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ACTS

OF THE

PARLIAMENT OF THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND

PASSED IN THE SESSION HELD IN THE

50TH AND 51ST YEARS OF THE REIGN OF HER MAJESTY,

QUEEN VICTORIA,

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



OTTAWA:

PRINTED BY BROWN CHAMBERLIN,

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

ANNO DOMINI, 1888.



51 VICTORIA.

CHAP. 67.

An Act to amend the Superannuation Acts, 1834 and 1859 ;
and for other purposes.

[16th September, 1887.]

ARRANGEMENT OF SECTIONS.

Section.

1. Grant of gratuity or allowance to injured civil servant.
2. Power to grant retiring allowance to persons removed.
3. Reckoning of temporary services.
4. Compassionate gratuity on retirement of persons not entitled to superannuation.
5. Provision against double pensions.
6. Regulations as to officers receiving half-pay or retired pay.
7. Provisions as to lunatics.
8. Distribution of money not exceeding one hundred pounds without probate.
9. Decision of Treasury.
10. Saving for existing interests.
11. Laying of warrant and minutes before Parliament.
12. Definitions.
13. Short titles.
14. Repeal.

SCHEDULE.

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

GRANT OF GRATUITY OR ALLOWANCE TO INJURED CIVIL SERVANT.

1.—(1.) Where a person employed in the civil service of the state is injured—

(a.) In the actual discharge of his duty ; and—

VOL, I—A½

Grant of gratuity or allowance to injured civil servant.

Superannuation Act, 1887.

(b.) Without his own default; and—

(c.) By some injury specifically attributable to the nature of his duty,—

the Treasury may grant to him, or, if he dies from the injury, to his widow, his mother, if wholly dependent on him at the time of his death, and to his children, or to any of them, such gratuity or annual allowance as the Treasury may consider reasonable, and as may be permitted by the terms of a warrant under this section :

(2.) The Treasury shall forthwith after the passing of this Act frame a warrant regulating the grant of gratuities and annual allowances under this section, and the warrant so framed shall be laid before Parliament :

(3.) Provided that a gratuity under this section shall not exceed one year's salary of the person injured, and an allowance under this section shall not, together with an superannuation allowance to which he is otherwise entitled, exceed the salary of the person injured, or three hundred pounds a year, which ever is less.

POWER TO GRANT RETIRING ALLOWANCE TO PERSONS REMOVED.

Power to grant retiring allowance to persons removed.

2.—(1.) Where a civil servant is removed from his office on the ground of his inability to discharge efficiently the duties of his office, and a superannuation allowance cannot lawfully be granted to him under the Superannuation Acts, 1834 and 1859, and the Treasury think that the special circumstances of the case justify the grant to him of a retiring allowance, they may grant to him such retiring allowance as they think just and proper, but in no case exceeding the amount for which his length of service would qualify him under sections two and four of the Superannuation Act, 1859, without any addition under section seven of that Act :

(2.) A minute of the Treasury granting an allowance under this section to any civil servant shall set forth the amount of the allowance granted to him, and the reasons for such allowance, and shall be laid before Parliament: Provided that the Treasury before making the grant shall consider any representation which the civil servant removed may have submitted to them.

RECKONING OF TEMPORARY SERVICES.

Reckoning of temporary services.

3. Where a person at the time he becomes a civil servant within the meaning of this Act is serving the State in a temporary capacity, the Treasury may if, in their opinion any special circumstances of the case warrant such a course, direct that his service in that capacity may be reckoned for

Superannuation Act, 1887.

the purposes of the Superannuation Acts, 1834 and 1859, and this Act, as service in the capacity of a civil servant, and it shall be so reckoned accordingly.

COMPASSIONATE GRATUITY ON RETIREMENT OF PERSON NOT ENTITLED TO SUPERANNUATION.

4 If a person employed in any public department in a capacity in respect of which a superannuation allowance cannot be granted under the Superannuation Act, 1859, retires, or is removed from his employment; and—

Compassionate gratuity on retirement of persons not entitled to superannuation.

(a.) The employment is one to which he was required to devote his whole time; and—

(b.) The remuneration for the employment was paid entirely out of the moneys provided by Parliament; and—

(c.) He has served in the employment for not less than seven years, if he is removed in consequence of the abolition of his employment, or for the purpose of facilitating improvements in the organization of the department by which economy can be effected, or for not less than fifteen years if his retirement is caused from infirmity of mind or body, permanently incapacitating him from the duties of his employment,—

the Treasury may, if they think fit, grant to him a compassionate gratuity not exceeding one pound or one week's pay, whichever is the greater, for each year of his service in his employment.

5. A person shall not be entitled to reckon the same period of time both for the purpose of a superannuation allowance under the Superannuation Acts, 1834 and 1859, and this Act, and also for the purpose of naval or military non-effective pay.

Provision against double pensions.

REGULATIONS AS TO OFFICERS RECEIVING HALF-PAY OR RETIRED PAY.

6.—(1.) The Treasury may, within one month after the passing of this Act, frame rules as to the conditions on which any civil employment of profit under any public department as defined by this Act, or any employment of profit under the Government of any British possession, or any employment under the Government of any foreign state may be accepted or held by any person who is in receipt of or has received any sum granted by Parliament for the pay, half pay, or retired pay of officers of Her Majesty's naval or land forces, or otherwise for payment for

Regulations as to officers receiving half-pay or retired pay.

Superannuation Act, 1887.

past service in either of such forces, or who has commuted the right to receive the same, and as to the effect of such acceptance or holding on the said pay or sum, and the Treasury may in such rules provide for the enforcement thereof by the forfeiture, suspension, or reduction of any such pay or sum as aforesaid, or of any commutation money or remuneration for such employment :

(2.) Such rules shall also provide for the returns to be laid before Parliament of such officers accepting employment as are affected by the rules, and shall come into operation at the date of the passing of this Act :

(3.) The rules shall be laid before both Houses of Parliament forthwith :

(4.) For the purposes of this section "British possession" means any part of Her Majesty's dominions out of the United Kingdom, and this section shall apply to Cyprus as if it were a British possession.

PROVISION AS TO LUNATICS.

Provisions as
to lunatics.

7.—(1.) Where any sum in respect of pay, pension, superannuation, or other allowance or annuity is due in respect either of service as a civil servant, or of military or naval service, to a person who is a lunatic, whether so found by inquisition or not, such sum may be, from time to time, applied for his benefit by the prescribed public department in such manner as the department think expedient :

(2.) Where any annuity, whether pension, superannuation, or other allowance, is payable out of moneys provided by Parliament to a person in respect either of service, as a civil servant, or of military or naval service and such person is or becomes a lunatic towards whose maintenance a contribution is made out of money provided by Parliament, then as long as the contribution is made his annuity shall be reduced by an amount equal to that contribution, and if the amount of the contribution exceeds the amount of the annuity, the annuity shall cease to be payable.

DISTRIBUTION OF MONEY NOT EXCEEDING £100 WITHOUT PROBATE.

Distribution
of money not
exceeding one
hundred
pounds with-
out probate.

8. On the death of a person to whom any sum not exceeding one hundred pounds is due from a public department in respect of any civil pay, superannuation, or other allowance, annuity or gratuity, then, if the prescribed public department so direct, but subject to the regulations (if any) made by the Treasury, probate or other proof of the title of the personal representative of the deceased person may be

Superannuation Act, 1887.

dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the public department to be beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons or in case of the illegitimacy of the deceased person or his children, to or among such persons as the department may think fit, and the department shall be discharged from all liability in respect of any such payment or distribution.

DECISION OF TREASURY.

9. The decision of the Treasury on any question which arises as to the application of any section of this Act to any person, or as to the amount of any allowance or gratuity under this Act, or as to the reckoning of any service for such allowance or gratuity, shall be final.

Decision of Treasury.

SAVING FOR EXISTING INTERESTS.

10. Nothing in this Act shall be construed so as in any way to interfere with the rights existing at the passing of this Act of any civil servant then holding office.

Saving for existing interests.

LAYING OF WARRANT AND MINUTES BEFORE PARLIAMENT.

11. Every warrant and minute under this Act which is required to be laid before Parliament shall be laid before both Houses of Parliament in manner provided by section thirteen of the "Superannuation Act, 1859."

Laying of warrant and minutes before Parliament.

DEFINITIONS.

12. In this Act, unless the context otherwise requires,—
The expression "civil servant" means a person who has served in an established capacity in the permanent civil service of the state within the meaning of section seventeen of the "Superannuation Act, 1859."

Definitions.

22 V., c. 29.

The expression "Treasury" means the commissioners of Her Majesty's Treasury.

The expression "public department" means the Treasury, the commissioners for executing the office of Lord High Admiral, and any of Her Majesty's principal secretaries of state, and any other public department of the Government; and the expression "prescribed public department" means, as respects any matter the department prescribed for the purpose of that matter by the Treasury.

SHORT TITLES.

13. The Act of the session of the fourth and fifth years of the reign of King William the fourth, chapter twenty-

Short titles.

Superannuation Act, 1887.

four, intituled "An Act to alter, amend, and consolidate the laws for regulating the pensions, compensations and allowances to be made to persons in respect of their having held civil offices in His Majesty's service," is in this Act referred to and may be cited as the "Superannuation Act," 1834, and that Act and the Superannuation Act, 1859, are together in this Act referred to as the Superannuation Acts, 1834 and 1859.

