which is effete and is recommended for repeal; s. 25 from the beginning to "charter" in line 11, which is effete and is recommended for repeal; the proviso in s. 33 from "Provided" in line 10 to the end of the section, which is recommended for repeal; s. 36, which is recommended for repeal; and s. 37, which is repealed by 36 V., c. 72, s. 5.
8	Bank of Upper Canada.....	Schedule B.
9	Insurance companies.....	Repealed, in so far as it relates to fire and inland marine insurance, by 38 V., c. 20, s. 24; and remainder of Act repealed by 40 V., c. 42, s. 29.
10	Duties of Customs.....	S. 5 is repealed by 38 V., c. 49, s. 76; and the remainder of the Act is recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
11	Corrupt practices in collection of the revenue	Repealed by 41 V., c. 7, s. 77.
12	Certain premium notes made valid	Recommended for repeal.
13	Effect of Acts of Canada in Manitoba and British Columbia.....	Repealed as to 31 V., c. 58, by 43 V., c. 29, s. 1; and remainder of Act recommended for repeal.
14	Certain criminal laws extended to Manitoba.....	Ss. 2-5 are consolidated, and the remainder of the Act is recommended for repeal.
15	Inland revenue.....	Ss. 1 and 2 are repealed by 40 V., c. 11, s. 8, as forming a portion of 31 V., c. 50, which is repealed by 40 V., c. 11, s. 8; and the remainder of the Act is recommended for repeal.
16	Government of North-West Territories.....	Repealed by 38 V., c. 49, s. 76, in so far as it applies to the North-West Territories of Canada; and by 39 V., c. 21, s. 2, in so far as it applies to the District of Keewatin.
17	Militia and defence	Repealed by 46 V., c. 11, s. 99.
18	Census.....	Repealed by 42 V., c. 21, s. 29.
19	Independence of Parliament	Repealed by 41 V., c. 5, s. 16.
20	Elections.....	Temporary. Expired.
21	Library of Parliament.....	Consolidated, except s. 4, and schedule A, which are repealed by 48-49 V., c. 45, s. 4; and s. 8, which is effete, and is recommended for repeal.
22	Aliens and naturalization.....	Superseded by 44 V., c. 13, and recommended for repeal.
23	Fishing by foreign vessels.....	Ss. 1 and 2 are consolidated, and s. 3 is recommended for repeal.
24	Metric system of weights and measures.....	Repealed by 36 V., c. 47, s. 52.
25	Insolvency	Repealed by 38 V., c. 16, s. 149.
26	Rockwood asylum, sale or lease of, to Ontario	Effete, and recommended for repeal.
27	Indian lands in Dundee.....	S. 1 expired; remainder, Schedule B.
28	Oakville harbor	Schedule B.
29	Certain Acts continued.....	Effete, and recommended for repeal.
30	Prisons, Quebec.....	Consolidated, except s. 7, which is recommended for repeal.
31	Trinity house, Quebec.....	Schedule B.
32	Seamen, desertion of, in Quebec.....	Repealed by 36 V., c. 129, s. 5.
33	Port warden of Quebec harbor.....	S. 11 repealed by 36 V., c. 11, s. 5; remainder, Schedule B.
34	Quebec harbor improvements.....	Schedule B.
35	Owen Sound harbor dues.....	"
36	Trenton harbor dues.....	"
37	.....
40	.....	Not public general.
42	.....
43	Railway Acts amended.....	Repealed by 42 V., c. 9, s. 102.
44	.....
46	.....	Not public general.
58	.....

35 VICT.—1872.

1	Interpretation Act amended.....	Consolidated.
2	Treaty of Washington.....	Effete, and recommended for repeal.
3	Supplies.....	"
4	Indemnification of certain members of the Executive.....	Recommended for repeal.
5	Loan to pay a sum to the Hudson's Bay Company.....	S. 1 from the beginning of the section to "loan" in line 8, is consolidated; remainder Schedule B.
6	Public debt and raising of loans.....	Consolidated, except ss. 6 and 7, which are recommended for repeal.
7	Dominion Notes	Recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
8	Banks and banking.....	Consolidated, except s. 1; s. 2 from the beginning of the section to "that" in line 13; sub-s. 4 of s. 8 and s. 9, which are recommended for repeal; and ss. 5 and 6, which are superseded by 42 V., c. 22, ss. 7 and 8 respectively, and are recommended for repeal.
9	Savings banks.....	Effete, and recommended for repeal.
10	Bills of exchange and promissory notes.....	Consolidated.
11	Duties of Customs on tea and coffee.....	Recommended for repeal.
12	Preceding Act amended.....	" "
13	Representation in House of Commons.....	Sub-ss. 4, 5, 6, the last two lines of sub-section 9 and sub-section 11 of s. 2, relating to the Province of Ontario, and so much of s. 2 as relates to the Provinces of Quebec, Nova Scotia, New Brunswick and British Columbia, are consolidated; and the remainder of the Act is superseded by 45 V., c. 3, and is recommended for repeal.
14	Interim elections Act amended.....	Temporary. Expired.
15	Members of Local Legislature; candidates for seats in Dominion Parliament.....	Consolidated.
16	Voters' lists, Nova Scotia.....	Effete, and recommended for repeal.
17	Polling districts, Inverness, N.S.....	" "
18	Civil service.....	Repealed by 45 V., c. 4, s. 56.
19	Security by officers of Canada.....	Consolidated, except s. 5, which is recommended for repeal.
20	31 V., c. 33 amended (salaries of judges)	Lines 6-8 and line 27 of s. 5 are consolidated, and remainder of Act is recommended for repeal.
21	32-33 V., c. 8, amended (salaries of judges)	Consolidated.
22	Geological survey.....	Repealed by 40 V., c. 9, s. 12.
23	Public lands of the Dominion.....	S. 18 is repealed by 37 V., c. 19, s. 3; s. 33 from the beginning of the section to "thereof" in line 5, is repealed by 39 V., c. 19, s. 4; the first paragraph of the said section is repealed by 37 V., c. 19, s. 8; paragraph 5 of the said section is repealed by 39 V., c. 19, s. 6; paragraph 7 of the said section is repealed by 39 V., c. 19, s. 7; paragraph 14 of the said section is repealed by 39 V., c. 19, s. 11; paragraph 18 of the said section is repealed by 39 V., c. 19, s. 14; ss. 34 and 35 are repealed by 39 V., c. 19, ss. 15 and 16 respectively; s. 44 is repealed by 37 V., c. 19, s. 9; paragraph 5 of s. 46 is repealed by 37 V., c. 19, s. 10; ss. 74 and 75 are repealed by 39 V., c. 19, ss. 27 and 30 respectively; s. 84 is repealed by 39 V., c. 19, s. 33; Form B is repealed by 37 V., c. 19, s. 13; and the remainder of the Act is repealed by 42 V., c. 31, s. 129.
24	Public works of Canada.....	Consolidated.
25	Bridges.....	Consolidated, except s. 1, which is recommended for repeal.
26	Patents of invention.....	Consolidated, except s. 17, which is repealed by 46 V., c. 19, s. 1; sub-s. 2 of s. 28, which is repealed by 38 V., c. 14, s. 2; s. 49, which is repealed by 38 V., c. 14, s. 3; sub-s. 4 of s. 43 from "and" in line 11 to "perjury" in line 13, and ss. 33, 52 and 54, which are recommended for repeal.
27	Quarantine.....	Consolidated, except s. 3 from the beginning of the section to "force" in line 6, and s. 11, which are recommended for repeal.
28	Immigration.....	Consolidated, except s. 1 from "and" in line 10 to the end of the section, and s. 15, which are recommended for repeal.
29	Immigration aid societies.....	Consolidated, except ss. 12 and 15, which are recommended for repeal.
30	Trade unions.....	Consolidated, except ss. 20 and 23, which are recommended for repeal.
31	Criminal law relating to violence, threats and molestation.....	Ss. 2-4 are consolidated: s. 1 is repealed by 38 V., c. 39, s. 1; and s. 5 is recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Clamp.	Subject Matter.	Remarks.
32	Fraudulent marking of merchandise	Consolidated, except s. 25, which is recommended for repeal.
33	Larceny of stamps	Consolidated, except s. 2, which is recommended for repeal.
34	Malicious injuries to property	Consolidated.
35	Advertisements respecting stolen goods.....	SS. 2 and 3 are consolidated, and ss. 1 and 4. are recommended for repeal.
36	Rivers and streams	Schedule B.
37	Duties of customs and excise. B.C.....	Recommended for repeal.
38	Navigation, British Columbia.....	Repealed in so far as 31 V., c. 58 is concerned, by 43 V., c. 29, s. 1, and remainder of Act is recommended for repeal.
39	Shipping of seamen, Nova Scotia.....	Repealed by 36 V., c. 129, s. 5.
40	Improvement of navigation of the St. Lawrence	Schedule B.
41	Improvement of Collingwood harbor.....	"
42	Harbor master, Halifax.....	SS. 7 and 9 are repealed by 45 V., c. 49, ss. 1 and 2 respectively; remainder, Schedule B.
43	Pilots, County of Charlotte.....	Repealed by 36 V., c. 54, s. 92.
44	}	Not public general.
70		
71		
71	Canadian Pacific Railway.....	Repealed by 37 V., c. 14, s. 23.
72	}	Not public general.
10		
118		

36 VICT.—1873.

1	Examination of witnesses on oath before committees of Senate and House of Commons.....	Disallowed by Her Majesty. See proclamation of 1st July, 1873.
2	Members of the local houses ineligible for the House of Commons.....	SS. 1-3 are consolidated, and s. 4 is recommended for repeal.
3	Procedure in criminal cases and repeal of c. 113, C. S., U. C., sec. 5.....	S. 1 from "them" in line 9 to the end of the section is consolidated; and the remainder of the Act is recommended for repeal.
4	Department of the Interior	SS. 1 and 2. s. 4 from the beginning of the section to "Islands" in line 7; s. 6 from the beginning of the section to "Interior" in line 7, and ss. 7 and 11, are consolidated; s. 3 is repealed by 46 V., c. 7, s. 1; s. 13 from "Canada" in line 5 to the end of the section is repealed by 49 V., c. 22, s. 17, and the remainder of the Act is recommended for repeal.
5	Government of the North-West Territories.....	Repealed in so far as it applies to the North-West Territories of Canada, by 48 V., c. 49, s. 76; and in so far as it applies to the District of Keewatin, by 39 V., c. 21, s. 2.
6	Claims to lands in Manitoba for which no patents have issued.....	Repealed by 38 V., c. 53, s. 16.
7	Inspection of steamboats, B.C.....	Repealed by 45 V., c. 35, s. 2.
8	Carriage of dangerous goods.....	Consolidated, except ss. 1 and 2, which are recommended for repeal.
9	Harbor masters at certain ports.....	Consolidated, except s. 8, which is repealed by 38 V., c. 30, s. 1; s. 11, which is repealed by 38 V., c. 30, s. 2; and s. 13, which is recommended for repeal.
10	Trinity house, Quebec.....	Schedule B.
11	Port wardens, Montreal and Quebec.....	SS. 1 and 2 are repealed by 45 V., c. 45, s. 1; and ss. 5-7 are repealed, as to the harbor of Montreal, by 45 V., c. 45, s. 1; remainder, Schedule B.
12	Harbor master, Halifax.....	Schedule B.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
13 10 25	.....	Not public general.
26	Supplies.....	Effete, and recommended for repeal.
27	Interim elections Act.....	Repealed by 37 V., c. 3, s. 133.
28	Controverted elections.....	Repealed by 37 V., c. 10, s. 1.
29	Montcalm and Joliette for electoral purposes.....	S. 1 is consolidated, and s. 2 is recommended for repeal.
30	Debt of the various provinces.....	S. 1 is consolidated, and ss. 2 and 3 are recommended for repeal.
31	Salaries of judges and other functionaries.....	Ss. 2, 3, 6, 8-11, s. 13 from the beginning of line 7 to the end of line 19 and s. 14, are consolidated; s. 4 is repealed by 37 V., c. 4, s. 5; s. 12 is repealed by 37 V., c. 4, s. 8; and the remainder of the Act is recommended for repeal.
32	Civil service superannuation.....	Repealed by 46 V., c. 8, s. 16.
33	Ocean mail service.....	Recommended for repeal.
34	North-West Territories.....	Repealed, in so far as it applies to the North-West Territories of Canada, by 38 V., c. 49, s. 76, and, in so far as it applies to the District of Keewatin, by 39 V., c. 21, s. 2.
35	North-West Territories, police force.....	Ss. 1-9 are consolidated in so far as they apply to the District of Keewatin, and they are repealed by 38 V., c. 49, s. 76, in so far as they apply to the North-West Territories of Canada; ss. 10, 12, 15, 16, 19, 20, 22-24, 26, 34 and 35 are repealed by 37 V., c. 22, s. 1; s. 25 is repealed by 38 V., c. 50, s. 2; and ss. 11, 13, 14, 17, 18, 21, and 27-33 are repealed by 42 V., c. 36, s. 1.
36	Aliens, British Columbia and Manitoba.....	Recommended for repeal.
37	Free grants, Manitoba.....	Repealed by 37 V., c. 20, s. 5.
38	Dominion lands Act explained.....	Recommended for repeal.
39	Duties of customs (Man. and N.W.T.).....	Sub-s. 2 of s. 1 is repealed by 37 V., c. 7, s. 2; and the remainder of the Act, in so far as it applies to the North-West Territories of Canada, is repealed by 38 V., c. 49, s. 76, and is recommended for repeal.
40	Admission of Prince Edward Island.....	Paragraph 8 of s. 1 is repealed by 43 V., c. 29, s. 1; ss. 2 and 3 have expired; and the remainder of Act is effete and is recommended for repeal.
41	Export duties on lumber, N.B.....	Consolidated.
42	Insolvent Act, 1869, continued.....	Recommended for repeal.
43	Banks and banking.....	Superseded by 43 V., c. 22, s. 4, and recommended for repeal.
44	Patent Act, 1872, amended.....	Consolidated, except s. 6, which is recommended for repeal.
45	Intercolonial railway.....	S. 1 is effete, and is recommended for repeal; remainder, Schedule B.
46	Militia and defence.....	Repealed by 46 V., c. 11, s. 99.
47	Weights and measures.....	Ss. 5, 26, 27, 30, 34 and 41, are repealed by 40 V., c. 15, ss. 1-6 respectively; and the remainder of the Act is repealed by 42 V., c. 10, s. 55.
48	Inspection of gas and gas meters.....	Consolidated, except s. 16, which is repealed by 47 V., c. 35, s. 1; paragraph 2 of s. 23, which is repealed by 38 V., c. 37, s. 1; s. 24, which is repealed by 48-49 V., c. 69, s. 1; ss. 27, 28, 30 and 37, which are repealed by 38 V., c. 37, s. 1; sub-sections 2 and 3 of s. 44, which are repealed by 47 V., c. 35, s. 5; schedule A, which is repealed by 38 V., c. 37, s. 1; and s. 2 from "except" in line 7 to the end of the section, and ss. 5 and 47, which are recommended for repeal.
49	Inspection of certain staple articles.....	Repealed by 37 V., c. 45, s. 29.
50	Offences against the person.....	Consolidated.
51	Procedure in criminal cases.....	"
52	Penitentiaries.....	Repealed by 38 V., c. 44, s. 1.
53	Inspection of steamboats.....	Repealed by 45 V., c. 35, s. 2.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
54	Pilotage.....	Consolidated, except s. 3, s. 8 in so far as it relates to the appointment or election of the first pilot commissioners for Halifax under the Act; s. 13 in so far as it relates to the election or appointment of the first pilot commissioners for St. John, N. B., under the Act; s. 18 from "provided" in line 6 of sub-section 5 to the end of the sub-section, and from "and" in line 21 of sub-section 13 to the end of the sub-section; ss. 28 and 32, s. 57 from the beginning of line 17 to the end of the section and s. 92, which are recommended for repeal; ss. 11 and 16, which are repealed by 38 V., c. 28, s. 3; and s. 26, which is repealed by 45 V., c. 32, s. 8.
55	Wrecks and salvage.....	Consolidated, except s. 2; s. 4 from "in" in line 4 to "council" in line 7; s. 18 from "in" in line 4 to "one" in line 8; s. 37, and the first Schedule, all which are recommended for repeal; and ss. 38 and 39, Schedule B.
56	Deck loads.....	Consolidated.
57	Order on passenger steamers.....	"
58	Preventing desertion of seamen.....	Recommended for repeal as being already in effect repealed as forming part of the Consolidated Statutes of Canada, c. 43, and 34 V., c. 32, both of which are repealed by 36 V., c. 129, s. 5.
59	Tonnage and harbor dues, British Columbia.....	Recommended for repeal.
60	Improvement of St. Lawrence.....	Schedule B.
61	Trinity House, Montreal.....	Ss. 12 and 13 are repealed by 37 V., c. 31, s. 7; remainder, Schedule B.
62	Harbor of Quebec.....	S. 5 is repealed by 38 V., c. 55, s. 9; s. 6 is repealed by 39 V., c. 39, s. 2; s. 18 from "on" in line 17 to "each" in line 20, and from "on" in line 46 to "thereof" in line 50, is repealed by 40 V., c. 51, s. 2; s. 19 is repealed by 40 V., c. 51, s. 3; and s. 23 is repealed by 38 V., c. 56, s. 1; remainder, Schedule B.
63	Harbor of Pictou.....	S. 3 is repealed by 43 V., c. 33, s. 1; remainder, Schedule B.
64	Joint stock companies for transmission of timber down streams.....	Schedule B.
65	Protection of navigable streams.....	Repealed by 49 V., c. 36, s. 8.
66	}	Not public general.
67		
68		
69	Central prison for Ontario.....	Consolidated, except s. 1, which is repealed by 44 V., c. 32, s. 6, and s. 5, which is repealed by 48-49 V., c. 79, s. 1.
70	Interest.....	Consolidated.
71	Interest, Nova Scotia.....	Consolidated, except s. 5, which is recommended for repeal.
72	Certain savings banks.....	Consolidated, except s. 5, which is recommended for repeal.
73	}	Not public general.
74		
75		
80	Amending Railway Act.....	Ss. 2-4 are repealed by 38 V., c. 24, s. 1; and the remainder of the Act is repealed by 42 V., c. 9, s. 102.
81	}	Not public general.
82		
83		
126		
127	Extradition of criminals.....	Repealed by 40 V., c. 25, s. 3.
128	Registration of shipping.....	Consolidated, except ss. 1 and 3, which are recommended for repeal.
129	Shipping of seamen.....	Consolidated, except s. 4 and s. 5 from "and" in line 10 to the end of the section, which are recommended for repeal; s. 32, which is repealed by 42 V., c. 27, s. 1; s. 86, which is repealed by 45 V., c. 33, s. 1; and s. 116 from "by" in line 2 to "orders" in line 5, which is recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
37 VICT.—1874.		
1	Supplies.....	Effete, and recommended for repeal.
2	Loan for construction of certain public works.....	Paragraphs 1, 2 and 3 of s. 3 are consolidated; and the remainder of the Act is effete and is recommended for repeal.
3	Subsidy to Nova Scotia.....	Consolidated.
4	Salaries of judges.....	S. 1, s. 2 in so far as it relates to the allowances for travelling to be allowed to Supreme Court and County Court judges, the fourth, fifth, sixth and seventh lines of s. 4, s. 5 from "the," where it first occurs in line 12 to the end of line 26, and s. 7, are consolidated; and the remainder of the Act is recommended for repeal.
5	Admission of Prince Edward Island.....	Recommended for repeal.
6	Duties of customs and excise.....	S. 9 is consolidated; ss. 11 and 12 are repealed by 43 V., c. 19, s. 190; and the remainder of the Act is recommended for repeal.
7	Duties of customs, Manitoba and North West Territories.....	S. 3 is consolidated; ss. 1 and 4 are recommended for repeal; and s. 2 is repealed by 38 V., c. 49, s. 76.
8	License duties on compounders of spirits and adulteration of food.....	Paragraphs 1 and 2 of s. 1 and ss. 2-13 are repealed by 43 V., c. 19, s. 190; and the remainder of the Act is repealed by 47 V., c. 34, s. 30.
9	Elections to House of Commons.....	Consolidated, except s. 1, which is repealed by 45 V., c. 3, s. 6; the words "of Manitoba and" in paragraph one of s. 2, and all of paragraph 2 of the said section, which are recommended for repeal; s. 11, which is repealed by 41 V., c. 6, s. 1; the last seven lines of s. 13, which are repealed by 45 V., c. 3, s. 8; s. 27, which is repealed by 41 V., c. 6, s. 3; sub-s. 4 of s. 28, which is repealed by 41 V., c. 6, s. 2; s. 29, which is recommended for repeal; s. 35, which is repealed by 41 V., c. 6, s. 4; s. 40, which is recommended for repeal; s. 43, which is repealed by 41 V., c. 6, s. 5; s. 44, which is recommended for repeal; s. 45, which is repealed by 41 V., c. 6, s. 6; ss. 47 and 48, which are repealed by 41 V., c. 6, ss. 7 and 8 respectively; s. 50, which is recommended for repeal; ss. 54 and 55, which are repealed by 41 V., c. 6, ss. 9 and 10 respectively; s. 61, which is repealed by 41 V., c. 6, s. 11; ss. 66 and 67, which are repealed by 41 V., c. 6, ss. 12 and 13 respectively; s. 115, which is repealed by 41 V., c. 6, s. 15; s. 120, which is recommended for repeal; ss. 131 and 132, which are repealed by 41 V., c. 6, ss. 16 and 17 respectively; s. 133 from the beginning of the section to "act," in line 6, and from "act" in line 12 to the end of the section, and s. 134, which are recommended for repeal; and schedule I, which is repealed by 41 V., c. 6, s. 13.
10	Controverted elections.....	Consolidated, except s. 1, which is recommended for repeal; the last six lines of s. 6; s. 34 from "in" in line 9 to the end of the section, and the last four lines of s. 63, which are effete and are recommended for repeal; s. 39, which is recommended for repeal, and ss. 33-35, which are repealed by 38 V., c. 11, s. 48.
11	Indemnification of S. F. Perry.....	Recommended for repeal.
12	Village of Richmond Hill for electoral purposes.....	Consolidated.
13	Public works of Canada.....	"
14	Canadian Pacific Railway.....	Schedule B.
15	Intercolonial Railway.....	"
16	Windsor Branch, N. S. Railway.....	"

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
17	Esquimalt graving dock.....	S. 2 is repealed by 48-49 V., c. 4, s. 1; remainder, Schedule B.
18	Cow Bay breakwater.....	Schedule B.
19	Dominion lands Act amended.....	Sub-ss. 1 and 2 of s. 8 are repealed by 39 V., c. 19, ss. 4 and 5; s. 13 is repealed by 39 V., c. 19, s. 7; s. 15 is repealed by 39 V., c. 19, s. 35; and the remainder of the Act is repealed by 42 V., c. 31, s. 129.
20	Appropriation of certain Dominion lands in Manitoba.....	Ss. 1 and 2 are effete and are recommended for repeal; s. 3 is repealed by 38 V., c. 52, s. 1; and s. 4 is recommended for repeal.
21	Indians.....	Repealed by 39 V., c. 18, s. 99.
22	Administration of Justice, North-West Territories.....	S. 22 is repealed by 38 V., c. 50, s. 1; and the remainder of the Act is repealed by 42 V., c. 36, s. 1.
23	Department of Marine and Fisheries.....	S. 1 is consolidated, and the remainder of the Act is effete and is recommended for repeal.
24	Transports exempted from harbor dues ...	Consolidated.
25	Carriers by water.....	"
26	Pilotage.....	Recommended for repeal.
27	Certain Act extended to Prince Edward Island.....	" "
28	Fishery Acts, application in British Columbia, Manitoba and Prince Edward Island.....	" "
29	Obstruction of rivers by wrecks.....	Consolidated, s 4; remainder repealed by 49 V., c. 36, s. 8.
30	Inspection of steamboats.....	Repealed by 45 V., c. 35, s. 2.
31	Trinity house, Montreal.....	S. 3 is repealed by 39 V., c. 38, s. 3; remainder, Schedule B.
32	Port wardens at certain ports.....	Consolidated, except s. 18, which is repealed by 45 V., c. 46, s. 1; and s. 26 from "and" in line 4 to "for" in line 8, which is recommended for repeal.
33	Port warden, Montreal.....	Repealed by 45 V., c. 45, s. 1.
34	Harbor masters at certain ports.....	Consolidated, except ss. 8 and 11, which are repealed by 38 V., c. 30, ss. 1 and 2 respectively; and s. 13, which is effete and is recommended for repeal.
35	Militia and Defence.....	S. 1 is repealed by 39 V., c. 12, s. 1, and the remainder of the Act is repealed by 46 V., c. 11, s. 99.
36	Military College.....	Consolidated.
37	Voluntary and extra judicial oaths.....	Consolidated, except s. 1 from "and" in line 24 to the end of the section, which is recommended for repeal.
38	Libel, crime of.....	Consolidated, except s. 1 from "Provided" in line 15 to the end of the section, and s.14, which are recommended for repeal.
39	Administration of Justice, Manitoba.....	S. 3 is consolidated, and ss. 1 and 2 are recommended for repeal.
40	Administration of Justice, Nova Scotia and New Brunswick.....	Consolidated.
41	Application of 32-33 V., c. 35, to Algoma.	"
42	Criminal laws extended to British Columbia.....	S. 5 is consolidated, and the remainder of the Act is recommended for repeal.
43	Vagrants.....	Consolidated.
44	Patent Act 1872, amended.....	"
45	Inspection of articles of produce, &c.....	Consolidated, except the last four paragraphs of s. 5, which are repealed by 48-49 V., c. 66, s. 4; ss. 7 to 9, which are repealed by 48-49 V., c. 66, s. 6; s. 11, which is repealed by 48-49 V., c. 66, s. 8; s. 36, which is repealed by 48-49 V., c. 66, s. 11; s. 63, which is repealed by 48-49 V., c. 66, s. 14; s. 64, which is repealed by 39 V., c. 33, s. 2; the first eight lines of sub-s. 3 of a. 66, which are repealed by 47 V., c. 33, s. 4; the twenty-fifth, twenty-sixth and twenty-seventh lines of sub-s. 3 of s. 66, which are repealed by 45 V., c. 25, s. 1; the remainder of the said

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
		sub-section which is repealed by 48-49 V., c. 66, s. 15; sub-s. 8 of s. 66, which is repealed by 48-49 V., c. 66, s. 15; sub-sections 7 and 8 of s. 68, which are repealed by 48-49 V., c. 66, s. 16; sub-s. 26 of s. 68, which is repealed by 45 V., c. 25, s. 1; s. 78, which is repealed by 48-49 V., c. 66, s. 18; s. 97, which is repealed by 39 V., c. 33, s. 5; s. 2, from "examiner" in line 13 to "and" in line 17; paragraph 9 of s. 40; and ss. 20 and 96, all which are recommended for repeal.
46	Insolvent Act amended	Repealed by 28 V., c. 16, s. 149.
47	Bills of exchange and promissory notes.....	S. 1 is consolidated, and the remainder of the Act is repealed by 42 V., c. 17, s. 1.
48	Insurance companies.....	Repealed by 40 V., c. 42, s. 29.
49	Respecting foreign loan companies.....	Consolidated.
50	Permanent building societies in Ontario.....	S. 4 is repealed by 47 V., c. 40, s. 3; s. 19 is repealed by 43 V., c. 43, s. 5; remainder, Schedule B.
51	Incorporation of boards of trade	Consolidated, except ss. 1-3, which are repealed by 39 V., c. 34, s. 1; and ss. 24 and 26, which are recommended for repeal.
52 to 118	.....	Not public general.

38 VICT.—1875.

1	Interpretation Act amended.....	Consolidated.
2	Certain Acts continued.....	Effete, and recommended for repeal.
3	Supplies.....	Effete, and recommended for repeal.
4	Public debt and raising of public loans.....	Consolidated.
5	Dominion notes.....	S. 1 is repealed by 43 V., c. 13, s. 1; and s. 2 is recommended for repeal.
6	Department of Secretary of State.....	Repealed by 48-49 V., c. 2, s. 1.
7	Postal service.....	Consolidated, except s. 61, which is repealed by 49 V., c. 21, s. 1; sub-s. 17 of s. 72, which is repealed by 40 V., c. 34, s. 1; sub-s. 27 of s. 72, which is repealed by 46 V., c. 18, s. 1; ss. 2-5, s. 11 from "and" in line 11 to the end of the section, s. 13, sub-s. 6 of s. 72 from "and" where it first occurs to the end of the sub-section; sub-s. 8 of s. 72 from "and" in line 21 to the end of the sub-section; the last eleven words of sub-s. 9 of s. 72; and sub-sections 23 and 28-30 of s. 72 and s. 87, which are recommended for repeal.
8	Militia and defence.....	Repealed by 46 V., c. 11, s. 99.
9	Civil service superannuation.....	Repealed by 46 V., c. 8, s. 16.
10	Controverted elections.....	Consolidated, except s. 2 from "provided" in line 11 to "prorogation" in line 15, and ss. 6 and 8, which are effete and are recommended for repeal.
11	Supreme Court and Court of Exchequer.....	Consolidated, except s. 13, which is repealed by 42 V., c. 3, s. 16; s. 22, which is repealed by 43 V., c. 34, s. 4; and the last three lines of s. 6, and s. 80, which are recommended for repeal.
12	Petitions of right and procedure in Crown suits.....	Repealed by 39 V., c. 27, s. 1.
13	Defective letters patent and discharge of sureties to the Crown.....	Consolidated.
14	Patent Act, 1872, amended.....	Consolidated, except s. 4 from the beginning of the section to "and" in line 6, and ss. 5, 7 and 9, which are recommended for repeal.
15	Immigration Act, 1872, amended.....	Consolidated.
16	Insolvency.....	S. 32 is repealed by 40 V., c. 41, s. 11; s. 58 is repealed by 40 V., c. 41, s. 14; and the remainder of the Act is repealed by 43 V., c. 1, s. 1.
17	Banks and banking.....	S. 1 is consolidated; and ss. 2 and 3 are superseded by 43 V., c. 22, s. 4, and are recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
18	Interest and usury, N.B.	Consolidated, except s. 4, which is recommended for repeal.
19	Bills of exchange	Consolidated, except s. 3, which is recommended for repeal.
20	Fire and inland marine insurance	S. 16 consolidated, except from "and" in line 11 to "situated" in line 18; s. 17 consolidated, except from the beginning of the section to "court" in line 13, and from "and" in line 28 to "or" in line 34, which parts of ss. 16 and 17 are recommended for repeal; remainder repealed by 49 V., c. 45, s. 50.
21	Life insurance	Repealed by 40 V., c. 42, s. 29.
22	Intercolonial Railway	Schedule B.
23	Lien of Canada on Northern Railway	"
24	Railway Acts amended	Repealed by 42 V., c. 9, s. 102.
25	Railway companies, returns by	S. 2 is repealed by 39 V., c. 14, s. 1, and the remainder of the Act is repealed by 42 V., c. 9, s. 102.
26	Marine electric telegraph companies	Consolidated, except ss. 18 and 19, which are recommended for repeal.
27	Coasting trade of Canada	Consolidated, except s. 3, which is recommended for repeal.
28	Pilotage	Consolidated, except sub-s. 3 of s. 1, which is repealed by 40 V., c. 20, s. 3; and s. 3 from the beginning of the section to "repealed" in line 4, which is recommended for repeal.
29	Extension of seamen's Act, 1873	Consolidated, except s. 31 from "and" in line 4 to the end of the section and s. 35, which are recommended for repeal.
30	Harbor masters	Consolidated.
31	Sick and distressed mariners	"
32	Repeal of Act of Prince Edward Island respecting Cape Race lighthouse toll	Recommended for repeal.
33	Fisheries Acts amended	S. 1 is consolidated and the remainder of the Act is recommended for repeal.
34	Culling and measuring of timber	Consolidated, except s. 4; s. 6 from "Act" in line 6 to the end of the section, and s. 10, which are repealed by 48-49 V., c. 65, s. 1; s. 12, which is repealed by 40 V., c. 16, s. 2; and s. 1 and s. 14 from "Act" in line 1 to "may" in line 3, which are recommended for repeal.
35	Export duty on stavebolts, &c.	Recommended for repeal.
36	Marking of casks	Consolidated, except s. 5, which is recommended for repeal.
37	Gas inspection	Consolidated, except paragraph (c) in line 48 of s. 2 to "and" in line 8 of the said paragraph, and from "provided" in line 73 to "Scotia" in line 82 of the said section, which are repealed by 47 V., c. 35, s. 2, and s. 1, which is recommended for repeal.
38	Peace in vicinity of public works	Superseded by 48-49 V., c. 80 and recommended for repeal.
39	Violence, threats and molestation	Repealed by 39 V., c. 37, s. 1.
40	Larceny and similar offences	Consolidated.
41	Gaming houses	"
42	Cruelty to animals in transit	Consolidated, except the last two lines of s. 9, which are recommended for repeal.
43	Procedure in criminal cases	Consolidated.
44	Penitentiaries	S. 63 is repealed by 42 V., c. 42, s. 3; ss. 69-80 are repealed by 40 V., c. 38, s. 16; s. 81 is repealed, in so far as it applies to Rockwood Asylum, by 40 V., c. 38, s. 16; and the remainder of the Act is repealed by 46 V., c. 37, s. 80.
45	Speedy trial of persons charged with felonies and misdemeanors	Consolidated.
46	Central prison for Ontario	"
47	Speedy trial of persons charged with felonies or misdemeanors before police and stipendiary magistrates	"

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
18	Indians.....	S. 16 is repealed by 42 V., c. 34, s. 2; and remainder of the Act is repealed by 43 V., c. 28, s. 112.
19	Dominion lands.....	Repealed by 42 V., c. 31, s. 129.
20	Roads and road allowances.....	Consolidated.
21	North-West Territories and Keewatin.....	Ss. 1 and 3-7 are consolidated; s. 11, in so far as it brings into force in the District of Keewatin the Acts and parts of Acts and laws in the said section mentioned or referred to, s. 13, and the last ten lines of the schedule, are consolidated; and the remainder of the Act is recommended for repeal.
22	Intoxicating liquors in North-West Territories.....	Repealed by 40 V., c. 7, s. 9.
23	Criminal laws, British Columbia.....	Repealed by 40 V., c. 27, s. 1.
24	Penitentiaries, Manitoba and British Columbia.....	Repealed by 46 V., c. 37, s. 80.
25	Weights and measures, and gas inspection, Prince Edward Island.....	Recommended for repeal.
26	Supreme Court and Exchequer Court.....	Consolidated, except s. 2 from "and" in line 5 to the end of the section, which is recommended for repeal.
27	Petitions of right.....	Consolidated, except ss. 1 and 20, which are recommended for repeal.
28	Retiring allowance of judges.....	Consolidated.
29	Salaries of County Court judges, Nova Scotia.....	Consolidated, except s. 2, which is recommended for repeal.
30	Insolvent Act, amended.....	S. 15 is repealed by 40 V., c. 41, s. 32; and the remainder of the Act is repealed by 43 V., c. 1, s. 1.
31	Winding up of insolvent banks.....	Recommended for repeal.
32	Railway Act, 1868, amended.....	Repealed by 42 V., c. 9, s. 102.
33	Inspection of staple articles.....	Ss. 3 and 5 are consolidated; s. 2 is repealed by 47 V., c. 33, s. 3; ss. 1 and 4 are repealed by 48-49 V., c. 66, s. 19.
34	Incorporation of boards of trade.....	Consolidated.
35	Trade marks and designs.....	Repealed by 42 V., c. 22, s. 38.
36	Attendance of witnesses at criminal trials.....	Consolidated.
37	Criminal law as to threats and molestations.....	Consolidated, except s. 1, and sub-s. 1 of s. 4 from "nor" in line 5 to the end of the sub-section, which are recommended for repeal.
38	Harbor commissioners, Montreal.....	Schedule B.
39	Quebec harbor commissioners.....	"
40	}.....	Not public general.
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40 VICT.—1877.

1	Supplies.....	Effete; recommended for repeal.
2	Independence of Parliament.....	Recommended for repeal.
3	Great seals of the provinces.....	Schedule B.
4	Criminal law, Prince Edward Island.....	Consolidated, s. 4, from "pending" in line 11 to "Province" in line 18; ss. 6, 7, and 8; and the schedule, from line 46 to line 57, both inclusive; remainder recommended for repeal.
5	Trade marks, British Columbia and Prince Edward Island.....	Repealed by 42 V., c. 22, s. 38.
6	Boundaries of Manitoba.....	Superseded by 44 V., c. 14; recommended for repeal.
7	North-West Territories.....	Repealed, except as to Keewatin, by 43 V., c. 25, s. 95; consolidated, so much of s. 7, as substitutes a new s. 64 of 38 V., c. 49, the sub-s. numbered 9 in s. 9, and s. 12; remainder recommended for repeal.
8	Ordnance and Admiralty lands.....	Consolidated, except s. 7, which is recommended for repeal.
9	Geological survey.....	Consolidated, except ss. 6, 7 and 12, which are recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
10	Customs.....	Ss. 23 and 41, sub-s. 1 of s. 45, s. 46, sub-s. 5 of s. 56, s. 64, s. 76, sub-s. 1 of s. 81, and sub-s. 1 of s. 91, are repealed by 44 V., c. 11, ss. 1-9, respectively; ss. 119 and 120 are repealed by 44 V., c. 11, s. 10; sub-s. 11 of s. 125 is repealed by 44 V., c. 11, s. 11; and the remainder is repealed by 46 V., c. 12, s. 3.
11	Duties of customs.....	Ss. 1 and 8 are repealed by 43 V., c. 19, s. 190; the remainder is superseded by 42 V., c. 15, and recommended for repeal.
12	Inland revenue.....	Repealed by 43 V., c. 19, s. 190.
13	Adulteration of food.....	Repealed by 47 V., c. 34, s. 30.
14	Inspection of petroleum.....	Repealed by 42 V., c. 18, s. 17.
15	Weights and measures.....	Repealed by 42 V., c. 16, s. 55.
16	Culling and measurement of lumber.....	Ss. 2, 3 and 4 are repealed by 49-49 V., c. 65, s. 2; remainder consolidated, except s. 6, which is recommended for repeal.
17	Management of certain harbors.....	Consolidated.
18	Inspection of steamboats.....	Repealed by 45 V., c. 35, s. 2.
19	Measurement of steamships.....	Consolidated, s. 1 from "same" in line 13 to the end of the section; remainder effete and recommended for repeal.
20	Pilotage.....	Consolidated, except s. 5, which is recommended for repeal.
21	Maritime court, Ontario.....	Consolidated, except s. 6 from "Commons" in line 3 to the end of the section, the last two lines of s. 16, and s. 21, which are recommended for repeal.
22	Supreme and Exchequer courts.....	Consolidated.
23	Salaries of judges.....	Superseded by 45 V., c. 11, and recommended for repeal.
24	Travelling expenses of judges, British Columbia.....	Consolidated.
25	Extradition.....	Consolidated, except paragraph 3 of s. 16, which is repealed by 45 V., c. 20, s. 1, and ss. 2 and 3, and the first Schedule, which are recommended for repeal.
26	Procedure and evidence in criminal cases.....	Consolidated.
27	Appeals from convictions by justices.....	Consolidated, except s. 1, which is recommended for repeal.
28	Offences against the person.....	Consolidated.
29	Larceny.....	"
30	Use of fire arms.....	Consolidated, except ss. 5 and 6, which are recommended for repeal.
31	Betting and pool selling.....	Consolidated.
32	Gambling in public conveyances.....	Consolidated, except s. 4 from "person" in line 3 to "it" in line 9, which is recommended for repeal.
33	Gaming houses.....	Consolidated, except sections 5 and 6, which are recommended for repeal.
34	Post office Act amended.....	Consolidated.
35	Punishment of certain breaches of contract.....	Consolidated, except ss. 1 and 8, which are recommended for repeal.
36	Employment of prisoners.....	Consolidated, except s. 2, which is repealed by 48-49 V., c. 81, s. 1.
37	Custody of prisoners.....	Consolidated, except s. 7, which is recommended for repeal.
38	Rockwood Asylum and Penitentiary Act amended.....	Repealed by 46 V., c. 37, s. 80, except ss. 1, 14 and 15, which are recommended for repeal.
39	Prison discipline.....	Consolidated.
40	Expenses of calling out militia.....	Repealed by 46 V., c. 11, s. 99.
41	Insolvent Act amended.....	Repealed by 43 V., c. 1, s. 1.
42	Insurance.....	S. 15 consolidated, except from "company" in line 12 to the end of the section; s. 16 consolidated, except from the beginning to "court" in line 13 and from "Schedule" in line 47 to "mentioned" in line 52, which parts of ss. 15 and 16 are recommended for repeal; remainder is repealed by 49 V., c. 45, s. 50.
43	Incorporation of companies by letters patent.....	Consolidated, except ss. 73, 75 and 105, which are recommended for repeal.

ACTS OF THE DOMINION OF CANADA —Continued.

Chap.	Subject Matter.	Remarks.
44	Voting of shareholders in certain banks.....	Consolidated.
45	Railway Act, 1868, amended	Repealed by 42 V., c. 9, s. 102.
46	Intercolonial Railway	Ss. 2 and 3 are repealed by 42 V., c. 12, s. 2; remainder, Schedule B.
47	Claim of Dominion against Northern rail- way	Schedule B.
48	Building societies, Ontario.....	"
49	" "	S. 2 is repealed by 47 V., c. 40, s. 1, and s. 3 is repealed by 43 V., c. 43, s. 5; remainder, Schedule B.
50	Building societies, Quebec.....	Schedule B.
51	Harbor of Quebec and pilotage Act.....	Consolidated, ss. 6 and 7; remainder, Schedule B.
52	Harbor tolls, Kincardine.....	Schedule B.
53	Harbor tolls, Montreal	"
54	Bank of British North America.....	Consolidated.
55 60 89	}	Not public general.

41 VICT.—1878.

1	Maritime court of Ontario, respecting.....	Consolidated, s. 1; remainder recommended for repeal.
2	Post office Act, 1875, amended.....	Consolidated.
3	Railway Act of 1868, and amending Acts extended to Prince Edward Island....	Repealed by 42 V., c. 9, s. 102.
4	Supplies	Effete; recommended for repeal.
5	Independence of Parliament, further to secure.....	Consolidated, except s. 10 from "Canada," in line 12 to "section" in line 16, and ss. 16 and 17, which are recommended for repeal.
6	Election Act of 1874, amending	Consolidated, except s. 1; s. 2 from the beginning to "provided" in line 3, the last paragraph of s. 11, and s. 13, all which are recommended for repeal.
7	Audit Act	Consolidated, except s. 16, repealed by 48-49 V., c. 47, s. 1; s. 13 from "Provided" in line 5 to the end of the section; s. 14, sub-s. 2 of s. 72, and ss. 76, 77 and 78, all which are recommended for repeal.
8	Public Works Act amended.....	Consolidated.
9	Malt, respecting duty on.....	Repealed by 43 V., c. 19, s. 190.
10	Promissory notes and bills of exchange, stamps.....	Repealed by 42 V., c. 17, s. 1.
11	License duties, amending Act 37 V., c. 8..	Repealed by 47 V., c. 34, s. 30.
12	Deck loads, respecting.....	Consolidated.
13	Manitoba schools, advances for.....	Effete; recommended for repeal.
14	Manitoba lands, as to conflicting claims to	Consolidated, except s. 2 from "cases" in line 3 to "perjury" in line 7, which is recommended for repeal.
15	Homestead exemption Act.....	Consolidated, except s. 7 from "witness" in line 12 to the second "and" in line 13, which is recommended for repeal.
16	Canada Temperance Act.....	Consolidated, except the paragraphs lettered (b) and (c) in sub-ss. 1 and 2 of s. 3 respectively, which are recommended for repeal, and s. 124, Schedule B.
17	Crime, better prevention of.....	Expired.
18	Common assault, evidence in cases of....	Repealed by 43 V., c. 37, s. 1.
19	Imprisonment in default of sureties.....	Consolidated.
20	Penitentiary Act amended.....	Repealed by 46 V., c. 37, s. 80.
21	Insolvent insurance companies, winding up.....	Recommended for repeal.
22	Building societies, Ontario.....	Schedule B.
23 24 48	}	Not public general.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
42 VICT.—1873.		
1	Supplies.....	Effete; recommended for repeal.
2	Manitoba, additional annual subsidy to.....	Expired.
3	New Brunswick, additional judge in Supreme Court of, and in Equity in Nova Scotia.....	Consolidated.
4	County Court judges, P.E.I., salaries.....	S. 1. consolidated; remainder recommended for repeal.
5	Anticosti cable, subsidy.....	Repealed by 43 V., c. 14, s. 1.
6	Elections, corrupt practices at.....	Consolidated.
7	Minister of Public Works and Receiver General, respecting offices of.....	Consolidated, except s. 14. which is repealed by 48-49 V., c. 47, s. 1; s. 1 which is effete; s. 2 from the beginning to "council" in line 11; s. 3 from the beginning to "Receiver General" in line 5; s. 5 from "Act" in line 14 to "works" in line 24; ss. 6 and 8; s. 12 from the beginning to "performed" in line 8; and s. 13, all which are recommended for repeal.
8	Official arbitrators, respecting.....	Consolidated, except s. 1, which is recommended for repeal.
9	Railway Acts of 1868 and amending Acts, amending and consolidating.....	Consolidated, except ss. 2 and 4, in so far as they relate to Government Railways, which are repealed in that respect by 44 V., c. 25, s. 123; sub-s. 16 of s. 9, which is repealed by 47 V., c. 11, s. 12; sub-s. 19 of s. 9, which is repealed by 46 V., c. 24, s. 8; sub-s. 22 of s. 9, which is repealed by 47 V., c. 11, s. 14; sub-s. 4 of s. 15, which is repealed by 47 V., c. 11, s. 10; sub-s. 5 of s. 15, which is repealed by 44 V., c. 24, s. 3; sub-ss. 1, 2 and 3 of s. 16, which are repealed by 46 V., c. 24, s. 9; sub-s. 6 of s. 17, which is repealed by 46 V., c. 24, s. 12; sub-s. 6 of s. 22, which is repealed by 47 V., c. 11, s. 5; sub-s. 3 of s. 27, which is repealed by 47 V., c. 11, s. 2; ss. 48 and 49, which are repealed by 46 V., c. 24, s. 4; sub-s. 2 of s. 60, which is repealed by 46 V., c. 24, s. 13; s. 71, which is repealed by 45 V., c. 37, s. 10; schedule one, which is repealed by 44 V., c. 24, s. 2; and sub-s. 14 of s. 9; sub-s. 20 of s. 9, from "affirmation" in line 4 to the end of the sub-section; s. 59; s. 92, from "penalty" in line 12 to the end of the section, and s. 102, all which are recommended for repeal.
10	Intercolonial Railway, respecting.....	Schedule B.
11	Intercolonial Railway, purchase of part of G.T.R. for.....	"
12	Truro and Pictou Railway amending transfer Act of 1877.....	"
13	Canadian Pacific Railway Act of 1874, amended.....	"
14	Canadian Pacific Railway Act of 1874 amended.....	"
15	Customs and Excise duties, amending of.....	Consolidated, except s. 5 which is repealed by 46 V., c. 13, s. 7; s. 8, which is repealed by 47 V., c. 30, s. 4; s. 9, which is repealed by 48-49 V., c. 61, s. 11; ss. 13, 14 and 16, which are repealed by 43 V., c. 19, s. 190, and ss. 15, 17 and 18, which are recommended for repeal.
16	Weights and Measures Acts, amending and consolidating.....	Consolidated, except the last paragraph of sub-s. 1 of s. 16, and s. 17, which are repealed by 48-49 V., c. 64, ss. 1 and 2 respectively; ss. 24, 25 and 26, which are repealed by 47 V., c. 36, ss. 1, 2 and 3 respectively; sub-s. 3 of s. 28, which is repealed by 47 V., c. 36, s. 5; s. 30, which is repealed by 47 V., c. 36, s. 6; s. 44, which is repealed by 47 V., c. 36, s. 8;

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
		s. 47, which is repealed by 47 V., c. 36, s. 9; s. 54, which is repealed by 47 V., c. 36, s. 11; and s. 2, sub-s. 2 of s. 16, sub-s. 3 of s. 53 and s. 55, which are recommended for repeal.
17	Duties on bills and notes, amending and consolidating.....	Repealed by 45 V., c. 1, s. 1.
18	Petroleum, inspection and storage of.....	Repealed by 43 V., c. 21, s. 29.
19	Amending above Act.....	" "
20	Post Office Act, amending.....	Consolidated, except s. 4, which is recommended for repeal.
21	Census and Statistics.....	Consolidated, except s. 28 from "law" in line 9 to the end of the section, and s. 39 from the beginning to "repealed" in line 7, which are recommended for repeal.
22	Trade marks and industrial designs.....	Consolidated, except s. 4 from "Act" in line 5 to the end of the section, and ss. 38 and 39, which are recommended for repeal.
23	Contagious diseases of animals.....	Repealed by 48-49 V., c. 70, s. 47.
24	Tonnage dues, Canadian.....	Consolidated.
25	Pilotage Act, amending Act of 1873.....	" "
26	Masters' and mates' certificates, respecting.....	" "
27	Seamen's Act of 1873, amending.....	" "
28	Trinity house and harbor commissioners of Montreal Acts, amending.....	Schedule B.
29	Pictou Harbor Act, amending.....	" "
30	North Sydney, Nova Scotia, respecting harbor of.....	" "
31	Dominion Lands Act, amending and consolidating.....	Ss. 3 and 7 are repealed by 44 V., c. 16, ss. 1 and 2, respectively; s. 14 is repealed by 43 V., c. 26, s. 2; ss. 16 and 30 are repealed by 44 V., c. 16, ss. 3 and 4, respectively; the first eleven lines of s. 34 are repealed by 44 V., c. 16, s. 5; sub-ss. 2, 3 and 5 of s. 34 are repealed by 43 V., c. 26, s. 4; sub-s. 8 of s. 34 is repealed by 44 V., c. 16, s. 6; the last nine lines of sub-s. 11 of s. 34 are repealed by 44 V., c. 16, s. 7; sub-s. 14 of s. 34 is repealed by 43 V., c. 26, s. 5; s. 33, is repealed by 44 V., c. 16, s. 8; ss. 37-42, and 44-46, are repealed by 43 V., c. 26, s. 6; s. 78 is repealed by 43 V., c. 26, s. 8; s. 111 is repealed by 44 V., c. 16, s. 11; forms A. and B. in the Schedule, are repealed by 44 V., c. 16, s. 14; and the remainder is repealed by 46 V., c. 17, s. 126.
32	Dominion lands in Manitoba, appropriating of.....	Effete; recommended for repeal.
33	Ordnance lands and Admiralty lands in Nova Scotia and New Brunswick.....	Consolidated, except s. 7, which is recommended for repeal.
34	Indian Act of 1876, amending.....	Repealed by 43 V., c. 28, s. 112.
35	Militia and defence.....	S. 1 is repealed by 43 V., c. 2, s. 1, and the remainder is repealed by 46 V., c. 11, s. 99.
36	North-West Mounted Police Force Acts, consolidation of.....	Consolidated, except ss. 5, 6, 7, 14, 19, 21 and 22, which are repealed by 45 V., c. 29, s. 1; s. 10 which is effete and is recommended for repeal; and s. 1, and s. 28 from "force" in line 5 to the end of the section, which are recommended for repeal.
37	Canada Police Act.....	Consolidated.
38	Dangerous lunatics in North-West Territories, keeping of.....	Repealed by 48-49 V., c. 51, s. 15.
39	Supreme and Exchequer courts.....	Consolidated, except s. 10 from "order" in line 10 to the end of the section and ss. 17 and 19, which are recommended for repeal.
40	Maritime Jurisdiction Act of 1877, amending of.....	Consolidated, except s. 2, which is repealed by 45 V., c. 34, s. 4.
41	Crime, Act of 1878, for better prevention of, continued.....	Effete; recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
42	Penitentiary Act of 1875, amending.....	Repealed by 46 V., c. 37, s. 80, except s. 3, which is recommended for repeal.
43	Andrew Mercer Reformatory Act.....	Consolidated, except ss. 1 and 2, which are repealed by 44 V., c. 32, ss. 1 and 2 respectively.
44	Felonies and misdemeanors, speedy trial of, in Ontario and Quebec.....	Consolidated.
45	Bank shares, respecting transfer of.....	Consolidated, except s. 2, which is repealed by 43 V., c. 22, s. 8; and ss. 3, 4, 5 and 6, which are repealed by 43 V., c. 22, s. 9.
46	Protest of inland bills and notes in Nova Scotia.....	Consolidated.
47	First July, Act making public holiday.....	"
48	Building societies in province of Quebec.....	Schedule B.
49	Building societies in Ontario.....	"
50	Canada Temperance Act of 1878, amending.....	Consolidated.
51	Dues on timber, &c., on Moira River through port of Belleville, amending Act as to.....	Schedule B.
52 } 10 } 79 }	.....	Not public general.

43 VICT.—1880.

1	Insolvency Acts repealed.....	Recommended for repeal.
2	Militia Acts amended.....	S. 1 is repealed by 44 V., c. 19, s. 2, and the remainder is repealed by 46 V., c. 11, s. 99.
3	Public officers, security by.....	Consolidated.
4	Judges in British Columbia, salaries for additional.....	"
5	Crime, Act for better prevention of.....	Effete; recommended for repeal.
6	Dorchester penitentiary, respecting.....	Repealed by 46 V., c. 37, s. 80.
7	Manitoba land claims, under 33 V., c. 3.....	Consolidated, except s. 3, which is recommended for repeal.
8	Intercolonial railway, purchase of part of Grand Trunk railway for.....	Schedule B.
9	Transmission of timber, joint stock companies for.....	"
10	Supplies.....	Effete; recommended for repeal.
11	Resident agent in England.....	Consolidated.
12	Departmental investigations under oath.....	"
13	Dominion Notes.....	Consolidated, except s. 1 from the beginning to "repealed" in line 7, and s. 5 from the beginning to "Act" in line 14, which are recommended for repeal.
14	Anticosti cable Act, repeal of.....	Recommended for repeal.
15	Esquimalt graving dock.....	Schedule B.
16	Agreement with Canada Central railway company.....	"
17	Quebec harbor commissioners.....	"
18	Customs and excise.....	Consolidated, except s. 3, which is recommended for repeal.
19	Inland Revenue Acts, consolidation of.....	Paragraph (g) of s. 1 is repealed by 45 V., c. 8, s. 12; sub-s. 2 of s. 14 and sub-s. 2 of s. 18 are repealed by 45 V., c. 8, s. 1; sub-s. 3 of s. 29 is repealed by 45 V., c. 8, s. 14; sub-s. 10 of s. 35 is repealed by 45 V., c. 8, s. 1; paragraph 4 of s. 49 is repealed by 45 V., c. 8, s. 15; ss. 83, 84, 85, 89 and 106 are repealed by 45 V., c. 8, ss. 2, 3, 4, 5 and 10 respectively; sub-s. 1 of s. 140 is repealed by 45 V., c. 8, s. 20; s. 148 is repealed by 45 V., c. 8, s. 7; and the remainder is repealed by 46 V., c. 15, s. 333.
20	Inspection Act, general.....	Consolidated, except s. 3, which is repealed by 44 V., c. 22, s. 1 and s. 4, which is repealed by 48-49 V., c. 66, s. 19.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
21	Petroleum, inspection of.....	Consolidated, except ss. 2, 3, 6, 7 and 11, which are repealed by 44 V., c. 23, ss. 1, 2, 4, 5 and 6 respectively, and s. 29, which is recommended for repeal.
22	Banks and banking.....	Consolidated, except s. 9, which is recommended for repeal.
23	Savings banks (Ontario and Quebec).....	Effete; recommended for repeal.
24	Bill stamps, extension of laws respecting to whole Dominion.....	" "
25	North-West Territory, consolidation of Acts.....	Consolidated, except ss. 23 to 41 inclusive, 43 to 46 inclusive, 57 and 66 to 70 inclusive, which are repealed by 49 V., c. 26, ss. 2 and 140; ss. 63, 64 and 65, which are repealed by 47 V., c. 23, s. 1; ss. 71, 74, 75 and 77, which are repealed by 49 V., c. 25, s. 32; sub-s. 1 of s. 82, which is repealed by 47 V., c. 23, s. 3; ss. 85, 87 and 88, which are repealed by 47 V., c. 23, ss. 4, 5 and 6 respectively; so much of s. 89 as relates to stipendiary magistrates, which is repealed by 49 V., c. 25, s. 32; sub-ss. 9 and 10 of s. 90, which are repealed by 47 V., c. 23, s. 8; ss. 92 and 93, which are superseded by 44 V., c. 13, s. 46, and are recommended for repeal; ss. 42 and 95, which are recommended for repeal, and the words in the Schedule from "twenty-six" in line 55 to "it" inclusive in line 57 which are repealed by 48-49 V., c. 51, s. 8.
26	Land Act of 1879, amended.....	Repealed by 46 V., c. 17, s. 126.
27	Land Act, extension to British Columbia, repealed.....	Repealed by 47 V., c. 6, s. 11.
28	Indian Act, consolidation of.....	Consolidated, except s. 3, which is repealed by 46 V., c. 6, s. 1; s. 20 which is repealed by 47 V., c. 27, s. 5; s. 23 which is repealed by 44 V., c. 17, s. 8; sub-s. 1 of s. 27 which is repealed by 47 V., c. 27, s. 7; s. 30 which is repealed by 44 V., c. 17, s. 9; ss. 99 and 100 which are repealed by 47 V., c. 27, ss. 16 and 17 respectively; and s. 5 from "affairs," in line 3 to the end of the section; s. 6; s. 7 from "affairs" in line 6 to the end of the section; s. 53 from "respectively" in line 12 to the end of the section, s. 89 from "form" in line 5 to the end of the section; s. 108 from "Public" in line 14 to the end of the section; and ss. 112 and 113, all which are recommended for repeal.
29	Canadian waters, navigation of.....	Consolidated, except s. 1, which is recommended for repeal.
30	Obstructions in navigable waters by wrecks, amending law as to.....	Repealed by 49 V., c. 36, s. 8.
31	Trinity house, Montreal.....	Schedule B.
32	Hon. J. Young, annuity to widow of.....	"
33	Pictou, N.S., harbor of.....	"
34	Supreme and Exchequer courts.....	Consolidated, except s. 5, which is recommended for repeal.
35	Criminal cases, evidence in.....	Consolidated.
36	Criminal justice in disputed territory.....	Expired.
37	Offences against the person and repealing 41 V., c. 18.....	Consolidated, except s. 1, which is recommended for repeal.
38	Cruelty to animals.....	Consolidated, except s. 1 which is recommended for repeal.
39	Ontario reformatory for boys.....	Consolidated, except s. 15 from the beginning to "law" in line 10, and s. 16 from "only" in line 1 to the end of the section, which are recommended for repeal.
40	Ontario industrial refuge for girls.....	Consolidated, except s. 10 from "only" in line 1 to the end of the section, which is recommended for repeal.
41	Juvenile offenders, reformatory for, in Prince Edward Island.....	Consolidated.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
24	Interest on mortgages on real estate.....	Consolidated.
43	Permanent building societies.....	Schedule B.
44	}	Not public general.
60		
76		

44 VICT.—1880-81.

1	Canadian Pacific railway.....	Schedule B.
2	Supplies.....	Effete; recommended for repeal.
3	Public loans.....	Superseded by the annual supply Act: recommended for repeal.
4	Currency, uniform, for Canada.....	Consolidated.
5	Judges, additional in Quebec, salaries of	"
6	Judges' salaries, increase of, Prince Edward Island.....	Consolidated, s. 1; remainder recommended for repeal.
7	Harbor commissioners of Montreal.....	Schedule B.
8	Savings banks in Ontario and Quebec.....	Consolidated.
9	Banking Act, amendment of.....	"
10	Customs duties Act, amendment of.....	Consolidated, except s. 5, which is recommended for repeal.
11	Customs Act amended.....	Repealed by 46 V., c. 12, s. 3.
12	Canadian Pacific railway, drawback on material for.....	Repealed by 45 V., c. 7, s. 5.
13	Naturalization Act.....	Consolidated, except s. 2; the last paragraph of s. 32 from the beginning to "section" in line 3; s. 36 and s. 45 from "Act" in line 2 to "shall" in line 3, all which are recommended for repeal.
14	Manitoba, extension of boundaries of.....	Consolidated, except the paragraph lettered (a) of s. 2 and s. 4, which are recommended for repeal.
15	Disputed territory, criminal justice Act of 1880 kept in force.....	Effete; recommended for repeal.
16	Dominion lands Acts, amendment of.....	Repealed by 46 V., c. 17, s. 126.
17	Indian Act, amendment of.....	Consolidated, except s. 8, which is repealed by 47 V., c. 27, s. 21.
18	Quebec military asylum.....	Schedule B.
19	Militia and defence Acts, amendment of.....	S. 2 is repealed by 45 V., c. 10, s. 1; remainder effete and recommended for repeal.
20	Navigation of Canadian waters.....	Consolidated, sub-s. 2 of s. 1; remainder recommended for repeal.
21	Steamboat Acts, amendment of.....	Repealed by 45 V., c. 35, s. 2.
22	General inspection Act, amendment of.....	Consolidated.
23	Petroleum inspection Act.....	Consolidated, except ss. 2 and 9, which are recommended for repeal.
24	Railway consolidated Act, amendment of.....	Consolidated, except ss. 4 and 5, which are recommended for repeal.
25	Government railway Acts, consolidation of.....	Consolidated, except sub-s. 15 of s. 5 from "Act" in line 12 to the end of the sub-section; s. 26; sub-s. 1 of s. 90; s. 105; s. 112 from "years" in line 21 to the end of the section; s. 120 from "penalty" where it first occurs in line 12 to the end of the section, and s. 123, all which are recommended for repeal.
26	Telegraph operators.....	Consolidated, except ss. 7 and 8, which are recommended for repeal.
27	Insolvent Acts, amendment of.....	Recommended for repeal.
28	Documentary evidence.....	Consolidated.
29	Better prevention of crime Act.....	Effete; recommended for repeal.
30	Prize fighting.....	Consolidated.
31	Vagrants, sentences on.....	"
32	Andrew Mercer reformatory and central prison, Ontario.....	"
33	Canada and Asia marine telegraph.....	Expired.
34	}	Not public general.
10		
63		

ACTS OF THE DOMINION OF CANADA.—Continued.

Clasp.	Subject Matter.	Remarks.
45 VICT.—1882.		
1	Duties on bills, notes and drafts, repeal of.	Recommended for repeal.
2	Supplies.....	Effete; recommended for repeal.
3	Representation in House of Commons.....	Consolidated, except sub-s. 5 of s. 4, and sub-s. 2 of s. 5, which are recommended for repeal.
4	Civil Service Act.....	Ss. 3, 5, 6, 7 and 13 are repealed by 46 V., c. 7, ss. 1, 2, 3, 4 and 5, respectively; ss. 25 and 31 are repealed by 47 V., c. 15, ss. 2 and 3, respectively; ss. 34, 36 and 39 are repealed by 46 V., c. 7, ss. 6, 7 and 8, respectively; s. 49 is repealed by 47 V., c. 15, s. 5; s. 54 and sub-s. 3 of s. 55 are repealed by 46 V., c. 8, s. 16; so much of Schedule B as relates to Customs, Inland Revenue and Railway Mail Clerks is repealed by 46 V., c. 7, s. 14; so much of the said Schedule as relates to departments generally is repealed by 46 V., c. 7, s. 9; and the remainder is repealed by 48-49 V., c. 46, s. 60.
5	Subsidy to Manitoba.....	Consolidated.
6	Customs Duties Act, amending.....	Consolidated, except s. 6, which is recommended for repeal.
7	Drawback of customs duties on Canadian Pacific Railway articles.....	S. 5, recommended for repeal; remainder Schedule B.
8	Inland Revenue Act, amending.....	Repealed by 46 V., c. 15, s. 333.
9	Newspapers, abolition of postage.....	Consolidated, except s. 2, which is recommended for repeal.
10	Militia Act, amendment.....	Repealed by 46 V., c. 11, s. 99.
11	Salaries of judges, amending Act.....	Consolidated.
12	County court judges removal from office. pensions.....	Consolidated, except s. 9, which is recommended for repeal.
13	Bank of Upper Canada, debt of.....	Schedule B.
14	Subsidies to certain railways.....	"
15	Intercolonial and Prince Edward Island railway branch lines.....	"
16	Intercolonial Railway, Windsor branch.....	"
17	Dry docks, encouraging erection of.....	"
18	Sea fisheries, encouraging development of.....	Consolidated.
19	Fishing vessels, exemption from duties.....	Recommended for repeal.
20	Extradition, amending Act of 1877.....	Consolidated.
21	Fugitive Offenders Act.....	Consolidated, except the third paragraph of s. 16, and s. 17, which are recommended for repeal.
22	Patent Act, amendment of.....	Consolidated.
23	Insolvent banks, insurance and other companies, winding up of.....	Consolidated, except s. 1, which is repealed by 47 V., c. 39, s. 1; sub-s. 2 of s. 77, which is repealed by 47 V., c. 9, s. 5; ss. 99, 100, 101 and 102, which are repealed by 47 V., c. 39, s. 7; s. 7, and s. 69 from "proceeding" in line 11 to "Act" in line 15, ss. 94 and 96, and s. 115 from "order" in line 6 to the end of the first paragraph, all which are recommended for repeal.
24	Building societies and loan companies, Ontario, amending Act.....	Schedule B.
25	General Inspection Act, amendment of.....	Recommended for repeal.
26	Petroleum Inspection Act, amendment of.....	Consolidated, s. 1; remainder recommended for repeal.
27	Dominion Lands Act, amendment of.....	Effete, recommended for repeal.
28	North-West Territories Act, amendment of.....	" "
29	North-West Mounted Police Act, amendment of.....	Consolidated, except so much of s. 1 as prescribes a form of oath of allegiance, which is recommended for repeal.
30	Indian Act of 1880, amendment of.....	Consolidated, except s. 2, which is recommended for repeal.
31	Criminal justice in disputed territory extending Act.....	Effete; recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
32	Pilotage Act, amendment of other Acts...	Consolidated.
33	Seamen's Act of 1873, amendment of.....	Consolidated, except s. 4, which is recommended for repeal.
34	Maritime jurisdiction Act amendment, and as to recovery of seamen's wages	Consolidated, except ss. 3 and 4, which are recommended for repeal.
35	Inspection of steamboats consolidation....	Consolidated, except sub-s. 2 of s. 32, which is repealed by 49 V., c. 34, s. 12; so much of s. 45 as requires that the certificate of any engineer shall be subject to renewal yearly or otherwise, or authorizes the Board of Inspection to grant any such certificate, which is repealed by 49 V., c. 34, s. 15, and s. 2, sub-s. 2 of s. 7, and s. 69, which are recommended for repeal.
36	Lighthouses, buoys and beacons.....	Consolidated.
37	Bridges over navigable streams.....	Consolidated, except s. 5, which is repealed by 48-49 V., c. 6, s. 1, and ss. 3, 4, 7, 8, 9 and 10, which are repealed by 49 V., c. 35, s. 9.
38	Better prevention of crime Act, extending	Effete; recommended for repeal.
39	Firearms, improper use of, Act amending	Consolidated.
40	Telegraph, definition of the word.....	Consolidated, s. 1; remainder recommended for repeal.
41	Railway passenger tickets.....	Consolidated, except s. 11, which is recommended for repeal.
42	Marriage with deceased wife's sister.....	Schedule B.
43	Trinity house and harbor commissioners, Montreal.....	"
44	St. Lawrence, improvement of.....	"
45	Port warden, Montreal, consolidating Act.....	"
46	Port wardens generally, Act amending general Act.....	Consolidated, except s. 3, which is recommended for repeal.
47	Quebec harbor amending Act.....	Schedule B.
48	Harbor and river police, Province of Quebec.....	Consolidated, except s. 12, which is recommended for repeal.
49	Harbor master, Halifax, Act amended....	Schedule B.
50	Harbor of North Sydney, N.S., Act amended.....	"
51	Harbor of St. John, N.B., Act relating to	"
52	Harbor of Three Rivers, Act as to improvement of.....	S. 6 repealed by 48-49 V., c. 76, s. 4; remainder, Schedule B.
53	Canadian Pacific Railway.....	Schedule B.
54	Canada and Asia marine telegraph.....	Effete; recommended for repeal.
55	Chignecto Marine Railway.....	Schedule B.
56 to 127	.....	Not public general.

46 VICT.—1883.

1	Interpretation Act amended.....	Consolidated, except s. 2 from "administered" in line 20 to "perjury" in line 26, which is recommended for repeal.
2	Supplies.....	Effete; recommended for repeal.
3	Loan for public service.....	Superseded by annual supply Act; recommended for repeal.
4	Elections Act amended.....	Consolidated.
5	Public Works and Railways and Canals..	"
6	Indian Act amended.....	Consolidated, s. 1; remainder recommended for repeal.
7	Civil Service Act amended.....	S. 7 is repealed by 47 V., c. 15, s. 4; and the remainder is repealed by 48-49 V., c. 46, s. 60.
8	Civil service superannuation.....	Consolidated, except s. 13, which is recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Char.	Subject Matter.	Remarks.
9	Judges of provincial courts.....	Consolidated, except s. 1, which is repealed by 49 V., c. 6, s. 2.
10	High court of justice for Ontario.....	Consolidated.
11	Militia and defence.....	Consolidated, except s. 76 from "offence" in line 10 to the end of the section; sub-s. 2 of s. 97, s. 99 and the Schedule, which are recommended for repeal.
12	Customs Act.....	Consolidated, except ss. 86, 153 and 188, which are repealed by 47 V., c. 29, ss. 3, 2 and 1 respectively; and ss. 2, 3 and 5, s. 11 from "law" in line 11 to the end of the section; sub-s. 1 of s. 12, s. 169, s. 236 from "altered" in line 7 to the end of the section; s. 237; s. 238 from "same" in line 9 to the end of the section, and the schedule, all which are recommended for repeal.
13	Duties of Customs.....	Consolidated, except s. 5, which is repealed by 48-49 V., c. 61, s. 9; and ss. 4, 7 and 8, which are recommended for repeal.
14	Manufacture of pig iron.....	Schedule B.
15	Inland Revenue Act.....	Consolidated, except s. 33 from "day" in line 5 to the end of the section, which is repealed by 49 V., c. 39, s. 2; ss. 51 and 52, which are repealed by 48-49 V., c. 62, s. 2; s. 62, which is repealed by 48-49 V., c. 62, s. 27; s. 81, which is repealed by 48-49 V., c. 62, s. 4; ss. 99 and 108, which are repealed by 48-49 V., c. 62, s. 27; sub-s. 4 of s. 126, which is repealed by 48-49 V., c. 62, s. 8; sub-s. 1 and 2 of s. 143, which are repealed by 49 V., c. 39, s. 6; s. 162, which is repealed by 48-49 V., c. 62, s. 10; s. 177, which is repealed by 48-49 V., c. 62, s. 11; sub-s. 2 of s. 212, which is repealed by 48-49 V., c. 62, s. 12; s. 215, which is repealed by 48-49 V., c. 62, s. 13; s. 226, which is repealed by 49 V., c. 39, s. 8; the paragraph marked (l) of s. 237, which is repealed by 48-49 V., c. 62, s. 27; the seventh, eighth, ninth and tenth paragraphs of s. 248, which are repealed by 48-49 V., c. 62, s. 14; the paragraphs marked (a), (d) and (h) of sub-s. 1 and the first paragraph of sub-s. 2 of s. 250, which are repealed by 48-49 V., c. 62, s. 15; sub-s. 3 of s. 253, which is repealed by 48-49 V., c. 62, s. 16; s. 260, which is repealed by 48-49 V., c. 62, s. 17; ss. 265 and 266, which are repealed by 48-49 V., c. 62, s. 18; s. 269, which is repealed by 48-49 V., c. 62, s. 19; s. 277, which is repealed by 48-49 V., c. 62, s. 27; sub-ss. 1 and 2 of s. 287, which are repealed by 48-49 V., c. 62, s. 21; s. 288, which is repealed by 48-49 V., c. 62, s. 22; the last paragraph of s. 309, which is repealed by 48-49 V., c. 62, s. 23; ss. 312, 316, 330 and 332, which are repealed by 48-49 V., c. 62, ss. 24, 25, 26 and 27 respectively; and sub-s. 1 of s. 31, s. 264 from "council" in line 4 to the end of the section, and ss. 274, 318 and 333, all which are recommended for repeal.
16	Tolls on Government works.....	Consolidated, except s. 2 from the beginning to "works" in line 4, which is recommended for repeal.
17	Dominion lands.....	Consolidated, except sub-ss. 3 and 4 of s. 2, which are repealed by 49 V., c. 27, s. 2; sub-ss. 1, 2, 3, 4 and 6 of s. 29, which are repealed by 49 V., c. 27, s. 4; sub-s. 5 of s. 29, which is repealed by 47 V., c. 25, s. 1; sub-s. 4 of s. 33, which is repealed by 47 V., c. 25, s. 3; ss. 37 and 38, which are repealed by 49 V., c. 27, ss. 8 and 9 respectively; s. 39, which is repealed by 47 V., c. 25, s. 4; the first two lines of s. 83, which are repealed by 49 V., c. 27, s. 11; ss. 88 and 89, which are repealed by 49 V., c. 27, s. 12; sub-s. 1 of s. 91, which is repealed by 49 V., c. 27, s. 13; s. 92, which is repealed by 49 V., c. 27, s. 14; ss. 95, 96 and

ACTS OF THE DOMINION OF CANADA.—Continued.

Clamp.	Subject Matter.	Remarks.
		97, which are repealed by 49 V., c. 27, s. 15; s. 99, sub-s. 1 of s. 101, s. 102 and sub-s. 6 of s. 104, which are repealed by 49 V., c. 27, ss. 16, 17, 18 and 19 respectively; ss. 105 and 106, which are repealed by 49 V., c. 27, s. 20; s. 109, which is repealed by 49 V., c. 27, s. 21; and sub-s. 7 of s. 1, s. 79, s. 81 from "Indians" in line 3 of paragraph (a) to the end of the paragraph; ss. 84 and 86, s. 107 from "Surveyor-General" in line 8 to "accordingly" in line 13, s. 126 and forms E and L in the schedule, all which are recommended for repeal.
18	Post Office Act amended.....	Consolidated.
19	Patent Act amended.....	"
20	Bank Act amended.....	Consolidated, except s. 10, which is recommended for repeal.
21	Duty on bills and notes.....	Schedule B.
22	Bills and notes in Prince Edward Island..	Consolidated, except s. 1, which is recommended for repeal.
23	Insolvent banks and corporations.....	Consolidated.
24	Railway Act, amended.....	Consolidated, except s. 4 from "therefor" in line 3 to "Majesty" in line 35, which is repealed by 47 V., c. 11, s. 3; the paragraph marked (b) of s. 11, which is repealed by 47 V., c. 11, s. 4; and sub-s. 3 of s. 6, which is recommended for repeal.
25	Subsidies for construction of railways....	Schedule B.
26	Advances to St. John Bridge, &c., Company.....	"
27	Fishing by foreign vessels.....	Consolidated.
28	Certificates to masters and mates.....	Consolidated, except s. 19, which is recommended for repeal.
29	General Inspection Act amended.....	Consolidated, except s. 2, which is repealed by 48-49 V., c. 66, s. 19.
30	Liquor License Act.....	<i>The Judicial Committee of the Privy Council have decided that this Act is ultra vires the Parliament of Canada.</i>
31	Aliens in Manitoba.....	Recommended for repeal.
32	Fraud in relation to contracts.....	Consolidated.
33	Continuing Acts.....	Effete; recommended for repeal.
34	Criminal Procedure.....	Consolidated.
35	Evidence, foreign tribunals.....	"
36	Lotteries.....	"
37	Penitentiaries.....	Consolidated, except s. 14 from "obey" in line 13 to the end of the section, s. 80 and schedule B, which are recommended for repeal.
38	Ship channel, River St. Lawrence.....	Schedule B.
39	Quebec harbor commissioners.....	"
40	Quebec graving dock.....	"
41	Harbor of Three Rivers.....	"
42	Harbor of Pictou.....	"
43	Works in navigable waters.....	Consolidated, s. 1; s. 4, is repealed by 49-49 V., c. 6, s. 1; remainder is repealed by 49 V., c. 35, s. 9.
44	Works in navigable waters.....	Repealed by 49 V., c. 35, s. 9.
45	Canada and Asia marine telegraph.....	Effete; recommended for repeal.
46 } 10 } 98 }		Not public general.

47 VICT.—1884.

1	Canadian Pacific Railway.....	Schedule B.
2	Supplies.....	Effete; recommended for repeal.
3	Loan for public service.....	Superseded by annual supply Act; recommended for repeal.
4	Subsidies to provinces.....	Consolidated, except s. 4, which is recommended for repeal.
5	Agreement with Nova Scotia.....	Schedule B.

ACTS OF THE DOMINION OF CANADA.—*Continued.*

Chap.	Subject Matter.	Remarks.
6	Railway lands in British Columbia	Consolidated, s. 11 (except sub-s. 5, which is recommended for repeal) and s. 12; remainder Schedule B.
7	Aid to schools, Manitoba	Effete; recommended for repeal.
8	Subsidies to railways.....	Schedule B.
9	Quebec tidal dock.....	"
10	Quebec graving dock.....	"
11	Railway Act amended	Consolidated, except s. 5, which is recommended for repeal.
12	County Judge, Cariboo.....	Consolidated.
13	Additional Judge of Queen's Bench, Manitoba.....	"
14	Independence of Parliament.....	Consolidated, except ss. 2 and 3, and the last paragraph of s. 4, which are recommended for repeal.
15	Civil Service Acts amended	Repealed by 48-49 V., c. 46, s. 60.
16	Public Works Act amended.....	Consolidated.
17	Fortifications and military buildings.....	"
18	Department of Marine and Fisheries.....	Consolidated, except s. 4, which is recommended for repeal.
19	Masters and mates and shipping of seamen.....	Consolidated.
20	Steamboat inspection.....	Effete and recommended for repeal.
21	Sick and distressed mariners.....	Consolidated.
22	Investigation into shipwrecks.....	Consolidated, s. 1; remainder recommended for repeal.
23	North-West Territories Act, amended.....	Consolidated, except s. 1, which is repealed by 49 V., c. 26, ss. 2 and 140; ss. 2 and 6 which are repealed by 49 V., c. 25, s. 32; s. 9, which is repealed by 48-49 V., c. 51, s. 7; and s. 10, which is recommended for repeal.
24	Territory in dispute between Canada and Ontario.....	S. 3 recommended for repeal; remainder, Schedule B.
25	Dominion lands Act amended.....	Consolidated, except ss. 1 and 4, which are repealed by 49 V., c. 27, ss. 4 and 10 respectively, and s. 8, which is recommended for repeal.
26	Claims to lands in Manitoba.....	Consolidated, s. 1; remainder recommended for repeal.
27	Indian Act amended.....	Consolidated, except s. 25, which is recommended for repeal.
28	Indian advancement.....	Consolidated.
29	Customs Act amended.....	Consolidated, except ss. 3 and 4, which are recommended for repeal.
30	Duties of customs.....	Consolidated, except ss. 3 and 5, which are recommended for repeal.
31	Temperance Act amended.....	Consolidated, s. 1; remainder recommended for repeal.
32	Liquor license Act amended.....	<i>The Judicial Committee of the Privy Council have decided that this Act is ultra vires the Parliament of Canada.</i>
33	General inspection Act amended	Consolidated, except ss. 2, 3 and 4, which are repealed by 48-49 V., c. 66, s. 19.
34	Adulteration of food and drugs.....	Repealed by 48-49 V., c. 67, s. 31.
35	Gas inspection Act amended.....	Consolidated, except s. 1 from "stamped" in line 5 to the end of the section, which is recommended for repeal.
36	Weights and measures Act amended.....	Consolidated, except s. 4, which is repealed by 48-49 V., c. 63, s. 4.
37	Agricultural fertilizers.....	Repealed by 48-49 V., c. 68, s. 16.
38	Fraud as to sale of patent rights	Consolidated.
39	Insolvent banks and corporations.....	Consolidated, except s. 8, which is recommended for repeal.
40	Building societies and loan companies, Ontario.....	Schedule B.
41	Speedy trials, Manitoba.....	Consolidated.
42	Criminal law, B.C.....	"
43	Summary convictions.....	Consolidated, except s. 3, which is recommended for repeal.
44	Removal of prisoners.....	Consolidated, except ss. 4 and 5, which are recommended for repeal.
45	Halifax reformatory.....	Consolidated.
46	}	Not public general.
107		

ACTS OF THE DOMINION OF CANADA.—Continued.

Clmp.	Subject Matter.	Remarks.
48-49 VICT.—1885.		
1	Deputy Speaker, House of Commons.....	Consolidated, except s. 4, which is recommended for repeal.
2	Department of Secretary of State.....	Consolidated.
3	Census, Manitoba and North-West Territories.....	Schedule B.
4	Advances to the provinces.....	Consolidated.
5	Construction of dry docks.....	Schedule B.
6	Bridges, booms and other works.....	Repealed by 49 V., c. 35, s. 9.
7	Explosive substances.....	Consolidated, except ss. 15 and 16, which are recommended for repeal.
8	}	Not public general.
10		
39		
40	Electoral Franchise.....	Consolidated, except the definitions of owner (elsewhere than in Quebec), occupant, father, mother, farmer's son, son of an owner of real property, and actual value or value in s. 2, which are repealed by 49 V., c. 3, s. 1; ss. 3 and 4, which are repealed by 49 V., c. 3, s. 2; ss. 5, 8, 33 and 48 and Form B in the schedule, which are repealed by 49 V., c. 3, ss. 3, 5, 10, 13 and 14 respectively; the definition of "section" in s. 2, sub-s. 2 of s. 2, s. 10 from "Canada" in line 3 to the end of the section, ss. 15-32, s. 57 from the beginning to "eighty-six" in line 6, and ss. 58, 59, 61 and 63, which are recommended for repeal.
41	Supplies.....	Last paragraph of items under heading "Miscellaneous" in Schedule A consolidated; remainder recommended for repeal.
42	Expenses, troubles in North-West Territories.....	Effete; recommended for repeal.
43	Loan for public service.....	Superseded by annual supply Act, and recommended for repeal.
44	Colonial exhibition.....	Schedule B.
45	Library of Parliament.....	Consolidated, except ss. 4 and 5, which are recommended for repeal.
46	Civil service.....	Consolidated, except s. 60, which is recommended for repeal.
47	Treasury Board.....	Consolidated.
48	Proof of entries in books of account.....	"
49	Insurance Act amended.....	Repealed by 49 V., c. 45, s. 50.
50	Claims of Manitoba.....	Consolidated, except s. 3 from "dollars" where it occurs the second time in line 4 to the end of the section, and s. 8, which are recommended for repeal.
51	North-West Territories.....	Consolidated, except ss. 4 and 6, which are repealed by 49 V., c. 25, s. 32; and s. 8, s. 12 from the beginning to "confrined" in line 8, and s. 15, which are recommended for repeal.
52	Disputed Territory Act continued.....	Effete; recommended for repeal.
53	North-West Mounted police, increase.....	Consolidated.
54	North-West Mounted police, ranking of officers.....	"
55	County Judge, Manitoba.....	"
56	Salaries of judges.....	"
57	Canadian Pacific Railway.....	Schedule B.
58	Subsidies to railways.....	"
59	Subsidies to railways.....	"
60	Land subsidies to railways.....	"
61	Duties of customs.....	Consolidated, except ss. 8, 14 and 15, which are recommended for repeal.
62	Inland Revenue Act amended.....	Consolidated, except s. 8, which is repealed by 49 V., c. 39, s. 3; the second paragraph of s. 14, which is repealed by 48-49 V., c. 61, s. 10; ss. 21 and 22, which are repealed by 49 V., c. 39, ss. 10 and 11, respectively; and sub-s. 2 of s. 14, and s. 27, which are recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—Continued.

Chap.	Subject Matter.	Remarks.
63	Canned goods	Consolidated, except s. 5, which is recommended for repeal.
64	Weights and measures	Consolidated.
65	Calling of timber	Consolidated, except ss. 2 and 3, which are recommended for repeal.
66	General inspection Act amended	Consolidated, except s. 19, which is recommended for repeal.
67	Adulteration of food, drugs, &c.	Consolidated, except ss. 31 and 32, which are recommended for repeal.
68	Agricultural fertilizers	Consolidated, except ss. 15, 16 and 17, which are recommended for repeal.
69	Inspection of gas	Consolidated.
70	Contagious diseases of animals	Consolidated, except s. 13, which is repealed by 49 V., c. 43, s. 1; and s. 47, which is recommended for repeal.
71	Chinese immigration	Consolidated, except s. 13 from "Act" in line 3 to the end of the section, and s. 23, which are recommended for repeal.
72	Militia Act amended	Consolidated.
73	Militia land grant	Schedule B.
74	Liquor licenses	Effete; recommended for repeal.
75	Steamboat inspection	Consolidated.
76	Harbor commissioners, Three Rivers	Schedule B.
77	Harbor of Quebec	"
78	Harbor master, Halifax	"
79	Central prison, Ontario	Consolidated.
80	Peace in vicinity of public works	Consolidated, except s. 6, which is recommended for repeal.
81	Employment of prisoners	Consolidated.
82	Offences against the person	"
83	Bank of British Columbia	"
84	Commercial Bank of Windsor	Consolidated, except s. 2, which is recommended for repeal.
85 )	.....	Not public general.
to)		
95)		

49 VICT.—1886.

1	Supplies	Temporary.
2	Interpretation Act amended	Ss. 1 and 3 consolidated; s. 2 is recommended for repeal
3	Electoral Franchise and Elections Acts amended	Consolidated except ss. 4, 13, 18 and 19 which are recommended for repeal.
4	Respecting Revised Statutes	<i>In compliance with s. 13, this Act is printed with the Revised Statutes.</i>
5	Commissions to public officers	Consolidated.
6	Salaries of judges	S. 1 consolidated; s. 2 is recommended for repeal.
7	Letters patents for Indian lands	Consolidated.
8	Claims of Manitoba	"
9	Canadian Pacific Railway	S. 7 consolidated; remainder, Schedule B.
10	Subsidies to railways	Schedule B.
11	Land subsidies to railways	"
12	Railway land subsidy Act amended	"
13	Intercolonial Railway extension	"
14	Cape Breton Railway	"
15	Esquimalt and Nanaimo Railway	"
16	Carleton, City of St. John, Branch Railroad	"
17	Metapedia and Paspébiac Railway	"
18	Chignecto Marine Transport Railway	"
19	Harbor of Quebec	"
20	Cape Race Lighthouse	"
21	Post Office Act amended	Consolidated.
22	Department of Printing and Stationery	Consolidated, except s. 17, which is recommended for repeal.

ACTS OF THE DOMINION OF CANADA.—*Concluded.*

Chap.	Subject Matter.	Remarks.
23	Experimental Farm Stations.....	Consolidated.
24	Representation, N.W.T.....	Consolidated, except s. 68, and s. 69 from "Territories" in line 4 to the end of the section, which are recommended for repeal.
25	North-West Territories.....	Consolidated, except ss. 32 and 35, which are recommended for repeal.
26	Territories Real Property Act.....	Consolidated, except s. 140, which is recommended for repeal.
27	Dominion Lands.....	Consolidated, except ss. 1 and 23, which are recommended for repeal.
28	Lands, British Columbia.....	Consolidated.
29	Militia land grant.....	Schedule B.
30	Dunnville dam and bridge.....	"
31	Union Suspension bridge.....	"
32	Burlington Bay Canal.....	"
33	Relief of town of Cobourg.....	"
34	Steamboat Inspection.....	Consolidated, except ss. 4, 12 and 20, which are recommended for repeal.
35	Works on navigable waters.....	Consolidated, except s. 9 and the schedule, which are recommended for repeal.
36	Protection of navigable waters.....	Consolidated, except s. 8 and the schedule, which are recommended for repeal.
37	Duties of Customs.....	Consolidated, except ss. 6 and 7, which are recommended for repeal.
38	Bounty on pig iron.....	Schedule B.
39	Inland Revenue.....	Consolidated, except s. 1, which is recommended for repeal.
40	Weights and Measures.....	Consolidated.
41	Adulteration of food, &c.....	"
42	Sale of substitutes for butter prohibited ...	"
43	Contagious diseases of animals.....	"
44	Interest, British Columbia.....	Consolidated, except s. 3, which is recommended for repeal.
45	Insurance.....	Consolidated, except s. 50, which is recommended for repeal.
46	Insolvent companies.....	Consolidated.
47	Crown cases reserved.....	"
48	Fines and forfeitures.....	"
49	Summary proceedings before justices.....	"
50	Evidence.....	"
51	Offences against the person.....	"
52	Seduction and like offences.....	"
53	Dangerous openings.....	"
54	Halifax Juvenile Reformatory.....	"
55	}	Not public general.
101		
113	Fishing by foreign vessels.....	S. 1 is consolidated; remainder recommended for repeal.

APPENDIX No. 2.

TABLE

OF ACTS AND PARTS OF ACTS CONSOLIDATED, SHOWING WHERE EACH SECTION
OR PART OF A SECTION IS CONSOLIDATED.

CONSOLIDATED STATUTES OF CANADA, 1859.

FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
2	1	6	3 (3)	54	46	46 (3)	103	42 (3)	1373
	5	6	3 (3)	54		do (4)	103	3	1359
6	6	6	3 (3)	54	57	1	123	25	1654
	7	6	3 (3)	54		2	123	Schedule B.	1656
16	10, sub-s. 1.	6	3 (3)	54	58	3	123	11	1651
	40, sub-s. 2.	164	55 (1)	1912		3	127	1	1693
24	1 part.	55	3	873	61	6	127	10	1694
	do part.	55	4	873		8	127	2	1693
4	do part.	55	5	874	9 part.	9 part.	127	10	1694
	2 part.	55	1	873		do part.	127	11	1695
5	3 part.	55	2	873	6	6	128	1	1699
	4	55	4	873		10	128	2	1699
6	5	55	6	874	11	11	128	3	1699
	6	55	7	874		12	128	4	1699
7	7	55	8	874	13	13	128	5	1699
	8	55	9	874		24	128	7	1700
46	First Sched.	55	Schedule.	875	25 part.	25 part.	128	7	1700
	Second Sched.	55	Schedule.	875		do part.	128	8	1700
1	1	103	4	1359	26	26	128	9	1700
	2	103	5	1359		27	128	10	1700
3	3	103	6	1360	67	8	132	3	1749
	4	103	10	1360		9	132	4	1749
7	7	103	11	1361	14	14	132	5	1749
	8	103	12	1361		15	132	6	1749
9	9	103	13	1361	17	17	132	7	1750
	10	103	14	1361		18	132	8	1750
15	15	103	10	1360	19	19	132	9	1750
	16	103	16	1362		68	67	168	54	1975
21	21	103	23	1363	71	8	164	70	1918
	22	103	24	1363		77	107 part.	168	56	1976
23	23	103	25	1363	do part.	do part.	168	57	1976
	25	103	28	1364		7 part.	7 part.	165	36	1938
26	26	103	29	1364	82	15	152	1	1857
	27	103	30	1369		16	152	2	1857
28	28	103	31	1369	17	17	152	3	1857
	29 part.	103	34	1371		18	152	4	1858
34	34	103	22	1363	19	19	152	5	1858
	36	103	35	1371		20	152	6	1858
37	37	103	36	1371	21	21	152	7	1858
	38	103	37	1372		95	1	159	2	1879
39	39	103	38	1372	2	2	159	3	1879
	41	103	39	1372		3	159	4	1879
42	42	103	40	1372	4	4	159	5	1880
	43 part.	103	41	1372		6	159	6	1880
44	44	103	43	1373	7	7	159	1	1879
	45	103	44	1374		9	159	7	1880
46 (1)	46 (1)	103	42 (1)	1373	99	120	179	10	2181
	do (2)	103	42 (2)	1373		121	179	11	2181

Table of Acts and Parts of Acts Consolidated.

CONSOLIDATED STATUTES FOR UPPER CANADA, 1859.

FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
16	16 part.	165	35	1938	109	2	174	174	2044
	do part.	165	40	1939		3	174	175	2044
17	8	174	272	2067		4	174	176	2044
26	19	173	27	1998		5	174	177	2044
	20	173	28	1998		6 part.	174	174	2044
31	139	174	247	2061	112	1	174	259	2064
	166	173	30	1999		2	174	260	2065
32	18	174	217	2054		3	174	261	2065
42	1	123	26	1654		4	174	262	2065
	5	123	16 (1)	1652		5	174	263	2066
	6	123	16 (2)	1652		6	174	264	2066
	7	123	4	1650		Schedule.	174	Third Sched.	2096
	8	123	17	1652	113	16	174	265	2066
	11	123	19	1653		17	174	267	2066
	12	123	20	1653	117	1	179	8 (1)	2180
	13	123	21	1654		2 part.	179	8 (2)	2180
	15	123	22	1654		do part.	179	9	2181
	16	123	23	1654		3	179	8 (1)	2180
	19	123	18	1653		do	179	8 (3)	2180
	21 part.	123	24	1654		4 part.	179	8 (3)	2180
	do part.	123	Schedule A.	1655		do part.	179	9	2181
	22	123	25	1654		5	179	9	2181
43	4 part.	127	10	1694		6 part.	179	12	2181
	do part.	127	11	1695		7	179	13	2182
78	7 part.	180	5	2188		8	179	14	2182
93	4 part.	168	56	1976		9	179	15	2182
	do part.	168	57	1976		10	179	16	2183
94	1	144	1	1829		11	179	17	2183
102	1	161	1	1885		12	179	18	2183
	2	161	1	1885		13	179	19	2183
	3 part.	161	3 (1)	1885		14	179	20	2183
	4 part.	161	3 (2)	1885		Form.	179	Schedule.	2185
108	1	174	273	2068	128	100	174	14 (1)	2004
	2	174	274	2068		101	174	14 (2)	2005
	4	174	275	2068		104	43	112	682
109	1	174	173	2044		105	174	14 (3)	2005

CONSOLIDATED STATUTES FOR LOWER CANADA, 1860.

37	113	164	93	1924	64	Schedule No. 8.	123	Form H.	1661
	114	164	94	1924		do 9.	123	Form I.	1661
46	1	164	95 (1)	1924		do 10.	123	Form J.	1662
	2	164	95 (2)	1924	75	1 part.	6	3 (3)	54
60	1	90	1	1237	77	56	174	265	2066
	2	90	2	1237		57 part.	174	2	2001
63	8	104	17	1379		do part.	174	259	2064
	9	104	17	1379		58 part.	174	260	2065
64	5	123	4	1650		do part.	174	261	2065
	21	123	28	1655		59	174	262	2065
	22	123	29	1655		60	174	263	2066
	23	123	30	1655		61	174	264	2066
	Sched. of Fees.	123	Schedule B.	1656		62	174	267	2066
	Schedule No. 1.	123	Form A.	1657		Schedule A.	174	Third Sched	2096
	do 2.	123	Form B.	1657	80	6	174	15	2005
	do 3.	123	Form C.	1658	105	2	174	174	2044
	do 4.	123	Form D.	1658	106	1	179	23	2185
	do 5.	123	Form E.	1659		2	179	22	2184
	do 6.	123	Form F.	1659	108	1 part.	180	5	2188
	do 7.	123	Form G.	1660		2	180	5	2188

Table of Acts and Parts of Acts Consolidated.

3

STATUTES OF THE LATE PROVINCE OF CANADA.									
23 VICTORIA, 1860.					28 VICTORIA, 1865 (FIRST SESSION).				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
1	1 (1)	6	3 (3)	54	9	1	6	3 (3)	54
	do (2)	6	3 (3)	54		2	6	3 (3)	54
	do (3).	6	3 (3)	54	10	1	6	3 (3)	54
	5 part.	6	3 (3)	54					
2	33	173	14	1995					
22	1	55	Schedule.	876					
34	1	127	10	1694					
36	1	159	8	1880					
25 VICTORIA, 1862.					29 VICTORIA, 1865 (SECOND SESSION).				
50	1	6	3 (3)	54	28	20 part.	164	91	1923
					55	1 part.	6	3 (3)	54
26 VICTORIA, 1863 (FIRST SESSION).					29-30 VICTORIA, 1866.				
7	1 part.	6	3 (3)	54	46	1	174	171	2043
						2	174	172	2044
					51	52	174	13 (1)	2004
						53	174	13 (2)	2004
						55	174	13 (3)	2004
						187	164	55	1912
						188 part.	164	56	1913
						do part.	168	55	1975
						do part.	174	117	2031
27-28 VICTORIA, 1864.									
28	31 part.	173	29	1998					
43	2	173	31	1999					
54	1	6	3 (3)	54					
REVISED STATUTES OF NOVA SCOTIA (3RD SERIES).									
23	3	70	8	999	162	9	157	8 (1) (g)	1873
	5	70	9	999	171	75	174	277	2068
123	17	174	276	2068		99 part.	174	2	2001
135	41 part.	174	217	2054		do part.	174	259	2054
161	3	161	1	1885			174	260	2065
162	5	147	11	1839			174	261	2065
	6	147	10	1839			174	262	2065
	7	147	14	1840			174	263	2066
	8	148	8	1842		Schedule.	174	Third Sched.	2096
REVISED STATUTES OF NOVA SCOTIA (2ND SERIES) NOT REPEALED BY R. S. N. S. (3RD S.)									
82	2 part.	127	12	1695	82	2 part.	127	17	1696
STATUTES OF NOVA SCOTIA SUBSEQUENT TO THE REVISED STATUTES (3RD SERIES).									
28 VICTORIA, 1865.					29 VICTORIA, 1866.				
10	5	123	4	1650	12	15 part.	180	5	2198

Table of Acts and Parts of Acts Consolidated.

REVISED STATUTES OF NEW BRUNSWICK, VOL. I.

FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
17	3 part.	128	1	1699	157	2	179	2	2179
	4 part.	128	2	1699		3	179	3	2179
	do part.	128	3	1699		4	179	4	2179
	do part.	128	4	1699		5	179	5	2179
116	4	123	4	1650		6	179	6	2180
140	2	180	5	2188	159	22 part.	174	2	2001
146	2	161	1	1885		do part.	174	259	2064
	3	161	3	1885		23 part.	174	260	2065
	6	147	11	1839		do part.	174	261	2065
147	7	147	12	1839		do part.	174	262	2066
	8	147	13	1840		24	174	264	2066
	9	147	14	1840		Form U.	174	Third Sched	2096
	10	148	8	1842	160	1	174	267	2066
157	1	179	1	2179					

STATUTES OF NEW BRUNSWICK SUBSEQUENT TO THE REVISED STATUTES.

19 VICTORIA, 1856.					22 VICTORIA, 1859—Continued.				
41	2 part.	174	217	2054	21	2 part.	127	20	1696
						3	127	21	1696
						4	127	22	1697
						6	127	23	1697
					22	4	123	10	1651
22 VICTORIA, 1859.									
21	2 part.	127	19	1696					

REVISED STATUTES OF BRITISH COLUMBIA, 1871.

69	2	164	98 (1)	1925	143	83	164	97 (2)	1924
	3	164	98 (2)	1925		85	164	97 (3)	1924
	4	164	98 (1)	1925	157	99 part.	164	56	1913
70	2 part.	144	2	1829		do part.	168	55	1975
89	14	161	3	1885		100 part.	164	56	1913
143	81	164	97 (1)	1924		do part.	168	55	1975
	82 part.	164	97 (1)	1924	162	9	164	70	1918

REVISED STATUTES OF PRINCE EDWARD ISLAND.

16 VICTORIA, 1853.					24 VICTORIA, 1861—Continued.				
12	13	174	217	2054	31	3	163	8	1898
17 VICTORIA, 1854.					27 VICTORIA, 1864.				
13	1 part.	183	75	2241	6	1	123	9	1651
	do part.	183	76	2241		2	123	4	1650
	do part.	183	77	2242					
24 VICTORIA, 1861.					31 VICTORIA, 1868.				
31	1	163	6	1898	8	2	127	29	1698
	2	163	7	1898		3	127	30	1698
						4	127	30	1698

ACTS OF THE DOMINION OF CANADA.

31 VICTORIA, 1867-68.					31 VICTORIA, 1867-68—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
1	1	1	3	2	3	4	11	26	186
	2	1	4	2		5	11	29	186
	3	1	2	1		6	11	30	186
	4	1	5	2		7	11	31	186
	6 (1)	1	7 (1)	2		8	11	32	187
	do (2)	1	7 (3)	3		9	11	33	187
	do (3)	1	7 (4)	3		Sched. Form A.	11	Form C.	187
	do (4)	1	7 (5)	3	7	8	32	171	343
	7 (1)	1	7 (6)	3	12	8	36	31	563
	do (2)	1	7 (7)	3		do	37	26	572
	do (3)	1	7 (8)	3		9	36	33	564
	do (4)	1	7 (9)	3		do	37	22	571
	do (5)	1	7 (10)	3		10 part.	36	7	556
	do (6)	1	7 (11)	3		do part.	37	1	565
	do do part.	1	7 (12)	3		do part.	39	2	566
	do do part.	1	7 (16)	4		do part.	40	1	603
	do (7) part.	1	7 (17)	4		11	36	7	556
	do do part.	1	7 (18)	4		12	36	32	563
	do (8)	1	7 (19)	4		do	37	21	571
	do (9)	1	7 (20)	4		14	36	7	556
	do (10)	1	7 (21)	4		15 part.	36	9	557
	do (11)	1	7 (22)	4		do part.	36	10	557
	do (12)	1	7 (23)	4		do part.	37	7	567
	do (13)	1	7 (24)	4		do part.	37	8	567
	do (14)	1	7 (25)	4		17	36	11	557
	do (15)	1	7 (26)	4		do	37	9	567
	do (17)	1	7 (30)	5		18	36	12	558
	do (18)	1	7 (31)	5		do	37	10	567
	do (19)	1	7 (32)	5		19	36	37	564
	do (20)	173	25 (1)	1998		do	37	25	572
	do (21)	173	25 (2)	1998		26	36	13	558
	do (22)	180	1	2187		do	37	11	567
	do (23)	180	4	2187		21	36	14	558
	do (24)	1	7 (33)	5		do	37	12	568
	do (25) part.	1	7 (34)	5		22	39	3 (a)	594
	do do part.	1	7 (35)	5		23	39	9	597
	do do part.	1	7 (36)	5		24 part.	39	3 (b)	594
	do do part.	1	7 (37)	6		do part.	39	3 (c)	594
	do (26)	1	7 (38)	6		25	39	3 (c)	594
	do (27)	1	7 (39)	6		26	39	18	601
	do (29)	1	7 (41)	6		27	39	10	598
	do (30)	1	7 (43)	6		28	39	10	598
	do (31)	1	7 (44)	7		29	39	3 (d)	594
	do (32)	1	7 (45)	7		30	39	4	595
	do (33)	1	7 (46)	7		31 part.	40	2	603
	do (34)	1	7 (47)	7		do part.	40	5	604
	do (36)	1	7 (52)	8		32	40	3	604
	do (37)	1	7 (53)	8		33	40	4	604
	do (38) part.	1	7 (54)	8		34 part.	39	10 (2)	598
	do do part.	1	7 (55)	8		do part.	40	6	604
	do (39)	1	7 (56)	8		do part.	40	9	605
	do (40)	1	7 (57)	9		do part.	40	12	606
	do (41)	1	9	9		35	40	10	606
	8	1	7 (42)	6		36	40	7	605
	9	2	8	12		37	40	8	605
	12	2	12	13		38	40	13	606
	13	2	13	13		39	40	15	607
	14	2	14	14		40	40	16	608
	16	1	1	1		41	40	17	608
3	2	11	26	185		42	40	14	607
	3	11	27	185		43	40	18	608

ACTS OF THE DOMINION OF CANADA—Continued.

31 VICTORIA, 1867-68—Continued.					31 VICTORIA, 1867-68—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
12	44	40	19	608	15	9	147	8	1839
	45	40	20	608		do	149	6	1844
	46	40	21	609	22	1	11	1	179
	47	40	22	609		2	11	2	179
	48 part.	40	22	609	23	1	11	3	179
	do part.	40	23	609		2	11	4	179
	49	41	7	612		3	11	5	180
	50	41	8	612		4	11	6	180
	51 part.	41	9	613		5	11	7	180
	52	36	15	558		6	11	8	180
	53	36	16	558	24	1	11	20	184
	54	36	17	559		2	11	21	184
	55	36	18	559		3	11	21	184
	56	36	19	560	27	1	13	11	194
	57	36	20	560		2	13	12	194
	58	36	21	560		4	13	13	194
	do	37	13 (1)	568		5	13	14	195
	59	37	13 (4)	568		7	13	15	195
	60	36	22	561		8 part.	13	10	194
	61 part.	36	21	560		do part.	13	11	194
	do part.	36	30	563		9	13	16	195
	do part.	37	13 (2)	568		10	13	17	196
	do part.	37	20	570		12 part.	11	31	186
	62	36	21	560		do part.	11	32	187
	do	37	13 (3)	568		do part.	11	33	187
	63	36	23	561	28	1	1	2	1
	do	37	14	569	32	1	29	3	266
	64	36	24	561		2	29	5	267
	65	36	25	561		3	29	4	267
	do	37	15	569		4	29	34	276
	66	36	26	561	33	1	3	1	15
	do	37	16	569		2 part.	4	1	17
	67 part.	36	27	562		do part.	138	16	1803
	do part.	37	17	569		3 part.	138	14	1803
	do part.	109	117	1517		do part.	138	16	1803
	68	36	28	562		Schedule part.	4	4	18
	do	37	18	570		do part.	4	5	18
	do part.	109	118	1517		do part.	4	6	18
	69	36	29	563		do part.	138	12	1801
	do	37	19	570	35	1	20	2	239
	do part.	109	118	1517		2 part.	36	7	556
	70 part.	36	36	564		3	20	3	239
	do part.	37	27	572		4	20	4	239
74	1 part.	146	6	1834		5	20	5	239
	do part.	146	7	1834		6	20	6	240
	do part.	146	8	1835		7	20	7	240
	2	146	6	1834		8	20	8	240
	3	146	7	1834		9	20	9	240
	4	146	8	1835		10	20	10	240
15	1 part.	147	4	1838		11	20	11	241
	do part.	147	5	1838		17	20	12	241
	do part.	147	6	1838		18	20	13	241
	2	147	7	1838	36	1	19	3	227
	3	149	2	1843		2	19	4	228
	4	149	3	1843		3	112	1	1533
	5	149	4	1844		4	112	2	1534
	6	149	5	1844		5	112	3	1534
	7 part.	185	1	2245	37	2	19	5	228
	do part.	185	3	2245		3	19	10	229
	do part.	185	5	2245		4	19	11	229
	8	149	7	1844		5	19	12	230

Table of Acts and Parts of Acts Consolidated.