The said Acts and this Act may be cited together as the "Superannuation Act, 1834 to 1887," and this Act may be cited separately as the "Superannuation Act, 1887."

Repeal.

14. The Acts set forth in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned as from the passing of this Act, without prejudice to anything previously done or suffered in pursuance of the enactments hereby repealed.

SCHEDULE—ACTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
4-6 Will. IV, c. 24.	An Act to alter, amend, and consolidate the laws for regulating pensions, compensations, and allowances to be made to persons in respect of their having held civil offices in His Majesty's service.	Sec. 16.
6-7 Will. IV, c. 13.	An Act to consolidate the laws relating to the constabulary force in Ireland.	Sec. 30.
7 Will. IV, and 1 Vic., c. 25.	An Act to make more effectual provisions relating to the police in the district of Dublin metropolis.	Sec. 19.
2-3 Vic., c. 47.	An Act for further improving the police in and near the metropolis	Sec. 19.
2-3 Vic., c. 93.	An Act for the establishment of county and district constables by the authority of justices of the peace.	Sec. 11.
22 Vic., c. 26.	The Superannuation Act, 1859.	Sec. 5.
22-23 Vic., c. 32.	An Act to amend the law concerning the police in the counties and boroughs in England and Wales.	Sec. 27.
31-32 Vic., c. 90.	An Act to empower certain public departments to pay otherwise than to executors or administrators small sums due on account of pay or allowances to persons deceased.	The whole Act.
33-34 Vic., c. 96.	An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-one, and to appropriate the supplies granted in this session of Parliament.	Sub-sections 4, 5 and 6 of sec. 8.
35-36 Vic., c. 12.	The Superannuation Act, 1872.	The whole Act.



51 VICTORIA.

CHAP. 62.

An Act to amend in certain minor particulars some of the enactments relating to Merchant Shipping and Seamen.

[16th September, 1857.]

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

1.—(1). This Act may be cited as the Merchant Shipping (Miscellaneous) Act, 1887. Short title and construction.

(2.) This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and this Act and those Acts may be cited collectively as the Merchant Shipping Acts, 1854 to 1887.

2. Whereas by section seven of the Merchant Shipping Act Amendment Act, 1862, it is provided that the fees payable by applicants for examination for certificates of competency as engineers shall be carried to the account of the Mercantile Marine Fund, and at the time of the passing of that Act the salaries of the surveyors, by whom the examinations are conducted, were paid out of the Mercantile Marine Fund; Fees on examinations of engineers to be paid to Mercantile Marine Fund, 25-26 V., c. 63, s. 7.

And whereas by section thirty-nine of the Merchants Shipping Act, 1876, it was provided that the salaries of the said surveyors should be paid out of moneys provided by Parliament and by section four of the Merchant Shipping (Fees and Expenses) Act, 1880, it was provided that the fees paid by the said applicants for examination for certificates of competency as engineers should be paid into the Exchequer; 39-40 V., c. 80, s. 39.

And whereas under section three of the Merchants Shipping (Expenses) Act, 1882, the salaries of the said surveyors are charged on and paid out of the Mercantile Marine Fund, and it is expedient that the fees paid by the said applicants for examination should be carried to the account of the 43-44 V., c. 22, s. 4.

45-46 V., c. 55, s. 3.

Merchant Shipping and Seamen Act.

Mercantile Marine Fund: be it therefore enacted as follows:—

The fees payable in pursuance of section seven of the Merchant Shipping Act Amendment Act, 1862, shall cease to be payable into the Exchequer, and all such of those fees as have been levied since the first day of April, one thousand eight hundred and eight-three, or are hereafter levied, shall be carried to the account of the Mercantile Marine Fund.

Explanation of 17-18 V., c. 104, s. 31, as to powers of Colonial Governors.

3. Whereas doubts have been expressed as to the result of the powers conferred by section thirty-one of the Merchant Shipping Act, 1854, on certain colonial authorities, and it is expedient to remove those doubts: Be it therefore enacted that the powers conferred by that section on the Governor, Lieutenant Governor or other person administering the Government in a British possession shall include and be deemed to have always included the following powers, namely:—

(a.) Power to approve a port or place within the possession for the registry of ships; and—

(b.) Power to appoint surveyors within the limits of the possession to survey and measure ships for registry or re-registry as British ships in accordance with the provisions of the Merchant Shipping Act, 1854 to 1887.

Public Record Acts to apply to records in custody of Registrar General of seamen.

4. All documents which, under section two hundred and seventy-seven of the Merchant Shipping Act, 1854, or any enactment amending the same, are required to be recorded and preserved by the Registrar General of seamen shall be deemed to be public records and documents within the meaning of the Public Record Offices Acts, 1838 and 1877 and those Acts shall, where applicable, apply to such documents in all respects as if such documents had been specifically referred to in the said Acts.

Explanation of meaning of lighthouses.

5. In the Merchant Shipping Act, 1854, and the Acts amending the same the expression "lighthouses" shall in addition to the meaning assigned to it by the Merchant Shipping Act, 1854, include sirens and all other descriptions of fog signals and the expression "new lighthouse" shall include the addition to any existing lighthouse of any improved light or any siren, or any description of fog signal.

Repeal.

6. The enactments mentioned in the schedule to this Act are hereby repealed to the extent appearing in the third column of that schedule:

Merchant Shipping and Seamen Act.

Provided that the repeal of any enactment by this Act shall not affect the validity of anything done or any right acquired or liability incurred before the commencement of this Act under the repealed enactment and that proceedings for enforcing any such right or liability may be commenced, continued, and completed as if this Act had not passed.

SCHEDULE.

Section 6.

REPEAL.

Session and Chapter.	Title.	Extent of Repeal.
14 & 15 Vict., c. 102..	The Seaman's Fund Winding-up Act, 1851.....	Section forty-eight.
43 & 44 Vict., c. 22...	The Merchant Shipping (Fees and Expenses) Act, 1880.....	
		Section four.

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51 VICTORIA.

CHAP. 70.

An Act to amend the Appellate Jurisdiction Act, 1876.

[16th September, 1887.]

39-40 V., c.
59.

WHEREAS it is expedient to amend the Appellate Jurisdiction Act, 1876:

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

Lord of Appeal may take his seat during prorogation.

1. Whereas it is expedient that any Lord of Appeal, as defined by the Appellate Jurisdiction Act, 1876, notwithstanding that he may not be a Lord of Appeal in Ordinary within the meaning of that Act should be empowered to take his seat and the oaths at the sittings of the House of Lords for hearing and determining appeals during the prorogation of Parliament: Be it enacted that notwithstanding anything in the eighth section of the said Act contained every Lord of Appeal shall be empowered to take his seat and the oaths at any such sittings of the House of Lords during prorogation.

Retired Lord of Appeal in Ordinary may sit in House of Lords.

2. The sixth section of the Appellate Jurisdiction Act, 1876, shall be construed and take effect as well in respect of any Lord of Appeal in Ordinary heretofore appointed under that Act as of any such Lord hereafter appointed so as to entitle any person so appointed to sit and vote as a member of the House of Lords during his life as fully as if the words "during the time that he continues in his office as a Lord of Appeal in Ordinary and no longer" had been omitted from the said section.

Amendment of 3-4 Will. 4, c. 41.

3. The Judicial Committee of the Privy Council, as formed under the provisions of the first section of the Act of the third and fourth William the Fourth, chapter forty-one, intituled "An Act for the better Administration of Justice in His Majesty's Privy Council," shall include such members of Her Majesty's Privy Council as are for the time

Appellate Jurisdiction Act, 1887.

being holding or have held any of the offices in the Appellate Jurisdiction Act, 1876, and this Act, described as high judicial offices.

4. Any person who shall in virtue of the thirteenth section of the Act of the third and fourth William the Fourth, chapter forty-one, attend the sittings of the Judicial Committee of the Privy Council, shall be deemed to be included as member of the said Committee for all purposes and shall, if there be only one such person, be entitled to receive the whole amount of the sums by the said section provided, that is to say, eight hundred pounds for every year during which he shall so attend, but, if there shall, at any time, be two such persons they shall severally be entitled to the sum provided in the said section.

Remuneration in Judicial Committee.

5. The expression "high judicial office," as defined in the twenty-fifth section of the Appellate Jurisdiction Act, 1876, shall be deemed to include the office of a Lord of Appeal in Ordinary and the office of a member of the Judicial Committee of the Privy Council.

Amendment of 39-40 V., c. 59, s. 25.

6. This Act may be cited as the Appellate Jurisdiction Act, 1887.

Short title.

ORDERS IN COUNCIL

OF THE

IMPERIAL GOVERNMENT

TOGETHER WITH

TREATIES NEGOTIATED

BETWEEN

HER MAJESTY, THE QUEEN

AND

FOREIGN POWERS.



OTTAWA:

PRINTED BY BROWN CHAMBERLIN,

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

ANNO DOMINI, 1888.

ORDERS IN COUNCIL AND TREATIES.

EXTRADITION TREATY WITH THE KING OF THE BELGIANS.

AT THE COURT AT WINDSOR, THE 13TH DAY OF MAY, 1887.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.
Earl of Coventry.

|
Earl of Kintore.

WHEREAS by the "Extradition Acts, 1870 and 1873," it was, amongst other things, enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or any part thereof, so far as it relates to such foreign State, and so long as such law continues in force there and no longer :

And whereas, in accordance with section 18 of "The Extradition Act, 1870," the legislature of the Dominion of Canada has, by laws passed in the years 1877 and 1882, and respectively styled "The Extradition Act, 1877," and "An Act to amend the Extradition Act, 1877," made provision for carrying into effect within the Dominion the surrender of fugitive criminals who are in, or are suspected of being in, the Dominion :

And whereas a Treaty was concluded on the twentieth day of May, one thousand eight hundred and seventy-six, between Her Majesty and the King of the Belgians, for the mutual extradition of fugitive criminals, in the case of which Treaty the above mentioned Acts of Parliament were applied by an Order in Council of the twenty-first day of July, one thousand eight hundred and seventy-six :

Extradition Treaty with the King of the Belgians.

And whereas a Declaration was concluded on the twenty-third day of July, one thousand eight hundred and seventy-seven, between the Government of Her Majesty and the Government of His Majesty the King of the Belgians, extending the provisions of the above mentioned Treaty to certain additional crimes in the case of which Declaration the above mentioned Acts of Parliament were applied by an Order in Council of the thirteenth day of August, one thousand eight hundred and seventy-seven :

And whereas a Declaration was concluded on the twenty-first day of April, one thousand eight hundred and eighty-seven, between the Government of Her Majesty and the Government of His Majesty the King of the Belgians, for amending Article I of the above mentioned Treaty, which Declaration is in the terms following :—

“The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Majesty the King of the Belgians, being desirous to provide for the more effectual repression of crimes and offences in their respective territories, have agreed as follows :—

“ ARTICLE I.

“The words ‘except as regards Great Britain, native-born or naturalized subjects of Her Britannic Majesty, and except as regards Belgium, those who are by birth, or who may have become citizens of Belgium,’” which occur in Article I of the Extradition Treaty of the 20th May, 1876, are suppressed.

ARTICLE II.

The following paragraph is added to Article I of the said Treaty :—

“In no case, nor on any consideration whatever, shall the High Contracting Parties be bound to surrender their own subjects, whether by birth or naturalization.”

ARTICLE III.

The present Declaration shall come into force ten days after its publication in the manner prescribed by law in the respective countries.

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

Done at London, the 21st day of April, 1887.

(L.S.) SALISBURY.
(L.S.) SOLVYNS.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the thirtieth day of May, one thousand eight hundred and eighty-seven, the said Acts shall apply in the case of the said Declaration of the twenty-first day of April, one thousand eight hundred and eighty-seven, with the

Government

Extradition Treaty with the King of the Belgians, &c.

Government of His Majesty the King of the Belgians, as fully, to all intents and purposes, as in the case of the said recited Treaty of the twentieth day of May, one thousand eight hundred and seventy-six, and of the aforesaid Declaration of the twenty-third day of July, one thousand eight hundred and seventy-seven :

Provided always, and it is hereby further ordered, that the operation of the said Acts shall be suspended within the Dominion of Canada so far as relates to the Kingdom of Belgium and to the said declaration of the twenty-first day of April, one thousand eight hundred and eighty-seven, and so long as the provisions of the Canadian Acts aforesaid continue in force, and no longer.

C. L. PEEL.

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

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in relation to Her Majesty's subjects and others in the Ottoman dominions :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Short Titles.

1. (a.) This Order may be cited as the Ottoman Order in Council, 1882 ;
- (b.) The Order in Council made at Windsor, the 12th day of December, 1873, for the regulation of consular jurisdiction in the Ottoman dominions, may be cited as the Ottoman Order in Council, 1873 ;
- (c.) That Order and this Order may be cited together as the Ottoman Order in Council, 1873 and 1882.

Commencement.

2. This Order shall commence and have effect from and immediately after the 31st day of May, 1882.

Interpretation.

3. In this Order—
 - “ Her Majesty's ambassador ” includes Her Majesty's *Chargé d'Affaires*, or other chief diplomatic representative in the Ottoman dominions for the time being.
 - “ Administration ” means letters of administration, including the same with will annexed, or granted for special or limited purposes.

Ottoman Order in Council.

“Ship” includes any vessel used in navigation, howsoever propelled, with her tackle, furniture and apparel, and any boat or other craft.

“Ottoman waters” means the territorial waters of the Ottoman dominions.

Other words have the same meaning as in the Ottoman Order in Council, 1873.

Repeal.

4. The following parts of the Ottoman Order in Council, 1873, are hereby repealed:—

(a) Article 11. The last two paragraphs;

(b) Article 12. The last paragraph;

(c) Article 13. The words “and for that purpose shall have the like jurisdiction and authority as the assistant judge;”

(d) Article 93;

(e) Article 266. In the first paragraph the words “the judge of;” and the last paragraph.

Assistant Judge of Supreme Court.

5.—(a.) The assistant judge of the Supreme Court shall be, at the time of his appointment, a member of the bar of England, Scotland and Ireland, of seven years' standing;

(b.) The assistant judge shall hear and determine such causes and matters, civil and criminal, and transact such other part of the business of the Supreme Court as the judge of the Supreme Court, from time to time, by general order or otherwise, directs;

(c.) For that purpose the assistant judge shall have all the like jurisdiction, power, and authority as the judge;

(d.) Any party to a civil suit or proceeding, wherein any matter or question is heard and determined by the assistant judge, and any party to a criminal proceeding, other than a proceeding by summary trial, wherein any question of law is heard and determined by the assistant judge, shall be entitled, as of course, to a re-hearing of the matter or question aforesaid before the judge, sitting with the assistant judge, or, in the unavoidable absence of the assistant judge, alone; provided that an application for the re-hearing be made within three days after the day of the decision of the assistant judge;

(e.) If, on any such re-hearing, there is a difference of opinion between the judge and the assistant judge, the opinion of the judge shall prevail.

Acting Judge or Acting Assistant Judge of Supreme Court.

6. In case of the death or illness, or the absence or intended absence from the district of the consulate-general of Constantinople, of the judge or assistant judge of the Supreme Court, Her Majesty's ambassador may appoint a fit person to be the acting judge, or to be the acting assistant judge, as the case may require; but, unless in any case the Secretary of State

Ottoman Order in Council.

State otherwise directs, the assistant judge, if present, and able to act shall, always be appointed to be the acting judge.

Offences on Board Ship.

7. Section eleven of the Merchant Shipping Act, 1867, is hereby extended to the Ottoman dominions, with such adaptations and modifications that the same will, as regards those dominions, read as follows (namely):—

If in the Mediterranean Sea, or the sea of Azof, or if in the Adriatic, Ægean, or Black Sea, out of Ottoman waters, a British subject commits an offence on board of a British ship, or on board of a foreign ship to which he does not belong, the Supreme Court, sitting within the district of the consulate-general of Constantinople, shall have jurisdiction to hear and determine the case as if the offence had been committed on board a British ship in Ottoman waters; and the Supreme Court may exercise that jurisdiction accordingly if in any case the court, in its discretion, having regard to all the circumstances, thinks it fit and expedient so to do.

Detention of Ship.

8. Where the Supreme Court issues a summons or warrant against any person on a charge of an offence committed on board of or in relation to a British ship, then, if it appears to the court that the interest of public justice so require, the Supreme Court may issue a warrant or order for the detention of the ship, being within the district of the consulate-general of Constantinople, and may cause the ship to be detained accordingly, until the charge is heard and determined and the order of the court thereon is fully executed, or for such shorter time as the court thinks fit; and the Supreme Court shall have power to make, from time to time, all such orders as appear to it necessary or proper for carrying this provision into effect.

Offences Partly out of Jurisdiction.

9. The Admiralty Offences Colonial Act, 1860, is hereby extended to the Ottoman dominions, with such adaptations and modifications that the same will, as regards those dominions and the jurisdiction of the court, read as follows (namely):—

When a person, being feloniously stricken, poisoned, or otherwise hurt, in the Ottoman dominions, dies of such stroke, poisoning, or hurt, on the sea, or out of the Ottoman dominions, then every offence committed in respect of any such case, whether amounting to murder or to manslaughter, or to the being accessory before the fact to murder, or after the fact to murder or to manslaughter, may be dealt with, inquired of, tried, determined, and punished in the Ottoman dominions in all respects as if such offence had been wholly committed in the Ottoman dominions.

Fugitive Offenders.

10. The Fugitive Offenders Act, 1881, except part II thereof, or so much thereof, except that part, as is for the time being in force, and any enactment

Ottoman Order in Council.

enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following, namely :

(i.) Her Majesty's Ambassador is hereby substituted for the Governor of a British possession :

(ii.) The Supreme Court or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Superior Court in a British possession :

(iii.) Each court under the Ottoman Order in Council, 1873, according to its jurisdiction, is substituted for a magistrate of any part of Her Majesty's dominions.

Coroners' Inquests.