7

ACTS OF THE DOMINION OF CANADA—Continued.

31 VICTORIA, 1867-68—Continued.					31 VICTORIA, 1867-68—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
37	6	19	13	231	59	4 part.	70	4	997
	7	19	14	232		do part.	70	10	999
	8	19	15	232		6	70	11	999
	9	19	16	233		7 part.	70	5	998
	10	19	17	233		do part.	70	10	999
	11	19	18	233		8	25	5	252
	12	19	19	233		12	70	6	998
	13	19	20	233		13	70	10	999
	14	19	21	233		14	70	7	998
	15	19	23	234	60	1 (1)	95	2	1257
	16	19	22	233		do (2)	95	3	1257
	Form A.	19	Form B.	236		2	95	4	1257
38	1 (1)	114	1	1553		3	95	22	1269
	do (2)	114	2	1553		4	95	5	1258
39	1	21	1	243		5	95	6	1258
	2	21	3	243		6	95	7	1258
	3	21	4	243		7 (2)	95	8 (2)	1258
	4	21	2	243		do (3)	95	8 (3)	1258
	5	21	2	243		do (4)	95	8 (4)	1259
42	1	26	1	253		do (5)	95	8 (5)	1259
	2	26	2	253		do (6)	95	8 (6)	1259
	3	26	3	253		do (7)	95	8 (7)	1259
	40	26	5	254		do (8)	95	8 (9)	1259
	41	26	6	254		do (9)	95	8 (10)	1259
43	1	32	3	302		do (10)	95	8 (11)	1259
	2	32	4	302		do (11)	95	8 (12)	1259
	3 (1)	32	5	302		8 (1) part.	95	9 (1) (d)	1260
	do (2)	34	5	414		do do part.	95	9 (2)	1260
	5	32	254	363		do do part.	95	9 (1) (a)	1260
44	11	33	6	366		do (2)	95	9 (4)	1260
45	2 part.	30	12	296		9 (1) part.	95	10 (1) (a)	1260
46	8 part.	31	2	297		do do part.	95	10 (1) (b)	1261
	do part.	31	9	299		do do part.	95	10 (1) (d)	1261
	13 part.	31	1	297		do do part.	95	10 (2)	1261
	14	165	22	1934		do (2)	95	10 (3)	1261
47	1	167	28	1961		do (3)	95	10 (4)	1261
	2	167	28	1961		10	95	11	1261
	3	167	29	1961		11	95	12	1261
	4	167	30	1962		12	95	13	1261
	5	167	31	1962		13	95	14	1262
	6	167	32	1962		14 (1)	95	15 (1)	1264
	7	167	33 (1)	1962		do (2)	95	15 (2)	1265
	8	167	33 (2)	1962		15	95	21	1268
	9	167	34	1962		16 (1)	95	18 (1)	1267
	10	167	1	1935		do (3)	95	18 (2)	1267
49	1	34	2	413		do (4)	95	18 (3)	1267
	2	34	3	413		do (5)	95	18 (4)	1267
	3	34	5	413		do (6) part.	95	18 (5)	1267
	4	34	4	413		do do part.	95	18 (6)	1267
	6	34	6	414		17	95	19	1267
53	1	24	1	249		18	95	17	1265
	2	24	2	249		19	95	16	1265
	1	24	3	249		23	95	20	1268
	5	24	4	249		24	95	1	1257
	6	24	5	249		Schedule A.	95	Schedule.	1270
	7	24	6	250		do B.	95	Schedule.	1270
57	1	25	1	251		do C.	95	Schedule.	1270
	2	25	2	251		do D.	95	Schedule.	1271
	5 part.	25	3	251		do E.	95	Schedule.	1271
	Schedule.	25	Schedule.	252	61	1	94	1	1251
59	1	70	1	997		2	94	2	1251

ACTS OF THE DOMINION OF CANADA—Continued.

31 VICTORIA, 1867-68—Continued.					31 VICTORIA, 1867-68—Concluded.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
61	4	94	4	1252	72	6	145	6	1832
	7	94	7	1253		7 part.	174	133	2035
	8	94	8	1253		do part.	174	138	2036
	9	94	9	1253		8	174	17	2006
	10	94	10	1253		9	145	7	1832
	11	94	11	1253	73	2	184	2	2243
	12	94	12	1254		3	184	6	2244
	13	94	13	1254		5	184	4	2244
	14	94	14	1254		6	184	5	2244
	15	94	15	1254		7	184	7	2244
	16	94	16	1254	74	1	174	97	2026
	17	94	17	1254		2	174	98	2026
	18	94	18	1254		3	174	99	2026
	19	94	19	1254	76	1	140	2	1809
	20	94	20	1255		2	140	3	1809
64	1	76	1	1105		3	140	4	1810
	2	76	1	1105		4	140	5	1810
	3 part.	76	2	1105		5 part.	140	6	1810
	do part.	76	3	1105		6 part.	140	1	1809
	4 part.	76	4 (1)	1105		do part.	140	7	1810
	do part.	76	4 (2)	1106		7	140	8	1810
	do part.	76	4 (7)	1107	78	1	6	3 (3)	54
	5	76	5	1107		2	6	3 (3)	54
	6	76	8	1108					
	7	76	6	1107					
	8	76	9	1108					
	9 part.	76	10	1108					
	do part.	76	11	1108					
	10	76	12	1108					
	11	76	13	1109					
	12	76	16	1109					
	13	76	14	1109					
	14	76	15	1109					
69	1	146	9	1835	1	3 part.	29	3	267
	2	146	1	1833	2	1	46	2	703
	3	146	2	1833	4	1	28	2	261
	4	181	5	2189		2	28	3	261
	5	146	3	1833		3 part.	28	8	262
	6	146	5	1834		4 part.	28	9	262
	7	174	106	2028		do part.	28	10	263
	8	174	186	2046	7	4	139	7	1806
	9 part.	145	1	1831	8	1	138	13	1801
	do part.	145	3	1831		4	138	16	1803
	do part.	145	5	1832		7	138	12	1801
70	1 part.	147	1	1837		8	138	16	1803
	do part.	147	2	1837	10	1	65	3	949
	2	147	1	1837		2 part.	65	4	950
	3	147	1	1837		3	65	9	952
	4	147	3	1838		4	65	11	953
	5	147	3	1838		5 (1)	65	10	952
	6	147	2 (1)	1837		do (2)	65	Schedule.	966
	7	147	2 (1)	1837		6	65	12	953
	8	147	2 (2)	1837		7	65	13	953
71	3	173	25	1998		8	65	14	953
	5	146	4	1834		9	65	15	954
72	1	145	1	1831		10	65	16	954
	2	145	2	1831		11	65	17	955
	3	145	3	1831		12	65	18	956
	4	145	4	1831		13	65	19	956
	5 part.	145	5	1832		14	65	20	956
	do part.	181	31	2194		15	65	21	957
						16	65	23	957

32-33 VICTORIA, 1869.

Table of Acts and Parts of Acts Consolidated.

9

ACTS OF THE DOMINION OF CANADA—Continued.

32-33 VICTORIA, 1869—Continued.					32-33 VICTORIA, 1869—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
10	17	65	25	958	12	44	118	44	1570
	18	65	26	958	15	1	116	1	1557
	19	65	27	958	17	1 part.	146	1	1833
	20	65	28	959		do part.	146	3	1833
	21	65	29	959		2	174	17	2006
	22	65	30	960	18	1 part.	167	1	1955
	23	65	34	961		do part.	167	2	1955
	24	65	40	963		2	167	3	1956
	25	65	41	963		3	167	4	1956
	26	65	42	964		4	167	5	1956
	27	65	43	964		5	167	6	1956
	28	65	44	965		6 part.	167	7	1956
	29	65	45	965		do part.	174	115	2030
	30	65	46	966		7	167	8	1957
	31 part.	65	2 (1) (d)	949		8	167	9	1957
	do part.	65	2 (1) (e)	949	9	167	10	1957	
	do part.	65	2 (1) (e)	949	10	167	11	1957	
	33	65	1	949	11	167	12	1957	
	12	1	118	1	1561	12	167	13	1957
		2	118	2	1561	13	167	14	1958
		3	118	3	1561	14	167	15	1958
		4	118	4	1562	15	167	16	1958
		5	118	5	1562	16	167	17	1958
		6	118	6	1562	17 part.	30	9	295
		7	118	7	1562	do part.	167	18	1958
		8	118	8	1562	18	167	19	1959
		9	118	9	1562	19	167	20	1959
		10	118	10	1562	20	167	21 (1)	1959
		11	118	11	1562	21 part.	167	21 (2)	1959
		12	118	12	1563	do part.	167	21 (3)	1959
		13 part.	118	13	1563	22	167	22	1959
		do part.	118	34	1567	23	167	23	1959
		14	118	14	1564	24	167	24	1960
15		118	15	1564	25	167	25	1960	
16		118	16	1564	26	167	26	1960	
17		118	17	1564	27	174	56	2015	
18		118	18	1564	28	174	209	2052	
19		118	19	1564	29	174	23	2007	
20		118	20	1565	30	174	229	2057	
21		118	21	1565	31	174	205	2051	
22		118	22	1565	32	167	27	1961	
23		118	23	1565	33	174	29	2009	
24		118	24	1566	34	181	31	2194	
25		118	25	1566	35	178	3	2123	
26		118	26	1566	19	1	165	4	1928
27		118	27	1566		2	165	5	1928
28		118	28	1566		3	165	6	1928
29		118	29	1567		4	165	7	1928
30		118	36	1568		5	165	8	1929
31		118	35	1568		6	165	9	1929
32		118	41	1569		7	165	10	1930
33	118	30	1567	8		165	11	1930	
34	118	31	1567	9		165	12	1930	
35	118	32	1567	10		165	13	1930	
36	118	33	1567	11	165	14	1931		
37	118	37	1568	12	165	15	1931		
38	118	38	1569	13	165	16	1932		
39	118	39	1569	14	165	17	1932		
40	118	40	1569	15	165	18	1932		
41	118	42	1569	16	165	19	1933		
42	118	43	1570	17	165	20	1933		

ACTS OF THE DOMINION OF CANADA—Continued.

32-33 VICTORIA, 1869—Continued.					32-33 VICTORIA, 1869—Continued.					
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.			
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.	
19	18	165	21	1933	20	18	162	1	1887	
	19	165	22	1934		19 <i>part.</i>	162	14	1889	
	20	165	23	1934		<i>do part.</i>	174	189	2046	
	21	165	24	1935		20	162	15	1889	
	22	165	25	1935		21	162	16	1889	
	23	165	26	1936		22	162	17	1889	
	24	165	27	1936		23	162	18	1889	
	25	165	28	1936		24	174	190	2047	
	26	165	29	1936		25	162	19	1889	
	27	165	30	1937		26	162	20	1890	
	28	165	31	1937		27	162	21	1890	
	29	165	32	1937		28	162	22	1890	
	32	165	33	1937		29	162	23	1890	
	33	165	34	1937		30	162	24	1890	
	34	165	35	1938		31	162	25	1891	
	35	165	36	1938		32	162	26	1891	
	36	174	208	2052		33	162	27	1891	
	37	165	38	1939		34	162	28	1891	
	38	165	39	1939		35	162	33	1892	
	39	165	40	1939		36	156	1	1869	
	40	165	41	1940		37	156	2	1869	
	41	165	42	1940		38	81	37	1203	
	42	165	43	1940		39	162	34	1893	
	43	165	44	1941		40 <i>part.</i>	173	10	1993	
	44	165	45	1941		<i>do part.</i>	181	3	2189	
	45 <i>part.</i>	165	3	1927		41 <i>part.</i>	173	11	1993	
	<i>do part.</i>	165	46	1941		<i>do part.</i>	181	3	2189	
	46	165	47	1941		42	173	9	1993	
	47 <i>part.</i>	165	48	1942		43 <i>part.</i>	162	36	1893	
	<i>do part.</i>	165	49	1942		<i>do part.</i>	178	73 (1)	2138	
	48	174	18	2006		44	178	74	2139	
	49	174	131	2035		45	178	75	2139	
	50	174	132	2035		46 <i>part.</i>	178	73 (2)	2138	
	51	174	114	2030		<i>do part.</i>	178	73 (3)	2138	
	52	165	2	1927		47 <i>part.</i>	162	35	1893	
	53	174	55	2014		<i>do part.</i>	162	36	1893	
	54 <i>part.</i>	174	214	2053		48	174	5	2002	
	<i>do part.</i>	174	218	2054		52	162	40	1893	
	56	165	50	1943		53	162	41	1894	
	57 <i>part.</i>	145	5	1832		54	162	42	1894	
	<i>do part.</i>	145	7	1832		55	162	43	1894	
	58	181	31	2194		56	162	44	1894	
	20	1	162	2		1887	57	162	45	1894
		2	181	6		2189	58 <i>part.</i>	161	4	1886
		3	162	3		1887	<i>do part.</i>	174	16	2005
		4	162	4		1887	59	162	47	1895
		5	162	5		1887	60	162	48	1896
6		174	109	2029	61 <i>part.</i>	162	49	1896		
7		162	6	1887	<i>do part.</i>	174	188	2046		
8 <i>part.</i>		145	1	1831	62	174	227	2057		
<i>do part.</i>		145	4	1831	63	157	1	1871		
<i>do part.</i>		145	6	1832	64	157	2	1871		
<i>do part.</i>		162	7	1888	65	174	226	2057		
9		174	9	2003	69	162	46 (1)	1895		
11		162	9	1888	70	162	46 (2)	1895		
12		162	10	1888	71	174	19	2006		
13		162	11	1888	72	148	5	1841		
14		162	12	1888	73	148	6	1842		
15		173	7	1992	75	148	7	1842		
16		81	36	1203	76	148	9	1842		
17		162	13	1888	77	181	31	2194		

Table of Acts and Parts of Acts Consolidated.

11

ACTS OF THE DOMINION OF CANADA—Continued.

32-33 VICTORIA, 1869—Continued.					32-33 VICTORIA, 1869—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
20	78	174	248	2061	21	56	164	42	1910
	79	174	249	2062		57	174	193	2047
	80	178	3	2123		58	174	194	2048
21	1	164	2	1899		59	164	43	1910
	2	164	3	1901		60	164	44	1910
	3	164	4	1902		61	164	45	1910
	4	164	5	1902		62	164	46	1910
	5	174	134	2035		63	164	47	1910
	6	174	202	2050		64	164	48	1911
	7	164	6	1902		65	164	49	1911
	10	164	7	1902		66	81	36	1203
	11	164	8	1902		69	164	51	1911
	12	164	9	1902		70	164	52	1912
	13	164	10	1902		71	164	53	1912
	14 part.	164	11	1903		72 part.	164	54	1912
	do part.	174	123	2033		do part.	174	16	2005
	15	164	12	1903		do part.	174	126	2033
	16 part.	164	13	1903		73	174	111	2029
	do part.	174	110	2029		74	174	195	2048
	17 part.	164	14	1903		75 part.	164	57	1913
	do part.	174	117	2031		do part.	174	127	2034
	18 part.	164	15	1904		76	164	60	1914
	do part.	174	117	2031		77	164	61	1915
	19	164	16	1904		78	164	62	1915
	20 part.	164	17	1904		79	164	63	1915
	do part.	174	117	2031		80	164	64	1916
	21	164	18	1905		81	164	65	1916
	22	164	19	1905		82	164	66	1917
	23	164	20	1905		83	164	67	1917
	24	164	21	1906		84	164	68	1917
	25	164	22	1906		85	164	69	1917
	26	164	23	1906		86	164	71	1918
	27	164	24	1907		87	164	72	1918
	28	164	25	1907		88	164	73	1918
	29	164	26	1907		89	164	74	1919
	30	164	27	1907		90 part.	164	75	1919
	31	164	28	1908		do part.	181	3	2189
	32	164	28	1908		91	164	76	1920
	33	174	53 (1)	2014		92 part.	174	6	2002
	34	174	53 (2)	2014		do part.	174	197	2049
	35	164	30	1908		93 part.	164	77 (1)	1920
	36	174	124	2033		do part.	174	112	2030
	37	164	31	1908		do part.	174	196	2049
	38	164	58	1913		94	164	77 (2)	1920
	39	164	32	1908		95	164	78	1920
	40	174	192	2047		96 part.	164	79	1920
	41	164	33	1908		do part.	174	113	2030
	42	164	34	1909		97	164	80	1921
	43	173	1	1991		98	164	81	1921
	44	173	2	1991		99	174	198	2049
	45	173	3	1991		100 part.	164	82	1921
	46	173	4	1992		do part.	174	136	2035
	47	173	5	1992		101 part.	174	135	2035
	48	173	6	1992		do part.	174	199	2049
	49	164	35	1909		102	174	138	2036
	50	164	37	1909		103	174	200	2050
	51	164	38	1909		104 part.	164	83	1921
	52	164	36	1909		do part.	174	137	2036
	53	164	39	1909		105	174	20	2006
	54	164	40	1909		106	164	84	1921
	55	164	41	1910		107 part.	145	1	1831

ACTS OF THE DOMINION OF CANADA—Continued.

32-33 VICTORIA, 1869—Continued.					32-33 VICTORIA, 1869—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
21	107 part.	145	3	1831	22	39	168	37	1971
	do part.	145	7	1832		40	168	39	1972
	108	145	8	1832		41	168	40	1972
	109	81	35	1202		42	168	41	1972
	110 part.	164	85	1921		43	168	42	1973
	do part.	164	86	1922		44	168	1	1963
	do part.	174	201	2050		45	168	43	1973
	112 part.	164	88	1922		46	168	44	1973
	do part.	174	21	2007		47	168	45	1973
	113	174	250	2062		48	168	46	1974
	114	174	251	2063		49	168	47	1974
	115	164	89	1922		50	168	48	1974
	116	164	90	1923		51	168	49	1974
	117 part.	174	25	2008		52	168	50	1974
	do part.	174	26	2008		53	168	51	1974
	do part.	174	52	2014		54	168	52	1975
	118	178	68	2137		55	168	53	1975
	119	178	55	2134		56	168	54	1975
	120	181	42	2197		57	81	36	1203
	121	174	22	2007		58	173	8	1992
	122	181	31	2194		59	168	58	1976
	123	178	3	2123		60 part.	168	59 (1)	1976
22	1	168	2	1963		do part.	168	59 (2)	1976
	2	168	3	1963		61	168	59 (3)	1977
	3	168	4	1963		66	168	60	1977
	4	168	5	1963		67	168	61	1977
	5	168	6	1964		68	174	116	2031
	6	168	7	1964		69	174	24	2008
	7	168	8	1964		70	145	8	1832
	8	168	9	1964		71	178	68	2137
	9	168	11 (1)	1964		72	178	55	2134
	10	168	11 (2)	1965		73	181	42	2197
	11	168	12	1965		74	181	31	2194
	12	168	10	1964		75	178	3	2123
	13	168	13	1965	23	1	154	1	1863
	14	168	14	1965		2	154	2	1863
	15	147	9	1839		4	141	4	1811
	16 part.	147	10	1839		6	154	4	1864
	do part.	174	206	2051		7	154	5	1864
	17	168	15	1965		8	174	16	2005
	18	168	16	1966		9	174	107	2028
	19	168	17	1966		10	174	108	2029
	20	168	18	1966		11	174	225	2056
	21	168	19	1967	24	2 part.	151	1 (c)	1849
	22	168	20	1967		do part.	151	5	1850
	23	168	21	1967		3	151	3	1850
	24	168	22	1967		4	151	11	1852
	25	168	23	1967		5	151	4	1850
	26	168	24	1967		6	151	6	1850
	27	168	25	1968		7 (1)	151	8	1851
	28	168	26	1968		do (2)	151	9	1851
	29	168	27	1968		8	151	7	1851
	30	168	28	1969		9	151	12	1852
	31	168	29	1969		10	151	10	1851
	32	168	30	1969		17	151	20	1855
	33	168	31	1969		18	151	21	1855
	34	168	32	1970		19	151	24	1855
	35	168	33	1970		20	151	23	1855
	36	168	34	1970		21 part.	151	1 (b)	1849
	37	168	35	1971		do part.	151	1 (c)	1849
	38	168	36	1971		do part.	151	1 (d)	1849

ACTS OF THE DOMINION OF CANADA—Continued.

32-33 VICTORIA, 1869—Continued.					32-33 VICTORIA, 1869—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
24	21 part.	151	1 (e)	1849	29	18	174	119	2032
25	1 part.	169	1	1979		19	174	117	2031
	do part.	169	4	1980		20	174	120	2032
	2	169	2	1979		21	174	121	2032
	3	169	3	1979		22	174	122	2033
	4	169	9	1980		23	174	128	2034
	5	169	4	1980		24	174	130	2034
	6	169	5	1980		25	174	129	2034
	7	169	6	1980		26 part.	174	139	2036
	8	169	7	1980		do part.	174	207	2051
	9	169	8	1980		do part.	174	230	2057
26	1	170	2	1981		27	174	278	2069
	2	170	3	1981		28	174	140	2036
	3	170	4	1981		29	174	80	2021
	4	170	5	1981		30	174	141	2037
	5	170	6	1981		31	174	142	2037
	6	170	7	1982		32	171	143	2037
	7	170	8	1982		33	174	144	2038
	8	170	9	1982		34	174	145	2038
	9	170	10	1982		35	174	146	2038
	10	170	11	1983		36	174	147	2038
	11	170	12	1983		37	174	163	2041
	12	170	13	1983		38	174	164	2041
	13	170	14	1983		39	174	161	2041
	14	170	1	1981		40	174	166	2041
	15	170	15	1983		41	174	168	2042
	16	170	16	1983		42	174	170	2043
	Schedule.	170	Schedule.	1984		43	174	162	2041
27	3 part.	172	14	1990		44	174	160	2040
	4	172	4	1988		45 (1)	174	178	2044
	5	172	5	1988		do (2)	174	179	2045
	6	172	6	1988		46	174	180	2045
	7	178	3	2123		47	174	181	2045
	8	172	7	1988		48	174	182	2045
	10	172	1	1987		49	174	183	2045
28	1 part.	157	8 (1)	1873		50	174	184	2046
	do part.	157	8 (2)	1873		51	174	191	2047
	2	157	8 (3)	1874		52	174	185	2046
29	1	174	2	2001		53	174	187	2046
	do (1)	174	2	2001		54	181	35	2195
	do (3) part.	181	1	2189		55	181	36	2195
	do do part.	181	2	2189		56	181	37	2196
	do (4)	181	28 (7)	2193		57	174	169	2043
	do (5)	174	2	2001		58	174	224	2056
	do (6)	174	2	2001		59	174	212	2053
	2	174	24	2008		60	174	213	2053
	3	174	26	2008		61	174	219	2054
	4	174	27	2008		62	174	214	2053
	5	174	28 (1)	2008		63	174	215	2053
	6	174	28 (2)	2008		64	174	235	2058
	7	178	3	2123		65	174	231	2058
	8	174	10	2003		66	174	232	2058
	9	174	11	2003		67	174	233	2058
	10	174	12	2004		68	174	234	2058
	11	171	102	2027		69	174	236	2059
	12	174	4	2002		70	174	237	2059
	13	174	103	2028		71	174	238	2059
	14	174	101	2027		72	174	239	2060
	15	174	104	2028		73	174	240	2060
	16	174	105	2028		74	174	241	2060
	17	174	118	2032		75	174	242	2060

ACTS OF THE DOMINION OF CANADA—Continued.

32-33 VICTORIA, 1869—Continued.					32-33 VICTORIA, 1869—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
29	76	174	243	2060	29	134	185	5	2245
	77	174	244	2060		135	185	6	2246
	78	174	245	2060		136	174	8	2003
	79	174	246	2061		137	174	279	2069
	80 part.	174	266	2066		do	181	47	2198
	do part.	174	268	2067		Schedule A.	174	Second Sch.	2092
	81	181	34	2195		do B.	181	Schedule.	2198
	82	181	4	2189	30	1	174	30	2009
	83	181	25	2192		2	174	31	2009
	84 part.	155	1	1865		3	174	32	2009
	do part.	155	2	1865		4	174	33	2010
	85	155	7	1866		5	174	34	2010
	86	173	26	1998		6	174	35	2010
	87	155	11	1866		7	174	36	2010
	88 part.	181	23	2192		8	174	37	2011
	do part.	181	24 (1)	2192		9	174	38	2011
	89	181	26	2192		10	174	39	2011
	90 part.	181	26	2192		11	174	58	2012
	do part.	181	33	2195		12	174	51	2013
	91	181	28 (6)	2193		13	174	40	2011
	92	181	27	2193		14	174	41	2011
	93	181	28 (2)	2193		15	174	42	2011
	94 part.	181	28 (5)	2193		16	174	43	2011
	95	181	30 (1)	2194		17	174	44	2012
	96 part.	181	28 (1)	2193		18	174	46	2012
	do part.	182	5	2204		19	174	47	2012
	97	181	28 (4)	2193		20	174	48	2012
	99	174	252	2063		21	174	58	2016
	100	174	253	2063		22	174	59	2016
	101	174	254	2063		23	174	49	2013
	102	174	255	2063		24	174	50	2013
	103	174	256	2064		25	174	60	2016
	104	174	257	2064		26	174	61	2017
	106	181	7	2190		27	174	62	2017
	107	181	8	2190		28	174	63	2017
	108	181	9	2190		29	174	69	2018
	109	181	10	2190		30 part.	174	69	2018
	110	181	11	2190		do part.	174	222	2056
	111	181	12	2191		31	174	70	2019
	112	181	13	2191		32	174	71	2019
	113	181	14	2191		33	174	72	2019
	114	181	15	2191		34	174	223	2056
	115	181	16	2191		35	174	57	2016
	116	181	17	2191		36	174	75	2020
	117	181	18	2191		37	174	76	2020
	118	181	44	2197		38	174	77	2020
	119	181	45	2197		39	174	78	2021
	120	181	19	2191		40	174	79	2021
	121	181	20	2192		41	174	64	2017
	122	181	46	2197		42	174	65	2018
	123	181	21	2192		43	174	66	2018
	124	181	22	2192		44	174	67	2018
	125	181	38	2196		45	174	68	2018
	126	181	39	2196		46	174	86	2023
	127	181	40	2196		47	174	87	2023
	128	181	41	2197		48	174	88	2024
	129	181	43	2197		49	174	89	2024
	130	185	1	2245		50	174	90	2024
	131	185	2	2245		51	174	91	2024
	132	185	3	2245		52	174	81	2021
	133	185	4	2245		53	174	82	2022

ACTS OF THE DOMINION OF CANADA—Continued.

32-33 VICTORIA, 1869—Continued.					32-33 VICTORIA, 1869—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
30	54	174	83	2022	31	12 part.	178	51	2133
	55	174	84	2022		13 part.	178	51	2133
	56	174	73	2019		do part.	178	71	2138
	57	174	85	2023		14	178	27	2128
	58	174	74	2020		15 part.	145	8	1832
	59	174	7	2002		do part.	178	12	2125
	60	174	92	2024		16	178	29	2129
	61	174	93	2025		17	178	30	2129
	62	174	94	2025		18	178	31	2130
	63	174	95	2025		19	178	32	2130
	64	174	96	2026		20	178	23	2128
	65	174	2	2001		21 part.	178	28 (2)	2129
	66	174	278	2069		do part.	178	28 (3)	2129
	Schedule A.	174	First Sch.,			22 part.	178	28 (4)	2129
			Form A.	2069		do part.	178	51	2133
	do B.	174	do Form B.	2070		23	178	71	2138
	do C.	174	do Form C.	2070		24	178	24	2128
	do D. (1)	174	do Form D.	2071		25 part.	178	25	2128
	do D. (2)	174	do Form D.2	2072		do part.	178	26	2128
	do E. (1)	174	do Form K.	2075		26	178	11	2125
	do E. (2)	174	do Form K.2	2076		27	178	4	2124
	do F.	174	do Form E.	2072		28	178	5	2124
	do G.	174	do Form F.	2073		29	178	33	2130
	do H.	174	do Form G.	2073		30	178	34	2130
	do I.	174	do Form H.	2074		31	178	35	2130
	do K.	174	do Form I.	2075		32	178	39	2131
	do L. (1)	174	do Form L.	2077		33	178	40	2131
	do L. (2)	174	do Form L.2	2077		34 part.	178	41	2131
	do L. (3)	174	do Form L.3	2078		do part.	178	51	2133
	do L. (4)	174	do Form L.4	2079		35	178	71	2138
	do M.	174	do Form N.	2082		36	178	42	2132
	do N.	174	do Form O.	2083		37	178	43	2132
	do O. (1)	174	do Form Q.	2084		38	178	44	2132
	do O. (2)	174	do Form Q.2	2085		39	178	45	2132
	do P. (1)	174	do Form R.	2086		40	178	46	2132
	do P. (2)	174	do Form R.2	2087		41	178	52	2133
	do Q. (1)	174	do Form M.	2080		42	178	53	2133
	do Q. (2)	174	do Form M.2	2080		43	178	56	2134
	do Q. (3)	174	do Form M.3	2081		44	178	47	2132
	do Q. (4)	174	do Form M.4	2082		45 part.	178	36	2130
	do R. (1)	174	do Form U.	2090		do part.	178	37	2131
	do R. (2)	174	do Form U.2	2091		46 part.	178	48	2132
	do S. (1)	174	do Form S.	2088		do part.	178	51	2133
	do S. (2)	174	do Form S.2	2089		47	178	49	2133
	do S. (3)	174	do Form S.3	2089		48	178	50	2133
	do T. (1)	174	do Form P.	2083		49	178	71	2138
	do T. (2)	174	do Form T.	2090		50	178	53	2133
31	1 part.	178	3	2123		51	178	53	2133
	do part.	178	13	2125		52	178	57	2134
	2	178	14	2125		53	178	58	2134
	3	178	15	2126		54	178	59	2134
	4	178	16	2126		55	178	60	2134
	5	178	28 (1)	2128		56 part.	178	61	2135
	6 part.	178	17	2126		do part.	178	98	2146
	do part.	178	18	2126		57	178	62	2135
	7	178	39	2131		58	178	63	2135
	8	178	19	2126		59	178	64	2135
	9	178	20	2127		60	178	65	2136
	10	178	21	2127		61	178	71	2138
	11	178	22	2127		62 part.	178	66	2136
	12 part.	178	28 (1)	2128		do part.	178	67	2136

ACTS OF THE DOMINION OF CANADA—Continued.

32-33 VICTORIA, 1869—Continued.					32-33 VICTORIA, 1869—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
31	63	178	69	2137	31	Schedule O. (2)	178	do Form O.2	2170
	64	178	70	2137		do Q. (1)	178	do Form P.1	2171
	66	178	78	2141		do Q. (2)	178	do Form P.2	2172
	67	178	79	2141		do R.	178	do Form T.	2175
	68	178	80	2142		do S. (1)	178	do Form U.1	2176
	69	178	81	2142		do S. (2)	178	do Form U.2	2177
	70	178	82	2142		do T. part	178	do Form A.	2149
	72 part.	178	85	2143		do T. part	178	do Form L.	2164
	do part.	178	86	2143		do T. part	178	do Form M.	2165
	73	178	94	2145		do T. part	178	do Form S.	2174
	74	178	95	2145		do "Sureties"	181	Schedule.	2198
	75	178	96	2145	32	1 part.	176	2 (e)	2105
	76 part.	178	99	2146		do part.	176	2 (b)	2105
	{ Return.	178	Sch. Form V	2178		2	176	3	2106
	77	178	100	2146		do (1)	176	3 (a)	2106
	78	178	101	2147		do (2)	176	3 (b)	2106
	79	178	102	2147		do (3)	176	3 (c)	2106
	80	178	103	2147		do (4)	176	3 (d)	2106
	81	178	104	2147		do (5)	176	3 (e)	2106
	82	178	105	2148		do (6)	176	3 (f)	2106
	83	178	97	2145		3	176	8	2108
	84	178	98	2146		4	176	9	2108
	85	178	6	2124		5	176	10	2108
	86	178	7	2124		6	176	20	2110
	87	178	8	2124		7	176	33	2113
	88	178	9	2124		8	176	14	2109
	89	178	54	2133		9	176	21	2110
	90	178	38	2131		10	176	12	2109
	91 part.	178	10	2124		11 part.	176	13	2109
	do part.	178	111	2149		do part.	176	33	2113
	92	178	109	2148		12	176	16	2110
	93	178	110	2149		13	176	18	2110
	94	178	2	2123		14	176	19	2110
	95	178	2	2123		15	176	4	2107
	96	178	111	2149		16	176	5	2107
	Schedule A.	178	Schedule.			17	176	11	2108
	do B.	178	Form B.	2150		18	176	33	2113
	do C.	178	do Form C.	2150		19	176	28	2111
	do D.	178	do Form D.	2151		20	176	29	2112
	do E.	178	do Form G.	2156		21	176	30	2112
	do F.	178	do Form H.	2157		22	176	31	2112
	do G. (1)	178	do Form Q.	2173		23	176	25	2111
	do G. (2)	178	do Form E.1	2152		24	176	26	2111
	do G. (3)	178	do Form E.2	2152		25	176	27	2111
	do G. (4)	178	do Form E.3	2153		26	176	17	2110
	do H.	178	do Form E.4	2154		27	176	34	2113
	do I. (1)	178	do Form F.	2155		28	176	22	2111
	do I. (2)	178	do Form J.1	2158		29	176	23	2111
	do I. (3)	178	do Form J.2	2159		30	176	24	2111
	do K. (1)	178	do Form J.3	2160		31	176	35	2113
	do K. (2)	178	do Form K.1	2161		32	176	32	2112
	do K. (3)	178	do Form K.2	2162		33	176	2 (c)	2106
	do L.	178	do Form K.3	2163		Form A.	176	Form A.	2113
	do M.	178	do Form L.	2164		do B.	176	Form C.	2114
	do N. (1)	178	do Form M.	2165		do C.	176	Form B.	2113
	do N. (2)	178	do Form N.1	2165	33	1	177	2	2115
	do N. (3)	178	do Form N.2	2166		2	177	3	2115
	do N. (4)	178	do Form N.3	2167		3	177	8	2116
	do N. (5)	178	do Form N.4	2168		4 part.	177	14	2117
	do O. (1)	178	do Form N.5	2168		do part.	177	Form A.	2121
			do Form O.1	2169		5 part.	175	10	2099

ACTS OF THE DOMINION OF CANADA—Continued.

32-33 VICTORIA, 1869—Continued.					32-33 VICTORIA, 1869—Concluded.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
33	5 part.	177	9	2117	38	11	81	14	1197
	6	177	15	2118		13	81	56	1209
	7	177	4	2116		14	81	2 (e)	1193
	8	177	5	2116	45	1	6	3 (3)	54
	9	177	6	2116	46	1	6	3 (3)	54
	10	177	7	2116	74	1	3	2	15
	11	177	10	2117					
	12	177	11	2117					
	13	177	12	2117					
	14	177	13	2117					
	15 part.	177	16	2118					
	do part.	177	Form B.	2121					
	16	177	17	2118					
	17	177	18	2118					
	18	177	19	2118					
	19	177	20	2118					
	20	177	21	2118					
	21	177	22	2119					
	22	177	23	2119					
	23 part.	177	24	2119					
	24	177	25	2119					
	25	177	26	2119					
	26	177	27	2119					
	27	177	28	2120					
	28	177	29	2120					
34	2	183	50	2235					
	3	183	51	2235					
	4	183	52	2236					
	5	183	53	2236					
	6	183	54	2236					
	7	155	9	1866					
	8	155	10	1866					
	10 part.	183	49	2235					
35	1	175	5	2098					
	2	175	6	2098					
	3	175	7	2098					
	4	175	11	2099					
	5	175	4	2098					
	6	175	18	2100					
	7	175	19	2100					
	8	175	2	2097					
	9	175	3	2098					
	Schedule A.	175	Form A.	2101					
	do B.	175	Form B.	2101					
	do C.	175	Form C.	2102					
	do D.	175	Form D.	2103					
36	4 part.	174	45	2012					
	do part.	178	108	2148					
	6	178	72	2138					
	7	178	106	2148					
	8	174	7	2002					
38	1	81	4	1194					
	2 part.	81	5	1194					
	3	81	6	1195					
	4	81	7	1195					
	5	81	8	1195					
	6	81	9	1196					
	7	81	10	1196					
	8	81	11	1196					
	9	81	12	1196					
	10	81	13	1197					
					3	3	12	1	189
						30	47	3	708
						32 part.	48	2	709
						34	47	3	708
					10	6	31	6	298
						7	31	8	298
					14	1 part.	83	2	1213
						do part.	83	4	1213
						2	83	5	1214
						3 part.	83	1	1213
						do part.	83	6	1214
					16	1	71	1	1001
						2	71	4	1001
						3	71	5	1001
						do (1)	71	6	1002
						do (2)	71	6	1002
						do (3)	71	6	1002
						do (4)	71	6	1002
						do (5)	71	6	1002
						do (6)	71	6	1002
						do (7)	71	6	1002
						4	71	7	1002
						5	71	8	1002
						6	71	9	1003
						7	71	10	1004
						8	71	11	1004
						9	71	12	1005
						10	71	13	1005
						11	71	3	1001
						12	71	2	1001
						13	71	14	1005
					17	1 part.	73	2	1025
						do part.	73	4	1026
						2	73	5	1026
						3	73	6	1026
						4	73	7	1026
						5 part.	73	8 (2)	1027
						do (1)	73	8 (1) (a)	1027
						do (2)	73	8 (1) (b)	1027
						6	73	9	1028
						7	73	10 (1)	1029
						8	73	15	1031
						9	73	16	1031
						10	73	17	1032
						11	73	19	1032
						12 part.	73	20	1032
						do part.	73	21	1033
						13	73	24	1033

ACTS OF THE DOMINION OF CANADA—Continued.

33 VICTORIA, 1870—Continued.					33 VICTORIA, 1870—Concluded.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
17	14	73	22	1033	36	7	64	6	945
	16	73	25	1033		8	64	7	946
18	1	70	2	997		9	64	8	946
	2	70	1	997					
	do	70	5	998					
	3	70	1	997					
	4 part.	168	51	1974					
	do part.	168	52	1975					
	5	25	7	252					
	6	25	5	252					
	7	25	6	252					
	8	39	3 (b)	594					
	do	39	3 (e)	595					
	9 part.	39	3 (b)	594					
	do part.	39	3 (e)	595					
19	1 part.	76	4 (4)	1106					
	do part.	76	4 (5)	1106					
	2	76	7	1107					
23	1	40	6	604					
	2 part.	40	8	605					
26	1 part.	154	3	1864					
	do part.	174	16	2005					
27	1 part.	178	77	2140					
	2	178	83	2142					
	3	178	99	2146					
	4	178	Sch. Form R.	2173					
28	2 part.	151	1 (a)	1819					
31	2	171	1	1985	3	1 part.	29	3	267
	3	171	2	1985	4	2	30	1	293
	4	171	3	1985		3	30	2	293
	5 part.	145	8	1832		4	30	10	295
	do part.	174	25	2008		5	30	3	293
	do part.	174	26	2008		6	30	4	293
	do part.	174	52	2014		7	30	5	294
	do part.	178	55	2134		8	30	6	294
	do part.	178	68	2137		9	30	7	294
	6	178	3	2123		10	30	8	295
	7	171	4	1986	5	1	120	4	1600
32	1	183	61	2238		2	120	3	1599
	2	183	62	2238		3	120	5	1600
	3	183	63	2239		4	120	46	1613
	4	183	64	2239		5	120	7	1601
	5	155	9	1866		6	120	8	1601
35	1	97	1	1275		7	120	6	1600
	2	97	2	1275		8	120	40	1612
	3	97	3	1275		9	120	41	1612
	4	97	4	1275		10	120	27	1607
	5	97	5	1275		11	120	28	1607
	6 part.	97	6	1276		13	120	66 (1)	1620
	7	97	9	1277		14	120	39	1611
	8	97	10	1277		16	120	39	1611
	9	97	8	1276		17	120	19	1605
	10	97	11	1277		18	120	20	1605
	12	97	1	1275		20	120	30	1608
	13 part.	97	7	1276		21	120	32	1608
36	1	64	1	945		22	120	33	1609
	2	64	2	945		23	120	34	1609
	3	64	9	947		24	120	35	1610
	4	64	3	946		25	120	36	1610
	5	64	4	946		26	120	37	1611
	6	64	5	946		27	120	10	1602
						28	120	9	1601
						29	120	11	1602
						30 part.	120	9	1601
						do part.	120	12	1603
						31	120	15	1604
						32	120	16	1604
						33 part.	120	17	1604
						do part.	120	18	1604
						34 part.	120	21	1605
						do part.	120	22	1605
						35	120	23	1606
						36	120	24	1606
						37	120	25	1607
						38	120	26	1607
						39	120	47	1613
						40	120	45	1613
						41	120	48	1614
						42	120	49	1614

ACTS OF THE DOMINION OF CANADA—Continued.

34 VICTORIA, 1871—Continued.					34 VICTORIA, 1871—Concluded.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
5	43	120	50	1614	7	12 part.	122	9	1639
	44	120	51	1614		13	122	11	1640
	52	120	61	1618		14	122	14	1641
	53	120	63	1619		15	122	15	1641
	54	120	64	1619		16	122	16	1641
	55	120	43	1612		17	122	19	1642
	56	120	44	1613		18 part.	122	20	1642
	57	120	71	1621		do part.	122	21	1642
	58 part.	120	70	1621		19	122	22	1642
	do part.	120	72	1621		20	122	23	1643
	do part.	120	74	1622		21	122	24	1643
	do part.	120	75	1622		22	122	25	1643
	do part.	120	76	1622		24	122	26	1643
	59 part.	120	77	1622		25 part.	122	27	1644
	do part.	120	78	1623		26	122	5	1638
	60	164	59	1913		27	122	4 (5)	1640
	61	120	80	1623		28	122	12	1640
	62	120	81	1623		29	122	13	1641
	63	120	72 (3)	1622		30	122	29	1644
	64	164	73	1918		31	122	17	1642
	65 part.	120	53 (7)	1615		32 part.	122	32	1645
	do part.	164	75	1919		do part.	164	59	1913
	66	164	76	1920		33 part.	122	33	1645
	67 part.	120	53 (7)	1615		34	122	34	1646
	do part.	120	72 (3)	1622		35	122	28	1644
	do part.	120	80	1623	14	2	174	3	2002
	do part.	120	81	1623		3	174	167	2042
	68 part.	120	83	1624		4	174	167	2042
	69	120	84	1624		5	174	167	2042
	71	120	85	1624	21	1	15	1	199
	72	120	87	1625		2	15	2	199
	73	120	86	1624		3	15	3	199
	75	120	88	1625		5	15	6	200
6	1 part.	121	1	1631		6	15	7	200
	do part.	121	2	1631		7	15	8	200
	do part.	121	3	1631	23	1	94	5	1252
	2	121	8	1633		2	94	6	1252
	3	121	7	1633	30	1	183	55	2236
	4	121	9	1633		2	183	56	2237
	5	121	10	1634		3 part.	181	28 (4)	2193
	6	121	11	1634		do part.	183	57	2237
	7	121	6	1632		4	183	58	2237
	8	121	12	1634		5	183	59	2238
	9	121	13	1634		6	183	60	2238
	10	121	15	1634	35 VICTORIA, 1872.				
	11	121	5	1632	1	1 part.	1	5	2
	12 part.	121	19	1636		do part.	2	1	11
	13 part.	121	20	1636		2	2	2	11
	14	121	4	1632		3	2	3	11
	17	121	21	1636		4	2	4	11
	18	121	2	1631		5	2	5	12
	21 part.	121	18	1635		6	2	6	12
	22 part.	121	14	1634		7	2	7	12
	do part.	121	17	1635	5	1 part.	29	3	267
	23	121	16	1635	6	1	29	6	268
	24	126	1	1691		2	20	7	269
	7	122	4	1637					
	9 part.	122	6	1638					
	10	122	7	1638					
	11	122	8	1639					
	12 part.	122	8	1639					

ACTS OF THE DOMINION OF CANADA—Continued.

35 VICTORIA, 1872—Continued.					35 VICTORIA, 1872—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
6	3	29	8	269	26	10 part.	61	20 (2)	912
	4	29	9	269		do part.	61	27	915
	5	29	12	270		11	61	10	908
8	2 part.	120	62	1618		12	61	11	909
	3 part.	120	65 (1)	1619		13	61	12	909
	do part.	120	87	1625		14	61	13	909
	4	120	65 (2)	1620		15	61	14	910
	7	120	52	1614		16	61	20 (1)	912
	8 part.	123	2	1649		18	61	21 (2)	912
	do part.	123	3	1649		19	61	23	913
10	1	123	1	1649		20	61	24	914
13	2 part.	6	3	47		21	61	44	920
15	1	13	1	191		22	61	26	914
	2	13	2	191		23	61	29	915
19	1	19	6	228		24 part.	61	30	915
	2	19	7	229		do part.	61	31	916
	3	19	8	229		25	61	32	916
	4	19	9	229		26	61	33	916
	Sched. A. part.	19	Form A.	234		27	61	28	915
	do part.	19	Form B.	237		28 (1)	61	37 (1)	917
20	5 part.	4	6	18		29	61	34	916
	do part.	138	9	1800		30	61	35	917
21	1	138	13	1801		31	61	36	917
	2	138	13	1801		32	61	57	922
24	1	36	7	556		34	61	39	918
	do part.	39	2	593		35	61	40	919
	do part.	40	1	603		36	61	41	919
25	2 part.	93	1	1245		37	61	42	919
	do part.	93	2	1245		38 part.	61	15	910
	3	93	3	1245		do part.	61	43	919
	4	93	18	1248		39	61	38	918
	5	93	4	1245		40	61	16	910
	6	93	19	1248		41	61	17	911
	7	93	5	1246		42	61	18	911
	8	93	6	1246		43 (1)	61	19 (1)	911
	9	93	10	1247		do (2) part.	61	19 (2)	911
	10	93	11	1247		do (2) part.	61	19 (3)	911
	11	93	7	1246		do (3)	61	19 (4)	911
	12	93	8	1246		do (4) part.	61	19 (5)	911
	13	93	9	1246		do (5)	61	19 (6)	912
	14	93	12	1247		44	61	47	920
	15	93	13	1247		45	61	48	920
	16 part.	93	14	1248		46	61	49	920
	do part.	93	20	1249		47	61	45	920
	17	93	15	1248		48	61	46	920
	18	93	16	1248		50	61	55	921
	19	93	21	1249		51	61	56	922
	20	93	17	1248		53	61	1	907
26	1 part.	61	3	907	27	1	68	1	981
	do part.	61	4	907		2	68	2	981
	2 part.	61	6	908		3 part.	68	3	982
	do part.	61	50	920		4	68	4	982
	3	61	52	921		5	68	5	983
	4 part.	61	5	908		6	68	6	983
	do part.	61	51	921		7	68	7	983
	5	61	53	921		8	68	8	983
	6 part.	61	7	908		9	68	9	984
	do part.	61	21 (1)	912		10	68	10	984
	7	61	8	908		12 part.	1	7 (49)	7
	8	61	25	914		do part.	68	11	984
	9	61	9	908		13	1	7 (49)	7

ACTS OF THE DOMINION OF CANADA—Continued.

35 VICTORIA, 1872—Continued.					35 VICTORIA, 1872—Concluded.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
27	14	1	7 (49)	7	30	First Schedule.	131	Second Sch.	1748
	15	1	7 (49)	7		Second do	131	First Sched.	1748
28	1 part.	65	4 (1)	950	31	2 part.	173	12 (4)	1994
	2 part.	65	26	958		do part.	178	3	2123
	do part.	65	27 (2)	659		3	178	3	2123
	3	65	17 (1)	955		4	173	12 (5)	1994
	4	65	8	951	32	1	166	2	1945
	5 part.	65	31	960		2	166	4	1946
	do part.	65	32	960		3	166	5	1947
	6	65	35	962		4	166	6	1947
	7	65	33	961		5	166	3	1946
	8	65	36	962		6	166	7	1948
	9	65	22	957		7	166	8	1949
	10	65	24	958		8	166	9	1949
	11	65	37	962		9	166	10	1950
	12	65	38	962		10	166	11	1950
	13	65	39	963		11	166	12	1950
	14	65	10	952		12	166	13	1950
	16 part.	65	2 (1) (a)	949		13	145	7	1832
	do part.	65	2 (2)	949		14	166	14	1951
	17	65	1	949		15	166	15	1951
	Schedule A.	65	Schedule.	966		16	166	15	1951
29	1	66	2	969		17	166	16	1951
	2	66	3	969		18	166	19	1952
	3 part.	66	4	970		19	166	20	1952
	do part.	66	Schedule.	974		20	166	21	1953
	4	66	5	970		21	166	22	1953
	5	66	6	971		22	166	23	1954
	6	66	7	971		23	166	17	1952
	7	66	8	971		24	166	18	1952
	8	66	9	972		26	166	1	1945
	9	66	10	972	33	1 part.	164	2 (e)	1900
	10	66	11	972		do part.	174	125	2033
	11	66	12	972	34	1	168	4	1963
	13 part.	66	13	973	35	2	164	90 (2)	1923
	do part.	66	14	973		3	164	90 (2)	1923
	14	66	1	969					
30	1	131	1	1741	36 VICTORIA, 1873.				
	2	131	22	1747	2	1	13	1	191
	3	131	22	1747		2	13	3	191
	4	131	4	1741		3	13	4	192
	5	131	5	1742	3	1 part.	181	8	2190
	6	131	6	1742		1	22	1	245
	7	131	7	1742	4	2	22	3	245
	8	131	8	1742		4 part.	22	4	245
	9	131	9	1743		6 part.	22	2	245
	10	131	10	1743		7	22	2	245
	11	131	11	1743		11	22	6	246
	12	131	12	1744	8	3	77	22	1118
	13	131	14	1745		4	77	1	1111
	14	131	15	1745		5	77	2	1111
	15	131	16	1745		6 part.	77	14	1116
	16 part.	131	17	1746		do part.	77	15	1117
	do part.	131	18	1746		7	77	16	1117
	17 part.	131	13	1745		8	77	17	1117
	do part.	131	23	1747		9	77	18	1117
	18	131	19	1746		10	77	19	1117
	19	131	20	1747					
	21	131	21	1747					
	22 part.	131	2	1741					
	o part.	131	3	1741					

ACTS OF THE DOMINION OF CANADA—Continued.

36 VICTORIA, 1873—Continued.					36 VICTORIA, 1873—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
9	1	86	2	1227	48	23	101	23	1334
	2	86	4	1227		25	101	25	1335
	3	86	5	1227		26	101	26	1335
	4	86	6	1227		29	101	29	1337
	5	86	7	1228		31	101	31	1337
	6	86	8	1228		32	101	32	1337
	7	86	9	1228		33	101	33	1337
	9	86	14	1229		34	101	34	1338
	10	86	15	1229		35	101	37	1339
	12	86	16	1229		36	101	38	1339
	14	86	3	1227		38	101	40	1339
29	1	6	3 (3)	54		39	101	41	1339
30	1	46	2	703		40	101	42	1340
31	2	4	3	17		41	101	43	1340
	3	4	2	17		42	101	44	1340
	6	138	5	1799		43	101	45	1340
	8	138	8	1799		44 (1)	101	47	1341
	9	138	9	1800		45	101	48	1341
	10 part.	138	11	1800		46	101	49	1341
	do part.	138	13	1801		48	101	1	1331
	11	138	16	1803	50	1 part.	162	37	1893
	13 part.	11	25	185		do part.	162	38	1893
	do part.	11	26	185	51	1	174	258	2064
	do part.	11	27	185	54	1	80	1	1161
	do part.	11	29	186		2	80	2	1161
	14	11	24	185		4	80	3	1162
35	1	53	24	808		5	80	4	1162
	2	53	25	808		6	80	5	1162
	3	53	26	808		7	80	6	1162
	4 part.	53	29	811		8 part.	80	6	1162
	5	53	31	811		9	80	7	1163
	6	53	32	812		10	80	8	1163
	7	53	33	812		12	80	9	1164
	8	53	34	812		13 part.	80	9	1164
	9	53	45	815		14	80	10	1164
41	1	46	1	703		15	80	11	1165
44	1	61	53	921		17	80	13	1165
	2	61	25	914		18 part.	80	15	1166
	3	61	10 (3)	909		do part.	80	17	1168
	4	61	13 (6)	910		do part.	80	101	1189
	5	61	20 (1)	912		do (1)	80	15 (a)	1166
48	1	101	2	1331		do (2)	80	15 (b)	1166
	2 part.	101	3	1331		do (3)	80	15 (c)	1166
	3	101	4	1331		do (4)	80	15 (d)	1166
	4	101	5	1332		do (5) part.	80	15 (e)	1166
	6	101	6	1332		do (6)	80	15 (f)	1166
	7	101	7	1332		do (7)	80	15 (g)	1166
	8	101	8	1332		do (8) part.	80	2 (l)	1162
	9	101	9	1332		do (8) part.	80	15 (h)	1167
	10	101	10	1333		do (9)	80	15 (i)	1167
	11	101	11	1333		do (10)	80	15 (j)	1167
	12	101	12	1333		do (11)	80	15 (k)	1167
	13	101	13	1333		do (12)	80	15 (l)	1167
	14	101	14	1333		do (13) part.	80	15 (m)	1168
	15	101	15	1333		19	80	18	1168
	17	101	17	1334		20	80	18	1168
	18	101	18	1334		21	80	19	1168
	19	101	19	1334		22	80	20	1169
	20	101	20	1334		23	80	21	1169
	21	101	21	1334		24	80	22	1169
	22	101	22	1334		25	80	23	1169

ACTS OF THE DOMINION OF CANADA—Continued.

36 VICTORIA, 1873—Continued.					36 VICTORIA, 1873—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
54	27	80	25	1170	54	87	80	96	1188
	29	80	26	1170		88	80	97	1188
	30	80	27	1171		89	80	102	1189
	31	80	28	1171		90	80	103	1190
	33	80	29	1171		91	80	15 (2)	1168
	34	80	30	1171		First Sched.	80	First Sched.	1190
	35	80	31	1171		Second Sched.	80	Second Sched.	1191
	36	80	32	1172	55	1	81	1	1193
	37	80	36	1172		3	81	2	1193
	38	80	37	1173		4 part.	81	2 (g)	1193
	39	80	38	1173		do part.	81	3	1193
	40	80	39	1173		do part.	81	15	1197
	41	80	40	1173		do part.	81	16	1197
	42	80	41	1174		5 part.	81	2 (h)	1193
	43	80	42	1174		do part.	81	17	1198
	44	80	44	1174		do part.	81	18	1198
	45	80	45	1174		6	81	19	1198
	46	80	46	1174		7 part.	81	20	1198
	47	80	47	1175		do part.	81	21	1198
	48	80	48	1175		do part.	81	22	1199
	49	80	49	1175		8	81	23	1199
	50	80	50	1175		9	81	24	1199
	51	80	51	1175		10	81	25	1199
	52	80	52	1176		11 part.	81	26	1200
	53	80	54	1176		do part.	81	27	1200
	54	80	55	1176		12	81	28	1200
	55	80	56	1176		13	81	29	1201
	56	80	57	1177		14	81	30	1201
	57 part.	80	58	1177		15	81	31	1201
	do part.	80	59	1177		16	81	32	1201
	58	80	60	1178		17	81	33	1202
	59	80	61	1178		18	81	34	1202
	60	80	62	1179		19	81	36	1203
	61	80	63	1180		20	81	37	1203
	62	80	64	1180		21 part.	81	38	1204
	63	80	65	1180		do part.	81	39	1204
	64	80	66	1180		do part.	81	40	1204
	65 part.	80	67	1181		22	81	41	1205
	do part.	80	68	1181		23	81	42	1205
	66	80	69	1181		24	81	43	1205
	67 part.	80	70	1181		25	81	44	1206
	do part.	80	71	1181		26	81	45	1206
	68	80	72	1181		27	81	46	1206
	69	80	57	1177		28 part.	81	47	1207
	70	80	73	1182		do part.	81	48	1207
	71	80	74	1183		do part.	81	49	1207
	72	80	77	1184		29	81	50	1207
	73	80	78	1184		30	81	51	1208
	74	80	79	1184		31	81	52	1208
	75	80	80	1184		32 part.	81	53	1208
	76	80	81	1185		do part.	81	54	1209
	77	80	82	1185		33	181	3	2189
	78	80	83	1185		34	81	55	1209
	79	80	84	1185		35	81	56	1209
	80	80	85	1185		36	81	57	1209
	81	80	86	1186		Second Sched.	81	Schedule.	1209
	82	80	90	1186	56	1	77	1	1111
	83	80	91	1187		2	77	7 (1)	1113
	84	80	92	1187		3	77	7 (3)	1114
	85	80	94	1187		4 part.	77	7 (1)	1113
	86	80	95	1187		do part.	77	7 (3)	1114

ACTS OF THE DOMINION OF CANADA—Continued.

36 VICTORIA, 1873—Continued.					36 VICTORIA, 1873—Continued.					
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.			
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.	
56	5	77	7 (2)	1113	128	22	72	21	1012	
	6	77	7 (4)	1114		23	72	22	1012	
	7	77	7 (2)	1113		24	72	23	1013	
	do	77	7 (4)	1114		25	72	24	1013	
	8	77	8	1114		26	77	3	1111	
	9	77	8	1114		27	77	4	1112	
	10	77	8	1114		28	77	5	1112	
	11	77	9	1115		29	77	6	1112	
	12	77	21	1118		30	72	25	1013	
	13	77	7 (5)	1114		31	72	26	1014	
	57	1	77	13		1116	32	72	27	1014
		2	77	10		1115	33	72	28	1014
		3	77	11		1116	34	72	29	1014
4		77	12	1116	35	72	30	1014		
5 <i>part.</i>		77	12	1116	36	72	31	1015		
do <i>part.</i>	77	20	1117	37	72	32	1015			
do <i>part.</i>	77	21	1118	38	72	33	1015			
69	2	183	20	2228	39	72	34	1015		
	3	183	22	2229	40	72	35	1016		
	4	183	23	2229	41	72	36	1016		
	6	183	45	2234	42	72	37	1016		
70	1	127	10	1694	44	72	38	1016		
	1	127	2	1693	45 <i>part.</i>	72	39	1016		
71	2	127	13	1695	do <i>part.</i>	72	40	1017		
	3	127	14	1695	46	72	41	1017		
	4	127	12	1695	47	72	42	1017		
	6	127	15	1695	48	72	43	1018		
	7	127	16	1696	49	72	44	1018		
	72	1 <i>part.</i>	122	6	1638	50	72	45	1018	
		do <i>part.</i>	122	18	1642	51	72	46	1019	
do <i>part.</i>		122	19	1642	52	72	47	1019		
do <i>part.</i>		122	20	1642	53	72	48	1019		
2 <i>part.</i>		122	30	1645	54	72	49	1019		
do <i>part.</i>		122	Schedule.	1646	55	72	50	1019		
3		122	27 (2)	1644	56	72	51	1019		
4		122	27 (3)	1644	First Schedule.	72	First Sched.	1020		
128		2	72	52	1019	Second do	72	Second Sch.	1020	
		do	77	22	1118	Third do	72	Third Sched.	1021	
	4	72	1	1007	129	1	74	1	1035	
	do	77	1	1111		2	74	3	1036	
	5	72	2	1007		3	74	2	1035	
	do	77	2	1111		5 <i>part.</i>	74	131	1079	
	6	72	3	1007		6	74	4	1036	
	7	72	4	1007		7	74	5	1036	
	8	72	5	1008		8 <i>part.</i>	74	6	1036	
	9	72	7	1008		do <i>part.</i>	74	7	1036	
	10	72	8	1008		9	74	8	1036	
	11	72	9	1009		10	74	9	1036	
	12 <i>part.</i>	72	10	1009		11	74	10	1037	
	do <i>part.</i>	72	11	1009		12	74	11	1037	
	13 <i>part.</i>	72	12	1009		13	74	12	1038	
	do <i>part.</i>	72	13	1009		14	74	13	1038	
	14 <i>part.</i>	72	5	1008		15	74	14	1038	
	do <i>part.</i>	72	6	1008		16	74	15	1038	
	15	72	14	1009		17	74	16	1039	
	16	72	15	1009		18	74	17	1039	
	17	72	16	1010		19	74	18	1039	
	18	72	17	1010		20	74	19	1039	
	19	72	18	1010		21	74	20	1039	
20	72	19	1011	22		74	21	1039		
21	72	20	1011	23		74	22	1040		

ACTS OF THE DOMINION OF CANADA—Continued.

37 VICTORIA, 1874—Continued.					37 VICTORIA, 1874—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
9	5	8	7	90	9	79	8	129	126
	6	8	8	91		80	8	128 †	126
	7	8	9	91		81	8	73	111
	8	8	10	91		82	8	74	111
	9	8	11	92		83	8	75	111
	10	8	12	92		84	8	76	112
	12	8	14	92		85	8	77	112
	13	8	15	93		86	8	78	112
	14	8	16	93		87	8	79	112
	15	8	17	93		88	8	80	112
	16	8	18	93		89	8	81	113
	17	8	19	94		90	8	82	113
	18	8	21	94		91	8	83	113
	19	8	22	95		92	8	84	113
	20	8	20 (1)	94		93	8	85	114
	21	8	23	95		94	8	86	115
	22	8	24	95		95	8	87	115
	23	8	25	95		96	8	88	116
	24	8	26	96		97	8	90	116
	25	8	27	96		98	8	91	116
	26	8	28	96		99	8	109	121
	28	8	30	96		100	8	131	127
	30	8	31	97		101	8	93	117
	31	8	32	97		102	8	96	117
	32	8	33	97		103	8	94	117
	33	8	34	98		104	8	98	118
	34	8	35	98		105	8	99	118
	36 part.	8	37	98		106	8	101	119
	do part.	8	38	98		107	8	102	119
	37	8	39	98		108	8	105	120
	38	8	40	99		109	8	106	120
	39	8	42	99		110	8	107	120
	41	8	43	100		111	8	108	121
	42	8	44	100		112	8	110	121
	46	8	47	101		113	8	111	121
	49	8	51	102		114	8	112	121
	51	8	52	103		116	8	114	122
	52	8	53	103		117	8	115	122
	53	8	54	103		118	8	116	123
	56	8	57	104		119	8	117	123
	57	8	58	104		121	8	118	123
	58	8	59	105		122	8	119	124
	59	8	60	105		123	8	120	124
	60	8	61	105		124	8	104	120
	62	8	62	106		125	8	2	89
	63	8	63	106		126 part.	8	121	124
	64	8	66	109		do part.	8	122	125
	65	8	67	110		do part.	8	123	125
	68	8	100	118		do part.	8	Second Sch.	147
	69	8	68	110		127	8	130	126
	70	8	105	120		128	8	126	126
	71	8	69	110		129	1	7 (27)	4
	72	8	70	110		130	8	2	89
	73	8	92	116		133 part.	8	133	127
	74 part.	8	89	116		135	8	1	89
	do part.	8	103	119		Schedule A.	8	Form A.	128
	75	8	91	116		do B.	8	Form B.	128
	76 part.	8	97	118		do C.	8	Form C.	129
	do part.	8	98	118		do D.	8	Form D.	129
	77	8	71	111		do E.	8	Form E.	130
	78	8	127	126		do F.	8	Form F.	131

ACTS OF THE DOMINION OF CANADA—Continued.

37 VICTORIA, 1874—Continued.					37 VICTORIA, 1874—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
9	Schedule G.	8	Form G.	132	10	50	9	38	158
	do H.	8	Form H.	132		51	9	41	159
	do HH.	8	Form I.	133		52	9	39	158
	do J.	8	Form K.	134		53	9	40	159
	do K.	8	Form L.	135		54	9	56	164
	do L.	8	Form N.	137		55	9	57	165
	do M.	8	Form O.	137		56	9	58	165
	do N.	8	Form P.	138		57	9	59	165
	do NN.	8	Form Q.	138		58	9	60	166
	do O.	8	Form R.	139		59	9	61	166
	do P.	8	Form Y.	144		60	9	52	162
	do PP.	8	Form Z.	145		61	9	53	163
	do Q.	8	Form AA.	145		62	1	7 (27)	4
	do R.	8	Form BB.	146		63 part.	9	68	168
	do S.	8	Form CC.	147		64	9	7	151
10	2	9	1	149		65	9	6	151
	3 part.	9	2	149		66	9	42	159
	do part.	9	3	150		67	9	66	167
	4	9	2	149		Schedule.	9	Schedule.	171
	5	9	2	149	12	1	6	3 (27)	50
	6 part.	9	4	150	13	1	39	11	598
	7	9	5	151		2 (1)	39	12	599
	8	9	9	151		do (2)	39	13	599
	9	9	10	152		do (3)	39	14	600
	10	9	12	153		do (4)	39	15	600
	11	9	13	153		do (5)	39	16	600
	12	9	29	156		do (6)	39	17	601
	13	9	31	157		3 (1)	39	2	593
	14	9	14	153		do (2)	39	5	595
	15	9	15	154		4	39	18	601
	16	9	16	154	23	1	25	2	251
	17	9	17	154	24	1	88	1	1233
	18	9	18	154	25	1	82	2	1211
	19	9	19	155		2	82	3	1212
	20	9	20	155		3	82	1	1211
	21	9	21	155	29	4 part.	81	4	1194
	22	9	22	155		do part.	81	8	1195
	23	9	23	155	32	1 part.	85	3	1219
	24	9	24	155		do part.	85	32	1225
	25	9	25	156		2	85	5	1219
	26	9	26	156		3	85	6	1219
	27	9	27	156		4	85	7	1220
	28	9	28	156		5	85	8	1220
	29	9	43	159		6	85	9	1220
	30	9	44	159		7	85	10	1220
	31	9	45	160		8	85	11	1221
	32	9	49	161		9	85	12	1221
	36 part.	9	46	160		10	85	13	1221
	do part.	9	47	160		11	85	14	1221
	37	9	36	158		12	85	16	1222
	38 part.	9	67	167		13	85	17	1222
	40	9	11	153		14	85	18	1223
	41	9	8	151		15	85	19	1223
	42	9	30	156		16	85	20	1223
	43	9	64	167		17	85	21	1223
	44	9	62	166		19	85	26	1224
	45	9	63	167		20	85	28	1224
	46	9	34	158		21	85	29	1224
	47	9	65	167		22	85	23	1223
	48	9	35	158		23	85	24	1223
	49	9	37	158		24	85	27	1224

ACTS OF THE DOMINION OF CANADA—Continued.

37 VICTORIA, 1874—Continued.					37 VICTORIA, 1874—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
32	25	85	30	1224	45	1 part.	99	2 (1)	1283
	26 part.	85	31	1225		do part.	99	2 (2)	1283
	do part.	85	12	1221		2 part.	99	3	1283
	do part.	85	14	1221		3 part.	99	4	1284
	do part.	85	17	1222		do part.	99	11	1286
	27	85	25	1224		4	99	6 (1)	1285
	28	85	15	1222		5 part.	99	7	1285
	29	85	2	1219		6	99	12	1286
	30	85	1	1219		10	99	14	1287
34	1	86	2	1227		12	99	17	1289
	2	86	4	1227		13	99	20	1290
	3	86	5	1227		14 part.	99	21	1290
	4	86	6	1227		do part.	99	22	1290
	5	86	7	1228		do part.	99	23	1290
	6	86	8	1228		15	99	24	1291
	7	86	9	1228		16	99	25	1291
	9	86	14	1229		17	99	26	1291
	10	86	15	1229		18	99	18	1289
	12	86	16	1229		19	99	19	1289
	14	86	3	1227		21	99	28	1292
36	1	42	1	643		22 part.	99	23	1290
	2 part.	42	2	643		do part.	99	29	1292
	do part.	42	3	643		23	99	30	1294
	3	42	4	643		24 part.	99	31	1294
	4	42	5	643		do part.	99	32	1294
	5	42	6	644		25	99	33	1295
	6	42	7	644		26	99	34	1295
	7	42	8	644		27 part.	99	36	1295
	8	42	9	644		do part.	99	35	1295
	9	42	10	644		28	99	37	1296
	10 part.	42	11	644		29	99	38	1296
	do part.	42	12	645		30	99	39	1296
	11	42	13	645		31	99	40	1297
37	1 part.	141	1	1811		32	99	41	1297
	do part.	141	2	1811		33	99	42	1297
	do part.	141	3	1811		34	99	27	1292
	2	141	1	1811		35	99	43	1297
	Schedule.	141	Schedule.	1812		37	99	46	1301
38	1 part.	163	1	1897		38	99	47	1302
	2	163	2	1897		39	99	49	1302
	3	163	3	1897		40	99	50	1302
	4	174	152	2039		do (1)	99	50 (a)	1302
	5 part.	163	4	1897		do (2)	99	50 (b)	1302
	do part.	174	148	2038		do (3)	99	50 (c)	1303
	6 part.	163	4	1897		do (4)	99	50 (d)	1303
	do part.	174	148	2038		do (5)	99	50 (e)	1303
	7	174	149	2038		do (6)	99	50 (f)	1303
	8	174	150	2038		do (7)	99	50 (g)	1303
	9	174	151	2039		do (8)	99	50 (h)	1303
	10	163	5	1897		do (10)	99	50 (i)	1303
	11	174	165	2041		do (11)	99	50 (j)	1303
	12	174	153	2039		do (12)	99	50 (k)	1303
	13	174	154	2039		do (13)	99	50 (l)	1304
39	3 part.	176	2 (a)	2105		41	99	51	1304
	do part.	176	2 (b)	2105		42	99	52	1304
	do part.	177	2	2115		43	99	53	1306
40	1	176	2 (a)	2105		44	99	54	1306
41	1	175	2	2097		45	99	55	1306
42	5	174	3	2002		46	99	56	1307
43	1	157	8 (2)	1873		47	99	57	1307
44	1	61	34	916		48	99	58	1307

ACTS OF THE DOMINION OF CANADA—Continued.

37 VICTORIA, 1874—Continued.					37 VICTORIA, 1874—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
45	49	99	59	1307	45	68 (18)	99	79 (1) (19)	1320
	50	99	60	1308		do (19)	99	79 (1) (23)	1320
	51	99	61	1308		do (20)	99	79 (1) (24)	1320
	52	99	62	1309		do (21)	99	79 (1) (25)	1320
	53	99	63	1310		do (22)	99	79 (1) (26)	1320
	54	99	64	1310		do (23)	99	79 (1) (27)	1320
	55	99	65	1311		do (24)	99	79 (1) (28)	1321
	56	99	66	1311		do (25)	99	79 (2)	1321
	57	99	67	1311		do (27)	99	79 (1) (29)	1321
	58	99	68	1312		69	99	80	1321
	59	99	69	1312		70	99	81	1321
	60	99	70	1312		71	99	82	1321
	61	99	72	1312		72	99	83	1321
	62	99	73	1313		73	99	84	1321
	65	99	75	1314		74	99	85	1322
	66	99	76	1314		75	99	86	1323
	do (1)	99	76 (1)	1314		76	99	87	1323
	do (2)	99	76 (2)	1314		77	99	88	1323
	do (4)	99	76 (4)	1316		79	99	91	1324
	do (5)	99	76 (6)	1316		80	99	92	1324
	do (6)	99	76 (7)	1317		81	99	93	1324
	do (7)	99	76 (8)	1317		82	99	94	1324
	do (9)	99	76 (10)	1317		83	99	95	1324
	do (10)	99	76 (11)	1317		84	99	96	1324
	do (11)	99	76 (12)	1317		85	99	97	1325
	do (12) <i>part.</i>	99	76 (13)	1318		86	99	98	1325
	do do <i>part.</i>	99	77	1319		87	99	99	1325
	do (13)	99	76 (14)	1318		88	99	100	1325
	do (14)	99	76 (15)	1318		89	99	101	1325
	do (15)	99	76 (16)	1318		90 <i>part.</i>	99	102	1325
	do (16)	99	76 (17)	1318		do <i>part.</i>	99	103	1325
	do (17)	99	76 (18)	1318		do <i>part.</i>	99	104	1326
	do (18)	99	76 (19)	1318		91	99	105	1326
	do (19)	99	76 (20)	1318		92	99	106	1326
	do (20)	99	76 (21)	1319		93	99	107	1326
	67	99	78	1319		94	99	108	1327
	do (1)	99	78 (1) (1)	1319		95	99	107	1326
	do (2)	99	78 (1) (2)	1319		98	99	1	1283
	do (3)	99	78 (1) (3)	1319	47	1	123	5	1650
	do (4)	99	78 (1) (4)	1319	49	1	125	1	1689
	do (5)	99	78 (1) (5)	1319		2	125	2	1689
	do (6)	99	78 (2)	1319		3	125	3	1690
	do (7)	99	78 (3)	1319		4	125	4	1690
	do (8)	99	71	1312		5	125	5	1690
	68 <i>part.</i>	99	79	1320		4 <i>part.</i>	130	5	1732
	do <i>part.</i>	99	79 (3)	1321	51	do <i>part.</i>	130	6	1734
	do (1)	99	79 (1) (1)	1320		5	130	7	1734
	do (2)	99	79 (1) (2)	1320		6	130	8	1734
	do (3)	99	79 (1) (3)	1320		7	130	9	1734
	do (4)	99	79 (1) (4)	1320		8	130	10	1735
	do (5)	99	79 (1) (5)	1320		9	130	11	1735
	do (6)	99	79 (1) (6)	1320		10	130	12	1735
	do (9)	99	79 (1) (9)	1320		11	130	13	1735
	do (10)	99	79 (1) (10)	1320		12	130	14	1736
	do (11)	99	79 (1) (11)	1320		13	130	15	1736
	do (12)	99	79 (1) (12)	1320		14	130	16	1736
	do (13)	99	79 (1) (13)	1320		15	130	17	1737
	do (14)	99	79 (1) (14)	1320		16	130	18	1737
	do (15)	99	79 (1) (16)	1320		17	130	19	1737
	do (16)	99	79 (1) (17)	1320		18	130	20	1737
	do (17)	99	79 (1) (18)	1320		19	130	21	1737

ACTS OF THE DOMINION OF CANADA—Continued.

37 VICTORIA, 1874—Concluded.					38 VICTORIA, 1875—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
51	20	130	22	1738	7	25	35	29	528
	21	130	23	1738		26	35	30	529
	22	130	24	1738		27	35	31	529
	23	130	25	1738		28	35	32	529
	25	130	26	1738		29	35	33	530
	Schedule <i>part.</i>	130	Form A.	1739		30	35	34	530
	do <i>part.</i>	130	Form B.	1739		31	35	35	531
						32	35	36	531
						33 (1)	35	37	531
						do (2)	35	38	531
						do (3)	35	39	531
						34	35	40	532
						35	35	41	532
						36	35	42	532
						37	35	43	533
						38	35	44	533
						39	35	45	533
						40	35	46	534
						41	35	47	534
						42	35	48	535
						43 (1)	35	49 (2)	535
						do (2)	35	49 (3)	536
						do (3)	35	49 (4)	536
						do (4)	35	49 (5)	536
						44	35	50	536
						45	35	51	536
						46	35	52	536
						47	35	53	537
						48	35	54	537
						49	35	55	537
						50	35	56	537
						51	35	57	537
						52	35	58	538
						53	35	59	538
						54	35	60	538
						55	35	61	538
						56	35	62	539
						57	35	63	539
						58	35	64	539
						59	35	65	539
						60	35	66	540
						62	35	69	540
						63	35	70	541
						64	35	71	541
						65	35	72	541
						66	35	73	541
						67	35	74	541
						68	35	75	542
						69	35	76	542
						70	35	77	542
						71	35	78	542
						72 (1)	35	79	544
						do (2)	35	80	544
						do (3)	35	81	544
						do (4)	35	82	544
						do (5)	35	83	544
						do (6 <i>part.</i>)	35	84	544
						do (7)	35	85	544
						do (8 <i>part.</i>)	35	86	544
						do (9 <i>part.</i>)	35	87	545
						do (10)	35	88	545
38 VICTORIA, 1875.									
1	1 <i>part.</i>	2	9	12					
	do <i>part.</i>	2	10	13					
	do <i>part.</i>	2	11	13					
	2	1	7 (31)	5					
	3	1	7 (2)	2					
4	1 <i>part.</i>	29	7	269					
	do <i>part.</i>	29	12	270					
7	1 <i>part.</i>	35	1	519					
	do <i>part.</i>	35	2	519					
	6	35	3	520					
	7	35	4	520					
	8	35	5	521					
	9	35	49	535					
	10 (1)	35	9 (a)	521					
	do (2) <i>part.</i>	35	9 (b)	521					
	do do <i>part.</i>	35	49	535					
	do (3)	35	9 (c)	521					
	do (4)	35	9 (d)	521					
	do (5)	35	9 (e)	522					
	do (6)	35	9 (f)	522					
	do (7)	35	9 (g)	522					
	do (8)	35	9 (h)	522					
	do (9)	35	9 (i)	522					
	do (10)	35	9 (j)	522					
	do (11)	35	9 (k)	522					
	do (12)	35	9 (l)	523					
	do (13)	35	9 (m)	523					
	do (14)	35	9 (n)	523					
	do (15)	35	9 (o)	523					
	do (16)	35	9 (p)	523					
	do (17)	35	9 (q)	523					
	do (18)	35	9 (2)	523					
	11 <i>part.</i>	35	10	523					
	12	35	11	523					
	14 (1)	35	13	524					
	do (2)	35	14	524					
	15	35	6	521					
	16	35	7	521					
	17	35	8	521					
	18	35	19	526					
	19	35	20	526					
	20	35	21	526					
	21 (1)	35	22	526					
	do (2)	35	23	527					
	22	35	25	527					
	23	35	24	527					
	24 <i>part.</i>	35	27	528					
	do <i>part.</i>	35	28	528					

ACTS OF THE DOMINION OF CANADA—Continued.

38 VICTORIA, 1875—Continued.					38 VICTORIA, 1875—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
7	72 (11)	35	89	545	11	18	135	24 (b)	1765
	do (12)	35	90	546		19	135	24 (c)	1765
	do (13)	35	91	546		20	135	24 (d)	1765
	do (14)	35	92	546		21	135	41	1769
	do (15)	35	93	546		23	135	24 (g)	1765
	do (16)	35	94	546		24	135	39	1768
	do (18)	35	96	547		23 part.	9	51	161
	do (19)	35	97	547		do part.	135	40	1769
	do (20)	35	98	547		26	135	42	1769
	do (21)	35	99	547		27	135	26 (2)	1766
	do (22)	35	104	548		28	135	43 (1)	1769
	do (24)	35	100	547		29	135	44	1769
	do (25)	35	101	547		30	135	45	1769
	do (26)	35	102	548		31	135	46	1770
	73	35	105	548		32	135	47	1770
	74	35	106	549		33	135	48	1771
	75 part.	35	107	549		34	135	66	1774
	do part.	35	110 (4)	550		35	135	49	1771
	76	35	108	549		36	135	50	1771
	77	35	109	549		37	135	59	1773
	78	35	117	552		38 part.	135	60	1773
	79	35	110	549		do part.	135	62	1773
	80	35	111	550		39	135	51	1771
	81	35	112	551		40	135	52	1772
	82	35	113	551		41	135	53	1772
	83	35	114	551		42	135	54	1772
	84	35	115	551		43	135	55	1772
	85	35	116	552		44	135	56	1773
	86	35	118	553		45	135	57	1773
10	1	9	32	157		46	135	67	1774
	2 part.	9	32	157		47	135	71	1775
	do part.	9	33	158		48 part.	9	50	161
	3	9	33	159		do part.	9	51	161
	4	9	55	163		49	135	68	1774
	5	8	95	117		50	135	69	1775
	7	9	66	167		51	135	32	1767
11	1	135	3	1761		52	135	37	1768
	2 part.	135	2	1761		53	135	38	1768
	do part.	135	3	1761		54	135	72	1775
	3 part.	135	4	1762		55	135	73	1776
	do part.	135	19	1764		56	135	73	1776
	4 part.	135	4	1762		57	135	74	1776
	do part.	135	6	1762		58	135	75	1776
	5 part.	135	2	1761		59	135	76	1777
	do part.	135	5	1762		60	135	9	1763
	6 part.	29	3	267		61	135	79	1777
	do part.	135	7	1762		62	135	78	1777
	7	135	8	1762		63	135	80	1777
	8	135	9	1763		64	135	81	1778
	9	135	10	1763		65	135	83	1778
	10	135	4	1762		66	135	105	1783
	11 part.	135	2	1761		67	135	90	1779
	do part.	135	24 (a)	1765		68	135	70	1775
	do part.	135	26	1766		69	135	11	1763
	12	135	19	1764		70	135	12	1763
	14 part.	135	21	1764		71	135	13	1763
	do part.	135	22	1765		72	135	111	1784
	15	135	23	1765		73	135	112	1784
	16	135	43 (2)	1769		74	135	91	1779
	17 part.	135	24 (a)	1765		75	135	105	1783
	do part.	135	29	1767		76	135	16	1764

ACTS OF THE DOMINION OF CANADA—Continued.

38 VICTORIA, 1875—Continued.					38 VICTORIA, 1875—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
11	77	135	17	1764	29	8	75	9	1091
	78	135	18	1764		9	75	10	1091
	79	135	109	1783		10	75	11	1091
	81	135	1	1761		11	75	12	1092
13	1	117	1	1559		12	75	13	1092
	2	117	2	1559		13	75	14	1092
14	1	61	23	913		14	75	15	1092
	2	61	37 (2)	917		15	75	16	1092
	3	61	54	921		16	75	17	1093
	4 part.	61	59	923		17	75	18	1093
	6	61	57	922		18	75	19	1094
	8	61	34	916		19	75	20	1095
15	1	65	2 (1) (b)	949		20	75	21	1095
	2	65	5	951		21	75	22	1096
	3	65	6	951		22	75	23	1096
	4	65	7	951		23	75	24	1096
17	1	120	45	1613		24	75	25	1096
18	1	127	1	1693		25	75	26	1097
	2	127	18	1696		26	75	27	1097
	3	127	18	1696		27	75	28	1097
19	1	123	6 (1)	1650		28	75	29	1097
	2	123	6 (2)	1650		29	75	36	1099
20	16 part.	129	116	1729		30	75	39	1100
	do part.	129	117	1729		31 part.	75	40	1100
	17 part.	129	118	1729		32	75	41	1101
26	1	133	2	1753		33	75	42	1101
	2	133	1	1753		34	75	43	1101
	3	133	3	1753		Schedule A.	75	Schedule.	1102
	4	133	4	1753	30	1 part.	86	11	1228
	5	133	5	1754		do part.	86	12	1229
	6	133	6	1754		2	86	13	1229
	7	133	7	1754		3	86	10	1228
	8	133	8	1754		4	86	17	1230
	9	133	9	1754	31	1	76	4 (3)	1106
	10	133	10	1755		2	76	1	1105
	11	133	11	1755	33	1	95	8 (1)	1258
	12 part.	133	13	1755	34	2	103	7	1360
	do part.	133	14	1756		do (1)	103	8	1360
	do part.	133	15	1756		do (2)	103	9	1360
	13	133	16	1756		3	103	15	1361
	14	133	12	1755		5	103	18	1362
	15	133	17	1756		6	103	17	1362
	16	133	18	1757		7	103	19	1362
	17	133	19	1757		8	103	26	1364
27	1 part.	83	3	1213		9	103	27	1364
	do part.	83	4	1213		11	103	21	1363
	2 part.	83	5	1214		13	103	2	1359
	do part.	83	6	1214		14 part.	103	1	1359
	4	83	1	1213	36	1	104	55	1388
28	1	80	59	1177		2	104	53	1388
	2	80	75	1183		3	104	56	1388
	3 part.	80	14	1165		4	104	54	1388
	4	80	2 (m)	1162	37	2 part.	101	23	1334
29	1	75	1	1089		do part.	101	27	1336
	2 part.	75	2	1089		do part.	101	28	1336
	do part.	75	3	1089		do part.	101	30	1337
	3	75	4	1089		do part.	101	39	1339
	4	75	5	1090		do part.	101	50	1341
	5	75	6	1090		Schedule A.	101	Schedule.	1342
	6	75	7	1091	40	1 (1) part.	164	87	1922
	7	75	8	1091		do do part.	174	228	2057

ACTS OF THE DOMINION OF CANADA—Continued.

38 VICTORIA, 1875—Continued.					38 VICTORIA, 1875—Concluded.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
40	1 (2)	174	54	2014	49	74 (7)	53	42	814
41	1	158	2	1875		do (8)	53	43	815
	2	158	3	1875	52	1	48	2	709
	3	158	4	1876	53	1	48	3	710
	4	158	7	1876		2	48	4	710
	5	158	8	1877		3	48	7	711
	6	158	9	1877		4	48	8	711
	7	158	10	1877		5	48	9	712
42	1	172	1	1987		6	48	10	712
	2 part.	172	8 (1)	1988		8	48	6	711
	do part.	172	8 (2)	1989		9	48	12	712
	3	172	9	1989		10	48	13	712
	4	172	10	1989		11	48	14	713
	5 part.	172	8 (3)	1989		12	48	15	713
	do part.	172	11	1989		13	48	16	713
	6	172	12 (1)	1989		14	48	1	709
	7	172	12 (2)	1989		15	48	17	713
	8	172	12 (2)	1989	54	1	175	3	2098
	9 part.	172	14	1990	55	2 part.	80	2 (m)	1162
	10	172	13	1990		do part.	80	4	1162
	11	178	3	2123		4	80	87	1186
43	1	181	29 (1)	2194		5 part.	80	88	1186
45	1	174	259	2064		do part.	80	89	1186
	2	175	5	2098		7 part.	80	93	1187
	3	175	8	2099		11	80	21	1169
46	1	183	42	2233		15	80	89	1186
	2	183	43	2234	88	1	62	3	925
	3	183	44	2234		2	62	27	931
47	1	176	7	2107		3	62	20	929
	2	176	7	2107		4 (1)	62	4	925
	3	176	22	2111		do (2)	62	5 (1)	926
	4	176	23	2111		do (3)	62	5 (2)	926
	5	176	24	2111		5	62	17	928
	6 part.	175	9	2099		6	62	18	929
	do part.	176	15	2110		7	62	9	927
	do part.	177	9	2117		8	62	10	927
	7 part.	175	10	2099		9	62	12	927
	do part.	176	14	2109		10 (1)	62	13 (1)	927
49	38	53	8	806		do (2)	62	13 (2)	928
	39	53	9	806		do (3)	62	7	926
	40	53	10	806		do (4)	62	24	930
	41	53	11	806		11	62	30	931
	42	53	12	806		12	62	31	932
	43	53	13	806		13	62	32	932
	44	53	14	806		14	62	23	930
	45	53	15	807		15	62	6	926
	46	53	16	807		16	62	16	928
	47	53	17	807		17	62	33	933
	49	53	18	807		18	62	15	928
	50	53	19	807		19	62	19	929
	51	53	20	807		20	62	25	930
	52	53	21	808		21	62	26	931
	53	53	22	808		22	62	21	929
	74 part.	53	35	812		23 part.	62	14	928
	do part.	53	37	813		do part.	62	29	931
	do (1)	53	38	814		24	62	28	931
	do (2)	53	39	814		25	62	8	927
	do (3)	53	40	814		26	62	11	927
	do (4)	53	41	814		27	62	34	933
	do (5) part.	53	2 (d)	803		28	62	22	930
	do do part.	53	2 (e)	803		31	62	1	925
	do (6)	53	42	814					

ACTS OF THE DOMINION OF CANADA—Continued.

39 VICTORIA, 1876.					39 VICTORIA, 1876—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
4	1	31	8	298	21	4	53	5	804
7	1	11	22	184		5	53	6	804
	2	11	22	184		6	53	7 (1)	805
	4 part.	11	23	185		7 part.	53	7	805
	do part.	11	Form A.	187		do part.	53	23	808
8	1	11	28	186		do part.	53	46	815
9	1	9	69	168		11 part.	53	47	816
	2	9	70	168		13 part.	53	2 (a)	803
	3	9	71	168		do part.	53	2 (c)	803
	4	9	72	168		Sched. part.	176	2 (a 3)	2105
	5	9	73	169		do part.	176	6	2107
	6	9	74	169		do part.	177	2	2115
	7	9	75	169		do part.	177	30	2120
	8	9	76	169	26	1	135	96	1781
	9	9	77	169		2 part.	135	97	1781
	10	9	78	169		3	135	98	1781
	11	9	79	169		4	135	99	1782
	12	9	80	170		5	135	100	1782
	13	9	81	170		6	135	101	1782
	14	9	82	170		7	135	102	1782
	15	9	83	170		8	135	103	1782
	16	9	84	170		9	135	104	1782
	17	9	85	170		10	135	92	1780
	18	9	86	171		11	135	106	1783
	19	10	14	177		12	135	93	1780
10	1	9	44	159		13	135	94	1780
	2	9	48	160		14	165	36	1938
	3	10	1	173		15	135	95	1781
	4	10	2	174		16	9	54	163
	5	10	3	174		17	135	73	1776
	6	10	4	174		18	135	75	1776
	7	10	5	175		19	135	79	1777
	8	10	6	175		20	135	82	1778
	9	10	7	175		21	135	84	1778
	10 part.	10	8	175		22	135	83	1778
	11	10	9	176		23	135	85	1778
	12	10	10	176		24	135	86	1778
	13	10	11	177		25	135	87	1779
	14	10	12	177		26	135	88	1779
	15	10	13	177		27	135	89	1779
11	1	6	3 (3)	54		28	135	35	1768
13	1	60	2	903		29	135	33	1767
	2	60	5	903		30	135	34	1768
	3	60	3	903		31 part.	135	31	1767
	4 part.	60	4	903		do part.	135	32	1767
	do part.	60	6	904		do part.	135	68	1774
	do (1)	60	7	904		32	135	109	1783
	do (2)	60	7	904		33	135	110	1784
	5	60	8	904		34	135	36	1768
	6	60	9	904		35	135	107	1783
	7	60	10	904		36	135	108	1783
	8	60	11	905		37	135	109	1783
	9	60	1	903		38	135	14	1763
20	1	49	1	715	27	2	136	3	1785
	2	49	2	715		3	136	4	1785
	3	49	3	715		4	136	5	1785
	4	49	4	716		5	136	6	1785
	5	49	5	716		6	136	7	1786
	6	49	6	716		7	136	8	1786
21	1	53	3	804		8	136	9	1786
	3	53	4	804		9	136	10	1786

ACTS OF THE DOMINION OF CANADA—Continued.

39 VICTORIA, 1876—Concluded.					40 VICTORIA, 1877—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
27	10	136	11	1786	8	Schedule.	55	Schedule.	877
	11	136	12	1786	9	1	23	1	247
	12	136	13	1787		2	23	3	247
	13	136	20	1788		3	23	4	247
	14	136	18	1788		4	23	5	248
	15	136	19	1788		5	23	2	247
	16	136	17	1787		8	23	6	248
	17 part.	136	14	1787		9	23	7	248
	do part.	136	15	1787		10	23	8	248
	18	136	16	1787		11	22	5	245
	19	136	21	1788	16	1	103	4	1359
	21	136	2	1785		5	103	20	1362
	22	136	1	1785	17	1	84	1	1215
	Schedule.	136	Schedule.	1789		2	84	2	1215
28	1 part.	138	14	1803		3	84	3	1215
	do part.	138	16	1803		4	84	6	1216
29	1 part.	138	11	1800		5	84	4	1216
	do part.	138	13	1801		6	84	5	1216
	do part.	138	16	1803		7	84	7	1216
33	3	99	76 (4)	1316		8	84	8	1217
	5	99	89	1324	19	1 part.	78	65	1146
34	1 part.	130	1	1733	20	1	80	80	1184
	do part.	130	2	1733		2 part.	80	83	1185
	d part.	130	3	1733		do part.	80	84	1185
	do part.	130	4	1733		3	80	59	1177
	2	130	7	1734		4	80	53	1176
	3	130	1	1733	21	1	137	13	1793
36	1	174	210	2052		2 (1) part.	137	3	1791
	2	174	211	2052		do do part.	137	14 (1)	1793
37	2 part.	173	12 (1)	1994		do (2)	137	14 (2)	1793
	do part.	173	12 (2)	1994		do (3)	137	14 (3)	1793
	3	173	12 (3)	1994		do (4)	137	14 (5)	1794
	4 (1) part.	173	13 (2)	1994		3	137	14 (4)	1793
	do (2)	173	13 (1)	1994		4	137	12	1793
						5	137	4	1791
						6 part.	137	5	1791
						7	137	6	1791
						8	137	21	1795
						9	137	15	1794
						10	137	10	1792
						11	137	7 (1)	1792
						12	137	7 (2)	1792
						13	137	17	1794
						14 (1)	137	7	1792
						do (2)	137	7 (3)	1792
						do (3)	137	7 (4)	1792
						do (4)	137	7 (5)	1792
						do (5)	137	7 (6)	1792
						15	137	9	1792
						16 part.	137	20	1795
						17	137	8	1792
						18	137	11	1793
						19	137	18	1794
						20	137	19	1795
						22	137	1	1791
						22	1	135	97
						2	135	100	1782
						3	135	15	1764
						24	1	138	13
						25	1	142	2
						4	142	3	1813
									1814
40 VICTORIA, 1877.									
4	4 part.	174	3	2002					
	6 part.	178	76	2139					
	do part.	178	77	2140					
	7	178	99	2148					
	8 part.	176	32	2112					
	do part.	177	27	2119					
	Sched. part.	176	2 (a 3)	2105					
	do part.	176	6	2107					
	do part.	177	2	2115					
	do part.	177	30	2120					
7	7 part.	53	27	809					
	9 part.	53	36	813					
	12 (1) part.	53	27	809					
	do do part.	53	28	811					
	do (2)	53	30	811					
8	1	55	1	873	22	1	135	97	1781
	2	55	2	873		2	135	100	1782
	3	55	3	873		3	135	15	1764
	4	55	4	873		24	1	138	13
	5	55	5	874	25	1	142	2	1813
	6	55	6	874		4	142	3	1814

ACTS OF THE DOMINION OF CANADA—Continued.

40 VICTORIA, 1877—Continued.					40 VICTORIA, 1877—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
25	5	142	4	1814	34	2	35	95	547
	6	142	14	1817	35	2	173	15	1995
	7	142	8	1815		3 (1)	173	16	1995
	8	142	5	1814		do (2)	173	17	1996
	9	142	10	1816		4	173	18	1996
	10	142	7	1815		5	178	3	2123
	11	142	6	1815		6	181	3	2189
	12	142	9	1815		7	173	19	1996
	13	142	11	1816	36	1	183	8	2226
	14	142	12	1816		3	183	10	2227
	15	142	13	1816		4	183	11	2227
	16	142	15	1816		5	183	12	2227
	17	142	16	1817	37	1	183	2	2225
	18	142	17	1817		2	183	4	2225
	19	142	18	1818		3	183	5	2226
	20	142	19	1818		4	183	3	2225
	21	142	20	1818		5	183	6	2226
	22	142	21	1818		6	183	7	2226
	23	142	23	1818	39	1	183	13	2227
	24	142	1	1813		2	183	14	2227
	Second Sch. part.	142	24	1819		3	183	15	2227
	do do part.	142	First Sch.	1819		4	183	16	2228
	Third do	142	Second Sch.	1820		5	183	13	2227
26	1	174	140	2036	42	15 part.	129	106	1725
	2	174	80	2021		do part.	129	107	1725
	do	174	140	2036		16 part.	129	108	1725
	3	174	203	2050	43	1	119	1	1571
	4	174	204	2050		2	119	2	1571
	5	174	235	2058		3	119	3	1571
	6	181	30 (1)	2194		4	119	4	1572
	7	174	254	2063		5	119	5	1572
27	2 part.	178	76	2139		6	119	6	1573
	do part.	178	77	2140		7	119	7	1573
	3	178	2	2123		8	119	8	1573
28	1	162	8	1888		9	119	9	1573
	2	162	39	1893		10	119	24	1576
29	1	164	2 (f)	1900		11	119	10	1573
	2	168	1	1963		12	119	11	1574
	3	164	5	1902		13	119	12	1574
30	1	148	1	1841		14	119	13	1574
	2	148	2	1841		15	119	14	1574
	3	148	3	1841		16	119	15	1574
	4	148	4	1841		17	119	16	1574
	7	148	10	1842		18	119	31	1577
31	1	159	9 (1)	1880		19	119	17	1575
	2	159	9 (2)	1881		20	119	18	1575
	3	176	3 (g)	2106		21	119	19	1575
32	1 part.	145	7	1832		22 part.	119	19	1575
	do part.	160	1	1883		do part.	119	20	1575
	2	160	2	1883		23	119	21	1576
	3	160	3 (1)	1883		24	119	22	1576
	4 part.	160	4	1884		25	119	23	1576
	do part.	160	5	1884		26	119	28	1577
	5 part.	160	3 (2)	1884		27	119	29	1577
	do part.	160	6	1884		28	119	30	1577
33	1	158	2	1875		29	119	32	1578
	2	158	4	1876		30	119	33	1578
	3	158	5	1876		31	119	34	1578
	4 part.	158	6	1876		32 part.	119	35	1578
	do part.	158	9	1877		do part.	119	74	1587
34	1	35	95	547	33		119	66	1586

ACTS OF THE DOMINION OF CANADA—Continued.

41 VICTORIA, 1878—Continued.					41 VICTORIA, 1878—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
6	17	8	125	126	7	54	29	56	283
	18	8	Form A.	128		55	29	57	283
	19 <i>part.</i>	8	Form J.	134		56	29	58	283
	do <i>part.</i>	8	Form M.	136		57	29	59	284
7	1	29	2	265		58	29	60	284
	2	29	13	270		59	29	61	284
	3	29	14	271		60	29	62	285
	4	29	15	271		61	29	63	285
	do	41	21	616		62	29	64	286
	5	29	16	271		63	29	65	286
	6 (1)	29	17	271		64	29	66	286
	do (2)	139	6	1806		65	29	67	287
	7	29	18	272		66	29	68	287
	8	29	19	272		67	29	69	287
	9	29	20	272		68	29	70	288
	10	29	77	290		69	29	71	288
	11	29	21	273		70 (1)	29	73	289
	12	29	22	273		do (2)	164	55 (1)	1912
	13 <i>part.</i>	29	23	273		do (3)	29	72	288
	15	29	24	273		71	29	74	289
	17	28	4	261		72 (1)	29	75	289
	18	28	10	263		73	29	76	290
	19	28	5	262		74	29	78	290
	20 <i>part.</i>	28	6	262		75 (1)	29	79	291
	do <i>part.</i>	28	7	262		do (2)	29	80	291
	do <i>part.</i>	29	10	270	8	1	40	14 (2)	607
	21	28	3	261		2	40	14 (3)	607
	22	29	11	270		3	40	11	606
	23	28	11	263	12	1	77	7 (1)	1113
	24	28	12	263	14	1	48	5	710
	25	29	25	273		2 <i>part.</i>	48	11	712
	26	29	26	273	15	1	52	3	797
	27	29	27	274		2	52	4	797
	28	29	28	274		3	52	6	798
	29	29	29	274		4	52	7	798
	30	29	30	275		5	52	5	798
	31	29	31	275		6	52	8	798
	32	29	32	275		7 <i>part.</i>	52	9	799
	33	29	33	276		8	52	10	799
	34	29	35	277		9	52	11	800
	35	29	36	277		10	52	12	800
	36	29	37	277		11	52	13	800
	37 <i>part.</i>	29	2	265		12	52	14	800
	do <i>part.</i>	29	38	277		13	52	2	797
	do <i>part.</i>	29	39	278		14	52	1	797
	38	29	40	278		Schedule A.	52	Form A.	800
	39	29	41	278		do B.	52	do B.	801
	40	29	42	278		do C.	52	do C.	801
	41	29	43	279		do D.	52	do D.	802
	42	29	44	279	16	1	106	1	1401
	43	29	45	279		2	106	2	1401
	44	29	46	279		3 <i>part.</i>	106	98	1424
	45	29	47	280		4	106	4	1401
	46	29	48	280		5	106	5	1402
	47	29	49	280		6	106	6	1402
	48	29	50	280		7	106	7	1402
	49	29	51	281		8	106	8	1402
	50	29	52	281		9	106	9	1402
	51	29	53	282		10	106	10	1403
	52	29	54	282		11	106	11	1403
	53	29	55	283		12	106	12	1403

ACTS OF THE DOMINION OF CANADA—Continued.

41 VICTORIA, 1878—Continued.					41 VICTORIA, 1878—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
16	13 (1)	106	13	1404	16	72	106	66	1415
	13 (2)	106	14	1404		73	106	67	1415
	14	106	15	1404		74	106	68	1416
	15	106	16	1405		75	106	69	1416
	16	106	17	1405		76	106	70	1416
	17	106	18	1405		77	106	71	1416
	18	106	19	1405		78	106	72	1416
	19	106	20	1405		79	106	73	1417
	20	106	21	1406		80	106	74	1417
	21	106	22	1406		81	106	75	1417
	22	106	23	1406		82	106	76	1418
	23	106	24	1406		83	106	77	1418
	24	106	25	1406		84	106	78	1419
	25	106	26	1407		85	106	79	1419
	26	106	27	1407		86	106	80	1419
	27	106	28	1407		87	106	83	1420
	28	106	29	1407		88	106	84	1420
	29	106	30	1407		89	106	92	1422
	30	106	31	1407		90	106	93	1422
	31	106	32	1407		91	106	86	1421
	32	106	33	1407		92	106	88 (1)	1421
	33	106	34	1408		93	106	89	1422
	34	106	35	1408		94	106	90	1422
	35	106	36	1409		95	106	94	1423
	36	106	37	1409		96	106	95 (1)	1423
	37	106	38	1409		97	106	96	1423
	38	106	39	1409		98	106	97	1424
	39	106	39	1409		99	106	99	1425
	40	106	40	1410		100	106	100	1427
	41	106	41	1410		101	106	101	1427
	42	106	42	1410		102	106	102	1427
	43	106	43	1410		103	106	103	1428
	44	106	44	1410		104	106	104	1428
	45	106	45	1411		105	106	105	1428
	46	106	46	1411		106	106	106	1429
	47	106	47	1411		107	106	107	1429
	48	106	48	1411		108	106	108	1429
	49	106	49	1411		109	106	109	1429
	50	106	50	1411		110	106	121	1434
	51	106	51	1412		111	106	119	1434
	52	106	52	1412		112	106	120 (1)	1434
	53	106	53	1412		113	106	120 (2)	1434
	54	106	54	1412		114	106	121	1434
	55	106	55	1412		115	106	110	1430
	56	106	56	1413		116	106	116	1433
	57	106	57	1413		117	106	117	1433
	58	106	58	1413		118	106	118	1433
	59	106	59	1413		119	106	111	1431
	60	106	60	1413		120	106	112	1431
	61	106	61	1414		121	106	113	1431
	62 (1)	106	62	1414		122	106	115	1432
	do (2)	106	61 (5)	1414		123	106	114	1431
	63	106	63	1414		Schedule A.	106	Form A.	1435
	64	106	85	1420		do B.	106	Form B.	1435
	65	106	87	1421		do C.	106	Form C.	1436
	66	106	64	1414		do D.	106	Form D.	1436
	67	106	81	1420		do E.	106	Form E.	1437
	68	106	82	1420		do F.	106	Form F.	1438
	69	106	84	1420		do G.	106	Form G.	1438
	70	106	91	1422		do H.	106	Form H.	1438
	71	106	65	1415		do I.	106	Form I.	1439

ACTS OF THE DOMINION OF CANADA—Continued.

41 VICTORIA, 1878—Concluded.					42 VICTORIA, 1879—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
16	Schedule J.	106	Form J.	1439	8	3	40	25	609
	do K.	106	Form K.	1440		4	40	26	609
	do L.	106	Form L.	1440		5	40	27	609
	do M.	106	Form M.	1441		6	40	28	610
	do N.	106	Form N.	1442		7	40	29	610
19	1	181	32	2195		8	40	30	610
						9	40	31	610
						10	40	32	610
42 VICTORIA, 1879.					9	1	109	1	1457
3	1	138	6	1799		2 (1)	109	3 (1)	1458
	2	138	5	1799		do (2)	109	3 (3)	1459
4	1	138	11	1800		3	109	3 (2)	1458
6	1	10	15	178		4 part.	109	3 (3)	1459
	2	10	16	178		5 (1)	109	4 (a)	1459
	3	10	17	178		do (2)	109	4 (b)	1459
7	2 part.	28	1	261		do (3)	109	4 (c)	1459
	3 part.	28	1	261		do (4)	109	4 (d)	1459
	4 part.	36	3	555		do (5)	109	2	1457
	do part.	37	2	565		do (6)	109	2 (c)	1457
	5 part.	36	7	556		do (7)	109	2 (d)	1457
	do part.	36	8	557		do (8)	109	2 (e)	1457
	do part.	37	1	565		do (9)	109	2 (f)	1457
	do part.	70	3	997		do (10)	109	2 (g)	1457
	do part.	37	6	566		do (11)	109	2 (h)	1457
	do part.	37	7	567		do (12)	109	2 (i)	1457
	do part.	37	8	567		do (13)	109	2 (j)	1458
	do part.	37	9	567		do (14)	109	2 (k)	1458
	do part.	37	10	567		do (15)	109	4 (e)	1459
	do part.	37	11	567		do (16)	109	4 (f)	1459
	do part.	37	12	568		6	109	5	1459
	do part.	37	13	568		7	109	6	1460
	do part.	37	14	569		do (1)	109	6 (1)	1460
	do part.	37	15	569		do (2)	109	6 (2)	1460
	do part.	37	16	569		do (3)	109	6 (17)	1462
	do part.	37	17	569		do (4)	109	6 (18)	1462
	do part.	37	18	570		do (5)	109	6 (3)	1460
	do part.	37	19	570		do (6)	109	6 (4)	1460
	do part.	37	20	570		do (7)	109	6 (5)	1460
	do part.	37	21	571		do (8)	109	6 (6)	1460
	do part.	37	22	571		do (9)	109	6 (7)	1460
	do part.	37	26	572		do (10)	109	6 (8)	1460
	do part.	37	27	572		do (11)	109	6 (9)	1461
	do part.	37	28	572		do (12)	109	6 (10)	1461
	7 part.	36	4	555		do (13)	109	6 (11)	1461
	do part.	37	3	565		do (14)	109	6 (12)	1461
	9 part.	36	5	556		do (15)	109	6 (13)	1461
	do part.	36	35	564		do (16) part.	109	6 (14)	1461
	do part.	37	4	566		do do part.	109	116	1517
	do part.	37	24	571		do (17)	109	6 (15)	1462
	10 part.	36	6	556		do (18)	109	45	1492
	do part.	37	3	565		do (19)	109	6 (16)	1462
	do part.	37	5	566		do (20)	109	21	1482
	11	36	34	564		8	109	7	1463
	12 part.	40	3	604		9 (1) part.	109	8 (2)	1465
	13 part.	4	3	17		do do part.	109	8 (3)	1465
	do part.	11	9	181		do (2)	109	8 (4)	1465
S	2 part.	40	24	609		do (3) part.	109	8 (5)	1465
	do part.	135	77	1777		do do part.	109	8 (6)	1466
						do (4)	109	8 (7)	1466
						do (5)	109	8 (8)	1466
						do (6)	109	8 (9)	1466

ACTS OF THE DOMINION OF CANADA—Continued.