11. (a.) The Supreme Court shall, for and within the district of the Consulate General of Constantinople, and the Court for Egypt shall, for and in Egypt, and the Court for Tunis shall, for and in Tunis, have and discharge all the powers, rights and duties appertaining to the office of coroner in England, in relation not only to deaths of British subjects happening in that respective district or country, but also to deaths of any persons having happened at sea on board British ships arriving in that respective district or country, and to deaths of British subjects having happened at sea on board foreign ships so arriving ;

(b.) Every inquest shall be held with a jury of not less than three persons comprised in the jury list of the court summoned for that purpose ;

(c.) If any person fails to attend according to such summons, he shall be liable to the like fine, to be levied in the like manner as is in the Ottoman Order in Council, 1873, provided with respect to juries in civil and criminal proceedings.

Jurisdiction as regards Embassy.

12. The court shall not exercise any jurisdiction in any proceeding whatsoever over Her Majesty's Ambassador, or his official or other residences, or his official or other property ; nor shall the court, except with the consent of Her Majesty's Ambassador, signified in writing to the court, exercise any jurisdiction in a civil action or proceeding over any person attached to or being a member of Her Majesty's Embassy, or being a domestic servant of Her Majesty's Ambassador.

Evidence.

13. If in any case it is made to appear to the court that the attendance of Her Majesty's Ambassador, or of any person attached to or being a member of Her Majesty's Embassy, or being a domestic servant of Her Majesty's Ambassador, to give evidence before the court, is requisite in the interest of justice, the court shall address to Her Majesty's Ambassador a request in writing for such attendance.

Ottoman Order in Council.

14. A person attending to give evidence before the court shall not be compelled to give evidence or to produce any document if, in the opinion of Her Majesty's Ambassador, signified by him personally or in writing to the court, the giving or production thereof would be injurious to Her Majesty's service.

15. Sections seven and eleven of the Evidence Act, 1851, are hereby extended to the Ottoman dominions.

16. The following Acts (namely):

The Foreign Tribunals Evidence Act, 1856,

The Evidence by Commission Act, 1859,—

or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely):

The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Supreme Court in a colony.

Ascertainment of Law.

17. The following Acts (namely):

The British Law Ascertainment Act, 1859,

The Foreign Law Ascertainment Act, 1861,—

or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely):

The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Superior Court in a colony.

Probate.

18. (a.) Where probate, administration or confirmation is granted in England, Ireland or Scotland, and therein, or by a memorandum thereon signed by an officer of the court granting the same, the testator or intestate is stated to have died domiciled in England, Ireland or Scotland (as the case may be), and the probate, administration or confirmation is produced to, and a copy thereof is deposited with, the Supreme Court, the court shall write thereon a certificate of that production and deposit; and thereupon, notwithstanding anything in the Ottoman Order in Council, 1873, the probate, administration or confirmation shall, with respect to the personal property in the Ottoman dominions of the testator or intestate, have the like effect as if he had been resident in those dominions at his death, and probate or administration to his personal property there had been granted by the Supreme Court;

(b.) Any person who, in reliance on an instrument purporting to be a probate, administration or confirmation granted in England, Ireland, or Scotland, and to bear such a certificate of the Supreme Court as in this article prescribed, makes or permits any payment of transfer, in good faith, shall be, by virtue of this Order, indemnified and protected in
respect

Ottoman Order in Council, &c.

respect thereof, in the Ottoman dominions, notwithstanding anything affecting the validity of the probate, administration, or confirmation ;

(c) The following shall be the terms of the certificate of the Supreme court in this article prescribed (namely) :

The probate has (*or these letters of administration have, or this confirmation has*) been produced to this court, and a copy thereof has been deposited with this court.

19. Section fifty-one of the Conveyancing (Scotland) Act, 1874, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptation following (namely) :—

The Supreme Court is hereby substituted for a Court of Probate in a colony.

Recovery against Ships.

20. Where money ordered by the court to be paid is due for seamen's wages, or is other money recoverable under the Merchant Shipping Acts or other law relating to ships, and the person ordered to pay is master or owner of a ship, and the money is not paid as ordered, the court, in addition to other powers for compelling payment, shall have power to direct that the amount unpaid be levied by seizure and sale of that ship.

Judicial Notice.

21. Judicial notice shall be taken of the Ottoman Order in Council, 1873, and of the several Orders in Council amending the same, passed or to be passed, and of this Order, and of the appointment of all judges, officers, and persons acting thereunder, and of their signatures, and of all seals used thereunder ; and no proof thereof shall be necessary.

And the Right Honorable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

AT THE COURT AT WINDSOR, THE 26TH DAY OF JUNE, 1884.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.
Lord Steward.

Secretary, Sir William Vernon
Harcourt.

Mr. Gladstone.

WHEREAS by Treaty and otherwise, Her Majesty the Queen has power and jurisdiction within China and Japan and the dominions of the King of Corea :

Now,

China, Japan and Corea Order in Council.

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, and otherwise in her vested, is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

1. This Order may be cited as the China, Japan and Corea Order in Council, 1884.

2. In this order—

The expression the “China and Japan Orders in Council,” means the following:—

The China and Japan Order in Council, 1865, as amended by the Orders in Council, dated the 13th May, 1869, and the 30th April, 1877;

The Orders in Council of the 19th June, 1863, and the 21st July, 1876, relating to consular fees;

The China and Japan maritime Orders in Council, 1864;

The China and Japan Order in Council, 1878;

The China and Japan Order in Council, 1881;

The Shanghae shipping registry Order in Council, 1883;

And any Order in Council amending or extending this or any of the above-mentioned Orders in Council.

The expression “Corea” means the Dominions for the time being of the King of Corea, including the territorial waters thereof.

Other expressions to which meanings are assigned by the China and Japan Orders in Council have the same meanings in this Order unless the subject or context otherwise requires.

In the China and Japan Orders in Council, and in this Order, the expression “British subject” shall include a British-protected person in so far as by treaty, capitulation, grant, usage, sufferance or other lawful means Her Majesty has jurisdiction in relation to such persons in China, Japan and Corea respectively.

This Order may be cited as the China, Japan, and Corea Order in Council, 1884.

3. Any person, for the time being, acting as consul-general, consul or vice-consul holding Her Majesty’s commission for Corea or any part thereof, or any person acting temporarily with the approval of a Secretary of State, or in case of emergency appointed temporarily by or acting with the approval of Her Majesty’s Minister for Corea, as and for a consul-general, consul or vice-consul as aforesaid, shall in and for such district as may be assigned by his commission or appointment, or as may be so approved, hold and form a court for the purposes of this Order.

4. For the purposes and subject to the provisions of this Order—

(1.) All Her Majesty’s jurisdiction exercisable, for the time being, in Corea, under the Foreign Jurisdiction Acts, shall be exercised by a court acting under this Order;

(2.) Such jurisdiction shall be exercised under and in accordance with the provisions of the China and Japan Orders in Council, and of any rules and regulations made under the authority thereof, and for the time being in force, so far as the same are applicable, as if in those provisions expressions referring to Japan, or to any government, sovereign, person, thing or matter in or relating to Japan, referred also *mutatis mutandis*

to

China, Japan and Corea Order in Council.

to Corea, and to the corresponding government, sovereign, person, thing, or matter in or relating to Corea; and for the purposes of the said Orders in Council, rules and regulations as applied by this Order, a court acting under this Order shall be deemed to be a provincial court;

(3) All powers and jurisdiction, whether original, appellate, or auxiliary, which can, under said Orders, be exercised by the Supreme Court at Shanghae, or any judge thereof in relation to Japan, or any district thereof, or provincial court therein, shall be exercisable in relation to Corea, and in any district or provincial court therein.

5. The powers and jurisdiction exercisable under this Order, or under the said Order in Council, as applied to Corea, shall, in relation to Corea, be exercised subject to the provisions of the treaty dated the 26th November, 1883, between Her Majesty and the King of Corea, and to the regulations and protocol appended to the said treaty, and to the provisions of any other treaty for the time being in force between Her Majesty and the King of Corea, and the provisions of the said treaty, regulations and protocol shall have effect as if incorporated in this Order.

6. Where, by virtue of any Imperial Act, or of any of the China and Japan Orders in Council, or this Order, or otherwise, any provisions of any Imperial Acts, or of any Orders in Council other than this Order, are applicable in China, Japan or Corea, or any forms, regulations, or procedure prescribed or established by or under any such Order or Act, in relation to any matter, are made applicable for any purpose of any of the China or Japan Orders in Council, or of this Order, such Acts, Orders, forms, regulations or procedure shall be deemed applicable, so far only as the constitution and jurisdiction of the courts and the local circumstances permit; and for the purpose of facilitating their application, they may be construed, or used with such alterations and adaptations not affecting the substance as may be necessary, and anything required to be done by or to any court, judge, officer, or authority may be done by or to a court, judge, officer, or authority having the like or analogous functions; and the seal of the consular court may be substituted for any seal required by any such Act, Order, form, regulation or procedure, and in case any difficulty occurs in the application of any such Act, Order, form, regulation, or procedure, it shall be lawful for a Secretary of State to direct by and to whom and in what manner anything to be done under such Act, Order, or regulation, is to be done, and such Act or Order shall, in its application to matters arising under the China and Japan Orders in Council, or this Order, be construed accordingly,

7. (1.) In cases of murder or manslaughter, if either the death or the criminal act which wholly or partly caused the death happened within the jurisdiction of a court acting under the China and Japan Orders in Council or this Order, such court shall have the like jurisdiction over any person, being a British subject, who is charged either as the principal offender or as accessory before the fact to murder, or as accessory after the fact to murder or manslaughter, as if both such criminal act and the death had happened within such jurisdiction;

(2.) In the case of any crime committed on the high seas, or within the admiralty jurisdiction, by any British subject on board a British ship,

China, Japan and Corea Order in Council.

or on board a foreign ship to which he did not belong, a court acting under this Order shall have jurisdiction as if the crime had been committed within the district of such court. In cases tried under this article, no different sentence can be passed from the sentence which could be passed in England if the crime were tried there ;

(3.) The foregoing provisions of this article shall be deemed to be adaptations for the purposes of this Order, and of "The Foreign Jurisdiction Act, 1878," of the following enactments described in the first schedule to that Act (that is to say):—

"The Admiralty Offences (Colonial) Act, 1849 ;"

"The Admiralty Offences (Colonial) Act, 1860 ;"

"The Merchant Shipping Act, 1867," section 11.

And the said enactments shall, so far as they are repealed and adapted by this article (but not further or otherwise), extend to China, Japan and Corea.

8. "The Fugitive Offenders Act, 188," shall apply, in relation to British subjects, to China, Japan and Corea respectively, as if such countries were British possessions, and for the purposes of part II of the said Act, and of this article, China, Japan and Corea shall be deemed to be one group of British possessions, and Her Majesty's Minister for China, Japan or Corea (as the case may be), shall have the powers of a governor or superior court of a British possession.

9. Judicial notice shall be taken of the China and Japan Orders in Council and of this Order, and of the commencement thereof, and of the appointment of consuls or other officers, and of the constitution and limits of the consular courts and districts, and of consular seals and signatures, and of any rules or regulations made or in force under the China and Japan Orders in Council or this Order, and no proof shall be required of any such matters.

The provisions of "The Evidence Act, 1851" (14 & 15 Vic., cap. 99), sections 7 and 11, relating to the proof of judicial and other documents, shall extend and be applied for all purposes as if the courts, districts and places to which the China and Japan Orders in Council or this Order applies were in a British colony.

10. This Order shall come into operation at such time or times in China, Japan and Corea respectively as a Secretary of State, by a notice published in the *London Gazette* at or after the time of the publication therein of this Order, directs.

11. This Order shall be published in China, Japan and Corea in such manner, and printed copies thereof shall be kept for sale at the consular courts there at such prices as a Secretary of State from time to time directs.

And the Right Honorable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

At

Siam Order in Council.

AT THE COURT AT WINDSOR, THE 26TH DAY OF JUNE, 1884.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President,
Lord Steward,

Secretary, Sir William Vernon
Harcourt,

Mr. Gladstone.

WHEREAS Her Majesty the Queen has power and jurisdiction within the dominions of the Kings of Siam and the territories of Chiengmai, Lakon, and Lamphoonchi, belonging to Siam :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, and the Act of the session of the 20th and 21st of Her Majesty, cap. 75, and otherwise in her vested, is pleased, by and with the advice of Her Privy Council, to order and it is hereby ordered as follows :—

1. This Order may be cited as the "Siam Order in Council, 1884."

2. Words in this Order have the same meanings (unless the subject or context otherwise requires as in the Siam (Foreign Jurisdiction Order in Council of 1856, the expression "the Siam Orders in Council 1856 to 1876," or the expression the "said Orders in Council means the "Siam Foreign Jurisdiction" Order in Council of 1856 the Orders in Council relating to Siam, dated respectively the 12th September, 1863, and the 10th November, 1866, and the Siam (Foreign Jurisdiction) Order in Council of 1876 ; and the said Orders in Council and this present Order are included in the expression "the Siam Orders in Council."

For all the purposes of any of the Siam Orders in Council, the expression "Siam," or "the dominions of the Kings of Siam," or any equivalent expression, includes the said territories of Chiengmai, Lakon and Lamphoonchi.

The expression "the consul general" means Her Majesty's consul general at Bangkok.

The expression "a Secretary of State" means one of Her Majesty's principal Secretaries of State.

3. The consul general shall, on receipt of this Order, cause a printed copy thereof to be affixed and publicly exhibited in this court during one calendar month, and this Order shall come into operation on the expiration of one calendar month from the time when such copy is first so affixed and exhibited, but proof shall not in any proceeding or matter be required that the provisions of this article have been complied with, nor shall any act or proceeding be invalidated by any failure to comply with any of such provisions.

4. A Consul or vice consul holding Her Majesty's commission for Siam or any part thereof, or any person acting temporarily with the approval of a Secretary of State, or in case of emergency appointed temporarily by the consul general in writing as and for a consul or vice consul as aforesaid, shall in and for such district as may be assigned by his commission, or by
any

Siam Order in Council.

any direction of a Secretary of State, hold and form a consular court, hereinafter called a district court, and shall have a seal bearing the name or description of such district, or of the place at which the court is held.

Every such district court shall, subject to the provisions of this Order, have and exercise within its district all the powers and jurisdiction which can be exercised by the consul general under the Siam Orders in Council, and the treaties or agreements for the time being in force between Great Britain and Siam.

5. An appeal may be brought from a judgment or order of a district court to the consul general in the like cases and in the like manner, and subject to the like regulations in, and subject to which an appeal can, under the said Orders in Council, be brought to the Supreme Court of the Straits Settlements; and for the purposes of this article the provisions of the said Orders in Council shall have effect as if such district court were therein mentioned instead of the consul general, and as if the consul general were therein mentioned instead of the said Supreme Court.

For the purposes of hearing and determining any such appeal, the consul general may proceed in the same manner, and shall have the same powers as if the appeal were an original proceeding instituted in his court, and he shall certify his decision to the district court, which shall give effect thereto.

6. Where an appeal is brought under this Order to the court of the consul general, a further appeal shall lie to the Supreme Court of the Straits Settlements in the like cases and manner and on the like grounds and conditions in and on which an appeal can under the said Orders in Council be brought from the consul general to the said Supreme Court.

7. In every case in which, under the said Orders in Council, a report of any proceedings, order, judgment or sentence is directed to be made to Her Majesty's principal Secretary of State for Foreign Affairs, such report, if made by a district court, shall be transmitted through the consul general, who shall transmit therewith his observations and recommendation (if any) in the matter.

8. The power of deportation under the said Order in Council shall not be exercised by a district court without the approbation in writing of the consul general.

9. Any rules, regulations, rules of practice, or tables or rates of fees made by a district court under this Order, shall not have any effect unless approved in writing by the consul general, and shall also be subject to the provisions of the said Orders in Council with respect to allowance or disallowance by a Secretary of State, in the same cases and manner as rules or regulations made by the consul general.

10. Every court acting under the Siam Orders in Council shall have power to re-hear any civil matter, and to review its judgments or orders in any case in which, in the opinion of the court, justice so requires, on such terms as to costs and otherwise as the court thinks just.

11. In any matter in which an appeal lies as of right or otherwise from any court acting under the Siam Orders in Council to the Supreme Court of the Straits Settlements, it shall be lawful for that Supreme Court, by special leave, to enlarge the time for appealing or to permit an appeal

Siam Order in Council.

to be brought on such terms as to costs or otherwise as it thinks fit, although the time limited for appeal has elapsed, or any other formal requisite for an appeal has not been complied with.

12. The Governor in Council of the Straits Settlements shall have power, in the name of Her Majesty, to remit in whole or in part any sentence passed by a court exercising criminal jurisdiction under the Siam Orders in Council, and every such court shall give effect to any such remission.

13. Every court acting under the Siam Orders in Council (including the Supreme Court of the Straits Settlements in the exercise of concurrent jurisdiction under the Siam Orders in Council) shall be a court of bankruptcy, and as such shall, so far as circumstances admit, have with respect to British subjects and to Siamese subjects or foreigners submitting to the jurisdiction of the court any such civil jurisdiction in bankruptcy within the district of such court as can be exercised by any court exercising bankruptcy jurisdiction in the Straits Settlements.

14. With the consent of the government of the King of Siam, and at the request to the consul-general, a judge of the Supreme Court of the Straits Settlements may exercise at Bangkok or elsewhere within Siam any such civil or criminal jurisdiction as can, under the Siam Orders in Council, be exercised in Siam by the consul-general or a consul or vice-consul, or as can, under the said Orders in Council, or the Foreign Jurisdiction Acts, or any acts of Parliament relating to Siam or to the Straits Settlements, be exercised at Singapore or elsewhere in the Straits Settlements by the Supreme Court of the Straits Settlements in relation to the crimes committed or matters arising in Siam; and a judge acting in Siam in pursuance of this article may pass any sentence or give any judgment or make any order which could be passed, given, or made by the said Supreme Court in relation to the same offence or matter, and for the purposes of the 5th section of "The Foreign Jurisdiction Act, 1843," (or any enactment for the time being in force amending or substituted for that section) in relation to the execution of sentences, the colony of the Straits Settlements is hereby appointed as a colony in which any sentence so passed may be executed.