42 VICTORIA, 1879—Continued.					42 VICTORIA, 1879—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
3	9 (7)	109	8 (10)	1466	9	20 (2) part.	109	19 (2)	1481
	do (8)	109	8 (11)	1466		do do part.	109	24 (5)	1485
	do (9)	109	8 (12)	1467		do (3)	109	19 (3)	1481
	do (10)	109	8 (13)	1467		do (4)	109	19 (4)	1481
	do (11)	109	8 (14)	1467		do (5)	109	19 (5)	1481
	do (12)	109	8 (15)	1467		do (6)	109	19 (6)	1481
	do (13) part.	109	8 (16)	1468		do (7)	109	22 (6)	1483
	do do part.	109	8 (17)	1468		do (8)	109	22 (7)	1483
	do (15)	109	8 (18)	1468		do (9)	109	22 (8)	1483
	do (17)	109	8 (20)	1468		do (10)	109	22 (9)	1483
	do (18)	109	8 (21)	1468		do (11)	109	22 (10)	1483
	do (20) part.	109	8 (23)	1469		do (12)	109	22 (11)	1484
	do (21)	109	8 (24)	1469		do (13)	109	22 (12)	1484
	do (23)	109	8 (26)	1469		do (14)	109	22 (13)	1484
	do (24)	109	8 (27)	1469		21	109	20	1481
	do (25)	109	8 (28)	1470		22 (1)	109	22 (1)	1482
	do (26)	109	8 (29)	1470		do (2)	109	22 (2)	1482
	do (27)	109	8 (30)	1470		do (3)	109	22 (3)	1482
	do (28)	109	8 (31)	1470		do (4)	109	22 (4)	1483
	do (29)	109	8 (32)	1471		do (5)	109	22 (5)	1483
	do (30)	109	8 (33)	1471		23	109	23	1484
	do (31)	109	8 (34)	1471		24	109	24	1485
	do (32)	109	8 (35)	1472		25 (1)	109	25 (1)	1485
	do (33)	109	8 (36)	1472		do (2)	109	104 (1)	1513
	do (34)	109	8 (37)	1472		do (3)	109	104 (2)	1513
	do (35)	109	8 (37) (a)	1472		do (4)	109	104 (3)	1513
	do (36)	109	8 (37) (b)	1473		do (5)	109	25 (2)	1485
	do (37)	43	35	659		do (6)	109	25 (3)	1486
	do (38)	109	9	1473		do (7)	109	25 (4)	1486
	do (39)	109	10	1473		do (8)	109	25 (5)	1486
	do (40)	109	11	1474		do (9)	109	25 (6)	1486
	10 part.	109	8 (2)	1465		do (10)	109	25 (7)	1486
	do part.	109	41	1490		do (11)	109	25 (8)	1486
	11	109	42	1491		do (12)	109	25 (9)	1486
	12	109	43	1491		do (13)	109	25 (10)	1486
	13	109	44	1492		do (14)	109	25 (11)	1486
	14 part.	109	41	1490		do (15)	109	25 (12)	1487
	do part.	109	42	1491		26	109	26	1487
	do part.	109	43	1491		27 (1)	109	27	1488
	do part.	109	44	1492		do (2)	109	28	1488
	15 (1)	109	12 (1)	1474		do (4)	109	29	1488
	do (2)	109	12 (2)	1474		28 (1)	109	30	1488
	do (3)	109	12 (3)	1474		do (2)	109	31	1489
	do (6)	109	12 (4)	1474		do (3)	109	32	1489
	16 (4)	109	14	1475		do (4)	109	33	1489
	do (5)	109	15	1475		do (5)	109	34	1489
	do (6)	109	46	1492		do (6)	109	35	1489
	17 (1)	109	16 (1)	1476		do (7)	109	36	1489
	do (2)	109	16 (2)	1476		do (8)	109	37	1490
	do (3)	109	16 (3)	1476		do (9)	109	38	1490
	do (4)	109	16 (4)	1476		do (10)	109	39	1490
	do (5)	109	16 (5)	1476		29	109	107	1514
	do (7)	109	16 (7)	1477		30	109	108	1515
	do (8)	109	16 (8)	1477		31	109	109	1515
	do (9)	109	16 (9)	1477		32 (1)	109	110	1516
	do (10)	109	16 (10)	1477		do (2)	109	111	1516
	do (11)	109	16 (11)	1477		33	109	108 (6)	1515
	do (12)	109	16 (12)	1477		34	109	115	1517
	18	109	17	1478		35	109	58	1499
	19	109	18	1478		36	109	59	1500
	20 (1)	109	19 (1)	1480		37	109	60	1500

ACTS OF THE DOMINION OF CANADA—Continued.

42 VICTORIA, 1879—Continued.					42 VICTORIA, 1879—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
9	38	109	61	1500	9	93	109	117	1517
	39	109	62	1500		94	109	118 (1)	1517
	40	109	63	1500		95	109	118 (2)	1518
	41	109	64	1501		96	109	119	1518
	42	109	65	1501		97	109	84	1507
	43	109	66	1501		98	109	40	1490
	44	109	67	1501		99	109	120	1518
	45	109	68	1502		100 part.	109	45	1492
	46 (1)	109	69	1502		do part.	109	85	1507
	do (2)	109	70	1502		do part.	109	104	1512
	do (3)	109	71	1502		do part.	109	121	1518
	do (4)	109	72	1502		101	109	8	1465
	47	109	73	1502		Schedule 2.	109	Schedule 2.	1526
	50	109	77	1505	15	1 part.	33	1	365
	51	109	79	1505		do part.	33	2	365
	52	109	80	1506		2	33	4	365
	53	109	81	1506		3	33	5	366
	54	109	82	1506		4	33	8	366
	55	109	112	1516		6	33	9	367
	56	109	113	1516		7	33	10	367
	57	109	114	1517		10	32	62	317
	58	109	115	1517		11	32	63	318
	60 (1)	109	56 (2)	1496		12	33	11	367
	do (3)	109	56 (5)	1497		Schedule A.	33	Schedule A.	368
	do (4)	109	56 (6)	1497		do B.	33	Schedule C.	401
	do (5)	109	56 (1)	1495		do C.	33	Schedule C.	401
	61	109	57	1497		do D.	33	Schedule D.	410
	62	109	85	1507	16	1	104	1	1375
	63	109	86	1508		3	104	2	1375
	64	109	87	1509		4	104	3	1375
	65	109	88	1509		5	104	4	1375
	66	109	91	1510		6	104	5	1375
	67 (1)	109	92	1510		7	104	6	1376
	do (2)	109	93	1510		8	104	7	1376
	68	109	94	1510		9	104	8	1376
	69	109	95	1510		10	104	9	1376
	70	109	96	1511		11	104	10	1377
	72	109	90	1509		12	104	11	1377
	73	109	90	1509		13	104	12	1377
	74	109	49	1494		14	104	13	1378
	75	109	50	1494		15	104	14	1378
	76 part.	109	51	1494		16 (1)	104	15	1378
	do part.	109	78	1505		18	104	19	1379
	77	109	52	1494		19	104	20	1379
	78	109	97	1511		20	104	21	1380
	79	109	98 (1)	1511		21	104	22	1380
	80	109	98 (2)	1511		22	104	23	1380
	81	109	98 (3)	1511		23	104	24	1380
	82	109	55	1495		27	104	28	1381
	83	109	99 (1)	1511		28 (1)	104	29 (1)	1382
	84 part.	109	99 (2)	1511		do (2)	104	29 (2)	1382
	do part.	109	99 (3)	1512		29	104	30	1382
	85	109	107	1514		31	104	32	1383
	86	168	39	1972		32	104	33	1383
	87	168	38	1972		33	104	34	1383
	88 part.	162	25	1891		34	104	35	1383
	do part.	168	37	1971		35	104	36	1384
	89	162	25	1891		36	104	37	1384
	90	168	38	1972		37 (1)	104	38	1384
	91	109	105	1513		do (2)	104	39	1384
	92 part.	109	106	1514		do (3)	104	40	1385

Table of Acts and Parts of Acts Consolidated.

43

ACTS OF THE DOMINION OF CANADA—Continued.

42 VICTORIA, 1879—Continued.					42 VICTORIA, 1879—Continued.					
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.			
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.	
16	38 (1)	104	41	1385	21	35	59	8	900	
	do (2)	104	42	1385		36	59	9	900	
	39	104	43	1385		37 part.	59	10	900	
	40	104	44	1385		do part.	59	11	900	
	41	104	45	1386		38	59	12	901	
	42	104	47	1386		39 part.	60	12	905	
	43	104	48	1386		40	58	1	893	
	45	104	50	1387		22	1	63	5	936
	46	104	51	1387			2	63	6	936
	48	104	57	1388			3	63	7	936
	49	104	58	1389			5	63	12	937
	50	104	59	1389			4 part.	63	19	939
	51	104	61	1389			6	63	8	936
	52	104	62	1390			7	63	13	937
	53 (1)	104	63	1390			8	63	3	935
	do (2)	104	64	1390			9	63	4	935
	do (4)	104	65	1390			10	63	14	938
	do (5)	104	67	1391			11	63	9	936
	First Sched.	104	First Sch.	1391			12	63	10	936
	Second Sched.	104	Second Sch.	1393			13	63	15	938
Third Sched.	104	Third Sch.	1395	14	63		16	938		
Fourth Sched.	104	Fourth Sch.	1396	15	63		11	937		
20	1	35	12	524	16		63	17	938	
	2 part.	35	15	525	17		63	18	939	
	do part.	35	16	525	18		63	20	939	
	do part.	35	17	525	19		63	21	939	
	3	35	18	525	20		63	22	939	
	21	1	58	3	893	21	63	23	940	
2		58	4	893	22	63	29	941		
3		58	5	893	23	63	24	940		
4		58	6	894	24	63	25	940		
5		58	7	894	25	63	30	941		
6		58	8	894	26	63	31	942		
7		58	9	894	27	63	32	942		
8		58	10	894	28	63	35	943		
9		58	11	894	29	63	33	942		
10		58	12	895	30	63	34	942		
11		58	13	895	31	63	36	943		
12		58	14	895	32	63	28	941		
13		58	15	895	33	63	37	943		
14		58	16	895	34	63	27	941		
15		58	17	895	35	63	38	943		
16		58	18	896	36	63	26	940		
17		58	19	896	37	63	2	935		
18		58	20	896	40	63	1	935		
19		58	21	896	24	1	87	1	1231	
20		58	22	897		25	1 part.	80	67	1181
21		58	23	897	do part.		80	68	1181	
22		58	24	897	2	80	16	1168		
23		58	25	897	26	1 part.	73	2	1025	
24		58	26	897		do part.	73	7	1026	
25	58	28	898	2		73	6	1026		
26	58	2	893	3	73	10 (1)	1029			
27	58	27	898	27	1 part.	74	31	1044		
28 part.	59	1	899		do part.	74	32	1044		
29	59	2	899	33	1	55	1	873		
30	59	3	899		2	55	2	873		
31	59	4	900		3	55	3	873		
32	59	5	900		4	55	4	873		
33	59	6	900		5	55	5	874		
34	59	7	900		6	55	6	874		

ACTS OF THE DOMINION OF CANADA—Continued.

42 VICTORIA, 1879—Continued.					42 VICTORIA, 1879—Concluded.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
33	Schedule.	55	Schedule.	884	44	9	175	2	2097
36	2	45	1	693		10	178	78	2141
	3	45	2	693	45	1 part.	120	29	1608
	4	45	4	693		do part.	120	31	1608
	8	45	9	694	46	1	123	7	1651
	9	45	11	695	47	1	111	1	1531
	11	45	12	695		2	111	2	1531
	12	45	13	695		3	1	7 (26)	4
	13	45	17	697		do	123	3	1649
	15	45	19	699		4	123	2	1649
	16	45	22	699	50	1	106	98	1424
	17	45	20	699		2	106	2	1401
	18	45	23	700		3	106	6	1402
	20	45	25	700		4	106	2	1401
	23	45	5	693	43 VICTORIA, 1880.				
	24	45	15	697					
	25	45	16	697					
	26	45	28	700					
	27	45	29	701					
	28 part.	45	27	700					
	29	45	3	693					
	30	45	31	701					
	31	45	28	700					
	32	45	30	701					
37	1	184	1	2243					
	2	184	3	2243					
39	1	135	24 (e)	1765					
	2	135	27	1766					
	3	135	28	1766					
	4	135	24 (f)	1765					
	5	135	26 (1)	1766					
	6	135	26 (3)	1766					
	7	135	26 (3)	1766					
	8	135	29	1767					
	9	135	2 (e)	1761					
	10 part.	9	50	161					
	11	135	30	1767					
	12	135	10	1763					
	13	135	24 (e)	1765					
	14	135	46	1770					
	15	135	58	1773					
	16	135	20	1764					
	18	135	19	1764					
40	1	137	14 (6)	1794					
43	3	183	33	2231					
	4	183	42	2233					
	5	183	43	2234					
	6	183	44	2234					
	7	183	35	2232					
	8	183	36	2232					
	9	183	37	2232					
	10	183	39	2232					
	11	183	45	2234					
44	1	175	1	2097					
	2	175	4	2098					
	3	175	12	2099					
	4	175	13	2099					
	5	175	14	2100					
	6	175	15	2100					
	7	175	16	2100					
	8	175	17	2100					
					3	1	19	10	229
					4	1	138	9	1800
					7	1	48	2	709
						2	48	2	709
					11	1	16	1	201
						2	16	2	201
						3	16	3	201
					12	1 part.	115	1	1555
						do part.	115	2	1555
						2	115	3	1555
						3	115	4	1555
						4	115	5	1556
						5	115	5	1556
					13	1 part.	31	3	297
						2	31	5	293
						3	31	7	293
						4 part.	31	2	297
						do part.	31	8	298
						5 part.	31	4	298
					18	1	33	Schedule A.	368
						2	33	Schedule C.	401
					20	1	99	12	1286
						2	99	75	1314
						5	99	89	1324
					21	1	102	2	1345
						4	102	5	1346
						5	102	6	1347
						8	102	9	1348
						9	102	10	1348
						10	102	11	1348
						12	102	12	1348
						13	102	13	1348
						14	102	14	1348
						15	102	15	1349
						16	102	16	1349
						17	102	17	1350
						18	102	18	1350
						19	102	19	1350
						20	102	20	1350
						21	102	21	1351
						22	102	22	1351

ACTS OF THE DOMINION OF CANADA—Continued.

43 VICTORIA, 1880—Continued.					43 VICTORIA, 1880—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
21	23	102	23	1351	25	49	50	28	722
	24	102	24	1351		50	50	29	722
	25	102	26	1352		51	50	30	723
	26	102	28	1353		52	50	31	723
	27	102	29	1353		53	50	32	723
	28	102	30	1353		54	50	33	723
	30	102	1	1345		55	50	34	723
22	1 part.	120	3	1599		56	50	35	723
	do part.	120	86	1624		58	50	36	723
	do part.	120	87	1625		59	50	37	724
	2	120	38	1611		60	50	38	724
	3	120	39	1611		61	50	39	724
	4 part.	120	66 (1)	1620		62	50	40	724
	do part.	120	67	1620		72	50	63	728
	do part.	120	Schedule B.	1626		73	50	64	728
	5	120	49	1614		76	50	66	728
	6	120	50	1614		do (1)	50	66 (a)	728
	7 part.	120	2	1599		do (2)	50	66 (b)	728
	do part.	120	53	1615		do (3)	50	66 (c)	728
	do part.	120	54	1616		do (4)	50	66 (d)	728
	do part.	120	55	1616		do (5)	50	67	729
	do part.	120	56	1616		do (6)	50	68	729
	do part.	120	57	1617		do (7)	50	69	729
	do part.	120	58	1617		do (8)	50	70	729
	8 part.	120	59	1617		do (9)	50	71	729
	do part.	120	60	1618		do (10)	50	72 (1)	729
	10	120	82	1623		do (11) part.	50	72 (1)	729
	11 part.	120	4	1600		do do part.	50	72 (2)	729
	do part.	120	86	1624		do do part.	50	72 (3)	730
	12 (1)	120	79	1623		do (12)	50	73	730
	do (2)	120	40 (1)	1612		do (13)	50	74	730
	do (3)	120	42	1612		do (14)	50	75	730
	do (4)	120	14	1604		do (15)	50	76	730
	do (5)	120	87	1625		78	50	78	731
	Schedule A.	120	53 (1)	1615		79	50	79	731
	Schedule B.	120	Schedule A.	1626		80	50	80	731
25	1 part.	50	2	717		81	50	109	739
	do part.	50	3	717		82 (2)	50	83	732
	2	50	4	718		do (3)	50	84	732
	3	50	5	718		do (4)	50	85	732
	4	50	6	718		do (5)	50	86	732
	5	50	7	718		83	50	87	732
	6	50	8	718		84	50	81	731
	7	50	9	718		86	50	89	733
	8	50	12	719		89 part.	50	106	738
	9	50	13	719		90 (1)	50	92 (1)	734
	10	50	14	719		do (2)	50	93	734
	11	50	17	720		do (3)	50	95	735
	12	50	10	718		do (4)	50	94	734
	13	50	112	746		do (5)	50	96	735
	14	50	111	739		do (6)	50	97	735
	15	50	18	720		do (7)	50	98	735
	16	50	19	721		do (8)	50	2	717
	17	50	20	721		do (11)	50	100	736
	18	50	21	721		do (12)	50	92 (2)	734
	19	50	22	721		91 (1)	50	107	738
	20	50	23	721		do (2)	50	108	739
	21	50	24	722		94	50	110	739
	22	50	25	722		96	50	112	740
	47	50	26	722		97	50	1	717
	48	50	27	722		Schedule part.	178	11	2125

ACTS OF THE DOMINION OF CANADA—Continued.

43 VICTORIA, 1880—Continued.					43 VICTORIA, 1880—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
28	1	43	1	647	28	65 part.	162	34	1893
	2	43	2	647		66 (1)	164	50	1911
	4	43	5	649		do (2)	43	65	668
	5 part.	43	7	649		67 (1)	43	66	668
	7 part.	43	6	649		do (2)	43	67	668
	8	43	7	649		68	43	68	669
	9	43	8	649		69	43	69	669
	10	43	9	650		70	43	70	669
	11	43	10	650		71	43	71	669
	12	43	11	650		72	43	75	670
	13	43	12	650		73 part.	43	127	685
	14	43	13	650		do part.	43	128	685
	15	43	14	651		74	43	76	670
	16	43	15	651		75	43	77	671
	17	43	16	651		76	43	77	671
	18	43	17	651		77	43	75	672
	19	43	18	651		78	43	79	672
	21	43	19	652		79	43	80	672
	22	43	21	653		80	43	81	672
	24	43	23	654		81	43	126	685
	25	43	24	655		82	43	118	683
	26	43	25	655		83 part.	43	72	669
	27 (2)	43	26	655		do part.	43	73	670
	28	43	27	657		84	43	74	670
	29	43	28	657		85	43	120	684
	31	43	35	659		86	43	121	684
	32	43	36	660		87	43	122	684
	33	43	37	660		88	43	123	684
	34	43	33	659		89 part.	43	124	684
	35	43	34	659		90 part.	43	94	677
	36	43	38	660		do part.	43	95	677
	37	43	39	660		do part.	43	96	678
	38	43	103	680		do part.	43	97	678
	39	43	40	661		do part.	43	98	678
	40	43	41	661		91	43	100	679
	41	43	110	682		92	43	101	679
	42	43	42	661		93	43	102	680
	43	43	43	661		94 part.	43	104	680
	44	43	44	662		do part.	43	105	680
	45	43	45	662		95	43	106	681
	46	43	46	663		96	43	107	681
	47	43	47	663		97	43	108	681
	48	43	48	664		98	43	125	684
	49	43	49	664		101	43	88	674
	50	43	50	664		102	43	89	675
	51	43	51	664		103	43	90	675
	52	43	52	664		104	43	91	675
	53 part.	43	53	665		105	43	92	676
	54	43	109	681		106	43	93	676
	55	173	14	1995		107	43	82	673
	56	43	54	665		108 part.	43	129	685
	57	43	55	665		109	43	130	686
	58	43	56	666		110	43	3	648
	59	43	57	666		111	43	8	649
	60	43	58	666	29	2	79	2	1151
	61	43	59	666		3	79	1	1151
	62	43	60	666		4	79	3	1157
	63	43	61	667		5	79	4	1157
	64 (1)	43	62	667		6	79	5	1157
	do (2)	43	63	667		7	79	C	1157
	65 part.	43	64	668		8	79	7	1158

Table of Acts and Parts of Acts Consolidated.

47

ACTS OF THE DOMINION OF CANADA—Continued.

43 VICTORIA, 1880—Concluded.					44 VICTORIA, 1880-81.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
29	9	79	8	1158	4	1	30	11	295
	10	78	16 (3)	1124	5	1	138	4	1798
	11	79	9	1158	6	1	138	7	1799
	12 part.	79	10	1158	8	1	122	2	1637
	do part.	79	11	1159		2	122	14	1641
	13	79	12	1159		3	122	3	1637
	14	79	13	1160		4	122	10	1639
34	1	135	63	1774		5	122	2	1637
	2	135	64	1774		6	122	31	1645
	3	135	65	1774	9	1	120	Schedule A.	1626
	4	135	61	1773	10	1	33	8	366
35	1	174	220	2055		2	33	Schedule A.	368
	2	174	221	2056		3	33	Schedule C.	401
	3 part.	174	220	2055		4	33	Schedule D.	410
	do part.	174	221	2056	13	1	113	2	1535
37	2	174	216	2054		3	113	1	1535
38	2	172	2	1987		4	113	3	1535
	3	172	3	1987		5	113	4	1536
	4	178	3	2123		6	113	5	1536
39	1 part.	181	29 (1)	2194		7	113	6	1537
	do part.	183	25	2229		8	174	161	2041
	2	183	18	2228		9	113	7	1537
	3	183	26	2230		10	113	8	1538
	4	183	27	2230		11	113	9	1538
	5	183	42	2233		12	113	10	1538
	6	183	28	2230		13	113	11	1538
	7	183	29	2230		14	113	12	1539
	8	183	46	2234		15	113	13	1539
	9	183	46	2234		16	113	14	1539
	10	183	47	2235		17	113	15	1540
	11	183	48	2235		18	113	16	1540
	12	183	45	2233		19	113	17	1540
	13	183	30	2231		20 part.	113	2 (g)	1535
	14 part.	181	28 (7)	2193		do part.	113	18	1540
	do part.	181	29 (2)	2194		21	113	33	1544
	15 part.	177	31	2121		22	113	36	1544
	16 part.	183	17	2228		23	113	19	1540
40	1 part.	181	29 (1)	2194		24	113	20	1541
	do part.	183	39	2232		25	113	21	1541
	2	183	18	2228		26	113	22	1541
	3	183	40	2233		27	113	23	1541
	4	183	41	2233		28	113	24	1542
	5	183	46	2234		29	113	25	1542
	6	183	46	2234		30	113	26	1542
	7	183	47	2235		31	113	27	1542
	8	183	48	2235		32 part.	113	28	1542
	9 part.	181	28 (7)	2193		do part.	113	29	1543
	do part.	181	29 (2)	2194		33	113	30	1543
	10 part.	183	17	2228		34	113	31	1543
41	1	183	72	2241		35	113	32	1544
	2	183	73	2241		37	113	35	1544
	3	183	74	2241		38	113	37	1544
	4	155	9	1866		39	113	38	1544
42	1	127	3	1693		40	113	39	1545
	2	127	4	1693		41	113	40	1545
	3	127	5	1693		42	113	41	1545
	4	127	6	1694		43	113	42	1546
	5	127	7	1694		44	113	34	1544
	6	127	8	1694		45 part.	113	44	1546
						46	113	43	1546
						Schd. Form A.	113	Schedule.	
								Form A.	1547

ACTS OF THE DOMINION OF CANADA—Continued.

44 VICTORIA, 1880-81—Continued.					44 VICTORIA, 1880-81—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
13	Schd. Form B.	113	Schedule,		25	3 (9)	38	2 (g)	574
			Form B.	1548		do (10)	38	2 (h)	574
	do do C.	113	do Form C.	1549		do (11)	38	2 (i)	574
	do do D.	113	do Form D.	1549		do (12)	38	2 (j)	574
	do do E.	113	do Form E.	1550		4	38	3	574
	do do F.	113	do Form F.	1550		5 (1)	38	5 (a)	574
	do do G.	113	do Form G.	1551		do (2)	38	5 (b)	574
	do do G.1	113	do Form H.	1551		do (3)	38	5 (c)	574
	do do H.	113	do Form I.	1552		do (4)	38	5 (d)	574
14	1	47	1	707		do (5)	39	3 (b)	594
	2 (b)	47	2	707		do (6)	39	3 (c)	594
	3	47	6	708		do (7)	38	5 (e)	574
17	1 part.	43	30	658		do (8)	39	3 (d)	594
	do part.	43	131	686		do (9) part.	38	5 (f)	575
	2	43	30	658		do do part.	39	4	595
	3	43	31	658		do (10)	38	5 (g)	575
	4	43	32	658		do (11)	38	5 (h)	575
	5	43	32	658		do (12)	38	5 (i)	575
	6	43	115	683		do (13)	38	5 (j)	575
	7	43	116	683		do (14)	38	5 (k)	575
	9	43	29	657		do (15) part.	39	3 (e)	595
	10	43	94	677		do (16)	38	5 (l)	575
	11	43	100	679		do (17)	38	5 (m)	575
	12	43	117	683		6	38	6	576
	13	43	119	683		7	38	7	576
	14	43	8	649		8	38	8	576
20	1 (2)	79	14	1160		9	38	9	576
22	1 part.	99	79 (1) (20)	1320		10 (1)	39	5 (1)	595
	do part.	99	79 (1) (21)	1320		do (2)	39	5 (2)	595
	do part.	99	79 (1) (22)	1320		do (3)	39	5 (3)	595
23	1	102	3	1346		do (4)	39	5 (4)	595
	3	102	6	1347		do (5)	39	5 (5)	595
	4	102	7	1347		do (6)	39	5 (6)	595
	5	102	8	1347		do (7)	39	5 (7)	595
	6 part.	102	25	1352		do (8)	39	5 (8)	595
	do part.	102	31	1354		do (9)	38	68	590
	7 part.	102	16	1349		do (10)	38	69	590
	do part.	102	20	1350		11	39	6	596
	do part.	102	22	1351		12	39	7	597
	do part.	102	23	1351		13	39	8	597
	do part.	102	26	1352		14	39	9	597
	do part.	102	28	1353		15	39	10	598
	8	102	27	1352		16	40	15	607
	Schedule.	102	Schedule.	1354		17	40	16	608
24	1	109	16 (11)	1477		18	39	11	598
	2 part.	109	108	1515		19	39	12	599
	do part.	109	109	1515		20	39	13	599
	3	109	47	1493		21	39	14	600
	Schedule one.	109	Sched. one.	1518		22	39	15	600
25	1	38	1	573		23	39	16	600
	2	38	4	574		24	39	17	601
	3 (1) part.	39	2	593		25	39	18	601
	do do part.	39	5	595		27 (1) part.	39	10	598
	do (2)	38	2 (a)	573		do do part.	40	6	604
	do (3)	38	2 (b)	573		do do part.	40	9	605
	do (4)	38	2 (c)	573		do (2)	40	12	606
	do (5)	38	2 (d)	573		do (3) part.	40	11	606
	do (6)	38	2 (e)	573		do do part.	40	6	604
	do do	39	2	593		28	40	10	605
	do (7)	39	2	593		29	40	7	605
	do (8)	38	2 (f)	574		30	40	8	605

Table of Acts and Parts of Acts Consolidated.

49

ACTS OF THE DOMINION OF CANADA—Continued.

44 VICTORIA, 1880-81—Continued.					44 VICTORIA, 1880-81—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
25	31	40	13	606	25	90 (2)	139	3	1805
	32	40	17	608		91 part.	38	52	585
	33	40	14	607		do part.	139	3	1805
	34	40	18	608		92	38	45	584
	35	40	19	608		93	37	22	571
	36	40	20	608		94	38	46	584
	37	40	21	609		95	38	47	584
	38	40	22	609		96	38	48	584
	39 part.	40	22	609		97	39	19	601
	do part.	40	23	609		98	37	23	571
	40 part.	40	24	609		99	37	9	567
	do part.	135	77	1777		100	37	10	567
	41	40	25	609		101	38	49	585
	42	40	26	609		102	37	28	572
	43	40	27	609		103	37	11	567
	44	40	28	610		104	37	12	568
	45	40	29	610		106	37	25	571
	46	40	30	610		107	37	26	572
	47	40	31	610		108	40	8	605
	48	40	32	610		109	38	53	585
	49	38	10	577		110 (1)	38	54 (1)	585
	50	38	11	577		do (2) part.	38	54 (2)	586
	51	38	12	577		do do part.	38	54 (3)	586
	52	38	13	577		do (3)	38	54 (4)	587
	53	38	14	577		do (4)	38	54 (5)	587
	54	38	15	578		do (5)	38	55	587
	55	38	16	578		do (6)	38	56	587
	56	38	17	579		111	38	58	588
	57	38	18	579		112 part.	38	59	588
	58	38	64	589		113	38	60	588
	59	38	65	589		114	168	39	1972
	60	38	20	579		115	168	38	1972
	61	38	21	579		116 part.	162	25	1891
	62	38	22	579		do part.	168	37	1971
	63	38	19	579		117	162	25	1891
	64	38	23	580		118	168	38	1972
	65	38	24	580		119	38	62	589
	66	38	25	580		120 part.	38	63	589
	67	38	26	580		121	38	66	589
	68	38	27	581		122	38	67	590
	69	38	28	581	26	1 part.	134	1	1759
	70	38	29	581		do part.	134	Schedule.	1760
	71	38	30	581		2	134	1	1759
	72	38	31	581		3	134	1	1759
	73	38	32	581		4	134	2	1759
	74	38	50	585		5	134	3	1759
	75	38	57	588		6	134	4	1759
	76	38	33	581	28	1	139	3	1805
	77	38	34	582		2	139	4	1806
	78	38	35	582		3	139	5	1806
	79	38	36	582		4	165	37	1938
	80	38	37	582		5	139	9	1807
	81	38	38	582		6	139	1	1805
	82	38	61	588	30	1	153	1	1859
	83	38	39	583		2	153	2	1859
	84	38	51	585		3	153	3	1859
	85	38	40	583		4	153	4	1859
	86	38	41	583		5	153	5	1859
	87	38	42	583		6	153	6	1860
	88	38	43	583		7	153	7	1860
	89	38	44	583		8	153	8	1860

ACTS OF THE DOMINION OF CANADA—Continued.

44 VICTORIA, 1880-81—Concluded.					45 VICTORIA, 1882—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
30	9	153	9	1861	21	1	143	1	1823
	10 part.	153	10	1861		2	143	4	1824
	do part.	178	3	2123		3	143	5	1824
31	1	157	8 (2)	1873		4	143	6	1824
32	1 part.	183	18	2228		5	143	7	1825
	do part.	183	31	2231		6	143	8	1825
	2	183	32	2231		7	143	9	1826
	3	183	34	2232		8 part.	143	3 (1)	1823
	4 part.	181	28 (4)	2193		do part.	143	3 (2)	1823
	do part.	181	28 (7)	2193		9	143	10	1826
	5	183	21	2228		10	143	12	1826
	6 part.	183	18	2228		11	143	14	1826
	do part.	183	19	2228		12	143	15	1827
						13 para. 1	143	16	1827
						do para. 2	143	17	1827
						do para. 3	143	18	1828
						do para. 4	143	18	1828
						14	143	3 (3)	1824
						15	143	3 (4)	1824
						16 part.	143	2	1823
						do part.	143	13	1826
					22	1	61	37 (3)	918
					23	2	129	4	1704
						3 part.	129	2 (b)	1703
						do part.	129	2 (c)	1703
						4	129	2 (d)	1703
						5	129	2 (e)	1704
						6	129	2 (a)	1703
						8	129	2 (f)	1704
						9	129	5	1705
						10	129	6	1705
						11	129	6	1705
						12	129	7	1705
						13 part.	129	2 (g)	1704
						do part	129	8	1706
						14	129	9	1706
						15	129	10	1706
						16	129	11	1706
						17	129	12	1706
						18	129	13	1706
						19	129	15	1707
						20	129	16	1707
						21	129	17	1707
						22	129	18	1707
						23	129	19	1708
						24	129	20	1708
						25	129	21	1708
						26	129	22	1708
						27	129	23	1708
						28	129	24	1708
						29	129	25	1708
						30	129	26	1708
						31	129	27	1709
						32	129	28	1709
						33	129	29	1709
						34	129	30	1709
						35	129	31	1709
						36	129	32	1710
						37	129	33	1710
						38	129	34	1710
						39	129	35	1710
45 VICTORIA, 1882.									
3	1	6	2	47					
	2	6	3	47					
	3	6	3	47					
	4 (1)	6	3 (3)	54					
	do (2)	6	3 (3)	54					
	do (3)	6	3 (3)	54					
	do (4)	6	3 (3)	54					
	5 (1)	6	4	64					
	6	8	3	90					
	7 part.	8	4	90					
	do part.	8	14	92					
	do part.	8	15	93					
	8	8	22	95					
	9	8	132	127					
5	1	46	5	705					
6	1	33	Schedule A.	368					
	2	33	Schedule A.	368					
	3	33	Schedule A.	368					
	4	33	Schedule A.	368					
	5	33	Schedule C.	401					
9	1	35	26	527					
11	1	138	3	1798					
	2 part.	138	11	1800					
	do part.	138	13	1801					
	3	138	11	1800					
	4	138	11	1800					
	5	138	16	1803					
12	1	138	1	1797					
	2	138	2 (1)	1797					
	3 part.	138	2 (2)	1797					
	do part.	138	2 (3)	1797					
	4 part.	138	2 (4)	1797					
	do part.	138	2 (5)	1798					
	5	138	2 (6)	1798					
	6	138	15	1803					
	7	138	16	1803					
	8	138	15	1803					
18	1 part.	96	1	1273					
	do part.	96	2	1273					
	2 part.	96	3	1273					
	do part.	96	4	1273					
20	1	142	15	1817					

ACTS OF THE DOMINION OF CANADA—Continued.

45 VICTORIA, 1882—Continued.					45 VICTORIA, 1882—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
23	40	129	36	1710	23	Sub-title.	129	97	1724
	41	129	37	1710		103	129	102	1724
	42	129	38	1711		104	129	103	1725
	43	129	39	1711		105	129	104	1725
	44	129	40	1711		Sub-title.	129	105	1725
	45	129	41	1711		106	129	114	1728
	46	129	42	1711		107	129	107	1725
	47	129	43	1712		108 part.	129	108	1725
	48	129	44	1712		do part.	129	109	1727
	49	129	45	1712		109	129	110	1727
	50 part.	129	46	1712		110	129	111	1727
	do part.	129	49	1713		111	129	112	1728
	51	129	47	1712		112	129	113	1728
	52	129	48	1713		Sub-title.	129	115	1728
	53	129	49	1713		113	129	123	1731
	54	129	50	1713		114	129	117	1729
	55	129	51	1713		115 part.	129	118	1729
	56	129	52	1713		116	129	119	1730
	57	129	53	1714		117	129	120	1730
	58	129	54	1714		118	129	121	1730
	59	129	55	1714		119	129	122	1731
	60 (1)	129	56 (1)	1714	26	1	102	4	1346
	do (2)	129	57	1714	29	1 part.	45	6	694
	61	129	58	1714		do part.	45	7	694
	62	129	59	1715		do part.	45	8	694
	63	129	60	1715		do part.	45	14	696
	64	129	61	1715		do part.	45	18	697
	65	129	62	1715		do part.	45	21	699
	66	129	63	1716		do part.	45	24	700
	67	129	64	1716	30	1	43	2	647
	68	129	65	1716		3	43	23	654
	69 part.	129	66	1716		do	43	30	658
	70	129	67	1717		do	43	32	658
	71	129	68	1717		do	43	67	668
	72	129	69	1718		do	43	79	672
	73	129	70	1718		do	43	94	677
	74	129	71	1718		do	43	100	679
	75	129	72	1718		do	43	101	679
	76	129	73	1719		do	43	104	680
	77 (1)	129	77 (1)	1720		do	43	105	680
	78 part.	129	74	1719		do	43	106	680
	do part.	129	76	1720		do	43	113	682
	79	129	74	1719		do	43	117	683
	80	129	75	1719		do	43	120	684
	81	129	80	1720		do	43	121	684
	82	129	81	1720		do	43	122	684
	83	129	82	1721		4	43	26	655
	84	129	83	1721		5 part.	43	104	680
	85	129	95	1723		do part.	43	105	680
	86	129	84	1721		6	43	30	658
	87	129	85	1722	32	1	80	98	1188
	88 part.	129	86	1722		2	80	12	1165
	do part.	129	87	1722		3	80	99	1188
	89	129	88	1722		4	80	100	1189
	90	129	89	1722		5	80	34	1172
	91	129	94	1723		6	80	35	1172
	92	129	90	1722		7	80	43	1174
	93	129	91	1723		8	80	24	1170
	95	129	96	1724		9	80	33	1172
	97	129	92	1723		10	80	88	1186
	98	129	93	1723	33	1	74	86	1063

ACTS OF THE DOMINION OF CANADA—Continued.

45 VICTORIA, 1882—Continued.					45 VICTORIA, 1882—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
33	2 part.	74	87	1064	35	26	78	28	1130
	do part.	74	88	1064		27	78	29 (1)	1130
	do part.	74	114	1074		28	78	29 (2)	1131
	3	74	115	1074		29 part.	78	29 (1)	1130
34	1	137	14 (6)	1794		do part.	78	29 (3)	1131
	2 part.	75	30	1098		do part.	78	29 (4)	1131
	do part.	75	31	1098		do part.	78	29 (5)	1131
	do part.	75	32	1098		do part.	78	29 (6)	1131
	do part.	75	33	1099		30	78	29 (7)	1131
	do part.	75	34	1099		31 part.	78	29 (8)	1132
	do part.	75	35	1099		do part.	78	29 (9)	1132
	5	137	2	1791		32 (1)	78	29 (4)	1131
35	1	78	1	1119		33 part.	78	29 (10)	1132
	3	78	2	1119		do part.	78	30 (5)	1132
	4 (1)	78	3	1120		do part.	78	35	1134
	do (2)	78	4	1120		34	78	31	1133
	5	78	5	1120		35	78	30	1132
	6 (1)	78	6	1120		36	78	30 (7)	1133
	do (2)	78	2	1119		37 para. 1.	78	33	1134
	7 (1)	78	7 (1)	1121		do para. 2.	78	32	1134
	do (3)	78	7 (2)	1121		38	78	34	1134
	8 (1) part.	78	8 (1)	1121		39	78	36	1134
	do do part.	78	8 (2)	1121		40	78	37	1135
	do (2) part.	78	8 (3)	1122		41	78	38	1136
	do do part.	78	8 (2)	1121		42	78	39	1136
	do (3)	78	8 (4)	1122		43	78	57	1145
	9	78	9	1122		44	78	40	1136
	10	78	10	1122		45 (1) part.	78	41 (1)	1136
	11	78	11	1123		do do part.	78	41 (2)	1137
	12	78	12	1123		do (2)	78	41 (8)	1137
	13	78	13	1123		do (3)	78	41 (9)	1137
	14	78	14	1123		do (4)	78	41 (10)	1138
	15	78	15	1123		46	78	42	1138
	16 (1)	78	16 (1)	1124		47	78	43	1139
	do (2)	78	16 (2)	1124		48 (1)	78	44 (2)	1139
	do (3)	78	17	1124		do (2)	78	44 (3)	1140
	do (4)	78	18	1125		do (3)	78	44 (4)	1140
	17 (1)	78	19 (1)	1125		49	78	45	1141
	do (2) part.	78	19 (2)	1125		50	78	46	1141
	do do part.	78	19 (3)	1125		51	78	47	1142
	do do part.	78	19 (4)	1125		52	78	48	1142
	do (3)	78	19 (5)	1125		53	78	49	1142
	do (4)	78	19 (6)	1126		54	78	50	1143
	do (5)	78	19 (7)	1126		55	78	51	1143
	do (6)	78	19 (8)	1126		56	78	52	1143
	do (7)	78	19 (9)	1126		57	78	53	1143
	do (8)	78	19 (10)	1127		58	78	54	1143
	do (9)	78	19 (11)	1127		59	78	55 (1)	1144
	do (10)	78	19 (12)	1127		60	78	55 (1)	1144
	do (11)	78	19 (13)	1127		61	78	55 (2)	1144
	do (12)	78	19 (14)	1127		62	78	56	1144
	do (13)	78	19 (15)	1127		63	78	56	1144
	do (14)	78	19 (16)	1127		64 para. 1.	78	58	1145
	18	78	20	1128		do para. 2.	78	59	1145
	19	78	21	1128		65	78	60	1145
	20	78	22	1129		66	78	61	1145
	21	78	23	1129		67	78	62	1146
	22	78	24	1129		68 (1)	78	63	1146
	23	78	25	1130		do (2)	78	64	1146
	24	78	26	1130		Schedule A.	78	Schedule A.	1147
	25	78	27	1130		do B.	78	Schedule B.	1148

ACTS OF THE DOMINION OF CANADA—Continued.

45 VICTORIA, 1882—Concluded.					46 VICTORIA, 1883—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
35	Schedule C.	78	Schedule C.	1149	8	12	18	13	224
36	1	39	18	601		13	18	14	224
37	1	92	2	1243		14	18	15	224
	2	92	2	1243		15	18	16	224
	6	92	3	1243		18	18	1	221
	11	92	4	1243	9	2	138	3	1798
39	1	148	7	1842		3	138	14	1803
	2	148	7	1842		4	138	4	1798
40	1	132	10	1750		5 part.	138	11	1800
41	1	110	1	1527		do part.	138	13	1801
	2	110	2	1527		6	138	16	1803
	3 part.	110	3	1527		7	138	13	1801
	do part.	110	4	1527	10	1	174	269	2067
	4	110	5	1528		2	174	270	2067
	5 part.	110	7	1528		3	174	160	2040
	do part.	110	8	1528		4	174	271	2067
	6	110	11	1529		5 part.	174	2	2001
	7	110	6	1528		do part.	174	259	2064
	8	110	12	1529		do part.	174	262	2065
	9	110	9	1528	11	1	41	3	611
	10	110	10	1529		2	41	4	611
46	1	85	22	1223		3	41	5	612
	2	85	4	1219		4	41	10	613
48	1	89	2	1235		5	41	11	613
	2	89	3	1235		6	41	12	613
	3	89	4	1235		7	41	13	614
	4	89	5	1235		8	41	14	614
	5	89	6	1235		9	41	15	614
	6	89	9	1236		10	41	16	614
	7	89	7	1236		11	41	17	614
	8	89	8	1236		12	41	18	615
	9	89	9	1236		13	41	19	615
	10	89	1	1235		14	41	20	615
	11	89	10	1236		15	41	21	616
						16	41	22	617
						17	41	23	617
						18 (1)	41	24	618
						do (2)	41	25	618
						19	41	26	618
						20	41	27	618
						21	41	28	618
						22	41	29	619
						23	41	30	619
						24	41	31	620
						25	41	32	620
						26	41	33	620
						27 (1)	41	34	621
						do (2)	41	35	622
						do (3)	41	36	622
						28	41	37	623
						29 (1)	41	38	623
						do (2)	41	39	623
						do (3)	41	40	624
						30	41	41	624
						31 (1)	41	42	624
						do (2)	41	43	624
						do (3)	41	44	624
						32	41	45	625
						33 (1)	41	46	625
						do (2)	41	47	625
						do (3)	41	47	625
46 VICTORIA, 1883.									
1	1 part.	1	6	2					
	do part.	1	7 (48)	7					
	2 part.	1	7 (28)	4					
	do part.	1	7 (29)	5					
	do part.	1	7 (49)	7					
	do part.	1	7 (50)	8					
	do part.	1	7 (51)	8					
4	1	8	106	120					
5	1	37	6	566					
6	1	43	4	649					
8	1	18	2	221					
	2	18	3	221					
	3	18	4	222					
	4	18	5	222					
	5	18	6	222					
	6	18	7	223					
	7	18	8	223					
	8	18	9	223					
	9	18	10	223					
	10	18	11	224					
	11	18	12	224					

ACTS OF THE DOMINION OF CANADA—Continued.

46 VICTORIA, 1883—Continued.					46 VICTORIA, 1883—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	ec.	Page.
11	34	41	48	625	11	82	41	107	639
	35	41	49	625		83 (1)	41	108	639
	36	41	50	626		do (2)	41	109	639
	37	41	51	626		84	41	110	639
	38	41	52	626		85	41	111	640
	39	41	53	626		86	41	112	640
	40	41	54	626		87	41	122	642
	41	41	55	627		88	41	113	640
	42	41	56	627		89 (1)	41	114	640
	43	41	57	627		do (2)	41	115	641
	44	41	58	627		90	41	123	642
	45 (1) part.	41	59	628		91	41	118	641
	do do part.	41	60	628		92	41	119	641
	do do part.	41	61	629		93	41	120	641
	do do part.	41	62	629		94	41	121	642
	do (2)	41	63	629		95	41	124	642
	46	41	60	628		96	41	116	641
	47	41	61	629		97 (1)	41	117	641
	48	41	64	629		do (3)	41	126	642
	49	41	65	629		98 (1)	41	2 (2)	611
	50	41	66	629		do (2) part.	41	2 (1)	611
	51	41	67	630		do (2) part.	41	125	642
	52	41	68	630	100		41	1	611
	53	41	69	630	12	1	32	1	301
	54 (1)	41	70	630		4	32	2	301
	do (2)	41	71	630		6	32	13	304
	55 (1)	41	72	631		7	32	14	305
	do (2)	41	73	631		8	32	15	305
	56	41	74	631		9	32	16	305
	57	41	75	631		10	32	17	305
	58	41	76	632		11	32	9	303
	59	41	77	632		12 (2)	32	10	304
	60	41	78	632		13	32	11	304
	61	41	79	632		14	32	6	303
	62	41	80	633		15	32	7	303
	63	41	81	633		16	32	21	305
	64	41	82	633		17	32	22	306
	65	41	83	634		18	32	23	306
	66	41	84	634		19	32	102	326
	67	41	85	634		20	32	114	329
	68 (1)	41	86	635		21	32	115	330
	do (2)	41	87	635		22	32	116	330
	69	41	88	635		23	32	117	330
	70	41	89	635		24	32	118	330
	71	41	90	635		25	32	25	307
	72	41	91	635		26	32	24	306
	73	41	92	636		27	32	26	307
	74	41	93	636		28	32	27	307
	75	41	94	636		29	32	28	308
	76 part.	41	95	637		30	32	29	308
	77 (1)	41	96	637		31	32	30	308
	do (2)	41	97	637		32	32	249	362
	78	41	98	637		33	32	32	308
	79 part.	41	99	638		34	32	33	309
	do part.	41	100	638		35	32	164	342
	do part.	41	101	638		36	32	165	342
	80 part.	41	102	638		37	32	111	328
	do part.	41	103	638		38	32	170	343
	do part.	41	104	638		39	32	193	348
	81 part.	41	105	638		40	32	34	309
	do part.	41	106	639		41	32	35	309

ACTS OF THE DOMINION OF CANADA—Continued.

46 VICTORIA, 1883—Continued.					46 VICTORIA, 1883—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
12	42	32	36	310	12	103	32	128	332
	43	32	37	310		104	32	129	333
	44	32	194	348		105	32	130	333
	45	32	31	308		106	32	121	331
	46	32	127	332		107	32	122	331
	47	32	120	331		108	32	123	331
	48	32	119	330		109	32	204	350
	49	32	38	310		110	32	124	331
	50	32	166	342		111	32	125	332
	51	32	172	343		112	32	126	332
	52	32	173	343		113	32	167	342
	53	32	49	313		114	32	131	333
	54	32	50	314		115	32	132	333
	55	32	51	314		116	32	77	321
	56	32	52	314		117	32	78	321
	57	32	53	314		118	32	83	322
	58	32	54	314		119	32	79	321
	59 <i>part.</i>	32	162	341		120	32	80	321
	<i>do part.</i>	32	163	342		121	32	81	322
	60	32	18	305		122	32	82	322
	61	32	217	353		123	32	90	323
	62	32	19	305		124	32	91	323
	63	32	160	341		125	32	92	323
	64	32	12	304		126	32	95	324
	65	32	20	305		127	32	220	354
	66	32	56	315		128	32	96	324
	67	32	57	316		129	32	85	322
	68	32	58	316		130	32	93	323
	69	32	59	316		131	32	94	324
	70	32	64	318		132	32	84	322
	71	32	65	318		133	32	86	322
	72	32	66	318		134	32	87	322
	73	32	67	319		135	32	88	323
	74	32	68	319		136	32	89	323
	75	32	69	319		137	32	103	326
	76	32	218	353		138	32	104	326
	77	32	70	319		139	32	209	351
	78	32	248	362		140	32	105	327
	79	32	39	310		141	32	97	324
	80	32	40	311		142	32	98	325
	81	32	41	311		143	32	99	325
	82	32	42	311		144	32	100	325
	83	32	43	312		145	32	101	325
	84	32	44	312		146	32	106	327
	85	32	45	312		147	32	107	327
	87	32	152	339		148	32	108	328
	88	32	153	339		149	32	109	328
	89	32	46	312		150	32	110	328
	90	32	47	313		151	32	149	338
	91	32	252	363		152	32	174	343
	92	32	201	350		154	32	215	353
	93	32	202	350		155	32	197	349
	94	32	203	350		156	32	198	349
	95	32	48	313		157	32	200	350
	96	32	71	319		158	32	205	350
	97	32	72	320		159	32	206	351
	98	32	73	320		160	32	207	351
	99	32	74	320		161	32	208	351
	100	32	75	320		162	32	196	349
	101	32	76	321		163	32	113	329
	102	32	8	303		164	32	199	349

ACTS OF THE DOMINION OF CANADA—Continued.

46 VICTORIA, 1883—Continued.					46 VICTORIA, 1883—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
12	165	32	139	336	12	227	32	146	337
	166	32	140	336		228	32	147	338
	167	32	210	351		229	32	148	338
	168	32	211	352		230	32	245	359
	170	32	216	353		231	32	246	361
	171	32	133	334		232	32	251	363
	172	32	134	334		233	32	250	363
	173	32	144	337		234	32	112	329
	174	32	214	353		235	32	195	348
	175	32	137	335		236	32	253	363
	176	32	138	335		238 <i>part.</i>	32	151	339
	177	32	141	336		239	32	150	338
	178	32	142	336		240	32	168	343
	179	32	143	336		241	32	169	343
	180	32	135	334		242	32	247	362
	181	32	136	335		243	32	154	340
	182	32	175	343		244	32	155	340
	183	32	176	344		245	32	156	340
	184	32	219	354		246	32	157	340
	185	32	212	352		247	32	158	340
	186	32	213	352		248	32	159	341
	187	32	221	354	13	1	33	Schedule C.	401
	189	32	223	355		2	33	Schedule A.	368
	190	32	224	355		3	33	Schedule A.	368
	191 <i>part.</i>	32	225	355		6	33	12	368
	do <i>part.</i>	32	226	356		9	33	7	366
	192	32	227	356	15	1	34	8	414
	193	32	228	356		2	34	9	415
	194	32	229	356		3	34	10	416
	195	32	230	356		4	34	11	416
	196	32	231	356		5	34	12	416
	197	32	233	357		6	34	13	417
	198	32	234	357		7	34	14	417
	199	32	235	358		8	34	15	417
	200	32	236	358		9	34	16	418
	201	32	238	358		10	34	17	418
	202	32	239	358		11	34	17	418
	203	32	237	358		12	34	18	419
	204	32	187	346		13	34	19	419
	205	32	188	346		14	34	20	419
	206	32	189	347		15	34	21	419
	207	32	240	358		16	34	22	419
	208	32	241	358		17	34	23	420
	209	32	242	359		18	34	24	420
	210	32	243	359		19	34	25	420
	211	32	244	359		20	34	27	420
	212	32	190	347		21	34	28	420
	213	32	191	347		22	34	29	421
	214	32	185	345		23	34	30	421
	215	32	186	346		24	34	31	421
	216	32	232	357		25	34	32	422
	217	32	161	341		26	34	33	422
	218	32	177	344		27	34	34	423
	219	32	178	344		28	34	35	423
	220	32	179	344		29	34	36	424
	221	32	180	344		30	34	37	424
	222	32	181	345		31 (2)	34	38 (1)	425
	223	32	182	345		do (3)	34	38 (2)	425
	224	32	183	345		32	34	39	425
	225	32	184	345		33	34	40	425
	226	32	145	337		34	34	41	425

ACTS OF THE DOMINION OF CANADA—Continued.

46 VICTORIA, 1883—Continued.					46 VICTORIA, 1883—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
15	35	34	42	425	15	96	34	102	444
	36	34	43	426		97	34	103	444
	37	34	44	426		98	34	104	444
	38	34	45	426		100	34	105	444
	39	34	46	427		101	34	106	445
	40	34	47	427		102	34	107	445
	41	34	48	427		103	34	108	446
	42	34	49	427		104	34	109	446
	43	34	50	428		105	34	110	447
	44	34	51	428		106	34	111	447
	45	34	52	428		107	34	112	448
	46	34	53	428		109	34	114	449
	47	34	54	428		110	34	115	449
	48	34	55	429		111	34	116	449
	49	34	56	429		112	34	117	450
	50	34	57	429		113	34	118	450
	53	34	60	430		114	34	119	450
	54	34	61	430		115	34	120	450
	55	34	62	430		116	34	121	450
	56	34	63	430		117	34	122	452
	57	34	64	430		118	34	123	452
	58	34	65	430		119	34	124	455
	59	34	66	431		120	34	125	455
	60	34	67	431		121	34	126	455
	61	34	8	414		122	34	127	455
	63	34	68	431		123	34	128	456
	64	34	69	431		124	34	129	456
	65	34	70	432		125	34	130	456
	66	34	71	433		126	34	131	457
	67	34	72	433		127	34	132	458
	68	34	73	433		128	34	133	460
	69 (1)	34	74	433		129	34	134	461
	do (2)	34	75 (1)	434		130	34	135	461
	do (3)	34	75 (2)	434		131	34	136	462
	do (4) part.	34	75 (3)	434		132	34	137	462
	do do part.	34	75 (4)	434		133	34	138	462
	70	34	76	434		134	34	139	462
	71	34	77	434		135	34	140	463
	72	34	78	435		136	34	141	463
	73	34	79	435		137	34	142	463
	74	34	80	435		138	34	143	464
	75	34	81	436		139	34	144	464
	76	34	82	436		140	34	145	464
	77	34	83	436		141	34	146	464
	78	34	84	437		142	34	147	465
	79	34	85	437		143	34	148	465
	80	34	86	437		144	31	149	466
	82	34	88	437		145	34	150	466
	83	34	89	438		146	34	151	466
	84	34	90	439		147	34	152	466
	85	34	91	440		148	34	153	466
	86	34	92	440		149	34	154	466
	87	34	93	441		150	34	155	467
	88	34	94	441		151	34	156	467
	89	34	95	442		152	34	157	467
	90	34	96	442		153	34	158	467
	91	34	97	443		154	34	159	468
	92	34	98	443		155	34	160	468
	93	34	99	443		156	34	161	469
	94	34	100	443		157	34	163	469
	95	34	101	444		158	34	164	470

ACTS OF THE DOMINION OF CANADA—Continued.

46 VICTORIA, 1883—Continued.					46 VICTORIA, 1883—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
15	159	34	165	470	15	224 (1)	34	232 (1)	486
	160	34	166	470		do (2)	34	232 (2)	487
	161	34	167	470		do (3)	34	233	487
	163	34	170	471		225 (1)	34	232 (3)	487
	164	34	169	471		do (2)	34	232 (4)	487
	165	34	171	471		227	34	235	488
	166	34	172	471		228	34	236	488
	167	34	173	472		229	34	237	489
	168	34	174	472		230	34	238	489
	169	34	175	472		231	34	239	489
	170	34	176	472		232	34	240	489
	171	34	177	472		233	34	241	490
	172	34	178	473		234	34	242	490
	173	34	179	473		235	34	243	490
	174	34	180	473		236	34	246	491
	175	34	181	474		237	34	247	491
	176	34	182	474		238	34	248	493
	178	34	184	474		239	34	249	494
	179	34	185	474		240	34	250	494
	180	34	186	474		241	34	251	494
	181	34	187	475		242	34	252	495
	182	34	188	475		243	34	253	495
	183	34	189	476		244	34	254	495
	184	34	190	476		245	34	255	495
	185	34	191	477		246	34	256	495
	186	34	192	477		247	34	257	496
	187	34	193	478		248	34	258	496
	188	34	194	478		249	34	259	497
	189	34	195	478		250	34	260	498
	190	34	196	478		251	34	261	499
	191	34	197	479		252	34	262	499
	192	34	198	479		253	34	263	500
	193	34	199	479		254	34	264	500
	194	34	200	479		255	34	265	501
	195	34	201	479		256	34	266	501
	196	34	202	479		257	34	267	501
	197	34	203	480		258	34	268	501
	198	34	204	480		259	34	269	501
	199	34	205	480		261	34	271	501
	200	34	206	481		262	34	272	502
	201	34	207	481		263	34	273	502
	202	34	208	481		264 part.	34	274	502
	203	34	209	482		267	34	277	502
	204	34	210	482		268	34	278	503
	205	34	211	482		270	34	280	503
	206	34	212	482		271	34	281	504
	207	34	213	483		272	34	282	504
	208	34	214	483		273	34	283	504
	209	34	215	483		275	34	284	505
	210	34	216	483		276	34	285	505
	211	34	217	483		278	34	286	505
	212	34	218	484		279	34	287	505
	213	34	219	484		280	34	288	506
	214	34	220	484		281	34	289	506
	216	34	222	484		282	34	290	506
	217	34	223	484		283	34	291	507
	218	34	224	484		284	34	292	507
	219	34	225	485		285	34	293	508
	220	34	226	485		286	34	294	508
	221	34	229	485		287 (3)	34	295	508
	222	34	230	486		289	34	297	508
	223	34	231	486					

ACTS OF THE DOMINION OF CANADA—Continued.

46 VICTORIA, 1883—Continued.					46 VICTORIA, 1883—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
15	290	34	298	508	17	3	54	4	818
	291	34	299	508		4	54	8	819
	292	34	300	509		5	54	9	819
	293	34	301	509		6	54	10	819
	294	34	302	510		7	54	11	820
	295	34	303	510		8	54	12	820
	296	34	304	510		9	54	13	820
	297	34	305	510		10	54	14	820
	298	34	306	511		11	54	15	820
	299	34	307	511		12	54	16	821
	300	34	308	511		13	54	17	821
	301	34	309	511		14	54	18	821
	302	34	310	511		15	54	19	821
	303	34	311	511		16	54	20	821
	304	34	312	512		17	54	21	822
	305	34	313	512		18	54	22	822
	306	34	314	512		19	54	23	823
	307	34	315	512		20 (1)	54	24	824
	308	34	316	512		do (2)	54	25	824
	309	34	317	513		do (3)	54	25	824
	310	34	318	513		do (4)	54	25	824
	311	34	319	513		21	54	26	824
	313	34	321	514		22	54	27	825
	314	34	322	514		23	54	28	825
	315	34	323	514		24	54	29	825
	317	34	325	514		25	54	30	826
	319	34	326	515		26	54	31	826
	320	34	327	515		27	54	32	826
	321	34	328	515		28	54	33	827
	322	34	329	516		30	54	35	828
	323	34	330	516		31	54	36	829
	324	34	331	516		32	54	37	829
	325	34	332	516		33 (1)	54	38 (1)	829
	326	34	333	516		do (2)	54	38 (2)	829
	327	34	334	517		do (3)	54	38 (3)	830
	328	34	335	517		do (5)	54	38 (5)	830
	329	34	336	517		34 (1)	54	39	831
	331	34	338	518		do (2)	54	40	831
	334	34	7	414		35	54	41	832
	335	34	1	413		36	54	42	832
	Schedule	34	163	469		40	54	50	835
16	1	98	1	1279		41	54	51	835
	2 part.	98	2	1279		42	54	47	834
	3 (1)	98	3	1279		43	54	48	834
	do (2)	98	4	1279		44	54	49	834
	4 (1)	98	5	1280		45	54	63	838
	do (2)	98	6	1280		46	54	64	839
	5	98	7	1281		47	54	65	839
	6 part.	98	8	1281		48	54	66	839
	do part.	162	34	1893		49	54	67	839
	7	98	9	1281		50	54	68	839
	8	98	10	1281		51	54	69	840
	9	164	50	1911		52	54	70	840
	10	98	11	1282		53	54	71	841
	11	98	12	1282		54	54	72	841
17	1 part.	54	1	817		55	54	73	841
	do part.	54	2	817		56	54	74	841
	do part.	54	3	818		57	54	75	842
	2 (1)	54	5	818		58	54	76	842
	do (2)	54	5	818		59	54	77	842
	do (5)	54	7 (1)	819		60	54	79	843

ACTS OF THE DOMINION OF CANADA—Continued.

46 VICTORIA, 1883—Continued.					46 VICTORIA, 1883—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
17	61 (1)	54	80	844	17	Form D.	54	Form D.	864
	do (2)	54	81	844		do F.	54	Form E.	865
	62	54	82	844		do G.	54	Form F.	865
	63	54	83	845		do H.	54	Form G.	865
	64	54	84	845		do J.	54	Form H.	866
	65	54	85	845		do K.	54	Form J.	866
	66 part.	54	86	845		do M.	54	Form K.	867
	do part.	162	34	1893		do N.	54	Form M.	868
	67	164	50	1911		do O.	54	Form N.	868
	68 (1)	54	87	846		do P.	54	Form Q.	871
	do (2)	54	88	846	18	1	35	103	548
	69	54	89	846	19	1 part.	61	22	912
	70 (1)	54	52	835		do part.	61	58	922
	do (2)	54	53	835	20	1 part.	120	1	1599
	71	54	54	835		do part.	120	87	1625
	72	54	55	836		2	120	68	1621
	73	54	56	836		3	120	40 (2)	1612
	74	54	57	836		4	120	39	1611
	75	54	58	836		5	120	42	1612
	76	54	59	837		6	120	Schedule B.	1626
	77	54	60	837		7	120	66 (2)	1620
	78	54	61	837		8	120	82	1623
	80	54	62	837		9 part.	120	45	1613
	81 (1)	54	90	846		do part.	120	50	1614
	do (2)	54	91	847		do part.	120	53 (6)	1615
	82	54	95	848		do part.	120	59 (2)	1617
	83	54	96	848		11	123	3	1649
	85	54	97	849		12	120	69	1621
	87 (1)	54	99	849	22	2	123	8	1651
	do (2)	54	100	849	23	1	129	78	1720
	90	54	103	850		2	129	79	1720
	91 (2)	54	105	851	24	1	109	3 (4)	1459
	93	54	107	851		2 (1)	109	7 (8)	1464
	94	54	108	851		do (2) part.	109	2 (k)	1458
	98	54	112	852		do do part.	109	7 (15)	1465
	100	54	114	853		do (3)	109	8 (2)	1465
	101	54	115	853		3	109	107	1514
	103	54	117	855		4	109	76	1504
	104	54	118	855		5	109	47 (5)	1494
	107 part.	54	121	856		6 (1)	109	121 (1)	1518
	108	54	124	857		do (2)	109	121 (2)	1518
	110	54	126	858		7 (1)	109	3 (4)	1459
	111	54	127	859		do (2)	109	6 (10)	1461
	112	54	128	859		8	109	8 (22)	1469
	113	54	129	860		9 (1) part.	109	13 (1)	1475
	114	54	130	860		do do part.	109	13 (4)	1475
	115	54	131	860		do (2)	109	13 (2)	1475
	116	54	132	860		do (3)	109	13 (3)	1475
	117	54	133	861		10	109	19 (1)	1480
	118	54	134	861		11	109	56 (2)	1496
	119	54	135	862		do (a)	109	56 (3)	1496
	120	54	136	862		do (c)	109	89 (2)	1509
	121	54	137	862		12	109	16 (6)	1476
	122 part.	54	138	862		13	109	56 (4)	1496
	do part.	54	139	863		14	109	101	1512
	123	54	122	857		15	109	102	1512
	124	54	123	857		16	109	103	1513
	125	54	92	848	27	1	94	1	1251
	Form A.	54	Form A.	863	28	1	73	1	1025
	do B.	54	Form B.	863		2 part.	73	3	1026
	do C.	54	Form C.	864		do part.	73	4	1026

ACTS OF THE DOMINION OF CANADA—Continued.

46 VICTORIA, 1883—Continued.					46 VICTORIA, 1883—Concluded.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
28	3	73	5	1026	37	26	41	21	616
	4	73	6	1026		27	182	29	2209
	5	73	7	1026		28	182	30	2209
	6 (1)	73	8	1027		29	182	31	2210
	do (2)	73	8 (1) (d)	1028		30	182	32	2210
	7 part.	73	8 (1) (e)	1029		31	182	33	2210
	do part.	73	11	1030		32	182	34	2210
	do part.	73	12	1030		33	182	35	2210
	8	73	13	1030		34	182	36	2211
	9	73	14	1031		35	182	37	2211
	10	73	15	1031		36	182	38	2211
	11	73	16	1032		37	182	39	2211
	12	73	17	1032		38	182	40	2211
	13 part.	73	18	1032		39	182	41	2212
	do part.	73	19	1033		40	182	42	2212
	14	73	20	1033		41	182	43	2212
	15	73	21	1033		42	182	44	2213
29	1	99	22	1283		43	182	45	2213
	3	99	3	1325		44	182	46	2213
32	1	173	99	1996		45	182	47	2214
	2	173	20	1997		46	182	48	2214
	3	173	21	1997		47	182	49	2214
	4	173	22	1997		48	182	50	2215
	5	173	23	1998		49	182	51	2215
34	1	174	24	2039		50	182	52	2215
	2	174	155	2040		51	182	53	2216
	3	174	156	2040		52	182	54	2216
	4	174	157	2040		53	182	55	2216
	5	174	158	2040		54 part.	155	3	1865
	5	174	159	2040		do part.	155	4	1865
35	1 part.	140	1	1809		do part.	182	55	2216
	do part.	140	2	1809		55 part.	155	5	1865
	do part.	140	7	1810		do part.	182	55	2216
36	1	159	8	1880		56 part.	182	55	2216
37	1 (1)	182	2	2203		do part.	182	56	2217
	do (2)	182	3	2203		57	155	6	1865
	2	182	4	2203		58	155	7	1866
	3	182	5	2204		59	182	59	2218
	4	181	28 (4)	2193		60	182	57	2217
	5	182	6	2204		61	182	58	2217
	6	182	7	2204		62	182	60	2218
	7	182	8	2204		63	182	61	2218
	8	182	9	2205		64	182	62	2218
	9	182	10	2205		65	182	63	2219
	10	182	11	2205		66	182	64	2219
	11	182	12	2205		67	182	65	2220
	12	182	13	2205		68	182	66	2220
	13	182	14	2205		69	182	67	2220
	14 part.	182	15	2206		70	182	68	2220
	15	182	16	2206		71	182	69	2221
	16	182	17	2207		72	182	70	2221
	17 (1)	182	18	2207		73	182	70	2221
	do (2)	182	19	2207		74	182	71	2221
	18	182	20	2207		75	182	72 (1)	2221
	19	182	21	2207		76	182	72 (2)	2221
	20 part.	182	22	2208		77	182	73 (1)	2221
	do part.	182	23	2208		78	182	73 (2)	2221
	21 part.	182	24	2208		79	182	74	2222
	do part.	182	25	2208		81	182	1	2203
	22	182	26	2209		Schedule A.	182	Schedule.	2222
	23	182	27	2209	43	1	92	2	1243
	24	182		2209					
	25	182		2209					

ACTS OF THE DOMINION OF CANADA—Continued.

47 VICTORIA, 1884.					47 VICTORIA, 1884—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
4	1	46	3	703	27	5	43	20	652
	2	46	4	704		6	43	23	654
	3	46	4	704		7	43	26	655
6	11 (1)	56	1 (1)	887		8	43	38	660
	do (2)	56	1 (2)	887		9	43	75	670
	do (3)	56	1 (3)	887		10	43	76	670
	do (4)	56	1 (4)	887		11	43	77	671
	12	56	2	888		12	43	118	683
11	1	109	3 (4)	1459		13	43	99	678
	2	109	28	1488		14	43	106	681
	3 part.	109	74	1503		15	43	108	681
	do part.	109	75	1504		16 part.	43	83	673
	4	109	89 (1)	1509		do part.	43	84	673
	6	109	83	1506		do part.	43	85	673
	7	109	78	1505		do part.	43	86	674
	8	109	53	1494		17	43	87	674
	9	109	54	1495		18	43	88	674
	10	109	48	1494		19	43	91	676
	11	109	8 (14)	1467		20	43	92	676
	12 part.	109	8 (1)	1465		21	43	22	654
	do part.	109	8 (19)	1468		22	43	117	683
	13	109	8 (13)	1467		23	43	117	683
	14	109	8 (25)	1469		24	43	79	672
	15	109	100	1512	28	1	44	2	687
12	1 part.	138	11	1800		2	44	1	687
	do part.	138	13	1801		3	44	3	687
	2	138	16	1803		4	44	4	688
13	1 part.	138	8	1799		5	44	5	688
	2	138	16	1803		6	44	6	688
14	1	11	9	181		7	44	7	689
	4 part.	11	17	184		8	44	8	689
16	1	39	19	601		9	44	9	689
17	1	41	6	612		10	44	10	690
18	1	25	1	251		11	44	11	691
	2	25	2	251		12	44	12	692
	3 part.	25	3	251		13	44	2	687
	do part.	25	4	251	29	1	32	222	354
19	1 part.	73	9	1028		2	32	192	348
	do part.	73	10 (1)	1029	30	1	33	Schedule C.	401
	2	73	10 (2)	1029		2	33	Schedule A.	368
	3	73	8 (1) (c)	1027		4	32	55	315
	4 part.	74	31	1044	31	1	106	95 (2)	1423
	do part.	74	32	1044	33	1	99	5	1284
21	1	76	4 (6)	1106		5	99	76 (10)	1317
22	1	81	12	1196	35	1 part.	101	16	1333
23	3	50	82	732		2	101	28	1336
	4	50	88	732		3	101	42	1340
	5	50	90	733		4	101	44	1340
	7	50	106	738		5	101	47	1341
	8	50	99	735		6	101	49	1341
25	2	54	38 (6)	830		7	101	46	1341
	3	54	38 (4) part	830		8	101	36	1338
	5	54	78	843		9	101	35	1338
	6	54	90 (i)	846		10	101	28	1336
	do	54	90 (j)	846	36	1	104	25	1381
	7	54	90 (c)	846		2	104	26	1381
26	1	48	2	709		3	104	27	1381
27	1	43	111	682		5	104	29 (3)	1382
	2	43	113	682		6	104	31	1382
	3	43	114	683		7	104	46	1386
	4	43	13	650		8	104	49	1387

ACTS OF THE DOMINION OF CANADA—Continued.

47 VICTORIA, 1884—Concluded.					48-49 VICTORIA, 1885—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
36	9	104	52	1387	40	2 (1) <i>part.</i>	5	2	19
	10	104	60	1389		2 (2)	1	7 (27)	4
	11	104	68	1391		6	5	5	25
38	1	123	12	1652		7	5	6	25
	2	123	13	1652		9	5	10	26
	3	123	14	1652		10 <i>part.</i>	5	8	26
39	1	129	3	1704		11 (a)	8	42	99
	2	129	14 (1)	1707		do (b)	8	42	99
	3	129	14 (2)	1707		do (c)	5	9	26
	4	129	20	1708		12	8	20 (2)	94
	5	129	77 (2)	1720		13	5	11	27
	6	129	83	1721		14 <i>part.</i>	5	11	27
	7 <i>part.</i>	129	98	1724		do <i>part.</i>	5	12	27
	do <i>part.</i>	129	90	1724		34 <i>part.</i>	5	17	29
	do <i>part.</i>	129	100	1724		do <i>part.</i>	5	18	30
	do <i>part.</i>	129	101	1724		35	5	19	30
41	1	175	2	2097		36 <i>part.</i>	5	20	30
42	1 <i>part.</i>	176	2 (a 3)	2105		do <i>part.</i>	5	24	33
	do <i>part.</i>	176	6	2107		37 <i>part.</i>	5	21	31
	2 <i>part.</i>	177	2	2115		do <i>part.</i>	8	41	99
	do <i>part.</i>	177	30	2120		do <i>part.</i>	8	50	102
43	1	178	76	2139		do <i>part.</i>	8	56	103
	2	178	99	2146		do <i>part.</i>	8	64	106
44	1 <i>part.</i>	174	97	2026		38	5	22	36
	do <i>part.</i>	174	98	2026		39 <i>part.</i>	5	22	31
	2 <i>part.</i>	174	97	2026		do <i>part.</i>	8	41	99
	do <i>part.</i>	174	98	2026		40 <i>part.</i>	5	31	36
	do <i>part.</i>	174	99	2026		do <i>part.</i>	8	30	96
	3	174	100	2026		41	5	23	32
45	1	183	65	2239		42	5	25	33
	2	183	66	2239		43	5	26	34
	3	183	67	2239		44	5	27	34
	4	183	68	2239		45	5	39	38
	5	183	69	2240		46	8	13	92
	6	155	9	1866		47	5	30	35
	7	183	71	2240		49	5	33	36
						50 <i>part.</i>	5	35	37
						do <i>part.</i>	5	36	38
						51	5	37	38
						52	5	38	38
						53	5	34	36
						54	5	13	28
						55	5	14	28
						56	5	29	35
						57 <i>part.</i>	5	21	31
						60	8	54	103
						62	5	40	38
						63	5	41	39
						64	5	42	39
						Sched. Form A.	5	Form A.	39
						do do C.	5	Form E.	43
						do do E.	5	Form D.	42
						do do F.	5	Form G.	44
						do do G.	5	Form C.	42
						do do H.	5	Form F.	44
						do do J.	5	Form H.	45
					41	1 <i>part.</i>	46	4	704
						Sched. A. <i>part.</i>	46	4	704
					45	1	15	4	199
						2	15	5	200
						3	15	6	200

ACTS OF THE DOMINION OF CANADA—Continued.

48-49 VICTORIA, 1885—Continued.					48-49 VICTORIA, 1885—Continued.				
FORMER LEGISLATION		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
46	1	17	1	203	46	Schedule C.	17	Schedule C.	220
	2	17	2	203		do D.	17	Schedule D.	220
	3	17	3	203	47	1	28	9	262
	4	17	4	204		2	28	10	263
	5	17	5	204	48	1	139	8	1807
	6	17	6	204	50	1	47	4	708
	7	17	7	204		2	47	5	708
	8	17	8	204		3 part.	46	5	705
	9	17	9	205		4	46	5	705
	10	17	10	205		5 part.	46	5	703
	11	17	11	206		6	46	6	705
	12	17	12	206		7	46	7	705
	13	17	13	206	51	1	50	13	719
	14	17	14	206		2	50	14	719
	15	17	15	206		3	50	22	721
	16	17	16	206		5	50	67	729
	17	17	17	206		7	50	102	737
	18	17	18	207		do part.	178	76	2139
	19	17	19	207		9	50	53	726
	20	17	20	207		10	50	103 (1)	737
	21	17	21	207		11	50	104	738
	22	17	22	207		12 part.	50	103 (2)	738
	23	17	23	207		do part.	53	44	815
	24	17	24	207		13	50	105	738
	25	17	25	207		14	50	101	736
	26	17	26	208		Schedule.	50	Schedule.	740
	27	17	27	208	53	1	45	6	694
	28	17	28	208	54	1	45	10	695
	29	17	29	208	55	1 part.	138	11	1800
	30	17	30	209		do part.	138	13	1801
	31	17	31	209		2	138	16	1803
	32	17	32	209	56	1	138	4	1798
	33	17	33	209	61	1	33	Schedule C.	401
	34	17	34	210		2	33	Schedule A.	368
	35	17	35	210		3	33	Schedule A.	368
	36	17	36	210		4 part.	33	3	365
	37	17	37	210		do part.	33	Schedule B.	399
	38	17	38	211		5	33	Schedule A.	368
	39	17	39	211		6	33	Schedule A.	368
	40	17	40	212		7	33	Schedule A.	368
	41	17	41	212		8	33	Schedule A.	368
	42	17	42	212		9	33	Schedule A.	368
	43	17	43	213		10 (1)	34	130 (a)	456
	44	17	44	213		do (2)	34	130 (b)	456
	45	17	45	213		do (3)	34	130 (c)	457
	46	17	46	213		do (4)	34	258	496
	47	17	47	213		do (5)	34	258	496
	48	17	48	214		11	32	61	317
	49	17	49	214		12	33	7	366
	50	17	50	214		13	33	5	366
	51	17	51	215	62	2 part.	34	58	429
	52	17	53	215		do part.	34	59	429
	53	17	52	215		3 part.	34	162	469
	54	17	54	216		do part.	34	227	485
	55	17	55	216		4	34	87	437
	56	17	56	216		5	34	113 (1)	448
	57	17	57	216		6	34	113 (2)	449
	58	17	58	217		7	34	113 (3)	449
	59	17	59	217		9	34	148	465
Schedule A.		17	Schedule A.	217		10	34	168	470
do B.		17	Schedule B.	217		11	34	183	474

ACTS OF THE DOMINION OF CANADA—Continued.

48-49 VICTORIA, 1885—Continued.					48-49 VICTORIA, 1885—Continued.					
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.			
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.	
62	12	34	218	484	67	11	107	11	1447	
	13	34	221	484		12	107	12	1447	
	14 (1) part.	34	258	496		13	107	13	1448	
	15	34	260	498		14	107	14	1448	
	16	34	263	500		15	107	15	1448	
	17	34	270	501		16	107	16	1448	
	18 part.	34	275	502		17	107	17	1448	
	do part.	34	276	502		18	107	18	1449	
	19	34	279	503		19	107	19	1449	
	20	34	280	503		20	107	20	1449	
	23	34	317	513		21	107	21	1449	
	24	34	320	513		22	107	22	1449	
	25	34	324	514		23	107	23	1450	
	26	34	337	518		24	107	24	1450	
	63	1	105	1		1399	25	107	25	1450
		2	105	2		1399	26	107	26	1451
3		105	3	1399	27	107	27	1451		
4		105	4	1399	28	107	28	1451		
64	1	104	15	1378	29	107	29	1451		
	2	104	16	1378	30	107	30	1451		
	3	104	18	1379	Schedule.	107	Schedule.	1452		
	4	104	66	1390	68	1	108	1	1453	
65	1 (1)	103	32	1370		2	108	2	1453	
	do (2)	103	33	1370		3	108	3	1453	
66	1	99	2 (3)	1283		4	108	4	1453	
	2	99	3	1283		5	108	5	1454	
	3 part.	99	6 (2)	1285		6	108	6	1454	
	do part.	99	6 (3)	1285		7	108	7	1454	
	4 part.	99	19	1286		8	108	8	1454	
	do part.	99	11	1286		9	108	9	1455	
	5	99	12	1286		10	108	10	1455	
	6 part.	99	8	1285		11	108	11	1455	
	do part.	99	9	1286		12	108	12	1455	
	do part.	99	13	1286		13 (1)	108	13	1455	
	7	99	15	1287	do (2)	108	14	1455		
	8	99	16	1287	do (3)	108	15	1455		
	9	99	19	1289	14	108	16	1456		
	10	99	33	1295	69	1	101	24	1335	
	11	99	44	1298		1	69	1	985	
	12	99	45	1301		2	69	2	985	
13	99	66	1311	3		69	3	985		
14	99	74	1313	4		69	4	986		
15 (1)	99	76 (2)	1315	5		69	5	986		
do (2)	99	76 (3)	1315	6		69	6	986		
do (3)	99	76 (5)	1316	7		69	7	986		
do (4)	99	76 (9)	1317	8		69	8	986		
16 part.	99	79 (1) (7)	1320	9		69	9	986		
do part.	99	79 (1) (8)	1320	10		69	10	987		
do part.	99	79 (1) (15)	1320	11		69	11	987		
17	99	87	1323	12		69	12	987		
18	99	90	1324	14		69	14	988		
67	1	107	1	1443		15	69	15	988	
	2	107	2	1443		16	69	16	988	
	3	107	3 (1)	1445	17	69	17	988		
	4	107	4	1445	18	69	18	988		
	5	107	5	1445	19	69	19	989		
	6	107	6	1445	20	69	20	989		
	7	107	7	1446	21	69	21	989		
	8	107	8	1446	22	69	22	989		
	9	107	9	1446	23	69	23	989		
	10	107	10	1447	24	69	24	990		

ACTS OF THE DOMINION OF CANADA—Continued.

48-49 VICTORIA, 1885—Continued.					48-49 VICTORIA, 1885—Concluded.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
70	25	69	25	990	80	4	151	19	1854
	26	69	26	990		5	151	22	1855
	27	69	27	990	81	1	183	9	2226
	28	69	28	991	82	1	157	7	1872
	29	69	29	991	83	1	120	89	1625
	30	69	30	992		2	120	89	1625
	31	69	31	992		3	120	89	1625
	32	69	32	992		4	120	89	1625
	33	69	33	992	84	1	120	Schedule A.	1625
	34	69	34	992					
	35	69	35	992					
	36	69	36	993					
	37	69	37	993					
	38	69	38	993					
	39	69	39	993					
	40	69	40	993					
	41	69	41	994					
	42	69	42	994					
	43	69	43	994					
	44	69	44	994					
	45	69	45	994					
	46	69	46	995					
71	1	67	2	975					
	2	67	3	975					
	3	67	4	975					
	4	67	8	976					
	5	67	5	976					
	6	67	12	977					
	7	67	16	978					
	8	67	6	976					
	9	67	7	976					
	10	67	10	977					
	11	67	11	977					
	12	67	9	977					
	13 part.	67	8 (4)	977					
	14	67	13	978					
	15	67	14	978					
	16	67	17	978					
	17	67	18	978					
	18	67	19	978					
	19	67	20	978					
	20	67	15	978					
	21	67	3 (e)	975					
	22	67	21	978					
	24	67	1	975					
72	1	41	28	618					
73	1	78	42 (5)	1139					
	2	78	44 (1)	1139					
	3	78	41 (1)	1136					
	do	78	41 (6)	1137					
	do	78	41 (8)	1137					
79	1	183	24	2229					
80	1 part.	151	1 (d)	1849					
	do part.	151	1 (j)	1849					
	2	151	2	1849					
	3 part.	151	13	1852					
	do part.	151	14	1852					
	do part.	151	15	1852					
	do part.	151	16	1853					
	do part.	151	17	1854					
	do part.	151	18	1854					
					2	1	1	7 (40)	6
						3	2	15	14
					3	1	5	2	19
						2	5	3	21
						3	5	4	25
						5	5	7	25
						6	5	19	30
						7	5	19	30
						8	5	20	30
						9	5	16	29
						10	5	15	28
						11	5	23	32
						12	5	25	33
						14	5	Form B.	41
						15 part.	5	17	29
						do part.	5	21	31
						16	5	28	34
						17	5	11	27
						20 part.	8	45	100
						do part.	8	50	102
						Schd. Form A.	5	Form B.	41
						do do B.	8	Form S.	139
						do do C.	8	Form T.	140
						do do D.	8	Form U.	141
						do do E.	8	Form V.	141
						do do F.	8	Form W.	142
						do do G.	8	Form X.	143
					5	1	19	1	227
						2	19	1	227
						3	19	2	227
					6	1	138	3	1798
					7	1	43	8	649
						2	43	45	692
					8	1	46	6	705
					9	7 part.	11	15	182
						do part.	11	18	184
					21	1 (1)	35	67 (1)	540
						do (2)	35	67 (2)	540
						do (3)	35	67 (3)	540
						do (4)	35	68	540
					22	1	27	1	255
						2	27	2	255
						3	27	3	255
						4	27	4	256
						5	27	5	257
						6	27	6	257

ACTS OF THE DOMINION OF CANADA—Continued.

49 VICTORIA, 1886—Continued.					49 VICTORIA, 1886—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
22	7	27	7	258	24	42	7	42	72
	8	27	8	258		43	7	43	73
	9	27	9	259		44	7	44	73
	10	27	10	259		45	7	45	73
	11	27	11	259		46	7	46	73
	12	27	12	259		47	7	47	73
	13	27	13	259		48	7	48	74
	14	27	14	260		49	7	49	74
	15	27	15	260		50	7	50	74
	16	27	16	260		51	7	51	74
23	1	57	1	889		52	7	52	74
	2	57	2	889		53	7	53	74
	3	57	3	889		54	7	54	74
	4	57	4	889		55	7	55	75
	5	57	5	890		56	7	56	75
	6	57	6	890		57	7	57	75
	7	57	7	890		58	7	58	75
	8	57	8	891		59	7	59	75
	9	57	9	891		60	7	60	75
	10	57	10	891		61	7	61	75
24	1	7	1	65		62	7	62	76
	2	7	2	65		63	7	63	76
	3	7	3	65		64	7	64	76
	4	7	4	65		65	7	65	76
	5	7	5	66		66	7	66	76
	6	7	6	66		67	7	67	77
	7	7	7	66		do	8	134	127
	8	7	8	66		69 part.	1	7 (13)	3
	9	7	9	67		70 part.	5	43	39
	10	7	10	67		do part.	7	68	77
	11	7	11	67		71	7	69	77
	12	7	12	67		Sched. Form A.	7	Form A.	77
	13	7	13	67		do do B.	7	Form B.	78
	14	7	14	67		do do C.	7	Form C.	78
	15	7	15	67		do do D.	7	Form D.	79
	16	7	16	68		do do E.	7	Form E.	80
	17	7	17	68		do do F.	7	Form F.	80
	18	7	18	68		do do G.	7	Form G.	81
	19	7	19	68		do do H.	7	Form H.	81
	20	7	20	69		do do I.	7	Form I.	82
	21	7	21	69		do do J.	7	Form J.	82
	22	7	22	69		do do K.	7	Form K.	83
	23	7	23	69		do do L.	7	Form L.	84
	24	7	24	69		do do M.	7	Form M.	84
	25	7	25	69		do do N.	7	Form N.	86
	26	7	26	70		do do O.	7	Form O.	87
	27	7	27	70		do do P.	7	Form P.	87
	28	7	28	70		do do Q.	7	Form Q.	88
	29	7	29	70		do do R.	7	Form R.	88
	30	7	30	70	25	1	50	2	717
	31	7	31	70		2	50	112	740
	32	7	32	71		3	50	11	719
	33	7	33	71		4	50	41	724
	34	7	34	71		5	50	42	725
	35	7	35	71		6	50	43	725
	36	7	36	71		7 part.	50	7	718
	37	7	37	72		do part.	50	44	725
	38	7	38	72		8	50	45	725
	39	7	39	72		9	50	46	725
	40	7	40	72		10 part.	138	16	1800
	41	7	41	72		do part.	138	13	1801

ACTS OF THE DOMINION OF CANADA—Continued.

49 VICTORIA, 1886—Continued.					49 VICTORIA, 1886—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
25	10 <i>part.</i>	138	14	1803	26	37	51	37	748
		138	16	1803		38	51	38	748
		50	47	725		39	51	39	749
		50	47	725		40	51	40	749
		50	48	725		41	51	41	749
		50	49	726		42	51	42	749
		50	50	726		43	51	43	750
		50	51	726		44	51	44	750
		50	52	726		45	51	45	750
		50	55	727		46	51	46	750
		50	56	727		47	51	47	750
		50	57	727		48	51	48	751
		50	58	727		49	51	49	751
		50	59	727		50	51	50	751
		50	60	727		51	51	51	751
		50	61	727		52	51	52	751
		50	62	727		53	51	53	752
		50	15	720		54	51	54	752
		50	65	728		55	51	55	752
		50	16	720		56	51	56	752
		50	54	727		57	51	57	752
		50	7	718		58	51	58	753
		50	77	731		59	51	59	753
		50	91	733		60	51	60	753
		50	102	737		61	51	61	754
26	1	51	1	741		62	51	62	754
	2	51	2	741		63	51	63	755
	3	51	3	741		64	51	64	755
	4	51	4	743		65	51	65	755
	5	51	5	743		66	51	66	755
	6	51	6	743		67	51	67	755
	7	51	7	743		68	51	68	756
	8	51	8	743		69	51	69	756
	9	51	9	743		70	51	70	756
	10	51	10	744		71	51	71	757
	11	51	11	744		72	51	72	757
	12	51	12	744		73	51	73	757
	13	51	13	744		74	51	74	758
	14	51	14	744		75	51	75	758
	15	51	15	744		76	51	76	758
	16	51	16	744		77	51	77	759
	17	51	17	744		78	51	78	759
	18	51	18	744		79	51	79	760
	19	51	19	745		80	51	80	760
	20	51	20	745		81	51	81	761
	21	51	21	745		82	51	82	761
	22	51	22	745		83	51	83	761
	23	51	23	745		84	51	84	762
	24	51	24	746		85	51	85	762
	25	51	25	746		86	51	86	763
	26	51	26	746		87	51	87	763
	27	51	27	746		88	51	88	763
	28	51	28	746		89	51	89	763
	29	51	29	746		90	51	90	764
	30	51	30	747		91	51	91	764
	31	51	31	747		92	51	92	765
	32	51	32	747		93	51	93	765
	33	51	33	747		94	51	94	766
	34	51	34	747		95	51	95	766
	35	51	35	747		96	51	96	766
	36	51	36	747		97	51	97	766

ACTS OF THE DOMINION OF CANADA—Continued.

49 VICTORIA, 1886—Continued.					49 VICTORIA, 1886—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
26	98	51	98	767	26	Sched. Form P. 3.	51	Form P. 3.	792
	99	51	99	767		do do P. 4.	51	Form P. 4.	793
	100	51	100	767		do do Q.	51	Form Q.	793
	101	51	101	769		do do R.	51	Form R.	794
	102	51	102	769		do do S.	51	Form S.	794
	103	51	103	769	27	2 (1) part.	54	6	818
	104	51	104	770		do do part.	54	93	848
	105	51	105	771		do do part.	54	94	848
	106 (1)	51	106	771		do (2)	54	7 (2)	819
	do (2) part.	51	133 (2)	780		3	54	98	849
	do do part.	51	133 (3)	780		4	54	34	827
	107	51	107	771		5 (1) part.	54	38 (1)	829
	108	51	108	771		do do part.	54	38 (4)	830
	109	51	109	772		do (2)	54	38 (7)	831
	110	51	110	772		6	54	38 (8)	831
	111	51	111	772		7	54	42	832
	112	51	112	773		8	54	43	832
	113	51	113	773		9 part.	54	44	832
	114	51	114	774		do part.	54	45	834
	115	51	115	774		do Form Q.	54	Form L.	867
	116	51	116	775		10	54	46	834
	117	51	117	775		11	54	96	848
	118	51	118	775		12 part.	54	101	849
	119	51	119	776		do part.	54	102	850
	120	51	120	776		13	54	104	850
	121	51	121	776		14	54	106	851
	122	51	122	777		15 part.	54	109	851
	123	51	123	777		do part.	54	110	852
	124	51	124	777		do part.	54	111	852
	125	51	125	778		16	54	113	853
	126	51	126	778		17	54	115	853
	127	51	127	778		18	54	116	854
	128	51	128	778		19	54	118	855
	129	51	129	779		20 part.	54	119	856
	130	51	130	779		do part.	54	120	856
	131	51	131	779		21	54	125	857
	132	51	132	779		22 Form O. 2.	54	Form O.	870
	133	51	133	780		do do O. 3.	54	Form P.	871
	134	51	134	780	28	1	55	1 (5)	887
	135	51	135	780	31	1 part.	78	41 (1)	1136
	136	51	136	780		do part.	78	41 (3)	1137
	137	51	137	780		do part.	78	41 (4)	1137
	138	51	138	781		2 (1)	78	41 (11)	1138
	139	51	139	781		do (2)	78	41 (12)	1138
	Sched. Form A.	51	Form A.	782		do (3)	78	41 (13)	1138
	do do B.	51	Form B.	782		3	78	41 (14)	1138
	do do C.	51	Form C.	783		5	78	9	1122
	do do D.	51	Form D.	784		6	78	16 (1)	1124
	do do E.	51	Form E.	784		7	78	18	1125
	do do F.	51	Form F.	785		8 (1)	78	19 (5)	1125
	do do G.	51	Form G.	786		do (2)	78	19 (6)	1126
	do do H.	51	Form H.	787		do (3)	78	19 (9)	1126
	do do I.	51	Form I.	787		9	78	19 (15)	1127
	do do J.	51	Form J.	788		10	78	21 (2)	1128
	do do K.	51	Form K.	789		11	78	21 (4)	1129
	do do L.	51	Form L.	790		13	78	30 (6)	1133
	do do M.	51	Form M.	790		14	78	36 (1)	1134
	do do N.	51	Form N.	790		15 part.	78	41 (1)	1136
	do do O.	51	Form O.	791		do part.	78	41 (5)	1137
	do do P. 1.	51	Form P. 1.	791		do part.	78	41 (6)	1137
	do do P. 2.	51	Form P. 2.	792		do part.	78	41 (7)	1137

ACTS OF THE DOMINION OF CANADA—Continued.

49 VICTORIA, 1886—Continued.					49 VICTORIA, 1886—Continued.				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
34	16	78	42 (6)	1139	45	16	124	16	1668
	17	78	48	1142		17	124	17	1668
	18	78	30 (7)	1133		18	124	18	1669
	19 Schedule A.	78	Schedule A.	1147		19	124	19	1669
35	1	92	1	1243		20	124	20	1669
	2	92	5	1243		21	124	21	1670
	3	92	6	1244		22	124	22	1670
	4	92	7	1244		23	124	23	1670
	5	92	8	1244		24	124	24	1671
	6	92	9	1244		25	124	25	1671
	7	92	10	1244		26	124	26	1673
	8	92	11	1244		27	124	27	1673
36	1	91	1	1239		28	124	28	1674
	2	91	2	1239		29	124	29	1674
	3	91	3	1239		30	124	30	1674
	4	91	4	1239		31	124	31	1674
	5	91	5	1240		32	124	32	1674
	6	91	6	1240		33	124	33	1674
	7	91	7	1241		34	124	34	1676
37	1	33	Schedule A.	368		35	124	35	1676
	2	33	Schedule C.	401		36	124	36	1677
	3	33	Schedule A.	368		37	124	37	1677
	4	33	Schedule E.	411		38	124	38	1678
	5 part.	33	5	366		39	124	39	1678
	do part.	33	Schedule D.	410		40	124	40	1679
39	2	34	40	425		41	124	41	1679
	3	34	131	457		42	124	42	1679
	4	34	132	458		43	124	43	1680
	5	34	146	464		44	124	44	1680
	6	34	148	465		45	124	45	1680
	7	34	228	485		46	124	46	1680
	8	34	234	487		47	124	47	1680
	9 part.	34	244	490		48	124	48	1681
	do part.	34	245	491		49	124	49	1681
	10	34	295	508		Sched. Form A.	124	Schedule.	
	11	34	296	508		do do B.	124	Form A.	1682
40	1	104	57	1388		do do C.	124	do Form B.	1684
41	1	107	3 (2)	1445		do do D.	124	do Form C.	1686
42	1	100	1	1329		do do E.	124	do Form D.	1687
43	1 part.	69	13 (1)	987		do do E.	124	do Form E.	1687
	do part.	69	13 (2)	987	46	1	129	56 (2)	1714
	2	69	13 (3)	988	47	1	174	259	2064
44	1 part.	127	24	1697	48	1	180	2	2187
	do part.	127	25	1697		2	180	3	2187
	2	127	26	1697	49	1	178	2	2123
	4	127	27	1698		2	178	87	2143
45	1	121	1	1663		3	178	88	2143
	2	124	2	1663		4	178	107	2148
	3	124	3	1664		5	178	89	2144
	4	124	4	1664		6	178	90	2144
	5	124	5	1664		7	178	84	2142
	6	124	6	1664		8	178	91	2144
	7	124	7	1665		9	178	92	2144
	8	124	8	1665		10	178	92	2144
	9	124	9	1665		11	178	77	2140
	10	124	10	1666		12	178	77	2140
	11	124	11	1667		13	178	99	2146
	12	124	12	1667	50	1	139	2	1805
	13	124	13	1667	51	1	162	19 (2)	1890
	14	124	14	1668	52	1	157	3	1871
	15	124	15	1668		2	157	4	1871

ACTS OF THE DOMINION OF CANADA—*Concluded.*

49 VICTORIA, 1886— <i>Continued.</i>					49 VICTORIA, 1886— <i>Concluded.</i>				
FORMER LEGISLATION.		CONSOLIDATED.			FORMER LEGISLATION.		CONSOLIDATED.		
Cap.	Sec.	Cap.	Sec.	Page.	Cap.	Sec.	Cap.	Sec.	Page.
52	3	161	2 (1)	1885	52	8 part.	157	4	1871
	4	157	5	1871		do part.	157	5	1871
	5 part.	157	6 (1)	1872		do part.	161	2 (1)	1885
	do part.	161	2 (2)	1885	53	1	162	29	1892
	6 part.	157	6 (2)	1872		2	162	30	1892
	do part.	161	2 (3)	1885		3	162	31	1892
	7 part.	157	6 (3)	1872		4	162	32	1892
	do part.	161	2 (4)	1885	54	1	183	70	2240
	8 part.	157	3	1871	114	1	94	3	1252

GENERAL INDEX.

The figures denote the pages which are numbered at the bottom.

A

	PAGE.		PAGE.
ABDUCTION AND DEFILEMENT OF WOMEN. <i>See</i> Offences against the person	1893, 1894	ACTS —History and disposal of. <i>See</i> Appendix No. 1	2316
ABORTION. <i>See</i> Offences against the person	1895	ADMIRALTY LANDS. <i>See</i> Ordnance and Admiralty Lands	873
ACCESSORIES —An Act respecting	1831	ADULTERATION ACT.	1443
Felonies	1831	Adulterated food	1443
Accessories after the fact	1831	Adulteration	1448
Accessories before the fact	1831	Agricultural fertilizers—"Adulterated"	1444
Counselling, procuring or commanding—Punishment for	1831	Analysis	1445
Indictment and conviction of accessories	1831	Appointment of analysts	1445
Principal in the second degree	1831	Certificate if sample is adulterated	1447
Prosecution of accessory after principal offender convicted, &c.	1832	Division of sample into three parts	1446
Punishment of accessories	1831, 1832	Duty of officer on obtaining sample	1446
Misdemeanors	1832	Marking and sealing sample	1446
Aiding, abetting, counselling or procuring—guilty, &c., as a principal offender	1832	Penalty for refusing to deliver sample ..	1446
Offences punishable on summary conviction	1832	Proceedings in case of	1447
ACCIDENTS ON BOARD SHIPS. <i>See</i> Safety of ships, &c	1111	Samples, how obtained	1446
ACTIONS AGAINST PERSONS ADMINISTERING THE CRIMINAL LAW —		Seal to be affixed, &c.	1447
An Act respecting	2245	Certificate in such case	1447
General issue	2245	Transmission of parts, &c.	1446
Limitation of actions and prosecutions	2245	Analysts.	1445
Notice to defendant	2245	Appointment of	1445
Protection of Justices of the Peace—		Certificate of qualification of	1445
Other Acts to apply to the	2246	Chief—how appointed	1445
Tender of sufficient amends	2245	Duties of	1445
Verdict or judgment for defendant in certain cases and recovery of costs	2245	Examination for	1445
ACTS AND PARTS OF ACTS CONDITIONALLY REPEALED. <i>See</i> Schedule C	2317	Remuneration of	1445
ACTS AND PARTS OF ACTS CONSOLIDATED. <i>See</i> Appendix No. 2	2437	Any person may submit article for analysis	1451
ACTS AND PARTS OF ACTS NOT CONSOLIDATED. <i>See</i> Schedule B.	2299	Appeal to chief analyst	1447
ACTS AND PARTS OF ACTS REPEALED <i>See</i> Schedule A.	2247	Proceedings in such case	1447
		Report of chief analyst final	1447
		Application of penalties	1446, 1451
		Compounder, &c., &c., and penalty	1450
		Confiscation of adulterated articles	1449
		Detention of articles till sample is analyzed	1449
		Drugs, "adulterated"	1444
		Enforcement of penalties	1451
		Exemptions may be declared by Governor in Council	1449
		Limit of variability to be fixed	1449
		List of, to be prepared and published	1449
		Expenses of analysis	1451
		Fertilizers Act—Reference to	1443, 1444

The figures denote the pages which are numbered at the bottom.

ADULTERATION ACT—Concluded.		AID SOCIETIES. See Immigration Aid Societies	
Food, "adulterated".....	1443	Societies.....	969
Food and drugs—Adulteration of.....	1443, 1444	ALIENS—An Act respecting Naturalization and. See Naturalization Act	1535
Exceptions.....	1444	ALLEGIANCE—Oaths of. See Oaths of Allegiance, &c.	1533
General Inspection Act—Inspectors, &c., acting under.....	1445	ALLOWANCES TO THE PROVINCES—See Subsidies, &c.	703
General provisions.....	1451	AN ACT RESPECTING THE REVISED STATUTES OF CANADA	ix
"Inland Revenue Act," to apply.....	1451	ANIMALS CONTAGIOUS DISEASES ACT	985
Inspectors may be appointed.....	1445	Appointment of officers.....	988
May prosecute offenders.....	1445	Cattle—Duties of owners of.....	985
Powers of.....	1445	Cleansing of vessels and vehicles.....	990
Inspectors of Weights and Measures.....	1445	Diseased cattle—Slaughtering.....	987
Interpretation.....	1443	Disposition and destruction of diseased animals.....	987
"Adulterated".....	1443	Duties of owners of cattle.....	985
"Agricultural fertilizer".....	1443	Effect of sections 1 to 11 of this Act.....	987
"Drug".....	1443	Evidence—Publication and.....	992
"Food".....	1443	Importation—Prohibition of.....	988
"Officer".....	1443	Infected places.....	988
Liquors, when deemed to be adulterated..	1448	Area of, how it may be described.....	989
Milk, when deemed to be adulterated.....	1448	Area of locality, what to include.....	989
Officers of Inland Revenue.....	1445	Declaring a place free from disease.....	989
Penalties for adulterating.....	1449, 1450	Effect of notice to owners.....	989
Penalty for selling adulterated article.....	1450	Inspectors and officers—Duties of.....	988
For wilfully attaching false label.....	1450	Limits of, may be varied.....	989
On compounder, &c., of liquors, &c.....	1450	Notice of, to owners.....	988
See Schedule.....	1452	Order of Minister to supersede local order.....	990
Regulations, how to be made.....	1451	Power of inspector to extend boundaries	989
Report for Parliament by analysts.....	1448	Report concerning, to Minister of Agriculture.....	989
Sale of adulterated articles prohibited.....	1448	Transit through.....	990
Samples of articles—Who may obtain.....	1445	Inspector's certificate to be evidence.....	992
Schedule.....	1452	Interpretation	985
ADVANCES ON SHIPS IN COURSE OF CONSTRUCTION—Security for	1015	"Animals".....	985
AGRICULTURAL FERTILIZERS—Adulteration of. See Adulteration Act	1443	"Cattle".....	985
AGRICULTURAL FERTILIZERS—An Act respecting. See Fertilizers Act	1453	"Contagious".....	985
AGRICULTURE—An Act respecting the Department of	249	"Foreign animals".....	985
Annual Report to Governor General.....	250	"Infectious".....	985
Deputy Minister of Agriculture.....	249	"Infectious or contagious diseases".....	985
Duties of Minister.....	249	Notice of disease to be given to Minister of Agriculture by breeders and dealers	985
Minister of Agriculture.....	249	Penalty for neglect.....	986
Other duties may be assigned.....	249	Offences and penalties	993
Subjects under control of Minister.....	249	Apprehension of offenders.....	994
Agriculture.....	249	Arrest of persons impeding the execution of this Act.....	993
Arts and Manufactures.....	249	Attempting to import contrary to this Act.....	993
Copyright.....	249	Entering where entrance is forbidden... ..	994
Experimental Farm Stations.....	249	Forfeiture of animals.....	993
Immigration and Emigration.....	249	How offender to be dealt with.....	993
Industrial Designs and Trade Marks....	249	Neglecting to cleanse vessels, &c.....	994
Patents of Invention.....	249		
Public Health and Quarantine.....	249		
The Census, Statistics and the Registration of Statistics.....	249		
The Marine and Immigrant Hospital at Quebec.....	249		

The figures denote the pages which are numbered at the bottom.