An appeal may be brought from a judgment or order of a judge acting under this article in the like cases and in the like manner (*mutatis mutandis*) in which an appeal might be brought if such judgment or order were given or made by the consul-general.

15. Where, in pursuance of the IXth article of the treaty between Great Britain and Siam, dated the 3rd September 1883, an appeal is brought to Bangkok from any Siamese judge or judges, commissioner or commissioners, the consul-general shall take such steps as may be necessary or as may be directed by a Secretary of State in order that the final decision on appeal may be recorded at Bangkok and duly transmitted to the court from which the appeal is brought, and in order that effect may be given thereto by such court.

16. Where, by virtue of the Siam Orders in Council or otherwise, any Imperial Acts are applicable in Siam, or any forms, regulations, or procedure prescribed or established by or under any such Order or Act in relation to any matter are made applicable to any other matter, such Acts, forms, regulations,

Siam Order in Council.

regulations, or procedure shall be deemed applicable so far only as the constitution and jurisdiction of the courts acting under the Orders and the local circumstances permit, and for the purpose of facilitating their application that may be construed or used with such alterations and adaptations not affecting the substance as may be necessary, and anything required to be done by or to any court, judge, officer or authority, may be done by or to a court, judge, officer or authority, having the like or analogous functions; and the seal of the court may be substituted for any seal required by any such Act, form, regulation, or procedure.

17. (1) In cases of murder or manslaughter, if either the death or the criminal act which wholly or partly caused the death happened within the jurisdiction of a court acting under this Order, such court shall have the like jurisdiction over any British subject who is charged either as the principal offender or as accessory before the fact to murder, or as accessory after the fact to murder or manslaughter, as if both such criminal act and the death had happened within such jurisdiction:

(2.) In the case of any crime committed on the high seas, or within the admiralty jurisdiction, by any British subject on board a British ship, or on board a foreign ship to which he did not belong, a court acting under this order shall have jurisdiction as if the crime had been committed within the district of such court:

(3.) In cases tried under this article, no different sentence can be passed from the sentence which could be passed in England if the crime were tried there:

(4.) The foregoing provisions of this article shall be deemed to be adaptations, for the purposes of this Order and of "The Foreign Jurisdiction, Act, 1878," of the following enactments described in the first schedule to that Act (that is to say):—

"The Admiralty Offences (Colonial) Act, 1849."

"The Admiralty Offences (Colonial) Act, 1860."

"The Merchant Shipping Act, 1867," section 11.

And the said enactments shall, so far as they are repeated and adopted by this article (but not further or otherwise), extend to all places to which this order applies.

18. "The Fugitive Offenders Act, 1881," shall, with respect to British subjects, apply to all places to which this order applies, as if such places were British possessions, and for the purposes of part II of the said Act and of this article, all the places to which this Order for the time being applies, and the Straits Settlements, shall, for the purposes of part II of the said Act, be deemed to be one group of British possessions, and the consul shall, as regards any place within his jurisdiction, have the powers of a Governor or Superior Court of a British possession.

19. Rules and forms of procedure in civil and criminal matters in any court acting under the Siam Orders in Council, may, from time to time, be made and prescribed by the Consul General, subject to the provisions of the said Orders; but no such rules or forms shall come into operation until they have been approved, with or without alteration, by a Secretary of State; provided that—

Siam Order in Council, &c.

(1.) Any such rules or forms, if and as provisionally approved, with or without alteration, by the Chief Justice of the Supreme Court of the Straits Settlements, shall have effect pending approval or disapproval by a Secretary of State.

(2.) Until rules and forms have been made and approved, or provisionally approved, under this article in relation to any matter, any rules or forms heretofore in force or used in the court of the Consul General, or in the Supreme Court of the Straits Settlements, or in the Consular Courts of Shanghai or Japan, may be observed and used in any court acting under this Order, with such modifications as circumstances require.

20. For all the purposes of the Siam Orders in Council the expression "British subject" includes every person for the time being properly enjoying Her Majesty's protection in Siam, in so far as by treaty, capitulation, grant, usage, suffrage or other lawful means, Her Majesty has jurisdiction in Siam in relation to such persons.

And the Right Honorable the Earl Granville and the Right Honorable the Earl of Kimberley, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty are to give the the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

BY THE QUEEN.

A PROCLAMATION.

VICTORIA R.

WHEREAS by an Act passed in the thirty-third year of Our reign, intitled: "An Act to consolidate and amend the law relating to the Coinage and Her Majesty's Mint," it is amongst other things enacted:

That we, by and with the advice of our Privy Council, shall, from time to time, by proclamation, determine the design for any coin:

We have, therefore, thought fit to order that certain of the coins made at the mint, mentioned in the first schedule to the aforesaid Act, of the weight and fineness specified in that schedule, shall bear designs as follows:—

That every five-pound piece should have for the obverse impression our effigy, with the inscription "Victoria D. G. Britt: Reg: F. D.," and for the reverse the image of St. George armed, sitting on horse-back, attacking the dragon with a sword, and a broken spear upon the ground, and the date of the year, with a graining upon the edge; and that every two-pound piece should have the same obverse and reverse impression and inscription in all respects as the five-pound piece, with the graining upon the edge; and that every sovereign should have the same obverse and reverse impression and inscription in all respects as the five-pound piece, with a graining upon the edge; and that every half-sovereign should have for the obverse impression the aforesaid effigy, with the inscription "Victoria Dei Gratia," and for the reverse the ensigns armorial of the United Kingdom

Coinage.

dom contained in a garnished shield surmounted by the royal crown, with the inscription "Britanniarum Regina Fid: Def:" and the date of the year, with a graining upon the edge; and that every crown should have the same obverse and reverse impression and inscription in all respects as the five-pound piece, with a graining upon the edge; and that every half-crown should have for the obverse impression the aforesaid effigy, with the inscription "Victoria Dei Gratia," and for the reverse the ensigns armorial of the United Kingdom contained in a plain shield surrounded by the garter bearing the motto: "Honi soit qui mal y pense," and the collar of the garter with the inscription "Britanniarum Regina Fid: Def:" and the date of the year, with a graining upon the edge; and that every florin should have for the obverse impression the aforesaid effigy, with the inscription "Victoria Dei Gratia," and for the reverse the ensigns armorial of the United Kingdom contained in four shields arranged crosswise, each shield crowned, and between the shields four sceptres surmounted by orbs, a thistle, and a harp, and a star of the garter in the centre, with the inscription "Brit: Reg: Fid: Def:" and the date of the year, with a graining upon the edge; and that every shilling should have for the obverse impression the aforesaid effigy, with the inscription "Victoria Dei Gratia Britt: Regina F. D.," and for the reverse the ensigns armorial of the United Kingdom contained in a plain shield surrounded by the garter bearing the motto: "Honi soit qui mal y pense," and the date of the year with a graining upon the edge; and that every sixpence should have the same obverse and reverse impression and inscription in all respects as the shilling, with a graining upon the edge; and that certain other pieces of silver money called "The Queen's Maundy Monies," of fourpence, threepence, twopence and one penny, should have for the obverse impression the aforesaid effigy, with the inscription "Victoria Dei Gratia Britt: Regina F. D.," and for the reverse the respective figures "4," "3," "2," "1," (according to the denomination or value of the piece) in the centre, with the date of the year placed across the figures, and encircled by an oak wreath surmounted by the royal crown, with a plain edge:

And whereas by the aforesaid Act it is also enacted, that it shall be lawful for us, by and with the advice of Our Privy Council, from time to time by proclamation, to determine the denominations of coins to be coined at the mint, and it is by the said Act provided that any coin of gold, silver, or bronze, of any other denomination than that of the coins mentioned in the first schedule to the aforesaid Act, which is hereinafter coined at the mint, shall be of a weight and fineness specified in that schedule as the denomination of such coin bears to the denominations mentioned in that schedule;

We have, therefore, further thought fit, to order that a new coin, to be called a double-florin, should be coined, of the standard weight of 349.09090 grains, and of the fineness of thirty-seven-fortieths fine silver and three-fortieths of alloy, and should pass and be received as current and lawful money of the United Kingdom of Great Britain and Ireland, at the rate of four shillings or one-fifth of a pound; and that every such coin should

Coinage, &c.

should have the same obverse and reverse impression and inscription in all respects as the florin, with a graining upon the edge.

And whereas pieces of money of the above descriptions respectively have been coined at our mint, and will be coined there in pursuance of orders which we have given for that purpose, we have, therefore, by and with the advice of Our Privy Council, thought fit to issue this Our Royal Proclamation, and we do hereby ordain, declare, and command that the said pieces of money respectively so coined, and to be coined as aforesaid, shall be current and lawful money of the United Kingdom of Great Britain and Ireland, and that this Our Royal Proclamation shall come into operation on the date hereof.

Given at our Court at Windsor, this thirteenth day of May, in the year of Our Lord one thousand eight hundred and eighty-seven, and in the fiftieth year of Our Reign.

GOD SAVE THE QUEEN.

AT THE COURT AT WINDSOR, THE 12TH DAY OF JULY, 1887.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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

And whereas it has been made to appear to Her Majesty that due facilities will be given for recovering and apprehending seamen who desert from British merchant ships in the dominions and possessions of His Majesty the King of the Hellenes :

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

And

Foreign Deserters Act, &c.

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

C. L. PEEL.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, THE
29TH DAY OF DECEMBER, 1887.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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

And whereas it has been made to appear to Her Majesty that due facilities for recovering and apprehending seamen who desert from British merchant ships in the territories of the Republic of Paraguay will be given under a treaty between the Governments of Great Britain and Paraguay signed at Assumption on the 16th October, 1884 :

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

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

C. L. PEEL.

The Coinage.

AT THE COURT AT WINDSOR, THE 28TH DAY OF NOVEMBER, 1887.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board the draft of a proclamation for giving currency to certain silver coins, called "sixpences," with a new design therein described :

Her Majesty, having taken the same into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, and it is hereby ordered, that the coins described in the proclamation be coined at Her Majesty's mint.

And the Lords Commissioners of Her Majesty's Treasury are to give the necessary directions accordingly.

C. L. PEEL.

(Draft Proclamation referred to in the foregoing Order.)

BY THE QUEEN.

A PROCLAMATION.

WHEREAS by "The Coinage Act, 1870," it is (amongst other things) enacted that it shall be lawful for Us by and with the advice of Our Privy Council, from time to time by proclamation, to determine the design for any coin.

Now, therefore, we have, by and with the advice of our Privy Council, thought fit to determine and do order that certain coins called "sixpences," made and to be made at the mint, and mentioned in the first schedule to the aforesaid Act, of the weight and fineness specified in that schedule, shall bear designs as follows:—

For the obverse impression our effigy with the inscription "Victoria Dei Gratia Britt: Regina F.D.," and for the reverse the words "Six Pence" placed in the centre of the piece, having an olive branch on one side and an oak branch on the other, surmounted by the royal crown, and the date of the year between and below the branches, and a graining upon the edge.

And whereas coins of the above description have been coined at Our mint, and will be coined there in pursuance of orders which we have given for that purpose, we have, therefore, by and with the advice of Our Privy Council, thought fit to issue this Our Royal Proclamation, and we do hereby ordain, declare, and command that the said coins so coined, and to be coined as aforesaid, shall be current and lawful money of the United Kingdom of Great Britain and Ireland, and that this Our Royal Proclamation shall come into operation forthwith on the date thereof.

Given at Our Court at Windsor, this twenty-eighth day of November, in the year of Our Lord one thousand eight hundred and eighty-seven, and in the fifty-first year of Our reign.

GOD SAVE THE QUEEN.

RULES

Superannuation.

RULES UNDER SECTION 6 OF THE SUPERANNUATION ACT, 1887.

Copy of the Rules drawn up by the Treasury under Clause 6 of the Superannuation Acts Amendment Bill of this Session.

WHEREAS by the Superannuation Act, 1887, the Commissioners of Her Majesty's Treasury are authorized to frame rules as to the conditions on which any civil employment of profit under any public department or any employment of profit under the Government of any British possession, or any employment under the Government of any foreign state, may be accepted by any person who is in receipt of any sum granted by Parliament for the pay, half-pay or retired pay of officers of Her Majesty's naval or military forces, regular or auxiliary, or otherwise, for past service in such forces; or who has commuted the right to receive the same or has retired with a gratuity, and otherwise, as in the said Act mentioned:

And whereas the general principle adopted by Parliament has been that where any person receiving non-effective pay on account of service to the State accepts fresh State employment, the State should benefit by some saving upon the sums otherwise payable to such person on account of his non-effective pay and of the emoluments of his fresh employment:

And whereas such saving has been heretofore effected by means of a reduction of the non-effective pay, and it appears to the Commissioners of Her Majesty's Treasury expedient that in the case of officers accepting certain civil employments of profit, such saving should be effected by reduction of the emoluments of the fresh employment instead of by reduction of the non-effective pay:

Now, therefore, the Commissioners of Her Majesty's Treasury, in pursuance of the powers conferred on them by the Superannuation Act, 1887, and of every other power enabling them in this behalf, do hereby make the following rules:—

In these rules:—

1. (a.) The expression "non-effective pay," shall mean any half-pay or retired pay, or other payment granted by Parliament for officers in Her Majesty's naval or land forces, on account of past service in some portion of those forces, but does not include rewards for distinguished or meritorious services, nor pensions for wounds;

(b.) The expression "civil employment of profit under any public department," means any employment the profits of which are derived from any of the following funds which are hereby declared to be public funds, viz:—

- (a.) The Consolidated Fund;
- (b.) Money voted by Parliament, or receipts taken in reduction of such money;
- (c.) Land or hereditary revenues of the Crown;
- (d.) Crown revenue of the Channel Islands;
- (e.) Mercantile Marine Fund;
- (f.) Funds of Greenwich or Chelsea Hospital;

Superannuation.

(g.) Any other fund which, either from its being administered by a public department, or from its receiving a contribution out of any of the above mentioned funds, the Treasury may, from time to time, determine to be a public fund ;

but does not include any such employment as the Treasury, having regard to the regulations of the Admiralty and the War Department, determine to be a naval or military employment ;

(c.) The expression "naval" shall include "marine," and the expression "navy" shall include the marines ;

(d.) The expression "officer" shall mean any officer who holds or has retired from a commission in any of the Imperial forces, or who has retired with a gratuity or upon non-effective pay, whether he have commuted such non-effective pay or not ;

(e.) The expression "Imperial forces" means Her Majesty's Imperial naval or land forces ;

(f.) The expression "Colonial Government" means the Government of any Colony, and includes the Government of Cyprus ;

(g.) Other expressions have the same meaning as in the Superannuation Act, 1887.

I.—Acceptance of Office.

2. An officer who is on the half-pay or retired list, or who has commuted his non-effective pay, or retired from the Imperial forces with a gratuity, before accepting any civil employment or profit under any public department or any employment of profit under the Government of any British possession, or any employment under the Government of any foreign State, shall obtain the consent of the Admiralty or the War Department, as the case may be, and the continuance of such consent, shall be a condition of his holding such employment ; and such consent, when given and a withdrawal of such consent, shall be communicated by the giver to the Treasury.

3. If any officer fail to obtain such consent, or if he continues to hold such employment after the consent is withdrawn, he shall be liable to have his non-effective pay suspended or reduced, either permanently or temporarily, according as the Treasury may direct, and if he have commuted such pay or retired with a gratuity, shall be liable to pay to Her Majesty the amount of commutation money or gratuity, or such portion thereof as the Treasury may direct.

II.—Receipt of Naval or Military Non-effective Pay by an Officer holding a Civil Employment of Profit.

4. If any such officer as is mentioned in rule 2 accept any civil employment of profit under any public department (other than in Her Majesty household) and such officer either continues whilst holding the said employment to draw any non-effective pay, or has commuted such pay, or has retired with a gratuity from navy or army funds, the profits of his civil employment shall be subject to abatement under the following conditions :—

(a.)

Superannuation.

(a.) If the annual amount of his non-effective pay, whether in actual course of payment or commuted or represented by a gratuity valued as hereinafter mentioned, and the profits of his civil employment together exceeds £400 per annum, the profits of his civil employment shall be abated by such an amount, not being less than 10 per cent. thereof, as may be determined by the Treasury in concert with the department employing the officer; provided that no abatement shall be made by reason of this rule, which exceeds the amount of the officer's non-effective pay or reduces his total emoluments to less than £400 per annum;

(b.) For the purposes of sub-section (a) the annual value of non-effective pay which has been commuted shall be the amount of such pay at the time of commutation, and the value of a gratuity shall be determined, actuarially, according to the prospects of life of the officer at the date of his receipt of such gratuity.

5. (1.) It shall be competent to the Treasury, on the recommendation of the Admiralty or War Department, as the case may be, from time to time to exempt any civil employment under a naval or military department, from the operation of rule 4, or to bring the same back within its operation:

(2.) It shall be competent to the Treasury from time to time to exempt any other civil employment from the operation of rule 4, for such time as they may deem fit, on the ground of such employment being of a temporary or casual character, or of its profits being petty or uncertain, or of the nature of fees for piecework.

6. In case of doubt arising either as to whether the funds from which the profits of a civil employment are derived are public funds or as to what is, for the purposes of rule 4, the annual value of non-effective pay, or of a gratuity, or of the profits of a civil employment, the decision on the point shall rest with the Treasury.

7. No such officer as is mentioned in rule 2 shall accept any civil employment of profit under any public department, otherwise than on condition that no pension shall be granted to him in respect of that employment, which, when added to his non-effective pay, shall exceed two thirds of the emoluments of that employment, or a total of £1,000 a year, whichever may be the greater.

But, if such officer's civil employment have been declared, by order under section 4 of the Superannuation Act, 1859, to be a professional office, he may, subject to the above limitation of the amount of pension, elect on his retirement:

(a.) Either to retain his non-effective pay, together with a pension calculated on his actual service in the professional office; or—

(b.) To relinquish his non-effective pay, and to receive a pension calculated on his actual service in the professional office, together with the addition of years granted by the order.

8. Nothing in these rules shall abridge or supersede any power of abatement of an officer's non-effective pay or emoluments possessed in other respects by the Treasury, or by any other public department.