ANIMALS CONTAGIOUS DISEASES**ACT—Continued.**

Recovery of penalties.....	995
Refusing admission of inspector to common, field, stable, &c.....	993
Refusing admission of inspector to steamship, vessel, &c.....	993
Return of removed animal to infected place.....	994
Unlawful removal of animal or appurtenances.....	993
Violation of regulations.....	994
Where offence shall be held to have been committed.....	994
Officers—Appointment of.....	988
Orders may be made by Governor in Council.....	990
Owners of cattle—Duties of.....	985
Penalties—Offences and.....	993
Penalty for bringing diseased animals to market.....	986
For digging up buried carcass.....	986
For fraudulent concealment of disease..	986
For keeping diseased animals in places not enclosed.....	986
For selling, &c., diseased animals.....	986
For throwing carcass into river, &c.....	986
Powers of inspectors.....	992
To enter and examine steamships, vessels, &c.....	992
To enter and examine suspected localities.....	992
Preventing removal of animals or appurtenances out of infected places.....	991
Prohibition of importation.....	988
Publication and evidence.....	992
Orders in Council, &c.—Publication of.	992
Regulations may be made for causing notices to be given.....	991
Declaring market, steamship, &c., infected.....	991
Disposing of diseased animals.....	991
Prohibiting or regulating the holding of markets, &c.....	991
Purifying infected places, &c.....	991
Requiring notice to be given of appearance of disease.....	991
Requiring proof as to animals imported.	991
Segregating and confining animals.....	991
Separation of diseased animals.....	990
Slaughtering animals.....	991
Subjecting animals to quarantine.....	990
Report of seizure of diseased animals.....	987
Seizure of diseased animals offered for sale	987
Short title.....	985
Slaughtering diseased cattle.....	987
Amount of compensation.....	987

ANIMALS CONTAGIOUS DISEASES**ACT—Concluded.**

Compensation to owners in certain cases.	987
Sale of carcass.....	988
Value of, how determined.....	987
Withholding compensation in certain cases.....	987
Vessels and vehicles—Cleansing of.....	990
ANIMALS—Cruelty to. See Cruelty to Animals.....	1987
APPENDIX No. 1. History and disposal of Acts.....	2319
APPENDIX No. 2. Acts and parts of Acts consolidated.....	2437
ARBITRATORS—An Act respecting Official Action of Minister as to claims.....	603
Appeal to the Exchequer Court.....	609
Costs and enforcement of process.....	610
Court may finally determine.....	610
Execution of order of court.....	610
Further powers of court.....	610
Powers of the court to set aside, &c.....	609
Security for costs to be given.....	610
Submission may be made a rule of court "Supreme and Exchequer Courts Act"—	609
Appeal regulated by.....	610
Powers of, to apply to this Act.....	610
Time for application limited.....	609
Arbitrators.....	603
Appointment of.....	603
Clerk to—Appointment of.....	604
Duties of.....	604
Oath to be taken by.....	604
Powers of, &c.....	606
Renumeration of.....	604
Claim how preferred.....	604
Clerk—Appointment of.....	604
Exchequer Court—Appeal to.....	609
Interpretation.....	603
"Arbitrators".....	603
"Department".....	603
"Minister".....	603
"Public work".....	603
Legal tender—What shall be.....	605
Minister may refer to arbitration without tender.....	606
Duty of arbitrators in such case.....	606
No arbitration when otherwise provided in contract.....	605
One, may take evidence and hear parties, &c.....	606
Powers of arbitrators and proceedings by or before them.....	606
Advantages, &c., of public work to be taken into consideration.....	607
Allowance to witnesses.....	607
Appeal to the whole board, when.....	608

The figures denote the pages which are numbered at the bottom.

ARBITRATORS—Concluded.		ASHES—Inspection of. See General In-	
Copies of award to be delivered.....	608	spection Act	1308
Copies of depositions and papers.....	609	ASSAULTS, &c. See Offences against the	
Costs, by whom to be paid.....	609	person.....	1893
“ to be taxed by whom.....	609	ATTORNEY GENERAL OF CANADA.	
Evidence on appeal.....	608	<i>See Justice—Department of.</i>	243
Evidence to be taken in writing.....	607	AUDIT ACT—Consolidated Revenue and...	265
Penalties in contracts, how construed..	608	Accountant—Liability of civilly.....	284
Penalty for non-attendance of witness..	607	Evidence against.....	284
Production of documents.....	607	Notice to pay over moneys.....	284
Restrictions as to awards on contracts..	608	Penalty for not accounting.....	284
Stenographer—Employment of.....	607	Refusing to obey notice.....	285
Costs of.....	607	Costs in case of refusal.....	285
His duty.....	607	Evidence on refusal.....	285
Value estimated as at the time of taking		Vouchers—Proceedings in case they are	
possession.....	608	insufficient.....	285
Witnesses may be summoned.....	606	Costs in such case.....	285
Reference to one or more arbitrators.....	605	Evidence, what sufficient.....	285
Security to be given by claimant.....	606	Accountant—Liability of criminally.....	287
Time within which claim may be made,		Concealing information.....	287
limited.....	605	Condoning an offence.....	287
ARMS KEPT FOR DANGEROUS PUR-		Conspiring to defraud.....	287
POSES—An Act respecting the seiz-		False entries—Making.....	287
ure of.....	1843	Misdemeanor—When guilty of.....	287, 288
Arms kept for any unlawful purpose may		Permitting breach of law.....	287
be seized.....	1843	Punishment.....	288
Persons in possession thereof, may be		Receiving bribes.....	287
arrested.....	1843	Accountant—Meaning of term.....	281
“Arms”—What to include.....	1843	Moneys to be paid over on termination	
Concurrent jurisdiction of justices of the		of his charge.....	284
peace.....	1844	Recovery of balance in hand.....	284
Decision of claims for restitution of arms.	1843	Report thereon by Auditor General.....	284
Interpretation.....	1843	Accounts which Auditor General shall	
Persons unlawfully carrying arms may		audit.....	281
be arrested.....	1844	Accuracy of accounts, how tested.....	279
May be admitted to bail.....	1844	Act respecting Dominion notes.....	270
Proclamation declaring this Act in force		Alteration of time for accounting.....	278
after suspension.....	1844	Annual accounts and audit thereof.....	276
Suspension of this Act by Governor in		Annual statements.....	276
Council.....	1844	Annuities, how granted.....	268
ARMY AND NAVY—Offences relating to		Appeal to Treasury Board.....	290
the.....	1979	Appropriation accounts—	
Application of penalties.....	1980	Examination of.....	279
Apprehension of suspected deserters.....	1980	Preparation of.....	277
Concealing or assisting deserter.....	1979	Appropriation Act—Accounts under.....	277
Enticing soldiers or sailors to desert.....	1979	Auditor General—	
Examination of witnesses about to leave		Appointment and salary of.....	273
Province, &c.....	1980	Examination under oath—May take.....	283
Penalties—Application of.....	1980	May issue commissions.....	283
Prosecution of offender.....	1980	May obtain writs of subpœna.....	283
May be under Imperial Act.....	1980	Officers and clerks under.....	273
Receiving necessaries from a seaman or		Orders and rules—May make.....	273
mariner.....	1979	Report to Governor in Council by.....	273
Receiving regimental necessaries.....	1979	Report to Parliament.....	277
Warrant required to break and enter a		Tenure of office of.....	273
building in search of deserters.....	1980	Balances to be paid over.....	284
Warrant to apprehend deserters.....	1980		

The figures denote the pages which are numbered at the bottom.

AUDIT ACT—Continued.

Books of account, moneys and valuable securities to be the property of Her Majesty..... 289

Bribing revenue officers. *See* Offering bribes. Sec. 70..... 288

Canada (Public Works) Loan Act..... 267

Canada Railway Loan Act..... 266

Canada (Rupert's Land) Loan Act..... 267

Cancellation of debentures..... 270

Certificate to accountant..... 282

Cheques issued without certificate..... 280

Collection of the revenue..... 270

 Division of Canada into ports..... 271

 Exemption of officers..... 271

 Hours of attendance of officers..... 272

 Oath of office..... 271

 Officers to be employed..... 270

 Remuneration of officers..... 271

Collections, &c.—Costs, &c., incident thereto..... 266

Commissioners to take evidence..... 283

Consolidated Revenue Fund..... 266

Contempt of court..... 284

Crown remedies not affected..... 287

Debentures—

 Cancellation of..... 270

 Countersigned by whom..... 270

 Examination of..... 270

 Issue of..... 268

Defaulters—Proceedings against..... 286

Department, preparing appropriation accounts—Duty of..... 278

Details, how audited..... 278

Dominion notes—Act respecting..... 270

Dominion stock—Issue of..... 268

Double entry—Accounts to be kept by.... 276

Duties—Remission of, how made..... 290

Enforcement of forfeiture..... 291

Examination of appropriation accounts... 279

Examinations shall be made with as little delay as possible..... 281

Examinations under oath may be made.. 289

Exchequer bills and bonds—Issue and sale of..... 268

Explanation to accompany accounts..... 279

Forfeiture—Remission of..... 290

Free access to books, &c..... 279

Fund—Consolidated revenue..... 266

Funded debt—Form of, may be changed. 269

Goods destroyed by accident..... 291

Governor General—Salary of..... 266

Grants to Provinces..... 267

Holidays..... 290

Hudson's Bay Company—Loan..... 266, 267

Intercolonial Railway..... 266

Interpretation..... 265

AUDIT ACT—Continued.

Issues during financial year—Account of, to be prepared..... 277

Judges—Supreme and Exchequer Courts —Salaries of..... 267

List of accounts to be submitted to Treasury Board..... 282

Loans, how raised..... 268

Misfeasance—Liability in case of..... 288

Manufacture of excisable articles..... 288

 Penalties, &c., in case of..... 288

 Remedies—Other, not impaired..... 288

Misapplication of public money..... 286

Objections, how dealt with..... 280

Offering bribes, &c., to revenue officers... 288

 Forfeiture and disqualification in case of officials..... 288

 Imprisonment..... 288

 Misdemeanor..... 288

 Punishment..... 288

Pardon—Remission—effect of as..... 291

Penalties for non-attendance of witnesses 283

Penalties—Recovery of..... 291

Preparation of appropriation accounts... 277

Proceedings against defaulters..... 286

Public accounts, how kept..... 276

 Shall include what..... 277

Public debt—Management of, and interest thereon..... 267

Public debts—Interest on..... 266

Public moneys, how paid..... 273

 "Account of the Minister of Finance and Receiver General"..... 274

 Cash books, how kept..... 274

 Daily accounts to be rendered to Auditor General..... 274

 Duty on licenses..... 273

 Ministers, deputies, &c..... 274

 Time and mode of payment..... 273

Purchaser of defaulter's goods, when not liable..... 286

Recovery of penalties..... 291

Regulations by Governor in Council— their effect..... 269

Remission of duties, &c..... 290

Report of Auditor General..... 277, 280

Revenue fund—Consolidated..... 266

Salaries of judges..... 267

Seizure and sale of defaulter's goods..... 286

Sinking fund—Provision for..... 266, 268

Statement of Auditor General, to be transmitted to the Minister of Finance 282

 When examination is completed..... 281

Stay of proceedings..... 290

Subpoenas—Auditor General may issue... 283

Temporary loans..... 269

Votes of money—Proceedings as to..... 274

The figures denote the pages which are numbered at the bottom.

AUDIT ACT—Continued.

Certificate of Auditor General.....	275
Cheques to issue, when and how	275
Credits to be issued.....	275
Immediate outlays provided for.....	276
Minister of Finance to issue credits, &c.	275
Refusal of Auditor General to certify— Provision in such case.....	276
Special warrants.....	276

AUDIT ACT—Concluded.

Statement to be submitted to Parlia- ment.....	276
Statements to be rendered to Auditor General.....	275
Vouchers required by Auditor General..	276
Warrant of Governor to Minister of Finance.....	274
Witnesses—How their attendance may be enforced	283

B**BANK ACT** 1599

Absolute title to lands mortgaged, how acquired.....	1614
Advances for building ships.....	1614
Agencies—Branches and.....	1613
Agency fees.....	1619
“Agent”—Meaning of (in Sec. 53).....	1615
Allotment of stock.....	1601
Annual returns to Parliament.....	1621
Annual statement, what to contain...1606,	1607
Application of Act.....	1599
Bank notes—Amount and denomination of.....	1612
Bank subject to any general Act.....	1624
Bill of lading as security.....	1615
Board of directors.....	1603
Bonds, bills, notes, &c., how to be sealed and signed.....	1612
Branches and agencies.....	1613
British Columbia—Sections which apply to Bank of.....	1625
Chief seat of business of, &c.....	1625
British North America—Sections which apply to Bank of.....	1625
Business which bank is precluded from transacting	1613
Penalty for contravention.....	1613
Calls on shares	1605
Forfeiture for non-payment.....	1606
Recovery of by suit.....	1605
Sale in case of forfeiture.....	1606
Time of, and notice.....	1605
Transfer in case of sale.....	1606
Calls—Shares and	1605
Capital stock.....	1600
Cashier, &c.—Security of.....	1605
Certificate from Treasury Board.....	1600
Charters continued to July 1, 1891.....	1600
See Schedule A, for names.....	1626
Chief place of business—Payment at.....	1612
Collateral security.....	1615, 1618
How dealt with.....	1618

BANK ACT—Continued.

Provisions may be varied.....	1618
Collection fees.....	1619
Deposits from persons incapable of mak- ing contracts.....	1619
Limit as to amount.....	1620
Trusts in relation to.....	1620
Directors. See Internal regulations..1601,	1603
Dividends.....	1607
Half yearly.....	1607
Limited unless there is a certain reserve	1607
Lost capital to be made up.....	1607
Not to impair capital.....	1607
Notice for thirty days.....	1607
Dominion notes—Supply of.....	1611
Excess of circulation—Penalty for having	1612
Exchange of warehouse receipt for bill of lading and <i>vice versa</i>	1616
Execution, &c.—Purchase of land under..	1614
Execution—Sale of shares under.....	1608
Executors, &c.—when not personally liable... ..	1611
Foreclosure of mortgage.....	1614
Future legislation, &c.....	1624
How certain banks may come under this Act.....	1624
Incorporation—Act of, what to declare..	1600
Increase of capital	1601
Insolvency	1621
Bank's notes to be a first charge on as- sets.....	1623
Calls in such case.....	1621
Calls under Winding-up Act.....	1622
<i>En commandite</i> —When bank is.....1622,	1623
Enforcement of calls.....	1622
Forfeiture for non-payment.. ..	1622
Liability of directors.....	1622
Liability of shareholders.	1621
Who have transferred their stock within one month.....	1622
Refusal to make calls.....	1622
Suspension for 90 days.....	1621

The figures denote the pages which are numbered at the bottom.

BANK ACT—Continued.

Inspection by directors.....	1607
Interest, what, recoverable	1618
Internal regulations.....	1601
Board of directors.....	1603
By-laws in force prior to April 14, 1871.	1604
By-laws may be made.....	1601
Calls must be paid before voting—when	1603
Cashier, &c—Security of.....	1605
Casting vote	1604
Certain by-laws continued.....	1602
Directors—Election of.....	1601
Qualification of.....	1601
Discount to directors.....	1602
Election of president, &c.....	1603
<i>En commandite</i> —Proviso; as to banks..	1601
Failure of election—Proviso; in case of	1604
Officers, clerks, &c.—Appointment of...	1604
Preside—Who shall	1604
Quorum, &c.....	1604
Removal of president, directors, &c.....	1602
Renewal of proxies.....	1604
Special general meetings.....	1602
Vacancies how filled.....	1603
Interpretation.....	1599
“Bill of lading”	1599
“Goods, wares and merchandise”.....	1599
“Ship” or “shipment”.....	1599
“ <i>The Bank</i> ”	1599
“Warehouse receipt”.....	1599
<i>La Banque du Peuple</i> —Sections which	
apply to.....	1625
“Directors” Proviso; as to	1625
List of transfers to be kept.....	1608
Loan on its own stock forbidden.....	1617
Penalty for contravention.....	1618
Machinery—Notes and bills may be sign-	
ed by	1613
Making false statement in returns, a mis-	
demeanor	1623
Mortgages and hypothèques.....	1614
Notices how to be given.....	1624
Obligations and powers.....	1611
Offences and penalties.....	1623
Payment in Dominion notes.....	1612
Payment of shares.....	1605
Penalties—Offences and.....	1623
Penalty for making false statement	1616
Powers—Obligations and.....	1611
President giving undue preference to any	
creditor, guilty of a misdemeanor . . .	1623
Real estate for occupation.....	1613
Redemption of notes.....	1612
Reserve fund—Amount required.....	1611
Returns by the bank.....	1620
How to be signed.....	1620
Monthly returns to Government	1620

BANK ACT—Continued.

Form of, <i>See</i> Schedule B.....	1626
Penalty for not making, &c.....	1620
Special, may be called for	1620
Sale of shares under execution.....	1608
Schedules—Banks whose charters are	
continued by this Act.....	A, 1626
Returns of liabilities and assets.....	B, 1626
Security on goods, &c.....	1615
“Agent,” meaning of.....	1615
Goods manufactured from articles pled-	
ged.....	1616
Limited to contemporaneous transac-	
tions	1615
Notice to be given before sale.....	1617
Penalty for contravention	1616
Prior claim of bank over unpaid vendor.	1617
Sale by auction after notice.....	1617
Sale of goods, &c., on non-payment of	
debt.....	1616
Under bill of lading, &c.....	1615
Warehouse receipt, &c	1615
When warehouseman is also owner.....	1616
Shares and calls.....	1605
Shares and unpaid dividends.....	1617
Lien on, for overdue debts.....	1617
Transfer in case of sale.....	1617
Ships—Advances for building.....	1614
Special provisions as to certain banks....	1624
Subscribed capital, when to be paid up...	1600
Subscription—Books of.....	1605
Title to mortgaged lands.....	1614
To what banks the Act applies.....	1599
Transfer and transmission of shares.....	1608
Transfer of shares	1608
Transfer of stock.....	1605
Transmission of certified list of sharehol-	
ders to Minister of Finance	1621
Penalty for neglect.....	1621
Transmission of shares other than by	
transfer.....	1608
Decease—In case of.....	1609
Letters of administration—Copy of...	1610
Probate of will—Copy of.....	1610
Declaration in such case.....	1608
Corroborative evidence.....	1609
Made out of Canada	1609
Doubt as to person entitled.....	1610
Costs in such case.....	1610
Notice to be given.....	1610
Petition in such case.....	1610
How to be authenticated.....	1608
Trustees, &c.—When not personally liable	1611
Trusts—Bank not bound to see to.....	1611
Unauthorized issue of notes for circula-	
tion.....	1624
Penalty for.....	1624

The figures denote the pages which are numbered at the bottom.

BANK ACT—Concluded.		BILLS OF EXCHANGE AND PROMIS- SORY NOTES—Concluded.	
What shall be deemed such.....	1624	Patent right, when a consideration, how to be expressed.....	1652
Unauthorized use of the title of bank, &c., a misdemeanor.....	1623	Penalty for not so expressing.....	1652
Usury—No instrument to be void for.....	1618	Right of indorsee or transferee.....	1652
Innocent holders.....	1619	Prince Edward Island—Protests, &c., in.....	1651
Usury—No penalty for.....	1618	Protest of, in New Brunswick.....	1651
Warehouse receipts.....	1615	“ “ Nova Scotia.....	1651
BANKS. See Savings Banks in the Pro- vinces of Ontario and Quebec.....	1637	“ “ Ontario.....	1654
BANKS AND BANKING. See Bank Act..	1599	“ “ Prince Edward Island.....	1651
BANKS—Government Savings. See Gov- ernment Savings Banks.....	1631	“ “ Quebec—Province of.....	1655
BEACONS, &c. See Lighthouses, &c.....	977	Qualified acceptance in P. E. I.....	1651
BEEF—Inspection of. See General Inspec- tion Act.....	1302	Quebec—Province of.....	1655
BETTING. See Lotteries, &c.....	1880	Forms of notings, &c., in.....	1655
BIGAMY, &c. See Marriage, &c.....	1886	See Schedule B. Form A. <i>et seq.</i>	1657
BILLS OF EXCHANGE AND PROMIS- SORY NOTES—An Act respecting... 1649		Notaries fees in.....	1655
Acceptance of bill to be in writing.....	1650	See Schedule B.....	1656
Damages on bills payable in Canada or Newfoundland.....	1650	Penalty for noting or protesting with- out authority.....	1655
Other countries.....	1650	Schedule A. Protest and notice in Pro- vince of Ontario.....	1655. 1656
Days of grace.....	1649	Schedule B. Province of Quebec—	
General acceptance in P. E. Island.....	1651	Notarial notice of a noting or of a pro- test, &c., of a bill.....	G. 1660
“Given for a patent right”.....	1652	Notarial notice of protest for non-pay- ment of a note.....	H. 1661
Holiday.....	1649	Notarial service of notice of a protest. &c.....	I. 1661
Last day of grace a holiday, &c.....	1649	Notice for non-acceptance.....	A. 1657
New Brunswick—Protests, &c., in.....	1651	Protest, bill payable at a particular place.....	C. 1658
No official to act as notary of bank in which he is employed.....	1651	Protest, payable generally.....	B. 1657
Non-judicial days.....	1649	Protest for non-payment of a bill noted but not protested for non-accept- ance.....	D. 1658
Days proclaimed by Lieut. Gov.....	1650	Protest, note payable at a particular place.....	F. 1659
In all the provinces but Quebec.....	1649	Protest, payable generally.....	E. 1659
In Province of Quebec.....	1650	Tariff of fees and charges.....	1656
Notarial protest—Evidence in New Brunswick.....	1651	When due.....	1649
Notice of protest and dishonor how, when and to whom to be given.....	1650	Writing—Acceptance to be in.....	1650
Nova Scotia—Protests, &c., in.....	1651	BOARDS OF TRADE—An Act respecting the incorporation of.....	1733
Ontario—Province of.....	1652	Arbitration—Board of.....	1737
Damages and interest when allowed.....	1653	Board of arbitration.....	1737
General acceptance or promise in.....	1652	Award of—Effect of.....	1738
Inland bills and notes to bear interest... 1654		Examination upon oath by.....	1738
Notaries' fees.....	1654	Form of submission. See Schedule A... 1739	
Notice of protest how to be served.....	1654	Members of Council may be members of 1738	
Form of. See Schedule A.....	1656	Members of, to be sworn.....	1738
Presentment on a non-judicial day.....	1653	Form of oath. See Schedule B.....	1739
Protest for dishonor when to be made... 1654		Powers of, how exercised.....	1737
Form of. See Schedule A.....	1655	Submission of matters to.....	1737
Qualified acceptance or promise.....	1652	By-laws, &c.—Power to make, repeal or amend.....	1735
Rate of exchange how ascertained.....	1653	Certificate of formation of.....	1733
Statutes which are not in force in.....	1654		
Usury in—Rights of innocent holder in such case.....	1652		

GENERAL INDEX.

The figures denote the pages which are numbered at the bottom.

BOARDS OF TRADE—Concluded.

Council—Powers of.....	1736
Council to frame by-laws, &c., and submit to corporation.....	1737
Domicile of.....	1734
Dominion Board of Trade.....	1738
Affiliation with.....	1738
Delegates to, how elected.....	1738
Election of president and members of council.....	1734
First meeting for election of officers, &c.....	1734
Formation of.....	1733
“General Inspection Act”—Application to.....	1738
General quarterly meetings.....	1734
Interpretation.....	1733
“Board of Trade.”.....	1733
“District.”.....	1733
Majority—Powers of.....	1735
Meetings of council, how convened.....	1736
Meetings of council to be open to members.....	1737
Minutes to be kept.....	1737
Record of proceedings, how authenticated.....	1737
Members—Who eligible for, and how to become.....	1736
Notice of proposed by-laws to be given.....	1735
Officers and council of.....	1734
Power of council to appoint board of examiners of inspectors.....	1738
Powers of persons incorporated.....	1733
President and vice-president to take oath of office.....	1734
Form of oath.....	1735
Provision in case of failure of election.....	1734
Recovery of subscriptions, &c.....	1737
Proof in actions for.....	1737
Resignation of members.....	1735
Schedule of forms—	
Oath of member of board of arbitration.....	B. 1739
Submission to board of arbitration.....	A. 1739
Secretary of State—Certificate of formation to be sent to.....	1733
Special general meetings, how called.....	1736
Vacancies in council, how filled.....	1735
Vacation of offices.....	1735
BREACHES OF THE PEACE. See Riots, &c.....	1837
BREAKWATERS. See Harbors, Piers, &c.....	1215
BREWERIES. See under “Inland Revenue Act”.....	471
BRIDGES. See Works constructed in or over Navigable Waters.....	1243
BRIDGES—An Act respecting.....	1245
Accidents—Company to report.....	1248

BRIDGES—Concluded.

Application of Act.....	1245
By-laws of company to be transmitted to railway committee.....	1248
Changes and alterations in.....	1246
Company to furnish information.....	1246
Copy of report to accompany order of postponement.....	1246
Engineer may order use of bridge to be suspended.....	1247
Engineer—Powers of.....	1246
Evidence of authority.....	1246
Inspection not to relieve company from liability.....	1247
Inspection of bridge reported unsafe.....	1246
Interpretation “bridge.” “engineer,” “railway committee”.....	1245
Notice to be given before bridge is opened.....	1245
Orders of railway committee how notified.....	1247
Penalties for—	
Neglecting to deliver returns.....	1249
Omitting to report accidents.....	1249
Opening bridge contrary to order of railway committee.....	1248
Opening bridge without notice.....	1248
Postponement if bridge reported unsafe.....	1245
Power of engineer.....	1246
Proceedings on receipt of notice.....	1245
“Railway Act”—Application of.....	1245
Railway committee.....	1246 to 1246
Report of inspecting engineer.....	1245
Report to the railway committee.....	1247
Return of accidents to be made.....	1248
Form of.....	1248
Particulars of.....	1248
Twice a year.....	1248
Return shall be privileged.....	1248
BRITISH COLUMBIA—An Act respecting certain Public Lands in.....	887
Bona fide settlers.....	887
Dominion Lands Board—	
Duties of.....	888
Jurisdiction of.....	887
Powers of.....	888
Entry—Lands open for.....	887
Order in Council—Regulations by.....	887
Peace River district—Lands in.....	888
Railway purposes—Lands granted for.....	887
Regulations by Order in Council.....	887
Sale of lands.....	887
BRITISH COLUMBIA—An Act respecting the application of the Criminal Law of England to Ontario and.....	1829
BRITISH COMPANIES—Loans in Canada by. See Loans in Canada, &c.....	1689
BUILDING OF FISHING VESSELS. See Sea Fisheries, &c.....	1270

The figures denote the pages which are numbered at the bottom.

BUILDING SOCIETIES, &c. <i>See</i> Wind- ing-up Act.....	1703
BUOYS AND BEACONS, &c. <i>See</i> Light- houses, &c., &c.....	997
BURGLARY AND HOUSEBREAKING. <i>See</i> Larceny Act.....	1909

BUTTER —An Act to prohibit the manufac- ture and sale of certain substitutes for	1329
BUTTER —Inspection of. <i>See</i> General In- spection Act.....	1321
BUTTERINE. <i>See</i> Butter—An Act to pro- hibit, &c.....	1329

C

CANADA —An Act respecting the Revised Statutes of.....	ix
CANADA GAZETTE. <i>See</i> Public Printing, &c.....	259
CANADA TEMPERANCE ACT	1401
“County”—Meaning of.....	1401
Division of Act into three parts.....	1401
First part.....	1401
Interpretation.....	1401
“Intoxicating liquors”—Meaning of.....	1401
Penalties and prosecutions for offences against the second part.....	1427
Proceedings for bringing the second part of the Act into force.....	1401
Prohibition of traffic in intoxicating liquors.....	1425
Schedule of Forms.....	1435
Commission of deputy returning officer, C.....	1436
Directions for the guidance of voters, F.....	1438
Form of ballot paper, E.....	1437
Of declaration of agent, G.....	1438
Of oath of secrecy, H.....	1438
Of voters' list, I.....	1439
Information to obtain search warrant, M.....	1441
Notice to bring second part into force— and petition, A.....	1435
Oath of deputy returning officer, D.....	1436
Certificate, &c.....	1437
Oath of deputy returning officer at close of poll, L.....	1440
Oath of identity, &c., J.....	1439
Oath of messenger, K.....	1440
Oath of returning officer, B.....	1435
Certificate, &c.....	1435
Search warrant, N.....	1442
Second part.....	1425
Short title.....	1401
Third part.....	1427
CANADA TEMPERANCE ACT —First part—Proceedings for bringing the second part of the Act into force.....	1401
Adoption of petition—Effect of.....	1423
Agents—Appointment of.....	1405
Attendance of.....	1406

CANADA TEMPERANCE ACT — <i>Continued.</i>	
Declaration of, provided.....	1406
Form of. <i>See</i> Schedule G.....	1438
Substitute.....	1406
To produce appointment.....	1406
Ballot papers—Description of.....	1405
Form of. <i>See</i> Schedule E.....	1437
Bribery —Certain acts to be deemed.....	1417
Close of poll —Proceedings after.....	1411
Certificates to agents.....	1412
Counting of votes.....	1411
Delivery to returning officer.....	1412
Oath of person appointed to deliver box.....	1412
Form of, <i>See</i> Schedule K.....	1440
Duty of deputy returning officer.....	1411
Oath to be annexed to statement.....	1412
Form of, <i>See</i> Schedule L.....	1440
Objections to ballot papers.....	1411
Statement to be enclosed in ballot box.....	1411
Contracts or promises relating to polling votes, &c., void	1422
Corrupt practices and other illegal acts — Prevention of.....	1417
Decision as to adoption —Effect of.....	1423
Enforcement of penalties	1421
Declaration, pleading, &c., what to state.....	1422
Security for costs to be given.....	1421
Time for bringing action, &c.....	1422
General provisions	1422
Mistakes of form not fatal	1422
Mode of obtaining poll	1401
Evidence of notice being given.....	1402
Notice required.....	1402
Form of. <i>See</i> Schedule A.....	1435
Petition required.....	1401
Form of. <i>See</i> Schedule A.....	1435
Proclamation—Contents of.....	1402, 1403
“ Publication of.....	1402
“ When to issue.....	1402
Non-adoption of petition —Effect of.....	1423
Order in Council, how revoked	1423
Order in Council not to be revoked for three years	1423
Peace and good order —Preservation of.....	1415
Penalties —Enforcement of.....	1421

The figures denote the pages which are numbered at the bottom.

CANADA TEMPERANCE ACT—Continued.

Petition, when adopted.....	1413
" when not adopted.....	1413
Poll—Close of, Proceedings after.....	1411
Poll—Mode of obtaining.....	1401
Poll to be held, &c.....	1406
Agents, oath of secrecy.....	1407
Form of, <i>See</i> Schedule H.....	1438
Ballot box—Opening, &c.....	1407
Buildings in which, &c.....	1407
Calling voters.....	1407
Certificate to entitle certain officials to vote.....	1407
Declaration and form of oath of voter where no lists of voters are required by law.....	1408
Elector in whose name another has voted.....	1410, 1411
Oath in such case, <i>See</i> Schedule J.....	1439
Elector may be sworn.....	1408
Elector spoiling his ballot.....	1411
Entry of voter's name.....	1410
Form of, &c., <i>See</i> Schedule I.....	1439
Hours for opening and closing.....	1407
Interpreter—Provision for.....	1409
Mode of voting.....	1409
Proceedings preparatory to voting.....	1408
Voter, refusing to be sworn.....	1410
Voter, unable to mark ballot.....	1409
Oath in such case—Form of.....	1409
When no voters' lists are required by law, &c.....	1410
Where electors shall vote.....	1407
Who may be present.....	1407
Preservation of peace and good order.....	1415
Approaching polling station armed.....	1416
Arrest of disturbers of the peace.....	1415
Battery—Punishment of.....	1416
Conservators of the peace <i>ex officio</i>	1415
Constables may be sworn in.....	1415
Entering polling district armed.....	1416
Flags, &c., forbidden.....	1416
Offensive weapons.....	1416
Punishment for violation.....	1417
Sale of liquor, &c.....	1417
Penalty for.....	1417
Treating electors.....	1416
Prevention of corrupt practices and other illegal acts.....	1417
Ballot papers—Offences with respect to.....	1420
Punishment of.....	1421
Eribery—What offences constitute.....	1417
Accepting gifts, promises, &c.....	1418
Expenses which are excepted.....	1418
Giving or lending money, &c.....	1417
Making gifts or promises, &c.....	1417
Paying money, &c.....	1418

CANADA TEMPERANCE ACT—Continued.

Procuring office or employment.....	1417
Punishment for.....	1418
Contravention by election officers how punishable.....	1421
Giving meat or drink, &c.....	1419
Penalty for.....	1419
Paying for conveyance of voters.....	1419
Penalty for neglect of duty by an election officer.....	1421
Personation defined.....	1420
Punishment for.....	1420
Subornation, &c.....	1420
Threats of violence, &c.....	1419
Treating, offence defined.....	1418
Penalty for.....	1419
Undue influence.....	1419
Penalty for.....	1419
Printed directions for guidance of voters.....	1405
Form of. <i>See</i> Schedule F.....	1438
Procedure.....	1421
Property of ballot boxes, &c.....	1413
Repeal of by-laws passed under "The Temperance Act of 1864" and of certain sections in that Act—Proceedings for.....	1424
Return to be sent to Secretary of State... How transmitted.....	1413
What shall be transmitted with.....	1413
Returning officers and their duties.....	1403
Ballot boxes to be furnished by.....	1405
Deputies, to be appointed by.....	1404
Commission of. <i>See</i> Schedule C.....	1436
Oath of office of. <i>See</i> Schedule D.....	1436
Directions to be furnished by.....	1405
List of voters how obtained by.....	1405
Penalty for refusing.....	1405
To be furnished by.....	1404
Oath of office of.....	1403
Form of. <i>See</i> Schedule B.....	1435
Polling stations to be fixed by.....	1404
Qualified to vote—To ascertain who are.....	1404
To sub-divide localities into polling districts.....	1404
Who may be appointed.....	1403
Revocation of order in council how effected.....	1423
Scrutiny.....	1414
Decision final—costs, &c.....	1414
Judge in cases of.....	1414
Notice of, how given.....	1414
Proceedings upon application.....	1414
Security, how given.....	1414
Second part of Act. how brought into force on adoption of petition.....	1423
Where there are licenses.....	1423
Where there are no licenses.....	1423

The figures denote the pages which are numbered at the bottom.

CANADA TEMPERANCE ACT—Continued.

Secrecy of voting.....	1414
Punishment for violation.....	1415
Summing up the votes and returns.....	1412
Adjourment provided for.....	1412
Ballot boxes—loss of.....	1412
Ballot boxes—missing.....	1412
Mode of, and in presence of whom.....	1412
Special mention in return.....	1413
“The Temperance Act of 1864,” By-law under—How repealed.....	1424
“The Temperance Act of 1864,” sections 1 to 10, how far repealed.....	1424
Three years—No order in council to be revoked for.....	1423
Voters—Qualification of.....	1403
Voting—Secrecy of.....	1414
Witnesses not privileged.....	1422
CANADA TEMPERANCE ACT—Second part. Prohibition of traffic in intoxicating liquors.....	1425
Annual returns to be furnished.....	1426
Burden of proof, &c.....	1427
Certificate of sale to be produced.....	1425
Distiller or brewer, &c.—Sale by.....	1426
Manufacturers of pure native wines—Sale by.....	1426
Medicinal and mechanical purposes—Sales for.....	1425
No liquor to be sold, &c., except for certain purposes.....	1425
Possession of certain licenses not to render Act lawful.....	1425
Sacramental purposes—Sales for.....	1425
Vine growing companies—Sale by.....	1426
Wholesale to certain persons.....	1426
CANADA TEMPERANCE ACT—Third part. Penalties and prosecutions for offences against the second part.....	1427
Adjournment of trial in case of variance.....	1433
Amendment of information.....	1433
Appeal when not allowed.....	1434
Application to quash conviction to be decided upon its merits.....	1433
By whom penalties may be sued for.....	1427
Certiorari and appeal restricted.....	1434
Collector of inland revenue—When he shall sue.....	1427
Compounding offences.....	1434
Penalty for.....	1434
Convicting magistrate, &c., may order that liquor seized be destroyed.....	1429
Destruction of liquor.....	1429
Information for search warrant.....	1429
Form of. See Schedule M.....	1441
Warrant to search.....	1429
Form of. See Schedule X.....	1442

CANADA TEMPERANCE ACT—Concluded.

Jurisdiction and procedure.....	1428
Limitation of time for prosecution.....	1429
Necessary allegations in proceedings.....	1430
Offences how to be described.....	1430
Certain facts need not be alleged.....	1430
Exception as to quantity.....	1430
Procedure—Jurisdiction and.....	1428
Evidence necessary to convict.....	1431
Keeping of liquor, when inferred.....	1431
Passing of money need not be proved.....	1431
Proof, &c.....	1431
Wife or husband, a competent witness.....	1431
Proceedings before stipendiary magistrate, recorder, &c.....	1428
Proceedings before two justices, &c.....	1428
Absence—Provision for.....	1429
Summons how to be signed.....	1428
Prosecutions—Before what tribunal they may be brought in the Province of—	
British Columbia.....	1428
Manitoba.....	1428
New Brunswick.....	1428
Nova Scotia.....	1428
Ontario.....	1428
Prince Edward Island.....	1428
Quebec.....	1428
Punishment of parties to compromise.....	1434
Punishment of sale, &c.....	1427
Employee—Liability of.....	1427
Forfeiture.....	1427
Subsequent offence.....	1432
Amendment of second conviction in event of first being set aside.....	1432
Conviction may be for first offence only.....	1432
Proceedings upon information for.....	1432
Proof of previous convictions.....	1432
Second or subsequent offence—What shall be deemed a conviction for.....	1432
Several offences same day—Convictions for.....	1432
Subsequent offence first enquired into and.....	1432
Then previous convictions.....	1432
Summary proceedings Act—	
Application of.....	1429
Tampering with witnesses.....	1434
“Temperance Act of 1864”.....	1430, 1434
Variances, defects and amendments.....	1433
CANADIAN GOVERNMENT VESSELS	
—Discipline, &c. See Government Vessels Discipline Act.....	1001
CANADIAN WATERS —Navigation of.....	1151
CANALS. See Railways and Canals.....	565
CANNED GOODS —An Act respecting.....	1399
Dried goods “soaked”.....	1399
Interpretation.....	1399

The figures denote the pages which are numbered at the bottom.

CANNED GOODS—Concluded.	
Name and address of packer to be stamped on packages.....	1399
"Package"—Meaning of expression.....	1399
Penalty for false date.....	1399
" for misrepresentation of contents.....	1399
" for not stamping.....	1399
CAPITAL PUNISHMENT. See Punishments, Pardons, &c.....	2189
CARNALLY KNOWING YOUNG GIRLS. See Offences against the person.....	1893
CARRIERS BY WATER—An Act respecting the liability of.....	1211
Damages, &c. Liability of, for.....	1211, 1212
Duties of.....	1211
"Goods"—Meaning of.....	1211
Interpretation.....	1211
Liability of, for damage to goods.....	1211
Exceptions.....	1211
Liability of, for damage to personal baggage of passengers.....	1212
Limit as to amount.....	1212
Personal baggage, &c.....	1212
Responsibilities of.....	1211
Valuables, &c.....	1211
CASUALTIES AND SALVAGE. See Wrecks and Salvage Act.....	1193
CATTLE—Contagious diseases among. See Animals Contagious Diseases Act.....	985
CATTLE—Conveyance of. See Cruelty to Animals, &c.....	1988
CENSUS ACT.....	893
Access to public records.....	895
Census districts—Divisions into.....	894
Census officers—Appointment of.....	894
Duties of.....	894
Civil Service Act not to apply.....	898
Commissioners—Appointment of.....	894
Duties of.....	894
Custodians of public records.....	895
Dates to be fixed.....	893
Details required in reference to.....	893
Classification as regards	
Age.....	893
Education.....	893
Occupation.....	893
Race.....	893
Religion.....	893
Sex.....	893
Houses and other buildings.....	893
Classification as.....	893
Dwellings inhabited.....	893
Under construction.....	893
Uninhabited.....	893
Industries—State and resources of.....	893
Agriculture.....	893
CENSUS ACT—Concluded.	
Fishing.....	893
Lumbering.....	893
Manufacturing.....	893
Mechanical.....	893
Mining.....	893
Trading.....	893
Institutions.....	893
Charitable.....	893
Educational.....	893
Municipal.....	893
Occupied land—The condition of, as	
Country.....	893
Cultivated.....	893
Town.....	893
Uncultivated.....	893
Village.....	893
Population, &c.....	893
Directions, by Governor in Council.....	893
Districts—Division into census.....	894
Enumerators—Appointment of.....	894
Duties of.....	894
Evidence—What shall be <i>prima facie</i>	896
Forms and instructions to be prepared.....	893
Forms to be prescribed.....	893
How to be taken.....	893
Inquiry under oath may be directed.....	896
Minister of Agriculture—Duties of, in this connection.....	895
Oath of office to be taken.....	895
Penalty for refusing, &c.	
Access to public records.....	895
To answer questions.....	896
To fill up schedule.....	895
Presumption as to documents.....	897
Procedure to be followed.....	893
Public records—Custodians of.....	895
Recovery of penalties.....	896
Remuneration of officials.....	897
How and when to be paid.....	897
Maximum rate of.....	897
Out of what moneys to be paid.....	897
Report to be laid before Parliament.....	898
Requirement to fill up and sign schedule—What shall be sufficient.....	897
Short title.....	893
When to be taken.....	893
Wilful neglect of duty, a misdemeanor.....	895
CERTIFICATES TO MASTERS AND MATES OF SHIPS—An Act respecting.....	1025
Cancelled or suspended certificate to be delivered to Minister.....	1032
New certificate may be granted.....	1032
Certificate must be produced on application for clearance.....	1030
Penalty for contravention.....	1031

The figures denote the pages which are numbered at the bottom.

CERTIFICATES TO MASTERS AND MATES OF SHIPS—Continued.

Certificates of service may be granted to certain persons who have served as masters and mates, &c., &c.....	1027, 1028
Particulars to be contained in.....	1028
Certificates to be in duplicate.....	1032
Clearance of vessel, how effected.....	1030, 1031
To be granted by officer of customs only on production of certificate.....	1029
Copies of this Act, &c., to be kept at certain Custom houses.....	1033
Employment of certificated second mate not compulsory.....	1029
Entry of cancellation or suspension.....	1032
Evidence—Certified copies—When.....	1033
Evidence— <i>Prima facie</i>	1033
Examination of masters and mates.....	1025
Certificate of competency.....	1027
Certificates when granted.....	1026
Examiners to be appointed.....	1026
Failure to pass first.....	1026
Fees payable before.....	1026
Inland vessels or coasters.....	1026
Passing successfully.....	1026
Rules respecting.....	1026
Second examination.....	1026
Where to be held.....	1026
Fees—Application of.....	1033
Forgery or fraud with respect to any certificate—Penalty for.....	1031
Instruction of candidates for examination—Provisions for.....	1033
Interpretation.....	1025
“Coasting voyage”.....	1025
“Minister”.....	1025
“Sailing ship”.....	1025
“Sea going ship”.....	1025
“Ship”.....	1025
“Steamship” or “steamer”.....	1025
“Voyage,” “passage” or “trip”.....	1025
Merchant Shipping Act, 1854—How far repealed.....	1033
Misconduct—Suspension, &c., in case of.....	1032
No vessel to sail on inland waters without certificated master.....	1029
And a certificated mate in certain cases.....	1030
Penalty for attempting to go to sea in contravention of this Act.....	1029
Penalty on uncertificated persons acting as masters or mates and on persons employing them.....	1030
Exceptions.....	1030
Record of certificates.....	1032
Repeal of inconsistent Acts.....	1033
Ships of over 100 tons not to cross the sea without certificated master and mate.....	1028

CERTIFICATES TO MASTERS AND MATES OF SHIPS—Concluded.

Penalty for contravention.....	1028
Steam tugs, &c.—Cases of, provided for..	1031
Suspension and cancellation of certificates.....	1032
CHILD STEALING. See Offences against the Person	1894
CHINESE IMMIGRATION ACT	975
Application of dues, penalties, &c.....	978
Appointment of officers.....	975
Arbitration—Proviso; as to.....	979
Bill of health to be obtained.....	976
Certificate of right to land.....	977
Certificate to Chinese leaving Canada to return.....	978
Duty payable by Chinese immigrants.....	976
Certificate proving exemption.....	976
Exceptions.....	976
Forfeiture of vessel—When.....	978
Immigrants arriving otherwise than by vessel.....	977
Report to controller in such case.....	977
Interpretation.....	975
“Chinese immigrant”.....	975
“Controller”.....	975
“Master”.....	975
“Tonnage”.....	975
“Vessel”.....	975
Landing of passengers of vessels carrying Chinese immigrants, not allowed till permit is granted.....	976
Penalty for violation.....	976
Liability, &c., of masters as to payment of duty.....	977
“Merchant”—Term limited.....	976
Number of Chinese in any vessel limited.....	976
Penalty for landing Chinese before duty is paid, &c.....	978
For molesting officers.....	979
For organizing unlawful court, &c.....	979
For other contraventions.....	979
On Chinese for evading this Act.....	978
On other persons for aiding, &c.....	979
Permit not to be granted in certain cases.....	976
Powers of Governor in Council.....	975
Interpreter may be appointed.....	975
Officers—Appointment of.....	975
Duties of.....	975
Salaries, &c., of.....	975
Publication of appointments.....	975
Registration of certificates.....	977
Resident previous to January 1, 1886.....	977
Short title.....	975
Statement to be sent by controller to Prov. Sec. of each Province wherein certificates of entry have been granted.....	978

The figures denote the pages which are numbered at the bottom.

CHINESE IMMIGRATION ACT—Concluded.

Suits—Before whom to be brought	979
CIGARS. See Inland Revenue.....	425
CIVIL SERVICE ACT	203
Additional remuneration.....	215
Ages of appointees.....	205
Annual report of Secretary of State.....	217
Appointment, &c., after July 1, 1882.....	208
Appointments, how to be made.....	205
Attendance book to be kept.....	216
Board of examiners.....	204
Certain payments, to be made only under order in council.....	215
Chief clerkship, how created.....	206
Salary of chief clerks.....	206
Constitution of	203
Deduction from salary.....	215
Deputy Heads— Appointment of.....	206
Duties of.....	206
In absence of—Who to act.....	206
Salaries of.....	206
Divisions of service.....	204
Employees on the 20th July, 1885.....	204
Employment of supernumerary clerks... “ of temporary clerks.....	213
Examination of candidates.....	208
Age.....	209
Character	209
Fees	209
Language—English and French.....	209
List to be published.....	210
Notice of time and place.....	209
Physical defects.....	209
Regulations for holding.....	209
Subjects of.....	210
To whom open.....	209
Examination—Notice of.....	212
Examinations, dispensed with when..... When, where and how to be held.....	211
Exchange of positions without examina- tion.....	213
Extra salary, when.....	215
Examiners—Board of.....	204
Assistants.....	205
Meetings	205
Salary of.....	205
Secretary of.....	204
Secretary of State shall supervise Board Travelling expenses.....	205
First class clerkship, how created.....	206
Salary of first class clerk.....	207
Increase of salaries—Conditions of.....	208
Increase of salary, when to begin.....	208
In case of promotion.....	208
Inferior officer performing duties of su- perior.....	215

CIVIL SERVICE ACT—Continued.

Inside division	204
And see Schedule A.....	217
Interpretation— “ Auditor General ”.....	203
“ Deputy ”	203
“ Deputy Head,” &c.....	203
“ Head of Department ”.....	203
Leave of absence.....	214
Minimum salary and increase.....	207
New appointments.....	210
Notice of examinations	212
Number of employees— Governor in Council to determine.....	204
Oaths of office.....	216
And see Schedules.....	220
Offices requiring special qualifications... Outside division.....	216
And see Schedule B.....	217
Powers of Governor in Council not im- paired	216
Private secretaries.....	214
Probationary clerks, &c.....	216
Promotion subject to probation.....	213
Promotions in either division.....	211
Examination when required.....	211, 212
Excisemen—no examination required... Inside division—Vacancies in.....	212
Professional men—Examinations dis- pensed with, how and when.....	211
Vacancies in inside division.....	212
Re-entering service.....	215
Register of oaths of office.....	216
Rules and regulations	204
Salaries, &c., of certain officials not pre- judicially effected by this Act.....	216
Salaries, specified and explained.....	205 to 206
Of outside division.....	207
And See Schedule B.....	217
Schedules— Customs.....	217
Inland revenue.....	218
Inside division A	217
Inspector of penitentiaries	220
Oaths of office.....	220
Outside division B.....	217
Post office.....	218
Assistant inspectors.....	218
Assistant postmasters	220
City postmasters	219
Clerks in city post offices.....	220
Inspectors.....	218
Marine mail clerks.....	219
Railway mail clerks.....	219
Second class clerkships how created..... Salary of second class clerks	207
Selection for higher class vacancies.....	212

The figures denote the pages which are numbered at the bottom.

CIVIL SERVICE ACT—Concluded.		COASTING TRADE OF CANADA—Concluded.	
Supernumerary clerks.....	213	Towing vessels.....	1213
Suspension and removal.....	215	Treaty—Foreign vessels privileged by.....	1214
Suspension of increase of salary.....	208	COIN—Offences relating to the.....	1955
Third class clerkship, &c., how created...	207	Application of penalties.....	1962
Salaries in such cases.....	207	Buying or selling counterfeit gold or silver for lower value than its denomination imports.....	1956, 1957
Unauthorized absence.....	215	Coining press or cutting engine—Making, mending, having, &c.....	1960
Vacancy in office of Auditor General.....	211	Coining tools—Making, &c.....	1960
Yearly civil service list to be printed and laid before Parliament.....	217	Coloring coin or pieces of metal, &c.....	1956
Yearly estimate of probable vacancies to be made.....	212	Coloring or altering genuine coin.....	1956
CIVIL SERVICE SUPERANNUATION ACT.....	221	Conveying tools or moneys or metal out of the mint without authority.....	1960
Abolition of office.....	224	Counterfeiting current gold or silver coin	1956
Application of Act.....	221	Counterfeiting, &c., copper coin or buy- ing or selling it for less than its de- nomination imports.....	1958
“Civil Service Act—The”.....	221	Counterfeiting foreign coin other than gold or silver.....	1959
Compulsory retirement.....	223	Bringing such into Canada.....	1959
Deductions from salaries.....	222	Having such coin in possession.....	1959
Diminution of one per cent.....	223	Penalty for uttering.....	1959
Discretionary power of Governor in Council.....	224	Second offence.....	1959
Full superannuation allowance.....	223	Subsequent offences.....	1959
Gratuity when allowed.....	223	Custody or possession—Having in, what it includes.....	1955
In case of injury, &c.....	223	Cutting coin suspected, &c.....	1960
Inquiry by Treasury Board.....	222	Disputes, how decided.....	1961
Payment of allowances, &c.....	224	Loss in such case—Who shall bear.....	1961
Pensioners under sixty.....	224	Revenue officers to destroy counterfeit coin.....	1961
Professional men, &c.....	222	Defacing the coin by stamping words thereon.....	1958
Rates of allowance.....	222	Uttering coin so defaced.....	1958
Report of superannuations.....	224	Edging instruments—Making, mending, having, &c.....	1960
Report of Treasury Board.....	222	Exporting counterfeit coin.....	1957
Service before confederation.....	224	Interpretation.....	1955
Short title.....	221	“Copper or brass coin”.....	1955
Superannuation.....	221	“Current coin”.....	1955
Superannuation from other cause than ill-health.....	223	“Current copper coin”.....	1955
CLAIMS TO LAND IN MANITOBA.....	709	“Current gold or silver coin”.....	1955
CLASSIFICATION OF SHIPS. See Regis- tration and classification of ships.....	1007	“False or counterfeit coin, &c.”.....	1955
CLERGYMAN—Obstructing or assaulting. See Religion—Offences against.....	1869	Manufacture and importation of uncur- rent copper coin.....	1961
COASTING TRADE OF CANADA—An Act respecting the.....	1213	Circulation of such coin.....	1961
British ships—Exclusive right of.....	1213	Forfeiture of, on proof.....	1961
Penalty for contravention.....	1213	Officers of customs may seize.....	1962
“British ships”—Meaning of.....	1213	Penalty and forfeiture.....	1961
Coasting trade—Reciprocity in.....	1213	Recovery from the owner in certain cases	1962
“Customs Act”—Application of.....	1213	Seizure of such coin.....	1961
Foreign steam vessels towing, &c.....	1213	When the penalty shall be enforced.....	1962
Foreign vessels privileged by treaty.....	1214	Passing light gold or silver coin.....	1957
Forfeitures, penalties, &c.....	1213	Penalties—Application of.....	1962
Imperial Act 32 Vic., c. 11.....	1214	Subsequent offences after conviction.....	1957
Interpretation.....	1213		
“Merchants Shipping Act, 1854”.....	1213		
Penalties and forfeitures.....	1213		
Reciprocity in—Provisions in such case..	1214		

The figures denote the pages which are numbered at the bottom.

COIN—Concluded.

Unlawful possession of filings or clippings of gold or silver coin.....	1956
Uttering base copper coin.....	1958
Uttering counterfeit gold or silver coin...	1957
Uttering foreign coin, medals, &c., as current coin with intent to defraud ...	1958
Uttering unlawful copper coin.....	1962
Forfeiture	1962
Recovery of penalty.....	1962
When the offence of counterfeiting shall be deemed to be complete	1961
COLLEGE —The Royal Military.....	643
COMMISSIONS. See Public Officers, &c..	227
COMMONS —An Act respecting the House of. See House of Commons, &c.....	191
COMMONS —Election of Members of the House of. See Dominion Elections Act	89
COMMONS —House of. See Representa- tion Act.....	47
And see Senate, &c., &c.....	179
COMMONS —Members of House of, may resign.....	192
COMMUTATION OF SENTENCES. See Punishments, Pardons, &c.....	2189
COMPANIES ACT	1571
Actions between Co. and shareholders...	1586
Acts of attorney valid	1588
Agencies of the company.....	1585
Allotment of stock... ..	1577
Bank notes—Proviso; as to	1588
Board of directors.....	1577
Bonds, &c—Issue of.....	1579, 1580
Books of the Co., what to contain.....	1581
Forfeiture for neglect to keep	1582
Open to inspection, &c.....	1581
Penalties for false entries in.....	1582
<i>Prima facie</i> evidence.	1582
Borrowing money	1579, 1580
By-law for increase or decrease of number of directors.....	1577
By-laws—Confirmation of.....	1579
“ Evidence of.....	1586
Calls.....	1580
Directors may make	1580
Enforcement of payment of.....	1581
Forfeiture of shares for non-payment of.	1580
Interest on overdue.....	1580
Payment of, in advance.....	1580
Interest thereon	1580
Capital, &c.—Increase or reduction of ...	1575
Capital stock	1577
Company—Powers of the.....	1576
Confirmation of by-laws	1579
Contracts by agents, &c.....	1588
Corporation—Mode of, how set forth, &c.	1586

COMPANIES ACT—Continued.

Debt to Co. may be deducted from divi- dends.....	1579
Directors and officers—Liability of.....	1584
Directors—Board of.....	1577
Directors—Liability of.....	1584
Declaring a dividend when Co. insol- vent	1584
How liability avoided.....	1584
Wages of clerks, &c.	1585
Directors—Powers of	1578, 1579
Directors. When indemnified.....	1590
Neglect—Exception in case of.....	1590
Dividend not to impair capital.....	1587
Domicile, Service of process.....	1585
Election of directors.....	1578
Evidence of by-laws.....	1586
Existing companies, Provisions as to charters under this Act.....	1587
Effect of charters.....	1587
Extended powers.....	1587
Supplementary letters patent.....	1587
Failure to elect directors, Remedy.....	1578
Fees on letters patent, how fixed.....	1590
May be varied	1590
Must be paid in advance	1590
Forfeiture of charter by non-user	1590
Further powers—Obtaining of.....	1574
General corporate powers.....	1576
General provisions	1587
Incorporation, how to be set forth.....	1586
Increase of capital, &c.....	1575, 1576
Informalities, &c., in letters patent.....	1588
Interpretation.....	1571
“ Loan company ”	1571
“ Manager ”	1571
“ Real estate ” or “ land ”.....	1571
“ Shareholder ”	1571
“ The company ”	1571
“ The undertaking ”	1571
Issue of bonds, &c.....	1579, 1580
Letters patent	1571
Facts to be recited in	1573
Gov. in Council may give another cor- porate name.....	1573
Incorporation by	1571
Notice of application for	1572
Notice of issuing.....	1573
Form of. See Schedule A.....	1596
Petition for and what it shall contain..	1572
Preliminary matters	1573
Liability of directors and officers.....	1584
Liability of shareholders.....	1583
Creditors' claims against shareholders, how enforced.....	1584
For amount of shares not paid up.....	1584

The figures denote the pages which are numbered at the bottom.

COMPANIES ACT—Continued.

Limited to amount of stock	1583
Limitation of time for actions against directors	1585
“Limited”—Word to be inserted in all notices	1588
Penalty and liability for violation	1589
Loan by Co. to shareholders not allowed	1585
Liability of directors	1585
Loan companies excepted	1585
Loan companies. <i>See</i> “Companies Act—Loan Companies”	1591
Loan companies—Proviso; as to	1576
Mode and times of election of directors... ..	1578
Mode of corporation how to be set forth in legal proceedings	1586
Money—Borrowing	1579, 1580
No individual liability	1588
Obtaining further powers	1574
Application for, by directors	1574
Directors, how authorized to apply for.. ..	1574
Grant of supplementary letters patent.. ..	1574
Notice of application for	1574
Notice of issue thereof	1575
Form of. <i>See</i> Schedule B	1597
Proof to the Secretary of State	1574
Officers, &c.—Liability of	1584
Offices and agencies of the Co.	1585
Person on whom, and place where process may be served	1585
Powers of directors	1578
Process—Service of	1585
Proof of incorporation	1586
Prospectus, what to specify	1589
Fraudulent—When deemed to be	1589
Provisional directors	1577
Qualification of directors	1577
Reduction of capital, &c.	1575, 1576
Residence of directors	1577
Restriction as to transfer	1583
Schedule—	
Notice of letters patent	A. 1596
“ supplementary letters patent for increase of capital	C. 1597
“ supplementary letters patent for increase of powers	B. 1597
Seal when not essential	1586
Service of notice by post	1586
“ upon members	1586
“ of process	1585
Shareholders—Liability of	1583
Shares to be paid in cash unless, &c.	1577
“ —Transfer of	1582
Short title	1571
Special general meetings	1587
Statement to be laid before meeting for election of directors	1590

COMPANIES ACT—Continued.

Supplementary letters patent	1573
Change of name	1573
Co. may obtain change of name	1574
Not to affect rights, &c.	1574
Transfer of shares	1582
By debtor to Co.	1583
By personal representative	1583
How directors may avoid liability	1582
Liability of directors as to	1582
Order of court on application for	1583
Trusts—Co. not liable in respect of	1589
United Kingdom—Agencies in	1587
COMPANIES ACT—Loan Companies	1591
Annual statement to Finance Minister	1596
Private matters—Proviso as to	1596
What it must show	1596
Borrowing powers of Co.	1592
Commission—Co. may charge	1594
Companies now incorporated—Proviso; as to	1593
Debentures—Amount to be borrowed on limited	1593
Deposit—May receive money on	1592
Enforcement of conditions	1592
Fines—Proviso; as to	1594
Interest—What, may be recovered	1594
May act on their own behalf or as agents for others	1591
Paid up capital—Minimum amount of	1593
Powers of	1591
Real estate—Power to hold	1593
Register of securities	1594
Security to be given by	1592
Shares—Amount of	1591
Stock in other companies—Not to purchase	1593
Uniting with other like company	1594
Agreement adopted to be filed with Secretary of State	1595
Approval of shareholders	1595
Business of both companies vested in new	1596
Saving rights of third parties	1596
Copy of agreement evidence	1595
Effect of agreement when complete	1595
How agreement to be made and what to provide	1594
Letters patent to the new company	1595
Notice of meeting for	1595
Proceedings at meeting	1595
COMPANIES CLAUSES ACT	1561
Actions between company and shareholders	1570
Allotment of stock	1564
Application of Act	1561

The figures denote the pages which are numbered at the bottom.

COMPANIES CLAUSES ACT—Continued.

Books of the Co.....	1565
Contents of.....	1565
Evidence— <i>Prima facie</i>	1566
Open to inspection.....	1566
Penalty for false entry in.....	1566
Penalty for neglect to keep open.....	1567
Transfers—Powers of directors as to.....	1566
Valid only after entry in.....	1566
Calls—Capital stock and.....	1564
Calls on stock.....	1564
Capital stock and calls thereon.....	1564
Companies to which Act applies.....	1561
Company—Books of the.....	1565
Liability of the.....	1568
Not to purchase stock in other corpora- tions.....	1569
Contracts, &c., when binding on the Co.	1568
Corporate powers of companies.....	1562
Directors.....	1562
By-laws—Provision as to.....	1564
Duties and powers of.....	1562
Election of.....	1562
Mode of election of.....	1563
Number of.....	1562
Powers of, in detail.....	1563, 1564
Provisional.....	1562
Qualification of.....	1562
Shall elect president and other officers..	1563
Term of office of.....	1562
Enforcement of payment of calls.....	1564
Evidence of by-laws.....	1564
Forfeiture of shares.....	1565
General powers.....	1562
Incorporation with the special Act—How provisions of this Act may be except- ed from.....	1562
Instalments, how called in, &c.....	1564
Interpretation.....	1561
“Real property”.....	1561
“Shareholder”.....	1561
“ <i>The company</i> ”.....	1561
“ <i>The special Act</i> ”.....	1561
“ <i>The undertaking</i> ”.....	1561
Liability of directors declaring a divi- dend when Co. insolvent.....	1568
How avoided.....	1568
“ <i>Limited liability</i> ”.....	1569
Loans by Co. to shareholders forbidden..	1569
Non-liability in respect of trusts, &c.....	1568
Restrictions as to transfer.....	1565
Service of process on Company.....	1569
Shareholders.....	1567
Liability of, limited.....	1567
One-fourth in value may call special meetings.....	1567
Trustees, &c., not personally liable.....	1567

COMPANIES CLAUSES ACT—Concluded.

Trustees, &c., voting—Right of as to....	1567
Vote—No right to, if in arrears.....	1565
Short title.....	1561
Stock—Capital, and calls thereon.....	1564
Stock to be personal estate.....	1564
Wages, &c.—Liability of directors for.....	1569
Provisoes.....	1569
Winding up Acts—Application of.....	1570
CONDITIONALLY REPEALED—Acts and parts of Acts. <i>See</i> Schedule C....	2317
CONSOLIDATED—Acts and parts of Acts not. <i>See</i> Schedule B.....	2209
CONSOLIDATED REVENUE AND AUDIT ACT. <i>See</i> Audit Act.....	265
CONSPIRACY. <i>See</i> Threats, &c.....	1998
CONTAGIOUS DISEASES. <i>See</i> Animals Contagious Diseases Act.....	985
CONTINGENCIES ACT.....	239
Accountant of contingences.....	240
Accounts how rendered and certified.....	239
Application of Act.....	239
Auditor General—Accounts to be sub- mitted to.....	240
Bank certificate.....	240
Certificate shall contain, what.....	239
Deputy Heads to give orders.....	239
Estimates for contingencies.....	240
Government buildings—Expenses of.....	241
Monthly account in detail.....	240
Outside service included.....	241
Parliament—Accounts to be laid before..	241
Short title.....	239
Statements of claims.....	240
Treasury Board—Accounts submitted to.	240
Vouchers to accompany statements.....	240
CONTROVERTED ELECTIONS ACT. <i>See</i> Dominion Controverted Elections Act	149
COPYRIGHT ACT.	925
Anonymous books may be entered in the name of first publisher.....	927
Assignee of author may obtain copy- right.....	928
Assignments and renewals.....	928
Assignments may be made.....	928
Duplicates, how disposed of.....	928
Registration of.....	928
British copyright works—Conditions in reference to.....	926
Condition for obtaining.....	926
Conflicting claims to copyright.....	929
How settled.....	929
Effect of decision.....	929
Copies to be sent to the library of Parlia- ment.....	927
Deposit of copies, &c., with the Depart- ment.....	927

The figures denote the pages which are numbered at the bottom.

CRIMINAL LAW —Actions against persons administering	2245	CRIMINAL PROCEDURE ACT—Continued.	
CRIMINAL LAW OF ENGLAND —An Act respecting the application of the, to the Provinces of Ontario and British Columbia	1829	Change of venue	2027
CRIMINAL PROCEDURE ACT	2001	Order how and when granted	2027
Accessories, where to be tried	2006	Payment of expenses.....	2027
Accused—Enforcing appearance of.....	2009	Recognizance to apply in suce case.....	2028
Amendment	2059	Notice in such case.....	2028
Court may order indictment to be amended	2059	Removal of prisoner	2027
Formal record, how to be drawn up.....	2060	Transmission of record.....	2027
How trial may be proceeded with after.....	2060	Coroners and justices—Duties of	2024
In case of trial before a second jury.....	2060	Corporations	2039
Indictment—Amendment of	2038	<i>Certiorari</i> —Writ of, not necessary.....	2040
Order to be recorded.....	2060	Court may order plea of “not guilty” on default to appear.....	2040
Verdict, &c., to be valid after	2060	<i>Distringas</i> —Writ of, not necessary.....	2040
Amendment of indictment, &c.....	2038	To appear and plead by attorney.....	2039
Appearance of accused—Enforcing.....	2009	Trial may proceed in absence of defendant.....	2040
Appearance—Proceedings on.....	2016	Costs	2061
Apprehension of offenders.....	2008	On conviction for assault defendant may be ordered to pay prosecutor's costs.....	2061
By any person for certain offences	2008	Such costs may be levied by distress.....	2062
By person to whom property is offered for sale	2008	Counterfeit coin to be destroyed	2052
Coinage offence—Arrest of person committing	2009	Crown cases reserved	2064
Constable or peace officer, when he may arrest without warrant	2008	Case may be sent back for amendment.....	2066
Detention of person so arrested limited	2008	Committal or admission to bail in such cases.....	2064
Offenders caught in the act in the night time	2008	Judge to state and sign a case.....	2065
Without warrant when	2008	Transmission of the case.....	2065
Bail	2021	Judgment, how to be delivered.....	2066
Felony not capital—Two justices may admit person charged with, to	2021	Judgment or order, how to be certified..	2065
Form of recognizance. <i>See</i> Schedule S.....	2088	Effect of such certificate.....	2065
Notice of recognizance. <i>See</i> Schedule S. 2	2089	Entry and certificate thereof	2065
Misdemeanor—One justice may admit to.....	2022	Proceedings in court for.....	2065
Offences which are not bailable except by judge's order.....	2022	Question of law reserved, when.....	2064
Superior or county court judge—Powers of, as to	2022	Defects which are not to stay or reverse judgment after verdict	2061
Warrant of deliverance—When justice shall issue.....	2022	Defects which are not to vitiate judgment after verdict or conviction by confession or otherwise	2060
Form of. <i>See</i> Schedule S. 3.....	2089	Delivery of accused to prison	2023
Bringing stolen property into Canada —Venue, in such case.....	2007	Keeper of gaol or prison to give a receipt	2023
Cause of death in Canada and death out of Canada or vice versa how and where tried.....	2003	Form of receipt. <i>See</i> Schedule T... ..	2090
Challenges. See Juries and Challenges..	2040	Destroying counterfeit coin	2052
		Dissolution of union of counties —Provision in such case.....	2004
		Place of trial of indictable offence in such case.....	2004
		Documents —Impounding	2052
		Duties of coroners and justices	2024
		<i>Habeas corpus</i> —Same order to be made as upon.....	2025
		Murder or manslaughter—Cases of	2024
		Penalty on, for disobedience	2025
		Transmission of all information and documents to the proper officer	2025
		Enforcing appearance of accused	2009

CRIMINAL PROCEDURE ACT—Continued.

Bench warrant not prevented.....	2010
Charge or complaint before justice of peace.....	2009
Form of. <i>See</i> Schedule A.....	2069
Constables to attend and prove service.	2011
High seas—Indictable offences committed on the.....	2009
How and where warrant may be executed	2012
Indorsement of warrants	2013
Effect of.	2013
Proceedings after arrest in such case.	2013
Information and complaint for a summons.....	2011
Information upon oath if a warrant is to be issued	2011
Form of. <i>See</i> Schedule A.....	2069
Justice may issue summons or warrant, &c.....	2011
Service of summons.....	2011
Summons may issue.....	2009
Form of. <i>See</i> Schedule C.....	2070
Sunday—Warrant may issue on	2011
Warrant, how to be issued and sealed, and to whom to be addressed.....	2012
What it shall set forth	2012
Seal and effect thereof.....	2012
Warrant if summons is disobeyed.	2009, 2011
Form of. <i>See</i> Schedule D.....	2071
Warrant to apprehend	2009
Form of. <i>See</i> Schedule B.....	2070
Warrant to apprehend a person against whom an indictment has been found.	2010
Certificate in such case.....	2010
Form of. <i>See</i> Schedule E.....	2072
Form of warrant. <i>See</i> Schedule F.	2073
Commitment or bail.....	2010
If person already in prison justice may order him to be detained	2010
Form of such warrant. <i>See</i> Schedule H.....	2074
Warrant to remain in force till executed..	2012
When any constable, &c., may execute warrant.....	2012
Error—Writs of	2066
Evidence. <i>See</i> "Witnesses, &c.".....	2052
Forgery offences—Place of trial.....	2006
Formal defects cured after verdict.....	2060
Gaspe—Commitment and trial in the district of.....	2005
General provisions.....	2069
Grand jurors. <i>See</i> Juries, &c.....	2040
Grand jury—Swearing witnesses before..	2044
Fees to officer of court not affected by this Act.....	2044
How witness may be sworn.....	2044

CRIMINAL PROCEDURE ACT—Continued.

Name of every witness to be indorsed on the indictment and marked with the initials of the foreman.....	2044
Officer prosecuting shall submit names of witnesses.....	2044
Who may be examined.....	2044
Witness—Names of, to be indorsed on indictment, and initialed by the foreman	2044
Witness need not be sworn in open court	2044
Impounding documents.....	2052
Indictments	2028
Any number of acts, &c., may be charged in certain cases.....	2028
Benefit of clergy—Abolition of, not to prevent joinder of counts.....	2028
Counterfeit coin—Buying or selling, &c.	2030
Description of instrument in indictment for forgery.....	2035
Description of instrument in indictment for unlawful engraving.....	2035
Description of instruments generally....	2034
Distinct acts of embezzlement, &c., may be charged in the same indictment....	2029
Embezzlement by persons in the public service	2033
Forgery, &c.....	2030
Intent to defraud—When not necessary to allege.....	2030
Joint stock companies, &c.....	2032
Joint tenants.....	2032
Larcenies—Three, may be charged in one indictment.....	2035
Malicious injury to property.....	2031
Money or bank notes—What necessary to state in describing.....	2034
Murder or manslaughter.....	2029
Obtaining property by false pretences..	2030
Omission of certain averments not fatal.	2034
Ownership of property need not be alleged in cases of—	
Churches, &c.....	2031
Election documents.....	2032
Highways.....	2031
Materials, &c., for public works.....	2031
Public buildings.....	2031
Public works.....	2031
Railways, &c.....	2031
Records of courts, &c.....	2031
Wills, codicils, &c.....	2032
Parceners.....	2032
Parchment, not necessary.....	2028
Partners.....	2032
Perjury—Form of, in case of.....	2028

The figures denote the pages which are numbered at the bottom.

CRIMINAL PROCEDURE ACT—Continued.

Property in possession of public officers, &c..... 2032

Property in roads, &c., to be laid in trustees or commissioners without naming them..... 2032

Property under management of body corporate..... 2033

Receiver of stolen goods, how indicted, &c..... 2035, 2036

How in case of misdemeanor..... 2036

Several may be included in one indictment..... 2036

Several accessories may be included in one indictment..... 2035

Stealing by lodgers..... 2034

Stealing, &c., documents of title to lands..... 2029

Stealing—Indictment for, may have a count for receiving..... 2035

Stealing minerals, &c..... 2033

Stealing oysters, &c., county or district need not be stated..... 2033

Stealing postage stamps, &c..... 2033

Subornation of perjury..... 2029

Subsequent offences—What statements shall be sufficient in cases of..... 2036

Tenants in common..... 2032

Venue need not be stated in body of.... 2028

Insane prisoners..... 2063

Custody of, provided for..... 2063, 2064

Insane person to be kept in custody..... 2063

Jury acquitting on the ground of insanity, to state so in their verdict..... 2063

Order of Lieut. Governor in certain cases..... 2063, 2064

Prisoner who is insane, about to be discharged for want of prosecution—Custody of..... 2064

Proceedings in cases of..... 2063

Removal and custody of..... 2064

Interpretation..... 2001

“ Any Act ”..... 2001

“ Any other Act ”..... 2001

“ District, county or place ”..... 2001

“ Finding of the indictment ”..... 2001

“ Indictment ”..... 2001

“ Justice ”..... 2001

“ Property ”..... 2001

“ Territorial division ”..... 2001

“ The court for Crown cases reserved ”..... 2002

Juries and challenges..... 2040

Affirmation in stead of oath—Who may make..... 2041

Challenges on the part of the Crown ... 2041

Grand jurors and petit jurors—Who qualified to serve as..... 2040

CRIMINAL PROCEDURE ACT—Continued.

Half English and half French in certain districts of the Province of Quebec ... 2041

Juries de medietate Lingue—Aliens not entitled to..... 2041

Jury may be allowed to separate in cases less than felony..... 2043

Libel—As to right to set juries aside in cases of..... 2041

Manitoba—Half English and half French—Provision for..... 2042

Peremptory challenges to be divided in such case..... 2042

Provision if panel is exhausted..... 2042

Peremptory challenge by prisoner, to what extent allowed and when..... 2041

Quebec—Half English and half French in certain districts of..... 2041

Peremptory challenges to be divided in such case..... 2042

Saving of powers of court, &c., not expressly altered..... 2043

Supplying jurors if panel is exhausted.. 2042

How such jurors shall be summoned.. 2043

Persons summoned shall attend..... 2043

Jurisdiction..... 2002

General or Quarter Sessions or Recorder's Court..... 2002

Justices of the peace..... 2002

“ Larceny Act ”..... 2002

Magistrates who may act alone..... 2002

“ Offences against the person ”—Sections 21, 22 and 23 of Act respecting.. 2002

Superior courts..... 2002

Justices and coroners—Duties of..... 2024

Justices and coroners—Provisions of this Act to apply to, generally..... 2026

Kidnapping—Offences by, where to be tried..... 2006

“ Larceny Act ”—Venue in cases, under sections 53, 54 & 55..... 2005

Libel..... 2038

Costs to follow the judgment as between private prosecutor and defendant..... 2039

Effect of plea of justification..... 2038

Not guilty, in addition—Effect of..... 2039

Enforcing payment of costs..... 2039

Proceedings on indictment for..... 2039

Truth not to be inquired into unless specially pleaded..... 2038

What may be pleaded in case of..... 2038

New trials..... 2067

Nova Scotia—Calendar of criminal cases for grand jury in..... 2068

When sentence may be pronounced in.. 2068

Offences committed on highways, rivers, &c., dividing two districts, where tried 2004

The figures denote the pages which are numbered at the bottom.

CRIMINAL PROCEDURE ACT—Continued.

Offences committed on persons or property in transit, where tried.....	2003
Offences committed on the confines of districts, &c., where tried.....	2003
Offences committed within the jurisdiction of the Admiralty of England, how tried, &c.....	2003
Ontario Province of.....	2067
Court not required to deliver the gaol.....	2067
Defendant in misdemeanor may not postpone trial by imparlance.....	2068
Defendant may be required to plead forthwith.....	2068
But time may be allowed.....	2068
Judge, &c. in, may reserve decision.....	2067
Provision, if defendant is not brought to trial within 12 months.....	2068
Who may be commissioned for holding assizes, &c., in.....	2067
Who shall preside over courts in.....	2067
Petit Jurors—See Juries.....	2040
Place of commission and trial of offences.....	2003
Place of trial of persons uttering counterfeit coin in more places than one.....	2007
Place of trial of persons who have stolen in one part of Canada and have the property in another part.....	2007
Pleas.....	2037
Amendment of indictment.....	2038
Attainder of another crime not pleadable.....	2038
<i>Autrefois convict</i> or <i>autrefois acquit</i> —Plea of.....	2038
Court may order plea of "not guilty" to be entered in case of refusal to plead.....	2038
Defects how amended.....	2038
Indictment not to be abated by reason of dilatory plea of misnomer, &c.....	2037
No person entitled of right to traverse or to have time to plead.....	2037
Court may postpone trial upon terms, &c.....	2037
"Not guilty"—Effect of plea of.....	2038
Objection, when to be taken.....	2037
Preliminary requirements as to certain indictments.....	2036, 2037
Prisoners—Removal of.....	2026
Proceedings on appearance.....	2016
Accused may be remanded from time to time.....	2017
Form of warrant. See Schedule M.....	2080
Verbal remand—Limit of.....	2018
Adjournment in case variance is important.....	2016

CRIMINAL PROCEDURE ACT—Continued.

Admission or confession may be given in evidence.....	2019
Admission to bail.....	2019
Admission to bail on recognizance.....	2018
Form of recognizance. See Schedule M 2.....	2080
Notice of recognizance. See Schedule M 3.....	2081
After examination justice to read depositions taken and caution the accused as to any statement he may make.....	2019
Bail after committal for trial, how granted.....	2020
Committal in certain cases.....	2020
Copy of depositions—Accused entitled to.....	2020
Discharge if evidence is insufficient.....	2019
Examination of witnesses to be in the presence of accused, &c.....	2018
Form of. See Schedule N.....	2082
Explanations to be made to the accused.....	2019
Justice may summon witness to attend and give evidence.....	2016
Warrant in case summons is not obeyed.....	2017
Form of. See Schedule L 2.....	2077
Warrant—When to issue in the first instance.....	2017
Form of. See Schedule L 3.....	2078
No objection allowed for defect in substance or form.....	2016
Person accused may be brought up before the expiration of the time for which he is remanded.....	2018
Persons appearing on summons and refusing to answer may be committed.....	2017
Form of warrant. See Schedule L 4.....	2079
Place of examination not an open court.....	2016
Proceedings if accused does not appear according to his recognizance.....	2018
Recognizance to be indorsed.....	2018
Form of indorsement. See Schedule M 4.....	2082
Statement to be taken down in writing and read over.....	2019
Form of. See Schedule O.....	2083
Witnesses to be sworn.....	2019
Proceedings when previous offence charged.....	2051
Evidence of good character.....	2052
Proof of previous conviction.....	2051
Proceedings where offender is apprehended in a district in which the offence was not committed.....	2023
Committal of accused.....	2023
Constable to be paid his expenses.....	2024

The figures denote the pages which are numbered at the bottom.

CRIMINAL PROCEDURE ACT—Continued.

Evidence may be transmitted to the proper division, &c..... 2023

Examination of accused..... 2023

Expenses of constable conveying the accused to be paid him..... 2024

Justice to furnish constable with a receipt or certificate..... 2024

Form of, *See* Schedule U 2..... 2091

Recognizances void in certain cases..... 2024

Transmission of record..... 2024

Warrant to take the accused before a justice in the place where offence was committed..... 2023

Form of, *See* Schedule U..... 2090

Receiving stolen goods—Venue in case of 2006

Recognizances to prosecute or give evidence..... 2020

Justice may bind over the prosecutor and witnesses..... 2020

Form of recognizance. *See* Schedule Q..... 2084

Notice of recognizance to be given..... 2020

Form of notice. *See* Schedule Q 2..... 2085

Proceedings in case justice refuses to commit or to bail the accused..... 2021

Recognizances to be transmitted to the court..... 2021

Release of witness if accused is discharged..... 2021

Form of warrant of release. *See* Schedule R 2..... 2087

Witness refusing to enter into recognizance may be committed..... 2021

Form of warrant, *See* Schedule R... 2086

Record of conviction or acquittal..... 2060

Records—Variances..... 2059

Removal of prisoners..... 2026

Authority for, how obtained..... 2026

Into county where indictment is found.. 2026

Sheriff may be directed to remove prisoner..... 2026

To another goal, when..... 2026

When indictment is found against a person already in custody..... 2027

When sentence of death or imprisonment has been pronounced..... 2026

Restitution of stolen property..... 2062

After conviction..... 2062

Money taken from the prisoner..... 2063

Offenders who are not included, &c..... 2062

Valuable and negotiable securities..... 2062

Writs of restitution, when awarded..... 2062

Schedules. *See* at the end of the index to this chapter.

First Schedule. Forms generally..... 2069

Second Schedule. Forms of indictment 2092

CRIMINAL PROCEDURE ACT—Continued.

Third Schedule. Annulling judgment. 2096

Schedules—Forms in, to be sufficient..... 2069

As to offences not mentioned in the second schedule..... 2069

Search warrants and searches..... 2013

“Coin—An Act respecting offences relating to.” Application to..... 2015

Counterfeit coin, &c., and coining tools to be seized..... 2015

Disposal of..... 2016

Search for..... 2015

Gold, silver, quartz, &c..... 2014

Information for, what to show..... 2013

Form of. *See* Schedule K..... 2075

“Larceny Act”—Application to..... 2014

Paper or implements employed in any forgery, &c..... 2014

“Property of seamen in the navy—Act respecting, &c.” Application to..... 2014

Timber, lumber, &c., unlawfully detained..... 2014

Warrant, when to issue..... 2013

Form of. *See* Schedule K 2..... 2076

Short title..... 2001

Special provisions..... 2067

Stolen property—Restitution of..... 2062

Swearing witnesses before the grand jury..... 2044

Trial..... 2044

Addresses of counsel to jury, how regulated..... 2045

Attorney General..... 2045

Queen’s counsel..... 2045

Solicitor General..... 2045

Assault—Verdict of, in cases of felony including assault..... 2047

Burglary—On trial for, conviction may be of house breaking..... 2047

Burglary—Proof of, not a defence on a charge of housebreaking..... 2048

Offender in such case may be indicted for burglary..... 2048

Concealment of birth—On trial for murder of child, conviction may be for.... 2046

Conviction on indictment for jointly receiving..... 2050

Copies of depositions, under certain conditions..... 2045

Copy of indictment to persons under trial..... 2045

Destroying buildings—On trial for, conviction may be of injuring the same... 2051

Differences in date, &c., of true and false coin not ground for acquittal.... 2051

Embezzlement—On trial for, conviction may be of larceny and *vice versa*..... 2048

The figures denote the pages which are numbered at the bottom.

CRIMINAL PROCEDURE ACT—Continued.

Evidence of former possession of other stolen goods, in cases of receiving..	2050
Notice to accused.....	2050
Evidence of previous conviction of fraud or dishonesty in cases of receiving..	2050
Notice to accused.....	2051
Previous conviction need not be charged.....	2051
Full defence allowed.....	2044
Fraudulent appropriation—Conviction may be of, on trial for larceny, &c.....	2050
Grievous bodily harm—On trial for felony, conviction may be for committing.....	2046
Judgment for felony valid, though facts amount to treason.....	2046
Inspection of depositions by prisoners...	2045
Larceny—On trial for, conviction may be of obtaining property by false pretences.....	2049
No inquiry concerning lands.....	2046
Obtaining property by false pretences—No acquittal because offence amounts to larceny.....	2049
Fraud by agents, &c.....	2049
One act of larceny charged; and several acts at different times, proved.....	2050
Person tried for committing crime not to be afterwards tried for attempting to commit.....	2046
Persons tried for misdemeanor and found guilty of felony not to be acquitted...	2046
Poisoning—On trial for felony by, conviction may be of misdemeanor.....	2047
Robbery—On trial for, conviction may be of assault with intent to rob.....	2047
Verdict and punishment in cases where offences not completed.....	2046
When indictment for stealing contains a count for receiving.....	2049
If two or more persons are included....	2049
Variations—Records.....	2059
Court may order indictment to be amended to agree with evidence....	2059
Conditions may be imposed.....	2059
Variations, how corrected.....	2059
And see amendment.....	2059
Venue—Change of.....	2027
Verdict not to be impeached for certain omissions as to jurors.....	2061
View.....	2043
Court may order a view out of the county in which the venue is laid.....	2043
Deposit by person requiring the view...	2043
Duties of sheriffs, &c., in such case.....	2044
Rule to be drawn up.....	2043

CRIMINAL PROCEDURE ACT—Continued.

Where offences in unorganized tracts may be charged to have been committed and be tried.....	2004
Where offences to be tried, when judicial districts or new counties are formed..	2005
Persons accused or convicted of crimes in such district in Ontario may be committed to any gaol.....	2005
Witnesses and evidence.....	2052
Accused when not to give evidence.....	2054
Assault and battery.....	2054
Attesting witness need not be called, when.....	2058
Battery—Assault and.....	2054
Carnal knowledge—What shall be deemed evidence of.....	2057
Certificate of trial at which perjury was committed, sufficient evidence of trial.....	2056
Child murder—Evidence at trial for.....	2057
Coin being false or counterfeit—What shall be evidence of.....	2057
Common assault.....	2054
Comparison of disputed writing with genuine.....	2055
Corroborative evidence, necessary in cases of forgery.....	2054
Cross-examination as to previous statements in writing.....	2058
Proviso: proof of deposition of witness.....	2059
Defendant competent witness in case of assault, &c.....	2054
Depositions of persons dying, absent, &c., how to be used.....	2056
Depositions taken on one charge may be read in prosecution of others.....	2056
Form of solemn affirmation.....	2055
How far a party may discredit his own witness.....	2058
If another crime is charged, &c.....	2054
Interest or a conviction not to disqualify	2053
Judge may cause witness to be arrested to answer for his default.....	2052
Punishment of such witness.....	2053
Marked timber—Proof of lawful possession of, to lie on accused.....	2057
Ownership of timber—What shall be deemed evidence of.....	2057
Person dangerously ill—Commissioner may be appointed to take evidence of.....	2055
How prisoner may be present.....	2056
Transmission of such evidence to the proper officer.....	2055

The figures denote the pages which are numbered at the bottom.

CRIMINAL PROCEDURE ACT—Continued.

When statement may be read in evidence 2055

Prisoner may be present at the taking of evidence of person dangerously ill before commissioner 2056

Proof of contradictory statements by witness 2059

Proof of previous conviction of a witness may be given if he denies it, &c. 2058

Solemn affirmation, when permitted..... 2054

Statement of accused may be given in evidence 2056

Who may be admitted as witnesses..... 2053

Wife or husband in cases of assault, &c. 2054

Wife or husband, when not competent nor compellable..... 2054

Witnesses confined in a penitentiary, &c. 2053

Witnesses summoned must attend..... 2052

Witnesses within Canada but beyond the jurisdiction of the court..... 2053

 How subpoenaed..... 2053

 Punishment for disobedience..... 2053

Witnesses before the grand jury—Swearing 2044

Writs of error..... 2066

 How tested and returnable 2066

 On what such writ shall be founded..... 2066

 Proceedings in court of error..... 2066

 Quebec—Stay of proceedings in..... 2066

First schedule..... 2069

 Certificate of indictment being found.E. 2072

 Certificate of non-appearance to be indorsed on the recognizance.....M 4. 2082

 Commitment of a witness for refusing to enter into the recognizance.....R. 2086

 Depositions of witnesses.....X. 2082

 Gaoler's receipt to the constable for the prisoner.....T. 2090

 Indorsement in backing a warrant.....I. 2075

 Information and complaint for an indictable offenceA. 2069

 Information to obtain a search warrant.....K. 2075

 Notice of recognizance to be given to the accused and his sureties.....M 3. 2081

 Notice of the said recognizance (of bail) to be given to the accused and his bail.....S 2. 2089

 Notice of the said recognizance (to prosecute) to be given to the prosecutor and his witnesses.....Q 2. 2085

 Receipt to be given to the constable by the justice for the county in which the offence was committed.....U 2. 2091

 Recognizance of bailS. 2088

 ConditionS. 2088

CRIMINAL PROCEDURE ACT—Continued.

Recognizance of bail instead of remand on an adjournment of examinationM 3. 2080

Recognizance to prosecute or give evidenceQ. 2084

 Conditions2085

Search warrant.....K 2. 2076

Statement of the accused.....O. 2083

Subsequent order to discharge the witness.....R 2. 2087

Summons to a person charged with an indictable offence.....C. 2070

Summons to a witness.....L. 2077

Warrant for a witness in the first instance.....L 3. 2078

Warrant of commitment.....P. 2083

Warrant of commitment of a person indictedG. 2073

Warrant of commitment of a witness for refusing to be sworn, or to give evidence.....L 4. 2079

Warrant of deliverance on bail being given for a prisoner already committedS 3. 2089

Warrant remanding a prisoner.....M. 2080

Warrant to apprehend a person charged with an indictable offence.....B. 2070

Warrant to apprehend a person indicted.....F. 2073

Warrant to apprehend a person charged with an indictable offence committed on the high seas or abroad.....D 2. 2072

Warrant to convey the accused before a justice of the county in which the offence was committedU. 2030

Warrant to detain a person indicted who is already in custody for another offence.....H. 2074

Warrant when a witness has not obeyed the summonsL 2. 2077

Warrant when the summons is disobeyed.....D. 2071

Second Schedule—Forms of indictment.. 2092

 Bigamy or offences against the law for the solemnization of marriage..... 2085

 Bodily harm..... 2092

 Burglary..... 2093

 Coining..... 2094

 Embezzlement..... 2093

 False pretences..... 2093

 Forgery 2094

 General form..... 2096

 Malicious injuries to property..... 2094

 Manslaughter..... 2092

 Murder..... 2092

The figures denote the pages which are numbered at the bottom.

CRIMINAL PROCEDURE ACT—Concluded.

Offences against public morals and decency.....	2096
Offences against the administration of justice.....	2095
Offences against the habitation.....	2093
Offences against the public peace.....	2095
Offences relating to the army.....	2095
Perjury.....	2094
Rape.....	2092
Robbery.....	2093
Simple larceny.....	2092
Stealing money.....	2093
Subornation of perjury.....	2095
Third Schedule—Certificate annulling judgment.....	2096

CRIMINAL STATISTICS—An Act respecting

.....	903
Duration of Act.....	905
Forms of schedules.....	904
Interpretation.....	903
Justices of the peace—Returns to be made by.....	903
Payment for such returns.....	904
Penalty for not complying with this Act.....	904
Printing and publishing of.....	905
Provincial gaols, reformatories, &c.....	904
Payment in such cases.....	904
Records to be kept.....	903
Remuneration to persons furnishing.....	903
Schedules of, to be furnished by certain officials.....	903
Statistics of exercise of prerogative of mercy.....	904

CROWN LANDS. See Interior—Department of the

..... 245

CROWN—Offences against the. See

Treason, &c..... 1833

CROWN—Proceedings against the. See

Petition of Right Act..... 1785

CRUELTY TO ANIMALS—An Act respecting

.....	1987
Application of penalties.....	1988
Apprehension of offenders.....	1988
Cattle—The conveyance of.....	1988
Cockpit—Making or maintaining.....	1987
Forfeiture in such case.....	1987
Conveyance of cattle.....	1988
Application of penalties under this section.....	1990
Cars to be cleaned.....	1989
Cattle to be unladen for food, rest, &c., at certain intervals.....	1988
Exception, when.....	1988
Proper space, &c.....	1989
Time, how reckoned.....	1989
Cattle unladen to be fed and watered.....	1989

CRUELTY TO ANIMALS—Concluded.

Constable may enter premises or vessel.....	1989
Penalty for refusing admission to.....	1989
Penalty for confining cattle improperly.....	1989
Cruelty to animals—How punishable.....	1987
Damages—Right of suit for, not affected.....	1990
Interpretation—"Cattle".....	1987
Offender refusing to disclose his name.....	1988
Time for prosecution, limited.....	1988
CULLERS' ACT	1359
Acting without authority—Penalty for.....	1371
" " license—Penalty for.....	1371
Annuities when to be paid out of Consolidated Revenue fund.....	1370
Application of Act.....	1359
Application of penalties.....	1373
Appointments by whom made.....	1361
Apprentices for becoming cullers.....	1363
Assaulting culler—Penalty for.....	1372
Board of examiners, how constituted.....	1361
Candidates for becoming cullers.....	1363
Certificate of board of examiners, what to contain.....	1361
Charges for culling and measuring.....	1371
Charges of culling, &c., by whom payable.....	1371
Classes of timber, &c.....	1364, 1365
Collection of fees and charges.....	1371
Copy of agreement between seller and buyer as to mode of measurement to be filed.....	1364
Cullers—Appointment of.....	1362
To be sworn.....	1361
Culling, when, and when <i>not</i> , compulsory.....	1373
Deputies of supervisors—Appointment of.....	1360
New security in certain cases.....	1360
Oath of office of.....	1360
Security of.....	1360
Descriptions and classes of timber, &c.....	1364
All deals to be stamped.....	1367
All staves—Requisites of.....	1368
Ash, basswood and butternut.....	1365
Ash oars.....	1365
Birch.....	1365
Deals, &c.....	1365 to 1367
Head staves.....	1367
Hickory handspikes.....	1365
Lathwood.....	1365
Marking, other than spruce deals.....	1367
Masts, bow-sprits and red pine spars.....	1365
Merchantable deals.....	1367
Pine or fir boards.....	1365
Quebec standard hundred of deals.....	1367
Red pine deals.....	1366
Red pine timber.....	1365
Rock elm.....	1365
Spruce and red pine, second quality deals.....	1367

The figures denote the pages which are numbered at the bottom.

CULLERS' ACT—Continued.

Spruce deals..... 1366
 Spruce deals, how marked..... 1367
 Stamping of deals..... 1367
 Standard mille..... 1367
 Standard or measurement staves..... 1367
 Staves, &c..... 1367, 1368
 West India or puncheon staves..... 1368
 White oak..... 1365
 White or yellow pine..... 1365
 White or yellow pine, 2nd quality deals 1366
Dimensions of bow-sprits, red pine spars and white pine masts..... 1369
Dimensions of merchantable timber..... 1368
 Ash, basswood and butternut..... 1368
 Birch..... 1368
 Elm..... 1368
 Oak..... 1368
 Red pine..... 1368
 White pine..... 1368
Duty of cullers..... 1362
 Penalty for non-compliance..... 1362
Entries to be checked and signed..... 1364
Evidence of unlawful shipping..... 1373
 Burden of proof to be on person charged 1373
Examiners—Board of, how constituted... 1361
Forging, counterfeiting or defacing stamps—Penalty for..... 1372
General provisions..... 1371
Girth of each piece to be measured..... 1363
Holder of measuring tapes..... 1363
Hollow allowed on merchantable timber. 1368
Imprisonment for non-payment of penalties..... 1373
Inspection of books, &c..... 1363
Interpretation..... 1359
 "Deputy" or "deputy surveyor"..... 1359
 "Supervisor"..... 1359
 "Timber" or "lumber"..... 1359
Length of each piece to be measured..... 1363
License to cullers..... 1362
Licensed culler may be shipping culler. 1371
Limitation of actions generally..... 1374
Limitation of suits for penalties..... 1373
Lumber improperly hewn, &c., to be dressed over..... 1369
Marks denoting quality, how applied..... 1364
Measurement books, &c..... 1363
Measuring instruments, &c.—Culler to be provided with..... 1364
Measuring tapes—Holder of..... 1363
Meeting of board of examiners..... 1361
 Form of oath..... 1361
 Majority to decide..... 1361
 Members to be sworn..... 1361
 Quorum..... 1361
Mode of culling and measuring..... 1363

CULLERS' ACT—Concluded.

Oaths and bonds, where to be filed..... 1361
Office hours..... 1363
Offices to be opened, where..... 1363
Penalties, &c..... 1371 to 1374
Qualities of lumber..... 1364
Recovery of penalties..... 1373
 Summary jurisdiction, &c..... 1373
Regulations—Gov. in Council may make for..... 1370
 Assigning fees to cullers..... 1370
 Expenses of supervisors office..... 1370
 Giving effect to this Act..... 1370
 Granting and paying annuities..... 1370
 Making or altering tariff of fees..... 1370
 Paying salaries..... 1370
 Prescribing as to licenses..... 1370
 Reducing number of cullers..... 1370
Scribers of timber, &c..... 1363
Setting timber adrift—Penalty for..... 1372
Short title..... 1359
Slide dues at Quebec..... 1359
Square timber, how measured..... 1363
Supervisor—Appointment of..... 1359
 To give security..... 1359
 To take oath of office..... 1360
 Form of oath..... 1360
Supervisors, cullers, &c., to be officers of the Dept. of Inland Revenue..... 1362
Supervisors or cullers dealing in lumber—Penalty on..... 1372
Supervisors or cullers guilty of partiality—Penalty on..... 1372
Survey, in case of dispute..... 1369
 Board of, how constituted..... 1369
Taper of merchantable timber..... 1368
CULLING AND MEASURING OF LUMBER, &c., IN THE PROVINCES OF ONTARIO AND QUEBEC. See Cullers' Act..... 1359
CURRENCY—An Act respecting the..... 293
Bank notes, how redeemable..... 293
British Columbia—Currency in..... 295
Copper or bronze coins..... 294
Date—Proof of, prima facie..... 295
Decimal currency, confirmed..... 293
Defaced coin, not a legal tender..... 295
Denominations of money..... 293
Foreign gold coins..... 294
Gold coins, legal tender, &c..... 293
Legal tender..... 294, 295
Nova Scotia—Currency in after July 1st, 1871..... 295
Prince Edward Island—Currency in..... 295
Public accounts, kept in what currency... 293
Silver coins, legal tender, &c..... 294
Standard of value regulated..... 293

The figures denote the pages which are numbered at the bottom.

CUSTOMS ACT	301	CUSTOMS ACT—Continued.	
Administration of oaths.....	339	Copies, when to be evidence	313
Agent —		Decked vessels—Goods brought in.....	308
Mode of appointment of	340	Declaration by master	307
Must have written authority.	340	“ by owner, &c.....	312
Powers of.....	340	Default of entry, &c.....	310
Allowance for tare and draft.....	304	Deposit of money for duty	311
Annapolis —Vessels entering.....	343	Duties to be paid down, when.....	310
Annual report	363	Forfeiture—When goods liable to.....	308
Appraisers —		Form of oath	311
Appointment of.....	315	Imported by sea	309
Duties of.....	314, 317	Imported goods.....	306
Jurisdiction of.....	315	Inland navigation	309
Oath of office of.....	315	Vessel arriving by—Duty of master of	307
Arrival and departure, defined	339	Invoice —Entry not perfect without.....	311
Assistant commissioner	302	“ to be attested on oath.....	311, 312
Attestations, before whom made	339	“ to be retained and filed.....	313
Bills of health	343	Land—Goods brought by.....	309
Bonds to Her Majesty	340	Land imported goods	309
Bras d'Or —Vessels entering	343	Master to make report	307
Burden of proof	342	Non-resident owner.....	312
Coasting voyages —		Oath of owner how to be verified	312
Defined	328	Oath or affirmation required.....	311
Fees in respect of licenses	329	Owner—More than one.....	312
Inland navigation.....	328	Penalty for contravention.....	308, 309
Licenses.....	329	Ports of entry	306
Penalty for contravention.....	329	Production of goods	307
Regulations may be made	328	Quantity and value to be stated	310
Coin or bullion, when exempt	342	Railway conductor.....	308
Consolidated Revenue and Audit Act	303	Report to be made	307
Co-partnership	341	Time, when entries shall be made on	
Crown goods	341	goods	309
Damaged or lost goods	313	Warrant and permit	310
Allowance for damage.....	315	Entry outwards	324
Assessment of damages	314	Bond required	326
Certificate of damages	314	Cancellation of bond.....	326
Conveyed by land	314	Clearance to be granted	325
Evidence of damage, how estimated ...	314	Coasting vessels.....	325
Percentage to be deducted	314	Content to be in writing	325
Return of duty.....	314	Detention of vessel.....	325
Time for claim.....	314	Entries of goods.....	325
Debt to Her Majesty	303	Entry outwards by agents	328
Department of Customs	302	Entry outwards must correspond with	
Deputy Minister of Customs	302	entry inwards	328
Disputed matters	303	Export duty must be stated	327
Duties of customs	303	Export duty to be paid.....	326
Entry inwards	305	Forfeiture for contravention	326
Another port—Goods intended for.....	308	“ for re-landing	327
Answering questions	308	Land conveyance—Entry outwards by	
Bills of entry inwards	309	Oath of owner.....	326
Requisites of, &c.....	311, 312	Particulars and declaration	325
Bills of lading—Production of	307	Particulars of entry.....	324
Bills of sight—Entry by.....	310	Penalty for leaving without clearance..	325
Boarded—When vessels may be	306	For non-entry.....	327
Conductor of railway	308	For sending goods without entry.....	327
Contents of report	307	Proof of discharge	324
Contravention—Penalty for	308, 309	Questions to be answered	335

The figures denote the pages which are numbered at the bottom.

CUSTOMS ACT—Continued.

Railway—Entry outwards by.....	327
Report of exported goods.....	326
Security for exportation of goods.....	326
Ship's stores.....	327
Statistical information.....	328
Warehoused goods.....	327
Error —Discovery of, while unpacking.....	343
Evidence, prima facie —What is.....	340
Exempted from duty —Goods.....	341
How described.....	341
Fire arms, &c. —Importation of.....	343
Forfeitures and penalties. See Penalties, &c.....	348
Forms of bonds and papers	340
Fresh fish, when exempt	342
Goods if sold	342
Governor in Council —Powers of.....	359
Greater or less quantities	304
Importation of fire-arms, &c.	343
Interpretation	301
"Collector".....	301
"Conductor".....	301
"Customs warehouse".....	302
"Exporter".....	302
"Goods".....	302
"Importer".....	302
"Master".....	301
"Oath".....	302
"Officer".....	301
"Owner".....	302
"Port".....	301
"Seized and forfeited," &c.....	302
"Vehicle".....	301
"Vessel".....	301
"Warehouse".....	302
Invoices, how made out	304
Live stock and perishable goods	342
Master may be called to answer	338
Minister of Customs	302
Non-enumerated articles, &c.	304
Oaths —Administration of.....	339
Oaths, what to include	339
Officers —Protection of.....	337
Overpaid duties	343
Partner —Powers of.....	341
Penalties —Forfeitures and.....	348
Altering or defacing marks.....	351
Armed or disguised persons.....	352
Assaulting or obstructing officers.....	352
Assisting in landing goods liable to forfeiture.....	349
Bonded car—Obtaining access to.....	351
Bribery of officers.....	354
Collusion of officers.....	354
Contravention of regulations.....	348
Counterfeited papers.....	352

CUSTOMS ACT—Continued.

Destroying goods or vessels.....	352
Detention of vessel or vehicle.....	348
Evidence of fraud.....	350
False invoices.....	348, 350
False oath.....	350
Felony—When person guilty of.....	352
Fine and imprisonment.....	348
Firing at Her Majesty's vessels.....	352
Forfeiture of goods.....	348
Forging marks.....	351
Fraudulent access to warehouse.....	351
Harboring smuggled goods.....	349
Landing goods without due entry.....	348
Liability of collector.....	354
Of goods, when.....	354
Making false invoice.....	350
Misdemeanor—What constitutes.....	349
Offering for sale goods pretended to be smuggled.....	353
Others than owners.....	351
Persons on board smuggling vessels.....	349
Police officer—Liability of.....	354
Presenting false invoice.....	350
Procuring persons to assist in smuggling.....	350
Questions—Not answering, truly.....	353
Recovery of penalty.....	353
Refusal to assist.....	353
Refusing to stop.....	353
Removing or altering.....	353
Selling goods with counterfeit marks... ..	351
Smuggling.....	348
Syrups, &c.—Entering, under wrong name.....	353
Taking away seized goods without authority.....	352
Untrue report.....	348
Vessels to be forfeited.....	349
Warehoused goods—Concealing, &c.....	350
Wounding persons in H. M. service.....	352
Wrecked goods—Not reporting.....	353
Penalty for false declaration	313
Powers of the Governor in Council	359
Principal and agent	340
Procedure	354
Appeal from convictions.....	358
From higher courts.....	359
Arrest of defendant.....	356
Attorney General of Canada.....	355
Bond for payment of costs.....	358
Burden of proof.....	357
Commissioner of customs.....	355
Costs.....	356, 357
Bond for payment of.....	358
Customs—Any officer in.....	355
Declaration, &c.—What sufficient.....	356

The figures denote the pages which are numbered at the bottom.

CUSTOMS ACT—Continued.

Filing claim after proceedings commenced	358
Judgment by default.....	358
Levy of penalty and costs.....	356
Limitation of time for suits.....	358
Name—Prosecutions may be brought in whose.....	355
<i>Nolle prosequi</i>	356
Notice of claim.....	357
Proceedings, how posted up.....	358
Place—Averment as to.....	356
Probable cause—Certificate of.....	357
Quebec—Province of.....	355
Recovery of penalties, &c.....	354
Restoration of goods on appeal.....	359
Rules of practice.....	355
Sale of things seized.....	357
Security on appeal not required from Crown.....	359
Venue.....	356
Want of notice, not to prevent proceedings.....	358
Protection of officers.....	337
Costs.....	337
Evidence.....	337
Limitation of action	338
Notice of action.....	337
Payment into court.....	338
Probable cause.....	338
Protection of the revenue.....	329
Application of proceeds.....	333
Boarding and examining vessel.....	329
Bond—Nature and amount of.....	332
Bonus to officer.....	333
Boundary line—Buildings on or near....	335
Branded—Goods to be.....	333
Buildings—Power to enter.....	335
Concealed goods—Penalty in case of....	336
Conductor—Penalty on.....	330
Detention of vessel.....	336
Enter buildings, &c.—Power to.....	335
Female to be searched by female.....	335
Forfeiture.....	
Cars, &c.....	330
Goods carried past custom house.....	329
“ not corresponding with invoices	331
Vehicles, horses, &c.....	330
Vessels.....	330
Forfeiture in cases of fraud.....	331
Further proof.....	332
Goods may be taken at ten per cent. increase on invoice	332
Keewatin.....	336
North-West Territories.....	336
Officers, may be stationed on board.....	336
“ —Powers and duties of.....	334

CUSTOMS ACT—Continued.

One league off the coast—Vessels found hovering within	329
Package—One, to be opened.....	331
Packages, delivered to importer.....	331
“ of which contents are unknown	331
Particulars in permit.....	333
Penalty for contravention.....	335
“ false answer.....	334
“ not obeying officer, &c.....	329
“ resistance.....	334
“ searching without cause....	335
Permit to be granted.....	333
Power to call in aid.....	337
Prevention of smuggling.....	334
Questions to be answered	334
Resistance—Penalty for.....	334
Return of packages.....	332
Search the person—Power to.....	334
Smuggling—Prevention of.....	334
Suspected packages.....	331
Suspicion to justify officers	337
Vessels, &c.—Searching and detaining.	334
Vessels may be boarded by officers.....	336
Void, entry—In what cases	330
Writs of assistance	336
Publication of regulations.....	363
Purser of steamer may make entries....	338
Refund, none after 14 days.....	343
Regulations by Governor in Council may be made concerning—	
Bonds and security.....	361
Canadian manufacturers.....	360
Canals—Passing goods through.....	361
Coasting trade	359
Distribution of penalties	361
Drawback	360
On duty paid goods, exported	362
“ “ imported	362
Exportation may be prohibited in certain cases	363
Extending time.....	360
Forfeiture for contravention.....	361
Forms, rents, &c.....	360
Grain and timber—Exempting	360
Grinding grain in bond	359
Inland navigation.....	359
Marking duty paid goods.....	359
Newfoundland—Exemptions concerning	360
Oaths and delarations.....	363
Passing through Canada.....	360
Ports of entry	360
Publication of regulations.....	363
Revocation of regulations.....	363
Slaughtering cattle in bond.....	359
Spirits and liquors—Importation, &c., of	360
Sufferance wharves and warehouses....	362

The figures denote the pages which are numbered at the bottom.

CUSTOMS ACT—Continued.

Tare—Allowance to be made for.....	359
Transfers in bond.....	360
Warehousing.....	360
Regulations—Publication of.....	363
Repairing damages.....	341
Report and entry inwards. <i>See</i> Entry inwards.....	305
Revenue—Protection of. <i>See</i> Protection of the Revenue.....	329
Sale, if duty not paid.....	305
Samples may be taken—When.....	305
Seized articles, how dealt with.....	343
Appropriation of penalties.....	347
Cattle or perishable articles.....	346
Condemnation of thing seized.....	345
Decision of Minister.....	344
Delivery of things seized to owner.....	346
Enforcement of decision.....	345
Forfeiture and penalty.....	345
Hearing in court.....	347
Invoices and papers to be furnished.....	345
Notice of intent to claim.....	347
“ to the parties.....	347
Penalty for not furnishing invoices, &c.....	346
Public auction—Sales to be by.....	347
Recovery of penalty.....	345
Report of commissioner.....	344
Seizure or detention to be reported.....	344
Smuggled goods stopped on suspicion, &c.....	344
Statement under oath.....	344
Summary proceedings.....	347
Valuation of seized goods.....	347
Signature—Form and requisites of.....	341
Spirits and strong waters.....	305
Surplus stores—dutiable.....	342
Tare—Allowance for.....	304
Time of exportation defined.....	338
“ importation defined.....	338
Under valuation.....	303
Unladen vessels.....	341
Valuation for duty.....	316
Cash value.....	316
Deduction for value of packages.....	318
Depositions to be filed.....	320
Disputed charges.....	317
Drawback, part of value, when.....	318
Examinations on oath.....	319
Goods passing through any country.....	319
Inland transportation—Costs of.....	317

CUSTOMS ACT—Concluded.

Manufactured articles.....	317
Market value.....	316
Penalty for refusing to act as appraiser. For refusing to attend or answer.....	321
Rate of discount allowed on certain articles.....	316, 317
Refund, none without identification.....	318
When not allowed for inferiority of value.....	318
Regulations to be made by Governor in Council.....	317
Remuneration of appraisers on revision.....	320
Revision of appraisement.....	320
Seizure and forfeiture.....	320
Sugars—	
Appraiser of—Decision of.....	319
Standards for qualities of.....	319
Value of, how ascertained.....	319
Warehousing.....	321
Abandonment of packages.....	323
Amount of duties, how ascertained.....	322
Avoiding or deferring payment not to be permitted.....	324
Bonded goods.....	321
Bonds may be cancelled.....	323
Cattle and swine may be slaughtered, &c.....	323
Duty on warehoused goods.....	322
Forfeiture of goods re-landed.....	324
Goods, not actually deposited in warehouse.....	323
To be finally cleared, when.....	323
Grain may be ground, &c.....	324
Legal transfer—Effect of.....	322
Owner may sort or re-pack or take samples.....	322
Penalty for unlawful removal.....	322
Ports.....	321
Quantity to be taken out at one time... ..	323
Removal of goods under bond.....	321
Rent and expenses, by whom payable... ..	322
Sale for payment of charges.....	323
Security, how given.....	321
Sugar may be refined in bond.....	324
Transfer of goods in bond.....	322
Unshipping and landing goods.....	322
Wrecked or derelict goods.....	305
CUSTOMS—Duties of. <i>See</i> Duties of Customs.....	365

The figures denote the pages which are numbered at the bottom.

D

- DEALER IN MARINE STORES.** *See*
Wrecks and Salvage Act..... 1202
- DEFAMATION.** *See* Libel, &c..... 1897
- DEFAMATORY LIBEL.** *See* Libel, &c... 1897
- DEFECTIVE LETTERS PATENT AND THE DISCHARGE OF SECURITIES TO THE CROWN—An Act respecting**..... 1559
- Cancellation of defective letters patent... 1559
- Correct letters patent to issue... 1559
- Discharge of securities to the Crown..... 1559
- Securities to the Crown how discharged. 1559
- DEPARTMENT OF AGRICULTURE.** *See*
Agriculture—Department of..... 249
- DEPARTMENT OF CUSTOMS.** *See* Customs Act..... 302
- DEPARTMENT OF FINANCE.** *See* Finance, &c..... 261
- DEPARTMENT OF FISHERIES.** *See*
Marine—Department of, &c..... 251
- DEPARTMENT OF JUSTICE.** *See* Justice—Department of..... 243
- DEPARTMENT OF MARINE, &c.** *See*
Marine, &c., Department of..... 251
- DEPARTMENT OF PUBLIC PRINTING AND STATIONERY.** *See* Public Printing, &c.—Department of..... 255
- DEPARTMENT OF RAILWAYS AND CANALS.** *See* Railways and Canals—Department of..... 565
- DEPARTMENT OF THE INTERIOR.** *See* Interior—Department of..... 245
- DEPARTMENT OF THE PUBLIC SERVICE.—An Act respecting, &c.** *See*
Contingencies Act..... 239
- DEPOSIT—Money on—Returns by persons, &c., receiving.** *See* Returns by certain persons, &c..... 1691
- DESERTERS.** *See* Offences relating to the Army and Navy..... 1979
- DESIGNS.** *See* Trade Mark and Design Act..... 935
- DEVELOPMENT OF THE SEA FISHERIES.** *See* Sea Fisheries, &c..... 1273
- DISCHARGING OF THE CARGOES OF VESSELS ARRIVING AT PORTS IN QUEBEC.—An Act respecting the**... 1237
- Cargo to be received within 24 hours after notice of arrival..... 1237
- Daily discharge of cargo..... 1237
- Owners risk after notice..... 1237
- Quantity of cargo to be discharged daily. 1237
- DISCIPLINE, &c.** *See* Government Vessels Discipline Act..... 1001
- DISPOSAL OF ACTS.** *See* Appendix No. 1..... 2319
- DISQUALIFICATION AS MEMBERS.** *See* House of Commons, &c..... 191
- DISTILLERIES.** *See* Inland Revenue Act. 450
- DISTRESSED MARINERS.** *See* Sick and distressed Mariners..... 1105
- DISTRICT OF KEEWATIN.** *See* Keewatin Act..... 803
- DOCUMENTS ENGROSSED ON PARCHMENT.** *See* Public Documents, &c.. 1557
- DOMINION CONTROVERTED ELECTIONS ACT**..... 149
- Abatement of petition by death of petitioner..... 165
- Costs in case of..... 165
- New petitioner..... 165
- Notice in case of..... 165
- Abatement of petition by death of respondent..... 165
- Adjournment of trial..... 166
- New respondent..... 165
- Notice to be given..... 165
- Acceptance of office..... 167
- Appeals, provided for..... 161
- Costs, Security for..... 161
- Deposit, in case of..... 161
- Determination of..... 162
- Preliminary proceedings..... 162
- Security for costs..... 161
- Supreme Court of Canada to hear..... 162
- Transmission of record..... 162
- Application of this Act..... 168
- Corrupt practices at elections..... 168
- Affidavit of production of books and papers, Schedule..... 171
- Application of fines..... 170
- Conduct of trial..... 169
- Contempt of court..... 170
- Corrupt practices—Punishment of..... 170
- Counsel for prosecution..... 169
- Court of record..... 169
- Expenses of trial..... 169
- Fines, how applied..... 170
- Provision in case offender has been tried before..... 170
- Punishment of witnesses, in case of contempt..... 170
- Punishment, when offender convicted... 170
- Recognizance to appear..... 168
- Record to be filed..... 169

The figures denote the pages which are numbered at the bottom.

DOMINION CONTROVERTED ELECTIONS ACT—Continued.

Report of issue of summons	168
Schedule—Affidavit	171
Staying proceedings.....	170
Summary trial.....	168
Summons may issue	168
Twice—No person to be tried.....	171
Witness, when guilty of contempt.....	170
Witnesses, how subpoenaed and sworn..	169
Costs, &c., of election petition.....	162
Agent shall pay, when.....	163
Appeal—Costs in cases of.....	161, 163
Execution for.....	163
Recovery of.....	163
Taxation of.....	163
Documents—Production of	155
Affidavit on production	156, 171
Inspection of	155
Penalty for disobedience.....	156
Rule or order for.....	156
Service of rule or order	156
Double return	166
Election petitions. See Petitions	151
General provisions	167
Expenses of judge	167
Expenses of travelling, &c.....	167
Extension of time.....	167
Interpretation	149
“Candidate”	149
“Clerk of the court”	149
“Corrupt practices”	149
“Court—The”	150
“Election”	149
“Electoral district”	149
“Member”	149
“Prescribed”	149
“Rules of court”	149
“ <i>The Judge</i> ”	150
“ <i>The Speaker</i> ”	149
Judge—Expenses of	167
Petition complaining of no return.....	151
Petitions.....	151
Answer of respondent.....	153
Clerk of the court.....	152
Copy to be sent returning officer.....	152
Deposit for costs.....	152
Deposition may be used by either party	155
Depositions, how taken	154
To be filed	154
Examination—Notice of.....	155
Examination of candidate.....	154
Form and contents of.....	151
Issue, when complete.....	153
Objections, how decided.....	153
Parties—Examination of.....	153
Preliminary examination.....	153

DOMINION CONTROVERTED ELECTIONS ACT—Continued.

Presentation of petition.....	151
Prisoner—Attendance of, as witness....	155
Questions may be put down in certain	
cases.....	154
Security for costs.....	152
Service of notice.....	153
Subpœnas.....	155
Time for presentation	152
Trial of.....	156
Witness when guilty of contempt.....	155, 158
Witnesses—Attendance of.....	155, 158
Quebec—Province of—Venue in.....	150
Respondent not opposing petition.....	166
Respondent—When returning officer	
shall be.....	151
Rota of judges	150
Rules of court—	
Judges to make.....	166
Practice in cases not provided for.....	167
Their effect.....	166
To be laid before House of Commons....	167
Trial of petitions—	
Abatement of petition.....	165
Adjournments.....	157
Bracketted—Lists to be.....	156
Conduct of.....	157
Corrupt practices.....	158
Judge shall report, to speaker	159
Costs.....	162
Decision of judge.....	159
Enlargement of time of.....	157
Expenses of witnesses.....	159
Judge's report.....	159
List to be prepared by clerk.....	156
New writ, when ordered in case of cor-	
rupt practices.....	160, 161
Notice of.....	157
Place of.....	157
Powers of judge.....	158
Privilege of witness.....	158
Report of judge.....	159
Seat claimed for person not returned,	
Evidence in such case	159
Short hand writer may be employed....	159
Speaker shall inform the House of	
judge's decision.....	160
Speaker's duty on receiving judge's re-	
port, &c.....	160
Special case, when may be stated.....	161
When trial shall commence.....	157
Withdrawal of petition	164
Witness, not privileged, when.....	158
Witnesses—Expenses of, &c	159
How subpoenaed.....	158

The figures denote the pages which are numbered at the bottom.

DOMINION CONTROVERTED ELECTIONS ACT—Concluded.	DOMINION ELECTIONS ACT—Continued.
Two or more candidates may be respondents..... 151	Personation..... 116
Venue in Province of Quebec..... 150	Subornation of..... 116
Withdrawal of petitions..... 164	Striking off votes..... 116
Additional security in case of..... 164	Threats of violence, &c..... 115
Corrupt arrangement, &c..... 165	Treating defined and penalty..... 115
Costs of..... 165	Criminal and civil procedure..... 120
Effect of substitution..... 164	Certificate of returning officer, evidence of what..... 122
Joint consent of petitioners..... 165	Certified copies, evidence in what cases..... 122
Leave of court or judge..... 164	Costs in criminal prosecutions..... 121
Notice of..... 164	Evidence in civil cases..... 121
Report of judge to Speaker..... 165	General evidence of certain facts sufficient..... 122
Substitution of a petitioner..... 164	Limitation of time for prosecutions and suits..... 123
DOMINION DAY—An Act respecting..... 1531	Penalties and forfeitures—Recovery of..... 120, 122, 123
First day of July in each year..... 1531	Pleadings what to allege..... 120, 121, 122
Sunday—Provision in such case..... 1531	Private prosecution—Costs of..... 121
DOMINION ELECTIONS ACT..... 89	Privilege of person giving evidence..... 121
Appeal, pending under the Electoral Franchise Act..... 102	Sessions cannot try..... 123
Ballot box, how provided..... 126	Declaration day..... 105
How to be constructed..... 126	Adding together the votes..... 105
Ballot boxes—Preservation of..... 110	Adjournment, when..... 106
Ballot papers..... 100 to 103	Casting vote in case of tie..... 105
Inspection of how obtained..... 111	Loss of ballot boxes..... 106
Ballots and election documents—Preservation of..... 110	Election expenses..... 123
Candidates expenses. <i>See</i> Election expenses..... 123	Agent to be appointed..... 123
Candidates—Who may be..... 94	Bills, charges and claims; when to be sent in..... 124
Close of poll..... 103	Payment when to be made..... 124
Appeal—Ballots of voters who are subjects of..... 104	Publication of detailed statement..... 124
Ballots objected to..... 104	Penalty in default of..... 124
Certificates to candidates..... 105	Statement by agent..... 124
Counting votes..... 103	Entry of names of voters..... 102
Delivery of ballot boxes..... 105	Fees and expenses of returning officers and others..... 124, 147 & 148
Oaths of officials..... 105, 145 to 147	Payment from what fund..... 125
Rejecting ballots..... 103	Tariff of fees..... 147, 148
Spoiled ballots..... 104	May be increased in certain electoral districts..... 125
Statement by deputy returning officer..... 104	May be revised and amended..... 125
Contracts when void..... 127	Forms—Schedule of..... 128 to 148
Copies of Act and instructions to be transmitted to each returning officer..... 125	Ballot paper..... J. 134
Corrupt practices—Prevention of..... 113	Certificate of election clerk..... D. 130
Bribery—Who guilty of..... 113, 114	“ poll clerk..... O. 137
Candidate—Effect of corrupt practices by..... 117	“ returning officer..... B. 129
Conveyance of voters..... 116	Commission of—
Disqualification of candidates..... 118	Deputy returning officer..... K. 134
Of others..... 118	Election clerk..... C. 129
Removal of..... 118	Poll clerk..... N. 137
Knowledge and consent..... 117	Directions for voting..... M. 136
Misdemeanor—Persons guilty of..... 114, 115	Fees of officers, &c., 2nd schedule..... 147, 148
Money or valuable consideration..... 113	Nomination paper..... F. 131
Penalties..... 114, 115	Notice of poll being granted..... I. 133

The figures denote the pages which are numbered at the bottom.

DOMINION ELECTIONS ACT—Continued.

Oaths of—
 Agent of candidate.....Q. 138
 Deputy returning officer, L. & A A. 135,145
 Election clerk.....D. 129
 Identity, &c.....Y. 144
 Messenger.....Z. 145
 Nomination—Attestation of.....G. 132
 Poll clerk..... O. & B B. 137, 146
 Qualification of voter...S., T., U., V.,
 W. & X..... 139 to 144
 Returning officerB. 128
 Poll bookR. 139
 Proclamation.....E. 130
 Return.....H. & C C. 132, 147
 Tariff. *See Fees, &c.*, 2nd schedule.147, 148
 Writ of election.....A. 128
Inspection of ballot paper 111
Instructions to be given 101
Interpretation..... 89
 "Election"..... 89
 "Elector"..... 89
 "Electoral district" 89
 "Judge"..... 90
 "List of voters"..... 89
 "Personal expenses"..... 90
 "Polling district" 89
 "Voter"..... 89
 "Voters' list"..... 89
Interpreter may be sworn..... 102
Keeping peace and good order..... 111
 Battery—Punishment of..... 112
 Entertainment forbidden 112
 Flags, &c., not to be furnished 112
 Liquors not to be sold..... 113
 Penalty..... 113
 Ribbons, &c., not allowed..... 113
 Strangers not to enter polling district,
 armed 112
 Taverns to be closed..... 113
 Weapons—Offensive, to be delivered
 up 112
Marking ballots..... 101
Mistakes of form, not to avoid election... 126
Nomination of candidates 94
 Attestation of nomination paper. 95
 Consent of candidate..... 95
 Deposit of \$200..... 95
 Hours for nomination 94
 Nomination paper 94
 Form of. *See Schedule F.* 131
 Place of nomination 93
**North-West Territories—This Act not to
 apply to**..... 127
Notices, how given..... 126
Oath of qualification.....100, 139 *et seq.*
Oaths—Administration of.....126, 127

DOMINION ELECTIONS ACT—Continued.

Offences and penalties 118
 Aiding or abetting personation..... 119
 Forgery, &c., of ballot papers 118
 Punishment of..... 119
 Liability for not returning candidate
 elected..... 119
 Penalties specified 118
 Stealing or tampering with election
 documents..... 119
Officers' expenses. See Fees, &c...... 124
**One elector only to enter compartment at
 one time**..... 100
Peace and good order, how kept..... 111
Penalties—Offences and..... 118
Penalty for taking away ballot paper.... 101
Poll book to be provided..... 100
 Form of. *See Schedule R.*..... 139
Poll—Proceedings on granting..... 96
 Appointment of deputies 96
 Ballot boxes to be delivered..... 97
 Ballot papers to be printed..... 96
 Form of. *See Schedule J.*..... 134
 Deputy returning officers..... 96
 Duties of returning officers.....96, 97
 Form of notice. *See Schedule I.*..... 133
 Hours for polling.....96, 98
 Notice of poll, how posted..... 96
 Place of holding poll..... 98
 Poll clerk—Appointment of..... 97
 Deputy returning officer—He may
 act as.....97, 138
 Oath of.....97, 138
 Withdrawal of candidate 96
Polling day—Proceedings on 98
 Agents of candidate, how appointed.... 98
 " " may be present.... 98
 Calling voters..... 99
 Candidates may be present..... 98
 Oath of secrecy by agent..... 98
 Opening the poll..... 98
Proclamation of election 92
 Accidents or delays provided against... 93
 Algoma 92
 British Columbia..... 92
 Chicoutimi 92
 Form of proclamation.....93, 130
 Gaspé 92
 Saguenay 92
 Time and mode of publishing..... 93
Provincial laws not to apply..... 127
Qualification of candidates..... 94
Re-count by judge..... 106
 Application for..... 106
 Certificate of result..... 108
 Costs—Security for..... 107
 Deposit for same.....107, 109

The figures denote the pages which are numbered at the bottom.

DOMINION ELECTIONS ACT—Concluded.		DOMINION LANDS ACT—Continued.	
Extension of time.....	107	Affidavit of pupil	850
Mode of conducting.....	107, 108	<i>See</i> Schedule Form P.....	871
Security for costs.....	107	Affidavit of surveyor.....	850
Return of candidate elected.....	109	<i>See</i> Schedule Form O.....	870
<i>Canada Gazette</i> to contain notice of.....	109	Alteration of Form N.....	851
Report by returning officer.....	109	Articles in writing.....	850
Return to Clerk of Crown in Chancery, what to contain.....	95	<i>See</i> Schedule Form N.....	868
Return, when no more candidates nomi- nated than number to be elected.....	95, 96	Notice by	850
Returning officer—		Transfer of articles	851
Appointment of.....	90	Transmission of articles.....	851
Duties of.....	91	Commission as surveyor	851
List of voters, how procured by.....	92	Dismissal of surveyor	856
Proclamation to be posted by.....	92, 93	Dominion topographical surveyor.....	855
Form of proclamation.....	130	Examination by one member of.....	850
To appoint election clerk.....	91	Fees	855
Who excluded from being.....	90	Graduates of military colleges.....	852
Who exempted from being.....	91	“ “ other colleges	852
Revising officer not to be a candidate....	94	Higher branches of study	854
Secrecy of voting.....	110	How constituted.....	849
Spoiled ballot paper.....	103	Meeting of	849
Telegraph—Transmission by.....	127	Members to be sworn.....	850
Voter, whose name has been used.....	103	Notice of meetings.....	850
Voters' lists to be obtained.....	92	Oath of office	850
Voters refusing to be sworn.....	103	<i>See</i> Schedule Form M.....	868
Voters unable to mark ballot.....	101	Practice in the field, &c.....	853
Voters—Who qualified as.....	99	Quorum	850
“ —Who unqualified.....	99	Registration of commission	854
Voting—Secrecy of.....	110	Secretary	850
Where electors shall vote.....	100	Successful candidates	853
Exception as to agents, &c.....	100	Surveyors in other parts of Her Majesty's dominions.....	852
DOMINION LANDS ACT—An Act re- specting	817	Suspension of surveyor.....	856
Administration.....	818	Topographical surveyors.....	855
Dominion Lands Board—Its composition	818	Boundary lines, &c.....	860
Duties	818	Chain bearer.....	857
Establishment	818	Commissioner of Dominion lands.....	818
Powers	818	Department of the Interior.....	818
Employees in outside service to take oath of allegiance and oath of office...	819	Disposal of Dominion Lands.....	822
Employees of department, not to pur- chase, &c	819	Bounty land scrip	824
How established.....	818	Discontinuance of pre-emption.....	834
Officers, how appointed	818	Dominion lands—Sale of.....	825
Powers and duties of.....	818	Grazing lands.....	835
Affidavits may be sworn before whom....	848	Hay lands.....	835
Application of Act	818	Homestead—Entry for	826
Assignments	837	<i>See</i> Schedule Form A.....	863
Legal representative—Rights of	837	Hudson's Bay Company—Lands re- served by	822
Registration of	837	Land scrip.....	824
Board of examiners	849	Lands reserved by Hudson's Bay Co. ...	822
Admission as surveyor—Examination for.....	853	Lands—Sale of Dominion	825
Allowance to members of	856	Lands—School	823
Articled pupil—Examination of	850	Military bounty land scrip	824
		Assignments not allowed.....	825
		Warrants	824
		Mining and mining lands.....	834
		Pre-emptions—Discontinuance of.....	834

The figures denote the pages which are numbered at the bottom.

DOMINION LANDS ACT—Continued.

Sale of Dominion lands	825
Auction.....	825
Quarry	826
Water powers	826
School lands.....	823
Investment of moneys.....	824
Payment for.....	824
Sale of.....	824
Scrip.....	824
Sites of market places and for other public purposes.....	826
Town plots.....	826
Division lines in fractional sections.....	859
Dominion land surveyors.....	849
Dominion lands board.....	818
Dominion lands—Disposal of.....	822
“ Dominion lands office ”.....	818
Dominion topographical surveyors.....	849
Evidence before surveyors.....	861
Boundaries, when doubtful.....	861
Penalty for disobeying subpoena.....	861
Subpoenas may be issued.....	861
Service of.....	861
To be reduced to writing, &c.....	862
Examiners—Board of.....	849
Fractional sections—Division lines in....	859
General provisions.....	848
Affidavits may be sworn before whom..	848
Certified copies.....	848
Entry receipt—Effect of.....	849
Evidence.....	848
Examinations on oath.....	848
Forms may be varied, how.....	849
Lithographed copies.....	848
Punishment for contempt.....	849
Governor in Council—Powers of.....	846
Carrying out this Act.....	847
Certain claims to lands outside Mani- toba prior to 15th July, 1870.....	847
Claims arising out of Indian title.....	847
Drainage.....	847
Indian reserves	846
Lands for railways.....	846
Orders to be laid before Parliament.....	848
Penalties for violation, &c.....	847
Publication of orders.....	847
Railway to Hudson’s Bay.....	846
Schools in agriculture.....	847
Statements under oath.....	847
Tariff of fees, &c.....	848
Homestead	826
Advancing moneys, provided for.....	832 to 834
Affidavits on application for.....	827
See Schedule, Forms B, C and D...863, 864	
Application of privilege.....	827

DOMINION LANDS ACT—Continued.

Area of.....	826
See Schedule Form A.....	863
Assignments or transfers.....	832
Delay for perfecting entry.....	829
Discontinuance of pre-emptions.....	834
Disputes, how settled.....	828
Effect of entry, &c.....	827
Entries on behalf of another.....	828
Affidavit in such case.....	828
See Schedule Forms G, H, J.....	865, 866
Application in such case.....	828
See Schedule Form F.....	865
Fees in such cases.....	828
Exemption from execution.....	827
Fee for pre-emption entry.....	828
Forfeiture by non-residence.....	831
Sale in such case.....	832
Hamlets or villages.....	829
Patent, how obtained.....	829 to 831
Plans for assisting settlers.....	832
Pre-emption entry.....	827
Proof of residence, &c.....	830
“ Inspector of Dominion lands agencies.”	818
Interpretation.....	817
“ Agent ” or “ officer ”.....	817
“ Clause ”.....	817
“ Crown timber agent ”.....	817
“ Dominion Land Surveyor ”	817
“ Dominion Lands ”.....	817
“ Land office ”.....	817
“ Local agent ”.....	817
“ Minister ”.....	817
“ Pre-emption entry ”.....	817
“ Pre-emption right ”.....	818
“ Sub-clause ”.....	817
“ Surveyor General ”.....	817
Land scrip.....	837
Lands under Indian title	818
Legal sub-divisions—Survey of.....	859
Lines in fractional sections.....	859
Lines—Original boundary.....	860
Lost corners.....	858
Management—Administration and.....	818
Measure—Standard of.....	857
Obliterated lines.....	858
Offences.....	862
Destroying land marks.....	862
Molesting surveyor.....	862
Original boundary lines.....	860
Patents	835
Cancellation in case of error.....	836
Deficiency of quantity—Remedy in case of.....	835
Department of Interior.....	835
Fraud, error, &c.—Provision in case of.	836
Order to sheriff to give possession.....	837

The figures denote the pages which are numbered at the bottom.

DOMINION LANDS ACT—Continued.

Possession, how obtained.....	837
Preparation of.....	835
Remedy in case of deficiency.....	835
Limitation of time for claim.....	836
Remedy in case of inconsistent patents.....	836
Limitation of time for claim.....	836
Remedy in case of refusal, &c.....	836
Signing of.....	835
Penalties. See Offences.....	862
Powers of Governor in Council.....	846
Renewal of lost corners and obliterated lines.....	858
Schedule—	
Acknowledgment and charge.....L.	867
Affidavit by pupil.....P.	871
Affidavit by surveyor.....O.	870
Application for homestead entry.....A.	863
Affidavit in support of by non-settler.....C.	864
Affidavit in support of by settler.....B.	863
In case of forfeiture.....D.	864
Application for homestead entry by agent.....F.	865
Affidavit in support of in case of forfeiture.....I.	866
On behalf of non-settler.....H.	866
“ “ settler.....G.	865
Articles of pupil.....N.	868
Commission of surveyor.....Q.	871
Oath of member of board of examiners.M	868
Receipt—Certificate of.....E.	865
Standard of measure.....	857
Sub-divisions—Survey of.....	859
Superintendent of Mines.....	818
Survey of legal sub-divisions.....	859
Surveyor may enter private lands.....	862
Surveyors and surveys.....	849
Surveyors—Evidence before.....	861
Surveyors—Returns of.....	856
Allowance to, as witness.....	857
To keep journals, &c.....	857
Surveys.....	819
Allowances for deficiency or surplus.....	820
Base lines of townships.....	820
Blocks of four townships.....	821
Bounding lines of townships.....	819
Contract or tender—Surveys to be given out by.....	821
Exception.....	821
Corners on correction lines.....	821
Corners to be marked.....	821
Correction lines.....	820
Designation of meridians.....	820
Diagrams.....	819, 822
Divisions of a section.....	820
Fifth base line.....	820

DOMINION LANDS ACT—Concluded.

First base line.....	820
Forty-ninth parallel.....	820
Fourth base line.....	820
International boundary.....	819
Irregular quarter sections.....	821
Laying out and describing lands.....	822
Legal sub-division of townships.....	821
Meridians—Designation of.....	820
Numbering of township.....	819
Posts and monuments at corners.....	821
“Principal meridian”.....	820
Second base line.....	820
Sections—Division of.....	820
How bounded and numbered.....	819
System of.....	819
Third base line.....	820
Townships.....	819
Base lines of.....	820
Bounding lines of.....	819
Numbering of.....	819
Taking up posts and boundary marks.....	863
Timber and timber lands.....	838
Cutting timber without authority.....	843
Absence of satisfactory explanation..	844
Burden of proof.....	844
Confiscation.....	845
Fine, when imposed.....	845
Forest parks.....	843
Forfeiture, &c.....	845
Limitation of claim.....	845
Mixed timber.....	844
Penalty.....	843
Recovery of dues.....	844
Release on security.....	844
Sale in default.....	845
Seizure of timber.....	844
Slides, &c.....	846
Timber berths.....	839
Wood for settlers.....	838
Township plans and patent lists.....	837
DOMINION NOTES—An Act respecting... 297	
Agencies for redemption of notes.....298, 299	
Amount in gold to be held for redemption of notes.....	297
Debentures may be issued.....	298
Interpretation.....	297
Issue of Dominion notes.....	297
Legal tender—What shall be.....	298
Monthly statements to be published.....	298
Notes, a legal tender.....	298
Provincial notes—Redemption of.....	299
Redemption of Provincial notes.....	299
Redemption—Provisions for.....	297
Specie—Meaning of.....	297
Unguaranteed debentures.....	297

The figures denote the pages which are numbered at the bottom.

DRUGS, &c.—Adulteration of. *See* Adulteration Act..... 1443

DUTIES OF CUSTOMS—An Act respecting the..... 365

A—Duties in schedule, imposed..... 365, 368

Acids..... 368

Ad valorem duty. *See* Packages, &c..... 366

Agates, &c..... 368

Agricultural implements..... 368

B—Duties in schedule..... 365, 399

Books, &c..... 370

Breadstuffs..... 371

Butter—Substitutes for..... 366

C—Goods in schedule, free..... 365, 401

Carriages..... 372

Certain articles to be free of duty in Canada, when free in the United States..... 367

Coffee, &c..... 374

Cotton—Manufactures of..... 374

D—Goods in schedule, prohibited..... 366, 410

E. Schedule of export duties..... 366, 411

Export duties..... 366, 411

Fish and fisheries..... 365, 399

Free of duty—What goods..... 365, 401

Free—Packages, when not specified..... 367

Fruit, dried..... 377

“ **green**..... 377

Fruit trees..... 396

Furniture..... 378

Furs..... 378

Game—Export of, prohibited..... 366

Glass and Manufactures of..... 378

Goods—Meaning of expression..... 365

Gunpowder and other Explosives..... 379

Importation in bond..... 367

Iron and Manufactures of..... 380

Leather..... 383

Medical preparations..... 368

DUTIES OF CUSTOMS—Concluded.

Newfoundland—Remittance in respect of..... 365

Not specified, packages free..... 367

Oils..... 385

Oleomargarine..... 366

Organs..... 386

Packages containing goods paying ad valorem duty..... 366

 Paying specific duty..... 367

Penalty for attempting to export without paying duty..... 366

Pianofortes..... 387

Prison manufactures..... 366

Prohibited goods..... 366, 410

Schedules—

A.—Duties in, imposed..... 365, 368

B.—Duties in..... 365, 399

C.—Goods free of duty..... 365, 401

D.—Prohibited goods..... 366, 410

E.—Export duties..... 366, 411

Ships..... 389

Specific duty..... 367

Spirits, &c..... 390

Steel and Manufactures of..... 392

Stone..... 393

Sugars, syrups and molasses..... 394

Tea and coffee—Duty on, in relation to the United States..... 367

Tea from United States..... 395

Trees—Fruit..... 396

Twenty per cent. ad valorem, when..... 399

United States, &c. *See* Tea and Coffee, &c..... 367

 Remittance in respect of..... 365

Vegetables..... 396

Wines—Remission of duties on, in certain cases..... 367

Wood and manufactures of..... 397

Wools and woollens..... 398

E

ELECTIONS. *See* Dominion Controverted Elections Act..... 149

See Electoral Franchise Act..... 19

ELECTIONS OF MEMBERS, CORRUPT PRACTICES, &c. *See* Corrupt Practices, &c..... 173

ELECTIONS OF MEMBERS, &c. *See* Dominion Elections Act..... 89

ELECTIONS—Who entitled to vote at. *See* Electoral Franchise Act..... 19

ELECTORAL FRANCHISE ACT..... 19

Adjournment of court or sittings..... 34

Alteration of polling districts..... 32

Form of order for. *See* Schedule G..... 44

ELECTORAL FRANCHISE ACT—Continued.

Amendment—Powers of..... 34

Appeal..... 36

 Application for..... 36

 Costs on..... 38

 Counsel—Party may appear by..... 38

 Courts of..... 36, 37

 Decision final..... 38

 Notice of final decision..... 38

 Powers of judge..... 38

 Procedure in case of—Appellant appearing..... 37

 Not appearing..... 37

 Application of Act..... 39

The figures denote the pages which are numbered at the bottom.

ELECTORAL FRANCHISE ACT—Continued.

Bailiff and constable.....	28
British Columbia, additional persons entitled to be registered, &c., in	26
Certified lists to be used pending appeal.....	35
Certifying final lists.....	31
Form of certificate. <i>See</i> Schedule E.....	43
Clerk of revising officer	28
Copies of lists to be provided.....	36
Costs and mode of recovery	34
Counsel—Party may appear by.....	34
Court for final revision open	30
Proceedings at, how conducted.....	30, 31
Default of list for any year—In case of, the last completed list shall be used..	38
Division of polling districts.....	32
Form of order for. <i>See</i> Schedule G.....	44
Entitled to vote—Who shall be	31
Forms—Schedule of.....	39
Certificate of list of voters	E. 43
List of voters.....	B. 41
Notice of final revision.....	C. 42
Notice of reception of final lists	F. 44
Notice of objection, complaint or application	D. 42
Oath of revising officer	A. 39
Order dividing districts	G. 44
Summons to witness.....	H. 45
Indians, who are not qualified	26
Inspection of objections, notices, &c.....	35
Interpretation	19
“Actual value”	21
“City”	20
“Election”	21
“Electoral district”	21
“Farm”	20
“Farmer’s son”	20
“Father”	20
“Incorporated village”	20
“List of voters”	21
“Mother”	20
“Occupant”	20
“Owner”	19
“Parish”	21
“Person”	19
“Proprietor”	19
“Province”	20
“Real property”	20
“Revising officer”	21
“Son”	20
“Tenant”	20
“Town”	20
“Usufructuary”	19
“Value”	21
“Voting” and “to vote”	21
Joint tenants.....	25

ELECTORAL FRANCHISE ACT—Continued.

North-West Territories—How far Act applies to	39
Notice of final revision	29, 30
Form of notice. <i>See</i> Schedule C.....	42
Notices may be examined	30
Objections and amendments on final revision—Notice of, to be given.....	30
Form of notice. <i>See</i> Schedule D.....	42
Offences and penalties	38
Custodian of assessment rolls or list of voters, refusing to furnish copies.....	38, 39
Indians—Offences against.....	39
Offences generally and mode of recovering penalty	38, 39
Partners	25
Penalties, &c. <i>See</i> Offences and Penalties	38
Polling districts, how altered.....	32
Powers and duties of revising officer.....	33
Prince Edward Island—Additional persons entitled to be registered, &c., in.....	26
Publication of list after preliminary revision	29
Qualification of voters.....	21
Age	21
Allegiance	21
Annuitant	24
Farmer’s son when father dead	23
Father living	23
Fisherman	24
Income	22, 25
Occupancy	22
Ownership	21
Son of owner of real property when father dead.....	24
Father living.....	23
Tenancy	21
Qualifications in city or town, &c., particularly specified	25
Returning officer to be provided with certified lists.....	36
Revising officer.....	27
Appointment of and duties.....	27
Deputy.....	27
Oath of office.....	27
Form of oath. <i>See</i> Schedule A.....	39
Qualification	27
Revision of lists.....	28
Erroneous entry, how corrected.....	29
Final revision.....	30
Preliminary revision.....	28
Schedule of forms. <i>See</i> Forms.....	39
Short title.....	19
Summary proceedings.....	34
Tenants in common.....	25
Time to be fixed for final revision.....	36

The figures denote the pages which are numbered at the bottom.

ELECTORAL FRANCHISE ACT—Concluded.

Transmission of final lists to the clerk of the Crown in Chancery..... 31
 Unregistered and disqualified persons not to vote..... 26
 Vote—Who entitle to..... 31
 Voters—Qualification of..... 21
 Witnesses may be summoned..... 33
 Fees to be paid..... 33
 Exception..... 34
 Form of summons to. *See* Schedule H. 45

ELECTRIC TELEGRAPH COMPANIES

ACT..... 1749
 Bridge over navigable water—Building of, not authorized..... 1749
 Construction of lines—Power for..... 1749
 Government may assume line and work temporarily..... 1750
 Penalty for non-compliance..... 1750
 Her Majesty may assume the property of the line..... 1750
 Crown—Property then vested in..... 1750
 Mode of settling the compensation..... 1750
 Interpretation "The Company"..... 1749
 Order of transmission of despatches..... 1749
 Penalty for violation..... 1749
 Powers for construction of lines..... 1749
 Preferential messages..... 1749
 Short title..... 1749
 "Telegraph"—Meaning of..... 1750
 Telephone not included in "telegraph." 1750
 "The company"—Meaning of..... 1749

ELECTRIC TELEGRAPHS. *See* Marine

Electric Telegraphs..... 1753

EMBEZZLEMENT. *See* Larceny Act. 1912,

1918

EMBRACERY. *See* Threats, &c.....

1999

EMIGRANTS. *See* Immigration Act.....

949

EMIGRATION AND EMIGRANTS. *See*

Immigration Act..... 949

ENGINEERS—Examination and licensing

of. *See* Steamboat Inspection Act ... 1119

ENGROSSED ON PARCHMENT. *See*

Public Documents, &c..... 1557

ESCAPES AND RESCUES—An Act re-

specting..... 1865

Escaped prisoners, how punished.....

1866

Felonious rescue.....

1865

Felony—Offence amounting to.....

1865

Lawful custody—Escape or rescue from..

1865

Misdemeanor—Offence amounting to.....

1865

Penitentiary.....

1865

Breaking out of.....

1865

Keeper allowing prisoner to escape.....

1866

Rescuing prisoner from.....

1865

While at work at.....

1865

While being conveyed to.....

1865

ESCAPES AND RESCUES—Concluded.

Prisoner—Unlawfully procuring discharge of..... 1866
 Punishment for..... 1865
 Reformatory prison or school—Escape from..... 1866
 Assisting to escape from..... 1866
 Harboring offender escaped from..... 1866
 Inducing offender to escape from..... 1866
 Punishment..... 1866

EVIDENCE ACT.....

Application of Provincial laws of evidence..... 1807
 Canada Gazette..... 1805
 Copies of entries in books of Government departments..... 1807
 Copy of extract certified by proper authority..... 1806, 1807
 Copy of notices, &c., in Canada Gazette. 1806
 Copy printed by Government printer of a Province..... 1806
 Copy printed by Queen's Printer of Canada..... 1805
 How this Act shall be construed..... 1807
 Judicial notice..... 1805
 Official Gazette of Province..... 1806
 Order signed by Secretary of State..... 1806
Prima facie evidence..... 1805
 Proclamations, &c., by Governor General " " Lieut. Governors. 1806
 Proof of handwriting not required..... 1806
 Provincial statutes..... 1805
 Short title..... 1805

EVIDENCE RELATING TO PROCEED-

INGS IN COURTS OUT OF CANA-

DA—An Act respecting the taking of.

1809

Conduct money and expenses.....

1810

Examination to be upon oath or affirma-

tion..... 1810

Interpretation "Cause" "Court"

"Judge"..... 1809

Order may be made for examination in

Canada of a witness in relation to a matter pending out of Canada..... 1809

Enforcement of such order.....

1809

Powers of Local Legislatures not inter-

fered with..... 1810

Rules and orders may be made by the

court..... 1810

EXCHEQUER COURT. *See* Supreme and

Exchequer Courts Act..... 1761

EXCISE DUTIES—Collection of. *See* In-

land Revenue, &c..... 413

EXEMPTED ESTATES IN THE TERRI-

TORIES. *See* Homestead Exemption

Act..... 797

The figures denote the pages which are numbered at the bottom.

EXEMPTION OF TRANSPORTS FROM PORT AND HARBOR DUES—An Act respecting the.....	1233	EXPLOSIVE SUBSTANCES ACT—Concluded.	
EXPERIMENTAL FARM STATION ACT.	889	Punishment.....	1846
Annual report by officer in charge.....	891	Witnesses.....	1846
Establishment of.....	889	Offender not exempt from punishment for other offences.....	1848
Expropriation Act—Application of.....	890	Person searching or seizing liable for wilful neglect only.....	1848
Extent of land to be acquired.....	889	Punishment for maliciously causing dangerous explosions.....	1845
Locality thereof.....	889	For maliciously doing acts with intent or conspiring to cause such explosions	1845
“Farm station”—Meaning of.....	889	For maliciously making or having explosive substances.....	1845
Farm stations may be established.....	889	Search warrant for explosives.....	1847
Interpretation.....	889	Proceedings on seizure under.....	1847
Location of.....	889	Seizure under.....	1847
Management of.....	890	Short title.....	1845
Manitoba—Land to be set apart in.....	889	Venue, &c.....	1846
“Minister”—Meaning of.....	889	Witness to have copy of information.....	1847
North-West Territories—Land to be set apart, in.....	889	EXPROPRIATION ACT.....	593
Officers, &c.—Duties of, in reference to—		Compensation for land damages and payment thereof.....	598
Butter and cheese—Production of.....	890	Claims to be adjudged by court.....	599
Cereals, grasses, fruits, vegetables, plants and trees.....	890	Clearing incumbrances in Province of Quebec.....	600
Destructive insects.....	891	In provinces other than Quebec.....	599
Diseases of animals.....	891	Compensation money to stand in lieu of land.....	598
“ of plants.....	891	Costs and interest.....	600
Fertilizers.....	890	Incumbrances how met by compensation money.....	599
Foods.....	891	Legal tender—What shall be.....	598
Researches generally.....	891	Notice of arbitration.....	598
Seeds—Vitality, &c., of.....	891	Reference to arbitrators if claimant is dissatisfied.....	601
Stock-breeding.....	890	Tender of compensation.....	598
Tree planting.....	891	Within what time compensation shall be paid.....	601
Officers, &c.—Salaries of, to be fixed.....	890	Interpretation.....	593
Principal stations.....	889	“Conveyance”.....	593
Quarterly reports to be made.....	891	“Department”.....	593
Salaries and expenses of officers, &c.....	890	“Land”.....	594
Short title.....	889	“Lease”.....	594
Stations may be established.....	889	“Minister”.....	593
Timber growing—Land for.....	890	“Public work, &c.”.....	593
Transmission by mail.....	891	“Superintendent”.....	593
Tree planting—Land for.....	890	Lands to be vested in Her Majesty.....	601
EXPLOSIVE SUBSTANCES ACT.....	1845	Manner of taking lands, &c.....	595
Absconding witnesses—Arrest and commitment of.....	1847	Obligations of land owners.....	595
Attorney General may order inquiry.....	1846	Power to take land.....	594
Jurisdiction of a justice of the peace under such order.....	1846	Powers of the Minister to—	
Witnesses—Compelling attendance of..	1846	Change course of stream.....	594
Privilege of, limited.....	1847	Deposit and remove materials.....	594
Disposal of explosive substances seized... 1847		Enter lands, &c.....	594
Indictment—Different counts in..... 1846		Make agreements to purchase.....	595
Interpretation..... 1845		Make compensation.....	595
“Attorney General”.....	1845	Take possession.....	594
“Explosive substance”.....	1845		
Making or having explosive substances for an apparently unlawful object..... 1846			
Burden of proof.....	1846		
Consent of Attorney General.....	1846		

The figures denote the pages which are numbered at the bottom.

EXPROPRIATION ACT—Concluded.

Proceedings for taking possession of
lands..... 595
Attestation of plan 596
Boundaries how established..... 598
Contract made before plan is deposited 596
Correction allowed..... 596
Deposit of plan, &c., of land in possession of Her Majesty..... 596
Deposit of plan and description... .. 595
Effect of certified copy..... 596
Effect of survey 598
Evidence, When copy *prima facie*..... 596
Making sidings, &c., to land whence materials are taken..... 597
Provincial Crown lands..... 596
Purchase of whole lot..... 597
Registration not necessary..... 596
Survey of land—Who may make 597
When plan, &c., may be deposited..... 596
Witnesses to boundaries..... 598
Removal of walls and fences adjoining any public work..... 595
Riparian owner—Rights of, saved..... 601
Shores and beds of public harbors..... 601
Short title..... 593

EXTRADITION ACT..... 1813
Application of Act..... 1814
Commissioner—Who may act as..... 1814
Crimes—List of. *See* First schedule 1819
Delay before surrender..... 1817
Depositions taken out of Canada..... 1816
Evidence—What, required to justify committal..... 1816
Execution of warrant 1815
Extradition from a foreign state..... 1818
Conveyance of fugitive surrendered.... 1818
Fugitive surrendered by foreign state, not punishable contrary to arrangement..... 1819
Extradition from Canada 1815
Foreign state—Extradition arrangement with..... 1814
Forms set forth to be valid..... 1818
See Second schedule 1820
Fugitive to be brought before judge 1815

EXTRADITION ACT—Concluded.

Proceedings thereupon..... 1815
Fugitive to be conveyed out of Canada within a certain time..... 1818
Fugitive, when not liable to surrender ... 1817
Habeas Corpus—When fugitive may be released by..... 1818
Interpretation..... 1813
“ Accused person ”..... 1813
“ Conviction ” and “ convicted ”..... 1813
“ Extradition arrangement ” or “ arrangement ”..... 1813
“ Extradition crime ”..... 1813
“ Foreign state ” 1813
“ Fugitive criminal ”..... 1813
“ Judge ”..... 1813
“ Warrant ”..... 1813
Judge—Duty of, on committal..... 1816
Judges—Who may act as..... 1814
List of crimes, how to be construed 1819
Minister of Justice may refuse or cancel order for surrender in certain cases... 1817
Officer of foreign state—Minister may order surrender of fugitive to..... 1817
Order in Council 1814
Order of Minister of Justice for surrender. 1817
See Schedule, Form Three..... 1821
Power of officer of foreign state..... 1817
Property found on fugitive 1818
Report to Minister of Justice..... 1815
Requisition for surrender 1816
Surrender of fugitive criminal..... 1815
Warrant of apprehension. *See* Form One 1820
Warrant of committal. *See* Form Two.. 1820
Warrant when to issue..... 1815
EXTRA-JUDICIAL OATHS—An Act respecting..... 1811
Affidavits in insurance cases, before whom to be made 1811
Oaths, affidavits and affirmations to which Act does not apply..... 1811
Penalty for administering oath without lawful warrant..... 1811
Schedule, Form of solemn declaration... 1812
Solemn declaration may be received 1811
Form of. *See* Schedule..... 1812

F

FALSE PRETENCES—Obtaining money, &c., by. *See* Larceny Act..... 1920
FALSE—Swearing. *See* Perjury 1863
FARM STATIONS. *See* Experimental Farm Stations..... 889
FENCES—Injuries to. *See* Malicious Injuries to property..... 1968

FERRIES—An Act respecting 1275
Application of proceeds and penalties.... 1277
“ of this Act—Limit of..... 1277
Competition for licenses how conducted 1275
Duration of license..... 1275
English and French—Publication of regulations in both..... 1276

The figures denote the pages which are numbered at the bottom.

FERRIES—Concluded.		FINANCE AND THE TREASURY BOARD—Con
Exemptions from this Act.....	1277	Banks, &c. — Returns and statements
Inquiries—Minister may make.....	1276	from
Interpretation	1275	Chairman of Treasury Board—Minister of
“ Ferry ”	1275	Finance shall be.....
“ License ”	1275	Department constituted.....
“ Renewal ”	1275	Deputy Minister—Appointment of.....
Licenses to be granted only after com-		Duties of
petition	1275	Deputy Receiver General.....
To be under great seal	1275	Distribution of business.....
Penalties on persons interfering	1276	Duties of department.....
Power of Governor in Council to make		Interpretation.....
regulations as to.....	1275	Deputy Minister, &c.....
Conditions, &c.	1275	Minister of Finance
Conducting ferries.....	1276	Receiver General.....
Effect of regulations	1276	Public accounts.....
Enforcing payment of tolls, &c.....	1276	Secretary of Treasury Board.....
Extent and limit of ferries	1275	Treasury Board—Its constitution and
Forfeiture of license	1276	duties
Penalties.....	1276	FINES AND FORFEITURES—An Act re-
Size, &c., of vessels to be used	1276	specting
Tolls or rates	1276	Appropriation of penalties, &c.....
Recovery of penalties.....	1277	Consolidated Revenue of Canada.....
FERTILIZERS ACT	1453	Crown's share.....
Analysis and publication thereof.....	1454	Limitation of actions.....
Application of penalties	1456	Order in Council—Application of, under.
Conditions under which tag may be at-		Penalty, &c., when to go to the Crown...
tached or certificate granted	1455	Recovery of penalties when no other
Fertilizer imported in bulk	1454	mode is prescribed.....
“ Fertilizer ”—Meaning of.....	1453	FIRE-ARMS AND OTHER WEAPONS—
“ General Inspection Act ”.....	1453	An Act respecting the improper use of
Inspection at port of entry.....	1455	Daggers or other weapons—Carrying or
Inspector's fee payable before removal...	1455	selling
Inspector's tag—What, to show.....	1454	Openly carrying dangerous weapons.....
Inspectors—Who may be, <i>ex officio</i>	1453	Pistol or air gun—Person carrying, may
Interpretation.....	1453	be bound to keep the peace.....
No sale without certificate, &c.....	1454	Having such weapon when arrested.....
One sample at least to be analyzed		Person carrying, with intent to injure
yearly	1454	any person.....
Penalty for forging certificate	1456	Pointing fire-arm, &c., at any person.....
Penalty for giving false certificate.....	1456	Sheath knives—Carrying, in sea-port
Penalty for selling, &c., in violation of		towns
this Act.....	1455	Disposal of weapon.....
Proviso	1456	Exception.....
Penalty for unlawfully attaching tag or		Weapon to be impounded.....
certificate	1456	Soldiers, &c., excepted when on duty.....
Sample to be sent to Minister of Inland		Time for prosecution limited.....
Revenue every year.....	1453	FISH AND FISH OILS—Inspection of.
FERTILIZERS—Adulteration of. See Adul-		See General Inspection Act.....
teration Act.....	1443	FISHERIES ACT
FIGHTING. See Prize Fighting, &c.	1859	Bag-net, trap-net, &c., forbidden.....
FINANCE AND THE TREASURY BOARD		Close season for—
—An Act respecting the Department		Bass, pike, pickerel, &c.....
of.....	261	Salmon fishery.....
Accounts—Direction as to mode of keep-		Trout fishery.....
ing, &c.....	263	Whitefish fishery.....
Appropriation book.....	262	Codfishery—Size of nets for.....

The figures denote the pages which are numbered at the bottom.

FISHERIES ACT—Continued.

Disputes as to seal fisheries, how settled.	1258
Distance between fisheries.....	1263
Eel fishery—Proviso; as to.....	1263
Fascine fisheries with box-traps.....	1264
Fish to be allowed free passage on Sunday	1264
Forfeiture if taken on Sunday.....	1264
Proviso; as to tidal waters.....	1264
Fishery officers and other justices—Pow- ers of.....	1265
Conveyance of prisoners by.....	1266
Detention of prisoners by.....	1266
Disputes as to boundaries.....	1266
Gurry grounds.....	1266
Justices of the peace, <i>ex officio</i>	1266
Locus of trial of offence by.....	1265
Passage over lands by.....	1266
Property seized by.....	1266
Search and warrant.....	1265
Where the offence shall be held to have been committed.....	1266
Fishery officers.....	1257
May commit offender on view.....	1265
Fishery regulations.....	1265
Governor in Council may make, &c.....	1265
Offences against.....	1265
Publication of.....	1265
Fishways.....	1261
Construction of.....	1261
Maintenance of.....	1262
Penalty for violation.....	1262
Minister may construct, and recover the costs in certain cases.....	1262
Obstruction or injury to, forbidden.....	1262
To be kept open.....	1262
Form of complaint—Schedule.....	1270
Form of conviction do.....	1271
Form of warrant do.....	1271
Forms of procedure.....	1268
General prohibitions.....	1262
General provisions.....	1268
Gill nets—Size and location of.....	1261
Injuries to fishing ground, &c.....	1264
Main channels not to be obstructed.....	1263
Killing fish passing through fishway, &c...	1263
Leases and licenses.....	1257
Leases in arrears.....	1268
Licenses to take spawn, &c.....	1268
Mode of recovery of penalties, &c.....	1267
Before whom to be sued for.....	1267
Limitation of suits.....	1268
No quashing for want of form.....	1268
Service of summons.....	1267
Warrant when to issue.....	1268
Who shall be liable.....	1268
Navigation not to be obstructed.....	1263
Nets, &c., in small rivers.....	1264

FISHERIES ACT—Continued.

Nine years—Leases or licenses for.....	1257
Oath of office and form thereof.....	1257
Obstructing, &c., with nets, &c.....	1263
Oyster beds—Making or re-stocking.....	1269
Protection of.....	1269
Special licenses for.....	1269
Penalties and forfeitures.....	1267
Appeal to Minister.....	1267
Application of.....	1267
Crown's share of.....	1267
Distress for penalty.....	1267
Forfeiture of articles used in violation of this Act.....	1267
Penalty generally.....	1267
Penalty for fishing in limits leased.....	1262
Apparatus, &c., may be seized.....	1262
Proviso; as to taking bait or ang- ling.....	1262
Pollution of rivers.....	1264
Possession of fish.....	1261
Powers of fishery officers, &c.....	1265
Prohibition to buy, sell or have in close season.....	1261
Propagation of fish.....	1268
Salmon fishery.....	1258
Boundaries of estuary fishing, may be defined.....	1259
Close season.....	1258
Exception as to fly fishing.....	1258
Distance between nets, &c.....	1259
Drifting for salmon, prohibited.....	1259
British Columbia excepted.....	1259
Fly fishing—Exception as to.....	1258
Foul salmon.....	1258
Fry, parr and smolt.....	1258
Gill or float nets.....	1259
Killing—Mode of, at certain places.....	1259
Ontario—Use of nets in.....	1259
Penalty for fishing above limits.....	1259
Rod and line fishing excepted.....	1259
Size of meshes of nets.....	1259
Spawning beds—Injury of, &c., pro- hibited.....	1259
Spawning rivers, &c.....	1259
Swing nets.....	1259
Use of nets regulated.....	1259
Schedule.....	1270
Form of complaint.....	1270
Form of conviction.....	1271
Form of warrant, &c.....	1271
Subpoena to witness.....	1270
Summons to defendant.....	1270
Seals not to be killed by rockets or shells.	1258
Sedentary fisheries not to be disturbed..	1258
Penalty for disturbing, &c.....	1258
Seines—Dimensions of.....	1261

The figures denote the pages which are numbered at the bottom.

FISHERIES ACT—Concluded.		FOREIGN VESSELS—Concluded.	
Seines for barfish—Dimensions of	1263	Attorney General of Canada to sue for penalties, &c.....	1253
Seizure of fish in close season.....	1261	Claims must be made on oath.....	1253
Shell fish fisheries	1269	Costs, when not allowed.....	1254
Short title.....	1257	Courts having jurisdiction.....	1255
Spear, grapnel hooks, &c., forbidden.....	1263	Custody of vessels, &c., seized.....	1252
Indians—Proviso; as to.....	1263	Fishing without license	1252
Stakes to be removed, when	1263	Forfeiture for fishing without license.....	1252
Subpoena to witness—Schedule.....	1270	Forfeiture how enforced.....	1253
Summons to defendant—Schedule.....	1270	Goods, vessels, &c., seized; may be destroyed, when.....	1252
Throwing overboard substances injurious to fisheries.....	1264	License to fish in Canadian waters.....	1251
Exemption by Minister.....	1265	Limitation of actions against officers, &c.....	1254
Lime, drugs, &c.....	1265	“ suits for penalties.....	1254
Mill rubbish, saw dust, &c.....	1265	Officers may board vessels hovering in Canadian waters.....	1251
Penalty for	1264	Penalty for resisting seizure	1252
Poisonous substances.....	1265	Penalty—Governor in Council may relieve from.....	1254
Proviso; as to offal.....	1264	Proof of legality of seizure	1253
Trout	1260	Protection of officers, &c.....	1254
Close season in inland waters.....	1260	Sale of goods, vessels, &c., seized	1252
In Ontario.....	1260	Security to be given by claimants.....	1254
In parts of Canada not herein specified	1260	Seizure of vessels	1252, 1253
In Prince Edward Island.....	1260	Tender of amends.....	1254
In, Quebec—Province of.....	1260	Value distributed in case of condemnation.....	1253
Exceptions as to fish used for bait.....	1260	Vessels, &c., may be released on giving security.....	1253
As to Indians	1260	Vessels hovering in British waters may be brought into port and examined ...	1252
Trout and white fish fishery.....	1260	Vessels liable to forfeiture may be seized, &c.....	1252
Vacant public property.....	1269	FORFEITURES—An Act respecting Fines and. See Fines and Forfeitures.....	2187
Waters may be set aside for the propagation of fish.....	1268	FORGERY—An Act respecting.....	1927
Whale, seal and porpoise fishery.....	1258	Attestation to power of attorney for transfer of stock, &c.....	1930
White fish.....	1260	Bank notes and bills.....	1932
Close season in Manitoba.....	1261	Causing distinctive marks to appear on Engraving on a plate, &c.....	1934
In North-West Territories.....	1260	Exception as to paper used for bills of exchange, &c.....	1933
In Ontario.....	1261	Foreign bills, &c.—Forging and uttering Engraving plates for, or having or using such plates.....	1935
In parts of Canada not herein specified	6601	Uttering paper on which any part of such bill or note is printed	1936
In Province of Quebec.....	2261	Making or having mould for making paper with the name of any bank, or making or having such paper	1935
Fry of, not to be destroyed.....	1261	Making paper and engraving plates for Purchasing, receiving or having.....	1933
Indians—Proviso; as to.....	1261	Selling or having in possession paper, &c., for	1933
Young of fish not to be taken.....	1263	Unlawfully uttering.....	1934
FISHERIES—Department of. See Marine—Department of, &c.....	251		
FISHERIES, &c., AND FISHING VESSELS. See Sea Fisheries, &c.	1273		
FISHING BY FOREIGN VESSELS. See Foreign Vessels, &c.....	1251		
FISHING VESSELS—Building of. See Sea Fisheries, &c.....	1273		
FLOUR AND MEAL—Inspection of. See General Inspection Act.	1292		
FOOD, &c.—Adulteration of. See Adulteration Act.....	1443		
FOREIGN VESSELS—An Act respecting fishing by.....	1251		
Application of proceeds of sale of seized vessels, &c.....	1253		
Application of this Act.....	1255		

The figures denote the pages which are numbered at the bottom.

FORGERY—Continued.

Bills of exchange, &c.....	1936
Purporting to be payable out of Canada	1942
Clerks making out false dividend war- rants, &c.....	1930
Custody or possession—Having in	1927
Debentures	1930, 1937
Debentures, stocks, exchequer bills, &c...	1930
Deeds, wills, bills of exchange, &c.....	1936
Demanding property upon forged in- struments	1941
Dividends—Transferring, receiving, &c.	1929
Documents made or purporting to be made out of Canada	1942
Exchequer bills, &c.....	1930
False entries in the books of public funds	1930
Forgeries which were punishable more severely than under this Act, and are not otherwise punishable hereunder...	1943
Punishment in such cases	1943
Forgery—What shall be deemed	1927
Forging or altering any document or writing whatsoever.....	1941
Forging or altering any instrument how- ever designated which is in law a will, deed, bond, bill of exchange, &c.....	1941, 1942
Forging or uttering any document bear- ing the forged signature of the Gov- ernor or Lieutenant Governor, &c.....	1928
Fraudulent transfers	1930
Great Seal, &c.....	1927
Having in possession paper, &c., for de- bentures, &c.....	1932
Interpretation, "Province of Canada"...	1927
Letters patent and public registers.....	1928
Making paper in imitation, &c.....	1931
Making plates, &c., in imitation.....	1931
Marriage licenses	1940
Name of judge—Forging, &c.....	1939
Notarial acts, registers of deeds, &c.....	1939
Notarial instruments	1939
Obliterating crossing on cheques	1937
Orders, &c., of justices of the peace	1939
Orders, receipts, &c.....	1936
Passenger tickets	1937
Personating the owner of stocks, &c.....	1929
Power of attorney.....	1929
Privy Seal—Her Majesty's	1928
Privy Signet of Her Majesty	1928
Proceedings of courts.....	1937
Forging instruments, made evidence, &c.	1938
Forging or tendering forged certificate.	1938
Printing proclamation, &c., and caus- ing the same falsely to purport to have been printed by Queen's printer, &c.....	1938
Uttering false copies or certificates of...	1938

FORGERY—Concluded.

Procuration, &c.—Making or accepting any bill, &c., by.....	1937
Promissory notes.....	1936
"Province of Canada," What to include..	1927
Public registers, &c.....	1928
Receipts, &c., for money, goods, &c.....	1936
Recognizances, &c.....	1940
Records, process, instruments of evi- dence, &c.....	1937
Registers of births, marriages and deaths	1940
Destroying or concealing copies.....	1941
Making false entries in, &c.....	1941
Registers of deeds.....	1939
Removing stamps from instruments.....	1932
Royal sign manual.....	1928
Stamps or stamped paper	1932
Taking impression from plate, die or seal	1932
The Great Seal.....	1927
Tickets—Passenger.....	1937
Tool for making stamps	1932
Transferring dividends.....	1929
Transfers of stocks, &c.....	1929
Uttering document with forged seal	1928
Wills, bills of exchange, &c.	1936
FRANCHISE ACT. See Electoral Fran- chise Act.....	19
FRAUDULENT MARKING OF MER- CHANDISE. See Trade Marks Of- fences Act.....	1945
FUGITIVE CRIMINALS. See Extradition Act	1813
FUGITIVE OFFENDERS ACT	1823
Application of Act.....	1823
Depositions.....	1827
Discharge of fugitive, if not returned within a given time.....	1826
In trivial cases.....	1826
Evidence	1827
Fugitive to be brought before a magis- trate	1825
Proceedings thereupon.....	1825
Fugitive undergoing sentence.....	1826
How fugitive may be returned.....	1827
Indorsement of warrant—Effect of.....	1826
Interpretation—"Court," "deposition," "magistrate.".....	1823
Judge to have powers of court.....	1826
Judicial notice of authenticated docu- ments	1828
Offences to which this Act applies... 1823, 1824	
Order for return of the fugitive.....	1825
Provisional warrant.....	1824
Return of fugitives.....	1824
Search warrant may be granted.....	1826
Short title	1823
Warrant—Apprehension under.....	1824
Warrants, &c.—Authentication of.....	1828

The figures denote the pages which are numbered at the bottom.

G

GAMBLING IN PUBLIC CONVEY-	
ANCES—An Act respecting.....	1883
Arrest of offenders.....	1883
Copy of this Act to be posted up.....	1884
Penalty for default.....	1884
Fees to persons arresting.....	1884
Money, &c., to be dealt with as if ob-	
tained by larceny.....	1884
Obtaining money by—Punishment for....	1883
Attempting to commit such offence.....	1883
Penalty for neglecting to arrest offender..	1884
Proceedings against offenders.....	1883
Where the offence may be tried and pun-	
ished.....	1883
GAMING HOUSES—An Act respecting..	1875
Arrest of persons therein, and seizure of	
their instruments.....	1875
Chief constable, how to be authorized to	
enter.....	1875
Instruments to be destroyed.....	1875
Interpretation.....	1875
“Chief constable.”.....	1875
“Deputy chief constable.”.....	1875
Magistrate may require persons appre-	
hended to give evidence.....	1877
Punishment for refusal.....	1877
Such persons making a full discovery	
to be free from all penalties, on cer-	
tificate.....	1877
What certificate must show.....	1878
Obstructing constables—Punishment for	
1876	
Police magistrate may, on report, author-	
ize entry of.....	1875
Powers of search.....	1875
Punishment of persons playing or look-	
ing on.....	1876
What shall be deemed evidence.....	1878
GAS INSPECTION ACT.....	1331
Apparatus for testing gas (Schedule).....	1342
Appointment of inspectors.....	1332
Balances, indices, &c., for testing gas....	1331
Books and inspectors' certificates.....	1338
Certificate of quality to be posted up by	
undertaker.....	1338
Certificates, &c., as to ammonia and	
sulphur.....	1338
Companies to keep lists of consumers,	
&c.....	1338
Fees for certificate.....	1339
Lists of consumers to be open to inspec-	
tor.....	1338
What certificate shall show.....	1338
GAS INSPECTION ACT—Continued.	
Copies of models for testing.....	1332
Duties of inspectors.....	1332
False meters, how dealt with.....	1341
Fees, how fixed and appropriated.....	1339
Fees, stamps and accounts.....	1339
Gas inspectors—Appointment of.....	1332
Gasholders—Models of.....	1331
Inspectors and apparatus.....	1332
Inspectors of weights and measures may	
be appointed gas inspectors.....	1332
Inspectors to be sworn.....	1333
Inspectors to give security.....	1333
Interpretation.....	1331
“Inspector”.....	1331
“Meter”.....	1331
“Prescribed quantity”.....	1331
“Purchaser”.....	1331
“Undertaker”.....	1331
Limitation of suits.....	1341
Measure of gas—Standard of.....	1331
Measurement of meters.....	1331
Meters—Models for testing.....	1331
Meters—Testing of.....	1334
Accuracy of wheel-work, &c.....	1334
Disputes, how settled.....	1335
Expenses, by whom paid.....	1335
Inspection may be required.....	1336
Inspection of—Who may be present at..	1335
Inspection—Power to enter for.....	1335
Notice of inspection.....	1335
Percentage of error how tested.....	1335
Removal of unstamped meter.....	1336
Soundness or leakage.....	1334
Wheel-work, &c.—Accuracy of.....	1334
Where inspection shall be made.....	1336
Meters—Verification of.....	1333
Measuring capacity to be marked on....	1333
Number of lights to be marked on.....	1333
Repair—Owners to keep in.....	1334
Re-verification.....	1333, 1334
Rules for verification.....	1334
Stamping of.....	1333, 1334
Unverified meters, unlawful.....	1333
Use of, by consumers.....	1334
Variation of meter—Limit of.....	1334
Verification how attested.....	1334
Mode of testing for illuminating power	
(Schedule).....	1342
Mode of testing for purity (Schedule)....	1343
Models for testing meters.....	1331
Payment of fees.....	1339

The figures denote the pages which are numbered at the bottom.

GAS INSPECTION ACT—Concluded.

Payment of inspectors	1332
Penalties	1339
Falsely altering meters.....	1340
Fixing unstamped meter.....	1340
Forging certificates, &c.....	1340
Forging stamps for meters.....	1339
Furnishing gas showing traces of sulphuretted hydrogen.....	1341
Obstructing action of meters.....	1340
Recovery of.....	1341
Stamping incorrect meter.....	1340
Using meter with forged stamp.....	1340
Preparation of stamps	1339
Recovery of penalties	1341
Form of suits for.....	1341
Registration of meters.....	1331
Regulations by Gov. in Council.....	1341
Re-verification of standards	1333
Schedule	1342
Apparatus for testing gas.....	1342
Mode of testing for illuminating power..	1342
Mode of testing for purity.....	1343
Separate accounts to be kept.....	1339
Standard of measure.....	1331
Standards, &c., to be furnished inspectors	1332
Statement to be laid before Parliament..	1339
Testing gas—Apparatus for.....	1342
Testing meters—Models for.....	1331
Testing the quality and purity of gas.....	1336
Ammonia or sulphur.....	1336
Apparatus for testing.....	1337
Certificate of inspection.....	1338
Fees, by whom paid.....	1337
Inspector—Powers of, as to.....	1337
Parties who may be present at.....	1337
Prescribed quality.....	1336
Standard quality.....	1336
Sulphuretted hydrogen.....	1336
Testing place.....	1337
Time for testing.....	1337
What the gas maker shall be held to have undertaken.....	1336
Verification of meters	1333
Verification of standards.....	1333
Verifying and testing meters.....	1333
GAS METERS. See Gas Inspection Act.	1331
GENERAL INSPECTION ACT	1283
Application of penalties.....	1291
Apportionment of fees.....	1289
Articles subject to inspection.....	1283
Ashes—Pot and pearl.....	1308
Assuming title of inspector or deputy without authority—Penalty for.....	1291
Barley.....	1300
Beef and pork.....	1302
Bill of inspection.....	1303

GENERAL INSPECTION ACT—Continued.

Brands, what to show.....	1302
Marks to be corrected	1303
Month and year.....	1303
“ Old ”.....	1303
“ Rejected ”.....	1303
“ Soft ”.....	1302
Weight and quality.....	1303
Date of inspection, when not to be changed.....	1303
Exemptions from inspection.....	1308
Marking required on exempted articles	1308
Penalty for contravention.....	1308
Fees for inspection, by whom payable...	1303
Fees—Repayment of, how and when....	1304
Half barrels, &c., size of.....	1307
Hoops, &c., how to be put on.....	1306
Inspection, how to be made.....	1302
Inspection, when not compulsory.....	1308
Inspector to examine package.....	1307
Length, &c., of barrel.....	1307
Length, &c., of tierce.....	1307
“ Old ” in large letters, when to be so marked	1303
“ Package ” defined.....	1302
Packages, how branded.....	1303
“ how to be made.....	1306
Penalty for neglecting to mark, &c.....	1308
“ if inspection not made by person qualified.....	1308
Pickle—Quantity of.....	1306
Protection from the weather.....	1307
Qualities of beef, &c.....	1304
“ Cargo beef ”.....	1304
“ Mess beef ”.....	1304
“ Prime beef ”.....	1304
“ Prime mess beef ”.....	1304
Weight of package.....	1304
Qualities of pork, &c.....	1304
“ Cargo pork ”.....	1305
“ Extra prime ”.....	1305
“ Mess pork ”.....	1305
Parts to be cut off.....	1305
“ Prime mess pork ”.....	1305
“ Prime pork ”.....	1305
Weight of package.....	1306
Re-inspection	1303
“ Rejected,” how to be marked, &c.....	1306
Salt—Quality and quantity of.....	1306
Saltpetre—Quantity of.....	1306
Storage not to be charged.....	1307
Warranty by seller	1304
Bill of inspection, of fish.....	1321
“ of pork.....	1303
Board of examiners of inspectors.....	1284
Boards of trade, &c., to appoint examiners	1283
Butter—Inspection of.....	1321

The figures denote the pages which are numbered at the bottom.

GENERAL INSPECTION ACT—Continued.

Coopering and branding	1322
Fees for inspection	1323
for storage	1323
when payable	1323
Form and size, &c., of package	1322
Mode of inspection	1322
Monthly returns, &c., to the Minister of Inland Revenue	1323
Packing, how to be done	1322
Premises to be provided	1323
Penalty for default	1323
Quality and standard	1322
Re-packing	1321
Weight to be marked	1322
Certificate of qualification	1284
Chief inspectors	1283
Cities, counties, towns, &c., to be inspec- tion divisions	1283
Classification , how varied	1287
Corn meal —Inspection of	1294
Costs of inspection	1289
“ suits ”	1291
Custody of oaths	1286
Deputies —Examination of	1284
Deputy inspector —Trade by	1285
Deputy inspectors	1285
How appointed	1285
Oath of—Form of	1285
Security to be given by	1286
Tenure of office of	1286
To be reported to Minister of Inland Revenue	1285
Disputes —Settlement of, by experts	1287
Examination of inspectors	1284
Experts —Settlement of disputes by	1287
Fees for examination, how fixed	1289
Fees for inspection, &c.	1289
Fees for inspection, &c., of fish and fish oils	1320
Cooper—Owner may employ his own ...	1321
Rates to be exclusive of salt	1321
Fish and fish oil	1321
How inspected at place of sale	1321
Where inspection may take place	1321
Fish —Bill of inspection of	1321
Fish oils —Pickled fish and	1312
Fish oils —Standard of, how fixed and kept Branding of, how done	1319
Cod oil	1319
Inspectors of—Duties of	1319
Porpoise oil	1319
Seal oil	1319
Unenumerated oils	1319
Whale oil	1319
Fish —Pickled, and fish oils	1312
Fish —Qualities of, &c.	1314

GENERAL INSPECTION ACT—Continued.

Brands on packages of	1319
“ Bulk ”—Pickled fish in	1318
Gaspereaux or alewives	1316
How marked	1316
How packed	1316
Green codfish	1317
Herrings	1315
Branding of	1316
Curing of	1315
“ Gross ”	1315
“ No. 1 ”	1315
“ No. 1, Extra ”	1315
“ No. 2 ”	1315
“ No. 3 ”	1315
Packing of	1316
“ Round ”	1315
“ Split ”	1315
“ Spring ”	1315
Inspected fish not to be re-inspected	1318
Inspector may correct packing, &c., of deputy	1318
Lake and salmon trout	1317
Mackerel	1314
“ Extra No. 1 ”	1314
“ Mess ”	1314
“ Large No. 3 ”	1315
“ No. 1 ”	1314
“ No. 2 ”	1315
“ No. 3 ”	1315
“ No. 4 ”	1315
“ Small fall ”	1315
“ Small spring ”	1315
Spring, how packed	1315
Packing of fish	1318
Passing inspection —Unfit for	1318
Pickled fish —Weight of	1317
Re-packing	1318
Rusty and sour fish	1317
Salmon	1314
“ No. 1 ”	1314
“ No. 2 ”	1314
“ No. 3 ”	1314
Sea trout	1316
Seizure of fish unlawfully killed, &c.	1319
Separation of sound and unsound	1318
Small , usually packed whole	1317
Smoked herring	1316
How branded	1316
Refuse	1316
Size of boxes	1316
Weight of boxes	1316
Tierce —Contents of	1318
Unenumerated fish , such as ling, hake, &c.	1317
Whitefish	1317
Flour and meal	1292

The figures denote the pages which are numbered at the bottom.

GENERAL INSPECTION ACT—Continued.

Bill of inspection of..... 1293
 Branding by inspector.....1292, 1293
 Brands in case of re-inspection..... 1293
 Date of inspection..... 1293
 Description of barrels..... 1296
 Penalty for contravention..... 1296
 Fee, when required to empty barrel..... 1293
 Fees for branding, &c.....1293
 Foreign substance mixed with flour 1296
 Forfeiture in such case..... 1297
 Package to be seized, &c..... 1296
 Penalty 1297
 Proviso 1297
 Imported and re-inspected..... 1292
 Incorrect brands to be erased..... 1293
 Inspected, to be marked, &c..... 1297
 Inspector to verify weight..... 1296
 Deficiency to be made good..... 1296
 Penalty for neglect..... 1296
 Proportion of each lot to be weighed. 1296
 Manufacturer or packer to mark his name, &c., on each barrel..... 1295
 "Meal", what to include..... 1292
 Mode of inspection..... 1292
 Name of packer, &c., to be marked on barrel 1293
 Offering for sale flour deficient in weight—Penalty for 1297
 Qualities of flour..... 1294
 "Extra superfine" 1294
 "Fancy superfine" 1294
 "Fine" 1294
 "Fine middlings" 1294
 "Ship stuffs" or "pollards"..... 1294
 "Spring extra" 1294
 "Strong bakers" 1294
 "Superfine" 1294
 "Superior extra" 1294
 Qualities of meal 1294
 "Fine" 1294
 "First" 1294
 "Indian corn meal"..... 1294
 "Oatmeal" 1294
 "Rye flour" 1294
 "Second" 1294
 "Superfine" 1294
 "Third" 1294
 Store to be provided, &c..... 1292
 Transmission of samples of qualities.... 1295
 Undermarking—Penalty for..... 1297
 Uniform standards, how to be established..... 1295
 Unsoundness to be noted..... 1293
 Weekly statement by inspector..... 1297
 Weight of barrel and half barrel..... 1295
 Where to be branded..... 1293

GENERAL INSPECTION ACT—Continued.

Where to be inspected..... 1292
Fraudulent acts, and penalties therefor.. 1290
 Altering contents of marked packages.. 1290
 Altering or effacing marks..... 1290
 Counterfeiting marks..... 1290
 Giving false certificate..... 1290
 Using old packages..... 1290
Fraudulent evasion of Act—Penalty for. 1290
General provisions..... 1283
Grain—See "Wheat, &c."..... 1298
Herrings..... 1315
Hides, &c..... 1324
Hiring or lending marks or marking instruments—Penalty for..... 1290
Indian corn..... 1300
Indian meal..... 1294
Inspection divisions..... 1283
Inspection not compulsory..... 1289
Inspection of fish, &c., where to take place..... 1321
Inspector..... 1286
 Custody of bond of 1286
 Evidence of copy of bond 1286
 Security to be given by..... 1286
Inspector or deputy—Offences by..... 1290
 Acting out of his district..... 1290
 Conniving at evasion of Act..... 1291
 Giving untrue certificate..... 1291
 Lending instruments..... 1291
 Penalties..... 1291
Inspector—Penalty for refusal to act as. 1290
Inspectors—Appointment of..... 1283
 How appointed in case of failure of examiners to certify..... 1284
Leather, &c..... 1324
Lien for inspectors' fees..... 1289
Limitation of time for bringing suits..... 1291
Mackerel..... 1314
Meal. See Flour and Meal..... 1292
Oath of examiners..... 1284
Oath of inspector..... 1285
Oats..... 1300
Oils..... 1312, 1319
Peas..... 1300
Penalties—Application of..... 1291
Penalty in case of inspector refusing to act..... 1290
Penalty not over \$40, how recoverable... 1291
Penalty over \$40, how recoverable..... 1291
Pickled fish and fish oils..... 1312
 Branding irons—Inspector to furnish... 1312
 Certificate of inspector..... 1314
 Duty of inspector..... 1313
 "Fish oils"—Definition of..... 1312
 Inspecting, &c., to be done in presence of inspector..... 1313

The figures denote the pages which are numbered at the bottom.

GENERAL INSPECTION ACT—Continued.

Penalty for falsely branding.....	1313
Qualities of fish.....	1314
Tierces, barrels, &c., for.....	1313
Hoops, how to be put on.....	1313
How to be made.....	1313
Marking, how to be done.....	1313
Size of, &c., &c.....	1313
Pork—Beef and.....	1302
Pot and pearl ashes.....	1308
Adulterated, how branded.....	1309
Branding the sorts, &c.....	1309
Crustings and scrapings, how disposed of.....	1309
Description of barrels to be used.....	1309
Exemptions from inspection.....	1312
Marking exempted articles.....	1312
Penalty for contravention.....	1312
False bill of inspection.....	1312
Fees for inspection.....	1311
Inspection how to be made.....	1308
Montreal—Special provisions as to.....	1310
Ashes to be insured.....	1310
Fees for insurance, &c.....	1311
Further provisions, &c.....	1310
Returns to be made, &c.....	1312
Offences and penalties.....	1312
Qualities of pearl ashes.....	1309
“First sort”.....	1309
“Second sort”.....	1309
“Third sort”.....	1309
Qualities of pot ashes.....	1309
“First sort”.....	1309
“Second sort”.....	1309
“Third sort”.....	1309
Repacking, weighing and marking.....	1309
Time for inspection.....	1311
Raw hides and leather.....	1324
Books to be kept by inspector.....	1326
Contents, what to show.....	1326
Penalty for neglect.....	1327
Brands and stamps.....	1325
Brands or marks described.....	1326
Calf, kip and red or moccasin leather..	1325
Classes of leather.....	1325
Fees for inspection.....	1324
Forms of brands.....	1326
Harness leather.....	1324
Inspection, how and where to be made.	1324
Inspectors—Appointment of.....	1324
Liability for deficiency, limited.....	1326
Mode of branding or stamping.....	1325
Quality and marking.....	1324
“Raw hides,” what to include.....	1324
Red leather, &c., and harness leather, how marked, &c.....	1326
Sole leather—Qualities of.....	1325

GENERAL INSPECTION ACT—Continued.

Semi-annual returns to Minister of In- land Revenue.....	1327
Stamp, &c.—None but inspector to.....	1325
Exception.....	1325
Penalty, &c.....	1325
Storage and expenses.....	1324
Superficial measures, &c.....	1325
Inspection of leather sold by.....	1325
Weight—Leather distinguished by.....	1325
Weight—Power of inspector in respect of.....	1324
Regulations by Governor in Council.....	1287
Penalty for contravention of.....	1287
Reshipment of fish—Non-application of this Act in case of.....	1321
Returns or reports of official acts.....	1287
Rye.....	1300
Salmon.....	1314
Senior deputy, when to act as inspector..	1286
Settlement of disputes by experts.....	1287
Additional examiners.....	1288
Board of examiners to act.....	1288
By consent—Chief inspector may settle.	1288
Costs of disputes.....	1288
Difference between inspectors.....	1288
Inspector to be governed by decision..	1287
Referees—Appointment of.....	1287
Where there is a board of trade, &c.....	1287
Short title.....	1283
Spring wheat.....	1298
Trout—Lake and salmon.....	1317
Trout—Sea.....	1316
Wheat and other grain.....	1298
Barley.....	1300
No. 1.....	1300
No. 2.....	1300
No. 3.....	1300
No. 3, extra.....	1300
No. 4.....	1300
“Rejected”.....	1300
Bill of inspection to be furnished.....	1301
Entry on the inspector's book.....	1299
Indian corn.....	1300
No. 1.....	1300
No. 1, white.....	1300
No. 1, yellow.....	1300
No. 2.....	1300
“Rejected”.....	1300
Oats.....	1300
No. 1.....	1300
No. 2.....	1300
“Rejected”.....	1300
Peas.....	1300
No. 1.....	1300
No. 2.....	1301
No. 3.....	1301

The figures denote the pages which are numbered at the bottom.

GENERAL INSPECTION ACT—Concluded.		GEOLOGICAL AND NATURAL HISTORY, &c.—Concluded.	
" Rejected ".....	1301	Railway and canal companies to furnish copies of plans, &c.	248
Provisions as to grain	1301	Yearly report of Director.	248
Rates of inspection	1301	GOVERNMENT HARBORS, PIERS, &c.	
Rye	1300	<i>See Harbors, Piers, &c.</i>	1215
No. 1	1300	GOVERNMENT RAILWAYS ACT	573
No. 2	1300	Application of Act.....	574
" Rejected ".....	1300	Branch railway may be made	576
Sample of standards	1302	Bridges to be properly floored.....	576
Spring wheat.....	1298	Companies' telegraph—Use of, by Government.....	584
Extra Manitoba hard	1298	Constables.....	585
Goose wheat No. 1.....	1298	Conveyance of H. M. forces, mails, &c....	585
" " No. 2.....	1299	Crossing a navigable river or canal.....	576
" " No. 3.....	1299	Deputies, &c.—Powers of.....	574
No. 1 Canada hard.....	1298	Fences and cattle guards	578
No. 2 Canada hard.....	1298	Crossings to be fenced.....	579
No. 1 Manitoba hard.....	1298	How to be constructed.....	578
No. 2 Manitoba hard.....	1298	Liability of Her Majesty till fences, &c., are made.....	579
No. 1 Northern spring	1298	Forfeitures—Penalties and	587
No. 2 Northern spring	1298	General provisions.....	584
No. 3 Northern spring	1298	Her Majesty's forces, mails, &c.—Conveyance of.....	584
No. 1 spring.....	1298	Highways and bridges.....	577
No. 2 spring.....	1298	Ascent of bridge carrying highway over railway	577
No. 3 spring.....	1298	Height of lowest part of structure over railway	577
Rejected spring.....	1298	Highway bridges hereafter constructed—Height of.....	578
Uniform standard of grain how to be established	1301	Railway not to be carried along highway without leave.....	577
Weekly statement by inspector.....	1302	Rise of rail above road limited.....	577
Wheat to be weighed	1299	Span and height of arch over railway... ..	577
Winter wheat	1299	Injuries to cattle.....	579
Admixture of inferior wheat.....	1299	Cattle not to be at large, &c.....	579
" Condemned " when	1299	Liability of Her Majesty, when.....	579
Entry on the inspector's book.....	1299	Non-liability in following cases	580
Extra white	1299	Cattle at large	580
" No grade "	1299	Coming from other lands.....	580
No. 1, mixed	1299	Coming through fence properly made	580
No. 2, mixed	1299	" " gates left unfastened	580
No. 3	1299	Contravention of section 20	580
No. 1, red	1299	Intercolonial Railway.....	590
No. 2, red	1299	Certified copies of plans—Effect of.....	590
No. 1, white.....	1299	Definition of.....	590
No. 2, white.....	1299	" Expropriation Act "	590, 591
" Rejected ".....	1299	Filing of plans, &c.....	590
Winter wheat.....	1299	Lands taken under local Acts	590
		Certified copies—Effect of.....	591
GEOLOGICAL AND NATURAL HISTORY SURVEY OF CANADA—		Plans of lands taken for.....	590
An Act respecting the	247	Interpretation	573
Director of Geological Survey.....	247	" Arbitrators ".....	573
Duties of persons employed.....	247	" Chief superintendent ".....	573
Measurements and marks for topographical purposes.....	248		
Mineralogy of Canada.....	247		
Minister of the Interior to have control and management	247		
Museum in connection with	247		
To be open to the public	248		

The figures denote the pages which are numbered at the bottom.

GOVERNMENT RAILWAYS ACT—Continued.	GOVERNMENT RAILWAYS ACT—Concluded.		
" Constable ".....	574	Arrest of offenders.....	586
" County ".....	574	Dismissal of, by whom.....	587
" Department ".....	573	Duties of.....	586
" Deputy ".....	573	Effect of dismissal.....	587
" Engineer ".....	573	Location of.....	586
" Goods ".....	574	Names of, to be recorded.....	587
" Highway ".....	574	Neglecting duty.....	587
" Lands ".....	573	Oath of office of.....	586
" Minister ".....	573	Powers of.....	586
" Official arbitrators ".....	573	Railways to be public works.....	584
" Railway ".....	574	Rules and regulations.....	583
" Secretary ".....	573	Fines may be imposed.....	583
" Superintendent ".....	573	Governor in Council may make.....	583
Liability for neglect of officer, &c.....	585	Seizure and sale of goods.....	584
Lines of telegraph—Construction of.....	584	Short title.....	573
Navigation not to be impeded.....	576	Signboards at railway crossings.....	578
Noxious weeds to be cut down.....	585	Telegraph—Construction of lines of.....	584
Officers—Protection of.....	585	Tolls—	
Penalties and forfeitures.....	587	Governor in Council may fix.....	583
Boring casks, &c.....	589	How payable.....	583
Breaking packages, &c.....	589	Recovery of.....	583
Constable, neglecting duty.....	587	To be paid to Receiver General.....	583
Dangerous goods—Sending.....	588	Witnesses may be examined on oath.....	585
Driver or conductor, intoxicated.....	588	Working the railway.....	580
Going on track, &c., with cattle, &c.....	589	Application of proceeds of sale of un-	
Imprisonment in default, &c.....	590	claimed goods.....	582
Misdemeanor.....	588	Bell and whistle, how and when to be	
Obstructing officers.....	589	sounded.....	582
Officers or servants contravening regu-		Contrivances on passenger trains.....	580
lations, &c.....	588	Crossing a draw or swing bridge.....	580
Placing freight cars, &c., in rear of		Dangerous explosives.....	583
passenger cars.....	588	Dangerous goods may be refused.....	583
Recovery of pecuniary penalties.....	589	Employee at level crossing.....	581
Resisting constable.....	587	Liability for neglecting to give warning	582
Violation of rule, &c., by official, when		Lien for freight and charges.....	581
person injured thereby.....	588	Notice.....	582
When person not injured thereby.....	588	Passengers and goods, &c.....	581
Walking on the track.....	589	Passengers to produce tickets, or be re-	
Powers of Minister to.....	574	moved.....	582
Carry railway across streams.....	575	Precaution when moving reversely.....	581
Change location of line.....	575	Reduced speed through cities.....	581
Construct all necessary works.....	574	Removal of passenger, on not producing	
Convey persons and goods.....	575	tickets.....	582
Cross or unite with other railways.....	575	Risk of owners of goods.....	582
Enter on lands.....	574	Sale of goods, &c.....	581
Erect necessary buildings.....	575	Sale of unclaimed goods.....	582
Erect snow fences.....	575	Servants to wear badges.....	581
Explore and survey, &c.....	574	Standing on platform.....	582
Fell timber.....	574	Trains to run at regular hours.....	581
Fix the site of railway.....	574	GOVERNMENT SAVINGS BANKS—An	
Make and work railway.....	575	Act respecting.....	1631
Make conduits or drains.....	575	Assistant Receiver General—Appoint-	
Proclamation—Publication of.....	585	ment of.....	1631
Railway constables.....	585	Collectors of customs in New Brunswick.	1631
Administration of oath to.....	586	Deposits and duties of officers.....	1631
Appointment of.....	585	Deposits, how entered, made and proved.	1633

The figures denote the pages which are numbered at the bottom.

GOVERNMENT SAVINGS BANKS—*Concluded.*

Deposits in N. S. and N. B. July 1, 1867—	
Capital represented by.....	1636
Deposits may be received from whom.....	1632
Deposits to form part of Consolidated Revenue Fund.....	1634
Detailed account to be furnished to Minister.....	1634
Disposal of deposits and payment of withdrawals.....	1633
Establishment of.....	1631
Increase of public debt.....	1635
Beyond amount authorized.....	1635
Consolidated Revenue and Audit Act.....	1635
Debentures—Purchase of.....	1635
Inspectors—Appointment of.....	1632
Interest on deposits.....	1634
Interpretation.....	1631
“Agent”.....	1631
“The Minister”.....	1631
Name of depositor not to be disclosed.....	1633
Name, residence and occupation of depositor to be given.....	1633
Oath to be taken by agent, &c.....	1632
Offences and penalties.....	1636
Agents, &c.....	1636
Defacing, altering, &c., books.....	1636
Embezzlement, &c., felony.....	1636
Falsely demanding deposits, &c.....	1636
Falsely pretending to own deposits, &c.....	1636
Payments may be made, to whom.....	1632
Penalties—Offences and.....	1632
Periodical report.....	1633
Regulations, &c.....	1634
Binding effect of.....	1635
Copies to be laid before Parliament.....	1635
Governor in council may make.....	1634
Publication of.....	1635
Report by agent to Minister.....	1633
Returns.....	1635
Accounts to be laid before Parliament.....	1635
Monthly statement by Minister.....	1635
Security to be given by agents, &c.....	1632
Trusts—Officers not bound to see to.....	1634
Valid payments—What shall be.....	1634
GOVERNMENT VESSELS DISCIPLINE ACT.....	1001

GOVERNMENT VESSELS DISCIPLINE ACT—*Concluded.*

County or district in which offences may be tried.....	1005
Deserters may be apprehended without warrant, when.....	1004
May be sent on board in lieu of being imprisoned.....	1004
Discipline.....	1002
Entry of offence in log-book.....	1003
“ of offender's reply.....	1004
Proceedings thereupon.....	1004
Interpretation.....	1001
“Master”—Meaning of.....	1001
Offences and their punishment.....	1002
Absence without leave.....	1003
Assault on officers.....	1003
Combining to disobey.....	1003
Continued disobedience.....	1003
Desertion.....	1002
Neglecting or refusing to join vessel.....	1003
“ “ to proceed on voyage.....	1003
Quitting vessel without leave.....	1003
Wilful damage or embezzlement.....	1003
Wilful disobedience.....	1003
Offenders may be sent on board before expiry of term of imprisonment.....	1005
Penalty for improper arrest.....	1004
Proof of desertion—What, sufficient, as to forfeiture of wages.....	1005
Ship's book—	
Columns of, how to be headed.....	1002
Conditions of engagement of men, and what ship's book shall show.....	1001
Contents of, to be read over to men engaged.....	1002
Men engaged to have this Act read to them, and to sign ship's book.....	1001
Short title.....	1001
GOVERNMENT WORKS FOR THE TRANSMISSION OF TIMBER—	
Tolls on. <i>See</i> Tolls on Government Works, &c.....	1279
GOVERNOR GENERAL - An Act respecting the.....	15
Corporation sole.....	15
Salary	15
GRAIN—Inspection of. <i>See</i> General Inspection Act.....	1298

The figures denote the pages which are numbered at the bottom.

H

HARBOR AND RIVER POLICE OF THE PROVINCE OF QUEBEC—An Act

respecting the	1235
Annual report by Minister.....	1236
Application of moneys levied.....	1236
Boarding vessels to arrest or search.....	1235
Clearance not allowed till duty paid.....	1236
Constables—Harbor and River Police..	1235
Duty on vessels—Levy of.....	1236
How often payable.....	1236
Lien upon vessel for.....	1236
Not payable at both ports.....	1236
Vessels of 100 tons or under.....	1236
“ over 100 tons	1236
Entry or clearance not allowed till duty is paid.....	1236
Extent of jurisdiction.....	1235
Interpretation	1235
Montreal and Quebec—Police force at....	1235
Penalty for disobedience of orders	1235
Penalty for entering or clearing without paying duty	1236
Police force at Montreal and Quebec.....	1235
Rules and regulations	1235
Summary trials of.....	1235
Superintendents of.....	1235
“Vessel”—Meaning of expression.....	1235
HARBOR DUES—Exemption, &c., from...	
<i>See</i> Exemption of Transports, &c	1233
HARBOR MASTERS' ACT.	1227
Annual report of.....	1227
Application of Act.....	1227
Appointment of.....	1227
Balance of fees over salary to be paid to Consolidated Revenue Fund.....	1229
Books to be kept, and contents.....	1229
Buoys—Duties in reference to.....	1228
Copies of regulations to be furnished to masters and pilots.....	1228
Duties and powers of.....	1227
Fees—Scale of	1228
Certain harbors (Quebec)—As to.....	1229
When and how often payable.....	1229
Interpretation	1227
Penalties for breach of regulations.....	1228
Penalties, how recoverable.....	1230
Ports excepted.....	1227
Prosecution for violation of regulations.....	1228
Regulations imposing penalties.....	1228
Salaries of, not to exceed \$600.....	1229
Short title.....	1227

HARBORS, PIERS AND BREAKWATERS

—An Act respecting Government.....	1215
Accounts to be rendered, of dues, &c....	1216
Application of penalties.....	1216
Application of tolls.....	1216
Canada Gazette - Publication of regulations in.....	1216
Clearance, when to be granted.....	1216
Collection of tolls, &c., how enforced....	1215
Construction and repairs of.....	1215
Governor in Council may make regulations, &c.....	1216
Harbors excepted from this Act.....	1217
Minister of Marine and Fisheries—	
Works under control of	1215
Officers—Appointment of.....	1215
Penalties, Gov. in Council may impose..	1215
Recovery and application of.....	1216
“Public Works of Canada—Act respecting.” not impaired or affected by this Act.....	1216
Recovery of penalties.....	1216
Sale of goods liable for tolls.....	1216
“Summary proceedings before Justices of the Peace—Act respecting” Application to this Act.....	1216
Tolls and dues—Application of.....	1215
“ “ —Collection of.....	1215
Unpaid tolls, how levied.....	1216
HERRINGS—Inspection of. <i>See</i> General Inspection Act	1315
HIDES, &c.—Inspection of. <i>See</i> General Inspection Act.....	1324
HIGH COMMISSIONER FOR CANADA IN THE UNITED KINGDOM—An Act respecting.....	201
Duties of	201
Salary of.....	201
HISTORY AND DISPOSAL OF ACTS.	
<i>See</i> Appendix No. 1.	2319
HOLIDAY. <i>See</i> Dominion Day, &c.....	1531
<i>See also</i> Interpretation Act	4
HOMESTEAD EXEMPTION ACT.	797
Affidavit, &c., of witness	798
<i>See</i> Form C. of Schedule	801
Alienation or devise of homestead.....	798
Minor child's right protected.....	798
Wife's right protected.....	798
Application of widow to have homestead cancelled.....	800
<i>See</i> Form D. of Schedule	802
Creditors, How their rights are limited..	798

The figures denote the pages which are numbered at the bottom.

HOMESTEAD EXEMPTION ACT—Concluded.

Duration and amount of homestead exemption..... 797

Exceptions—

 Debts due the Crown..... 798

 Mortgages..... 798

 Taxes..... 798

Entry on certificate of registrar..... 799

Estate for life..... 797

Governor in Council may amend schedules..... 800

“Homestead”—Meaning of..... 797

Homestead rights on wife's lands..... 800

Homestead worth more than \$2,000—Provision for creditors in such case..... 798

Interpretation..... 797

Registration by married man..... 798

 Affidavit in such case..... 798

 See Form A. of Schedule..... 800

 Joint ownership of wife..... 798

 How forfeited..... 798

Requisition to register..... 799

 See Form B. of Schedule..... 801

Right of widow of intestate..... 800

 “ “ testator..... 800

Schedule of forms..... 800

 Affidavit, &c., of witness..... C. 801

 “ of declaration of marriage...A. 800

 Application to have homestead cancelled.....D. 802

 Requisition to register.....B. 801

Short title..... 797

Who may register and of what extent..... 797

Wife, how made joint owner..... 798

HOMICIDE. See Offences against the Person..... 1887

HOSPITALS FOR SICK MARINERS. See Sick and Distressed seamen..... 1105

HOUSE OF COMMONS. See Dominion Controverted Elections Act..... 149

See Electoral Franchise Act..... 19

“Representation Act..... 47

“Senate, &c..... 179

HOUSE OF COMMONS—An Act respecting the

Accountant, to be appointed..... 195

Bank account to be opened by..... 195

Security to be given by..... 195

Surplus moneys..... 195

Clerk and other officers to take oath..... 196

Commissioners of internal economy..... 194

Disqualification as members..... 191

Estimate of indemnity and mileage of members..... 194

Indemnity to be subject to order of commissioners..... 194

Internal economy.....*..... 194

Member not eligible to Provincial Legislature..... 191

Members may resign—How..... 192

 Declaration, how made..... 192

 New writ to issue..... 192

 Not to resign while election being contested..... 193

 Notice, how given..... 192

 Speaker—Provisions as to, in certain cases..... 192

Oath of allegiance to be taken..... 196

Officers—Complaints against..... 195

Penalties imposed..... 192

Provincial Legislatures—Members of, not eligible to..... 191

Resignation of members..... 192

Speaker to act till another chosen..... 194

Suspension or removal of officers, clerks, &c., provided for..... 195

Vacancies by death, &c..... 193

 New writ to issue..... 193

 Speaker—Provisions as to, in certain cases..... 193

HOUSE OF COMMONS—Elections of members of. See Dominion Elections Act..... 89

HOUSE OF COMMONS—Speaker of. See Speaker of the House, &c..... 197

I

ILL-FAME—House of. See Public Morals, &c..... 1872

IMMIGRATION ACT..... 949

“Act respecting inquiries concerning public matters”—Inquiry may be made under..... 962

Agent to visit vessel before entry..... 960

Application of moneys levied under this Act..... 966

IMMIGRATION ACT—Continued.

Compensation—Incorporated company may be compelled to make, on inquiry..... 962

Contracts—Enforcement of..... 951

Duties and penalties—Recovery of..... 963

Duty payable on immigrants..... 950

 Additional duty on immigrants from Europe..... 951

The figures denote the pages which are numbered at the bottom.

IMMIGRATION ACT—Continued.

How such duty shall be paid.....	951
By master of vessel when proper sanitary observances have not been regarded.....	950
Commissariat drafts to be accepted in payment of.....	950
First entry—Duty to be paid on.....	950
Passengers not landed in Canada—No duty on.....	950
Proclamation from time to time.....	951
Sections 5 and 6, when to take effect....	951
Enforcement of contracts.....	951
Recovery of money on bonds given by immigrants.....	951
Undertaking to work.....	952
Grosse Isle—Special provisions concerning.....	957
Immigrants not to be solicited except by licensed persons.....	960
Penalty for contravention.....	960
Immigration agents—Who shall be.....	949
Immigration office, where to be located.....	949
Inquiry into complaints.....	962
Interpretation.....	949
“Immigration agent”.....	949
“Master”.....	949
“Passengers”.....	949
“Ship” and “vessel”.....	949
License, how obtained, duration and cost of.....	960
Local governments—Money granted by, how to be used.....	950
Lunatic, &c., to be reported.....	955
Bond, &c., dispensed with, when.....	956
Bond, how disposed of.....	957
Bond, to be given.....	955
Evidence of re-conveyance.....	956
Money paid in lieu of bond may be applied to re-conveyance.....	956
Money paid in lieu of security.....	955
Nature of sureties.....	955
Necessity for enforcing bond, how ascertained.....	957
Penalty for refusal or neglect to execute bond.....	956
Penalty how recovered.....	957
Proceedings if person becomes a charge	956
Sending back to port from which he came.....	956
Subsequent proceedings.....	955
Masters of vessels—Obligations of.....	952
Medical superintendent may make regulations in regard to Grosse Isle.....	957
Moneys levied and expended.....	965
Obligations of masters of vessels.....	952

IMMIGRATION ACT—Continued.

Passenger may leave vessel before her arrival at port of destination.....	953
Proceedings in such case.....	953
Penalty for violation.....	953
Penalty for carrying passengers not entered on list.....	953
Pilot to report contravention of Act....	953
Penalty for neglect.....	953
To report before passengers leave vessel.....	952
Penalty for violation.....	952
Passengers—Protection of.....	958
Berths, &c., not to be removed for 48 hours.....	958
Landing places — Governor General may appoint.....	958
Landing—Provisions as to.....	959
Penalty for contravention.....	959
May remain on board for 48 hours.....	958
Penalty for contravention.....	958
Passengers and luggage to be landed free of expense.....	958
Pauper immigrants, &c.—Landing of, may be prohibited.....	957
Penalties—Recovery of duties and.....	963
Penalty for breach of law or contract with respect to foreign immigrants... ..	959
Proof in such case.....	959
Pilot to keep signal hoisted till agent has visited vessel.....	961
Prevention of intercourse between crew and female immigrants.....	962
Notice to be posted up.....	963
Penalty for default.....	963
Penalty for contravention as against the master.....	963
Property of immigrant parents dying....	962
Proportion of passengers to size of vessel.	952
“Adult”—Definition of.....	952
To area of lower deck.....	952
To tonnage.....	952
Penalty for contravention.....	952
Protection of passengers.....	958
Quarantine officers—Duties of.....	955
Medical superintendent.....	955
Quarantine stations.....	950
Recovery of duties and penalties.....	963
Application of penalties.....	964
Conviction of offenders.....	964
Costs and imprisonment.....	964
Distress and sale of goods.....	965
Imprisonment.....	965
Lien on vessel.....	963
Misdemeanor—When offence is a.....	964
Penalties generally, how recovered....	964
Summons to be issued.....	964

The figures denote the pages which are numbered at the bottom.

IMMIGRATION ACT—Concluded.

Want of form—Proceedings not to be questioned for..... 965

Where, prosecutions against tavern keepers, &c., may be brought..... 963

Report by the master..... 953

Particulars required in..... 954

Penalty in default..... 954

Passengers who have died—Entry as to Collector of customs to give receipt for proceeds of property of..... 954

Disposal of property of..... 954

To be delivered within 24 hours..... 953

Penalty in default..... 954

Runners not to board vessels before passengers are landed..... 960

Schedule..... 966

Particulars relative to vessel..... 966

Passengers—Names and description of. Summary and certificate..... 967

Seduction of female immigrants—Provision against..... 962

Selling tickets to immigrants at an advance - Penalty for..... 961

Short title..... 949

Signal, to be hoisted until agent has visited vessel..... 961

Tavern, hotel or boarding house keepers to display lists of prices, &c..... 961

Lien on immigrants goods limited..... 961

Penalties..... 961

“The Passengers Act, 1855”—Violation of..... 962

“The Passengers Act Amendment Act, 1863—Violation of..... 962

Vicious immigrants—Landing of, may be prohibited..... 958

IMMIGRATION AID SOCIETIES—An Act respecting..... 969

Agent to give number of society..... 971

Agents in Europe to take security from emigrants for repayment of advances. Sums advanced to emigrants by society in United Kingdom may be included.. 973

Application for the employment of immigrants..... 972

To be forwarded to district agent with report of society thereon..... 972

To be transmitted to agents in Europe with funds advanced..... 972

Constitution and by-laws of..... 970

Corporate seal of..... 971

Corporation of, on approval..... 971

Declaration—Duplicate of, to be sent to district agent for approval and certificate..... 970

Form of, *See* Schedule..... 974

Districts, agents and offices..... 969

IMMIGRATION AID SOCIETIES—Concluded.

Notice of, to be given..... 969

Emigrant may bind himself to serve nominee of society, &c..... 972

Obligation, how enforced..... 972

Evidence of duplicate copy of declaration..... 971

Form of declaration..... 974

Formalities to be complied with..... 970

Interpretation..... 969

“Currency”..... 969

“Immigrant”..... 969

“Immigration”..... 969

Language..... 969

“Minister of Agriculture”..... 969

Negotiable instruments, &c..... 969

“Society”..... 969

Powers of—Lending and borrowing money..... 971

Schedule—Form of declaration..... 974

Signatures of members..... 970

Subscriptions and capital..... 969

Total liabilities limited..... 972

IMMIGRATION AND IMMIGRANTS. See Immigration Act..... 949

IMMIGRATION—Chinese. See Chinese Immigration Act..... 975

IMPROPER USE OF FIRE-ARMS AND OTHER WEAPONS. See Fire-arms, &c..... 1841

INCORPORATION OF BOARDS OF TRADE. See Boards of Trade..... 1733

INCORPORATION OF JOINT STOCK COMPANIES BY LETTERS PATENT. See Companies Act..... 1571

INDIAN ACT..... 647

Application of Act..... 648

Assistant Indian Commissioner..... 649

Band—Membership of..... 650

Bridges—Roads and..... 659

Chiefs—Election of..... 670

Regulations, &c., to be made by..... 670

Compensation for portion of reserve used for any purpose or trespassed upon.... 659

Department of Indian Affairs..... 649

Deputy Governor..... 649

Deputy of the Superintendent General... 649

Descent of property..... 652

Election of chiefs..... 670

Enfranchisement..... 673

Exemption from taxation..... 671

Expressions—Meaning of..... 647

Forfeiture of lands, &c..... 660

General provisions..... 685

Affidavits taken, before whom..... 685

Certified copies, when evidence..... 686

Compensation for improvements..... 685

The figures denote the pages which are numbered at the bottom.

INDIAN ACT—Continued.

Consent of band, how obtained.....	685
Council of chiefs.....	685
Election of chiefs.....	685
Homesteads.....	685
Publication of regulations.....	686
Undisturbed occupation.....	685
Half-breeds in Caughnawaga.....	651
" in Manitoba.....	650
Indian Affairs—Department of.....	649
Indian Commissioners—Appointment of..	649
Indian Superintendent.....	649
Interpretation.....	647
Investment of Indian funds under direc- tion of Governor in Council.....	669
Keewatin.....	649
Legal rights of Indians.....	672
Exemption from lien or charge.....	672
Exemptions from seizure.....	672
Pawns not to be retained.....	672
Punishment.....	672
Rights of action.....	672
Seizure of presents, &c.....	673
Traffic in presents, &c., restricted.....	673
Maintenance of roads, bridges, ditches and fences.....	659
Management of Indian moneys.....	669
Manitoba.....	649
Meaning of expressions.....	647
Membership of band.....	650
Minister of the Interior, &c.....	649
Moneys—Management of Indian.....	669
North-West Territories.....	649
Offences and penalties.....	677
Agents giving false information as to lands.....	681
Agents purchasing or becoming inter- ested in lands.....	682
Appeals shall lie, to what judge.....	681
Certiora-i, not allowable.....	681
Evidence.....	683, 684
Inciting Indians.....	682
Intoxicants—Concerning offences relat- ing to.....	677 to 680
"Potlach"—Celebrating the festival..	683
Prostitution.....	681
Sale or gift of ammunition after it is pro- hibited.....	682
"Tamana was"—Celebrating the dance	683
Officers and agents—Appointment of.....	649
Penalties, &c.....	677
Property—Descent of.....	652
Regulations to be made by chiefs.....	670
Release or surrender of a reserve, when valid.....	660
Reserves, generally.....	651
Trespassing on.....	653

INDIAN ACT—Concluded.

Roads and bridges.....	659
Sale and transfer of lands.....	661
Cancellation of patent in case of error, &c.....	664
Cancellation of patent in case of fraud, &c.....	663
Certificate of sale or receipt.....	661
Compensation, provided for.....	664, 665
Courts may avoid patent.....	665
Deficiency of land, cases provided for..	664
Evidence of possession.....	661
Lands patented twice.....	664
Limitation of time for claim.....	664, 665
Patents, how issued, &c.....	662
Registers of assignments.....	661
Rent due Crown—Payment of.....	664
Writ of possession—Order in the nature of, may be granted.....	663
Sale or barter of grains or root crops or other produce, and of maple trees grown on reserves.....	658
Short title.....	647
Superintendent General.....	649
Surrender and forfeiture of lands.....	660
Taxation—Exemption from.....	671
Timber lands.....	665
Description in license.....	666
Length of license.....	665
Liability for payments of dues.....	666
Licensee to make return.....	666
Licenses to cut trees.....	665
Punishment for unlawfully cutting trees, &c.....	667
Sale of seized timber.....	666
Seizure of trees cut unlawfully.....	667
Trial of validity of seizure.....	668
Transfer of lands—Sale and.....	661
Trespassing on reserves.....	653
Arrest and imprisonment.....	655
License by Superintendent General, may be granted.....	656
Penalty for removing certain things...	653
Punishment of Indians trespassing on the lands of other Indians.....	657
Punishment of trespassers generally....	655
Recovery of penalties and costs.....	656
Removal and punishment of persons re- turning, &c.....	654
Removal of trespassers and their cattle.	654
INDIAN ADVANCEMENT ACT.....	687
Application of Act.....	687
Assessment.....	691
Council. See General provisions.....	687
Disqualification for councillor.....	691
Election of council.....	688
General provisions.....	687

The figures denote the pages which are numbered at the bottom.

INDIAN ADVANCEMENT ACT—Concluded.

Appeal to Superintendent General	691
By-laws—Amendment of	691
Council—Election of.....	688
Council may make by-laws, &c., upon the following subjects:—	
Amending, &c., by-laws.....	691
Appropriation of certain funds.....	691
Assessment.....	691
Health.....	690
Intemperance, &c.....	690
Order.....	690
Penalties, and enforcement thereof.....	691
Religious denomination of school teacher.....	690
Removal of trespassers.....	690
Revenue.....	690
Roads, &c.....	690
School houses, &c.....	690
Subdivision of reserve.....	690
Trespass.....	690
Watercourses, &c.....	690
Indian Act—Application of, to this Act..	687
Interpretation.....	687
Proof of by-laws.....	692
Revenue.....	690
INDIANS—An Act respecting. See Indian Act.....	647
INDICTABLE OFFENCES, &c., IN THE PROVINCES OF ONTARIO, QUE- BEC AND MANITOBA. See Speedy Trials Act.....	2097
INDICTMENTS—Forms of. See Criminal Procedure Act, 2nd schedule.....	2092
INDUSTRIAL DESIGNS See Trade Mark and Designs Act.....	939
INFECTIOUS OR CONTAGIOUS DIS- EASES. See Animals Contagious Diseases Act.....	985
INJURIES TO PROPERTY. See Malicious Injuries to Property.....	1963
INLAND REVENUE ACT.....	413
Alterations or additions.....	421
Applicati of Act.....	414
Assistance to inspecting officer.....	420
Assistant commissioner.....	413
Attestation—Form of.....	426
Bonded manufactures	485
Application for license.....	487
Bond—Conditions of.....	486
Certificate of collector.....	490
Drawback on goods exported.....	489
Duties of excise.....	487
Articles not produced in Canada.....	487
Goods taken out of bond.....	487
Methylated spirits.....	488
Vinegar.....	488

INLAND REVENUE ACT—Continued.

Duty on short stock.....	496
Interpretation	485, 486
Least quantity to be ex-warehoused.....	490
License fees.....	487
Licenses.....	486
Payment of duties	485
Quarterly account of stock.....	490
Regulations by order in council.....	491
Returns, what to contain.	488
Security.....	486
Spirits, &c., used in manufacturing..	488, 489
Supervision.....	489
Supply of certain articles.....	487
Unlawful removal of spirits.....	496
Bonding or warehousing—Special provi- sions as to	428
Books, accounts and papers.....	422
Books—Inspection of.....	423
Breweries.....	471
Beer for private use.....	472
Drawback, on beer exported	473
On sugar.....	473
Duties on license	472
Imitations, &c.—Duties on	473
Interpretation.....	471
Licenses.....	472
Notice of intention to export.....	473
Penalties.....	474
Brewing without license.....	474
Neglect to make return.....	474
Second offence.....	474
Returns, must show what.....	473
To be made monthly.	474
Security	472
Calculation of duties.....	427
Civil Service Act.....	413
Commissioner of Inland Revenue.....	413
Compounded spirits.....	469
Compounders.....	469
Articles to be labelled.....	471
Books and returns.....	470
General provisions.....	471
License fee.....	470
Licenses may be granted, &c.....	470
Penalties, &c.....	470
Acting without license.....	470
Removing articles not properly la- belled.....	471
Special provisions	470
Consolidated Revenue and Audit Act....	425
Control and management.....	413
Department constituted.....	413
Deputy of the Minister.....	413
Distilleries.....	450
Accounts must show, what.....	464
Apparatus, how to be constructed.....	461

The figures denote the pages which are numbered at the bottom.

INLAND REVENUE ACT—Continued.

Importation and manufacture.....	455
Not working, to be locked up.....	463
Beer reservoir.....	463
Bonding or warehousing.....	465
Bottling spirits in bond.....	466
Books, accounts and papers.....	456
Capacity of vessels.....	460
Casks, how marked.....	461
Chemical or manufacturing purposes....	465
Closed spirit receivers.....	462
Colors of pipes and conduits.....	461
Computation of duty.....	457
Abatement for refuse.....	457
Damaged grain.....	458
Directions for computation.....	458
Alcoholic value.....	459
Additional duty.....	460
Burden of proof.....	460
Inquiry and evidence.....	459
Packages.....	460
Period to which inquiry may extend	460
Quantity of beer wash.....	458
Of grain.....	458
Spirits passing into receiver.....	459
Sold or removed.....	459
Testing strength.....	459
Shrinkage from evaporation.....	457
Copies to be kept.....	461
Drawback on exportation.....	466
Established after July 20, 1885.....	465
Excise duties on spirits made from—	
Malted barley.....	456
Molasses, &c.....	457
Raw grain.....	456
Foreign grain—Spirits made from.....	466
Importation and manufacture of appa- ratus.....	455
Malt—Spirits made from.....	466
Molasses may be manufactured into spirits in bond.....	466
Licenses.....	452
Bond for security.....	452
Chemical still.....	454
Fees.....	455
Importer or maker of apparatus.....	453
Rectifier.....	453
Security to be given.....	452
List of vessels.....	460
No refund, except, &c.....	466
Penalties.....	467
Additional—When.....	468
Apparatus to be seized.....	468
Exercising business without license...	468
Unlawful perforations.....	469
Perforation in receiver not allowed.....	463
Permits.....	467

INLAND REVENUE ACT—Continued.

Pipes to convey spirits.....	462
Proportions of receiver.....	463
Repairs of apparatus.....	464
Returns, what to show.....	464
Must be made monthly.....	465
Safes, meters, &c.—By whom, supplied.	464
Safes to be approved.....	462
Space for examination of reservoir.....	463
Spirit receivers.....	462
Spirits entered for consumption.....	465
Spirits to be warehoused.....	465
Stowage of casks.....	466
Tail of worm to be enclosed in safe.....	462
Vessels and pipes to be locked up.....	464
Vessels capacity to be marked.....	461
Duties, how levied.....	425
When payable.....	427
Engines and apparatus when forfeited....	437
Erasure, defined.....	424
Erasures not allowed.....	424
Examination under oath.....	426
Extra time of officers.....	421
Felony—Who guilty of.....	441 to 443
Fines—Who liable to.....	440
Fluids, how stated.....	424
Forfeiture and seizure.....	436, 439
Forfeiture for illegal removal.....	427
Forfeiture of license, &c.....	443
General provisions as to licenses.....	415
Grains, how stated.....	424
Hours of removal.....	427
Imprisonment.....	440
Inscription over premises.....	422
Inspection of books, &c.....	423
Inspector of Inland Revenue.....	413
Interpretation of words, &c.....	414
Licenses, &c.....	415
Amount of security.....	419
Apparatus—Particulars of.....	417
Application for, in writing.....	416
Bonds to remain in force.....	418
British Columbia.....	420
Burden of proof.....	420
Expiration of.....	416
Guarantee companies.....	419
Manitoba.....	420
New license.....	418
One place, only.....	417
Payment of fees.....	420
Posting up of licenses.....	420
Proceedings on application.....	419
Proof of license.....	420
Renewal of.....	419
Subsequent licenses.....	417
Sureties, &c.....	417 to 419
Survey of premises.....	417

The figures denote the pages which are numbered at the bottom.

INLAND REVENUE ACT—Continued.

Transfer of licenses.....	419
Malting and malt houses	475
Application for license.....	476
Basis of calculation.....	480
Bond—Conditions of.....	476
Bonding or warehousing.....	483
Books, accounts and papers.....	478
Cistern—Shape of.....	478, 479
Computation of duties	480
Couch-frame to be provided.....	479
Doubts, how decided.....	481
Duties on malt.....	478
Excise duties.....	477
Fees classified.....	477
Final computation of duty.....	481
Gauging cisterns, &c.....	479
Grain, how to be deposited.....	479
Interpretation	475
Licenses.....	475, 476
New process of malting.....	481
Notice of intent to add water.....	480
“ to dry or move.....	479
“ to steep.....	479
Penalties for—	
Adding water.....	485
Fraudulently putting grain in cistern.....	484
Malting without license.....	484
Not making return.....	484
Removing malt.....	485
Unlawful delivery.....	485
“ sale or purchase.....	485
Repairs—Proviso as to.....	483
Removal.....	482
Returns to be made.....	483
Securing malt houses.....	483
Securing of warehouses.....	482
Security for license.....	476
Special account, &c.....	482
Steeping or removing grain.....	479
Storage.....	482
Supervision.....	482
Minister of Inland Revenue.....	413
Misdemeanor.....	440, 443
Monthly returns.....	425
New list may be required.....	421
Night work.....	421
Notice of intention to work.....	420
Notices, &c., how given.....	426
“ how printed, &c.....	422
Oath, before whom taken.....	426
Obligations of persons holding license.....	420
Officers may be appointed.....	413
Officers—Protection of.....	434
Costs.....	435
Damages.....	435
Limitation of action	435

INLAND REVENUE ACT—Continued.

Notice of action.....	434
Payment into court.....	435
Probable cause.....	435
Proof required.....	435
Tender.....	435
Officers, Their powers, &c.....	431
Administration of oaths	431
Breaking partitions, &c.....	431
Entry by night.....	432
Entry into buildings, &c.....	431
Examinations on oath.....	433
Forcible entry.....	432
Obstructing officer.....	433
Others to assist.....	434
Search warrant.....	433
Writs of assistance, how issued.....	433
Arresting offender.....	434
Entry search and seizure.....	434
Justices, judges, &c.....	434
Keewatin.....	434
North-West Territories.....	434
Trial of offender.....	434
Penalties	436, 439
Amounts in money, &c.....	440
Assaulting or threatening officer.....	443
Brands—Failing to obliterate.....	437
Breaking Crown's lock.....	441
Defacing entries.....	440
Engines and apparatus, when forfeited.....	437
Falsifying entries.....	440
Falsifying returns, &c.....	440
Felony—Who guilty of.....	441, 442
Fines—Who liable to.....	440
Forfeiture and seizure.....	436
Forfeiture of goods.....	440
Forfeiture of license, &c.....	443
Forfeiture of stock, apparatus, &c.....	441
Making changes without notice.....	438
Making false returns.....	438
Imprisonment	440
Misdemeanor.....	443
Neglecting to keep stock books, &c.....	440
Non-payment of duty.....	437
Not making true entries.....	440
Obstructing officers	443
Recovery of— <i>See</i> Recovery of duties and penalties.....	444
Refusing to assist officers.....	440
Refusing to make returns.....	440
Refusing to produce books.....	440
Removing leaves of books.....	440
Stamped packages.....	437
Taking away goods seized	443
Unlawfully removing bonded goods.....	442
Unlawfully using apparatus.....	443
Using apparatus not reported.....	438

The figures denote the pages which are numbered at the bottom.

INLAND REVENUE ACT—Continued.

Using secret communications.....	438
Using weights and measures not duly inspected.....	441
Penalty for working without notice.....	420
Quantities how to be stated.....	424
Recovery of duties and penalties.....	444
Appropriation of moneys.....	449
Burden of proof, on whom.....	445
Claims to property seized.....	447
Condemnation of property.....	447
Courts in which penalties are recoverable.....	448
Disposal of penalties, &c.....	449
Imprisonment in default, &c.....	448
Levy by distress and sale.....	448
Notice of claim.....	447
Notice of seizure.....	447
Payment of penalty not to discharge any duty.....	448
Perishable articles.....	444
Preferential lien of Crown.....	447
Release of goods on security.....	448
Sale of perishable articles.....	444
Schedule of property seized.....	446
Security being given.....	445
Seizure of forfeited goods.....	445
Seizures made under error.....	450
Seizures to be in name of Her Majesty.....	446
Stock in trade, &c., specially liable for duties.....	446
Storage of goods seized.....	445
Voluntary forfeiture.....	450
Witnesses, &c.....	449
Removal of excisable goods.....	427
Report of Minister.....	414
Restrictions, as to time.....	421
Returns, how attested.....	425
When and to whom made.....	425
Sale of spirits unlawfully manufactured.....	469
Seizure, and forfeiture.....	436
Stock books, what to show.....	422
Stock-taking.....	423
Sundays.....	421
Tobacco and cigars.....	491
Bonding or warehousing.....	508
Drawback, when not allowed.....	508
Evidence of compliance.....	509
Examination of packages.....	509
How long to remain in bond.....	509
Least quantity to be entered.....	508
Raw leaf tobacco.....	509
Removal in bond.....	508
Size of packages.....	508
Stowage of packages.....	508
Books, accounts and papers.....	505
Books, to be kept by whom.....	506

INDAND REVENUE ACT—Continued.

Books, what to show.....	506
Canadian leaf.....	510
Application for license.....	510
Canada twist, how put up.....	510
Forfeiture.....	510
License fee.....	510
Sale of surplus.....	510
Stamps to be affixed.....	510
Tobacco ground for private use.....	510
When to be deemed foreign leaf.....	511
Cancellation of stamps.....	504
Cancelling stamps.....	503
Completely manufactured—When.....	501
Collection of duties.....	498
Deficiency between, &c.....	501
Dimensions of label.....	503
Disposal of forfeited tobacco.....	504
“ raw material.....”	501
Duties of excise. <i>See</i> Excise duties.....	496
Duty on short production.....	502
Duty stamps.....	503
Empty stamped packages to be destroyed.....	500
Excise duties.....	496
Canadian leaf.....	497
Cigars.....	497
Drawback.....	497
Manufactured tobacco.....	496
Snuff.....	496
Fine cut, shorts, &c.....	499
Form of stamps, &c.....	504
Imported, manufactured to be stamped.....	499
Instruments for stamping, &c.....	504
Interpretation.....	491
“ Canada twist ”.....	493
“ Cancellation stamp or die ”.....	492
“ Caution label ”.....	492
“ Cigar ”.....	492
“ Cigar manufactory ”.....	492
“ Cigar manufacturer ”.....	493
“ Cigar sample box ”.....	493
“ Cigar stamp ”.....	493
“ Cigarette ”.....	492
“ Raw leaf tobacco ”.....	491
“ Standard leaf tobacco ”.....	491
“ <i>Tabac blanc en torquette</i> ”.....	493
“ Tobacco manufactory ”.....	492
“ Tobacco manufacturer ”.....	492
“ Tobacco stamp ”.....	493
Labels, &c.....	502, 503
Licenses.....	493
Applications for.....	494
Bond—Conditions of.....	494
Cigar maker not to be manufacturer of tobacco.....	495
License fee.....	495

The figures denote the pages which are numbered at the bottom.

INLAND REVENUE ACT—Continued.

Manufacturer of tobacco not to make cigars.....	495
Premises—Location of.....	495
Renewal of.....	495
Security bond.....	494
Manufactured tobacco to be in stamped packages.....	502
Minimum product from raw material....	501
Monthly returns.....	501
No foreign leaf under a license for Canada leaf.....	502
Notice where to be posted and what to contain.....	496
Numbering and registering.....	495
Packages to be labelled.....	502, 503
Packing and stamping.....	498
Penalties.....	512
Absence of stamps.....	515
Affixing forged stamps.....	515
Bringing in foreign leaf unlawfully...	517
Bringing raw material into manufactory unlawfully.....	516
Counterfeit stamps.....	514
Felony.....	515
First and subsequent offences.....	513
Forfeiture of cigars improperly packed, &c.....	518
Forfeiture of goods.....	517
“ of packages.....	513
“ of stock.....	515
Further penalty.....	513
Imported tobacco or cigars.....	517
Importing at unauthorized ports.....	514
Imprisonment.....	518
License—Doing certain things without.....	513
Misdemeanor.....	515
Not affixing caution label.....	516
Not affixing notice.....	516
Not destroying stamps.....	514
Notice.....	516
Omitting entries.....	517
Opening packages unlawfully.....	513
Putting tobacco in package used before.....	513
Raw leaf not bonded nor stamped.....	514
Receiving goods from manufacturer not duly licensed.....	516
Receiving goods not stamped according to law.....	516
Sample box cigars—Unlawfully having.....	518
Selling cigars unlawfully packed.....	517
Selling empty packages.....	514
Selling loose or unpacked foreign leaf.....	514
Unlawfully selling or having, &c.....	517

INLAND REVENUE ACT—Concluded.

Using emptied packages.....	514
Quantities, how to be stated.....	506
Raw leaf tobacco.....	511
Bond—Amount of.....	512
“ Cancelling of.....	512
How packed and removed.....	511
Ports at which it may be imported.....	511
Quantity, how ascertained.....	512
Removal in bond limited.....	511
Removal in bond to a manufactory....	512
Removals shall all be under bond, &c.	512
To be bonded.....	511
Warehousing.....	512
Weight, how stated.....	512
Regulations may be made by Governor in Council.....	505
Removal of stamps.....	500
Returns—What they must show.....	507
To be made monthly.....	508
Re-working tobacco and cigars.....	501
Sample boxes.....	500
Stamping—Packing and.....	498
Stamps—Account of to be kept.....	504
Stamps for forfeited tobacco.....	504
Stamps, how issued.....	503
Stems and sweepings.....	505
Weighing, &c.—Appliances for.....	505
Warehouses—By whom provided.....	428
Warehousing of goods.....	428
Bonding warehouse may be established by Governor in Council.....	430
Deficiency in goods.....	429
Duty, when computed.....	429
Entries—Form of.....	430
Fee for license.....	430
Goods at owner's risk.....	428
Non-compliance with regulations.....	430
Packages to be marked.....	429
Quantity, &c., to be described.....	429
Re-marking and re-stowing.....	430
Removal for consumption.....	430
Security to be given.....	428
Stowage of packages.....	429
Term limited.....	428
Transfer of goods.....	429
Warehouse, by whom provided.....	428
Warehousing regulations, how made....	450
Weights and measures—Inspection of....	425
Yearly inventory.....	423
INLAND WATERS SEAMEN'S ACT.....	1089
Agreement between master and crew....	1089
Attestation of.....	1091
Discharge and fees.....	1091
Discharge of seamen.....	1090
Duration of.....	1090
Erasures, &c., in.....	1091

The figures denote the pages which are numbered at the bottom.

INLAND WATERS Seamen's Act—Continued.

Form of, &c.....	1090
Master or owner bound to produce.....	1092
Penalty for carrying seamen without... 1090	
For fraudulently altering.....	1091
Proof of.....	1091
Right of seaman discharged without cause.....	1091
Seaman disabled by illness caused by his own wilful act.....	1092
Seaman not to sue for wages in court out of Canada except, &c.....	1092
Seaman unlawfully refusing to work... 1092	
Stipulations in relation to.....	1090
Termination of service, &c.....	1092
Amount of forfeiture, how to be ascertained when seamen contract for voyage.....	1096
Application of forfeitures.....	1096
" this Act.....	1089
Apprehension of deserters.....	1094
Articles of agreement. <i>See</i> Agreement between master and crew.....	1089
<i>See</i> form of, in schedule.....	1102
Change of master during voyage.....	1097
Cost —Deduction of, from wages limited.. 1096	
Deserters —	
Apprehension of, &c.....	1094
Enticing and harboring.....	1097
May be sent on board in lieu of being imprisoned.....	1095
May be sent on board pending term of imprisonment.....	1095
Penalty for improper arrest of.....	1095
Discipline	1093
Misconduct endangering ship, life or limb, a misdemeanor.....	1093
Engagement and wages of seamen.....	1089
Enticing and harboring deserters..... 1097	
Facilities for proving desertion..... 1096	
Forfeiture of wages.....	1096
Harboring deserters.....	1097
Interpretation	1089
" Consular office ".....	1089
" Master ".....	1089
" Minister ".....	1089
" Seaman ".....	1089
" Ship ".....	1089
" Ship subject to the provisions of this Act ".....	1089
Legal procedure	1090
" Act respecting summary proceedings " 1100	
Before whom offences may be tried..... 1100	
Constables, &c., to assist, &c.....	1101
Conviction not to be disturbed for want of form.....	1101
Evidence of seaman in his own behalf.. 1100	

INLAND WATERS Seamen's Act—Concluded.

Imprisonment in default of distress.....	1100
Limitation of time for taking action.... 1099	
Orders for payment of money.....	1100
Penalty for obstructing constable, &c. . 1101	
Recovery and application of penalties. . 1100	
Summary convictions.....	1099
Warrant to search, &c.....	1101
Master —Change of, during voyage..... 1097	
Mode of recovering wages.....	1098
Offences and their punishment.....	1093
Absence without leave.....	1093
Assault on officers.....	1094
Combining to disobey.....	1094
Continued disobedience, &c.....	1094
Desertion.....	1093
Neglect of duty.....	1094
Neglecting or refusing to join ship. 1093	
Quitting ship without leave.....	1094
Smuggling, &c.....	1094
Wilful damage or embezzlement..... 1094	
Wilful disobedience.....	1094
Penalty for false statement as to ship or name.....	1097
Question of forfeiture may be decided in suit for damages.....	1097
Recovery of wages.....	1098
Judges may make order, &c.....	1098
Master or owner may be summoned to appear.....	1098
Person liable may be committed, when.. 1099	
Restrictions on suits for wages in superior courts.....	1099
Suits unnecessarily brought in superior courts, no costs to plaintiff.....	1099
Summary remedy.....	1098
Warrant of distress.....	1098
Short title	1089
Wages —Mode of recovering.....	1098
INQUIRIES CONCERNING PUBLIC MATTERS. <i>See</i> Public Matters, &c. 1553	
INSOLVENT BANKS. <i>See</i> Winding up Act.....	1703
INSPECTION ACT. <i>See</i> General Inspection Act.....	1283
INSPECTION AND CLASSIFICATION OF SHIPS	1019
INSPECTION OF CERTAIN STAPLE ARTICLES OF CANADIAN PRODUCE. <i>See</i> General Inspection Act.....	1283
INSPECTION OF GAS AND GAS METERS. <i>See</i> Gas Inspection Act.....	1331
INSPECTION OF PETROLEUM. <i>See</i> Petroleum Inspection Act.....	1345
INSPECTION OF SHIPS. <i>See</i> Registration, &c., of Ships.....	1019

The figures denote the pages which are numbered at the bottom.

INSPECTION OF STEAMBOATS. <i>See</i>	
Steamboat Inspection Act.....	1119
INSPECTORS OF WEIGHTS AND MEASURES. <i>See</i> Weights and Measures Act.....	1384
INSURANCE ACT.....	1663
Act not to apply to—	
Companies incorporated by certain provincial statutes.....	1664
Life insurance prior to May 22, 1868.....	1664
Ocean marine insurance.....	1664
Proviso as to companies exempted, availing themselves of Act.....	1664
Annual returns by companies.....	1669
Annual statement, what to show.....	1669
Fire and inland marine. <i>See</i> Form Schedule B.....	1684
Life insurance. <i>See</i> Form Schedule A.....	1682
To be sworn to.....	1669
Form of oath. <i>See</i> Schedule C.....	1686
To declare as to charter, &c.....	1668
Application for policy—Statements in.....	1674
Application of Act.....	1664
Assessment life insurance companies—	
Mutual or.....	1677
Blank forms of statements, &c., to be furnished by superintendent.....	1670
Ceasing business—Notice of.....	1668
Changes in chief agency.....	1668
Companies, ceasing to do business, &c.....	1674
Action of Minister in case of.....	1675
Assets—Use of, in such case.....	1675
Deposit, how dealt with.....	1674
List of policy-holders to be filed.....	1675
Notice to be published.....	1675
Notice to Minister.....	1674
Policy-holders refusing tenders.....	1675
Power and proceedings of company.....	1674
Release of deposits.....	1674
Securities, &c.—Disposal of.....	1675
Special arrangements may be made.....	1675
Surrender values, how determined.....	1675
Companies incorporated out of Canada—	
Annual statement of.....	1669
Conditions, &c., to be set out in full—	
Policies void for want of.....	1673
Constructive service of process.....	1668
Co-operative or assessment plan.....	1678
<i>See also</i> "Mutual or Assessment, &c.".....	1677
Deposits to be made before the issue of license.....	1665
Companies formed in Canada—Amount of deposit by.....	1665
Companies formed out of Canada—Amount of deposit by.....	1665
Companies incorporated elsewhere than in Canada—Assets, what to consist of.....	1666
INSURANCE ACT—Continued.	
Companies which gave notice before March 31, 1878.....	1666
Deficiency of securities to be made good.....	1666
Penalty for neglect.....	1666
Further deposit may be demanded.....	1665
Further security—Company may deposit.....	1665
How further security to be dealt with.....	1665
Interest on securities.....	1667
Market value of securities.....	1665
Nature of securities.....	1665
Release of surplus securities.....	1666
Securities—Valuation of.....	1665
Valuation by Treasury Board.....	1665
Documents to be filed.....	1667
Copy of charter.....	1667
Power of attorney.....	1667
Statement of affairs.....	1667
Duplicates of documents, &c., to be filed in court.....	1668
Fire and inland marine insurance—Provisions relating to.....	1680
Companies ceasing to do business and release of deposits.....	1680
Conditions on which deposits may be released.....	1681
Forfeiture and renewal of licenses.....	1680
Payment of losses after license has been withdrawn.....	1681
Renewal of licenses.....	1680
Retaining amount to cover outstanding risks.....	1681
Fire or inland insurance companies—Annual statement of.....	1669
Form of. <i>See</i> Schedule B.....	1684
Fire policies—Duration of.....	1681
Forfeiture and renewal of licenses on life policies.....	1674
Renewal if claim is satisfied.....	1674
Withdrawal of license for non-payment of claims.....	1674
Forfeitures—Penalties and.....	1670
Inland marine insurance—Provisions relating to, Fire and.....	1680
Insurance other than life, fire or inland marine.....	1681
Not to transact business without permission.....	1681
Ocean marine companies excepted.....	1682
Penalty for contravention.....	1682
Permission—Minister may grant.....	1681
Powers of the Minister respecting.....	1681
Interpretation.....	1663
"Agent".....	1663
"Canadian company".....	1663

The figures denote the pages which are numbered at the bottom.

INSURANCE ACT—Continued.

“Canadian policy” or “policy in Canada”.....	1663
“Chief agency”.....	1663
“Company”.....	1663
“Inland Marine Insurance”.....	1663
“License”.....	1664
“Minister”.....	1663
“Policy”.....	1664
“Policy-holder in Canada”.....	1663
“Superintendent”.....	1663
License —Notice of.....	1668
Licensed companies —Publication of.....	1669
Licenses	1664
Conditions precedent to obtaining.....	1664
Deposits required.....	1665
Form and duration of.....	1664
Insurance not to be effected without.....	1664
Life companies —Provisions applicable to.....	1673
Life insurance companies —Annual statement of.....	1669
Form of. <i>See</i> Schedule A.....	1682
Life insurance companies established out of Canada on the mutual or assessment plan.....	1678
Application of certain sub-sections of this Act.....	1679
Application of moneys from assessments “Assessment system” to be printed on policy.....	1679
Clause required in policies in favor of residents in Canada.....	1679
Death claims a first charge.....	1678
Duration of license.....	1678
License on deposit of \$50,000.....	1678
Notice to be printed on policy, &c.....	1678
Form of such notice.....	1678
Promise to pay out of certain funds to be contained in policy.....	1678
To apply to every policy issued in Canada.....	1679
When further deposits may be required.....	1678
Limitation of time for prosecution.....	1670
Limitation of time of duration of special Acts.....	1671
Mutual or assessment life insurance companies.....	1677
Certain companies may be conditionally exempted from portions of this Act.....	1677
Certain forms of insurance forbidden.....	1677
Contracts prior to July 20, 1885.....	1677
Exemptions how procured.....	1678
Yearly renewal of registration.....	1678
Notice of license, &c.....	1668
Penalties and forfeitures.....	1670
Penalties for contravention of Act by directors, managers, agents, &c.....	1679

INSURANCE ACT—Continued.

Penalty for issuing policy in contravention of this Act.....	1670
Application of penalty.....	1670
First offence.....	1670
Second or subsequent offence.....	1670
Power of attorney, what to contain.....	1667
Publication of licensed companies.....	1669
Renewal of licenses, &c.....	1674
Reserve for covering liabilities to Canadian policy-holders.....	1676
As to companies having heretofore computed the reserve on 5 per cent. interest.....	1677
Bonus, additions or profits on policies—Proviso as to.....	1677
Computation by superintendent.....	1677
How computed.....	1676
Re-computation—Minister may order... ..	1676
Schedules	1682
Details of annual statements—	
Fire and inland marine insurance. Form B.....	1684
Life insurance. Form A.....	1682
Form of declaration to accompany the statement.....	C. 1686
List of policy-holders, &c.....	D. 1687
Notice of tender to policy-holders.....	E. 1687
Securities, &c. <i>See</i> Deposits, &c. 1665 to 1667	
Service of companies with process.....	1668
Service of process—Provision for.....	1667
Short title.....	1663
Societies which are exempted from this Act.....	1680
Superintendent of insurance.....	1671
Annual report by, for Parliament.....	1673
Appointment of.....	1671
Books of company open to inspection of.....	1672
Contribution of fire and inland marine insurance companies to.....	1673
Examination of companies incorporated, &c., out of Canada.....	1673
Interest in company by, or by officers or clerks under him, prohibited.....	1673
May report affairs of company to Minister.....	1672
May visit office of company, when.....	1672
Payment by companies of expenses of office of.....	1673
Penalty for carrying on business after suspension or cancellation.....	1672
Record of inspection, &c.....	1672
Salary of.....	1671
Special report to Minister, when.....	1672
Suspension or cancellation of license.....	1672
Valuation of Canadian policies every five years.....	1672

The figures denote the pages which are numbered at the bottom.

INSURANCE ACT—Concluded.		INTEREST—Concluded.	
Tender to policy-holders, how to be made	1676	Insurances which are excepted	1694
List and notice to be published	1676	Penalty for overcharge	1695
Form of. See Schedule D	1687	Recovery and application of	1695
Notice to be sent by mail	1676	Prince Edward Island	1698
Form of. See Schedule E	1687	April 15, 1870—Contracts made before	1698
Refusal, what deemed to be	1676	Six per cent., when no agreement for higher sum	1698
Withdrawal of license for non-payment of penalty	1670	Quebec, See Ontario and Quebec	1694
INSURANCE COMPANIES, &c. See Winding up Act.		INTERIOR—An Act respecting the Department of the	
1703		245	
INTEREST—An Act respecting		Crown Lands of Canada	
1693		245	
Any rate of interest or discount may be stipulated for	1693	Deputy of the Minister of the Interior	245
British Columbia	1697	Employees	245
June 2, 1886—Contracts made before	1698	Minister of the Interior	245
Six per cent., when no special agreement	1697	North-West Territories—Control and management of	245
Twelve per cent. the maximum	1697	Ordinance and Admiralty lands	245
Moneys secured on mortgage	1693	Yearly report of Minister	246
Fines, &c., not allowed on payments in arrears	1693	INTERNAL TAXES. See Inland Revenue Act.	
Five years—When no interest payable after	1694	414	
Interest on arrears of interest	1694	" INTERPRETATION." See under the several titles of Chapters.	
July 1, 1880—Application of part of this Act	1694	INTERPRETATION ACT	
Overcharge may be recovered back	1694	Administration of oaths	
Principal money and interest blended	1693	Amending Acts—Limitation of	
Rate of interest recoverable, &c.	1693	Amendment or Repeal	
Sinking fund plan	1693	Application of Act	
Statement what to show in order to receive interest	1693	Appointments by Governor General	
New Brunswick	1696	By-laws, &c.—Power to make, &c.	
Banks not subject to "The Bank Act"	1696	Construction of Acts	
Bottomry bonds, &c.—Exceptions as to	1697	Corporations, &c.	
Contracts made between April 13, 1859, and April 8, 1875	1696	Crown, not affected by Acts unless expressly stated	
Contracts not void for overcharge	1696	Evidence	
Excessive interest to be deducted	1696	Expressions—Meaning of	
Incorporated companies	1696	" Act "	
Penalty for overcharge	1697	" Affirmed "	
Recovery and application of	1697	" County "	
Six per cent. on money or goods	1696	" Declared "	
Nova Scotia	1695	" Governor General," &c., &c.	
Banks excepted	1696	" Governor in Council," &c.	
Excessive interest to be deducted	1695	" Great Seal "	
Grain and live stock—Contracts respecting	1696	" Herein "	
May 23, 1873—Contracts prior to	1695	" Holiday "	
Penalty and limitation of time for	1696	" Legislature," &c., &c.	
Seven per cent. on real estate	1695	" Lieutenant Governor "	
Ship, vessel, cargo, &c.	1695	" Lieutenant Governor in Council "	
Ten per cent. on personal security	1695	" Magistrate "	
Ontario and Quebec	1694	" May "	
Contracts void for overcharge	1695	" Month "	
Corporations limited to six per cent.	1694	" Now " or " next "	
		" Oath," " sworn," &c.	
		" Person "	
		" Proclamation "	
		" Province "	
		" Registrar " or " register "	

The figures denote the pages which are numbered at the bottom.

INTERPRETATION ACT—Continued.

"Shall".....	3
"Superior Court".....	5
"Sureties," "security," &c.....	5
"Two justices".....	5
"Writing," "written," &c.....	4
"United Kingdom".....	3
"United States".....	3
Form of enacting.....	2
Forms—Slight deviations from.....	7
Holiday. <i>See</i> Expressions.....	4
Time how reckoned in case of.....	4
Imprisonment.....	6
Indorsement.....	2
Judicial notice of Public Acts.....	8
Majority—Acts by, defined.....	6
Moneys—Paying and accounting, &c.....	5
Name commonly applied.....	4
Number and gender.....	4
Oaths how administered.....	5
Parliament—Powers, &c., of.....	7
Power to do includes, what.....	6
Preamble. <i>See</i> Form of enacting.....	2
Preamble, part of Act.....	8
Proclamation, how issued.....	4
Proof of Acts.....	8
Public—Acts to be considered, unless, &c.....	8
Reckoning time in case of holiday.....	4
References, &c.....	8

INTERPRETATION ACT—Concluded.

Remedial nature of Acts.....	8
Repeal of Acts.....	2
Effect of, generally.....	7
Short title.....	1
Territorial application.....	2
Time—Application as to.....	3
Time of commencement.....	2
Time, how reckoned in case of holiday....	4
Words authorizing appointment of public officer, &c., include what.....	6
Words directing Minister of Crown to do, &c., include what.....	6
INTIMIDATION. <i>See</i> Threats, &c.....	1993
INTOXICATING LIQUORS. <i>See</i> Canada Temperance Act.....	1401
INVENTIONS. <i>See</i> Patent Act.....	907
INVESTIGATIONS UNDER OATH—An Act respecting the making of certain... Commissioner.....	1555
Appointment of.....	1555
May issue commission.....	1555
May issue subpoenas, &c.....	1555
Travelling expenses of witnesses.....	1555
Powers of.....	1555
Evidence taken by commission.....	1555
Penalty for non attendance of witness....	1556
Travelling expenses of witness.....	1555
Witnesses failing to attend.....	1556

J

JOINT STOCK COMPANIES. <i>See</i> Companies Act.....	1571
JUDGES OF PROVINCIAL COURTS—An Act respecting.....	1797
Certificate of judge as to travelling expenses.....	1802
County courts—Judges of.....	1797
Attendance of witnesses on inquiry.....	1798
Commission of inquiry.....	1797
Removal of.....	1797
Salaries of.....	1800, 1801
Tenure of office of.....	1797
General provisions.....	1803
Interpretation.....	1797
"County" "Judge".....	1797
Salaries of judges of county courts.....	1800
British Columbia.....	1801
Manitoba.....	1801
New Brunswick.....	1800
Nova Scotia.....	1800
Ontario.....	1800
Prince Edward Island.....	1800
Salaries of judges of superior courts.....	1798

JUDGES, Etc.—Continued.

British Columbia—Supreme Court of... ..	1800
Manitoba—Court of Queen's Bench.....	1799
New Brunswick—Supreme Court of.....	1799
North-West Territories—Supreme Court of.....	1800
Nova Scotia—Supreme Court of.....	1799
Ontario—Supreme Court of Judicature of.....	1798
Prince Edward Island—Supreme Court of.....	1799
Quebec—Queen's Bench.....	1798
" —Superior Court.....	1798 to 1799
Salaries of judges of Vice-Admiralty Courts.....	1801
Superannuation to judges of—County courts.....	1803
Superior courts.....	1803
Vice-Admiralty Courts.....	1803
Superior courts—Salaries of judges of....	1798
Travelling allowances—County court judges.....	1802
British Columbia.....	1802

The figures denote the pages which are numbered at the bottom.

JUDGES, Etc.—Concluded.

Manitoba.....	1802
New Brunswick.....	1802
Nova Scotia.....	1802
Ontario.....	1802
Prince Edward Island.....	1802
Travelling allowances — Superior Court judges.....	1801
British Columbia.....	1802
Manitoba.....	1802
New Brunswick.....	1802
North-West Territories.....	1802
Nova Scotia.....	1802
Ontario.....	1801
Prince Edward Island.....	1802
Quebec.....	1801
JUNK — Dealing in. See under Wrecks and Salvage Act.....	1202
JUSTICE—Administration of Criminal. See Summary Trials Act.....	2105
JUSTICE—An Act respecting the Department of.....	243
Attorney General of Canada — Minister of Justice to be.....	243
Civil Service of Canada—This a department of.....	243
Deputy Minister of Justice.....	243
Great Seal—Instruments issued under.....	244
Legal adviser of Governor General—Minister of Justice to be.....	243
And of Privy Council.....	243
Litigation for or against the Crown.....	243
Minister of Justice—	
Appointment of.....	243
Duties and functions of.....	243
Penitentiaries and prisons, under this department.....	244
JUSTICES OF THE PEACE — Summary proceedings before. See Summary Convictions Act.....	2123
JUVENILE OFFENDERS' ACT.....	2115
Accused to be asked if he consents to be summarily tried.....	2116
Form of question.....	2116
If he does not consent.....	2117
Application of penalties.....	2119
British Columbia.....	2120
Manitoba.....	2120
New Brunswick.....	2120
Nova Scotia.....	2120
Ontario.....	2120

JUVENILE OFFENDERS' ACT—Concluded.

Prince Edward Island.....	2126
Quebec.....	2120
Certificate of conviction—Effect of.....	2118
Certificate of discharge.....	2118
Form of. See Schedule A.....	2121
Certificate of expenses.....	2126
Clerk of peace or other proper officer to send returns, &c., to Minister of Agriculture.....	2118
Committal for non-payment of penalties.....	2119
Compelling attendance of witnesses.....	2117
Compelling person accused to attend.....	2116
Conviction—Form of. See Schedule B.....	2121
Conviction not void for want of form, &c.	2118
To be sent to clerk of the peace, &c.	2118
Costs of prosecution may be awarded.	2119
Discharge in certain cases.....	2117
Effect of certificate of discharge.....	2118
Expenses by whom paid.....	2126
Forfeiture, when not to follow conviction	2118
Interpretation.....	2115
“ The common gaol or other place of confinement ”.....	2115
“ Two or more justices ” or “ the justices ”.....	2115
Justices may send the case to be tried by a jury.....	2117
Offences in P. E. Island, British Columbia and Keewatin to which this Act does not apply.....	2120
Ontario—Sentence to a reformatory in, not authorized.....	2121
Payment of costs may be ordered without conviction.....	2119
Payment of value in money may be ordered.....	2118
Penalties—Enforcing payment of.....	2119
Power to remand or take bail.....	2116
Recognizance—Condition of.....	2116
Enlarging or discharging.....	2116
Recovery of value.....	2119
Restitution may be ordered.....	2118
Schedule of Forms—	
Certificate of discharge..... A.	2121
Conviction..... B.	2121
Service of summons.....	2117
Short title.....	2115
Summary trial of persons not more than 16 years of age charged with simple larceny, &c.....	2115
Witnesses—Attendance of.....	2117

The figures denote the pages which are numbered at the bottom.

K

KEEWATIN ACT	803	KEEWATIN ACT—Concluded.	
Administration of justice	808	To be laid before Governor in Council	805
Capital crimes.....	809	Insane persons	815
Conveyance of prisoners.....	812	Interpretation	803
Custody by N. W. Mounted Police, when	812	" District ".....	803
Death sentence, to be reported, and stay		" Intoxicant ".....	803
of execution in such case.....	810	" Intoxicating liquor ".....	803
Grand jury, none.....	811	" Lieutenant Governor ".....	803
Imprisonment.....	810	" This Act ".....	803
Judge of Manitoba—Jurisdiction of.....	811	Intoxicants—Prohibition of	812
Judge of the North-West Territories—		Justice—Administration of	808
Jurisdiction of.....	811	Married women	807
Jurors—Summoning of.....	810	Debts contracted before marriage—Li-	
Challenges.....	810	bility of husband for.....	808
Fines for non attendance.....	810	Deposits in bank.....	807
Tales, when.....	810	Earnings of.....	807
Jury ordinances.....	811	Fraudulent investment.....	807
Justices of the peace.....	808	Order for protection not necessary.....	807
Offenders, who may be sent to Manitoba		Suits by and against.....	808
for trial.....	811	Prohibition of intoxicants	812
Prisoners—Conveyance of.....	812	Customs and excise laws to apply.....	813
Prisons may be erected.....	812	Forfeiture.....	813
Procedure.....	809	Importation, &c., forbidden.....	813
Returns to be made.....	811	Imprisonment.....	814
Stipendiary magistrates.....	808	Manufacture, &c., forbidden.....	812
Powers of, in criminal cases.....	808	Penalty.....	813 to 815
Assault, &c.....	809	Recovery of penalties.....	814
Larceny, &c.....	809	Search warrant.....	813
Powers of one.....	808	Seizure.....	813
" of two.....	811	Want of form not to invalidate.....	815
Punishment of offenders.....	809	Short title	803
Trial by jury, when.....	809	Stipendiary magistrates	808 to 811
Without jury, when.....	809	Wills	806
Application of Acts of Parliament	816	Testator must be of age.....	806
Boundaries of the district	803	Devise to witness void.....	806
How they may be varied.....	804	Devisee may prove execution of.....	806
Evidence of laws	815	Execution of.....	806
General provisions	815	Executor may be witness.....	807
Government	804	Fee-simple—When to pass.....	806
Council—Members of.....	804	Publication of.....	806
" Powers, &c., of.....	804	Revocation of.....	807
Laws by Governor in Council.....	805	Women—Married	807
To be laid before Parliament.....	805	KIDNAPPING. See Offences against the	
Laws by Lieut. Gov. and his Council..	805	person.....	1895

The figures denote the pages which are numbered at the bottom.

L

- LANDS**, An Act respecting Public. *See*
 Dominion Lands Act 817
- LANDS**—Expropriation of. *See* Expropria-
 Act..... 593
- LARCENY ACT**..... 1899
- Advertising** a reward for the return of
 stolen property..... 1923
- Agent**, banker, broker, &c., converting
 money, &c., to his own use..... 1914
- Holder** of securities, excepted..... 1914
- Trustees** or mortgagees, excepted..... 1914
- Agent**, &c., fraudulently selling, &c.,
 property 1915
- Agent** or factor, when deemed to be in-
 trusted with goods..... 1916
- Appropriating** timber, &c..... 1922
- Assault** with intent to rob..... 1908
- Bailee** fraudulently converting property. 1902
- Bringing** into Canada property stolen, &c 1922
- British Columbia**..... 1924
- False statements, &c., in relation to
 transactions in land in..... 1924
- Criminal liability not to protect
 against giving evidence..... 1924
- Other remedies not impaired 1924
- Indian grave** in—Injuring or removing
 anything from, or purchasing such
 thing 1925
- Property in, may be stated in the
 Crown 1925
- Burglary** and house-breaking 1909
- Being armed and disguised, &c., with
 intent to break and enter any house
 in the night 1910
- After previous conviction..... 1910
- Breaking into curtilage and committing
 felony..... 1909
- Breaking into house, shop, &c., and
 committing felony..... 1910
- Church, chapel, &c..... 1909
- Curtilage—Within, when to be deemed
 part of..... 1909
- Definition of..... 1909
- Entering in the night with intent to
 commit felony..... 1909
- House-breaking with intent to commit
 felony..... 1910
- Punishment 1909
- Concealment** of deeds, &c..... 1923
- Directors**, &c., fraudulently appropriat-
 ing property..... 1917
- LARCENY ACT**—*Continued.*
- Fraudulently keeping false accounts,
 &c. 1917
- Wilfully destroying or falsifying books
 or papers 1917
- Embezzlement** by clerks or servants..... 1912
- “ by officers of unincorporated
 societies..... 1918
- “ by persons in the Queen's
 service, &c..... 1912
- Other remedies not affected..... 1912
- Refusal to deliver up moneys, &c..... 1912
- Factors** obtaining advances on the prop-
 erty of their principals..... 1915
- False pretences**—Obtaining money, &c.,
 by 1920
- Falsification** of pedigree..... 1923
- Fences**—Stealing, &c..... 1906
- Fixtures**—Stealing..... 1904
- Frauds** by agents, bankers or factors..... 1913
- Fraudulent** hypothecation of property.... 1924
- Fraudulent** sale of property..... 1924
- Fruits**, plants, &c.—Stealing, &c..... 1906
- Grand larceny** 1901
- House-breaking**—Burglary and..... 1909
- Interpretation** 1899
- “ Banker ” 1901
- “ Cattle ” 1900
- “ Document of title to goods ” 1899
- “ Document of title to lands ” 1899
- “ Having in custody or possession..... 1901
- “ Municipality ” 1901
- “ Night ” 1901
- “ Property ” 1900
- “ Testamentary instrument ” 1901
- “ Trustee ” 1899
- “ Valuable security ” 1900
- “ Writing ” 1901
- Keepers** of warehouses, &c., giving false
 receipts..... 1918
- Knowingly using false receipts..... 1919
- Killing**, wounding or taking pigeons..... 1902
- Larceny** after conviction of felony..... 1902
- Larceny** by persons in the Queen's ser-
 vice, &c..... 1912
- Making** false statements in receipts for
 grain 1919
- Metal**, glass, wood, &c., fixed to land or
 house—Stealing 1904
- Obtaining** money by false pretences..... 1920
- Offences** not otherwise provided for..... 1921
- Ores** or minerals—Stealing, &c..... 1907

The figures denote the pages which are numbered at the bottom.

LARCENY ACT—Continued.

Concealing royalty, &c.	1907
Defrauding partners.....	1908
Exceptions as to scientific investigations	1907
Gold in quartz or smelted—Purchasing, without giving a proper receipt there- for	1908
Miners removing ore, &c.....	1907
Possession, <i>prima facie</i> evidence.....	1908
Quartz, &c., containing gold or silver— Selling or purchasing, without per- mission	1908
Owner selling after advance by con- signees	1919
Oyster fishery—Unlawfully dredging in.....	1903
Floating fish excepted	1903
Oysters or oyster brood—Stealing.....	1903
Partners.....	1920
Partners—Stealing by.....	1913
Power of attorney—Persons acting under, fraudulently selling property.....	1915
Quebec—Certain sections of Act not to apply to Province of.....	1923
Receiving stolen goods	1921
Remedy at law or in equity not to be affected, when.....	1918
Robbery or assault by a person armed.	1909
By two or more.....	1909
Wounding—Robbery and	1909
Robbery, or stealing from the person.....	1908
Short title	1899
Simple larceny.....	1901
Punishment for	1902
Stealing cattle, &c.....	1902
Killing with intent to steal.....	1902
Stealing dogs, birds, beasts or other ani- mals ordinarily kept in confinement or for domestic purposes	1902
Second and subsequent offences	1902
Stealing election documents	1913
Stealing from ships, wharves, &c.	1911
Stealing from the person and other like offences	1908
Stealing goods intrusted for manufacture	1911
Stealing in manufactories	1910
Stealing in the house.....	1910
Stealing or embezzlement by clerks, &c., or persons in the public service.....	1911
Stealing things attached to or growing on land	1904
Stealing written instruments	1903
Taking a reward for helping to the re- covery of stolen property without bringing the offender to trial.....	1922
Tenants or lodgers—Stealing by.....	1913
Township lands not belonging to defend- ant—Knowingly seizing	1924

LARCENY ACT—Concluded.

Other remedies not affected	1924
Trees in pleasure grounds—Stealing or destroying, &c.	1905
Other remedies not affected	1906
Effect, &c., of conviction.....	1906
Purchasing or receiving stolen trees.	1905
Second offence	1905
Subsequent offences	1905
Trustees fraudulently disposing of pro- perty	1916
No prosecution without sanction of At- torney General	1917
When civil proceedings have been taken	1917
Unlawfully appropriating property.....	1921, 1922
Vegetable productions—Stealing	1907
Subsequent offences.....	1907
Witnesses—Privilege of.....	1918
Written instruments—Stealing, destroy- ing, &c.....	1903
Deeds, &c., relating to real property....	1903
Disclosure under compulsory process....	1904
Effect of conviction in civil action.	1904
Other remedies not affected	1904
Railway tickets	1904
Receipts for passage	1904
Steam-boat tickets.....	1904
Valuable security.....	1903
Wills or codicils.....	1903
LAW OF MARRIAGE—Offences against the. See Marriage—Offences relating to, &c.	1885
LEATHER—Inspection of. See General Inspection Act	1324
LETTERS PATENT—An Act respecting the Incorporation of Joint Stock Com- panies by. See Companies Act.....	1571
LETTERS PATENT—Defective, &c.....	1559
LIBEL—An Act respecting	1897
Copy of report, &c., with affidavit of cor- rectness may be laid before the court.	1898
Evidence by the defendant of the publica- tion having been without his authority	1897
In prosecution for publishing extract, re- port, &c., may be given in evidence.	1898
Maliciously publishing any defamatory libel	1897
Publication by order of a legislative body may be pleaded.	1898
Certificate to be produced	1898
Effect of certificate	1898
Publishing defamatory libel knowing it to be false.....	1897
Publishing or threatening to publish any matter with intent to extort money....	1897
LIBRARY OF PARLIAMENT—An Act respecting the	199

The figures denote the pages which are numbered at the bottom.

LIBRARY OF PARLIAMENT—Concluded.		LIGHTHOUSES, BUOYS AND BEACONS,	
Books, &c., vested in Her Majesty.....	199	AND SABLE ISLAND—Concluded.	
Direction and control of.....	199	Summary recovery of penalties.....	999
Officers and servants of.....	199	LIQUORS—An Act respecting the traffic	
How appointed.....	200	in. See Canada Temperance Act.....	
Salaries of, how fixed and how paid.....	200	LOAN COMPANIES. See Companies Act	
Orders and regulations how made.....	199	LOAN COMPANIES. See Winding Up	
Responsibility of officers and servants....	200	Act.....	
Salaries.....	200	1703	
Stationery to be supplied.....	200	LOANS IN CANADA BY BRITISH COM-	
LICENSING OF SMALL SHIPS AND		PANIES—An Act respecting.....	
OTHER VESSELS.....		1689	
LIFE PRESERVERS. See Steamboat In-		Certified copy of charter to be filed.....	
spection Act.....		1689	
1132		Evidence on which licenses may issue....	
LIGHTHOUSES, BUOYS AND BEACONS,		1690	
AND SABLE ISLAND—An Act re-		Fee for license.....	
specting.....		1689	
997		Formalities to be observed.....	
Appointment of officers.....		1689	
998		License from the Secretary of State.....	
Buoys, beacons, &c., to be established		1689	
under the direction of the Minister of		Power of attorney to agent or manager,	
Marine and Fisheries.....		what to contain.....	
997		1689	
Construction of lighthouses, &c., to be		Powers of companies.....	
under the direction of the Minister of		1689	
Marine and Fisheries.....		Publication of ceasing to carry on busi-	
997		ness.....	
Lighthouses—Construction of, may be		1690	
transferred to Department of Public		Of notice of license, &c.....	
Works.....		1689	
997		Real estate of corporation.....	
Marine and Fisheries—To be under con-		1690	
trol of Minister of.....		Returns to Finance Minister, &c.....	
997		1690	
Officers—Appointment of.....		Service of process on company.....	
998		1690	
Penalties—Recovery of.....		LOTTERIES, BETTING AND POOL-	
999		SELLING—An Act respecting.....	
Regulations may be made by Gov. in		1879	
Council as to buoys, beacons, &c.....		Betting and pool-selling.....	
999		1880	
Government of Sable Island and St.		Holder of stakes, when excepted.....	
Paul's Island.....		1881	
999		Imprisonment.....	
Lighthouses, &c.....		1881	
999		Misdemeanor—Offender guilty of.....	
Penalties for contravention.....		1881	
999		Punishment for.....	
Sable Island and St. Paul's Island.....		1879	
998		Interpretation.....	
Counties in which offenders may be		1879	
tried.....		"Personal property".....	
999		1879	
Disposal of goods.....		"Real property".....	
999		1879	
Payment of salvage and expenses.....		1880	
998		Lotteries.....	
Persons found residing there without		Bona fide division of property held in	
license.....		common, excepted.....	
998		1880	
Property of offenders there.....		Distribution by lot of works of art, ex-	
998		cepted.....	
Superintendent to have power of a jus-		1880	
tice of the peace.....		Foreign lottery schemes—Publication	
999		of, Act to apply to.....	
Vessels or goods stranded there, how		1879	
dealt with.....		Penalty for making or advertising.....	
998		1879	
		For buying or receiving tickets.....	
		1880	
		Purchase without notice.....	
		1880	
		Raffles at bazaars excepted.....	
		1879	
		Sales, &c., founded on, void.....	
		1879	
		LUMBER—Culling and measuring, &c.	
		See Cullers' Act.....	
		1359	

The figures denote the pages which are numbered at the bottom.

M

- MACKEREL**—Inspection of. *See* General Inspection Act..... 1314
- MAIL.** *See* Post Office Act..... 519
- MALICIOUS INJURIES TO PROPERTY**
—An Act respecting..... 1963
- Application of this Act to persons in possession of property injured 1977
- Attempting to set fire to building, &c.... 1964
- Bridges, viaducts and toll-bars—**
Injuries to..... 1971
- Aqueduct 1971
- Bar..... 1971
- Bridge..... 1971
- Chain..... 1971
- Fence..... 1971
- Post..... 1971
- Rail..... 1971
- Toll-bars..... 1971
- Toll-house..... 1971
- Turnpike gate..... 1971
- Viaduct..... 1971
- Wall 1971
- Buildings and goods therein—Injuries to,**
by fire..... 1963
- Cattle and other animals—Injuries to..... 1973**
Killing or maiming cattle..... 1973
- Killing or maiming domestic animals other than cattle..... 1973
- Subsequent offences..... 1974
- Wantonly attempting to poison cattle... 1973
- Coal mines, &c. *See* Mines, &c..... 1969**
- Corn, trees and vegetable productions—**
Injury to 1966
- Cutting booms or rafts adrift 1975**
- Damages not herein provided for, exceeding \$20..... 1976**
Not exceeding \$20..... 1976
- Certain cases excepted..... 1976
- Compensation to person aggrieved..... 1976
- Trees included in Sec. 59..... 1977
- Election documents—Injuries to 1975**
- Electric telegraphs, &c..... 1972**
Attempting to injure..... 1972
- Explosive substances—Injuries by..... 1965**
- False lights or signals—Exhibiting..... 1974**
- Fences—Injuries to..... 1968**
Subsequent offences 1969
- Fire—Injuries by, to buildings and goods therein..... 1963**
- Fish-ponds—Injuries to..... 1970**
- Fruit or vegetable productions—Destroying..... 1968**
Second and subsequent offences..... 1968
- MALICIOUS INJURIES, Etc.—Continued.**
Hop-binds, grape-vines, &c.—Destroying. 1967
- Impeding channel intended for timber.... 1975**
- Interpretation "cattle"..... 1963**
- Land marks—Injuries to..... 1976**
Exception, as to land surveyors..... 1976
- Lighthouses, buoys—Injuring, &c..... 1975**
- Malice against owner not necessary..... 1977**
- Manufactures, machinery, &c.—Injuries to..... 1964**
Goods in process of manufacture..... 1966
- Machinery used in manufactures..... 1966
- Machines, &c..... 1966
- Mines, oil wells, &c.—Injuries to..... 1969**
Conveying water, earth, rubbish, &c., into a mine or oil well, obstructing the shaft, &c..... 1969
- Exception..... 1969
- Damaging chains, ropes or tackle..... 1970
- Setting fire to a coal mine, oil well, &c. 1969
- Attempting to set fire, &c..... 1969
- Steam engines, staiths, waggon-ways, &c., for working mines—Damaging... 1969
- Unlawfully obstructing machinery..... 1969
- Oil wells, &c.—*See* Mines, oil wells, &c... 1969**
- Poll books, &c.—Injuries to..... 1975**
- Railway—Injuries to 1971**
Injuring or removing rail, &c..... 1971
- Lights—Making, showing, hiding or removing..... 1971**
- Moving points..... 1971
- Obstructions..... 1971
- Punishment..... 1972
- Railway or railway works..... 1972**
Maliciously injuring, obstructing use of or hindering the completing, &c., of.. 1972
- Punishment in such case..... 1972
- Sea and river banks, and works on rivers, canals, &c.—Injuries to..... 1970**
Aboiteau, canal, dam, drain, dyke, embankment, flood gate, harbor, hydraulic power, jetty, lock, marsh, piles, pool, quay, reservoir, river bank, sea-bank, sea wall, sluice, stone, towing-path, tunnel, wall, water course, weir, wharf..... 1970
- Setting fire to—**
Buildings not specified herein..... 1964
- Church, chapel, &c..... 1963
- Crops of hay, corn, &c..... 1966
- Dock yards, ships, &c., of H. M..... 1964
- Dwelling house, any one living therein. 1963
- Forest, lumber, &c., maliciously..... 1965

The figures denote the pages which are numbered at the bottom.

MALICIOUS INJURIES, Etc.—Concluded.

Forest, lumber, &c., negligently.....	1964
When justice of the peace may impose fine.....	1965
House, out-house, manufactory, farm building, &c.....e.....	1963
Public building.....	1964
Railway station.....	1963
Stacks of corn, &c.....	1967
Ships —Injuries to.....	1974
Cutting booms or rafts adrift.....	1975
Damaging generally.....	1974
Exhibiting false signals.....	1974
Impeding channel.....	1975
Injuring, removing, concealing or defacing lighthouses, buoys, &c.....	1975
Making vessels fast to buoys, beacons or sea marks.....	1975
Placing gunpowder near, with intent to damage.....	1974
Setting fire to, casting away or destroying.....	1974
Attempting to commit such offence... ..	1974
To prejudice the owners or underwriters.....	1974
Subsequent offences and their punishment.....	1968
Tenants —Injuries to buildings by.....	1965
Third or subsequent offences.....	1968
Trees, shrubs, &c. —Damaging, &c.....	1967
“ “ ”—Destroying.....	1967
Vegetable production —Destroying.....	1968
Works of art —Injuries to.....	1973
Civil remedy not affected.....	1973
MANITOBA —An Act respecting the Province of.....	707
Allotment for a university.....	708
Boundaries of the province.....	707
Canadian Pacific Railway—Provision as to.....	707
Lands vested in Her Majesty.....	708
Laws, &c., to continue in force.....	708
Officers, &c., to continue therein.....	708
Swamp lands to belong to the Province.....	708
University—Allotment for.....	708
MANITOBA —Claims to certain lands in the Province of—An Act respecting.....	709
Claims to land—Conflicting.....	710
Conflicting claims to land.....	710
Adjournment.....	712
Attendance of witnesses.....	712
Certificates.....	711
Claim how preferred.....	711
Commission—Appointment of.....	710
Commissioners to examine.....	712
Decision, how arrived at.....	712
Effect of decision.....	712

MANITOBA—Concluded.

Interrogatories.....	712
Letters patent.....	713
Preliminary proceedings.....	710
Re-hearing of case.....	713
Report in case of erroneous decision....	713
Report of evidence.....	710
Rules and forms may be prescribed.....	713
Rights not affected by.....	713
Sittings of commission.....	710
Interpretation	709
“Commissioners”.....	709
“The Province”.....	709
Quieting of titles	709
Claims made before May 1, 1886.....	710
Failure to prefer claims.....	710
Freeholds, confirmed.....	709
Grants in freehold.....	709
Grants made by H. B. Company.....	709
Hudson Bay Co.—Grants by.....	709
Occupancy—Title by.....	709
Time for claims limited.....	709
Title by occupancy.....	709
MANITOBA IN THE SENATE —An Act respecting the representation of the Province of.....	189
MANITOBA —Roads and road allowances in the Province of—An Act respecting.....	715
Between lots in “outer two miles”.....	716
Between “outer two miles” and sections bounding thereon.....	716
Compensation for land taken.....	716
“Hay privilege”.....	716
In rear of and between certain farms.....	716
Land, how vested and on what conditions “Outer two miles”—Roads in the.....	715
Road allowances, the property of the province.....	715
Roads and tracts transferred to the province.....	715
Section road allowances.....	715
Transfer of roads to Province.....	716
Where, roads to be laid out.....	716
Width—Provision as to.....	715
MANSLAUGHTER. See Offences against the person.....	1887
MARINE AND THE DEPARTMENT OF FISHERIES —An Act respecting the Department of.....	251
Annual report to Governor General.....	252
Deputy Minister of Fisheries—	
Appointment of.....	251
Duties of.....	251
Deputy Minister of Marine.....	251
Appointment of.....	251
Duties of. See Schedule.....	252

The figures denote the pages which are numbered at the bottom.

MARINE AND THE DEPARTMENT OF FISHERIES—Concluded.

Fisheries—Department of.....	251
Minister of Marine and Fisheries.....	251
Schedule of subjects under the Department of Marine.....	252
Security to be given on contracts.....	252
Tenders to be invited.....	252
MARINE ELECTRIC TELEGRAPHS—An Act respecting.....	1753
Abandoned or decayed work may be removed by Minister.....	1754
Application of Act.....	1753
Arrangements as to newspapers.....	1756
Companies incorporated by Imperial Parliament may receive charter from Governor in Council.....	1756
Charter to be subject to this Act.....	1756
Charters revoked for non-user, &c.....	1757
Effect of letters patent.....	1757
Reciprocity in favor of company incorporated in Canada.....	1757
Companies which are prohibited from entering into certain agreements.....	1757
Extent of Crown lands to be taken, limited.....	1754
Interpretation.....	1753
“The company”.....	1753
“The Minister”.....	1753
Lands may be acquired by the company under the provisions of “The Railway Act”.....	1755
Limitation of powers of company.....	1753
Payment for messages.....	1756
Plans of works, &c., to be deposited in the Department of Marine for approval... ..	1753
Provincial lauds may be acquired.....	1754
Recovery by Minister from company, of expenses, &c.....	1754
Rights of certain companies under Acts of P. E. Island saved.....	1757
Transmission of messages and at tariff rates.....	1755
Penalty for violation.....	1756
Use of lights and signals.....	1754
What companies only may extend their works beyond the limits of any one Province.....	1755
Existing companies—Proviso; as to.....	1755
Work to be constructed according to plan deposited.....	1754
Works not to be proceeded with until plans, &c., are approved by Governor in Council.....	1755
MARINE STORE DEALERS. See Wrecks and Salvage Act.....	1202

MARINERS—Sick. See Sick and distressed mariners.....	1105
MARITIME COURT ACT (Ontario).....	1791
Appeal to Supreme Court of Canada.....	1794
Procedure on appeal.....	1795
Barristers and proctors.....	1793
Court and judges.....	1791
Decrees and orders of the court—Effect of.....	1794
General provisions.....	1795
Interpretation.....	1791
“Judge,” “Ship,” “The Court,”.....	1791
Judge—Appointment of.....	1791
Remuneration of.....	1791
Tenure of office of.....	1791
Judges and surrogates to take oath of office.....	1792
Form of oath.....	1792
Jurisdiction and procedure.....	1793
Jurisdiction of court.....	1793
Exceptions from.....	1793
Breach of the revenue.....	1794
Criminal matters.....	1793
Droits of admiralty.....	1794
“Foreign enlistment Act”.....	1794
Prize causes.....	1793
Relating to Her Majesty’s navy.....	1794
Limit of jurisdiction.....	1793
Matters arising in Quebec.....	1793
Ships registered at port of Quebec.....	1793
Limitation as to remedies.....	1794
“Maritime Court of Ontario” to be continued.....	1791
Oaths, administered by whom.....	1795
Officers of court.....	1792
Assessors.....	1792
Deputy marshal.....	1792
Deputy registrar.....	1792
Marshal.....	1792
Registrar.....	1792
Practice in cases unprovided for in rules.....	1794
Rights and remedies, same as under British Vice-Admiralty Court.....	1793
Rights of certain mortgages protected... ..	1794
Rules of practice and tariff of fees may be made.....	1795
Copies for Parliament.....	1795
May be suspended.....	1795
Their effect.....	1795
Seat of the court.....	1793
Short title.....	1791
Surrogate judges.....	1792
Appointment of.....	1792
Powers of.....	1792
Remuneration of.....	1792
Tenure of office of.....	1792
Tariff and disposal of fees.....	1792

The figures denote the pages which are numbered at the bottom.

MARKING OF MERCHANDIZE. <i>See</i>	
Trade Marks Offences Act.....	1945
MARKING OF TIMBER —An Act respecting the.....	945
Assignment of registered marks.....	946
Certificates of registration to be evidence.....	945
Different marks to be used.....	946
Exclusive right to use registered mark....	946
Fees—Table of.....	946
Marks may be cancelled.....	946
Minister may make rules and adopt forms.	947
Minister of Agriculture to register marks, and grant certificates on certain conditions	945
Penalty for using another person's mark.	946
Persons engaged in lumbering, &c., to select, register and use proper marks.	945
Penalty for violation.....	945
MARRIAGE —Offences relating to the law of	1885
Bigamy.....	1886
Definition of.....	1886
Exceptions	1886
Punishment for.	1886
Procuring feigned marriage.....	1885
Defendant a competent witness.....	1885
Evidence in such case.....	1885
Limitation of time for prosecution.....	1885
Solemnization of marriage in violation of the laws of the Province	1885
Punishment	1885
Time for prosecution limited.....	1885
Unlawful solemnization of.....	1885
Punishment for.....	1885
MASTERS AND MATES OF SHIPS —	
Certificates to	1025
MATES OF SHIPS —Certificates to	1025
MEASUREMENT AND REGISTRATION OF SHIPS. <i>See</i> Registration and Classification of Ships.....	1007
MEASURES. <i>See</i> Weights and Measures Act.....	1375
MEASURING, CULLING, &c., LUMBER, &c. <i>See</i> Cullers' Act.....	1359
MEMBERS —Disqualification as and resignation of. <i>See</i> House of Commons, &c.	191
MEMBERS OF THE HOUSE OF COMMONS —Elections of. <i>See</i> Dominion Elections Act	89
MERCHANDIZE —Fraudulent marking of. <i>See</i> Trade Marks Offences Act.....	1945
MILITARY AND NAVAL STORES —An Act respecting.....	1981
Imprisonment under this Act.....	1983
Interpretation, "Stores".....	1981
Knowledge that goods bear mark, presumed. till contrary shown.....	1982
MILITARY AND NAVAL STORES — <i>Concluded.</i>	
Marks to be used on H.M. stores.....	1981
<i>See</i> Schedule	1984
Nothing in this Act shall prevent indictment, under this or any other Act.....	1983
Persons in whose possession stores with mark are found, must prove that they obtained them lawfully.....	1982
Former possessor may be summoned.....	1982
Proof under this Act.....	1983
Schedule of marks.....	1984
Searching for stores near H.M. vessels, wharves, &c., without permission.....	1983
Penalty in such case.....	1983
Summary trial when stores do not exceed \$25 in value.....	1982
Unlawfully keeping or selling stores marked.....	1981
Unlawfully obliterating or concealing marks.....	1981
Unlawfully using marks.....	1981
What shall be deemed possession.....	1982
Who may apply marks.....	1981
Who only may prosecute.....	1983
MILITARY COLLEGE —An Act respecting the Royal.....	643
Admission to college—Examination for..	644
Age of candidate.....	644
Board of examiners	643
Cadets —	
Number of, limited.....	644
Payment for.	645
Requirements from.....	644
Selection of.....	644
Subject to articles of war, &c.....	645
College staff	643
Commandant.....	643
Examiners—Board of.....	643
Government of College.....	643
Military College established	643
Report of names of successful candidates.	644
Salaries	643
MILITIA ACT.	611
Accoutrements—Clothing, and arms and Active militia shall consist of whom and what.....	617
Land force.....	613
Marine force.....	614
Administration of, by whom.....	611
Ages of the several classes.....	613
Aid of the civil power.....	621
Arms, accoutrements, &c.....	626
Balloting	619
Billeting and cantoning troops, &c.....	625
Brigade divisions	615
Camps of instruction	631
Calling out the militia.....	622

The figures denote the pages which are numbered at the bottom.

MILITIA ACT—Continued.

Cantoning troops, &c.....	635
Civil power—Aid of the.....	621
Clearance rights.....	612
Clothing, arms, &c.....	626
Command in chief.....	611
Commanding the militia—Officers.....	623
Commissioned officers.....	624
Company divisions.....	615
“Corps”—Meaning of.....	611
Courts martial, &c.....	635
Composition, &c., same as in H. M. regular army.....	636
Courts of inquiry and courts martial.....	635
Death—Sentence of, in certain cases.....	636
Defence—Works for.....	612
Department of Militia and Defence.....	611
Deputy and other officers.....	612
Deserters—Who may be tried as.....	634
District staff.....	624
Amalgamation of districts.....	624
Change of designation.....	624
Deputy Adjutant General.....	624
Other officers.....	624
Salaries.....	624
Districts—Military.....	614
Divisions of military districts into—	
Brigade.....	615
Company.....	615
Regimental.....	615
Divisions of militia into—	
Active.....	613
Land force.....	613
Marine force.....	613
Reserve.....	613
Drafting.....	619
Drill and training.....	627
Drill associations, &c.....	632
Drill instructors.....	629
Drill of marine militia.....	628
“ of reserve militia.....	629
Drill—Periods of, &c.....	628
Drill sheds, rifle ranges, &c.....	630
Enrolment, Appointment of—	
Captain.....	615
Lieutenant.....	615
Lieutenant-Colonel.....	615
Major.....	615
Exemptions—Absolute.....	616
In case of war.....	616
“ Expropriation Act ”.....	612
General provisions.....	641
Horses—Enrolment of.....	617
“ —Pay for.....	628
Inspections.....	630
Instruction—Camps of.....	631
Schools of military.....	631

MILITIA ACT—Concluded.

Interpretation.....	611
“ Interpretation Act ”—How to apply to this Act.....	611
Keewatin—Provision in case of emergency in the District of.....	622
Military Districts.....	614
Military Divisions.....	614
Military instruction in schools and colleges.....	632
Militia—Calling out the.....	632
“ —Divisions of.....	613
Militia officers.....	623
Adjutant General.....	623
Duties to be assigned by Governor in Council.....	624
Quartermaster General.....	623
Militiamen classified.....	613
Composed of whom.....	613
Minister of Militia and Defence.....	611
North-West Territories — Provision in case of emergency in the.....	622
Offences and penalties.....	636
Offences connected with desertion.....	639
Offenders—Trial, &c., of.....	634
Officers commanding the militia.....	623
Officers—Commissioned.....	624
Official Arbitrators Act.....	612
Pay for horses.....	628
“ for men.....	628
“ for officers, commissioned.....	628
“ .. non-commissioned.....	628
Penalties—Offences and.....	636
Period of service.....	614
Periods of drill, &c.....	628
Procedure.....	640
Public Works Act.....	612
Rank of officers, relatively.....	625
Rates of pay.....	628
Regimental divisions.....	615
Regulations.....	641
Reserve Militia.....	614
Retired list—Officers placed on.....	625
Rifle and drill associations.....	632
Rifle ranges and drill sheds.....	630
Rules and regulations—Her Majesty may make.....	631
Schools of military instruction.....	631
Secretary of State for War—Powers of.....	612
Service—Period of.....	614
Short title.....	611
Staff officers.....	625
Substitutes.....	629
Training—Drill and.....	627
Transport of troops, &c.....	635
Uniforms, &c.....	626
Volunteers.....	618
Works for defence.....	612

The figures denote the pages which are numbered at the bottom.

MINERALOGICAL RESOURCES. . See		MONEY ORDER SYSTEM. See Post	
Geological, &c., Survey of Canada.....	247	Office Act.....	522
MINES —Injuries to. See Malicious injuries		MOUNTED POLICE. See North-West	
to property.....	1969	Mounted Police.....	693
		MURDER. See Offences against the Person.	1887

N

NATURAL HISTORY. See Geological,		NATURALIZATION ACT—Continued.	
&c., Survey of Canada.....	247	Subjects of foreign states by the law	
NATURALIZATION ACT	1535	thereof.....	1536
Acts which are not to be repealed or af-		Evidence	1543
fected by this Act.....	1544, 1545	Certificates—Proof of.....	1543
Alienage —Declaration of.....	1536	Declarations—Proof of.....	1543
Aliens may hold, transmit, &c., property		Entries of registration—Proof of.....	1544
of any kind.....	1535	Registration in land office.....	1544
Act, not to affect certain dispositions		Expatriation	1537
previous to July 4, 1883.....	1536	British subject naturalized in a foreign	
Not entitled to franchise, when.....	1536	state.....	1537
Owners of British ships.....	1536	Declaration of alienage.....	1536, 1537
To have only rights expressly given.....	1536	Before whom to be made.....	1536
Aliens —Rights of property of.....	1535	Effect of.....	1536
Aliens who had their settled abode in cer-		Fee for certificate by court.....	1544
tain Provinces, on certain named days,		“ for recording certificate.....	1544
to be British subjects on taking oaths		General provisions.....	1544
of allegiance and residence.....	1545	Governor in Council may make regula-	
See Oath of residence, Schedule II....	1551	tions.....	1542
Effect of certificate.....	1546	Infant children—Status of.....	1541
Form of. See Schedule I.....	1552	Interpretation	1535
Effect of filing.....	1546	“ Alien ”.....	1535
Fee for certificate.....	1546	“ County ”.....	1535
Where oath shall be filed.....	1546	“ Disability ”.....	1535
Children of aliens who have been ad-		“ Oath ”.....	1535
mitted to British nationality.....	1542	“ Officer in the consular service of Her	
Of British subjects who have become		Majesty ”.....	1535
aliens.....	1542	“ Officer in the diplomatic service of	
Of parents who have obtained certifi-		Her Majesty ”.....	1535
cates of naturalization.....	1542	“ Statutory alien ”.....	1535
Commissioners , to administer oaths.....	1544	“ Subject ”.....	1535
Convention by Her Majesty with foreign		January 1, 1868—Persons entitled to	
state.....	1541	naturalization before.....	1545
Alien, who have become entitled to		Form of oath in such case. See Sched-	
privileges of British birth in Canada..	1541	ule G.....	1551
How alien subject of such state may		July 4, 1883—Rights, &c., previous	
obtain certificate of naturalization.....	1541	to.....	1536, 1537, 1544
July 4, 1883—Previous to.....	1541	Married women—Status of.....	1541
Oath of residence, &c.....	1541	Naturalization	1538
What the certificate shall show and its		British subject by birth who has become	
effect.....	1541	an alien.....	1540
Declaration of alienage.....	1536	Certificate of re-admission.....	1540
Before whom to be made.....	1536	Form of certificate. See Schedule F.....	1540
Child of a British subject.....	1537	Rights of.....	1540
Convention with a foreign state.....	1536	Certificate of, by court.....	1539
Her Majesty's subjects by birth.....	1537		

The figures denote the pages which are numbered at the bottom.

NATURALIZATION ACT—Continued.

Form of. <i>See</i> Schedule C.....	1549
Certificate of, by Secretary of State.....	1539
Form of. <i>See</i> Schedule D.....	1549
Certificate of re-admission to British nationality.....	1540
Certificate to be applied for.....	1538
Form of. <i>See</i> Schedule B.....	1548
Certificate when nationality doubtful.....	1540
Effect thereof.....	1540
Form of. <i>See</i> Schedule E.....	1550
Convention by Her Majesty with foreign state.....	1541
Court to which certificate shall be presented in.....	1538
British Columbia.....	1539
Keewatin.....	1539
Manitoba.....	1539
New Brunswick.....	1538
North-West Territories.....	1539
Nova Scotia.....	1538
Ontario.....	1538
Prince Edward Island.....	1539
Quebec.....	1538
Evidence of residence or service.....	1538
July 4, 1883—As to aliens naturalized before.....	1540
Oaths of residence and allegiance, &c., to be taken.....	1538
Form of. <i>See</i> Schedule A.....	1547
Presentation to be made in open court..	1539
To be filed of record.....	1539
Rights of alien naturalized.....	1540
Exception.....	1540
Where and before whom oaths may be taken.....	1538
Naturalization—Acts done before.....	1544
Naturalization to be under this Act only	1546
Penalty for false swearing.....	1546
Property of aliens—Rights of.....	1535
Regulations which may be made by Gov. in Council.....	1542
Repatriation.....	1537
Before whom declaration may be made.....	1537, 1538
Declaration of allegiance, &c.....	1537
Effect of declaration.....	1537
Schedule.....	1547
Certificate of naturalization after residence.....	C. 1549
Certificate of naturalization after service.....	D. 1549
Certificate of naturalization in case of doubt.....	E. 1550
Certificate of oath of residence, &c... B.	1548
" of re-admission..... F.	1550

NATURALIZATION ACT—Concluded.

Oath of alien who had his settled abode in certain provinces on certain named days.....	H. 1551
Oath of allegiance.....	A. 1547
Oath of person entitled to naturalization before January 1, 1868.....	G. 1551
Oath of residence.....	A. 1547
Oath of service.....	A. 1547
Short title.....	1535
Status of married women and infant children.....	1541
United Kingdom "The Naturalization Act, 1870" passed by the Parliament of the—Application of.....	1535
Widow being a British subject by birth, who has become an alien by marriage.	1542
NAVAL STORES. <i>See</i> Military and Naval Stores.....	1981
NAVIGABLE WATERS. <i>See</i> Works constructed in or over, &c.....	1243
NAVIGATION OF CANADIAN WATERS.	
—An Act respecting.....	1151
Alteration of Imperial regulations—Provision in case of.....	1160
Both vessels in fault—Damages when....	1158
"British Sea Fisheries Act, 1868".....	1154
By-laws—Local, penalties, &c.....	1157
Collision from non-observance of rules..	1157
Collisions—Regulation for preventing....	1151
Convoys—Lights for squadrons and.....	1156
Crossing—Steamships.....	1155
Damages, how calculated.....	1159
Duty of masters, &c.....	1158
Extreme amount of damages recoverable.	1159
Fishing vessels, at anchor.....	1153
" drift net fishing.....	1153
Flare-up lights.....	1154
Fog, &c.—Speed restricted in.....	1154
Fog, mist, or falling snow, &c.....	1154
Fog—Sound signals for.....	1154
Foreign ships.....	1158
Harbor Commissioners of Montreal, &c... 1157	
Harbor of Sorel.....	1157
High Court of Justice (England)—Rules under.....	1158
Insurance against certain casualties not invalid.....	1160
Interpretation.....	1151
"Ordinary practice of seamen".....	1151
"Owner".....	1151
"Ship".....	1151
"Steamship".....	1151
"Vessel".....	1151
Lanterns for lights.....	1154
Liability from non-observance of rules....	1157
Liability of owners.....	1158

The figures denote the pages which are numbered at the bottom.

NAVIGATION of Canadian Waters—Continued.

When limited.....	1159
Lights to be carried—Provisions as to.....	1151
Fishing vessels.....	1153
Globular lanterns.....	1154
Open boats.....	1153
Pilot vessels.....	1153
Sailing ships.....	1153
Small vessels.....	1153
Squadrons and convoys.....	1156
Steamships.....	1152
Telegraph cable ships.....	1152
Trawlers at work.....	1153
Local authorities—Rules by.....	1156
Local by-laws, penalties, &c.....	1157
Masters—Duties of.....	1158
Meeting—Sailing-ships.....	1154
“ Steam-ships.....	1155
Montreal—Harbor Commissioners of.....	1157
Narrow channels—Steam-ships in.....	1156
Open fishing boats, &c., at anchor.....	1153
“ “ “ under way.....	1153
Owners of ships—Liability of.....	1158
Penalties, &c.—Local by-laws.....	1157
Penalties, how recoverable.....	1158
Penalty for wilful disobedience of this Act.....	1157
Pilot vessels.....	1153
Proper precautions, &c.....	1156
Quebec Harbor Commissioners.....	1157
“ Trinity House of.....	1157
Rafts—Rules concerning.....	1156
Recovery of penalties.....	1158
Regard to dangers of navigation, &c.....	1156
Sailing ships, in motion.....	1153
Sailing ships, meeting.....	1154
Ship overtaken by another.....	1156
Ships at anchor.....	1153
Ships keeping out of the way.....	1156
Ships not under command.....	1152
Signals by steam.....	1155
One short blast—Meaning of.....	1155
Three short blasts—Meaning of.....	1156
Two short blasts—Meaning of.....	1156
Signals for fog. See Sound signals, &c.....	1154
Small vessels in bad weather.....	1153
Sorel—Harbor of.....	1157
Sound signals for fog, &c.....	1154
Speed restricted in fog.....	1154
Squadrons and Convoys—Lights for.....	1156
Steam-ship approaching another ship.....	1155
Steam-ship in narrow channel.....	1156
Steam-ship to keep out of the way of sailing-ship.....	1155
Steam-ships crossing.....	1155
Steam-ships meeting.....	1155
Steam-ships towing, &c.....	1152

NAVIGATION of Canadian Waters—Concluded.

Steam-ships under sail or under steam....	1151
Steam-ships under way.....	1152
Steering and Sailing Rules.....	1154
Tonnage, how calculated.....	1160
Trawlers at work.....	1153
Trinity House of Quebec.....	1157
NAVY. See Offences relating to the Army and Navy.....	1979
NAVY—Property of seamen in the. See Seamen in the Navy, &c.....	1985
NORTH-WEST MOUNTED POLICE FORCE—An Act respecting the.....	693
Articles of engagement to be signed.....	695
Commissioner of police.....	693
Constables.....	694
Control and management.....	693
Duties of the force.....	695
General provisions.....	700
“ Civil Service Superannuation Act,” to apply to whom.....	700
Expenses payable out of what fund.....	700
Publication of regulations.....	700
Separate account to be kept.....	701
Headquarters of the force.....	695
Interpretation.....	693
Militia Act—When, subject to.....	695
Non-commissioned officers.....	694
Oath to be taken by members of.....	694
Offences.....	697, 698
Application of penalties.....	699
Breach of discipline.....	698
Desertion—Evidence in case of.....	700
Refusal to deliver up clothing, &c.....	699
Penalty for.....	699
Refusal to obey orders.....	699
Trial and punishment.....	698
Unlawfully buying or selling clothing, arms, &c.....	700
Penalty for.....	700
Witnesses—Examination of, &c.....	699
Police force established.....	693
Powers of members.....	694
President of Privy Council to have control of the force.....	693
Prosecutions.....	700
Protection of the force.....	696
Qualifications required.....	694
Regulations—	
Certain expenses.....	697
Precedence and rank.....	697
Quartering, billeting, &c.....	697
Relative rank of officers of Militia and Mounted Police.....	695
Remuneration of members.....	696
Special application of Act.....	701
Keewatin—Act to be in force in.....	701

The figures denote the pages which are numbered at the bottom.

NORTH-WEST MOUNTED POLICE FORCE—Concluded.		NORTH-WEST TERRITORIES ACT—Continued.	
Provincial Governments—Arrangements with.....	701	Escape from custody.....	728
• Supernumeraries and scouts.....	694	Larceny, &c.....	728
Surgeons and veterinary surgeons.....	693	Summary trial.....	729
NORTH-WEST TERRITORIES ACT.....	717	Procedure.....	728
Acts generally, may be extended to the Territories by Governor in Council....	740	Repeal by proclamation of sections 67 to 76 inclusive.....	731
Administration of justice.....	724	Returns to Lieutenant Governor.....	730
Appeals from justices of the peace.....	737	Summoning jurors.....	729
Application of Acts generally.....	740	Tales, when and how summoned.....	730
Arms and ammunition—Sale of.....	736	Trial by jury, in what cases.....	729
Civil justice—Administration of.....	732	Witness, failing to attend.....	730
Execution of judgment.....	733	Contempt of court.....	730
Gambling debts or intoxicants—No action lies for.....	733	Proceedings against.....	730
Judgment, how given.....	733	Punishment of.....	730
When it may be given subsequently to trial.....	733	Election of members of Council and Assembly.....	720
Reference of disputed accounts.....	733	Additional member—When entitled to..	721
Repeal of sections 88 to 90 inclusive, may be by proclamation.....	733	Election qualification.....	721
Summary procedure.....	732	Electoral districts, how erected.....	720
Trial by jury, when.....	732	Powers of elected members.....	721
Constitution and powers of Legislative Assembly.....	722	Proceedings for elections.....	721
Coroners and inquests.....	732	Sub-division of districts.....	721
Deceased prisoners.....	732	Voting qualification.....	721
Fees.....	732	English or French language may be used	739
Number of jury.....	732	Evidence—Certain printed copies of laws.	
Power of coroners.....	732	&c., to be.....	739
When inquests may be held.....	732	General provisions.....	739
Who eligible for coroners.....	732	Government and legislation.....	717
Council and Assembly—Election of members of.....	720	Administrator, when he may be appointed.....	718
Criminal law—Administration of.....	728	Clerk of the Council.....	718
Challenges, by accused.....	729	Council—Appointment of.....	718
“ by Crown.....	729	Judges—Appointment of.....	718
“ for cause.....	730	Laws in force, continued.....	719
Convict, where to be imprisoned.....	731	Laws of England on July 15, 1870, how far in force.....	719
Conveyance of.....	731	Lieutenant Governor, his appointment and duties.....	718
Duties and powers of warden.....	731	To preside at sittings of Council.....	718
May be detained in custody of N. W. Mounted Police.....	731	Oaths to be taken.....	718
Death sentence to be reported to Minister of Justice.....	729	Ordinances respecting administration of justice.....	720
Stay of execution in such case.....	729	Concerning juries.....	720
Defense by counsel.....	729	Disallowance of.....	720
Erection of places of detention.....	731	Submission of, to Parliament.....	720
Grand jury, none.....	728	Ordinances respecting education.....	719
Limitation of time for proceedings.....	731	Majority schools.....	719
Notes of evidence.....	729	Minority schools.....	719
Open court—Trials, to be in.....	729	Power to pass ordinances.....	720
Powers of judge in cases of aggravated assault.....	728	Powers of Lieut. Gov. in Council.....	719
Assault on a female, &c.....	728	Seat of Government.....	718
		Territories, defined.....	717
		Inquests, &c. See Coroners, &c.....	732
		Interpretation—	
		“ Intoxicant ”.....	717
		“ Intoxicating liquor ”.....	717

The figures denote the pages which are numbered at the bottom.

NORTH-WEST TERRITORIES ACT—Continued.	NORTH-WEST TERRITORIES ACT—Concluded.
“Lieutenant Governor”.....	Manufacture, &c., of intoxicants, when prohibited.....
“Lieutenant Governor in Council”.....	Penalty for—
“Supreme Court”.....	Having articles exchanged for intoxicants in possession.....
“Territories”.....	Manufacturing without permission... ..
Intoxicants—Prohibition of	Refusing to assist constable.....
Administration of.....	Subsequent offence.....
Appeals, &c.—Hearing of.....	Recovery of penalties.....
Bond to be given by sheriff.....	Return of permissions.....
Constitution of court.....	Search warrant, when granted.....
Deputy sheriffs and clerks.....	Special permission.....
Fees of clerk.....	Still, &c., may be seized, &c.....
Judge, to hold no other office.....	Road allowances
Judicial districts.....	Salaries of officers—
Jurisdiction, defined.....	Clerk of Council.....
Jurisdiction in banc.....	Lieutenant Governor.....
Justices of the peace.....	Members of Council.....
North-West Mounted Police may be ordered to aid, &c.....	Travelling allowances.....
Oath of office.....	Sale of arms and ammunition
Powers of single judge.....	“Ammunition”—Meaning of.....
Residence of judges.....	“Improved arm”—Meaning of.....
Salary and fees of sheriff.....	Regulations—Gov. in Council may make concerning—
Seal of the court.....	Disposition of forfeited arms, &c.....
Sheriffs and clerks, officers of courts....	Fees.....
Sittings, in banc.....	Permits.....
“ of single judge.....	Returns.....
Stipendiary magistrates, superseded by judges.....	Section, when and how to come in force
Supreme Court, continued.....	Seizure of arms, &c.....
Tenure of office.....	Supplying arms, &c., without permit...
Territorial jurisdiction of judge.....	Survey and transfer may be directed by Governor in Council
Who may be appointed judge.....	Warrant to take escaped lunatic—Form of
Legislation—Government and	Wills
Legislative Assembly—Constitution and powers of	Devise to witness void.....
Lunatics	Execution of.....
Manitoba to be indemnified for care of..	Executor, may be witness.....
Recapture of.....	Incompetence of witness.....
Removal of.....	Revocation of.....
Warrant to retake escaped patient.....	Testator must be of age.....
Married women	Witness to.....
Debts of wife before and after marriage.	NORTH-WEST TERRITORIES' REPRESENTATION ACT
Deposits in bank.....	Accommodation at polling stations.....
Earnings, &c., of.....	Agent of candidate.....
Fraudulent investments.....	Alberta—District of.....
Suits by and against.....	Assinibola—East Riding.....
Officers not being provided—Their duties may be assigned to persons appointed by Lieut. Gov. in Council	“ West Riding.....
Officers—Salaries of	Certificate on close of poll.....
Prohibition of intoxicants	Form of certificate. See Schedule Q....
Conviction, &c., when not invalid.....	Commencement of Act
Customs and excise laws to apply.....	Copies of Act, &c., to be transmitted to returning officer
Forfeiture of intoxicant.....	Copies of certificates to be furnished
Of things accessory to offence.....	

The figures denote the pages which are numbered at the bottom.

NORTH-WEST TERRITORIES' REPRESENTATION ACT—Continued.

Declaration of election.....	75
Deputy returning officer.....	71, 74
Appointment of.....	71
Duties of.....	72, 73, 74
Oath of office of.....	72, 84
Oaths—Administration of.....	73
Districts established.....	65
Dominion Elections Act—Certain parts of, incorporated in this Act.....	77
Election clerk—Duties of.....	67
How appointed.....	67
Not to vote.....	67
Oath of office of.....	67
Electoral Franchise Act—Section 9 of, not affected.....	77
Enumerators—Appointment of.....	70
Attestation of lists by.....	71
Correction of lists by.....	70
Delivery of lists to deputy by.....	71
Form of certificate. <i>See</i> Schedule K....	83
Oath of office of, to be taken.....	70
Form of oath. <i>See</i> Schedule J.....	82
Preparation of lists by.....	70
Forms—Schedule of.....	77
Certificate in poll book.....	Q. 88
Certificate of oath by election clerk...D.	79
" by returning officer...B.	78
" by deputy returning officer.....M.	85
" of enumerator.....J.	83
" of poll clerk.....O.	87
Commission of election clerk.....C.	78
Election notice.....I.	82
Information to electors.....L.	84
List of voters.....K.	83
Nomination paper, &c.....F.	80
Oath of attestation of nomination paper.....G.	81
" of deputy returning officer.....M.	84
" of election clerk.....D.	79
" of enumerator.....J.	82
" of poll clerk.....O.	87
" of returning officer.....B.	78
" of voters.....P. 1, 2....87, 88	
Poll book.....N.	86
Proclamation.....E.	80
Return, of single candidate.....H.	81
" when poll held.....R.	88
Writ of election.....A.	77
Interpreter may be sworn.....	73
List of candidates, if required.....	69
Nomination of candidates.....	68
Acclamation—Return by.....	69
Attestation of nomination paper.....	68

NORTH-WEST TERRITORIES' REPRESENTATION ACT—Concluded.

Form of oath. <i>See</i> Schedule G.....	81
Consent of candidate in writing.....	68
Deposit to be made.....	68
Form of nomination.....F.	80
Hour of, &c.....	68
Place and day.....	66
Notice of election to be posted up.....	70
Form of notice. <i>See</i> Schedule I.....	82
Notice of information to electors.....	71
Form of notice. <i>See</i> Schedule L.....	84
Penalty for unlawfully attempting to vote.....	76
Poll book, &c., to be furnished.....	72
Form of poll book. <i>See</i> Schedule N....	83
Poll clerk to be sworn.....	72
Form of oath. <i>See</i> Schedule O.....	87
Poll clerks—Who not obliged to act as... " Who not qualified for.....	67 66
Poll, may be granted, when.....	69
" when to be held.....	70
Polling divisions, how made.....	69
Polling stations to be provided, &c.....	69, 71
Proclamations, how made.....67, 76	
Accidents, delays, &c., provision made in such cases.....	68
Provisional Districts.....	65
Qualification. <i>See</i> Voters, &c..... 65, 66, 67	
Report of returning officer..... 69, 75, 76	
Return of elected candidate.....	75
Returning officer, not to vote.....	67
Proclamation by, how issued.....	67
Returning officers— Who not obliged to act.....	67 67
Who shall not act.....	67
Saskatchewan District.....	65
Summing up of votes.....	75
Tariff of fees, &c., may be made.....	76
Tie—Provision in case of.....	75
Voter may be sworn.....	73
Voter refusing to take oath.....	73
Voter's name not on list.....	73
Voters—Who are qualified as..... 65, 66, 67	
Votes of officers and agents.....	74
Who may remain where votes are recorded.....	72
Withdrawal of candidate.....	69
Writ—Proceedings on receipt of.....	67
Writs of election—Issue of.....	66
Form of Writ. <i>See</i> Schedule.....	77
NOT CONSOLIDATED—Acts and parts of Acts. <i>See</i> Schedule B.....	2299
NOTES—Promissory. <i>See</i> Bills of Exchange, &c.....	1649

The figures denote the pages which are numbered at the bottom.

- O
- OATHS**—Extra-judicial. *See* Extra-judicial oaths..... 1811
- OATHS OF ALLEGIANCE**—An Act respecting..... 1533
- Affirmation** when substituted for..... 1534
- Form** of prescribed..... 1533
- No other declaration or subscription necessary**..... 1533
- Oath of office** to be taken..... 1533
- Within what time oath must be taken**.... 1534
- Who may administer**..... 1533
- OATS**—Inspection of. *See* General Inspection Act..... 1300
- OFFENCES AGAINST THE PERSON**... 1887
- Abduction and defilement of women**..... 1893
- Of girl under age**..... 1894
- “ **under sixteen**..... 1894
- Of woman against her will, &c.**..... 1894
- Abortion**..... 1895
- Administering drugs, &c.**..... 1895
- Procuring or supplying drugs or instruments, &c.**..... 1896
- Using instruments, &c.**..... 1895
- Accessory after the fact**..... 1887
- Acts causing bodily harm or dangerous to life**..... 1888
- Assault occasioning bodily harm**..... 1893
- Assault on officers**..... 1893
- Assault with intent to commit an indictable offence**..... 1893
- Assaults—Common, &c.**..... 1893
- Attempt to choke, &c., with intent to commit an indictable offence**..... 1899
- Attempt to have carnal knowledge of girl under twelve years**..... 1894
- Attempts to maim, disfigure, &c.**..... 1888
- Attempts to murder**..... 1888
- Carnally knowing girl under ten years of age**..... 1893
- Between ten and twelve**..... 1893
- Causing bodily injury by explosives**..... 1890
- With intent, &c.**..... 1890
- Child stealing**..... 1894
- Children**—Taking away, decoying or detaining..... 1894
- Chloroform, &c.**—Administering with intent to commit an indictable offence 1889
- Common assault**..... 1893
- Concealing the birth of a child**..... 1896
- Conspiracy, &c., to murder**..... 1887
- Continuing to leave openings or excavations unguarded after conviction**..... 1892
- OFFENCES Against the Person—Concluded.**
- Damaging building with intent to commit murder**..... 1885
- Drugs, &c.**—Administering..... 1885
- Excusable homicide**..... 1887
- Explosive**—Placing, near building, &c.... 1890
- Exposing children**..... 1896
- Falling, when liable, to provide food, &c., whereby life is endangered**..... 1887
- Evidence in such case**..... 1890
- Forcible abduction**..... 1894
- Furious driving—Injury by**..... 1891
- Homicide**..... 1887
- Ice**—Holes in the..... 1892
- Indecent assault**..... 1894
- Inflicting grievous bodily harm**..... 1889
- Interpretation “loaded arms”**..... 1887
- Kidnapping**..... 1895
- Leaving certain excavations unguarded and unenclosed**..... 1892
- Leaving unguarded holes in the ice or any frequented water**..... 1892
- Loss of life by leaving certain excavations unguarded—Manslaughter, in case of** 1892
- Manslaughter**..... 1887
- Murder**..... 1887
- Negligently causing bodily harm**..... 1892
- Offender incapable of taking any property of person abducted**..... 1894
- Persons preferring certain claims to children not liable**..... 1895
- Petit treason**..... 1888
- Placing explosive near a building or vessel** 1896
- Poison, &c.**—Administering, so as to endanger life, &c..... 1889
- With intent to injure or annoy**..... 1889
- Railway carriage**—Throwing missiles at 1891
- Railway**—Doing anything to endanger persons on..... 1891
- Placing obstacles on, or removing rail, &c.**..... 1891
- Rape**..... 1893
- Assault with intent to commit**..... 1893
- Receiving stolen child**..... 1895
- Setting fire to ship, &c., with intent to commit murder**..... 1888
- Setting spring guns, &c.**..... 1886
- Soliciting or proposing to murder**..... 1887
- Spring guns—Setting**..... 1896
- OFFICERS**—An Act respecting Public; 227 *et seq.*
- OFFICIAL ARBITRATORS.** *See* Arbitrators, &c..... 602

The figures denote the pages which are numbered at the bottom.

OLEOMARGARINE. See Butter—An Act to prohibit, &c.	1329	ORDNANCE and Admiralty Lands—Concluded.	
ONTARIO AND BRITISH COLUMBIA—		How lands dealt with.....	874
An Act respecting the application of the Criminal law of England to the Provinces of.....	1829	Improvements under.....	874
ONTARIO—Maritime Court of. See Maritime Court Act.	1791	Sales at auction.....	874
ONTARIO—Savings Banks in. See Savings Banks in Ontario and Quebec.....	1637	Classified	873
ORDNANCE AND ADMIRALTY LANDS		Consolidated Revenue Fund	874
—An Act respecting.....	873	Lands divided into two classes	873
Annuities to pensioners	874	Lands vested in Her Majesty for Canada.	873
Application of proceeds	874	Pensioners—Annuities to	874
Class one	873	Pensioners at Toronto, &c.	874
How lands dealt with if not required....	873	“ at Penetanguishene, &c.....	874
How occupied.....	873	Proceeds—Application of	874
Lands for defence.....	873	Rights saved	873
Class two	874	Schedule—	
“Dominion Lands Act”.....	874	Admiralty Lands.....	882
		Lands, &c.—New Brunswick.....	884 to 886
		“ Nova Scotia.....	886
		“ Quebec.....	882, 883
		Military properties.....	875
		Naval reserve.....	878, 882
		War Department property.....	877, 879 to 881

P

PALEONTOLOGICAL INVESTIGATIONS. See Geological, &c., Survey of Canada.....	247	PATENT ACT—Continued.	
PARCHMENT—An Act to avoid the necessity of having public documents engrossed on	1557	In whole or in part.....	914
PARDONS. See Punishments, Pardons, &c.	2189	Joint applications, &c.—In cases of.....	915
PARLIAMENT—Independence of	181	Null, if not registered.....	915
PARLIAMENT—Library of	199	Registration of.....	914
PARLIAMENT OF CANADA. See An Act respecting the Senate and House of Commons.....	179	Representatives of inventor.....	914
PASSENGER TICKETS. See Railway Passenger Tickets, &c.....	1527	Caveat	918
PATENT ACT	907	Duration of.....	918
Action for infringement.....	915	Intending applicant may obtain.....	918
Annual report of Commissioner.....	921	Notice of application for.....	918
Applications for. See Patents—Applications for.....	908	Proceedings to obtain.....	918
Appointment of officers. See Patent Office, &c.....	907	Clerical errors	920
Arbitrators.....	911	Conditions upon which patents are granted	917
Appointed by commissioner, when.....	911	Decision of disputes.....	917
Decision of, final.....	911	Importation prohibited after twelve months.....	917
Failure of applicant to choose.....	911	Manufacture must commence within two years.....	917
Form of oath of.....	911	Conflicting applications	911
How chosen.....	911	Courts having jurisdiction in cases of impeachment	916
Powers of.....	911	<i>Scire facias</i> may issue.....	917
Remuneration of.....	912	Courts of record to have jurisdiction in actions for infringement	915
To be sworn.....	911	Defence in actions for infringement	916
Assignments	914	Destroyed patent may be replaced	920
		Disclaimer in case of mistake, &c	914
		Effect of.....	914
		Form and attestation of.....	914
		In case of death of patentee.....	914

The figures denote the pages which are numbered at the bottom.

PATENT ACT—Continued.

Not to affect pending suits.....	914
Effect of new patent.....	913
Existing patents—Certain, to remain in force.....	922
Duration of such patents.....	922
Extension of such patents.....	922
Prince Edward Island—Extension to....	923
Fees	919
Application of.....	919
For copies of drawings.....	919
Return of, in certain cases.....	919
Table of.....	919
To be in full of all services.....	919
Foreign vessels—Patented invention may be used in, when.....	920
Forfeiture of patents.....	917
General provisions.....	920
Government may use patented invention.....	920
Grant and duration of patents.....	912
Duration of patent.....	912
Effect of second and further payment ...	913
Form of issue of patent.....	912
Joint applications.....	912
Partial fee—Payment of.....	913
Reference to Minister of Justice.....	912
What the patent shall contain and confer.....	912
Impeachment and other legal proceedings.....	915
Impeachment of patent—Proceedings for.....	916
Infringement of patent—Remedy for.....	915, 916
Injunction may issue, when.....	916
Appeal therefrom.....	916
Inspection by the public.....	920
Interpretation	907
“Commissioner”.....	907
“Invention”.....	907
“Legal representatives”.....	907
“The Minister”.....	907
Judgment voiding patent to be filed in Patent Office.....	917
Appeal from.....	917
Marking or stamping patented article—Particulars of.....	921
Offences and penalties.....	921
Default in stamping or marking, &c....	921
Falsely marking, &c.....	921
Making certain false entries.....	922
Misdemeanor—What constitutes a.....	922
Officers of Patent Office not to deal in patents.....	921
Patent fees.....	918
Patent Office and appointment of officers.....	907
Commissioner of Patents.....	907
Department of Agriculture.....	907
Deputy Commissioner.....	907

PATENT ACT—Continued.

Duties of Commissioner.....	907
Minister of Agriculture.....	907
Office constituted.....	907
Officers and clerks.....	908
Seal.....	908
Patents —Application for.....	908
Domicile to be mentioned.....	909
Drawings, &c., when to be furnished ...	909
Duplicates may be dispensed with, when.	910
Foreign patents—Expiry of patents in such cases.....	908
Improvements may be patented.....	908
Oath to be made by inventor.....	908
Before whom.....	909
By applicant, when.....	909
Specification, how to be witnessed.....	909
In duplicate, to be sent.....	909
Shall show the mode or modes of operation, place and date.....	909
What to show, in case of a machine....	909
Specifications, &c., how disposed of.....	910
Specimens of ingredients.....	910
Title or name of invention to be given... ..	909
What shall not be patented.....	908
Who may obtain patents.....	908
Withdrawal of application.....	910
Working model, when to be delivered... ..	910
Penalties —Offences and.....	921
Power of court to discriminate in actions for infringement.....	916
Previous purchaser—Protection of.....	920
Proviso; as to other persons.....	920
Refusal to grant patents.....	910
Appeal to Governor in Council on.....	911
Applicant to be notified.....	911
Invention already patented.....	910
“ “ public.....	910
“ “ not patentable in law.....	910
No novelty in invention.....	910
Regulations may be made and forms prescribed.....	921
Re-issue of patents in case of—	
Death or assignment.....	913
Defective or inoperative.....	913
Error from inadvertence, accident or mistake.....	913
Insufficient description or specification.	913
Patentee claiming too much.....	913
Remedy for infringement.....	915
Seal of patent office—Evidence of.....	920
Separate patents for separate parts.....	913
Short title.....	907
Tariff of fees.....	919
Term for importation may be extended....	918
Term for manufacture may be extended... ..	917

The figures denote the pages which are numbered at the bottom.

PATENT ACT—Concluded.

Void—Patent to be declared, in whole or in part, when.....	915
Copies of judgment in such case to be sent to the Patent Office.....	915
PAUPER IMMIGRANTS. See Immigration Act.....	957
PAWNBROKERS—An Act respecting.	1639
Forging pawnbrokers' notes.....	1700
Arrest of offender.....	1700
Penalty for.....	1700
Interpretation.....	1639
Not giving satisfactory account.....	1700
Arrest of offender.....	1700
Offender may be committed for stealing goods, &c.....	1700
Penalty for taking unlawful rate.....	1700
Rates to cover warehouse room.....	1639
Rates which may be taken.....	1639
Times and terms on which pledges may be redeemed.....	1639
When sum lent exceeds twenty dollars... ..	1639
PEACE AT PUBLIC MEETINGS. See Preservation of Peace at, &c.....	1857
PEACE—Breaches of the. See Riots, &c....	1857
PEACE NEAR PUBLIC WORKS. See Preservation of Peace in, &c.....	1849
PEAS—Inspection of. See General Inspection Act.....	1300
PENITENTIARIES AND PRISONS. See Justice—Department of.....	244
PENITENTIARY ACT	2203
Accountant of Penitentiaries.....	2207
Appointment of.....	2207
Audit of accounts by.....	2208
Duties of.....	2207, 2208
Money matters, &c.—To inquire into... ..	2208
Powers of.....	2208
Annual report of Minister.....	2203
Arbitration in case of difference between warden and contractors, &c.....	2211
Books, documents, &c., to be property of penitentiary.....	2211
Copies of reports to be kept.....	2211
How copies are to be furnished.....	2211
"Canada Gazette"—Proclamation of penitentiaries, &c., in the.....	2203
Construction and repairs of buildings.	2205
Contracts, dealings, personal property, &c., to be in corporate name of warden.....	2210
Conveyance, receipt and removal of convicts.....	2212
Assistance in case of escape.....	2214
Authority for conveyance, &c.....	2212
Certified copy of sentence.....	2212

PENITENTIARY ACT—Continued.

Convict whose sentence of death is commuted.....	2214
Warden how authorized in such case... ..	2214
Detention of convict.....	2213
Duty of warden as to receiving and detaining convicts.....	2213
Other Penitentiary or gaol—When brought from.....	2212
Powers of sheriff or other officer.....	2213
Removal from one penitentiary to another.....	2213
Convicts—Deceased.	2220
Convicts—Discharge of.	2219
Convicts—Insane.	2220
Coroners' inquests	2220
Deceased convicts.	2220
Discharge of convicts	2219
Discipline and correction—Inspector to make rules for.....	2217
Effects—Prisoners'	2219
Escapes, &c., as to streets, &c.	2204
Examinations and investigations.	2207
Entry and examination of papers, &c....	2207
Evidence:—Punishment for refusal to give.....	2207
Inquiries into conduct of officers, &c....	2207
Witnesses—Summoning.....	2207
Female convicts.	2216
Governor in Council may establish penitentiaries.....	2204
Inquests	2220
Insane convicts	2220
Discharge if sane.....	2221
Insane when term expires.....	2221
Kingston penitentiary insane ward.....	2220
Lieutenant Governor may order removal of.....	2221
Further power of Lieut. Governor.....	2221
Ontario—Provisions in.....	2221
Provision if Lieut.-Gov. (Ontario) does not provide for removal.....	2221
Question of sanity how decided.....	2222
Report in order to removal of.....	2221
Sauve—Becoming.....	2221
Surgeons to report cases of.....	2220
Inspector	2205
Annual report of, to Minister of Justice, what to contain.....	2206
Appointment of.....	2205
Duties of.....	2205
Officers to furnish information to.....	2206
Special reports by, as to improvements and repairs.....	2207
Copy of, to Minister of Public Works.....	2207
To be a Justice of the Peace.....	2205

The figures denote the pages which are numbered at the bottom.

PENITENTIARY ACT—Continued.

To keep minutes and transmit copy to Minister.....	2205
To make an annual report to Minister of Justice.....	2206
To make rules and regulations, &c., subject to the approval of the Governor in Council.....	2206
Investigations—Examinations and.....	2207
Juvenile offenders— <i>See</i> Transfer of Juvenile offenders, &c.....	2214
Liquors.....	2218
Penalty for providing.....	2219
Prohibited.....	2218
Exception.....	2218
Minister of Justice—Penitentiaries, &c., to be under control of.....	2203
Monthly statement by warden and accountant.....	2211
Notice to municipality for construction of tram ways, &c.....	2203
Oath of storekeeper.....	2212
Oath of warden and accountant.....	2211
Oaths—Who may administer.....	2212
Offences and penalties.....	2217
Assaulting officers.....	2217
Bringing money, spirits, tobacco, letters, &c., to convicts.....	2218
Penalty for.....	2218
Corporal punishment.....	2217
Investigation before.....	2217
Limitation as to.....	2218
Surgical certificate, &c.....	2217
Fines for neglect of duty—Warden may impose.....	2200
Inspector to make list of prison offences.....	2217
Inspector to make rules for discipline and correction.....	2217
List of offences to be posted up.....	2217
Talking not allowed.....	2217
Pay of officer while suspended.....	2200
Penal cells.....	2216
Penalties—Offences and.....	2217
Penitentiaries enumerated, &c.....	2203
British Columbia Penitentiary.....	2203
Dorchester Penitentiary.....	2203
Kingston Penitentiary.....	2203
Manitoba Penitentiary.....	2203
St. Vincent de Paul Penitentiary.....	2203
Penitentiaries may be established by Governor in Council.....	2204
Prisoners' effects.....	2219
May be sold if convict desires.....	2220
To be kept, &c., when.....	2220
Privileged visitors.....	2212
Proclamation of penitentiaries, &c., in the <i>Canada Gazette</i>	2203

PENITENTIARY ACT—Continued.

Provinces for which the penitentiaries are established respectively.....	2204
Real property, how vested and managed..	2211
Receipt of convicts. <i>See</i> Conveyance, &c.	2212
Reformatory prisons. <i>See</i> Transfer of juvenile offenders, &c.....	2214
Removal of convicts. <i>See</i> Conveyance, &c.....	2212
Salaries. <i>See</i> Schedule.....	2222, 2223
Shortening of sentence.....	2216, 2217
Special reports—Minister of Justice may cause, to be made.....	2207
Streets, roads, &c., when to be a part of a penitentiary.....	2204
Talking by convicts not allowed.....	2217
Tobacco, &c., not allowed to convicts.....	2219
Tram-roads may be made.....	2205
Transfer of juvenile offenders from and to reformatory prisons.....	2214
How such offenders are to be dealt with	2214
Incorrigible juvenile offenders may be removed from reformatory prison to penitentiary.....	2214
Offenders may be transferred from penitentiary to reformatory prison by warrant of Governor General.....	2215
Treatment of convicts.....	2215
Bedding.....	2215
Clothing.....	2215
Convict labor.....	2215, 2216
Food.....	2215
General rules.....	2215
Labor of convicts not to let out.....	2216
Solitary confinement, when.....	2215
Trespasses on grounds.....	2218
Mooring vessels, &c.....	2218
Penalty.....	2218
Punishment.....	2218
Subsequent offence.....	2218
Visitors—Privileged.....	2212
Warden and other officers.....	2208
Appointment of, for each penitentiary..	2208
Bonds and sureties of office.....	2200
Chief keeper may act in absence of warden and deputy.....	2200
Deputy warden—Chief keeper may act in absence of, &c.....	2200
Form of oath of office.....	2210
Who may administer oath.....	2210
Inspector may suspend.....	2208
Minister of Justice may appoint certain officers.....	2203
Not to buy from or sell to convicts, &c.	2210
Not to exercise any other calling.....	2210
Exceptions.....	2210
Oaths of allegiance and office.....	2203

The figures denote the pages which are numbered at the bottom.

PENITENTIARY ACT—Concluded.	
Pay of, to be established by Governor in Council.....	2210
Penalty for acting as contractor.....	2210
Removal may be recommended.....	2208
Warden may appoint certain officers and suspend them.....	2208
Warden to be a corporation sole.....	2210
How to be styled.....	2210
Warden —Powers and duties of.....	2209
Absence of—Deputy may act in.....	2209
May appoint certain officers.....	2208
May dismiss certain officers.....	2208
May impose fines, &c.....	2209
May suspend certain officers.....	2208
Residence of and allowances for.....	2209
Warden to collect debts due to penitentiary.....	2211
What shall be included as part of a penitentiary.....	2204
PERJURY —An Act respecting.....	1863
All evidence material with respect to.....	1864
Imprisonment for 14 years.....	1863
Judge may direct prosecution of person appearing to be guilty of perjury before him.....	1864
Commitment of such person or admission to bail.....	1864
Making false affidavit out of Province in which it is to be used.....	1864
Misdemeanor —Person committing perjury, guilty of.....	1863
Oath, &c. —False statement upon.....	1863
Perjury at common law not affected by this Act.....	1863
Punishment for.....	1863
Who guilty of.....	1863
PERSON —Offences against the.....	1887
PETITION OF RIGHT ACT	1785
Arbitration —This Act not to include matters referred to.....	1789
Copy of petition, &c., to be left at the office of the Attorney General of Canada.....	1785
Costs and the recovery thereof.....	1787
Costs to the Crown—Payment of.....	1787
Defence —Time for filing statement in.....	1785
English rules to apply in default of rules under this Act.....	1788
Evidence how taken.....	1786
Fiat of Gov. General to be obtained.....	1785
Filed —When and how to be.....	1785
Form of judgment.....	1786
Form of petition.....	1785
See Schedule, Form A.....	1789
Interpretation —Court, Judge, Relief.....	1785
Issues tried by judge without jury.....	1786

PETITION OF RIGHT ACT—Concluded.	
Judgment by default.....	1786
Setting aside on terms.....	1786
Judgment for suppliant—Effect of.....	1787
Judgment or order to be certified to the Minister of Finance, &c.....	1787
Form of certificate. See Schedule D.....	1790
Notice to parties interested.....	1786
Form of. See Schedule C.....	1789
Payment by Minister of Finance.....	1787
Petition to be endorsed.....	1785
Form of endorsement. Schedule B.....	1789
Petition to be submitted to Gov. General for his fiat.....	1785
Prerogative of Her Majesty not to be affected by this Act.....	1788
Proceedings may be taken as before passing of this Act.....	1788
Remedies limited to those in force in England prior to 23-24 Vic., c. 34.....	1788
Rules —Judges of Supreme Court may make.....	1788
Schedule	1789
Certificate of judgment or order. Form D.....	1790
Endorsement on petition. Form B.....	1789
Notice to parties. Form C.....	1789
Petition of right. Form A.....	1789
Service on parties affected, how made.....	1786
Short title.....	1785
Statement of defence or demurrer—	
Issues raised by.....	1786
“Supreme and Exchequer Court Acts”	
—Provisions of, to apply.....	1788
Trial where to take place.....	1786
PETROLEUM INSPECTION ACT	1345
Assuming title or office of inspector.....	1353
Branding high test petroleum.....	1346
Complaint , by whom heard.....	1353
Costs , if plaintiff fails.....	1353
Directions for applying the flashing test (Schedule).....	1356
Disputes , how settled.....	1350
Enforcement of forfeitures.....	1353
Fees for inspection.....	1350
How recoverable.....	1351
When payable.....	1351
Flashing test—Directions for applying... ..	1356
High test petroleum—Sale of.....	1346
Imprisonment if penalty not paid.....	1353
Inspection	1347
After being put in packages.....	1349
Duty of inspecting officers.....	1347
Fees for subsequent inspection.....	1349
Forfeiture for sale without inspection... ..	1348
Imported petroleum and naphtha.....	1349
Marking packages.....	1349

The figures denote the pages which are numbered at the bottom.

PETROLEUM INSPECTION ACT—Continued.

Naphtha—Rule for inspecting and marking..... 1347
 No other mark, &c..... 1348
 Number of packages, how inspected..... 1349
 Officers, &c..... 1348
 Packages for export..... 1348
 Quantity and quality to be ascertained. 1347
 Removal of petroleum without..... 1348
 Responsibility of refiner, &c..... 1348
 Inspection fees..... 1350
 Inspectors—Powers of, to enter refineries, &c..... 1350
 Instruments which are certified to be used..... 1350
 Interpretation..... 1345
 “ Departmental regulations ”..... 1346
 “ Fire test ” or “ burning ”..... 1345
 “ Flash test ” or “ flash ”..... 1345
 “ Inspector ” or “ inspecting officer ”..... 1346
 “ Naphtha ”..... 1345
 “ Package ”..... 1345
 “ Specific gravity ”..... 1345
 Limitation of suits for things done under this Act..... 1353
 Marks on casks emptied to be obliterated.. 1352
 Penalty for contravention..... 1353
 Marks on packages..... 1347
 Mode of testing petroleum so as to ascertain the temperature at which it will give off inflammable vapor..... 1354
 Naphtha—Sale of..... 1346
 Packages—Marks on..... 1347
 Penalties..... 1351
 Emptying packages, &c..... 1352
 Giving false certificate..... 1352
 Keeping or storing, unlawfully..... 1352
 Keeping petroleum or naphtha, in unmarked packages..... 1351
 Marks and brands..... 1352
 Altering, &c..... 1352
 Counterfeiting..... 1352
 Hiring or lending..... 1352
 Improperly using..... 1352
 Marks—Infringement as to..... 1351
 Amount of penalty in such case..... 1351
 Penalty, how disposed of..... 1353
 Pyrometer..... 1354
 Recovery of penalties..... 1353
 Regulations respecting storage, &c..... 1354
 Sale—Provisions as to..... 1346
 Schedule—“ Mode of testing, &c. ”..... 1354
 Seizure of petroleum not standing flash test..... 1351
 Short title..... 1345
 Specification of the test apparatus or pyrometer (Schedule)..... 1354

PETROLEUM INSPECTION ACT—Concluded.

Storage, &c.—Gov. in Council may make regulations in reference to..... 1354
 Test apparatus or pyrometer..... 1354
 Tests of petroleum intended for sale..... 1346
PIERS. See Harbors, Piers, &c..... 1215
PILOTAGE ACT...... 1161
 Absence of commissioner—Effect of..... 1165
 Annual returns, what to contain..... 1169
 Appeal in Quebec..... 1183
 Application of Act..... 1162
 Apprentices—Quebec..... 1169, 1170
 Boats, &c..... 1184, 1185
 By-laws—Confirmation of..... 1168
 Commissioners incorporated..... 1163
 Compulsory payment of dues..... 1177
 Districts where payable..... 1177
 Exemptions..... 1177
 Ships, when specially exempted..... 1177
 To whom payable..... 1177
 Confirmation of by-laws..... 1168
 Corporation of pilots, &c.—Quebec..... 1187
 Chairman of..... 1187
 One director to be always on duty..... 1188
 Payment of directors and masters..... 1188
 Penalty on master of schooner for neglect..... 1187
 Powers of directors..... 1187
 Demanding more than legal dues..... 1184
 Dues..... 1175
 And See Compulsory Payment, &c..... 1177
 Employment of pilots..... 1177
 Evidence, what deemed sufficient..... 1183
 Exempted ships from compulsory payment of dues..... 1177
 Belonging to Her Majesty..... 1177
 Certain ships under 250 tons..... 1178
 Employed in H.M. service..... 1177
 River St. Lawrence excepted..... 1178
 Ships of not more than 80 tons..... 1178
 Ships with certificated master..... 1178
 Steam-ships trading from port to port.. 1177
 Exceptions—Halifax, &c..... 1177
 Exempted ships, when liable to pay pilotage dues..... 1178
 Existing authorities continued..... 1169
 Existing by-laws, &c., continued..... 1169
 Filling vacancies—Mode of..... 1163
 Flag—Pilot..... 1185
 Fund—Pilot..... 1185
 General powers..... 1166 to 1168
 Halifax Pilot Commissioners..... 1162
 How constituted..... 1162
 Incorporated body..... 1163
 Vacancies, how filled..... 1163
 Halifax—Pilotage district of..... 1162
 Harbor masters—Pilots not to be..... 1174

The figures denote the pages which are numbered at the bottom.

PILOTAGE AGE—Continued.

Incorporation of commissioners.....	1163
Interpretation.....	1161
"Boat".....	1161
"License".....	1161
"Licensed pilot".....	1161
"Master".....	1161
"Minister".....	1161
"Montreal Harbor Commissioners".....	1162
"Pilot".....	1161
"Pilot boat".....	1161
"Pilot fund".....	1161
"Pilotage authority".....	1161
"Pilotage dues".....	1162
"Quebec Harbor Commissioners".....	1162
"Ship".....	1161
"Ships belonging to Her Majesty".....	1161
Investigations.....	1188
Pilotage authorities may examine witness, &c., on oath.....	1188
Pilots above Quebec.....	1188
Inward bound ships.....	1188
Outward bound ships.....	1188
Pilots below Quebec.....	1189
Inward bound ships.....	1189
Outward bound ships.....	1189
Liability of pilots to damages, &c.....	1183
License to pilot—Form of.....	1190
Licensing of masters and mates.....	1181
Application of fees.....	1181
Certificate—Form of.....	1181
Examination for.....	1181
Fees, payable for certificate.....	1181
Pilotage certificate.....	1181
Renewal of certificates.....	1181
Withdrawal of certificates.....	1181
Licensing of pilot boats.....	1184, 1185
Licensing of pilots.....	1170
Aged 65 to deliver up license.....	1172
Contents, &c., of license.....	1170
Copies of this Act, of tariff and by-laws to be furnished.....	1171
Existing licenses continued.....	1171
Fees on renewal of license.....	1172
Forfeiture by non-user.....	1171
License to be produced.....	1171
License, when to be delivered up.....	1171
Penalty for default.....	1172
Limit of license in certain cases.....	1172
Form of such license.....	1172
Lists of pilots to be transmitted to Collector of Customs.....	1172
To be posted at custom houses.....	1173
Names and addresses of pilots to be published.....	1172
Registers to be kept at certain places..	1173
Withdrawal of licenses—Quebec.....	1172

PILOTAGE ACT—Continued.

Limitation of suits and prosecutions.....	1190
Master, &c., to hoist white flag.....	1178
Penalty for contravention.....	1178
Master of exempted ship—Powers and duties of.....	1180
Masters and mates—Licensing of.....	1181
Misdemeanor—What offence constitutes.	1183
Misrepresentation—Penalty for.....	1184
Montreal Decayed Pilots' Fund.....	1185
Montreal Harbor Commissioners.....	1162
Montreal pilot authority—Powers of.....	1163
Montreal—Pilotage district of.....	1162
Names and addresses of pilots to be published.....	1172
No exemption from dues, when.....	1180
Non-exempted ship arriving where payment of dues is compulsory.....	1179
Application of sums payable.....	1180
Pilotage dues, when payable.....	1179
" " to whom payable.....	1179
Signal to be displayed.....	1179
Offences by pilots.....	1182
Penalties under by-laws and their recovery.....	1163
Recovery and application of.....	1189
Penalty for endangering ship or life or limb.....	1183
Penalty for falsely displaying pilot flag or lights.....	1185
Penalty for misuse of signals.....	1180
Pilot boats, decked—Characteristics of..	1184
Responsibility of master of.....	1184
Pilot boats—Licensing of.....	1184
Pilot boats, open—Characteristics of.....	1185
Responsibility of masters of.....	1185
Pilot flag, how to be displayed.....	1185
Penalties for default.....	1185
Pilot fund.....	1185
Application of.....	1187
Contributions to Montreal Decayed Pilots' Fund.....	1185
Contributions to the pilot fund at Quebec.....	1186
Corporation of pilots, Quebec.....	1186
Decayed pilot fund, transferred, &c....	1186
Investment of surplus funds.....	1187
Penalty for false account, &c.....	1186
Pilotage authorities—Powers of... 1166 to	1168
Pilotage authority.....	1162
Pilotage certificate—Form of.....	1191
Pilotage districts—Limits of, &c.....	1165
Pilotage dues.....	1175
Consignee, &c.—Reimbursement of.....	1175
No clearance until payment of.....	1176
Penalty for false declaration.....	1176
For falsifying marks on ship.....	1176

The figures denote the pages which are numbered at the bottom.

PILOTAGE ACT—Continued.

Recovery of	1176
Settlement, as to draught of ship.....	1176
Who liable to pay.....	1175
Pilots —Licensing of.....	1170
Pilots , not to be harbor masters.....	1174
Pilots —Offences of.....	1182
Power of pilotage authorities.....	1166 to 1168
Quebec —Apprentices.....	1169, 1170
Number of pilots to be reduced.....	1170
Quebec Harbor Commissioners	1168, 1169
This Act—Provisions of, to.....	1169
Quebec —Pilotage district of.....	1162
Withdrawal of license for.....	1172
Quebec —Substitution of fine for suspension in	1183
Recovery, &c. , of penalties.....	1189
Civil action.....	1189
Court having jurisdiction.....	1189
Crown—At the suit of the.....	1189
Penalties—Application of.....	1189
Quebec Harbor Commissioners	1189
Registers to be kept.....	1173
Renewal of licenses.....	1172
Returns by pilotage authorities.....	1169
Rights of pilots generally.....	1173
Allowances to pilots.....	1173
Damage, &c.—Deduction of.....	1174
Pensions, &c.....	1173
When pilot may quit ship.....	1174
Widows and children of pilots.....	1173
Rights of pilots in pilotage districts in which the payment of dues is compulsory.....	1174
Occasions on which unlicensed persons may act as pilots.....	1174
Penalty for moving a ship at Quebec, without a pilot.....	1175
Penalty on unlicensed persons, acting as pilots.....	1174
Penalty on unlicensed pilot continuing in charge, after arrival of licensed pilot.....	1175
Power of licensed pilot, to supersede unlicensed pilot.....	1175
When licensed pilot shall be entitled to pilotage, for leading.....	1174
Schedules —	
Form of license to pilot.....	1190
“ pilotage certificate	1191
Secretary-treasurer —How appointed.....	1165
Short title	1161
Signals to be displayed by ships requiring pilots, &c.....	1180
St. John Pilot Commissioners	1164
How constituted.....	1164
Incorporated body.....	1165
Vacancies, how filled.....	1164

PILOTAGE ACT—Concluded.

Substitution of fine for suspension in Quebec.....	1183
Vacancies —Mode of filling.....	1163
White flag . See Section 60.....	1178
Withdrawal of license—Quebec.....	1172
POLICE . See North-West Mounted Police..	693
POLICE OF CANADA —An Act respecting the.....	2243
Application of penalties.....	2244
Commissioner of Police.....	2243
Duties of commissioner.....	2244
Penalty for misconduct by police constables.....	2244
Police constables	2243
Duties and powers.....	2243
Powers of the commissioners in carrying out the laws of Canada.....	2243
Property qualification, &c., not required by commissioner.....	2244
Regulations , pay and annual account to Parliament.....	2244
POLICE —River. See Harbor and River Police of the Province of Quebec.....	1235
POOL-SELLING . See Lotteries, &c.....	1879
PORK —Inspection of. See General Inspection Act.....	1302
PORT AND HARBOR DUES —Exemption of transports from. See Exemption of Transports, &c.....	1233
PORT WARDENS —An Act respecting.....	1219
Annual return of.....	1219
Appointment of.....	1219
Auctioneer —	
Duty of, in selling condemned property.....	1222
Notice and time of sale to be given.....	1222
Penalty for violation.....	1223
Statement to be filed.....	1222
Board of trade. See Disputes, &c.....	1223
Cause of damage to be ascertained.....	1220
Certificate of, to be evidence.....	1224
Certificate required before clearing.....	1222
Certificates of surveys.....	1221
Chamber of commerce. See Disputes, &c.....	1223
Copies of documents to be furnished by..	1224
Copies of harbor regulations to be furnished.....	1224
Damage —Duty of, as to.....	1221
Damage —Memorandum of.....	1220
Deputies	1219
Disputes, &c. —Arbitration of, by.....	1223
Disputes with, how settled.....	1223
Costs—Limit of, in such case.....	1223
Duties and powers of.....	1220
Examination of cargo by.....	1220
Fees	1224
Entry of, in books.....	1219

The figures denote the pages which are numbered at the bottom.

PORT WARDENS—Concluded.	
Hearing and settling disputes.....	1225
How established.....	1224
Rates may be altered, how.....	1225
Survey of damaged goods, &c.....	1225
Valuation and inspection of vessel.....	1225
Governor in Council may assign additional duties to.....	1224
Grain in bulk—	
Duty of master loading vessel with.....	1221
Duty of port warden in such case.....	1221
Penalty for violation.....	1221
Grain—Vessel wholly or partly laden with	1221
Clearance, when to be refused.....	1222
Duty of master.....	1221
“ Port warden.....	1221
Penalty for violation.....	1222
Improper stowage—Evidence of.....	1220
Inspection of books of.....	1220
Interpretation.....	1219
“ Board of trade ”.....	1219
“ Chamber of commerce ”.....	1219
“ Harbor ”.....	1219
Lloyd’s—Regulations of, to govern.....	1224
Notice to be given by, before proceeding.	1223
Office, seal and books of.....	1219
Penalties—Recovery and application of..	1225
Ports excepted from this Act.....	1225
Ports to be determined by Governor in Council.....	1219
Sale of goods, vessels, &c., not to take place without survey.....	1223
Seaworthy—To see that vessels are.....	1221
Short title.....	1219
Statement of damage by.....	1220
Survey, how made and recorded.....	1220
Survey, if bulk has been broken.....	1220
Surveyor of damaged vessels, &c.....	1220
Valuing and measuring vessels.....	1222
Vessel may be detained for want of certificate of clearance.....	1222
When port warden may initiate proceedings.....	1223
POST OFFICE ACT.....	519
Application of Acts respecting the collection and management of the revenue, &c., &c.....	520
Assistant post office inspectors.....	524
Books, pamphlets, &c.—Postage on.....	528
Branch offices and delivery in cities.....	531
Branch post offices—Establishment and regulation of.....	531
Carriage of U. S. mails through Canada..	534
Chief inspectors.....	524
Appointment of.....	524
Authority of.....	524
Powers of, generally.....	524

POST OFFICE ACT—Continued.	
May apply for order to compel person to come before them.....	525
Order and effect of.....	525
Powers of, over investigation of—	
Complaints.....	524
Loss of letters.....	524
Misconduct.....	524
Mismanagement.....	524
See also Inspectors, &c.....	524
Cities—Delivery in. See Branch offices, &c	531
Contraband goods—Letters containing..	533
Detention of, on examination.....	534
“ “ suspicion.....	533
Examination of.....	534
Prosecution of offender.....	534
Contracts and contractors—Mail.....	537
Abstracts of tenders to be recorded.....	538
Additional compensation limited.....	539
Contracts not to be made with persons who have combined to keep back tenders.....	538
Contracts under \$200.....	538
Extra allowance limited.....	539
Four years—Limit of contract to.....	539
Lowest bidder, &c., to be awarded contract unless for cause.....	537
Lowest offer may be refused, when.....	537
Originals to be preserved.....	539
Penalty for not giving security.....	538
How recoverable.....	538
Postmaster may be contractor.....	537
Proceedings on refusal of lowest offer...	537
Railway—Carriage by, to be fixed by Governor in Council.....	539
Railway or steamboat companies—Contracts with.....	538
Temporary contracts.....	539
Tender to be accompanied by written guarantee.....	537
Tenders when required.....	537
Dead letters, how dealt with.....	533
If containing money.....	533
Delivery in cities. See Branch offices, &c.	531
Deputy Postmaster General, &c.....	521
Exclusive privilege of Postmaster General	530
And exceptions.....	530
Collect, convey and deliver letters in Canada.....	530
Exceptions.....	530
By private vessels.....	530
Commissions, writs, &c.....	530
Letters, by common carriers.....	530
“ by private individuals.....	530
“ with goods, &c.....	530
Messenger on private affairs.....	530
Posted on arrival, &c.....	530

The figures denote the pages which are numbered at the bottom.

POST OFFICE ACT—Continued.

Proviso	531
Seizure of letters conveyed in violation of this Act.....	531
Ferries—Tolls and.....	534
Franking and free mail matter.....	532
Books from parliamentary library.....	532
Clerk of House of Commons.....	532
“ Senate.....	532
Departments of the Governments.....	532
Governor General	532
Limited to places in Canada.....	532
Members of either House during session.....	532
Parliamentary papers.....	532
Petition to local legislatures.....	533
Post office letters	532
Speaker of House of Commons.....	532
“ Senate.....	532
Free mail matter. See Franking, &c.....	532
Inspectors—Post office.....	524
Administration of oath by.....	525
Duties of.....	524
Examination under oath by	525
Form of oath	526
Penalty for refusing to appear or to give evidence before.....	525
Powers of	524
To have powers of chief inspector, when See also Chief inspectors.....	525
Interpretation	519
“ Between ”.....	520
“ British packet postage ”.....	519
“ British postage ”.....	519
“ Canada postage ”.....	519
“ Employed in the Canada Post Office ”.....	519
“ Foreign country ”.....	519
“ Letter ”.....	519
“ Mail ”.....	519
“ Mailable matter ”	520
“ Post letter ”.....	519
“ Post letter bag ”.....	520
“ Post office ”.....	520
“ Postage ”.....	519
“ Valuable security ”.....	520
Letter carriers, &c.....	531
Letters containing contraband goods.	533
Letters, &c.—Postage on.....	526
Letters, &c.—Stealing	544, 546
Mail contracts and contractors.....	537
Mailable matter not liable to seizure.....	533
Property, in whom.....	533
Stealing, &c.....	546
Money orders	522
Newspapers, &c.—Postage on.....	527
No allowance to clerks, &c., for extra service.....	521
Offences and penalties.....	544

POST OFFICE ACT—Continued.

Abandoning or obstructing mail.....	547
Being drunk on duty, &c	547
Cutting, &c., post letter bag	547
Detaining, &c., mail at ferry	547
Embezzlement by officials.....	548
Enclosing explosive substance in matter sent by post.....	546
Enclosing letter in other mailable matter	546
Felony.....	544 <i>et seq.</i>
Ferry—Detaining mail at	547
Forging money order or depositor's book.....	545
Forging postage stamp.....	544
Hypothecating, &c., postage stamps.....	548
Immoral books, &c.—Posting.....	548
Issuing money orders before payment... ..	547
Letter boxes—Wilful injury of.....	549
License—Selling stamps, &c., without.. ..	549
Misdemeanors.....	545 <i>et seq.</i>
Mutilating official books, &c.....	547
Opening post letter bag.....	544, 545
Placing the words “ Post Office ” on a house, &c., without authority	549
Postage stamps, &c.—Sale of.....	549
Punishment.....	544 <i>et seq.</i>
Receiving stolen post letter, &c.....	544
Refusing to allow mail to pass through toll-gate.....	547
Removing postage stamp or mark thereon.....	546
Sale of postage stamps, &c.....	549
Stealing a post letter or post letter bag.....	544
Stealing, &c., mail key or lock.....	545
Stealing, &c., mailable matter.....	546
Stealing from a post letter.....	544
Stealing parcel or its contents.	544
Street letter box—Injuring.....	519
Toll-gate—Refusing to allow mail to pass through	547
Unlawfully issuing money orders.....	544
Unlawfully opening letter, &c.....	545
Using postage stamp used before.....	549
Wilfully contravening regulations.....	548
Wilfully destroying matter sent by mail or parcel post.....	546
Officers—Protection of	553
“ Security by	552
Other countries—Postage with.....	528
Parcel post.....	532
Payment of postage.....	529
Amount of postage	529
Change need not be given by postmaster or letter carrier.....	529
Disposal of letters not prepaid.....	529
Letters, &c., refused, &c.....	529

The figures denote the pages which are numbered at the bottom.

POST OFFICE ACT—Continued.

Recovery of postage on unpaid mailable matter.....	529
Stamped letters for places outside of Canada, &c.....	529
Penalties—Offences and.....	544
Post Office Department—Establishment and location of.....	520
Post office inspectors and assistant post office inspectors.....	524
Post office money orders.....	522
Post office savings banks.....	539
Postage. See Payment of postage.....	529
Postage. See Rates of postage.....	526
Postmaster General—	
Appointment of.....	521
Arrangements with postal authorities out of Canada.....	522
Bonds in compliance with his orders, &c., to be valid.....	523
Decides questions as to periodicals, &c.....	523
Departmental rules and orders.....	522
Effect of regulations.....	523
General purposes.....	523
Mail contracts.....	521
Mailable matter.....	521
May make regulations as to mailable matter.....	521
May mark letters suspected to be circulars respecting illegal lotteries.....	521
May prohibit the sending of explosives.....	521
May restrict the weight and dimensions of letters, &c.....	521
Money orders, &c.....	522
Penalties for contravention of regulations.....	523
Post office money orders.....	522
Post offices and post routes.....	521
Postage and registration stamps.....	522
Postmasters and other officials.....	521
Rates on mailable matter, not otherwise provided for.....	522
Publication, &c., of regulations.....	523
Refunding postage, &c.....	522
Registration of letters.....	522
Sale of stamps, &c.....	523
Street letter boxes.....	523
Suits for postage, &c.....	523
Postmasters.....	535
Accountability of, how enforced.....	536
Allowance, &c., of.....	536
Appointment of.....	535
Penalty for delay in rendering accounts.....	536
Salaries of.....	536, 537
Security to be given by.....	535
Privilege of Postmaster General.....	530
Procedure—Criminal and civil.....	549

POST OFFICE ACT—Continued.

Compromise of action, &c.....	551
Evidence in actions against postmasters, &c.....	551
In cases for penalty.....	551
General allegation of employment.....	550
Penalties, how recoverable.....	551
Property, used in the service may be laid in Her Majesty.....	550
Property, in mailable matter may be laid in Her Majesty.....	550
Suits, &c., by Postmaster General to be brought in his name of office.....	552
Value need not be alleged or proved.....	550
Venue in indictable offences.....	549
Property in mailable matter.....	533
Protection of officers.....	553
Rates of postage on—	
Books, pamphlets, &c.....	528
How to be put up.....	528
Letters, &c., not to be enclosed.....	528
Prepayment of postage on.....	528
Letters.....	526
Prepayment obligatory, &c.....	526
Exceptions.....	526
To commissioned officers, &c.....	527
To or from seamen or soldiers in H.M. service.....	526
Local drop letters.....	526
Mailable matter between Canada and other country.....	528
Newspapers and periodicals direct from office of publication—	
Free, under what conditions.....	527
How to be put up.....	527
Regulations may be made, &c.....	527
Remuneration of officers.....	521
Reports of Postmaster General and what to show.....	542
Annually, to be made up to 30th of June preceding.....	542
Cost of money order system.....	543
Dead letters.....	543
General account current.....	542
Incidental expenditure in detail.....	543
Loss, &c., of money letters.....	543
Losses under money order system.....	543
Money order offices.....	543
Payments for mail transport in detail..	543
Salaries, &c., in detail.....	543
Savings bank transactions.....	543
Restitution of stolen property.....	526
Savings banks.....	539
Acknowledgment by Postmaster General.....	540
Annual account to be laid before Parliament.....	542

The figures denote the pages which are numbered at the bottom.

POST OFFICE ACT—Concluded.

Certificates of deposit bearing interest at 5 per cent. how issued..... 541

How and when redeemable 541

Deposit money to be paid to and by Receiver General..... 541

Deposits to be entered in depositor's book 540

Deposits to be repaid without unnecessary delay..... 540

Effect of acknowledgment, &c..... 540

Establishment of..... 539

Interest on deposits, 4 per cent..... 541

When to become principal..... 541

Minimum deposit, \$1..... 540

Monthly returns to be published in *Canada Gazette*..... 542

Name, &c., of depositor not to be disclosed 541

Post Office Savings Bank Account..... 541

Postmasters to receive and repay deposits 540

Regulations may be made, &c..... 542

Seizure—Moneys not liable to..... 540

Security by officers..... 552

Ship letters—Conveyance of..... 530

Short title 519

Stealing letters, &c..... 544, 546

Stolen property—Restitution of..... 526

"The Customs Act"—Provisions of, to apply to officers, &c., under this Act. 553

Tolls and ferries 534

Mail not to be delayed by.. 534

Mails when exempt from tolls and dues. 534

Obligations of ferrymen..... 534

United States—Mails of, sent through Canada on Canadian railways to be deemed Her Majesty's mails, &c.... 534, 535

As regards punishment of offences 535

Property in such mails how to be described in case of indictments 535

POST OFFICE MONEY ORDERS. See Post Office Act..... 522

POST OFFICE SAVINGS BANKS. See Post Office Act..... 539

POSTAL SERVICE. See Post Office Act.. 519

POSTMASTER GENERAL—Powers of. See Post Office Act..... 521

PRESERVATION OF PEACE AT PUBLIC MEETINGS—An Act respecting the..... 1857

Conviction not to prevent disarming..... 1857

Justices of the peace may disarm persons attending a meeting..... 1857

No liability in case of accidental loss..... 1857

Punishment of persons approaching a meeting armed 1858

PRESERVATION OF PEACE AT PUBLIC MEETINGS—Concluded.

Of persons convicted of a battery near a meeting 1858

Of persons lying in wait..... 1858

Refusing to surrender weapons 1857

Time for actions limited 1858

PRESERVATION OF PEACE IN THE VICINITY OF PUBLIC WORKS—

An Act respecting the..... 1849

Arms, &c. *See* Weapons..... 1850

Cities are exempted from Act 1850

Commissioner deemed to be a justice of the peace..... 1855

Declaring Act in force..... 1849

Defect of form not to invalidate proceedings..... 1855

Defendant and wife or husband competent witnesses 1855

Disposal of forfeited weapons..... 1851

General issue 1856

General provisions..... 1855

Interpretation..... 1849

"Commission" 1849

"District, county or place"..... 1849

"Intoxicating liquor"..... 1849

"Public work"..... 1849

"This Act"..... 1849

"Weapon"..... 1849

Intoxicating liquor..... 1852

Agent, &c., to be liable to same penalty as principal..... 1852

Evidence of precise description of liquor not necessary..... 1854

Nor of personal knowledge of sale.... 1855

Forfeiture and destruction of..... 1854

If owner is unknown..... 1854

Seizure to be advertised before liquor is destroyed 1854

Money paid or consideration given for liquor sold contrary to Act may be recovered..... 1854

No action to lie for or on account of liquor prohibited, &c..... 1854

Possession of, for sale, prohibited..... 1852

Exception..... 1852

Penalty for contravention..... 1852

Sale of, prohibited by proclamation..... 1852

Search for and seizure of, on information and warrant..... 1853

Attestation of destruction 1853

Liquor to be forfeited and destroyed.. 1853

Owner, &c., may be convicted at once 1853

Owner to be summoned..... 1853

Search, where there is no shop or bar. 1853

Seized liquor to be kept securely..... 1853

When liquor may be delivered to owner.. 1854

The figures denote the pages which are numbered at the bottom.

PRESERVATION OF PEACE IN THE VICINITY OF PUBLIC WORKS—Concluded.	
Judicial notice of proclamation.....	1850
Justices of the peace—Acts relating to, to apply.....	1855
Limitation of time for actions, &c.....	1855
Monthly returns to be made.....	1852
Non-suit, &c.....	1856
Pleading, &c.....	1856
Procedure and powers of the commissioner or justice.....	1855
Proclamation.....	1849
Restitution, when Act ceases to be in force.....	1852
Revocation and renewal of proclamation.....	1850
Search warrant may be issued.....	1851
Forfeiture of weapon found.....	1851
Right of entry for search.....	1851
Venue, &c.....	1855
Weapons	1850
Delivery of, to commissioner.....	1850
Disposal of.....	1851
Forfeiture of.....	1851
Persons unlawfully carrying, may be arrested and committed.....	1851
Punishment for keeping.....	1850
For unlawfully concealing.....	1850
Search warrant may be issued.....	1851
Seizure, if not delivered.....	1850
PREVENTION OF ACCIDENTS ON BOARD SHIPS, &c. See Safety of Ships, &c.	1111
PRISONS. See Penitentiary Act	2203
And <i>See</i> Public and Reformatory Prisons.....	2225
PRIVATE SECRETARIES. See Civil Service Act	214
PRIZE FIGHTING—An Act respecting	1859
Aiders and abettors.....	1859
Challenging or preparing for.....	1859
Interpretation—"Prize fight".....	1859
Judges, who are to have powers of justices of the peace, in dealing with offences.....	1861
Leaving Canada to engage in.....	1859
Proceedings, when fight about to take place.....	1860
Arrest.....	1860
Commitment.....	1860
Recognizance.....	1860
Punishment.....	1859
Quarrel or dispute only, when not an offence against this Act.....	1861
Sheriff may prevent by force.....	1860
Witnesses—Who shall be competent.....	1860
PROCEDURE IN CRIMINAL CASES. See Criminal Procedure Act	2001
PROMISSORY NOTES. See Bills of Exchange, &c.	1649
PROPERTY OF SEAMEN IN THE NAVY. See Seamen in the Navy, &c.	1985
PROTECTION OF NAVIGABLE WATERS—An Act respecting the	1239
Exemption by proclamation.....	1241
Existing rights and liabilities not impaired.....	1240
"Fisheries Act"—Application of.....	1241
Fishery officers to enforce the provisions of this Act regarding saw-mills, &c....	1241
Interpretation—"Vessel," "owner".....	1239
Minister of Marine, &c., may cause signal and light to be placed, or obstruction to be removed.....	1239
Obstruction—Notice of, to be given.....	1239
Owner, master or person in charge of vessel, to give notice of obstruction and maintain signal and light.....	1239
Penalty in default.....	1239
Owner or master, &c., liable for costs and expenses.....	1240
Recovery of costs, &c., if proceeds of sale of vessel insufficient.....	1240
Sale of vessels to pay costs, &c., of obstruction.....	1240
Sawdust, &c., not to be thrown into navigable streams.....	1241
Saw-mills—owners, &c., of—Restrictions upon.....	1241
Signal and light to be placed, to indicate obstruction.....	1239
PROVINCES—Subsidies and allowances to	703
PROVINCIAL COURTS. See Judges of, &c	1797
PUBLIC AND REFORMATORY PRISONS—An Act respecting	2225
Discipline. <i>See</i> Improvement of prison discipline.....	2227
Employment of prisoners.....	2226
Discipline of gaol to be observed.....	2227
Lieut. Gov. may make regulations concerning.....	2226
Outside of gaols—Employment of prisoners, how authorized.....	2226
Place of work, &c., to be deemed part of gaol.....	2227
Regulations, how made.....	2226
Supervision of prisoners.....	2227
Improvement of prison discipline.....	2227
Application to any province, how to be declared.....	2227
Forfeiture of remission, when.....	2228
Governor in Council may proclaim rules for.....	2227
Power to judge, sentencing prisoner.....	2227

The figures denote the pages which are numbered at the bottom.

PUBLIC AND REFORMATORY PRISONS—Continued.

Prisoner may earn a remission of part of sentence 2227

Proclamation in *Canada Gazette*..... 2227

Record of daily conduct of each prisoner 2227

Insecure prisons..... 2225

Effect of proclamation..... 2225

Lieutenant Governor may substitute a neighboring goal for an insecure one. 2225

Place of trial of prisoners in substituted goal, &c..... 2226

Powers of court and judges..... 2226

Proclamation—Publication of..... 2225

Proclamation, superseding that first issued..... 2226

Transfer of prisoners to substituted goal 2225

Interpretation..... 2225

“Lieutenant Governor” —

Meaning of..... 2225

Nova Scotia..... 2238

Halifax Industrial School..... 2238

Boys to be educated and taught trades 2239

School to be open to inspection..... 2239

Support of boys sentenced to..... 2238

Who may be sentenced to..... 2238

Halifax Reformatory School for boys of the Roman Catholic Faith 2239

Boys to be educated and taught trades 2239

Contravention of conditions of ticket of leave how dealt with..... 2240

Incorrigibles—Removal of..... 2240

Jurisdiction of police court, &c., extended..... 2240

License to be at large..... 2240

Number of prisoners may be limited... 2239

Reformatory to be open to inspection. 2239

Regulations as to license..... 2240

Removal of incorrigibles..... 2240

Revocation of license..... 2240

Ticket of leave may be granted by Minister of Justice..... 2240

Who may be sentenced to..... 2239

Industrial school. *See* Halifax Industrial School..... 2238

Jurisdiction of police court, &c., extended 2240

Reformatory school for boys of the Roman Catholic faith. *See* Halifax Reformatory school, &c..... 2239

Roman Catholic faith — Halifax Reformatory school for boys of the..... 2239

School—Halifax Industrial..... 2238

Ontario—Province of..... 2228

Andrew Mercer Reformatory for Females 2231

Conveyance of prisoners..... 2232

PUBLIC AND REFORMATORY PRISONS—Continued.

Term of imprisonment, &c..... 2232

Transfer although imprisonment is for non-payment of fine..... 2231

Subsequent payment of fine. 2231

Transfer of prisoners from, to common gaol..... 2232

Transfer of prisoners to..... 2231

When females may be sentenced to... 2231

Application of parts of this Act to..... 2228

Apprenticeship of juvenile offenders. ... 2234

Boys—Reformatory for..... 2229

Central prison for the province of. 2228

Employment outside the prison. 2229

Imprisonment in..... 2228

Transfer although imprisonment is for non-payment of fine, &c. 2228

Subsequent payment of fine, &c. ... 2229

Transfer of prisoners from, to common gaol..... 2229

Transfer of prisoners to..... 2228

Warden to receive and detain offenders 2229

Computation of time, &c..... 2234

Delivery of offender to proper officer. ... 2232

Detention in goal till demanded by proper authority..... 2233

Discharge before expiration of term..... 2235

Discharge of apprentice on probation ... 2234

Females—Reformatory for. *See* Andrew Mercer Reformatory..... 2231

General provisions..... 2233

Girls—Industrial refuge for..... 2232

Industrial refuge for girls..... 2232

Detention for purposes of reform. 2233

Girls may be sentenced to, for certain offences..... 2232

Offenders summarily convicted..... 2233

Term of imprisonment..... 2233

Interpretation “Court”..... 2228

Re-commitment for violation of conditions of discharge..... 2235

Reformatory for boys..... 2229

As to term of imprisonment. 2230

Bad health—In case of..... 2230

Commitment to goal until conveyed to reformatory..... 223

Contagious or infectious disease. 2231

Detention for purposes of reform. 2230

Discharge when in bad health..... 2231

Discipline and control..... 2231

Offenders summarily convicted..... 2230

What offenders may be sentenced to. 2229

Reformatory for females. *See* Andrew Mercer Reformatory, &c. 2231

The figures denote the pages which are numbered at the bottom.

PUBLIC AND REFORMATORY PRISONS—Continued.

Refuge for girls. <i>See</i> Industrial refuge, &c.....	2232
Regulations as to discharge.....	2235
Sunday—Term expiring on.....	2234
Wages of apprentice, to whom paid.....	2234
Weak state of health—Offender certified to be in.....	2234
Part five—Prince Edward Island.....	2241
Part four—Nova Scotia.....	2238
Part one—Insecure prisons.....	2225
Part three—Quebec.....	2235
Part two—Ontario.....	2228
Prince Edward Island.....	2241
Reformatory prison.....	2241
Offenders awaiting trial.....	2241
Punishment of offenders violating rules.....	2241
What offenders may be sentenced to.....	2241
Removal of prisoners to the goal of Queen's County.....	2241
How ordered.....	2241
Sheriff to carry out order.....	2241
To what authority such prisoners shall be subject.....	2242
Prison discipline—Improvement of.....	2227
Prisoners—Employment of.....	2226
Prisons—Insecure. <i>See</i> Part one, &c.....	2225
Quebec—Province of.....	2235
Application of parts of this Act to.....	2235
Boys—Reformatory schools for.....	2235
Common goals.....	2238
Employment of prisoners.....	2238
Females—Reformatory prisons for.....	2236
Houses of correction.....	2237, 2238
Place of detention.....	2238
Prisoners—Employment of.....	2238
Prisons for females. <i>See</i> Reformatory Prisons for Females.....	2236
Public reformatory.....	2237, 2238
Reformatory prisons for females.....	2236
After two convictions.....	2237
House of correction, &c.....	2237
In what prison sentence in certain cases shall be carried out.....	2237
Power to convey prisoner to reformatory prison.....	2237
Public reformatory, &c.....	2237
What females may be sentenced to.....	2236
With consent of offender.....	2237
Reformatory schools for boys.....	2235
Detention of offenders under 16 years previous to trial.....	2236
Offenders under 16 years.....	2235
Power to discharge offenders.....	2235
Punishment for breaking rules.....	2236

PUBLIC AND REFORMATORY PRISONS—Concluded.

Removal of incorrigibles.....	2236
Schools for boys. <i>See</i> Reformatory Schools, &c.....	2235
Re-transfer of prisoners.....	2226
Transfer of prisoners, &c.....	2225
PUBLIC CONVENIENCE —Offences against, &c. <i>See</i> Public Morals, &c. 1871	
PUBLIC DOCUMENTS ENGROSSED ON PARCHMENT —An Act to avoid the necessity of having.....	1557
PUBLIC FUNCTIONARIES —Salaries of..	17
PUBLIC LANDS —An Act respecting. <i>See</i> Dominion Lands Act.....	817
PUBLIC LANDS IN BRITISH COLUMBIA —An Act respecting. <i>See</i> British Columbia—Public lands in, &c.....	887
PUBLIC MATTERS —An Act respecting inquiries concerning.....	1553
Attendance of witnesses.....	1553
Commissioners—Powers of.....	1553
Examinations under oath.....	1553
Witnesses—Attendance of.....	1553
PUBLIC MEETINGS —Preservation of peace at.....	1857
PUBLIC MORALS AND PUBLIC CONVENIENCE —Offences against.....	1871
Enticing girl to house of ill-fame, &c.....	1872
Evidence necessary for conviction.....	1872
Female idiot or imbecile woman or girl—Carnal knowledge of.....	1871
Inducing resort to house for illicit carnal knowledge.....	1871
If girl between 12 and 16 years.....	1872
If girl under twelve years.....	1872
Reasonable doubt as to age, &c.....	1872
Loose, idle or disorderly persons or vagrants.....	1873
Procuring defilement of girl under twenty-one years.....	1872
Search for person enticed away, &c.....	1872
Seducing girl under 16 years.....	1871
Seducing under promise to marry.....	1871
Sodomy—Crime of.....	1871
Attempting to commit.....	1871
Felony—Person committing, guilty of..	1871
Imprisonment for life.....	1871
Punishment for.....	1871
Vagrants, &c.....	1873
Committal and detention of.....	1874
Justice may cause such persons to be brought before him.....	1874
Proceedings, &c., in cases of.....	1873, 1874
PUBLIC OFFICERS —An Act respecting..	227
Acts of, not voided by default in giving security.....	233

The figures denote the pages which are numbered at the bottom.

PUBLIC OFFICERS—Concluded.

Affidavit of justification	229
<i>See</i> Schedule B.....	236
Alphabetical lists to be kept	230
Appointments, how made	227
When declared void.....	230
Approval of security	233
Bond to Her Majesty	228
<i>See</i> Schedule A.....	234
Certificate of Secretary of State	229
Commissions	227
Entry of bond	229
Extension of time for giving security	232
Limited to two months.....	232
Forms—	
Affidavit of execution.....	236
Of justification.....	236
Bond to Her Majesty.....	234
Indorsement on bond.....	237
Guarantee companies—Bonds of	234
Loss of bond—Effect of	230
Neglect to give security, not to invalidate acts of officer	233
Oath of allegiance to be taken	227
Penalties may be remitted	232
Prerogative of the Crown	228
Proclamations, &c	227
Recitals,—genders, numbers, &c	229
Recording of bond	229
Registration of bonds	230, 232
Securities executed at different times	233
Security, how given	228
Statement of bonds to be laid before Parliament	234
Sureties, how relieved from responsibility	232
Surety—Death of, &c	231
Forfeiture of appointment on neglect to provide new surety.....	231
Notice to be given.....	231
Penalty for neglect to give notice, &c.....	231
Voidance of commission.....	232
PUBLIC OFFICERS—Security by	228
PUBLIC PRINTING AND STATIONERY	
—An Act respecting the Department of.....	255
Accountant—Qualification of	256
Duties of.....	258
Advertising for public service	256
Annual account to be laid before Parliament	260
Audit Act, how far, to apply to this Act	260
"Canada Gazette"—Publication of.....	259
Controller of stationery	256
Duties of.....	256
Qualifications of.....	256
Estimates to be furnished	259
Expenses, how paid	260

PUBLIC PRINTING, Etc.—Concluded.

Experts not to undergo examination	257
Interpretation	255
"Minister".....	255
"Queen's Printer".....	255
Moneys—Application of	259
Monthly statement to Auditor General ...	260
Orders in Council, &c	259
Persons who may receive the <i>Canada Gazette gratis</i>	259
Proclamations, &c	259
Public printing at Ottawa	257
Employment of workmen.....	257
Payment of employees.....	257
Purchases, how made.....	257
Qualification of certain officials	256
Queen's Printer, how appointed	256
Duties of.....	256
Qualification of.....	256
Report to Governor in Council	259
Secretary of State to have control of Department	255
Stationery office	257
Documents for Parliament.....	258
Moneys—Application of.....	258
Official publications.....	257
Purchase and supply.....	257
Purchases to be made on requisition only.....	258
Supply of stationery to departments, &c.....	258
Stock to be taken	260
Superintendent of Printing	256
"Stationery".....	256, 257
Supplies, how obtained	260
Work to be done and articles supplied	255
PUBLIC SERVICE—Departments of the	
<i>See</i> Contingencies Act.....	239
PUBLIC WORKS ACT	555
Acting secretary	555
Actions for enforcing contracts	563
Annual report of Minister	564
Application of pecuniary penalties	563
Attesting accounts of contractors	557
Chief architect—Appointment of	555
Duties of.....	556
Chief engineer—Duties of	556
Chief engineers—Appointment of	555
Construction and repair of works	557
Department, constituted	555
Meaning of.....	555
Deputy of the Minister, &c	555
Disobedience of regulations—Punishment for, when injury done	562
when injury not done.....	562
Dues and penalties—Recovery of	563
Existing contracts, &c., to be continued	563

The figures denote the pages which are numbered at the bottom.

PUBLIC WORKS ACT—Continued.

Expenditure, none, without authority of	
Parliament	557
Injury caused by disobedience—Punishment for	562
Interpretation	555
Matters not under control of Minister	557
Public works transferred to Municipalities, &c.....	557
Public works transferred to Provinces...	557
Works abandoned	557
“ under other departments.	557
Matters under control of Minister—	
Generally	556
Government buildings	557
Minister—Meaning of	555
Minister of Public Works	555
Minister—Powers of the	556
Misdemeanor—What constitutes	562
Officers—Appointment of	555
Penalties may be imposed	561
Power to examine on oath	558
Penalty for non-attendance	558
Powers of Governor in Council, in case of doubt	557
Powers of the Minister	556
Provisions, when lowest tender not taken	558
Public works, &c.—Meaning of	555
Publication of regulations	564
Punishment of employees disobeying regulations	562
Recovering possession of maps, plans, &c	564
Recovery of dues and penalties	563
Of tolls and dues on timber, &c.....	563
Regulations for use of public works	561
Sale or transfer of public works to local authorities	558
Secretary—Duties of	556
Secretary's certificate—Effect of	564
Security to be taken from contractors ...	558
Seizure and sale of vessels, &c	562
Short title	555
Tenders—When, to be invited, &c	558
Tolls on public works	560
Exemptions in favor of H.M. troops.....	561
Goods in vessels when liable	560
Governor in Council may impose.....	560
May be let to farm.....	561
Money from, to be paid to Receiver General.....	561
Recovery of	560
Transfer of works	559
Conditions and limitations of.....	559, 560
Form and effect of	559
Revoking or amending grant.....	559
Works transferred, to be kept in repair.	560

PUBLIC WORKS ACT—Concluded.

Transfers—Power to make arrangements for	559
How made—By grant.....	559
What writings shall bind the department	564
Works may be declared no longer under control of Minister	558
How they shall be kept up, &c.....	558
PUBLIC WORKS OF CANADA. See	
Public Works Act	555
PUBLICATION OF THE STATUTES—	
An Act respecting the.....	11
Certified copies of Acts.....	11
Clerk of the Parliaments.....	11
Custody of original Acts.....	11
Fee chargeable for copies.....	12
Printing and distribution.....	12
<i>Canada Gazette</i> —Publication in	13
Copies to be distributed.....	12, 13
Cost of private Acts	14
Form, type and style in which Statutes shall be printed and bound.....	13
Printed—In English and French	12
Report of Queen's Printer.....	14
Royal assent	12
PUNISHMENTS, PARDONS AND THE COMMUTATION OF SENTENCES	
—An Act respecting.....	2189
Army and Navy—Laws as to, not affected	2198
Attainder, none except for treason	2195
Heir may enter after death of offender...	2196
Capital punishment	2189
Application of provisions not herein specified.....	2192
Burial of the body.....	2191
Certificate, &c., to be sent to Secretary of State, and copy to be exhibited at entrance to prison.....	2192
Conviction by verdict or on confession..	2189
Coroner's inquest on body.....	2191
Court to direct execution of sentence....	2190
Declaration to be signed by sheriff, &c..	2191
Deputies may act.....	2191
Judgment to be executed within walls of prison.....	2190
Jurors on inquest—Who shall not be. ...	2191
Justices of the peace may be present....	2191
Medical officer to be present.....	2190
Murder—Sentence on conviction for....	2189
Officers and prisoners not to be jurors... 2191	
Penalty for signing false certificate.....	2191
Present—Who may be.....	2191
“ Who shall be.....	2190
Relatives may be present.....	2191
Report to be made by the judge.....	2190
Reprieve in certain cases.....	2190
Saving clause as to legality of execution	2192

The figures denote the pages which are numbered at the bottom.

PUNISHMENTS, PARDONS, Etc.—Continued.

Sheriff, &c., to be present..... 2190
 Surgeon to certify death..... 2191
 Treason—Sentence on conviction for... 2189
 Treatment of persons condemned..... 2190
Commutation of sentence..... 2196
Death—Crown may commute sentence of. 2196
Deodand, none..... 2195
Fines—Sureties for keeping the peace, and 2194
Forfeiture, none..... 2195
Forms in Schedule to be used..... 2197
General provisions..... 2197
Governor in Council may make rules, &c.,
 as to executions..... 2197
Imprisonment..... 2192
 Andrew Mercer (Ontario) Reformatory. 2193
 Central Prison (Ontario)..... 2193
 Commencement of term of..... 2193
 Common goal..... 2193
 Court martial—Prisoners sentenced by. 2193
 Felony for which no special punishment
 is provided..... 2192
 Hard labor in penitentiary, &c..... 2193
 Offence not punishable with death..... 2192
 Offender convicted of more offences than
 one, &c..... 2193
 Penitentiary—Imprisonment in..... 2193
 Prisoners subject to regulations, &c..... 2193
 Reformatory prisons (Quebec)..... 2193
 Second conviction for felony..... 2192
 "Speedy Trials Act"—Application of. 2193
 Summary conviction..... 2192
 Term of, in discretion of court..... 2192
Keeping the peace—Sureties for..... 2194
Pardons..... 2196
 Effect of pardon..... 2196
 May extend to offenders generally..... 2196
 Subsequent conviction..... 2196
Peace—Sureties for keeping, &c..... 2194
Pillory, none..... 2195
Punishments..... 2189
 After conviction, only..... 2189
 Degree of, in discretion of court..... 2189
 Offender punishable under two or more
 Acts, &c..... 2189

PUNISHMENTS, PARDONS, Etc.—Concluded.

Twice for same offence, not allowed.... 2189
Reformatories—Imprisonment in..... 2194
 Labor in..... 2194
 Term of imprisonment in..... 2194
 Who may be imprisoned in..... 2194
Royal prerogative of mercy, not limited
 by this Act..... 2197
Rules and regulations as to executions
 may be made by the Governor in
 Council..... 2197
 Such rules to be laid before Parliament. 2197
Schedule..... 2198
 Certificate of surgeon..... 2198
 Complaint by party threatened, for
 sureties for the peace..... 2198
 Declaration of sheriff and others..... 2198
 Form of commitment in default of sure-
 ties..... 2200
 Form of recognizance for the Sessions.. 2199
 Sureties..... 2198
Schedule—Forms in to be used..... 2197
Sentence—Commutation of..... 2196
Sentence of death—Crown may commute 2196
Solitary confinement, none..... 2195
Sureties for keeping the peace, and
 fines..... 2194
 Amount of fine at the discretion of the
 Court..... 2195
 Discharge for want of, may be ordered,
 when..... 2195
Felonies—In cases of..... 2194
 Imprisonment in default..... 2195
Misdemeanor—In cases of..... 2195
 Notice to judge, when..... 2195
 Two weeks—Person imprisoned for, in
 default of..... 2195
Undergoing punishment, &c., a bar to
 further proceedings..... 2197
Undergoing sentence, equivalent to a
 pardon..... 2197
 Proviso;..... 2197
Whipping..... 2194
 Female not to be subject to..... 2194
 Time for infliction of..... 2194

Q

QUARANTINE—An Act respecting..... 981

Examination of persons arriving by land. 982
Inspection of and cleansing goods..... 982
Interpretation..... 981
 "Master"..... 981
 "Passengers"..... 981
 "Quarantine station"..... 981
 "Vessel"..... 981

QUARANTINE—Continued.

Masters of vessels—Obligations of, on
 coming to quarantine station..... 982
Medical officers at principal harbors, may
 be appointed..... 983
Officers may be appointed..... 982
Penalties, &c. to be special lien on
 vessels..... 983

The figures denote the pages which are numbered at the bottom.

QUARANTINE—Continued.

Penalties for contravention of regulations	983
Penalty for disobeying unrevoked regulations	984
Power to compel obedience to regulations	983
Powers of officers at quarantine station ...	983
Quarantine regulations—Governor in Council may make	981
To be published in <i>Canada Gazette</i>	982
To have the force of law.....	982
Sums and penalties to form part of Consolidated Revenue Fund	984
Vessels arriving at ports to which they were not originally bound, with infectious diseases on board	983

QUARANTINE—Concluded.

Vessels from sea, &c., may be required to perform quarantine	982
Vessels may, on certain conditions, put to sea instead of being quarantined ...	984
QUEBEC—Discharging of the cargoes of vessels arriving at ports in	1237
QUEBEC—Harbor and River Police of the Province of	1235
QUEBEC—Savings banks in the Provinces of Ontario and	1637
QUEEN'S AUTHORITY—Offences against the. See Treason, &c.	1833

R

RAILWAY ACT	1457
Application of Part One of this Act	1458
Provisions of, how excepted.....	1458
Application of Part Three	1459
Application of Part Two	1459
General interpretation	1457
" Clerk of the peace ".....	1457
" County ".....	1457
" Department ".....	1457
" Deputy ".....	1457
" Goods ".....	1457
" Highway ".....	1457
" Justice ".....	1458
" Land ".....	1457
" Lease ".....	1457
" Map or plan ".....	1458
" Minister ".....	1457
" Owner ".....	1458
" Railway Committee ".....	1458
" Sheriff ".....	1457
" Toll ".....	1457
Part One	1459
Part Three	1514
Part Two	1490
Schedule One	1518
Schedule Two	1526
Short title	1457
RAILWAY ACT, Part One	1459
Actions for indemnity; Fines and penalties and procedure therefor	1488
Annual account for Parliament	1489
Annual statement by directors	1480
Approval of Railway Committee	1461
Arbitration in default of agreement	1467 to 1470
Baggage cars not to be in rear of passenger cars	1486
Bells and whistles	1486

RAILWAY ACT—Continued.

Book of reference	1463
Branch lines	1462
Bridges, &c.	1474
By-laws—Directors shall make	1479
By-laws, notices, &c.	1485
Calls and recovery thereof	1480, 1481
Carriage of Her Majesty's mails	1488
Cattle guards, &c.	1475
Cattle not to be driven, &c., on the line	1475
Certain rights saved	1490
Certificate of proprietorship	1483
Certified plans and surveys	1463
Checks to be affixed to baggage	1485
" Consolidated Railway Act, 1879 "	1459
Contracts made before deposit of map, &c.	1466
Conveyance to the company	1465
Corporation may be dissolved	1490
" Dangerous explosives "	1487
Dangerous goods to be marked, &c.	1486
May be refused.....	1487
Director—Qualification of	1478
Directors—President and	1478
Directors—Term of office of	1479
Distribution of compensation	1472
Dividends and interest	1481
Extent of lands to be taken	1465
Fences and cattle guards	1475
Fines and penalties, &c.	1488
Forfeiture of shares	1483, 1484
Forms of account may be varied	1490
Further enactments	1489
General meetings of shareholders	1478
General provisions	1488
Highways and bridges	1474
Incorporation	1459
Increase of stock	1482

The figures denote the pages which are numbered at the bottom.

RAILWAY ACT—Continued.

Indemnity—Actions for, &c.....	1488
Interest—Dividends and.....	1481
Interest on sums paid in advance.....	1484
Interpretation.....	1459
" Prescribed ".....	1459
" The company ".....	1459
" The lands ".....	1459
" The railway ".....	1459
" The special Act ".....	1459
" The undertaking ".....	1459
Intoxication of conductor, a misdemeanor	1486
Lands and their valuation.....	1465
Interpretation.....	1465
" Court ".....	1465
" Judge ".....	1465
Lands vested in Her Majesty.....	1462
Limitation of actions for damages.....	1488
Maintenance and repair.....	1473
Maps, &c., of completed railway to be filed at the department.....	1464
Meetings of shareholders.....	1478
Naval or military lands.....	1462
Notice to the parties.....	1467
Notices—By-laws, &c.....	1485
Order of judge, when required.....	1466
Overdue trains.....	1487
Passenger refusing to pay.....	1486
Payment of compensation into court.....	1471
Penalties, &c.....	1488
Plans and surveys.....	1463 to 1465
Possession—When it may be taken.....	1470
Power to take materials for construction.	1473
Powers of company.....	1460 to 1463
President and directors.....	1478 to 1480
President, how chosen.....	1479
Proceedings in the Province of Quebec..	1472
" Railway Act, 1868 ".....	1459
" Railway crossing ".....	1474
Recovery of penalties, &c.....	1488
Servants to wear badges.....	1485
Shareholders—General meetings of.....	1478
Shareholders—Liability of.....	1484
Shares.....	1482 to 1484
Sidings, conduits, &c.....	1473
Signboards.....	1474
Standing on platforms.....	1486
Stock—Increase of.....	1482
Stock of company—Personal property. ...	1482
Surveyor's certificate, what to contain...	1467
Surveys—Plans and.....	1463
Telegraph lines—Construction of.....	1489
Telegraph—Use of, by the Government..	1489
Tenders to be called for.....	1489
Time for completion of railway limited...	1489
Tolls.....	1476 to 1478
Trains overdue.....	1487

RAILWAY ACT—Continued.

Duty of station agents, &c.....	1487
Penalty for non-compliance.....	1487
Time for proceedings limited.....	1488
Transfer of shares—Form of.....	1482
Transmission of shares otherwise than by transfer.....	1483
Vacancies in board of directors, how filled	1478
Valuation of lands.....	1465
Violation of this Act, when a misde- meanor.....	1488
Vote by proxy—Form of.....	1478
Votes of shareholders.....	1478
Walking on the line forbidden.....	1475
Warrant of possession.....	1470
Whole parcel of land—Purchasing, &c...	1474
Working of the railway.....	1485
RAILWAY ACT, Part Three.....	1514
Annual returns to be prepared.....	1515
<i>See</i> Form of. Schedule 1.....	1518
Penalty for non-compliance.....	1515
Crossing other railways.....	1517
Interpretation.....	1514
" Company ".....	1514
" Working expenditure ".....	1514
Intersection of railways.....	1517
Penalties.....	1517
Application of.....	1518
Causing injury.....	1517
Deduction of, from wages.....	1518
Increasing risk of injury.....	1517
To form part of railway fund.....	1518
Violation of by-laws.....	1517
Violation without injury or increase of risk.....	1517
Penalty for signing false return.....	1516
Railways to be subject to legislative au- thority of Parliament.....	1518
Recovery of penalties.....	1516
Return of accidents, to be made.....	1516
Return of by-laws, to be made.....	1516
Form of return may be prescribed.....	1516
Penalty for not transmitting.....	1517
Returns privileged.....	1517
Returns to be prepared, &c.....	1515
To be submitted to Parliament.....	1515
Schedule One—Form of yearly returns to the Minister of Railways and Canals, required from railway companies un- der "The Railway Act".....	1518
Accidents.....No. 16.	1525
Actual cost of railway, &c.....No. 8.	1522
Bonds, &c.....No. 4.	1520
Capital account.....No. 2.	1519
Characteristics of road.....No. 7.	1521
Description of freight.....No. 10.	1522
Earnings.....No. 11.	1523

The figures denote the pages which are numbered at the bottom.

RAILWAY ACT—Continued.

Floating debt.....	No. 6.	1521
General tariff of tolls, &c.....	No. 11.	1523
Loans or bonuses.....	No. 3.	1520
Location and general description.....		1519
Names and residences of directors and officers.....	No. 17.	1526
Operating expenses—General and operating charges.....	No. 14, D.	1524
Maintenance of line, buildings, &c.		
No. 14, A.....		1523
Working and repairs of cars. No. 14, C.....		1524
Working and repairs of engines. No. 14, B.....		1524
Operations of the year, &c.....	No. 9.	1522
Returns, &c.....	No. 1.	1519
Sales of land.....	No. 5.	1520
Special rates of tolls, &c.....	No. 13.	1523
Statement containing copies of all contracts, &c.....		1519
Summary of operating expenses. No. 15.		1525
Schedule Two—Return of traffic, &c.....		1526
Statistics.....		1514
Weekly returns to be prepared, &c.....		1515
See form of—Schedule two.....		1526
Penalty for non-compliance.....		1516
Works for advantage of Canada—Certain railways declared to be.....		1518
RAILWAY ACT, Part Two.....		1490
Accidents—Commissions to investigate...		1506
Additional lands— Authority to acquire.....		1490 to 1492
Best appliances for communication and for stopping trains to be used.....		1509
Penalty for non-compliance.....		1510
Bridges, &c.—Construction of.....		1493
Bridges over navigable rivers.....		1510
Bridges to be floored.....		1510
By-laws and regulations.....		1507 to 1509
Cattle not to be at large near railway... No right of action in such case.....		1511
Such cattle may be impounded.....		1511
Commission to investigate as to accidents.....		1506
Enforcing attendance of witnesses.....		1507
Remuneration of commissioners.....		1507
Report to be made.....		1507
Committee—The railway.....		1499
Company—Powers and rights of.....		1504
Constables, &c.....		1497
Conveyance of passengers and goods.....		1513
Crossings, &c.....		1494, 1495
Farm crossings.....		1495
Fences, &c.....		1492
Foot-bridge.....		1511
Foot passengers, &c.....		1511

RAILWAY ACT—Continued.

General provisions.....		1509
Highways and crossings.....		1494
Inspecting engineer—Powers and duties of.....		1500 to 1502
Interchange of traffic.....		1496
Interpretation.....		1490
“Company”.....		1490
“Engineer”.....		1490
“Railway company”.....		1490
Lands—Authority to acquire.....		1490 to 1492
Liability of company.....		1506
Mines not to be injured.....		1512
Navigation not to be impeded.....		1510
Notice of accidents to be given.....		1505
Notice to the company—What shall be deemed sufficient.....		1506
Notification of order of railway committee to officers.....		1506
Offences and penalties.....		1513
Cutting or boring casks or packages....		1513
Obstructing inspecting engineer.....		1514
Penalties.....		1513
Penalty for refusal by officer to receive and convey goods.....		1497
Plans of bridges, &c., to be approved.....		1510
Railway Committee—Powers and duties of, &c.....		1499
Appointment of.....		1499
Chairman and secretary of.....		1500
Crossing of highways, &c.....		1503
Defects to be made good.....		1501
Inspecting engineer—Report of.....		1501
Movable bridges.....		1502
Notice to—Before railway is opened.....		1500
Penalty for non-compliance.....		1500
Order of, when not binding.....		1501
Penalty for opening railway contrary to order of.....		1500
Postponement of opening if report unfavorable.....		1500
Proceedings if part of railway out of repair.....		1501
Railway to be inspected by.....		1500
Rate of speed, &c.....		1505
Report of inspecting engineer and action thereon.....		1501
Running of trains may be forbidden in case of danger.....		1501
Speed—Regulation of.....		1505
Steam whistles, &c.....		1505
Swing bridges, &c.....		1502
Railway constables.....		1497
Arrest of offenders by.....		1498
Before whom oath may be taken.....		1498
Dismissal of.....		1498
Effect of dismissal of.....		1499

The figures denote the pages which are numbered at the bottom.

RAILWAY ACT—Concluded		RAILWAYS—An Act, respecting. See	
Form of oath of.....	1498	Railway Act.....	1457
Powers of.....	1498	RAILWAYS—An Act respecting Govern-	
Punishment of.....	1499	ment. See Government Railways	
Punishment of persons resisting.....	1499	Act.....	1573
Record of appointment to be kept.....	1499	RAILWAYS AND CANALS—An Act re-	
Who may appoint.....	1497	specting the Department of.....	565
Railway fund.....	1507	Acting secretary.....	566
Right of action in case of neglect.....	1513	Actions for enforcing contracts, &c.....	572
Sale of railway to purchaser not having		Canals—Regulations for use of, &c.....	569
necessary corporate powers.....	1512	Chief engineers—Appointment of.....	565, 566
Application for necessary powers to be		“ “ Duties of.....	566
made.....	1513	Chief officer.....	565
Extension of license.....	1513	Conditions previous to payment to con-	
Final action.....	1513	tractor.....	568
Notice, &c., to the Minister.....	1512	Construction or repair of works.....	567
Provisional operation of such railway.....	1513	Department constituted.....	565
Trains not to run pending transmission		Deputy of the Minister, &c.....	565
of notice.....	1512	Evidence on oath as to claims.....	567
Shares and securities of other railways		Examination of persons and papers.....	567
not to be dealt in.....	1509	Existing contracts, &c., continued.....	571
Penalty for violation.....	1509	Expenditure—None, without authority	
Snow fences.....	1492	of Parliament.....	567
Special powers not affected.....	1510	Interpretation.....	565
Traffic arrangements.....	1495	Minister of—His appointment.....	565
“Traffic,” what to include.....	1495	Moneys in hands of officers not liable to	
Train to stop before passing a swing		attachment, &c.....	571
bridge.....	1511	Penalties.....	569
Trains to be run at regular hours.....	1513	Application of.....	570
Weeds to be cut down.....	1511	Disobedience of regulations Punish-	
Application of penalties.....	1512	ment for, in case of injury.....	569
Mayor, &c., may cause to be done.....	1512	If injury not done.....	570
Penalty for non-compliance.....	1511	Imposition of.....	569
What property to be bought in certain		Neglecting to attend examination.....	567
cases.....	1512	Recovery of.....	570
RAILWAY COMMITTEE. See Railway		Seizure and sale of vessels, &c.....	569
Act.....	1499	Penalty for neglecting to attend examina-	
RAILWAY—Offences concerning the. See		tion.....	567
Offences against the person.....	1891	Powers and authority of Minister.....	566, 567
RAILWAY PASSENGER TICKETS—An		Publication of regulations.....	572
Act respecting the sale of.....	1527	Recovery of maps, plans, &c.....	571
Agents for sale of.....	1527	Recovery of penalties.....	570
May procure tickets from each other.....	1528	Regulations—Publication of.....	572
Certificate of appointment of agents.....	1527	Report when lowest tender not accepted.....	568
Evidence in case of appeal.....	1529	Secretary—Appointment of.....	565
Foreign railway companies—Agents of.....	1527	“ Duties of.....	566
Name and date to be stamped on.....	1527	Secretary's certificate—Effect of.....	571
Offences—Procedure respecting.....	1529	Security to be required of contractor.....	568
Penalty for violation of this Act.....	1528	Tenders to be invited for works.....	567
Procedure respecting offences.....	1529	Exceptions.....	567
Redemption of unused ticket or part.....	1528	Tolls on canals.....	568
Repayment in case of unused ticket, &c.....	1528	Goods on board vessels, &c.....	568
Right of stopping over.....	1529	May be imposed by Governor in Council.....	568
Sale of—Agents for.....	1527	Moneys to be paid to Receiver General.....	569
Station agents not included in this Act.....	1528	Recovery of.....	568
Tickets not to be sold without authority.....	1528	St. Lawrence river, subject to tolls in	
Unused ticket.....	1528	certain cases.....	568

The figures denote the pages which are numbered at the bottom.

RAILWAYS AND CANALS—Concluded.

What deeds or writings shall be binding on the Crown.....	571
RAILWAYS—Injuries to. See Malicious injuries to property.....	1971
RAPE. See Offences against the person ...	1893
RAW HIDES—Inspection of. See General Inspection Act.....	1324
REAL PROPERTY IN THE TERRITORIES. See Territories Real Property Act.....	741
RECOGNIZANCES—An Act respecting....	2179
Application for admission to bail.....	2179
Arraignment on conviction not to discharge recognizance	2180
Certificate of sheriff.....	2179
Commitment to discharge sureties.....	2180
Copy of roll and return for Minister of Finance.....	2183
Entry of render—Effect of.....	2179
Estreats—List of, to be prepared.....	2181
Court may forbear estreating recognizances, &c.....	2181
List to be submitted to the judge	2181
Minute on roll by the judge forbearing to estreat, &c.....	2182
Certificate, &c., of recognizance to be transmitted to the Superior Court ...	2184
“Cognizor”—Definition of.....	2185
Estreated recognizances.....	2184
Execution to issue on <i>pat</i> of Attorney General	2184
Forfeited recognizances	2184
Judgment for the Crown to be entered.	2184
(Other modes of recovery	2184
Proceedings on forfeiture.....	2184
Fines, &c., to be entered on a roll by clerk of court.....	2180
Copy of roll to be deposited with clerks of certain courts.....	2180
Duplicate of roll to be transmitted to sheriff.....	2181
Sheriffs—Powers of	2181
With whom roll shall be filed.....	2180
Writ of <i>feri facias</i> and <i>capias</i>	2181
Form of. See Schedule.....	2185
Forfeited recognizances may be discharged, &c.....	2183
Proceedings when land seized.....	2182
Affidavit by clerk of court.....	2182
Form of affidavit.....	2182
Who may administer	2182
Quebec—Provisions applicable to. 2183 to 2185	
Recognizances transmitted, to have the same effect as if taken where the court is held.....	2185

RECOGNIZANCES—Concluded.

Release of a person or goods of a person in custody.....	2183
Render—Entry of, how to made.....	2179
No estreat without order.....	2181
What the list shall set forth.....	2181
Render in open court.....	2179
Return of writ by the sheriff.....	2183
Schedule. Form of writ of <i>feri facias</i>, &c.....	2185
Sureties may arrest, &c.....	2179
Sureties—Rights of, not limited or restricted by this Act.....	2180
Surety may obtain order to render.....	2179
REFORMATORIES. See Punishments, Pardons, &c.....	2194
REFORMATORY PRISONS. See Public and Reformatory Prisons.....	2225
REGISTRATION AND CLASSIFICATION OF SHIPS—An Act respecting the... 1007	
Advances on ships in course of construction—Security for.....	1013
Division of Act into four parts.....	1007
Inspection and classification of ships.....	1019
Publication of regulations.....	1019
Regulations may be made by Governor in Council	1019
Tariff of fees	1019
Interpretation.....	1007
“Master”	1007
“Minister”	1007
“Ship”	1007
“Ships belonging to Her Majesty”	1007
Licensing of small ships and other vessels.....	1013
Annual return of ships licensed to be sent to Minister.....	1014
Declaration to be made.....	1014
Form of. See Schedule A.....	1020
License, how and by whom granted.	1013
Form of. See Schedule B.....	1021
Name of port and number of license to be painted on vessel	1014
New license on change of owner.....	1014
Penalty for neglecting to obtain license	1014
Proceedings to obtain license.....	1014
Vessels which are to be licensed.	1013
When license to be applied for.....	1013
Measurement and registration of ships... 1007	
Access to registers of ships.....	1010
Annual return to be made.....	1013
British ships—What shall be recognized as.....	1008
Change of managing owner or ship's husband.....	1011
Change of master—Indorsement of, how obtained	1010, 1011

The figures denote the pages which are numbered at the bottom.

**REGISTRATION AND CLASSIFICATION
OF SHIPS—Continued.**

Form of declaration for. *See* 1st Schedule 1020

Clearance not to be granted without certificate of registry..... 1008

Collectors of customs to indorse change of master on certificate..... 1010

Conflicting claims—Provision in case of Detention of ship for want of certificate. 1009

Indorsement of change of master, on what proof to be made.....1010, 1011

Managing owner or ship's husband, how changed..... 1011

Master—Indorsement of change of, how obtained1010, 1011

Names of ships—Rules as to..... 1012

Changes without authority to be restored..... 1012

How change to be made 1012

How described..... 1012

Penalty for contravention 1012

Previous name to be adhered to in new registry..... 1012

Ships may be detained for non-compliance..... 1012

New certificate, how obtainable..... 1009

Notice of loss of ship to be given..... 1013

Passes may be granted to British ships by Lieutenant Governors..... 1008

Record of indorsement of change of master to kept..... 1011

Registrars of shipping may be appointed 1008

Ships exempt from..... 1007

Statement to be made by master in case of casualty..... 1012

Submission of conflicting claims to Governor in Council..... 1009

Surveyors of shipping may be appointed 1009

Fees and travelling expenses of..... 1009

By whom paid..... 1009

Exception..... 1009

Wrecked ship may be registered by authority of Governor in Council, how.. 1009

Merchant Shipping Act, 1854—How far repealed..... 1019

References to..... 1008 to 1010

Mortgage of ship while building..... 1015

Form of. *See* 3rd Schedule B..... 1022

Repealing clause..... 1019

Schedules—

Declaration by representative, &c.. 3rd Schedule, Form D..... 1024

Declaration for a license, 2d Sch., Form A. 1020

Description of ship, &c., 3rd Sch. Form A. 1021

Form of declaration for change of master, 1st Schedule Form A..... 1020

**REGISTRATION AND CLASSIFICATION
OF SHIPS—Concluded.**

License—2nd Schedule, Form B..... 1021

Mortgage, 3rd Sch., Form B..... 1022

Transfer of mortgage, 3rd Sch., Form C. 1023

Security for advances on ships in course

of construction..... 1015

Certificate of registry of ship when built 1017

Deeds in Quebec—This Act not to affect mode of executing 1019

Description of ship proposed to be built. 1015

Form of. *See* 3rd Schedule A..... 1021

Discharge of mortgage..... 1015

Entry of transmitted mortgage 1017

Fees—Scale of, may be established. 1019

“Mortgage,”—Form of..... 1022

Mortgagee not to be deemed owner..... 1016

To have power of sale..... 1016

Penalty for attempting to take out register at any port other than that where ship is recorded..... 1018

Priority of mortgages..... 1016

Proof of transmission, &c..... 1017

Recording of mortgages..... 1015

Registrar, who is also surveyor, to indorse statement on certificate of survey before delivering it..... 1018

Saving of right of owner..... 1019

Temporary name—Ship about to be built, may be recorded under..... 1015

Transfer of mortgages..... 1016

Form of. *See* 3rd Schedule, C..... 1023

Transmission of interest of mortgagee by death, insolvency, marriage, &c. 1016

Form of declaration in such case...D. 1024

When certificate of survey may be delivered up by surveyor..... 1018

Indorsement by registrar..... 1018

Ships in course of construction—Security for advances on..... 1015

REGISTRATION OF LETTERS. *See* Post Office Act..... 522

RELIGION—Offences against..... 1869

Disturbing congregation met for religious worship..... 1869

Fine or imprisonment 1869

Punishment 1829

Obstructing or assaulting a clergyman in the discharge of his duties 1869

Inprisonment for not less than two years..... 1869

Misdemeanor—Offender guilty of..... 1869

Punishment 1839

REPEALED—Acts and parts of Acts. *See* Schedule A..... 2247

REPEALED, CONDITIONALLY — Acts and parts of Acts. *See* Schedule C..... 2317

The figures denote the pages which are numbered at the bottom.

REPRESENTATION ACT.....	47	REPRESENTATION ACT—Continued.	
British Columbia—Province of.....	62	Kent	53
Cariboo.....	63	Kingston—City of.....	54
New Westminster.....	63	Lambton—East Riding.....	53
Vancouver.....	63	West Riding.....	53
Victoria.....	63	Lanark—North Riding.....	48
Yale.....	63	South Riding.....	48
Division of provinces into electoral dis-		Leeds and Grenville—North Riding..	48
tricts.....	47	Leeds—South Riding.....	47
Electoral districts—Division of provinces		Lennox.....	49
into.....	47	Lincoln and Niagara.....	51
General provisions.....	64	London—City of.....	54
Manitoba—Province of.....	63	Middlesex—East Riding.....	54
Lisgar.....	64	South Riding.....	54
Marquette.....	63	West Riding.....	54
Provencher.....	63	Monck.....	51
Selkirk.....	63	Muskoka and Parry Sound.....	50
Winnipeg.....	64	Norfolk—North Riding.....	52
New Brunswick—Province of.....	62	South Riding.....	52
Nova Scotia—Province of.....	62	Northumberland—East Riding.....	49
Number of members of House of Com-		West Riding.....	49
mons for each Province.....	47	Ontario County—North Riding.....	50
Ontario—Electoral districts of the Pro-		South Riding.....	50
vince of.....	47	West Riding.....	50
Addington County.....	48	Ottawa—City of.....	54
Algoma.....	54	Oxford—North Riding.....	52
Bothwell.....	53	South Riding.....	52
Brant—North Riding.....	52	Peel.....	51
South Riding.....	52	Perth—North Riding.....	53
Brockville.....	48	South Riding.....	52
Bruce—East Riding.....	53	Peterborough—East Riding.....	49
North Riding.....	53	West Riding.....	49
West Riding.....	53	Prescott.....	47
Cardwell.....	51	Prince Edward.....	47
Carleton.....	48	Renfrew—North Riding.....	48
Cornwall and Stormont.....	48	South Riding.....	48
Dundas.....	47	Russell.....	47
Durham—East Riding.....	47	Simcoe—East Riding.....	51
West Riding.....	47	North Riding.....	51
Elgin—East Riding.....	53	South Riding.....	51
West Riding.....	53	Toronto Centre.....	51
Essex—North Riding.....	53	East.....	51
South Riding.....	53	West.....	50
Frontenac.....	48	Victoria—North Riding.....	49
Glengarry.....	47	South Riding.....	49
Grenville—South Riding.....	47	Waterloo—North Riding.....	47
Grey—East Riding.....	52	South Riding.....	47
North Riding.....	52	York—East Riding.....	50
South Riding.....	52	North Riding.....	50
Haldimand.....	51	West Riding.....	50
Halton.....	47	Prince Edward Island—Province of.....	62
Hamilton—City of.....	54	Provinces included in the Act.....	47
Hastings—East Riding.....	49	Quebec—Province of.....	54
North Riding.....	49	Argenteuil.....	55
West Riding.....	49	Bagot.....	60
Huron—East Riding.....	54	Beauce.....	60
West Riding.....	54	Beauharnois.....	55

The figures denote the pages which are numbered at the bottom.

REPRESENTATION ACT—Continued.

Bellechasse.....	59
Berthier.....	57
Bonaventure.....	55
Brome.....	55
Chambly.....	54
Champlain.....	55
Charlevoix.....	55
Chateauguay.....	55
Chicoutimi and Saguenay.....	55
Compton.....	55
Dorchester.....	55
Drummond and Arthabaska.....	55
Gaspé.....	58
Hochelaga.....	54
Huntingdon.....	55
Iberville.....	55
Jacques Cartier.....	54
Joliette.....	57
Kamouraska.....	55
Laprairie.....	54
L'Assomption.....	56
Laval.....	54
Lévis.....	55
L'Islet.....	55
Lotbinière.....	58
Maskinongé.....	55
Megantic.....	60
Missisquoi.....	55
Montcalm.....	56
Montmagny.....	59
Montmorenci.....	55
Montreal Centre.....	61
East.....	61
West.....	61
Napierville.....	55
Nicolet.....	60
Ottawa—County of.....	54
Pontiac.....	54
Portneuf.....	57
Quebec Centre.....	61
County of.....	58
East.....	61
West.....	61
Richelieu.....	55
Richmond and Wolfe.....	55
Rimouski.....	59
Rouville.....	60
Shefford.....	55
Sherbrooke.....	62
Soulanges.....	54
St. Hyacinthe.....	55
St. John's.....	55
St. Maurice.....	55
Stanstead.....	55
Temiscouata.....	55
Terrebonne.....	56

REPRESENTATION ACT—Concluded.

Three Rivers.....	61
Two Mountains.....	55
Vaudreuil.....	54
Verchères.....	55
Yamaska.....	55
Short title.....	47

REPRESENTATION IN THE HOUSE OF COMMONS. See Dominion Elections Act..... 89

REPRESENTATION OF THE NORTH-WEST TERRITORIES. See North-West Territories Representation Act.. 65

RESCUES. See Escapes and Rescues..... 1865

RESIGNATION OF MEMBERS. See House of Commons, &c..... 192

RETURNS BY CERTAIN PERSONS AND CORPORATIONS RECEIVING MONEYS ON DEPOSIT AT INTEREST—An Act respecting..... 1691

REVENUE. See Inland Revenue Act..... 413

REVENUE AND AUDIT ACT. See Audit Act, &c..... 265

REVISED STATUTES OF CANADA—An Act respecting the..... ix

REVISING OFFICER, not to be a candidate, &c. See under "Nomination of Candidates"..... 94

REVISING OFFICERS, &c.—Appointment of. See under Electoral Franchise Act..... 27

RIOTS, UNLAWFUL ASSEMBLIES AND BREACHES OF THE PEACE—An Act respecting..... 1837

Persons suppressing riot, justified..... 1838

Proclamation in case of riot..... 1837

Punishment for affray..... 1840

 " riot..... 1840

 " rout..... 1839

 " unlawful assembly..... 1839

Rioters demolishing church, place of divine worship, house, stable, office, shop, &c., guilty of felony..... 1839

Punishment of..... 1839

Rioters injuring buildings, machinery, &c., guilty of misdemeanor..... 1839

Punishment of..... 1839

Sheriff, &c., may enjoin persons riotously assembled to disperse..... 1837

Form of proclamation..... 1837

Persons making opposition or continuing assembled, guilty of felony..... 1837

Apprehension of..... 1838

Punishment of..... 1837

Time of prosecution of, limited..... 1837

Unlawful meetings for drill prohibited..... 1838

The figures denote the pages which are numbered at the bottom.

RIOTS, UNLAWFUL ASSEMBLIES AND BREACHES OF THE PEACE—Concluded.

Meeting may be dispersed, and persons attending it arrested.....	1838
Punishment of persons acting as instructors at.....	1838
Of persons receiving instruction at....	1838
Time for prosecution limited.....	1839

RIVER POLICE OF THE HARBOR OF QUEBEC. See Harbor and River

Police, &c.....	1235
ROADS AND ROAD ALLOWANCES IN THE PROVINCE OF MANTOBA. See Manitoba—Roads, &c.....	715
ROBBERY, &c. See Larceny Act.....	1908
ROYAL MILITARY COLLEGE.....	643

S

SABLE ISLAND. See Lighthouses, &c.... 997

SAFETY OF SHIPS AND THE PREVENTION OF ACCIDENTS ON BOARD THEREOF—An Act respecting the...

Dangerous goods.....	1116
Master may refuse to receive package of.....	1117
May be forfeited by order of court.....	1117
May be thrown overboard without liability, when.....	1117
Sending under false description.....	1117
Penalty, \$2,000.....	1117
Sending, unmarked, in ships.....	1116
Penalty, \$500.....	1116
Penalty, \$40, in what case.....	1117

Deck loads..... 1113

British Columbia—Vessel sailing from.....	1114
Certain modes of carrying cargoes forbidden.....	1114
Certificate of customs officer.....	1114
Certificate to be given before clearing.....	1114
“ “ before sailing.....	1114

Customs officers to ascertain that ship is not loaded contrary to this Act before clearing..... 1113

Penalty for evasion of this Act..... 1114

Penalty for violation respecting..... 1114

Sailing with intent to evade this Act, a misdemeanor..... 1114

Seizure and sale of ship to secure payment of penalty..... 1115

Ships sailing in winter..... 1113

“ “ to West Indies..... 1114

Disorderly passengers..... 1115

Disorderly persons on board steamers.... 1116

Exemption of Her Majesty's ships..... 1111

Injuring or obstructing steamer..... 1116

Interpretation..... 1111

“ Master ”..... 1111

“ Minister ”..... 1111

“ Ship ”..... 1111

“ Ships belonging to Her Majesty ”..... 1111

Master of steamer may detain or arrest offender..... 1116

SAFETY OF SHIPS AND THE PREVENTION OF ACCIDENTS ON BOARD THEREOF—Concluded.

Penalties.....	1117
Application of.....	1118
How to be enforced.....	1117
Jurisdiction of justice of the peace.....	1118
Penalty not exceeding \$10 for the following offences.....	1115
Disorderly persons attempting to enter.....	1115
“ “ refusing to leave.....	1115
Forcibly entering.....	1115
Non-payment of fare.....	1115

Repeal of Merchant Shipping Act, 1854, in part..... 1118

Survey of ship..... 1111, 1112

Unseaworthy ships..... 1111

Appeal from decision of surveyor..... 1112

Appellate Court—Order of..... 1112

Complaint, how to be made..... 1112

Costs of survey..... 1112

Detention of ship..... 1111

Minister may declare ships unseaworthy, after survey..... 1111

Penalty for impeding surveyor..... 1112

Powers of persons appointed to survey..... 1112

Sending unworthy ship to sea, a misdemeanor, unless, &c..... 1112

Survey of ship on complaint..... 1111

SALARIES OF CERTAIN PUBLIC FUNCTIONARIES, &c.—An Act respecting..... 17

Crawley, H. W., formerly Crown Land Commissioner in Cape Breton..... 18

First Minister..... 18

Hankin, Capt., late Colonial Secretary of British Columbia..... 18

Indian Annuities for Ontario and Quebec..... 18

Lieutenant Governors..... 17

Ministers of the Crown..... 17, 18

Secretary of Governor General..... 18

SALARIES OF JUDGES. See Judges of Provincial Courts..... 1797

The figures denote the pages which are numbered at the bottom.

SALE OF RAILWAY PASSENGER TICKETS	1527	SAVINGS BANKS IN THE PROVINCES	
SALMON —Inspection of, &c. <i>See</i> General Inspection Act.	1314	OF ONTARIO AND QUEBEC — <i>Concluded.</i>	
SALVAGE. <i>See</i> Wrecks and Salvage Act.	1193	Falsely pretending to own deposits.....	1645
SAVINGS BANKS. <i>See</i> Government Savings Banks.....	1631	Making false statement, &c.....	1646
And Post Office Savings Banks.....	539	Officers, clerks, &c.	1645
SAVINGS BANKS IN THE PROVINCES		Penalties —Offences and	1645
OF ONTARIO AND QUEBEC —An		Qualification of director	1637
Act respecting.....	1637	Recovery of calls by action	1638
Bank notes not to be issued.	1644	Returns.	1645
Charitable institutions.....	1644	Annual lists of shareholders for Parliament.....	1645
Charity fund, Quebec.	1644	Monthly, to Finance Minister.....	1645
Poor fund at Montreal	1644	Schedule of liabilities and assets.....	1646
Charters continued.....	1637	“The bank ”—Meaning of	1637
Collateral security.....	1642	Transfer of shares and deposits.	1640
Enforcement of payment of.....	1642	Transmission of shares or deposits other	
How far bank accountable	1643	wise than by transfer.....	1640
Loans made on.....	1642	Authentication of declaration for, out	
Other recourse not affected.....	1643	of British possessions.....	1640
Sale, how made.....	1643	By marriage.....	1641
Transfer in case of sale.	1643	Corroborative evidence.....	1640
Deposits and loans	1641	Declaration in such case	1640
Deposits by persons incapable of making		Payment—Discharge of bank by	1641
contracts	1641	Testamentary instrument, &c.....	1641
Limit in such case.....	1641	Trusts —Bank not bound to see to	1644
Deposits on call in chartered banks.	1643	Valid —Payments when	1642
Directors, &c.	1637	SCHEDULE A—ACTS AND PARTS OF	
Dividends and notice thereof.	1639	ACTS REPEALED.	2247
Dominion securities —Amount to be invested in	1642	Acts of New Brunswick since Revised Statutes	2261
Election of directors	1637	Acts of Nova Scotia, not repealed by the Revised Statutes, 3rd Series.	2257
Failure to elect directors	1638	Acts of Nova Scotia subsequent to the Revised Statutes, 3rd Series.	2257
General provisions.	1644	Acts of Prince Edward Island since Revised Statutes	2276
Internal regulations.	1637	Acts of the Parliament of Canada.	2277
Directors, &c.	1637	British Columbia —Revised Statutes of... ..	2265
Election of.....	1637	Canada —Acts of the Parliament of.....	2277
Qualification of.....	1637	Canada —Consolidated Statutes of.....	2247
Insolvency of directors.....	1638	Canada —Statutes of the late Province of.....	2250
Notice of meetings.	1637	Consolidated Statutes for Lower Canada.	2249
Votes on shares.	1637	Consolidated Statutes for Upper Canada.	2248
Interpretation.	1637	Consolidated Statutes of Canada.	2247
Investment of deposits.	1641, 1642	Local and Private Statutes, New Brunswick, Vol. III.	2260
Joint holders of shares	1640	Lower Canada —Consolidated Statutes for.....	2249
Liability of directors	1639	New Brunswick —Acts of, since Revised Statutes.....	2261
shareholders.....	1639	New Brunswick —Local and Private Statutes, Vol. III.....	2260
After transfer within one month.	1639	New Brunswick —Public Statutes of, Vol. II.....	2259
Loans on certain securities on real property forbidden.	1642	New Brunswick —Revised Statutes of, Vol. I.....	2258
Mortgaged property	1643		
Absolute title, how acquired.....	1643		
Power of sale	1643		
Purchaser of.	1643		
Offences and penalties.	1645		
Defacing, altering, &c., books.....	1645		
Embezzlement, &c.	1645		

The figures denote the pages which are numbered at the bottom.

SCHEDULE A—ACTS AND PARTS OF ACTS REPEALED—Concluded.

Nova Scotia—Acts of, not repealed by the Revised Statutes, 3rd Series.....	2257
Nova Scotia—Acts of, subsequent to the Revised Statutes, 3rd Series.....	2257
Nova Scotia—Revised Statutes, 3rd Series	2255
Parliament of Canada—Acts of the.....	2277
Prince Edward Island—Acts of, since Revised Statutes.....	2276
Prince Edward Island—Revised Statutes of.....	2267
Public Statutes of New Brunswick, Vol. II	2259
Revised Statutes, Nova Scotia, 3rd Series.	2255
Revised Statutes of British Columbia.....	2265
Revised Statutes of New Brunswick, Vol. I	2258
Revised Statutes of Prince Edward Island	2267
Statutes of the late Province of Canada..	2250
Upper Canada—Consolidated Statutes for	2248

SCHEDULE B—ACTS AND PARTS OF ACTS NOT CONSOLIDATED.....

Acts of New Brunswick since the Revised Statutes.....	2304
Acts of Nova Scotia not repealed by the Revised Statutes, 3rd Series.....	2302
Acts of Nova Scotia subsequent to the Revised Statutes, 3rd Series.....	2303
Acts of the Parliament of Canada.....	2308
British Columbia—Revised Statutes of... ..	2305
Canada—Acts of the Parliament of.....	2308
Canada—Consolidated Statutes of.....	2299
Canada—Statutes of the late Province of	2300
Consolidated Statutes for Lower Canada	2300
Consolidated Statutes for Upper Canada	2299
Consolidated Statutes of Canada.....	2299
Local and Private Statutes of New Brunswick, Vol. III.....	2303
Lower Canada—Consolidated Statutes for.....	2300
New Brunswick—Acts of, since the Revised Statutes.....	2304
New Brunswick—Local and Private Statutes of, Vol. III.....	2303
New Brunswick—Public Statutes of, Vol. II.....	2303
New Brunswick—Revised Statutes of, Vol. I.....	2303
Nova Scotia—Acts of, not repealed by the Revised Statutes, 3rd Series.....	2302
Nova Scotia—Acts of, subsequent to the Revised Statutes, 3rd Series.....	2303
Nova Scotia—Revised Statutes, 3rd Series.....	2302
Parliament of Canada—Acts of the.....	2308
Prince Edward Island—Revised Statutes of.....	2306

SCHEDULE B—ACTS AND PARTS OF ACTS NOT CONSOLIDATED—Concluded.

Public Statutes of New Brunswick, Vol. II.....	2303
Revised Statutes, Nova Scotia, 3rd Series.....	2302
Revised Statutes of British Columbia....	2305
Revised Statutes of New Brunswick, Vol. I.....	2303
Revised Statutes of Prince Edward Island	2306
Statutes of the late Province of Canada.	2300
Upper Canada—Consolidated Statutes for.....	2299

SCHEDULE C—ACTS AND PARTS OF ACTS CONDITIONALLY REPEALED

British Columbia—Revised Statutes.....	2318
Canada—Consolidated Statutes of.....	2317
Canada—Statutes of the late Province of.	2318
Consolidated Statutes for Lower Canada.	2317
Consolidated Statutes for Upper Canada.	2317
Consolidated Statutes of Canada.....	2317
Local and Private Statutes of New Brunswick, Vol. III.....	2318
Lower Canada—Consolidated Statutes for.....	2317
New Brunswick—Local and Private Statutes of, Vol. III.....	2318
New Brunswick—Revised Statutes of, Vol. I.....	2318
Nova Scotia—Statutes of, subsequent to the Revised Statutes, 3rd Series.....	2318
Revised Statutes, British Columbia.....	2318
Revised Statutes of New Brunswick, Vol. I.....	2318
Statutes of Nova Scotia subsequent to the Revised Statutes, 3rd Series.....	2318
Statutes of the late Province of Canada..	2318
Upper Canada—Consolidated Statutes for	2317

SCHEDULES. See "Schedule" under the several titles of Chapters of the Revised Statutes.

SEA FISHERIES —An Act to encourage the development of, and the building of fishing vessels.....	1273
Annual grant of \$150,000.....	1273
Appropriation of grant.....	1273
Yearly report to be laid before Parliament and what it shall show.....	1273
Yearly statement of expenditure.....	1273
SEAMEN IN THE NAVY —An Act respecting the protection of the Property of.	1985
Having possession of seaman's property and not accounting for it.....	1985
Penalty.....	1986
What shall be deemed having in possession.....	1986
Interpretation.....	1985

The figures denote the pages which are numbered at the bottom.

SEAMEN IN THE NAVY—Concluded.

“Admiralty”..... 1985

“Seaman”..... 1985

“Seaman’s property”..... 1985

Nothing in this Act shall prevent indictment under this or any other Act..... 1986

Purchasing, selling, &c., seaman’s property..... 1985

Penalty..... 1985

SEAMEN—Shipping of. See Seamen’s Act. 1035

SEAMEN—Shipping of on inland waters. See Inland Waters, Seamen’s Act. 1089

SEAMEN—Sick and distressed. See Sick and Distressed Mariners, &c. 1105

SEAMEN’S ACT. 1035

Abroad—Leaving seamen..... 1053

Accommodation of seamen..... 1059

Inscription over entrance..... 1060

Inspection..... 1059

Inspection on complaint..... 1060

Penalty, for contravention generally.... 1060

Penalty, if not kept clear of goods.... 1060

Privies..... 1059

Shelter, light and ventilation..... 1059

Space for each man..... 1059

To be kept from stores..... 1060

Advance notes..... 1041, 1043

And See “Allotment of Wages” in this Act..... 1045

Allotment of wages..... 1045

Allotment notes..... 1045

Form of, See Schedule B..... 1082

How recoverable..... 1045

Penalty for false statement..... 1046

Proof in actions for..... 1046

Who may sue for..... 1045

Wife of seaman may lose her right to by misconduct..... 1046

Allowance for short provisions..... 1057

Application of forfeitures..... 1069

Application of this Act..... 1036

Apprenticeships..... 1040

Apprentices and their indentures to be brought before shipping master before each voyage..... 1041

Penalty for default..... 1041

Assignment of indentures..... 1040

Death or desertion of apprentice—Notice of, to be given..... 1040

Penalty for default..... 1040

Indenture to be recorded..... 1040

Shipping master to assist..... 1040

Articles of agreement. See, Engagement of seamen, in this Act.... 1041

Form of, See Schedule..... 1080

Articles—Ships. See, Engagement of seamen, in this Act..... 1041

SEAMEN’S ACT—Continued.

Form of, See Schedule..... 1080

Change of master during voyage..... 1071

Compensation for bad provisions..... 1057

Complaints—Power of making..... 1060

Costs of convictions not exceeding \$12, may be deducted from wages..... 1068

Crimes committed on the high seas or abroad..... 1071

Deceased seamen—Wages and effects of... 1051

Deserters—Enticing and harboring..... 1070

May be sent on board in lieu of imprisonment..... 1067

Costs in such case..... 1068

Discharge and payment of wages..... 1046

Certificate—Master to give..... 1047

Penalty for default..... 1047

Discharge to be made before shipping master..... 1046

Exceptions..... 1046

Penalty for default..... 1046

Master to deliver account of wages..... 1046

Questions decided by shipping master.. 1047

Ship’s papers—Masters, &c., to produce and give evidence..... 1047

Penalty for default..... 1047

Discipline..... 1064

And See Offences, &c..... 1065

Endangering ship or life or limb, a misdemeanor..... 1064

Engagement of seamen..... 1041

Advance and allotment notes..... 1041

Advance notes, when to be given..... 1043

When to be payable..... 1043

Agreements to be entered into with masters of Canadian ships..... 1041, 1042

Form of—Schedule A..... 1080

Alterations, &c., of agreement—How attested..... 1044

Articles of agreement..... 1041

Form of—Schedule A..... 1080

Certificate from shipping master, of agreement being signed..... 1044

Certificate of competency, when to be produced by master..... 1044

Compensation in case of discharge before voyage..... 1045

Discharge of seamen..... 1042

Evidence—Seaman may give, without production of agreement..... 1045

Falsifying agreement..... 1045

Penalties..... 1044

Penalty for carrying seamen without agreement..... 1043

Running agreements, in case of short voyages..... 1042

How to be executed..... 1043

The figures denote the pages which are numbered at the bottom.

SEAMEN'S ACT—Continued.

To be signed before shipping master ..	1041
Enticing to desert and harboring deserters	1070
Entries in log-book, how to be signed	1073
To be received as evidence.....	1073
Entries in log-book, to embrace—	
Births.....	1072
Collisions.....	1073
Conduct, &c., of crew	1072
Convictions	1072
Deaths	1072
Illness and injuries	1072
Marriages.....	1072
Offences.....	1072
Punishments	1072
Quitting ship	1072
Sale of deceased men's effects.....	1073
Wages of deceased seamen	1072
Of men entering navy	1072
Entry and report of examination of provisions and water	1057
Entry of offences in log-book.....	1066
Copy of, to be given to offender.....	1066
Reply to be entered.....	1066
Expenses of medical attendance, &c.....	1058
How defrayed.....	1058
If paid by consul, to be recoverable from owner.....	1059
Injury in service of ship	1058
Medicine and attendance.....	1058
Reasonable expenses.....	1059
Removal in consequence of infection. ...	1058
Facilities for proving desertion, so far as concerns forfeiture of wages.....	1068
Fines to be deducted from wages and paid to shipping master.....	1070
Foreign ships.....	1077
Conditions under which this Act applies to	1077
Extension and application of this Act to	1077
Justice not to act as regards foreigners in, except, &c.....	1078
Oath of master of, to be proof that seaman is bound to serve.....	1078
Forfeiture—Amount of, how ascertained when seamen contract for the voyage	1069
Forfeiture for frivolous complaint.....	1057
Forfeiture—Question of, may be decided in suit for wages.....	1069
Form of oath of shipping master, &c.....	1037
Harboring deserters.....	1070
How fines shall be deducted and paid over.....	1070
Interpretation	1035
“Board of trade”.....	1036
“Canadian foreign sea-going ship”.....	1035

SEAMEN'S ACT—Continued.

“Canadian home-trade ship”.....	1033
“Consular office”.....	1035
“Master”.....	1035
“Minister”.....	1036
“Seaman”.....	1035
“Ship”.....	1035
“Ships belonging to Her Majesty”.....	1035
“The said Provinces”.....	1035
Leaving seamen abroad.....	1053
Certificate of discharge to be given.....	1053
Discharge of seamen abroad.....	1053
Discharging or leaving abroad, when a misdemeanor	1054, 1055
Draft on owner—Effect and proof of. ...	1055
Forcing seaman ashore, a misdemeanor.	1054
Governor in Council may pay expenses of relief of Canadian seamen found abroad in distress.....	1056
Penalty for false account.....	1056
Penalty for refusing or neglecting to deliver full account of wages and to pay the same.....	1056
Power to sue for amount advanced for relief of seamen left abroad.....	1056
How recoverable.....	1056
Proof of certificate to be upon master... ..	1055
Recovery of expenses.....	1054
Seamen to be sent home at expense of owner	1053
Wages to be paid when seamen are left behind on the ground of inability.....	1055
Legal procedure	1073
Act respecting summary proceedings... ..	1074
Adjournment of court.....	1076
Before whom offences may be tried.....	1074
Constables, &c., to be remunerated.....	1076
Conviction not to be disturbed for want of form.....	1075
Evidence of seaman in his own behalf... ..	1075
Examination of witness about to leave, &c.....	1076
Imprisonment in default of distress.....	1074
Judge of Vice Admiralty—Order of, required to authorize justice to issue warrant	1077
Limitation of time.....	1073, 1074
Penalty for obstructing police officer, &c. .	1077
Recovery and application of penalties. .	1074
Right of police officer, &c., to enter taverns, &c.....	1077
Warrant to apprehend deserters, how obtained	1075
Oath required in what cases	1076
Warrant to search for seaman, how obtained.....	1075
Log-books.....	1072

The figures denote the pages which are numbered at the bottom.

SEAMEN'S ACT—Continued.

And see Entries in, &c., in this chapter.	1072
Master —Change of, during voyage.	1071
Master of ship to furnish blank forms required by this Act	1078
Master or owner may apprehend deserters without warrant.	1067
Medical attendance	1058
"Merchant Shipping Act 1854," how far repealed.	1079
Mode of recovering wages	1049
Mutilating log-book , a misdemeanor.	1073
No person to go on merchant ship without leave.	1063
Arrest of offender	1064
Punishment for so doing—	
When armed	1063
" unarméd	1063
Offences, &c. , and their punishment	1065
Assault on officers	1066
Combining to disobey	1066
Continued disobedience	1066
Desertion	1065
Neglecting or refusing to join ship or to proceed to sea	1065
Quitting without leave before ship is secured	1065
Smuggling, causing loss to owner	1066
Wilful damage or embezzlement	1066
Wilful disobedience	1066
Payment of wages —Discharge and.	1046
Penalty for apprehension without cause	1067
For false statement as to ship or names.	1069
For loitering near ships.	1064
Boat may be detained, &c.	1064
For solicitations, &c., by lodging-house keepers	1064
If necessary provisions are not obtained	1057
Persons going into ships without leave liable to penalty	1063
Power of making complaints	1060
Seamen to be allowed to go ashore to make complaint	1060
Protection of seamen from imposition	1062
No debt exceeding \$1.00 recoverable till end of voyage.	1062
Penalty for detaining effects of seaman.	1063
For over charging seaman.	1063
Tavern-keepers —Debts owing to	1062
Wages , cannot be attached	1062
Not affected by assignment.	1062
Power of attorney or.	1062
Sale of vessel.	1062
Wearing apparel—Liability of, limited.	1062
Provinces to which this Act applies.	1036
Provisions, health and accommodation	1057
Punishment of stowaways	1071

SEAMEN'S ACT—Continued.

Recovery of wages	1049
Judges may make order for payment of wages	1050
Master or owner may be summoned to appear	1049
Master to have same remedies as seaman	1051
Person liable may be committed, when	1050
Restrictions on suits for wages in superior courts	1050
Seamen not to sue for wages abroad, except in cases of discharge or danger of life	1051
Ship may be levied on, when	1050
Suits brought unnecessarily in superior courts, no costs to plaintiff	1051
Summary remedy	1049
Warrant of distress may be issued	1050
Repealing clause	1079
Schedule of Forms	1080
Account of wages.....C.	1084
Articles of agreement.....A.	1080
Authority for allotment notes.....G.	1088
Certificate of discharge.....D.	1085
" shipping master.	E. 1085
Official log-book.....H.	1088
Regulations, &c......F.	1086
Seaman's allotment note.....B.	1083
Seamen imprisoned for desertion, &c., may be sent on board before expiry of term	1068
Seamen left abroad	1053
Seamen whom masters are compelled to convey, subject to discipline, &c.	1067
Shipping masters —	
Appointment of	1036
Dispensing with superintendence of	1039
Duties of, in detail	1037
Duty of in cases of suspected desertion	1037
Fees payable on engagement or discharge of seamen	1039
Masters to pay and deduct from wages	1039
Other persons not to ship seamen	1038
Penalty for employing other than shipping master to provide seamen	1038
Each seaman to constitute a separate offence	1038
Penalty for procuring seamen for reward	1038
Penalty for receiving more than lawful fees	1039
Penalty on master, &c., refusing to give information	1040
Persons hired contrary to this Act not to be received	1038
Powers of, under Imp. Statute 22 and 23 Vic., c. 40, as to Naval Reserve Force	1039

The figures denote the pages which are numbered at the bottom.

SEAMEN'S ACT—Concluded.		SECRECY BY OFFICERS, ETC., ON	
Returns of fees to be made to Minister	1039	TELEGRAPH LINES—Concluded.	
Shipping offices	1036	By operator making declaration	1759
May be conducted at custom house,		By other operators	1759
when	1036	Registration of declaration	1759
Shipping masters, &c.	1036	Schedule—Form of declaration of oper-	
To give security	1036	ator	1760
To take oath of office	1037	Telegraph operators to make a declaration	
Where to be established	1036	of secrecy	1759
Who ineligible for shipping master or		Exception in certain cases	1759
deputy	1036	SECRETARY OF STATE—An Act respect-	
Ships' articles—		ing the Department of the	253
See Engagement of seamen in this		Deputy Registrar General	253
Act	1041 <i>et seq.</i>	Duties of Secretary of State	253
Form of. See Schedule	1080	Registrar General of Canada	253
Stowaways—Punishment of	1071	Transfer of duties to any other depart-	
Survey of provisions and water	1057	ment may be made	254
Survey of ships alleged to be unseaworthy	1061	Under Secretary of State	253
As to seamen charged with desertion	1061	Yearly report to Parliament	254
Costs of the survey	1062	SECURITIES TO THE CROWN—Dis-	
Power of surveyors	1061	charge of	1559
Survey and report	1061	SECURITY FOR ADVANCES ON SHIPS	
Wages—Allotment of	1045	IN COURSE OF CONSTRUCTION	1015
Wages and effects of deceased seamen	1051	SEDUCING, &c. See Public Morals, &c.	1871
Entry in log-book, how attested	1052	SEIZURE OF ARMS KEPT FOR DAN-	
Entry in log-book to contain statement		GEROUS PURPOSES	1843
of property	1052	SENATE AND HOUSE OF COMMONS	
Entry in log-book to contain statement		—An Act respecting the	179
of wages	1052	Acceptance of office without salary not	
How money, wages and effects may be		to vacate seat	182
recovered	1052	Contracts with Government—Persons	
Master's duties in such cases	1051	holding, shall not be members	182
Penalties for not taking charge of or		Demise of the Crown	179
remitting or accounting for money		Examination of witnesses	184
and effects	1052	Exceptions as to disqualification	183
Penalty for failure to report to Minister		Government contracts what to contain	183
Shipping master's duties in such cases	1052	House of Commons—Who shall not be	
Wages—Discharge and payment of	1046	members of	181
Wages, &c.—Legal rights to	1048	Ministers of Crown excepted	181
Illness caused by wilful act or default	1049	Privy Council—Members of, excepted	181
Not to depend upon earning of freight	1048	Indemnity of members	185
Payment of, in case of death	1048	Allowance for less than 31 days	185
Period within which wages are to be paid	1049	Close of session—Final payment at	186
Refusal to work or, during imprisonment	1049	Days of attendance, how reckoned	185
Seamen not to forfeit lien, &c.	1048	Declaration to be made	186, 187
Salvage services excepted	1048	Forms of oath, &c.	187
Termination of service in case of wreck		Deduction for non-attendance	185
or illness	1048	Grant for paying allowance	187
When to begin	1048	How paid	186
Wages—Mode of recovering	1049	Mileage—Allowance for	186
Weights and measures—Masters to keep		Officers to account for moneys	187
on board	1058	Parts of a session provided for	186
SECRECY BY OFFICERS AND PER-		Independence of Parliament	181
SONS EMPLOYED ON TELE-		Limitation of suits for penalties	184
GRAPH LINES—An Act respecting.	1759	Member becoming disqualified, to vacate	
Declaration by operator	1759	seat	182
Punishment for divulging information	1759	Members—Who shall not be	181

The figures denote the pages which are numbered at the bottom.

SENATE AND HOUSE OF COMMONS

—Concluded.

Ministers of the Crown—Seats of, not vacated when. 181

Oaths, by whom administered. 185

Form of. *See* Schedule..... 187

Penalty on disqualified person, sitting or voting...... 182

How recoverable 182

Privileges and immunities of members and officers. 179

Certificate of speaker of Senate evidence in criminal or civil proceedings 180

Copy, evidence in what cases 180

General issue—Evidence under..... 180

Judicially noticed..... 179

Printed copy of journals evidence of... 180

Stay of proceedings..... 180

Privy Council—Exception as to. 181

Recess—Acts done during 182

Salaries of Speakers...... 185

Select Committee on private bills. 184

Senate—Members of, shall not be contractors with Government 184

Canadian Pacific Railway 184

Penalty for contravention 184

Exceptions..... 184

Shareholders in incorporated companies. 182

Canadian Pacific Railway..... 183

Speakers salaries...... 185

Witnesses—Examination of...... 184

SENATE—Representation of Manitoba in. 189

SENTENCES—Commutation of. *See* Punishments, Pardons, &c. 2189

SHIPPING MASTER. *See* Seamen's Act. 1037

SHIPPING OF SEAMEN. *See* Seamen's Act...... 1035

SHIPPING OFFICES. *See* Seamen's Act. 1036

SHIPPING SEAMEN ON INLAND WATERS. *See* Inland Waters Seamen's Act. 1089

SHIPS IN COURSE OF CONSTRUCTION
—Security for advances on. 1015

SHIPS—Registration and classification of. *See* Registration, &c., of ships. 1007

SHIPS—Safety of. *See* Safety of Ships, &c. 1111

SICK AND DISTRESSED MARINERS—
An Act respecting. 1105

Accounts to be attested and sent to Minister of Marine and Fisheries..... 1109

All expenses to be paid out of "Sick Mariners' Fund" 1108

Annual report to be laid before Parliament. 1109

Care and treatment of sick mariners to be paid for out of fund created by duty. 1108

SICK AND DISTRESSED MARINERS—Concluded

Certain hospitals to be under the control of Minister of Marine and Fisheries... 1109

Collector of customs, to account quarterly to Minister. 1107

Collector of customs to make provision for sick mariners where there is no marine hospital. 1107

Duty on vessels arriving in certain ports. 1105

Application of such duties..... 1106

Exemption from tonnage duty. 1106

Fishing vessels. 1106

No entry till duty paid..... 1106

Payment once a year, &c. 1106

Vessels arriving at one port, and continuing their voyage to another..... 1106

Vessels of 100 tons or under..... 1106

Vessels over 100 tons..... 1106

Expenditure of fund, to be accounted for and vouchers produced. 1109

Expenses incurred by collector of customs to be paid out of fund arising from duty 1108

Hospitals for sick mariners..... 1105

Interpretation 1105

"Sick mariner" 1105

"Vessel" 1105

"Year" 1105

Masters of vessels may send their sick mariners to hospitals, &c..... 1107

Minister of Marine and Fisheries—Powers of..... 1109

Shipwrecked, destitute or otherwise distressed seamen, how provided for. 1108

Temporary relief of seamen, how provided for. 1108

Vessels exempted from duty—Sick mariners of, not entitled to gratuitous treatment at hospital. 1107

SODOMY. *See* Public Morals, &c.—An Act respecting. 1871

SOVEREIGN—Offences against the. *See* Treason, &c. 1833

SPEAKER OF THE HOUSE OF COMMONS—An Act respecting the office of. 197

Absence of, provided for..... 197

Acts done by deputy..... 197

Chairman of committees..... 197

Deputy speaker may act..... 197

SPEEDY TRIALS ACT..... 2097

Adjourning trial 2100

Application of Act..... 2098

Attendance of witnesses..... 2100

Contempt—Conviction for. *See* Schedule Form D..... 2103

The figures denote the pages which are numbered at the bottom.

SPEEDY TRIALS ACT—Concluded.

Contempt—Warrant for. See Schedule Form C	2102
Court, to be, of record	2098
Election of trial by jury, under certain Acts—Effect of	2099
If magistrate decides not to proceed under said Acts	2099
If the prisoner pleads "not guilty"....	2099
Interpretation	2097
"Clerk of the peace".....	2097
"County attorney".....	2097
"Court of General Sessions of the Peace".....	2097
"Judge".....	2097
Judge may admit to bail, &c	2100
Powers of amendment	2100
Powers of judge in any case tried before him	2099
Prisoner may be charged with other offences than that for which he was committed	2099
Provinces only to which Act applies	2098
Records of proceedings	2098
<i>See Schedules A and B.</i>	2101
Records, where filed	2098
Schedules of forms	2101
Conviction for contempt.....D.	2103
Record when prisoner pleads guilty..B.	2101
When prisoner pleads not guilty...A.	2101
Warrant to apprehend witness.....C.	2102
Several prisoners charged with the same offence	2099
Short title	2097
Speedy trial of certain accused persons with their own consent	2098
Duty of sheriff having a prisoner so triable.....	2098
Pleading guilty	2098
Statement to be made to the prisoner by the judge.....	2098
Style of court.....	2098
Trial by jury—When.....	2099
Witnesses failing to attend, &c	2100
May be admitted to bail.....	2100
Punishment for contempt	2101
ST. PAUL'S ISLAND. See Lighthouses, &c	907
STAMPS AND STAMPED PAPER AND STAMP DUTIES. See Inland Revenue	413
STANDARD WEIGHTS AND MEASURES. See Inland Revenue	414
<i>See also Weights and Measures Act</i>	1375
STAPLE ARTICLES—Inspection of. See General Inspection Act	1283
STATE—Department of the Secretary of. See Secretary of State	253

STATIONERY. See Public Printing, &c., Department of	257
STATISTICS—An Act respecting	899
Annual report of Minister to contain copies of rules, &c.	900
Arrangements with Lieut. Gov. in Council of Province or Territory	900
Errors, &c., to be corrected	900
Information in concise form	900
Minister of Agriculture to make rules, &c.	899
Duty of Minister.....	899
Officers, clerks, &c., may be appointed ...	899
Tenure of office of	899
Penalty for willfully giving false information	900
Public officers may be called upon to furnish copies of papers, &c.	900
Publication of abstracts, &c.	900
Salaries, how to be fixed, &c.	900
Special statistical investigations	900
STATISTICS—Criminal	903
STATUTES—Form and interpretation of. See Interpretation Act	1
STATUTES OF CANADA—An Act respecting the Revised	ix
STATUTES—Publication of the	11
STEALING. See Larceny Act	1902
STEALING LETTERS, &c. — See Post Office Act	544, 546
STREAM-BOAT INSPECTION ACT	1119
Appeal from inspector's order, &c	1141
Appointment and qualification of inspectors	1120
Board of steam-boat inspection.....	1121
Constitution of	1121
Duties, rules, &c., of.....	1122
Minutes of proceedings of	1121
Boats	1130
Care and management of.....	1131
Davits.....	1131
Description of	1130
Dimensions of, may be varied.....	1131
Life-boats	1131
Lowering apparatus	1131
Name to be painted on	1131
Number of	1130, 1131
Steam-boats employed in inland navigation, &c.....	1132
Steam-boats not carrying passengers....	1132
Steamers in certain inland navigation...	1132
Boilers and machinery.....	1125
Bad material, &c., not allowed.....	1128
Defects to be made good.....	1125
Discretion of inspector.....	1126
Donkey boilers, &c.....	1127
External working pressure, &c.....	1126
Flat surfaces.....	1127

The figures denote the pages which are numbered at the bottom.

STEAM-BOAT INSPECTION ACT—Continued.

Inspector to be notified, &c. 1128

Inspectors of, appointed..... 1120

Interior condition of boiler..... 1127

Mark or name of maker of plate to be stamped thereon..... 1128

Maximum working pressure for new iron boilers 1125

 Ratio of test..... 1125

Maximum working pressure for new steel boilers 1126

 Ratio of test..... 1126

Oath as to maker and quality, &c. 1128

Openings how fixed 1127

Proceedings before testing..... 1125

Reduction in working pressure 1127

Safety valves, &c. 1127

Single riveted shells 1127

Stays to crown sheet of furnace..... 1127

Testing of, how done..... 1125

Use of drift pins forbidden..... 1127

Working pressure may be reduced..... 1126

Certificate, of inspection, &c...... 1142

Clearance when to be withheld...... 1145

Copy of this Act to be posted up..... 1145

Engineers...... 1136

 Cancellation of certificates of..... 1138

 Certificates, &c., how obtained..... 1137

 Classification of 1138

 Examination of..... 1136

 Exchange of existing certificates..... 1139

 First class, qualified to do what..... 1139

 Fourth class, qualified to do what..... 1139

 Imperial certificates..... 1138

 Must be licensed, when..... 1139

 Penalty for contravention..... 1139

 Revocation of certificate..... 1137

 Second class, qualified to do what..... 1139

 Shall not act as masters..... 1138

 Steam-boats over 150 tons..... 1137

 Third class, qualified to do what..... 1139

Examination—Inspectors subject to...... 1121

Examination of engineers...... 1139

Extent and application of this Act..... 1120

Ferry boats and tug boats, not on the River St. Lawrence...... 1133

Ferry boats may be exempted...... 1134

Fire—Precautions against...... 1134

Gangboards..... 1144

 How provided, secured, &c..... 1144

 Liability for damages..... 1144

 Lights on wharves 1144

 Lights to be affixed at night..... 1144

 Penalty for infringement..... 1145

General provisions..... 1145

Gov. in Council may bring certain steam-boats under this Act...... 1120

STEAM-BOAT INSPECTION ACT—Continued.

Hulls and equipment—Inspectors of...... 1121

Inspection..... 1122

 Certificate of..... 1122

 Certificate of registry 1123

 Certificates of, how made 1124

 Form of. See Schedule A..... 1147

 Chairman of board of—Duties of..... 1122

 Decision in case of dispute 1124

 Duration of certificate 1123

 Fees for..... 1141

 Free passage of inspector 1124

 Inspector to see that steam-boats have proper lights 1124

 Machinery may be put in motion 1123

 Officers to answer questions 1123

 Penalty for refusal..... 1123

 Owner to pay expenses of examination.. 1123

 Penalty for neglect 1123

 Register of inspections..... 1125

 Subsequent injury to be reported 1123

 Penalty for default..... 1123

 Yearly inspection required..... 1122

Inspection fees..... 1141

Inspector may detain vessel...... 1145

Inspectors—Appointment and qualification of...... 1120

Inspector's certificate not to be granted till duty is paid...... 1142

Inspectors of hulls in certain parts of Canada..... 1122

Inspectors of steamboats, &c...... 1139

 Qualification of first class engineer...1140, 1141

 “ of fourth class engineer...1139, 1140

 “ of second class engineer..... 1140

 “ of third class engineer..... 1140

Interpretation..... 1119

 “ Boiler ” and “ boilers ”..... 1120

 “ Boilers and machinery ”..... 1119

 “ Certificate ”..... 1120

 “ Freight boats ”..... 1120

 “ Hull ”..... 1120

 “ Hull and equipment ”..... 1119

 “ Inspector ”..... 1119

 “ Owner ”..... 1119

 “ Steam-boat ”..... 1119

 “ Year ”..... 1119

Investigation of accidents, &c...... 1146

Life buoys..... 1134

Life preservers..... 1132

 Cork jackets 1133

 Description of 1134

 Inland waters..... 1133

 Maximum number of..... 1133

 Number of, proportionately..... 1132

 Ports and places whence steamboats must carry 1132

The figures denote the pages which are numbered at the bottom.

STEAM-BOAT INSPECTION ACT—Continued.

Steam-boats, chiefly carrying freight.....	1133
Steam-boats, not otherwise provided for	1133
Wooden floats	1133
Masts and sails, &c.	1143
Regulations as to carrying	1143
Exceptions	1144
Monthly returns by inspectors.....	1146
Name of vessel to be painted on boats....	1145
Oath of office and form thereof	1121
Owner or master, liable for non-observance of this Act	1145
Partial exceptions, to application of Act..	1120
Passengers	1142
Barge, scow, &c., used to carry, must be certified	1143
Penalty for contravention	1143
Inspector may report steamer unfit for... 1143	
Number of, to be prescribed by inspector's certificate.....	1142
Penalty for running steam-boat contrary to order of Minister.....	1143
Penalty on owner, &c., for carrying too many	1143
Punishment of master for carrying too many	1143
Penalty for inspector giving false certificate.....	1145
Penalty in non-provided cases	1145
Precautions against fire	1134
Deviation from usual requirements.....	1135
Fire apparatus on passenger boats.....	1134
Fire buckets—Number of.....	1134
Fire extinguishers.....	1136
Force pumps and hose.....	1135
Hand pumps.....	1135
Hose wrenches, and supply pipes.....	1135
Inflammable material.....	1135
Length of hose, &c.....	1136
Means of escape.....	1136
Special provisions	1134
Steam pony pump	1136
Steam-boats not carrying passengers ...	1134
Uncovered lights	1135
Printed notice to be posted up	1145
Recovery of penalties	1145
Safety valves, &c.	1128
Area of locked safety valves.....	1129
Bilge pipe, &c	1130
" Bourdon Gauge " to be used.....	1130
Examination of.....	1128, 1129
Penalty for concealing, &c.....	1130
Steam gauge to be exposed to view.....	1129
Water gauge and surface blow-off.....	1130
When engine is stopped safety valve to be opened, &c.....	1129
Schedules	1147

STEAM-BOAT INSPECTION ACT—Concluded.

Certificate for a barge, &c.....	C. 1149
" " freight boat, &c.....	B. 1148
" of inspector of boilers, &c....	1147
" " hulls, &c.....	1147
Short title	1119
Steam gauges, &c.....	1128
Steam-boat inspection—Board of.....	1121
Tonnage of re-measured steam-ships, &c.	1146
Yearly report to Minister.....	1146
STORES. See Military and Naval Stores... 1981	
SUBSIDIES AND ALLOWANCES TO THE PROVINCES—An Act respecting	703
Additional allowance calculated on previous years.....	703
Advances to Provinces authorized.....	706
Allowances to Provinces in relation to amount of debt.....	703
British Columbia—Account with.....	704
Capital and yearly payment specified.....	704
Manitoba—Subsidy to.....	705
Grants of land to.....	705
Sums on which interest is payable to ...	705
New Brunswick—Subsidy to.....	703
Nova Scotia—Increased subsidy to	703
Prince Edward Island—Account with ...	704
SUMMARY ADMINISTRATION OF CRIMINAL JUSTICE. See Summary Trials Act.....	2105
SUMMARY CONVICTIONS ACT	2123
Abettors, &c.....	2125
Aiding, abetting, &c.—Where persons, may be proceeded against.....	2125
Appeals.....	2139
Amendment—Power of.....	2142
Certiorari not allowed to Superior Court	2142
Certiorari not allowed when appeal taken	2142
Conditions of appeal.....	2140
Costs of.....	2145
Costs recoverable, when appeal abandoned	2142
Courts of appeal.....	2139, 2140
Defect in form or substance.....	2141
Deposit money, how disposed of by justice convicting.....	2143
Deposit of money, when.....	2140
Jury may be empanelled	2141
Evidence in such case.....	2141
Judgment in such case.....	2141
Oath of juror.....	2141
Justice convicting to transmit the conviction	2143
Merits—Decision to be given on the.....	2142
Next sittings of court, &c.....	2140

The figures denote the pages which are numbered at the bottom.

SUMMARY CONVICTIONS ACT—Continued.

Notice to be given..... 2140
 Form of. *See* Schedule R. 2173
 Payment of costs, how enforced. 2145
Procedendo not necessary..... 2144
 Proceedings after appeal..... 2142
 Proceedings on the appeal..... 2140
 Adjournment of..... 2141
 Conviction or order affirmed. 2140
 Conviction or order quashed..... 2141
 Effect of memorandum..... 2141
 Memorandum to be made..... 2141
 Protection of justices..... 2144
 Recognizance to be entered into..... 2140
 Form of. *See* Schedule S..... 2174
 Return of proceedings..... 2144
 Application of Act..... 2123
 Attendance of defendants. *See* Enforcing attendance, &c. 2125
 Assaults—Proceedings in case of..... 2138
 Attempt to commit felony. 2138
 Certificate if case dismissed..... 2139
 Certificate or conviction, a bar to any further proceedings..... 2139
 Determination of matter by justice, when..... 2138
 By whom complaint shall be heard..... 2124
 Certificate of conviction to be evidence... 2143
 Clerk of the peace, &c., to publish and post up returns..... 2147
 Fee for posting up, &c..... 2147
 Schedule to be prepared by..... 2147
 Commitment—Warrants of distress and. 2135
 Complaint, by whom heard, in cases not directed by this Act..... 2124
 Complaints—Informations and..... 2128
 Convictions, &c., not to be invalid for informalities..... 2143
 Copy of returns to be sent to Minister of Finance..... 2147
 Costs..... 2134
 How to be awarded..... 2134
 Recovery of, by distress..... 2135
 When, by imprisonment..... 2135
 Costs in actions for penalties for not making proper returns, &c..... 2147
 Costs of appeal, to whom payable..... 2145
 Defendants—Enforcing attendance of. *See* Enforcing attendance of, &c..... 2125
 Distress. *See* Warrants of Distress, &c.. 2135
 Effect of conviction, if no appeal..... 2145
 Enforcing attendance of defendants..... 2125
 Ex parte cases..... 2126
 Execution of warrant..... 2127
 By what officer and where..... 2127
 Indorsement of warrant—Effect of..... 2127

SUMMARY CONVICTIONS ACT—Continued.

Indorsing warrant in another jurisdiction..... 2127
 Information to be laid..... 2125
 Form of information. *See* Schedule A. 2149
 Service of summons..... 2125
 Proof of service..... 2126
 Summons may be issued..... 2125
 Form of summons. *See* Schedule B.. 2150
 Warrant—Duration of, and how to be executed..... 2127
 Warrant in the first instance—Copy of, to be served on defendant..... 2126
 Warrant may be issued if summons disobeyed..... 2126
 Form of such warrant. *See* Schedule C..... 2150
 Warrant may issue in the first instance, when..... 2126
 Form of such warrant. *See* Schedule D..... 2151
 Warrant, to whom directed..... 2126
 How to be signed and sealed..... 2126
 What to contain..... 2127
 Enforcement of payment of costs of appeal..... 2145
 Certificate that costs have not been paid, to be granted..... 2145
 Form of. *See* Schedule T..... 2175
 Warrant of commitment may be issued, when..... 2145
 Form of. *See* Schedule U, 2..... 2177
 Warrant of distress, may issue..... 2145
 Form of. *See* Schedule U, 1..... 2176
 Errors and defects, which shall not invalidate convictions, &c..... 2143
 Evidence. *See* Witnesses..... 2129
Ex parte cases..... 2126
 Forms to be sufficient..... 2149
 General provisions..... 2148
 Hearing..... 2130
 Adjournment of the case..... 2132
 Aggrieved—Evidence of the person..... 2131
 Amount payable to person aggrieved, limited..... 2133
 Case may proceed, if prosecutor or defendant does not appear..... 2133
 Certificate of dismissal of complaint... 2134
 Form of. *See* Schedule M..... 2165
 Complainant, &c., competent witnesses 2131
 Convictions to be drawn up by the justice..... 2133
 Forms of. *See* Schedule J 1, J 2, J 3..... 2158, 2159, 2160
 Copy of minute of order of commitment to be served on defendant, before distress or commitment..... 2134

The figures denote the pages which are numbered at the bottom.

SUMMARY CONVICTIONS ACT—Continued.

Defence and answer.....	2130
Decision of the case.....	2133
Defendant may be allowed to go at large or may be committed, or may be discharged upon his own recognizance on adjournment of case.....	2133
Form of recognizance. <i>See</i> Schedule H.....	2157
Form of warrant of committal. <i>See</i> Schedule G.....	2156
Defendant may make full defence.....	2130
Dismissal of case, when prosecutor does not appear.....	2133
Dismissal of complaint.....	2134
Form of order. <i>See</i> Schedule L.....	2164
Examination of witnesses, &c.....	2132
If both parties appear.....	2132
If defendant appears, &c., and the complainant does not appear.....	2131
Inhabitant of district—Evidence of.....	2131
Justice may convict, &c., if defendant admits the truth.....	2132
Making satisfaction—In certain cases defendant may be discharged on.....	2134
Minute of conviction or order to be made.....	2133
Negative—When proof of, not required.....	2132
Non-appearance of defendant.....	2131
Observations in reply to the evidence not permitted.....	2132
Open court—To be in.....	2130
Orders to be drawn up by the justice... Form of. <i>See</i> Schedules K 1, K 2, K 3.....	2161, 2162, 2163
Penalty or forfeiture to public fund of district, &c., not to disqualify inhabitant thereof from giving evidence....	2131
Proceedings in case of non-appearance of defendant.....	2131
Adjournment.....	2131
<i>Ex parte</i>	2131
Warrant.....	2131
Proceedings on the hearing.....	2132
Prosecutor, competent witness.....	2131
Prosecutor may be heard by counsel or attorney.....	2130
Public fund of district, county or place—Evidence in case of.....	2131
Warrant may issue for arrest of defendant, on bail not appearing.....	2133
Warrant to issue to commit defendant when apprehended.....	2131
Form of warrant. <i>See</i> Schedule F.....	2155
When defendant has been apprehended.....	2131
Witnesses to be examined on oath.....	2130
Indictable offence against a justice, not affected.....	2148

SUMMARY CONVICTIONS ACT—Continued.

Informations and complaints.....	2128
Adjournment of case on account of variance, when.....	2129
Complaint to be for <i>one</i> matter only... ..	2128
Complaints need not be in writing, when	2128
Complaints need not be on oath unless so provided.....	2128
Defects, &c.—When, no objection.....	2128
Description of partners.....	2128
Of property of municipal corporation.....	2128
“ “ of partners.....	2128
Information must be on oath when warrant is issued in the first instance.....	2128
Variance as to place not material.....	2129
“ “ time not material.....	2129
Informations and complaints. <i>See</i> also	
“ Enforcing attendance, &c.”.....	2125
Interpretation.....	2123
“ Clerk of the peace ”.....	2123
“ Common goal ” or “ prison ”.....	2123
“ District ” or “ county ”.....	2123
“ Territorial division ”.....	2123
Jurisdiction.....	2123, 2124
Justices—Protection of.....	2144
Limitation of action for penalties for not making proper returns, &c.....	2147
Limitations.....	2125
Magistrates having the power of two justices.....	2124
Offences may be laid conjunctively or disjunctively.....	2148
Example.....	2148
Offences punishable on summary conviction.....	2123, 2124
One justice—When he may act.....	2124
Powers, &c., of, after hearing.....	2124
Order of court in lieu of writ of <i>procedendo</i>	2144
Payment—Tender and.....	2145
Penalty on justice for not making proper returns, &c.....	2147
Application of penalty.....	2147
Power to preserve order.....	2148
<i>Procedendo</i> , not necessary for return of proceedings not quashed.....	2144
Proceedings after judgment.....	2124
Proclamations—Courts to take judicial notice of.....	2144
Protection of justices.....	2144
Recognizances.....	2138
Certificate of justice endorsed.....	2138
Form of. <i>See</i> Schedule Q.....	2173
Defendant, failing to appear.....	2138
Officers to whom recognizances shall be transmitted.....	2138
Resistance to process—Power to punish.....	2149

The figures denote the pages which are numbered at the bottom.

SUMMARY CONVICTIONS ACT—Continued.

Returns not vitiated by certain matters being included therein 2148

Returns respecting convictions and moneys received..... 2146

Returns to be made quarterly by every justice 2146

Form of return. *See* Schedule V..... 2178

Subsequent receipts, &c..... 2146

To whom to be made 2146

Schedule of forms—

Certificate of clerk of the peace that the costs of an appeal are not paid. T. 2175

Certificate of dismissalM. 2165

Certificate of non-appearance to be endorsed on the defendant's recognizanceQ. 2173

Commitment of a witness for refusing, &c.....E, 4. 2154

Constable's return to a warrant of distressN, 4. 2168

Conviction for a penalty and in default of payment imprisonmentJ, 2. 2159

Conviction for a penalty to be levied by distress and in default of payment, by imprisonment.....J, 1. 2158

Conviction when the punishment is by imprisonment, &c.....J, 3. 2160

Indorsement on a warrant of distress N,3. 2167

Information or complaint on oath.A. 2149

Notice of appeal, &c.....R. 2173

Order for any other matter, where the disobeying of it is punishable with imprisonment.....K, 3. 2163

Order for payment of money, and in default of payment imprisonment.K, 2. 2162

Order for payment of money to be levied by distress, and in default of distress, imprisonment.....K, 1. 2161

Order of dismissal of information or complaint.....L. 2164

Recognizance for the appearance of defendant, when case is adjourned, &c.....H. 2157

Notice to defendant, &c.....H. 2157

Recognizance on appeal.....S. 2174

Notice of..... 2175

Return of convictions.....V. 2178

Summons to a witness.....E, 1. 2152

Summons to defendant.....B. 2150

Warrant for a witness in the first instanceE, 3. 2153

Warrant in the first instanceD. 2151

Warrant of commitment for want of distress.....N, 5. 2168

Warrant of commitment for want of distress for costs of an appeal.U. 2. 2177

SUMMARY CONVICTIONS ACT—Continued.

Warrant of commitment for want of distress for costs, upon an order for dismissal of an information, &c.. P, 2. 2172

Warrant of commitment on an order in the first instance.....O, 2. 2170

Warrant of commitment, upon a conviction for a penalty in the first instanceO, 1. 2169

Warrant of committal, &c., and adjournment of hearing.....G. 2156

Warrant of distress for costs of an appeal.....U, 1. 2176

Warrant of distress for costs, upon an order for dismissal of an information, &c.....P, 1. 2171

Warrant of distress upon a conviction for a penalty.N, 1. 2165

Warrant of distress upon an order for the payment of money.....N, 2. 2166

Warrant to remand a defendant when apprehended.....F. 2155

Warrant when summons is disobeyed. C. 2150

Warrant where a witness has not obeyed a summons.....E, 2. 2152

Seals to warrants and other documents. . 2148

Seals—When absence of, not to invalidate 2148

Security in proceedings to quash—Order may be made as to..... 2144

Sufficiency of forms..... 2149

Summons. *See* Enforcing attendance,&c. 2125

Superseded—5 Geo. 2nd, c. 19, s. 2..... 2144

Tender and payment. 2145

To the constable..... 2145

To the keeper of prison..... 2146

What to include. 2145, 2146

Time for making complaint or laying information limited. 2125

Trial. *See* Hearing 2130

Two justices shall be present and act together in cases requiring two..... 2124

Warrants. *See* Enforcing attendance, &c., and thereunder..... 2126

Warrants of distress and commitment. . 2135

Costs against the prosecutor, when..... 2137

Default of sufficient distress. 2136

Defendant may be bailed or detained until warrant is returned..... 2136

Imprisonment for a subsequent offence, if defendant is already in gaol..... 2137

Indorsement of, for execution in another jurisdiction. 2135

Form of. *See* Schedule N. 3..... 2167

Justice may issue, when..... 2135

Forms of. *See* Schedule N, 1; N, 2.2165, 2166

Prosecutor, when liable for costs 2137

Recovery of costs from prosecutor. 2137

The figures denote the pages which are numbered at the bottom.

SUMMARY CONVICTIONS ACT—Concluded.

Form of commitment. <i>See</i> Schedule P, 2.....	2172
Form of warrant of distress. <i>See</i> Schedule P, 1.....	2171
Return to, by constables	2136
Form of. <i>See</i> Schedule N, 4.....	2168
Term for which defendant may be committed in default of distress	2136
Term of imprisonment in certain cases, if penalty is not paid.....	2137
Warrant of commitment for want of distress.....	2136
Form of. <i>See</i> Schedule N, 5.....	2168
When the issuing of a warrant would be ruinous to defendant and his family, or there are no goods, justice may commit him	2135, 2136
Warrant of committal, O, 1; O, 2.....	2169, 2170
Witnesses	2129
Commitment for refusal to give evidence	2130
Summons may issue.....	2129
Form of. <i>See</i> Schedule E, 1.....	2152
Oath when required for	2129
Warrant against witness—Indorsement of, if to be executed out of the jurisdiction.....	2129, 2130
Warrant in the first instance when and how obtained.....	2130
Form of. <i>See</i> Schedule E, 3.....	2153
Oath to obtain such warrant.....	2130
Warrant may issue if summons disobeyed	2129
Form of. <i>See</i> Schedule E, 2.....	2152
Oath to obtain such warrant.....	2129
SUMMARY PROCEEDINGS BEFORE JUSTICES OF THE PEACE. <i>See</i>	
Summary Convictions Act.....	2123
SUMMARY TRIALS ACT	2105
Application of penalties.....	2112
Certain provisions not to apply to cases under this Act.....	2113
Consent to be tried summarily in cases of simple larceny, &c.....	2109
Fact of consent to be mentioned in the warrant	2110
Full defence allowed.....	2110
If accused consents, &c.....	2109
If accused does not consent, &c.....	2109
Conviction not to be quashed for want of form.....	2111
Conviction to be transmitted to court of sessions of the peace.....	2111
Discharge in certain cases.....	2110
Effect of conviction.....	2111
of dismissal	2111
Forms in schedule may be used.....	2113

SUMMARY TRIALS ACT—Concluded.

Interpretation	2105
“Common gaol or other place of confinement”.....	2105
“Magistrate”.....	2105
“Property”.....	2106
Jurisdiction of magistrate, when absolute	2107
“Juvenile Offenders’ Act” not affected by this Act.....	2113
Offence not proved.....	2110
Offences triable under this Act.....	2106
Aggravated assault.....	2106
Assaults on females or children	2106
Assaults on magistrates or officers.	2106
Attempting to commit simple larceny..	2106
Betting or pool selling.....	2106
Keeping, &c., disorderly houses.	2106
Larceny from the person.....	2106
Simple larceny.....	2106
Open court—Magistrate’s, to be.....	2110
Penalties—Application of.....	2112
Persons brought before justices may be remanded for trial under this Act.....	2111
Before whom to be tried.....	2112
But not into another province.....	2112
Proof of conviction or dismissal.....	2111
Recognizance—Not appearing according to.....	2112
Restitution of property.....	2111
Schedule of forms—	
Certificate of dismissal.....	C 2114
Conviction.....	A 2113
Conviction upon a plea of guilty.....	B 2113
Sentence in case of conviction of larceny, &c.....	2108
Sentence on persons convicted on summary trial, &c.....	2108
Levying fine imposed.....	2109
Short title.....	2105
Trial by consent before magistrate in Ontario instead of Court of General Sessions.....	2107
Accused to be asked if he consents to be summarily tried.....	2108
If he admits the charge.....	2108
If he consents.....	2108
Witnesses —Attendance of.....	2110
Mode of summoning.....	2110
SUPERANNUATION ACT. <i>See</i> Civil Service Superannuation Act.....	221
SUPERANNUATION OF JUDGES. <i>See</i>	
Judges of Provincial Courts.....	1803
SUPREME AND EXCHEQUER COURTS ACT	1761
Appeals to the Supreme Court.....	1765
From Exchequer Court.....	1775

The figures denote the pages which are numbered at the bottom.

SUPREME AND EXCHEQUER COURTS

ACT—Continued.

In criminal matters. 1774

Jurisdiction in. 1765

Procedure in. 1768

Barristers and attorneys—Who may practice as. 1764

Civil Service and Superannuation Acts to apply to officers, &c. 1763

Clerks and servants to be appointed. 1763

Controversies between Dominion and a Province thereof. 1776

 Between one Province and another 1776

Costs to and against the Crown, how paid. 1784

Courts continued. 1761

Criminal cases—Appeals in. 1774

 In what cases appeal will lie. 1774

 No appeal in what cases. 1775

 Proceedings for appeal. 1774

 When the appeal must be brought to a hearing. 1775

Enforcement of orders for payment of money. 1783

Evidence. 1779

 Affidavits, before whom sworn. 1779

 Affidavits, &c., out of Canada, before whom sworn. 1780

 Commission may issue. 1781

 Commissioners may be appointed. 1780

 Contempt of court—Neglect or refusal of witness to attend, &c. 1782

 Duty of persons taking examination. 1781

 Effect of consent of parties. 1782

 Examination of persons who cannot conveniently attend. 1781

 Further examination may be ordered. 1781

 Informality not to invalidate. 1781

 No defence in case of perjury. 1781

 Interrogatories may be delivered. 1781

 Neglect or refusal of witness to attend, a contempt of court. 1782

 Notice of return of examination. 1782

 Notice to adverse party. 1782

 Oaths, &c.—Who may administer. 1779

 Objection to reading examination, how and when to be made. 1782

 Production of papers, &c. 1782

 Proof of signature or seal of commissioner, not required. 1780

 Return of examinations taken in Canada. 1780

 Taken out of Canada. 1780

 Style of commissioner. 1780

 “Witness,” signification of term. 1781

Exchequer Court—

 Appeals from. 1775

 Appeals to. 1777

SUPREME AND EXCHEQUER COURTS

ACT—Continued.

Cases in which Dominion is interested. 1777

• Cases of appeal from official arbitrators 1777

Concurrent jurisdiction of. 1776, 1777

Exclusive original jurisdiction of. 1777

Jurisdiction. 1776, 1777

Procedure. See below “Procedure of Exchequer Court”. 1777

Sittings of court. 1777

Fees to the registrar to be paid by stamps. 1784

General provisions. 1783

Interpretation. 1761

 “Appeal”. 1761

 “Final judgment”. 1761

 “Judge”. 1761

 “Judgment”. 1761

 “The court appealed from”. 1761

 “The Exchequer Court”. 1761

 “The Supreme Court”. 1761

Judges. 1762

 Constitution of the Supreme Court. 1762

 Not to hold other office. 1762

 Oath to be taken. 1763

 Form of oath. 1763

 How to be administered. 1763

 Quebec—Judges from Province of. 1762

 Residence. 1762

 Retiring allowances. 1762

 Salaries. 1762

 Tenure of office. 1762

 To be judges of both courts. 1762

 Who may be appointed. 1762

Judgment, final and conclusive. 1775

 Saving H.M. prerogative. 1775

Jurisdiction of Supreme Court. 1765

 Appeal from final judgments only. 1766

 Appeal from orders made in exercise of judicial discretion, not allowed. 1766

 Exception. 1766

 Appeal in Province of Quebec. 1767

 Appeal to be from court of last resort except. 1766

 By consent. 1766

 By leave of court or judge. 1766

Appeals. 1785

 Civil actions. 1765

 Criminal cases. 1766

 Election cases. 1766

 Exchequer cases. 1767

 Exchequer Court. 1766

 Extradition. 1767

 Habeas corpus. 1767

 Mandamus. 1767

 Maritime Court of Ontario. 1766

 Municipal by-laws. 1767

 Rules for new trials. 1767

The figures denote the pages which are numbered at the bottom.

SUPREME AND EXCHEQUER COURTS

ACT—Continued.	
Certain matters excepted.....	1767
<i>Certiorari</i> —Writ of.....	1768 ^a
Extradition.....	1767
<i>Habeas corpus</i>	1767
Appeal from single judge to the court	1767
Concurrent jurisdiction of judges.....	1767
Powers of judge and of court.....	1767
Prisoner need not be present.....	1768
When appeal shall be heard.....	1768
Private bill or petition.....	1768
Non-payment of money, not a contempt of court.....	1783
Powers of commissioners.....	1783
Practitioners, to be officers of the court..	1764
Precis writer—Appointment and duties of	1763
Procedure in appeals to the Supreme Court in civil matters.....	1768
Allowance of appeal in special cases on terms.....	1769
Amendments.....	1774
Case stated or settled, what to set forth.....	1769
Certificate of judgment.....	1774
Consent to reversal of judgment.....	1772
Costs.....	1773
Death of parties.....	1772
One of several appellants.....	1772
One of several respondents.....	1773
Sole—or all the appellants.....	1772
Sole—or all the respondents.....	1773
Discontinuance of proceedings.....	1771
Dismissal for delay.....	1772
Entry of causes.....	1773
Interest.....	1774
Judgments.....	1773
Dismissal of appeal on giving judg- ment.....	1773
New trial may be ordered.....	1773
Quashing proceedings.....	1773
Notice of appeal.....	1769
Perfecting appeal.....	1768
Proceedings requisite for appeal.....	1769
Security and amount thereof.....	1770
Security and staying execution.....	1770
Special case, stated or settled—Appeal to be on.....	1769
Stay of execution.....	1770
Transmission of case to registrar.....	1769
When appeal shall be brought.....	1769
When error in law is alleged.....	1769
Procedure in Exchequer Court.....	1777

SUPREME AND EXCHEQUER COURTS

ACT—Concluded.	
Executions—Writs of.....	1778
Claims to property seized under, &c..	1779
How to be executed, &c.....	1779
Personal arrest, when.....	1779
When and how issued.....	1778
Issues of fact, how tried.....	1777
Jurors in cases specified.....	1778
Number of, to be summoned.....	1778
Qualification of.....	1778
<i>Tales</i> in default of.....	1778
Reference of matter or petition.....	1778
Rules of practice.....	1777
Sheriff's fees, &c.....	1779
Trial without jury, when.....	1778
Process and officers of the court.....	1783
Registrar and other officers.....	1763
Registrar—Appointment of.....	1763
To act for both courts.....	1763
Salary of.....	1763
Reporting decisions.....	1763
Reports—Publication of.....	1784
Rules of procedure and as to costs— Judges may make.....	1783
Sessions of the Supreme Court.....	1764
Sheriff <i>ex officio</i>	1764
Short title.....	1761
Sittings of the Exchequer Court.....	1777
Solicitors—Who may practice as.....	1764
Special jurisdiction of Supreme and Ex- chequer Courts.....	1775
Powers to be exercised with consent of Provincial Legislatures.....	1775, 1776
Suits, actions, &c., in which the val- idity of an Act of the Parliament is raised.....	1776
In which the validity of an Act of the Provincial Legislature is raised.....	1776
Proceedings in such cases.....	1776
Supreme and Exchequer Courts—Evi- dence in.....	1779
Supreme Court.....	1764
Appeals to.....	1765
Constitution of.....	1764
Court may be convened at any time....	1765
Delivery of judgments.....	1764
Power to adjourn.....	1764
Quorum of judges.....	1764
Three sessions of appeal yearly.....	1764
<i>See, also, "Jurisdiction of, &c."</i>	1765
And " <i>Procedure in Appeals.</i> "....	1768

The figures denote the pages which are numbered at the bottom.

T

TELEGRAPH COMPANIES—Electric. *See*
 Electric Telegraph Companies Act... 1749

TELEGRAPH LINES—Secrecy by officers,
 &c., employed on 1759

TELEGRAPH OPERATORS—Secrecy by.. 1759

TELEGRAPHS—Marine electric 1753

TEMPERANCE ACT. *See* Canada Tem-
 perance Act..... 1401

TERRITORIES—An Act respecting the
 North-West. *See* North-West Terri-
 tories Act..... 717

TERRITORIES—Homestead exemption
 estates in. *See* Homestead Exemp-
 tions Act..... 797

TERRITORIES REAL PROPERTY ACT. 741

Abatement—None in case of death, &c.. 780

Power of judge in such cases..... 780

Appeal 781

Court of. 781

Judgment, final..... 781

Powers to make rules..... 781

Quorum..... 781

Sittings 781

Assurance fund, &c...... 769

**Action against registrar as nominal de-
 fendant, when**..... 771

Costs—When nominal defendant shall
 have..... 772

Damages—Recovery of..... 771

How created, &c...... 771

Limitation of action for damages..... 772

**Non-liability of assurance fund in cer-
 tain cases**..... 773

**Recovery of amount paid out of assur-
 ance fund** 772

Attestation of instruments..... 769

How to be witnessed..... 769

Form of oath. *See* Schedule R. 794

**Persons before whom oath may be
 taken in—**

British colony outside Canada. 769

Canada outside the territories 769

Foreign country..... 769

Territories. 769

United Kingdom..... 769

Books, forms, &c., how provided..... 779

Caveats..... 767

Effect of. 768

Entry of withdrawal of..... 768

**Judge may prohibit transfer of land in
 certain cases**..... 768

Lapse of, in one month, unless, &c...... 768

TERRITORIES REAL PROPERTY ACT

—Continued.

Liability for wrongfully entering..... 768

Power to withdraw..... 768

Proceedings for setting aside..... 768

Setting aside 768

Commencement of Act 741

**Compensation of persons deprived of
 land by fraud, &c.** 770

Action for damages. 770

Damages payable—How..... 770

**Purchasers and mortgagees, when pro-
 tected**..... 771

Death—Transmission in case of..... 764

Descent, conveyance, &c., of real property 743

Devisee from personal representative. .. 743

Dower abolished..... 743

Estate tail abolished..... 744

Husband to wife—Conveyance by..... 744

Husband's right..... 743

Illegitimate children..... 744

Lands to be chattels real..... 743

Man and wife—Conveyance to..... 744

Married woman to be as if *feme sole*..... 744

Forfeiture by, for adultery 744

Mother inherits from illegitimate child. 744

Tenancy by curtesy abolished. 743

Widow's right..... 743

Wife to husband—Conveyance by..... 744

Words of limitation not required..... 743

**Documents under Act not invalid for in-
 formality** 780

Effect of registration..... 753

**Certificate to be conclusive evidence of
 what** 754

**Covenants to be implied in every instru-
 ment**..... 753

Encumbrances noted in register..... 753

**Instruments, to be effectual, must be
 executed and registered according to
 this Act**..... 755

**Instruments—What, not valid unless
 registered** 753

Notices—Omission or non-receipt of..... 755

Priority—Date of, how computed..... 754

**Title of registered owner to be subject
 to certain implied qualifications** 754

Ejectment—Assurance fund, &c...... 769

**Cases in which certificate a bar to ac-
 tion of** 770

**Cases in which registered owner not
 protected against**..... 769

The figures denote the pages which are numbered at the bottom.

TERRITORIES REAL PROPERTY ACT

—Continued.

Encumbrance prior to grant may be filed with registrar.....	778
Encumbrances—Mortgages and	758
Exception of mines, &c., in grants	779
Fees may be established	780
Fees payable to registrar	780
Account of, to be kept.....	780
How ascertained.....	780
General provisions	775
Guardian or committee may act for person under disability.....	777
May be appointed or changed by court or judge.....	777
Next friend of married woman.....	777
Implied covenants may be negatived or modified	776
Covenants construed as several.....	777
Effect of such covenants	776
Insertion of words "no survivorship"....	778
Effect of entry of	779
Who may authorize.....	779
Instruments—A ttestation of	769
Interpretation—	
" Court "	742
" Court of appeal "	742
" Encumbrance "	742
" Grant "	742
" Indorsed "	742
" Instrument "	742
" Judge "	742
" Land "	741
" Lunatic "	742
" Mortgage "	741
" Mortgagee "	741
" Mortgagor "	742
" Owner "	741
" Person of unsound mind "	742
" Possession "	742
" Register "	742
" Registrar "	742
" Territories "	742
" Transfer "	741
" Transmission "	742
Jurisdiction of courts	779
" Lands titles office "	745
Leases	756
Conditions implied	758
See Schedule, Form I.....	787
Covenants implied against lessee.....	757
Duty of registrar in case of re-entry.....	757
Instructions as to execution of.....	756
See Schedule, Form H.....	787
Powers in favor of lessor.....	757
Surrender effected otherwise than by operation of law	758

TERRITORIES REAL PROPERTY ACT

—Continued.

Loss or destruction of certificate	776
Marriage of female owner	767
Registration, &c., in such case	767
Mortgages and encumbrances	758
Annuitant—Death of	761
Death of annuitant.....	761
Discharge of mortgage, &c., how registered.....	761
Foreclosure and sale.....	760
Application for	760
How conducted.....	760
Notices.....	760, 761
Order—Entry of.....	761
Order for foreclosure.....	760
Implied covenant to repair.....	763
Memorandum of encumbrance	759
See Schedule, Form K.....	789
Memorandum of mortgage	759
See Schedule, Form J.....	788
Mortgage, &c., not to be a transfer	759
Mortgage, how discharged in case of absent mortgagee.....	762
Notice in default of payment.....	759
Purchase money—Application of, &c....	760
Purchaser, how property vested in.....	760
Registration of transfer of.....	763
Rights of transferee.....	763
Sale by mortgagee after notice.....	759
Transfer of, how executed.....	762
See Schedule Form L	790
Transfer of part of sum.....	763
See Schedule Form M.....	790
Trusts—Proviso; as to.....	763
Notice before effect is given to order of court or judge.....	779
Deposit of order and entry thereof.....	779
Owner sub-dividing land to file a map....	776
How prepared and signed.....	776
Owner to allow use of his name in certain cases.....	777
Penalties.....	781
Conviction	781
Imprisonment	781
Offences specified.....	781
Punishment	781
Powers of attorney—	
Effect of.....	763
Execution of.....	764
See Schedule Form N	790
Registration.....	764
Revocation.....	764
See Schedule Form O.....	791
Proceedings.....	773
Provisional certificate	776
Entry of, in registrar.....	776

The figures denote the pages which are numbered at the bottom.

TERRITORIES REAL PROPERTY ACT

—Continued.

Notice to be given.....	776
Purchaser generally.....	778
Valuable consideration, &c.....	777
Registered owner suing, &c.....	778
Registrar may cancel separate certificates to same person, and issue one certificate for whole land.....	775
Registration.....	747
Application for, how made.....	750
Certificate of time of.....	750
Certificate of title.....	752
Application for.....	752
On subsequent transfer.....	752
Fees for.....	752
Form of. See Schedule F.....	785
How to be endorsed.....	752
When to be granted.....	752
Conditions on which the registrar is to register.....	750
"Day book," how to be kept.....	749
Documents required with application...	750
Effect of.....	749
Evidence of.....	750
Form of instruments.....	747
Instruments, how to be attested.....	749
Judge, how to decide, when title not clear.....	751
Letters patent, how registered.....	750
Memorials, how to be recorded.....	750
Order of registry.....	749
Owner to attest plan.....	748
Particulars required in memorials.....	749
Parts of legal subdivisions.....	748
Plan of land when required.....	747, 748
Priority of registry.....	749
Registered owner, &c., to give address, receipt, &c.....	752
Registrar may administer oath.....	748
Registration of ownership, how to be made.....	752
Subsequent divisions.....	748
"The register" how to be kept.....	748
Time for registration.....	749
Title not clear, course to be adopted by registrar.....	751
Trusts—No notice of, to be entered by registrar.....	747
Registration districts.....	744
Alberta.....	744
Appointment of officials.....	745
Assiniboia.....	744
Assistants.....	745
Bond of registrar or deputy.....	746
Form of. See Schedule B.....	782
Clerks.....	745

TERRITORIES REAL PROPERTY ACT

—Continued.

Custody of bonds.....	746
Deputy registrars.....	745
Duties of officials.....	745
East Saskatchewan.....	745
Future appointees.....	745
Indemnity of registrars and deputies.....	747
"Land Titles Office".....	745
New bond, when given.....	746
New districts may be proclaimed.....	745
Oath of office.....	746
Form of. See Schedule A.....	782
Office—days and hours.....	747
Powers of officials.....	745
Registrar in each district.....	745
Registrar of deeds.....	745
Registrars, &c.—	
Not to act as agents.....	747
Not to carry on other business.....	747
Registration offices.....	745
Salaries of officers.....	746
Seal of office.....	746
Sureties in bond to justify.....	746
Uncancelled agreements—	
Copies of, to be furnished by registrar.....	747
Evidence, when certified.....	747
West Saskatchewan.....	745
Rules and regulations may be made, &c.....	780
Schedule of forms.....	782
Affidavit of attestation.....	D 784
"attestation.....	R 794
"justification.....	C 783
Application to bring land under operation of this Act.....	E 784
Affidavit to accompany same.....	785
Caveat.....	Q 793
Certificate of ownership.....	F 785
Transfer of.....	G 786
Lease.....	H 787
Statutory covenants implied, &c.....	I 787
Memorandum of encumbrance.....	K 789
"mortgage.....	J 788
Power of attorney.....	N 790
Revocation of.....	O 791
Reference to judge.....	S 794
Transfer of land under decree.....	P 3 792
" " under process of law.....	P 1 791
" lease &c., under decree.....	P 4 793
" " under process of law.....	P 2 792
Remedial proceedings.....	773
Appeal.....	773
Cancellation of certificate by order of judge.....	775
Examination before judge.....	775
Power of judge to commit.....	775
Form of reference to judge.....	774

The figures denote the pages which are numbered at the bottom.

TERRITORIES REAL PROPERTY ACT

<i>—Concluded.</i>	
See Schedule Form S.....	794
Intervention of court or judge to enforce registrar's demand	774
Power of registrar in case of fraud, &c., to demand instrument.....	774
Powers of direction by court or judge..	775
Reference of doubtful point.....	774
Sheriff , how to execute process.....	766
Application for confirmation of sale by..	766
Costs of confirmation.....	766
Memorandum of.....	766
Sale by, to be confirmed, &c.....	766
Satisfaction of writ to be entered on register	766
Transfer on sale by.....	767
See Schedules, Form P <i>et seq.</i>	791
Short title.....	741
Transfers	755
Cancelled memorandum of certificate to be retained.....	756
Cancelling memorandum.....	756
Certificate of title to be given to transferee.....	756
Duty of registrar cancelling certificate.	756
Easement —Memorial, of to be entered..	755
Implied covenants by transferee, &c. . .	756
Memorandum of.....	755
See Schedule Form G.....	786
Transmission in case of death.....	764
Application for registration.....	764
Executor, &c., deemed owner.....	764
Fresh certificate of title.....	764
Land to vest in personal representative.	764
Mortgages, &c.	765
Effect of registration and duty of registrar.....	765
Registration of personal representative as owner	765
Personal representative—Lands to vest in.....	764
Title to relate back to the death.....	764
Trusts —Lands of deceased, subject to..	765
Certificate to be cancelled.....	765
Court may appoint person to act as owner.....	765
New certificate to be granted.....	765
Persons beneficially interested.....	765
THREATS, INTIMIDATION AND OTHER OFFENCES —An Act respecting.....	1991
Accusing or threatening to accuse of crime.....	1992
"Act," defined.....	1994
Assaults arising from combination.....	1993
Assaults on seamen, stevedores, &c.	1993

THREATS, Etc.—Continued.

Assaults with intents to obstruct the sale of grain, &c., or its free passage.	1993
" Besetting house " defined.....	1994
Description of offence, and proof of exceptions.....	1994
Proceedings if person accused objects to being tried by justices.....	1994
Breaches of contract—Criminal.....	1995
Conspiracies —Frauds	1998
Destroying or altering books, &c., to defraud creditors.....	1998
Fraud or cheating.....	1998
Making away with property to defraud creditors.....	1998
Conspiracy —Prosecution for.....	1994
Contract —Criminal breaches of.....	1995
Corporation —Breach of contract by.....	1995
Corporations, companies, &c., who are to keep copies of certain provisions of this chapter posted up.....	1996
Penalty for default.....	1996
"injuring copies.....	1996
Criminal breaches of contract.....	1995
Demanding money, &c., with menaces or by force.....	1991
Embracery.....	1999
Fraud —Conspiracies.....	1998
Frauds with respect to contracts and business with the Government.....	1996
Making gift or offer for influence respecting a Government contract.....	1996
Accepting such gift.....	1997
Punishment.....	1997
Making gift or offer to tenderer, &c., to obtain contract.....	1997
Accepting such gift.....	1997
Punishment.....	1997
Time for prosecution limited.....	1998
Free action —Certain acts contrary to 1993, 1994	
Conviction and penalty.....	1994
Immaterial by whom menaces are to be executed.....	1992
Inducing a person by threats or violence to execute deeds.....	1992
" Infamous crime " defined.....	1991
Intimidation.....	1993
Letters demanding money, &c., with menaces.....	1991
Letters threatening to accuse of crime... ..	1991
Letters threatening to burn or destroy houses.....	1992
Letters threatening to murder.....	1992
Magistrate —Who shall not act as.....	1994
Malice.....	1996
Misconduct of officers intrusted with execution of writs.....	1998

The figures denote the pages which are numbered at the bottom.

THREATS, Etc.—Concluded.

Preventing bidding for public lands.....	1995
<i>Qui tam</i> actions, Quebec.....	1999
Railway Co.—Breach of contract by.....	1996
Sending letter—What shall be.....	1992
Sheriff, coroner, bailiff, constable, &c.— Misconduct of.....	1998
Threats.....	1991
“Trade combination” defined.....	1994
Wilful violation of Statutes.....	1998
TICKETS. See Railway Passenger tickets.	1527
TIMBER —An Act respecting marking.....	945
TIMBER —An Act respecting Tolls on Govern- ment Works for the transmission of. See Tolls on Government Works, &c.....	1279
TOBACCO AND CIGARS. See Inland Revenue Act.....	491
TOLLS ON GOVERNMENT WORKS FOR THE TRANSMISSION OF TIMBER —An Act respecting.....	1279
Application of balance of proceeds.....	1281
Proviso; as to recovery by suit.....	1281
Collector of customs, &c., to assist.....	1281
Control of Minister of Inland Revenue..	1279
Detention and forfeiture for non-payment	1281
Enforcement, if amount due is not paid..	1282
Governor in Council may make regula- tions.....	1279
Interpretation— “Collector of tolls and dues”.....	1279
“Works”.....	1279
Lien not affected by transfer.....	1280
Officer may call in assistance.....	1281
Owner, &c.—Burden of proof on.....	1282
Penalties—Recovery of.....	1279
Penalty if returns are not made.....	1282
Product mixed with other timber, the whole liable.....	1280
Proviso; in case of <i>bonâ fide</i> sale.....	1280
Release of property if security is given..	1282
Returns to be made by railway officers..	1281
Sale in case of non-payment.....	1281
Seizure in case of non-payment.....	1280
Statement may be required to be made under oath.....	1279
Tolls and dues a first charge on timber, &c.....	1280
TONNAGE DUES LEVIED IN CANA- DIAN PORTS —An Act respecting..	1231
How calculated.....	1231
“Merchant Shipping Act, 1876”.....	1231
TRADE —Board of. See Boards of Trade, &c.....	1733
TRADE MARK AND DESIGN ACT	935
Application of Act.....	935

TRADE MARK AND DESIGN ACT—Continued.

Industrial designs—	
Alteration of register in compliance with order.....	942
Assignment of design.....	941
Author of the design, &c.....	940
Certificate of registration and its effect.	941
Clerical errors may be corrected.....	943
Conditions of registration.....	940
Duration of right.....	941
Exclusive right to use design.....	942
Fees—Tariff of.....	940
Application of.....	941
Return of, in case of refusal.....	941
How marked.....	940
License to use design.....	941
Minister may make rules and adopt forms.....	940
Name to appear on article.....	940
Order of prohibition.....	942
Penalty for falsely representing, &c... “violation.....	942
Proceedings in case of wrongful regis- tration.....	942
Proprietor—Who shall be deemed.....	940
“Rd” to be marked on articles.....	940
Refusal to register.....	941
Appeal from.....	941
“Register of industrial designs”.....	939
Registrar may be examined.....	943
Registration of.....	939
Renewal of right.....	941
Suit may be maintained by proprietor for damages.....	943
Time for suit limited.....	943
Short title.....	935
Trade marks	935
Action for infringement.....	939
Application of fees.....	937
Assignment of.....	938
Cancellation of.....	938
Certificate of registration to be evidence	938
Classification— General trade mark.....	935
Specific trade mark.....	936
Clerical errors not to invalidate.....	939
Correction of errors.....	937
Decision of doubtful cases.....	937
Duration of, general.....	938
“specific.....	938
Exclusive right.....	935
General trade mark.....	935
Minister may make rules and adopt forms.....	936
May object to register in what cases.	937
Mode of registration and certificate.....	937
Nature of, to be specified.....	936

The figures denote the pages which are numbered at the bottom.

TRADE MARK AND DESIGN ACT—Concluded.	TRADE MARKS OFFENCES ACT—Concluded.
No suit unless trade mark registered... 939	Penalties, how paid and accounted for... 1951
Penalty for unlawful use of..... 938	Costs..... 1951
Register may be inspected..... 939	Defendant's costs when he succeeds..... 1952
" to be kept at the Department	Plaintiff, when required to give security 1952
of Agriculture..... 936	Time for commencing action limited... 1952
Registration of, how effected..... 936	Punishment for misdemeanor under this
Return of fees in case of refusal..... 937	Act..... 1951
Seal and its use..... 936	Recovery of penalties..... 1951
Tariff of fees..... 936	In a summary manner, when..... 1951
Timber or lumber—As to..... 935	Remedy at law, not impaired..... 1950
What shall be deemed a trade mark... 935	Evidence in such case..... 1950
TRADE MARKS AND INDUSTRIAL DE-	Selling and uttering articles bearing forg-
SIGNS. See Trade Mark and Design	ed trade mark, &c..... 1948
Act..... 935	Offender bound to give information
TRADE MARKS OFFENCES ACT..... 1945	when required..... 1948
Action or suit for damages—Wrongful	May be summoned in case of refusal.. 1948
acts for which the same may be main-	Penalty for refusing..... 1948
tained..... 1954	Penalty for selling, &c..... 1948
Attaching a letter, figure, &c., falsely	Short title..... 1945
indicating article to be patented..... 1949	Unlawfully applying a trade mark..... 1946
Penalty..... 1949	TRADE UNIONS ACT..... 1741
Attaching case, &c., falsely marked... 1947	Acts to which this Act does not apply..... 1742
Contract to sell article bearing special	Agreements, &c., which are not affected
designation, &c., to imply that it is	by this Act..... 1741, 1742
genuine..... 1953	Annual reports for Parliament..... 1747
Contract to sell article bearing trade	Application of Act..... 1741
mark to imply that it is genuine..... 1952	Audit of treasurer's account..... 1744
Court may order article wrongfully	Constitution of trade unions..... 1742
marked, to be destroyed, or otherwise	Fees. See First Schedule..... 1748
disposed of..... 1953	Fraudulently obtaining, misapplying,
Injunction may be issued..... 1953	&c., funds, books or effects..... 1744
Inspection may be ordered..... 1953	Imprisonment of offender in default of
Penalty for refusing to allow inspection 1954	payment..... 1744
Falsely designating any article with in-	Order of restitution in such case..... 1744
tent to defraud..... 1949	General provisions..... 1747
Forfeiture of articles marked and instru-	General statement of affairs for registrar. 1746
ments used..... 1946	Copy of rules to accompany..... 1746
Forfeiture of cases, covers, labels, &c... 1947	Copy of, to be provided members..... 1746
Forged and counterfeited trade mark—	What to show..... 1746
What shall be deemed..... 1946	When to be transmitted..... 1746
Forging or counterfeiting..... 1946	Indictment of offender not prevented by
Fraudulently attaching trade mark..... 1947	this Act..... 1744
Inclosing, &c., anything in vessel, &c.,	Interpretation..... 1741
bearing trade mark of another person 1947	Legal proceedings which are not autho-
Inclosing, &c., anything in vessel, &c.,	rized by this Act..... 1741, 1742
falsely marked..... 1947	Magistrates, &c.—Certain persons not to
Intent to defraud a particular person	act as..... 1747
need not be proved..... 1951	Matters to be provided for by the Rules of
Interpretation..... 1945	Trade Unions registered under this
" Mark "..... 1945	Act. See Second Schedule..... 1748
" Person "..... 1945	Offences and penalties, how prosecuted
" Trade mark "..... 1945	and recovered..... 1747
Knowingly selling any article falsely	Payment, &c., by treasurer to trustees... 1744
marked, &c..... 1949	Penalties..... 1746
Exception—Terms in general use..... 1950	Circulating false copies of rules, &c..... 1746
Penalty..... 1949	How recoverable..... 1747

The figures denote the pages which are numbered at the bottom.

TRADE UNIONS ACT—Continued.

Making false entries..... 1746

Regarding general statement..... 1746

Registered office to be provided..... 1745

Notice of, to be given 1746

Penalty for not having..... 1746

Registry of trade unions..... 1745

Application for..... 1745

Certificate of registry..... 1745

Name..... 1745

Registration..... 1745

Regulations may be made..... 1745

Statement of affairs..... 1745

Restraint of trade, not to render trade union unlawful..... 1747

Rules of registered trade union..... 1745

Schedule—

First—Fees..... 1748

Second—Matters to be provided for by the Rules of Trade Unions registered under this Act..... 1748

Short title..... 1741

“Trade union”—Meaning of..... 1741

Trade unions—Constitution of..... 1742

Powers of, as to land..... 1742

Property to be vested in trustees..... 1742

How to be stated in action, &c..... 1743

Registration of..... 1742

Treasurer, &c., to render accounts..... 1743

Treasurer may be sued for balance of account..... 1744

Costs in such case..... 1744

Trustees—Powers of, as to suits and actions..... 1743

Liability of, limited..... 1743

Service of process on..... 1743

Vacation of office not to abate action... 1743

TRADE UNIONS ACT—Concluded.

What the rules of a trade union shall contain..... 1745

TRADING CORPORATIONS, &c. See

Winding Up Act..... 1703

TRAFFIC IN INTOXICATING LIQUORS

—An Act respecting. *See* Canada Temperance Act..... 1401

TRANSPORTS—Exemption of, &c..... 1233

TREASON AND OTHER OFFENCES AGAINST THE QUEEN'S AU-THORITY—An Act respecting..... 1833

Compassing death of Sovereign..... 1833

Conspiracy to intimidate legislative body..... 1834

Corresponding with the enemy..... 1833

Evidence..... 1834

Militia court martial..... 1835

Militia general court martial..... 1834

Nothing in this Act to affect the Imperial statute intituled “A declaration which offences shall be adjudged treason”..... 1835

Place of trial of certain felonious offences. 1835

Prosecution, when to be commenced... 1834

Punishment for treason..... 1833

Punishment of felony under this Act..... 1835

Time within which prosecutions shall be commenced..... 1834

Treason defined..... 1833

Trial of citizens of a foreign power taken in arms in Canada..... 1834

Trial of subjects of Her Majesty levying war in Canada in company with foreigners..... 1834

Trial under “The Militia Act”..... 1834

TREASURY BOARD. See Finance, &c. ... 262

U

UNLAWFUL ASSEMBLIES. See Riots, &c. 1837

UTTERING COUNTERFEIT COIN. See Coin—Offences relating to the..... 1955

V

VAGRANTS, &c. See Public Morals, &c... 1873

VESSELS ARRIVING AT PORTS IN QUEBEC. See Discharging of the Cargoes of Vessels, &c., &c..... 1237

VESSELS—Discipline on board of. See Government Vessels Discipline Act... 1001

VESSELS—Fishing. See Sea Fisheries, &c. 1273

The figures denote the pages which are numbered at the bottom.

W

- WATER**—Liability of Carriers by. *See*
Carriers by Water, &c..... 1211
- WEAPONS**—Improper use of. *See* Fire-
arms, &c..... 1841
- WEIGHTS AND MEASURES ACT**..... 1375
- Adhesive stamps for use under this Act. 1389
- Device on, what to express..... 1390
- Administration 1383
- Annual statement of accounts under this
Act to be laid before Parliament..... 1390
- Apples, how to be packed for sale..... 1379
- Penalty for contravention..... 1379
- Application of penalties..... 1390
- Articles, the bushel of which is deter-
mined by weight 1378
- Penalty for contravention..... 1379
- Assistants to inspectors..... 1384
- Avoirdupois weight—What articles are
to be sold by..... 1380
- Gold, silver, &c., excepted..... 1380
- Penalty for contravention. 1380
- Avoirdupois weights.....1378, 1880
- And *See* Second Schedule..... 1394
- Cancellation of a departmental standard. 1376
- Capacity of cask, how ascertained in
case of dispute..... 1388
- Capacity of cask to be marked on bung
stave, when..... 1388
- "Cased" weights..... 1382
- "Cask." Purport of expression..... 1388
- Casks—Delivery of liquids in..... 1388
- Cental or hundred weight 1378
- Central administration..... 1383
- Certificate of inspector or assistant 1389
- Commissioner of inland revenue—
Duty of, as to comparisons and verifica-
tions 1384
- Comparison of departmental standards,
&c..... 1383
- Comparisons, verifications, &c., how
made 1384
- Contracts to be governed by standard
weights and measures 1380
- Exception as to metric system..... 1380
- Counterfeit stamps—Penalty for use of. 1382
- Custody of standards, &c..... 1383
- Decimal divisions—Proviso; as to..... 1380
- Decimal grain weights 1376
- See* Second Schedule..... 1394
- Delivery of liquids in casks 1388
- Departmental standards 1376
- See* Second Schedule..... 1393
- WEIGHTS AND MEASURES ACT—Continued.**
- Deposit of standards 1383
- District inspectors..... 1384
- Dominion measures of length..... 1376
- Dominion measures of weight, &c. 1378
- Dominion standard—Ounce, dram, grain 1378
- Dominion standard—Pound 1378
- Dominion standard—Yard 1375
- See* First Schedule, part one 1391
- Dominion standards—Particulars of..... 1391
- Dominion standards to be continued 1375
- Dominion weights and measures—Use of. 1380
- Dormant scales—Proviso; as to..... 1387
- Duties of inspectors and assistants..... 1385
- Enforcement of forfeitures..... 1390
- Equivalents in terms of the metric sys-
tem 1379
- See* Third Schedule 1395
- Examination and marking of weights.
&c. 1385
- False weights, measures and weighing
machines..... 1381
- Fees, when and how to be paid..... 1389
- First Schedule, part one—Dominion stan-
dards 1391
- First Schedule, part two—Parliamentary
copies of Dominion standards.. 1392
- Forfeited articles, &c., how to be dealt
with 1390
- Forfeited weights, &c.—Disposal of 1390
- Forfeitures—Enforcement of..... 1390
- Forged stamps—Penalty for use of..... 1383
- Fourth Schedule—Metric standards..... 1396
- Measures of length..... 1396
- Metre 1396
- Metric weights 1397
- Weights 1397
- Kilogramme..... 1397
- French measures in Province of Quebec.. 1377
- Paris foot, arpent, perch..... 1377
- Territorial measurement only 1377
- General provisions 1388
- Governor in Council may make regula-
tions 1388
- Imperial pound 1378
- Inspection from time to time without
notice..... 1386
- Inspection on request 1386
- Inspector to be provided with local
standards 1385
- Inspector to keep a record, &c..... 1386
- Inspectors, &c., for each province. 1384

The figures denote the pages which are numbered at the bottom.

WEIGHTS AND MEASURES ACT—Continued.	WEIGHTS AND MEASURES ACT—Continued.
Kilogramme. See 4th Schedule..... 1397	Publication of regulations in Canada
Lawful measures and weighing machines	<i>Gazette</i> 1389
to be stamped 1381	Record of verification of standards 1383
Lead or pewter weights 1382	Recovery of penalties 1390
Level of the brim, the rule of measure 1379	Refusing to permit inspection 1387
Levy for penalty, in case of non-payment 1390	Refusing to produce weights, &c 1387
Limitation of suits 1391	Penalty for refusal..... 1387
Liquids in casks—Delivery of 1388	Regulations by Governor in Council 1388
Local administration 1384	Re-inspection at certain periods 1386
Local standards 1376	Remedy of person aggrieved by false
Local weights, &c., unlawful 1380	weights, &c..... 1391
Measures of capacity. See 2nd Schedule. 1393	Remuneration of inspectors and assis-
Measures of length. See 2nd Schedule.... 1393	tants..... 1384
Metre. See 4th Schedule..... 1396	Renewal of Dominion standards 1375
Metric standards. See 4th Schedule..... 1396	Renewal of Parliamentary standards 1376
Metric system—Measures and weights of	Sales of articles in vessels 1380
See 3rd Schedule..... 1395	Schedules. See First, Second, Third and
Metric weights or measures—Proviso ; as	Fourth..... 1391 <i>et seq.</i>
to..... 1380	Scientific researches—Standards in aid of,
Minister of Inland Revenue 1383	&c..... 1384
Oath of office of inspector or assistant. . . 1384	Second Schedule 1393
Officers not to be makers or sellers of	Departmental standards..... 1393
weights or measures, &c..... 1385	Measures of capacity..... 1393
Ounce troy 1378	Measures of length..... 1393
Parliamentary copies of standards 1375	Weights..... 1394
See 1st Schedule, part two..... 1392	Avoirdupois 1394
Penalties concerning unjust or false	Decimal grain..... 1394
weights, measures, &c..... 1381	Troy bullion..... 1394
Penalties—Recovery of 1390	Secondary or Departmental standards. . . 1376
Application of 1390	Renewal of, in case of loss, &c 1376
Penalty for forging or counterfeiting	Seigniorial tenure lands in the Province of
stamps..... 1382	Quebec..... 1377
Penalty for knowingly using counterfeit	Short title 1375
stamps..... 1383	Stamped in one division, when usable in
Forfeiture in such case..... 1383	another..... 1387
Penalty for obstructing inspector or assis-	Stamping and verification of weights and
tant..... 1386	measures..... 1381
Penalty for stamping, &c., without veri-	Stamping, &c., when found correct 1386
fyng..... 1387	Stamps to be affixed to certificate of ins-
Penalty for using, &c., other than Domi-	pector..... 1389
nion weights and measures..... 1380	Standard foot, inch, rod, chain, link,
Penalty for using, &c., unstamped weights	furlong, mile..... 1377
or measures or weighing machines... 1382	Standard gallon, quart, pint, peck,
Exception as to makers, &c 1382	bushel 1378
Forfeiture in such case..... 1382	Standard rood and acre 1377
Penalty on inspector, &c., for stamping	Standard weights of hay and straw in the
out of his proper division..... 1387	Province of Quebec 1379
Penalty on trader for having unlawful	Standard yard, defined 1376
weights in his possession..... 1382	Standard yard, pound and Troy ounce
Forfeiture..... 1382	how ascertained..... 1375
Periodical comparison of standards 1383	Standards of new denominations 1376
Power of inspector to enter shops, &c. . . 1386	Standards of weights and measures 1375
Power to seize weights, &c., if inspector's	Tariff of fees—Governor in Council may
fees not paid..... 1389	make..... 1389
Procedure 1390	Application. 1389
Public gauger, &c.—Offences of 1388	Publication of, in <i>Canada Gazette</i> 1389

The figures denote the pages which are numbered at the bottom.

WEIGHTS AND MEASURES ACT—Concluded.	WINDING UP ACT—Continued.		
Third Schedule—The metric system.....	1395	Inspection of books—Court may allow. .	1714
Measures of capacity.....	1396	Liability of shareholders, &c.....	1712
Measures of length.....	1395	List of, how to distinguish.....	1712
Measures of surface.....	1395	Moneys may be ordered to be paid into	
Weights.....	1395	court.....	1713
Times and places of inspection and veri-		Nature of liability of.....	1712
fication.....	1385	Trustee, &c., may be ordered to pay	
Tolls and duties—Collection, &c., of.....	1380	over balance and deliver books, &c..	1712
Ton—Definition of.....	1378	Voting by proxy.....	1714
“Trade” what deemed to be.....	1380	When calls may be made on.....	1713
Troy bullion weights. <i>See</i> Second Sched-		Creditors' claims.	1714
ule.....	1394	Assets—Distribution of.....	1715
Uniformity of weights and measures.....	1375	Clerks and other employees, how far	
Unjust weights, measures and weighing		privileged.....	1714
machines.....	1381	Compromise of.....	1715
Use of Dominion weights and measures..	1380	Distribution of property.....	1714
Use of “Standards” by inspectors.....	1385	Duty of liquidator, if a second claim is	
Weights. <i>See</i> Second Schedule.....	1394	filed.....	1716
WHARVES. See Harbors, Piers, &c.....	1215	Law of set-off to apply.....	1714
WHEAT—Inspection of. See General In-		Lien by judgment or execution not to	
spection Act.....	1296	attach.....	1716
WHIPPING. See under Punishments, Par-		Except for costs.....	1717
dons, &c.....	2194	Secured creditor, when to rank on divi-	
WINDING UP ACT.....	1703	dend sheet.....	1715, 1716
Appeals.	1719	Security by mortgage, &c.....	1716
Courts of appeal.....	1719	By negotiable instruments.....	1715
Dismissal of, for not proceeding.....	1719	Security—Creditor holding.....	1715
Final, to Supreme Court of Canada.....	1720	Valuation of security.....	1715
Practice regulating.....	1719	What debts may be proved.....	1714
Security to be given.....	1719	When to be sent in.....	1715
When allowable.....	1719	Fraudulent preferences.	1717
Application of Act.	1704	Contracts injuring or obstructing cre-	
Corporations which are excepted.....	1704	ditors.....	1717
Banks—Application of certain sections		Contracts made with fraudulent intent.	1718
of Act to.....	1704	Contracts with consideration, when	
Banks—Provisions applicable to.	1724	voidable.....	1718
Application to wind up must be by		Debts of company transferred to contri-	
creditor for not less than \$1,000.....	1724	butories.....	1719
Chairman of meetings.....	1724	Gratuitous contracts, &c., void.....	1717
Liquidators—Appointment of, by credi-		Payments by company, when void.....	1718
tors.....	1724	Securities, &c., by company, when void	1718
When appointed by court.....	1724	Insolvent—When company deemed.	1705
Notice to holders of notes.....	1725	Insurance companies—Application of	
In Quebec.....	1725	certain sections of Act to..	1704
Reservation of dividends.....	1725	Insurance companies other than Life—	
Result of vote—Chairman to report.....	1724	Provisions applicable to.....	1728
Savings banks excepted.....	1724	Application of deposit held by Receiver	
Scale of votes.....	1724	General.....	1729
Claim or dividend, how to be objected to.	1717	Application of surplus.....	1731
Company when deemed to be insolvent..	1705	Arrangements may be made for re-in-	
When deemed unable to pay its debts..	1705	surance of risks, &c.....	1730
Contributories.	1711	Claims accruing after the winding-up	
Arrest of absconding official.....	1713	order.....	1730
Books, &c., <i>prima facie</i> evidence.....	1714	After thirty days.....	1730
Court may order debtors to pay.....	1713	Within thirty days.....	1730
Distribution of surplus by court.....	1713		

The figures denote the pages which are numbered at the bottom.

WINDING UP ACT—Continued.

Payment or transfer of assets in case of re-insurance 1730

Policies on which no claim has accrued at time of winding-up order. 1729

Application of proceeds..... 1729

Cancellation of policy 1729

Sale of securities..... 1729

Publication of notice—What sufficient. 1731

Report to Superintendent of insurance.. 1731

Statement to be made by liquidators... 1730

Copy of, to be filed with Superintendent..... 1730

Notice to each creditor..... 1730

Interpretation 1703

“ Company ” 1703

“ Contributory ” 1704

“ Court ” 1703

“ Insurance company ” 1703

“ Official Gazette ” 1704

“ Trading company ” 1703

“ Winding-up order ” 1704

Life insurance companies 1725

Application of deposits and assets held by trustees, in case of insolvency..... 1725

Claims accruing after the winding-up order..... 1727

After thirty days..... 1728

Within thirty days..... 1727

Companies incorporated elsewhere than in Canada..... 1727

Contestation of claims..... 1727

Copy of statement to be filed with superintendent..... 1727

Holder giving notice of willingness to accept insurance in another company 1728

License withdrawn..... 1725

Notice to policy holders, &c. 1728

Policy cancelled..... 1727

Policy holders insured on the mutual principle 1726

Report to superintendent of insurance .. 1728

Rights of policy holders..... 1725 to 1727

Sections of Act applicable to..... 1725

Statement of creditors, &c..... 1727

Valuation of policies..... 1726

Liquidators..... 1708

Appointment, provided for..... 1708

Balance in hands of, to be deposited. 1711

Penalty for neglect..... 1711

When to be paid to Receiver General. 1711

Bank pass book to be produced at meeting..... 1710

And on order of court..... 1711

Compromise of debts by..... 1710

Description of, in all proceedings..... 1709

Duties of..... 1709

WINDING UP ACT—Continued.

Incorporated company may be 1708

Moneys to be deposited in bank in name of liquidator as such... 1710

Powers of directors to cease on appointment of..... 1710

Powers of, with approval of court, &c.. 1709

Provisional..... 1708

Remedies against estate, &c..... 1711

Remuneration of..... 1709

Resignation or removal of..... 1709

Security to be given by..... 1708

Solicitor may be liquidator..... 1710

Subject to summary jurisdiction of court..... 1711

Objection to claim or dividend how to be conducted..... 1717

Offences..... 1723

Any person, destroying books, &c., guilty of a misdemeanor..... 1723

Officers of company guilty of offences —Court may direct criminal proceedings against..... 1724

Preferences, &c...... 1717

Procedure 1720

Affidavits sworn before whom..... 1722

Attachment, &c..... 1720

Costs payable out of estate..... 1723

Courts and judges to be auxiliary to one another..... 1721

Examination of certain persons 1720

On oath..... 1721

Refusing to attend or answer..... 1721

Judicial notice of seals, &c..... 1722

Master, &c., in Ontario 1720

Officer, &c., mis-applying moneys may be compelled to repay..... 1721

Order of one court may be enforced by another 1722

Orders of court to be deemed judgments 1720

How to be executed..... 1720

Powers conferred on court are additional 1722

Powers of single judge..... 1720

Present procedure to apply till rules are made..... 1723

Proceeding not void for irregularity. ... 1722

Rules—Judges may make..... 1723

Rules of procedure and amendment..... 1722

Witnesses—Attendance of..... 1720

Proceedings after winding-up order is made..... 1707

Actions against company stayed 1707

Company to cease business..... 1707

Corporate state continued..... 1707

Executions, &c., against company void. 1707

Transfers of shares void. 1707

The figures denote the pages which are numbered at the bottom.

WINDING UP ACT—Concluded.		WRECKS AND SALVAGE ACT—Continued.	
Proceedings for winding-up order.....	1705	Expenses, how to be defrayed.....	1197
Service of the notice of presentation. ...	1705	Fees of receivers.....	1208
Short title	1703	Disputes as to, how settled.....	1209
Unclaimed dividends	1723	Recovery thereof.....	1209
Winding-up order—		Schedule of.....	1209
Actions against company may be re-		Formal investigations.....	1195
strained.....	1706	Commissioners, a tribunal for.....	1195
Application for.....	1706	Decision to be stated in open court.....	1196
Companies in liquidation May 17, 1882..	1707	Masters or mates—Certificates of, pend-	1197
Court may adjourn and order inquiry...	1706	ing.....	1197
Duty of company and officers if inquiry		Members of tribunal to take oath of	
is ordered	1706	office.....	1196
Power of court after report on inquiry..	1706	“ Merchant Shipping Act of 1854,” &c.	
Power of court, on application for, op-		—Application of.....	1196
posed by the company	1706	Minister may confirm, alter or set aside	
Punishment for refusing to give infor-		decision.....	1196
mation	1706	Report of tribunal to Minister.....	1196
Winding-up proceedings may be stayed		General provisions.....	1209
by court.....	1707	Inquiries into wrecks.....	1194
Wishes of creditors, how ascertained.....	1708	Interpretation.....	1193
WORKS CONSTRUCTED IN OR OVER		“ Goods ”	1193
NAVIGABLE WATERS—An Act		“ Master ”	1193
respecting certain.....	1243	“ Minister ”	1193
Approval of work heretofore constructed.	1244	“ Receiver ”	1193
Bridge, boom, dam or aboiteau—Con-		“ Ship ”	1193
struction of, how authorized.....	1243	“ Ship-wrecked persons ”	1193
Bridges constructed before May 17, 1882..	1243	“ Tackle ”	1193
Exceptions as to works constructed under		“ Vessel ”	1193
certain Acts.....	1244	“ Wreck ”	1193
Interpretation “ work,” “ lawful work ”.	1243	Marine store dealers.....	1202
Notice, how to be given.....	1244	Offences in respect of wrecks.....	1203
Plans with description of site to be depo-		Concealment of wrecks, &c.....	1205
sited and notices given.....	1243	Felonies—Offences constituting.....	1203
Powers of Parliament reserved.....	1244	Indictments, &c., <i>Onus probandi</i> , &c... ..	1204
Rebuilding or repairing.....	1244	Misdemeanor — Offences constituting	
Regulation by Governor in Council.	1244	.....	1203, 1204
Removal and destruction of bridge built		Punishment of.....	1204
in contravention of this Act.....	1243	Summary proceedings for concealment	
River St. Lawrence—Act not to apply to.	1244	of wreck, &c.....	1205
WRECKS AND SALVAGE ACT.....	1193	Penalty	1205
Apportionment of salvage.....	1208	Salvage to in former.....	1205
Person liable may pay whole amount to		Subsequent offence.....	1205
receiver in discharge.....	1208	Tribunal for minor offences.....	1204
When determined by court.....	1208	Venue and evidence in cases of.....	1204
“ “ receiver.....	1208	Penalty for obstructing officers.....	1195
Claims to wreck.....	1201	For refusing to give evidence.....	1195
Delivery by receiver	1201	Powers of officer of customs as to inquiry.	1194
Interpleader.....	1202	Procedure in salvage.	1206
Non-liability of receiver.....	1202	Before a receiver.....	1207
Title not prejudiced.....	1202	Enforcing security.....	1207
Customs—Officer of, may make inquiry..	1194	How commenced.....	1206
“ Dealer in marine stores ”	1202	Jurisdiction in case of dispute.....	1206
Misdemeanor—Offence constituting.....	1203	Property may be seized, &c., by re-	
Restrictions in trade of.....	1202, 1203	ceiver.....	1207
Duties on wreck.....	1209	Security—Amount of, how determined.	1207
Enforcement of salvage, &c.....	1208	Valuation of property.....	1206

The figures denote the pages which are numbered at the bottom.

WRECKS AND SALVAGE ACT—Continued.

Proceedings *in rem* or *in personam*..... 1209

Receivers of wrecks..... 1197

Appointment of..... 1197

Ex-officio—Who to be, when none appointed..... 1197

Fees of Receivers..... 1208

And *See* Schedule..... 1209

Not to take charge contrary to wish of master or owner..... 1198

Officers who may act in absence of..... 1199

Passage over adjoining lands..... 1198

As to damage thereby..... 1198

Penalty for obstructing..... 1199

Power to repel boarding by force..... 1199

“ suppress plunder, &c..... 1199

Powers of; as to inquiries..... 1197

Vessels wrecked, stranded or in distress

See also under this chapter—Claims to wreck..... 1201

Unclaimed wreck..... 1201

Wreck..... 1200

Report to the Minister..... 1195

WRECKS AND SALVAGE ACT—Concluded.

Salvage—

Of vessel or wreck, how remunerated,. 1205

And *See* Procedure in Salvage..... 1206

Saving life—Priority of claim for..... 1205

Schedule of fees..... 1209, 1210

Short title..... 1193

Superintendence—Minister to have..... 1193

Unclaimed wreck..... 1201

Vice Admiralty Courts—Jurisdiction of, not effected by this Act..... 1209

Who shall make inquiries, &c..... 1194

Witnesses' expenses..... 1195

Wreck..... 1200

Foreign consul deemed agent..... 1201

Notice of, by receiver..... 1200

Owner may claim within a year..... 1201

Penalty for failing to deliver..... 1200

Rules for persons finding..... 1200

Sale of, by receiver..... 1201

If for general advantage..... 1201

If goods are dangerous..... 1201

If salvage is not paid..... 1201

INDEX TO CHAPTERS.

The figures at the right of the columns denote the pages which are numbered at the bottom.

CHAP.		PAGE.	CHAP.		PAGE.
145	Accessories—An Act respecting.....	1831	83	Coasting Trade of Canada—An Act respecting the.....	1213
185	Actions against persons administering the Criminal Law—An Act respecting.....	2245	167	Coin—Offences relating to the.....	1955
107	Adulteration Act.....	1443	119	Companies Act.....	1571
24	Agriculture—An Act respecting the Department of.....	249	118	Companies Clauses Act.....	1561
69	Animal Contagious Diseases Act.....	985	20	Contingencies Act.....	239
40	Arbitrators—An Act respecting Official.....	603	62	Copyright Act.....	925
149	Arms kept for dangerous purposes—An Act respecting the seizure of.....	1843	10	Corrupt Practices at Elections of Members of the House of Commons—An Act respecting inquiries as to.....	173
169	Army and Navy—Offences relating to the.....	1979	144	Criminal Law of England—An Act respecting the application of the —to the Provinces of Ontario and British Columbia.....	1829
29	Audit Act—Consolidated Revenue and.....	265	174	Criminal Procedure Act.....	2001
120	Bank Act.....	1599	60	Criminal Statistics—An Act respecting.....	903
123	Bills of Exchange and Promissory Notes—An Act respecting.....	1649	172	Cruelty to Animals—An Act respecting.....	1987
130	Boards of Trade—An Act respecting the incorporation of.....	1733	103	Cullers' Act.....	1359
93	Bridges—An Act respecting.....	1245	30	Currency—An Act respecting the... ..	293
56	British Columbia—An Act respecting Certain Public Lands in.....	887	32	Customs Act.....	301
100	Butter—An Act to prohibit the Manufacture and Sale of certain substitutes for.....	1329	117	Defective Letters Patent and the discharge of securities to the Crown —An Act respecting.....	1559
106	Canada Temperance Act.....	1401	90	Discharging of the Cargoes of Vessels arriving at ports in Quebec—An Act respecting the.....	1237
106	Canned Goods—An Act respecting... ..	1399	9	Dominion Controverted Elections Act.....	149
82	Carriers by Water—An Act respecting the liability of.....	1211	111	Dominion Day—An Act respecting... ..	1531
58	Census Act.....	893	8	Dominion Elections Act.....	69
73	Certificates to Masters and Mates of Ships—An Act respecting.....	1025	54	Dominion Lands Act.....	817
67	Chinese Immigration Act.....	975	31	Dominion Notes—An Act respecting.....	297
17	Civil Service Act.....	203	33	Duties of Customs—An Act respecting the.....	365
18	Civil Service Superannuation Act....	221	5	Electoral Franchise Act.....	19

The figures at the right of the columns denote the pages which are numbered at the bottom.

CHAP.		PAGE.	CHAP.		PAGE.
132	Electric Telegraph Companies Act...	1749	89	Harbor and River Police of the Province of Quebec—An Act respecting the	1235
155	Escapes and Rescues—An Act respecting	1865	86	Harbor Masters Act.....	1227
139	Evidence Act.....	1805	84	Harbors, Piers and Breakwaters—An Act respecting Government.	1215
140	Evidence relating to proceedings in courts out of Canada—An Act respecting the taking of.....	1809	16	High Commissioner for Canada in the United Kingdom—An Act respecting the.....	201
88	Exemption of Transports from Port and Harbor Dues—An Act respecting the	1233	52	Homestead Exemption Act.....	797
57	Experimental Farm Station Act.....	889	13	House of Commons—An Act respecting the.....	191
150	Explosive Substances Act.....	1845	65	Immigration Act.....	949
39	Expropriation Act.....	593	66	Immigration Aid Societies—An Act respecting	969
142	Extradition Act.....	1813	43	Indian Act.....	647
141	Extra-judicial Oaths—An Act respecting.....	1811	44	Indian Advancement Act.....	687
97	Ferries—An Act respecting.....	1275	34	Inland Revenue Act.....	413
108	Fertilizers Act.....	1453	75	Inland Waters Seamen's Act.....	1089
28	Finance and the Treasury Board—An Act respecting the Department of	261	124	Insurance Act.....	1663
180	Fines and Forfeitures—An Act respecting.....	2187	127	Interest—An Act respecting.....	1693
148	Fire-arms and other Weapons—An Act respecting the improper use of.....	1841	22	Interior—An Act respecting the Department of the.....	245
95	Fisheries Act.....	1257	1	Interpretation Act.....	1
94	Foreign Vessels—An Act respecting fishing by.....	1251	115	Investigations under Oath—An Act respecting the making of certain.	1555
165	Forgery—An Act respecting.....	1927	138	Judges of Provincial Courts—An Act respecting	1797
143	Fugitive Offenders Act.....	1823	21	Justice—An Act respecting the Department of.....	243
160	Gambling in Public Conveyances—An Act respecting	1888	177	Juvenile Offenders' Act.....	2115
158	Gaming Houses—An Act respecting.	1875	53	Keewatin Act.....	803
101	Gas Inspection Act.....	1331	164	Larceny Act.....	1899
99	General Inspection Act.....	1283	163	Libel—An Act respecting.....	1897
23	Geological and Natural History Survey of Canada—An Act respecting the.....	247	15	Library of Parliament—An Act respecting the.....	199
38	Government Railways Act.....	573	70	Lighthouses, Buoys and Beacons and Sable Island—An Act respecting.	997
121	Government Savings Banks—An Act respecting	1631	125	Loans in Canada by British Companies—An Act respecting	1689
71	Government Vessels Discipline Act... ..	1001	159	Lotteries, Betting and Pool-selling—An Act respecting	1879
3	Governor General—An Act respecting the.....	15	168	Malicious Injuries to Property—An Act respecting.....	1963

INDEX TO CHAPTERS.

149

The figures at the right of the columns denote the pages which are numbered at the bottom.

CHAP.		PAGE.	CHAP.		PAGE.
47	Manitoba—An Act respecting the Province of.....	707	184	Police of Canada—An Act respecting the.....	2243
48	Manitoba—Claims to certain lands in the Province of—An Act respecting.....	709	85	Port Wardens—An Act respecting.....	1219
12	Manitoba in the Senate—An Act respecting the Representation of the Province of.....	189	35	Post Office Act.....	519
49	Manitoba—Roads and Road Allowances in the Province of—An Act respecting.....	715	152	Preservation of Peace at Public Meetings—An Act respecting the.....	1857
25	Marine and the Department of Fisheries—An Act respecting the Department of.....	251	151	Preservation of Peace in the vicinity of Public Works—An Act respecting the.....	1849
133	Marine Electric Telegraphs—An Act respecting.....	1753	153	Prize Fighting—An Act respecting..	1859
137	Maritime Court Act (Ontario).....	1791	91	Protection of Navigable Waters—An Act respecting the.....	1239
64	Marking of Timber—An Act respecting the.....	945	183	Public and Reformatory Prisons—An Act respecting.....	2225
161	Marriage—Offences relating to the law of.....	1885	116	Public Documents Engrossed on Parchment—An Act to avoid the necessity of having.....	1557
170	Military and Naval Stores—An Act respecting.....	1981	114	Public Matters—An Act respecting inquiries concerning.....	1553
42	Military College—An Act respecting the Royal.....	643	157	Public Morals and Public Convenience—Offences against.....	1871
41	Militia Act.....	611	19	Public Officers—An Act respecting..	227
118	Naturalization Act.....	1535	27	Public Printing and Stationery—An Act respecting the Department of	255
79	Navigation of Canadian Waters—An Act respecting the.....	1151	36	Public Works Act.....	555
45	North-West Mounted Police Force—An Act respecting the.....	693	2	Publication of the Statutes—An Act respecting the.....	11
50	North-West Territories Act.....	717	181	Punishment, Pardons and the commutation of Sentences—An Act respecting.....	2189
7	North-West Territories Representation Act.....	65	63	Quarantine—An Act respecting..	981
112	Oaths of Allegiance—An Act respecting.....	1533	109	Railway Act.....	1457
162	Offences against the Person.....	1887	110	Railway Passenger Tickets—An Act respecting the sale of.....	1527
55	Ordnance and Admiralty Lands—An Act respecting.....	873	37	Railways and Canals—An Act respecting the Department of.....	565
61	Patent Act.....	907	179	Recognizances—An Act respecting..	2179
128	Pawnbrokers—An Act respecting.....	1699	72	Registration and classification of ships—An Act respecting the.....	1007
182	Penitentiary Act.....	2203	156	Religion—Offences against.....	1869
154	Perjury—An Act respecting.....	1863	6	Representation Act.....	47
136	Petition of right Act.....	1785	126	Returns by certain persons and corporations receiving moneys on deposit at interest—An Act respecting.....	1691
102	Petroleum Inspection Act.....	1345	147	Riots, unlawful Assemblies and Breaches of the Peace—An Act respecting.....	1837
80	Pilotage Act.....	1161			

The figures at the right of the columns denote the pages which are numbered at the bottom.

CHAP.		PAGE.	CHAP.		PAGE.
77	Safety of Ships and the Prevention of Accidents on board thereof—An Act respecting the.....	1111	78	Steamboat Inspection Act.....	1119
4	Salaries of certain Public Functionaries, &c.....	17	46	Subsidies and Allowances to the Provinces—An Act respecting.....	703
122	Savings Banks in the Provinces of Ontario and Quebec—An Act respecting certain.....	1637	178	Summary Convictions Act.....	2123
96	Sea Fisheries—An Act to encourage the development of,—and the building of Fishing vessels.....	1273	176	Summary Trials Act.....	2105
171	Seamen in the Navy—An Act respecting the protection of the property of.....	1985	135	Supreme and Exchequer Courts Act..	1761
74	Seamen's Act.....	1035	51	Territories Real Property Act.....	741
134	Secrecy by officers and persons employed on Telegraph Lines—An Act respecting.....	1759	173	Threats, Intimidation and other Offences—An Act respecting.....	1991
26	Secretary of State—An Act respecting the Department of the.....	253	98	Tolls on Government Works, &c.—An Act respecting.....	1279
11	Senate and House of Commons—An Act respecting the.....	179	87	Tonnage dues levied in Canadian ports—An Act respecting.....	1231
76	Sick and Distressed Mariners—An Act respecting.....	1105	63	Trade Mark and Design Act.....	935
14	Speaker of the House of Commons—An Act respecting the office of....	197	166	Trade Marks Offences Act.....	1945
175	Speedy Trials Act.....	2097	131	Trades Unions Act.....	1741
59	Statistics—An Act respecting.....	899	146	Treason and other Offences against the Queen's authority—An Act respecting.....	1833
			104	Weights and Measures Act.....	1375
			129	Winding Up Act.....	1703
			92	Works constructed in and over Navigable Waters—An Act respecting	1243
			81	Wrecks and Salvage Act.....	1193