9. A return shall be laid before Parliament in every year of the number of officers who, having non-effective pay, or having commuted their

their

Superannuation.

their non-effective pay, or having retired on a gratuity from navy or army funds, have been granted by the Admiralty or War Department permission, under rule 2, to hold any civil employment of profit under a public department, specifying the names of such officers and the respective amounts of their non-effective pay and their emoluments, and the abatement, if any, made therefrom, and distinguishing the officers to whom such permission has been granted since the conclusion of last return.

III.—Employment of naval or military officers by colonial Governments, exclusive of the Government of India.

10. If an officer on the active list now holds, or shall hereafter accept, any employment of profit under any Colonial Government, not remunerated out of Imperial funds, he shall draw no pay, effective or non-effective, from Imperial funds so long as he holds that employment; but if his employment appears to the Admiralty or War Department to be of a nature to afford practical experience likely to be afterwards of public advantage in the event of his return to Imperial service, his service under the Colonial Government may, if the Admiralty or War Department think fit, count towards promotion and retirement, as though it were service in the Imperial forces, and in that case the retired pay earned by his colonial service whilst he remains on the said active list in due course be chargeable on Imperial funds.

11. An officer on the active list shall accept and hold any employment of profit under a Colonial Government on condition only that the employment does not, in the absence of exceptional circumstances, last for a period exceeding five years, and is not renewed.

12. If an officer retire from the Imperial forces whilst he holds an employment of profit under a Colonial Government, he may at once draw so much of his retired pay as was earned by Imperial service before his entering the colonial service; and upon his retirement from the colonial service he may also draw the retired pay earned by so much of his colonial service as preceded his retirement from the Imperial forces*.

13. If an officer on the retired list now holds, or shall hereafter accept, an employment of profit under a colonial Government, his retired pay, even though earned by mixed Imperial and colonial service, shall not be suspended in whole or in part, by reason of such employment, unless the Admiralty or War Department think fit otherwise to order; and any such order may be carried into effect.

14. Service under a colonial Government subsequent to an officer's retirement from the Imperial forces, shall not increase the charge for his non-effective pay upon Imperial funds.

IV.—Saving Clauses

15. If any officer who is on the half-pay or retired list, or who has commuted his non-effective pay, or retired from the Imperial forces, with

* This rule corresponds with a concession made by the Treasury in a letter to the War Department, dated 19th November, 1893, and acted upon in certain cases from not earlier than that date (*vide* pages 34-5 of Sessional Paper (85) of 1887).

Superannuation.

a gratuity, accepts or holds any civil employment of profit under any public department, or any employment under the Government of any British possession, and is not subject to rule 4, or is not subject to rules 13 to 14, both inclusive, he shall accept and hold such employment on condition that he does not receive any part of any sum granted for non-effective pay for any time during which he holds such employment, except as hereafter mentioned, that is to say :

(a.) If the appointment is in Her Majesty's household, he may receive the full amount of his non-effective pay :

(b.) If the annual emoluments of the employment do not exceed three times the amount of the highest rate of non-effective pay attached to the rank, by virtue of which he claims to receive non-effective pay, such person may, with Her Majesty's pleasure to that effect, signified by the Treasury through one of Her Majesty's Principal Secretaries of State, receive the non-effective pay to which he would be entitled if he held no such employment of profit :

(c.) Where the annual emoluments of the employment exceed three times the amount of such highest rate of non-effective pay as aforesaid, but fall short of four times such amount, the holder of such employment may, with Her Majesty's pleasure, signified in the manner aforesaid, receive so much non-effective pay as, added to the emoluments of his employment, will together make up four times the amount of such non-effective pay.

16. In the case of any officer who has accepted any employment before the passing of the Superannuation Act, 1887, the foregoing rules shall not, without his consent, apply to him so far as respects that employment, and if he does not so consent, the law and regulations applying to such officer immediately before such passing shall continue to apply to him so far as respects that employment.

Treasury, September, 1887.

ORDERS IN COUNCIL,
PROCLAMATIONS AND OTHER DOCUMENTS

ISSUED

UNDER AUTHORITY OF LAW.



OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1888.

ORDERS IN COUNCIL, &c.

CANADA.

Governor General.

By an Order in Council, bearing date Wednesday, 6th day of July, 1887, His Excellency the Governor General in Council declared his disallowance of the Acts passed by the Lieutenant Governor of the Province of Manitoba, with the Legislative Assembly of that Province, namely:—

Bill No. 5, "An Act respecting the construction of the Red River Valley Railway," on the 1st of June, 1887;

Bill No. 81, "An Act to amend the Public Works Act of Manitoba," on the 10th of June, 1887.

Vide Canada Gazette, Vol. XXI, p. 92.

By an Order in Council, bearing date Monday, 18th day of July, 1887, His Excellency the Governor General in Council declared his disallowance of the Act passed by the Lieutenant Governor of Manitoba, with the Legislative Assembly of that Province, on the 10th day of June, 1887, intitled: "An Act for further improving the law," numbered 68.

Vide Canada Gazette, Vol. XXI, p. 140.

By an Order in Council, bearing date Tuesday, 19th day of July, 1887, His Excellency the Governor General, by and with the advice of the Privy Council, declared his disallowance of the Act passed by the Lieutenant Governor of the Province of Quebec, with the Legislative Council and Assembly of that Province on the 21st day of June, A.D. 1886, intitled: "An Act respecting the Executive Power."

Vide Canada Gazette, Vol. XXI, p. 218.

By an Order in Council, bearing date Tuesday, 9th August, 1887, His Excellency the Governor General in Council declared his disallowance of the Acts, passed by the Lieutenant Governor of the Province of Manitoba, with the Legislative Assembly of that Province, namely:—

Bill No. 1, "An Act to incorporate the Manitoba Central Railway Company," assented to on 19th April, 1887;

Bill No. 2, "An Act to incorporate the Winnipeg and Southern Railway Company," assented to 19th April, 1887, and—

Bill No. 54, "An Act to incorporate the Emerson and North-Western Railway Company," assented to 10th June, 1887.

Vide Canada Gazette, Vol. XXI, p. 405.

*This and following Orders in Council are being consolidated and published in a separate book, which, after its publication, should, for greater accuracy, be consulted.

*Agriculture.**Agriculture.*

By a Proclamation, bearing dated 18th July, 1887, under authority of the Revised Statutes of Canada, Chap. 68, the Quarantine Regulations contained in the Proclamation dated the 3rd of August A.D. 1876, were rescinded, and the following revised and amended Regulations relating to quarantine for vessels arriving in the Dominion of Canada, supplementary to the Regulations established by the Proclamations dated the 23rd day of May, A.D. 1868, and the 21st day of January, A.D. 1873, were put in force, that is to say:—

For Steamships or Sailing Vessels by the St. Lawrence.

1. Every steamship or sailing vessel from any port outside of Canada coming to Canada by way of the St. Lawrence, shall be inspected by a duly appointed Quarantine Medical Officer before passing Grosse Isle, and shall not proceed or be allowed to proceed on her voyage until she receives a clean bill of health ; with the exception that—

2. Each of the steamships conveying Her Majesty's mails, shall be met and inspected by a Quarantine Medical Officer at the Port of Rimouski, and a clean bill of health from such officer shall be equivalent to a clean bill of health granted by the Quarantine Officer at Grosse Isle, such mail vessels being amenable in all other respects, to the Quarantine Regulations.

3. No passenger nor any other person shall be allowed to land from any mail steamship at Rimouski until declared, by the Quarantine Officer, free from infectious disease or well founded suspicions thereof, nor unless the said officer is satisfied that such person may be allowed to land without danger to the public health.

4. Any person or persons ill with cholera, small-pox or other contagious disease, as defined in the Quarantine Regulations under the Proclamation of 23rd May, 1868, shall be landed at Grosse Isle for treatment, and the vessel disinfected and allowed to proceed or be detained in such manner as may be deemed expedient by the Medical Officer for the protection of the public health, under the provisions of the said Quarantine Regulations.

5. No steerage passenger shall be allowed to pass the inspection stations,—that is Rimouski for the mail steamships, and Grosse Isle for all other vessels,—without furnishing evidence to the satisfaction of the Quarantine Medical Officer of having being vaccinated within the seven previous years, or having had the small-pox within that period ; and, in case the small-pox has occurred in any vessel during the voyage, this regulation shall also apply to every person on board. The production of a certificate by a ship's surgeon, called "a protection card," and his testimony under oath verifying the truth of such certificate, may be taken by the Quarantine Medical Officer as evidence of such vaccination and protection. The Quarantine Medical Officer shall, however, from time to time, make personal examination of holders of such certificates to satisfy himself of the manner in which they have been issued.

Agriculture.

6. Any person to whom the definitions in the next preceding section would apply as not having shown satisfactory evidence of having been vaccinated within the seven previous years, or having had the small-pox within that period, in accordance with the requirements of such section, shall be vaccinated by the examining Quarantine Medical Officer, or in the event of refusal shall be landed at Grosse Isle, subject to the quarantine of observation; and the expense of the maintenance of such person during such quarantine of observation shall be a charge against the vessel.

7. The Quarantine Medical Officer at Grosse Isle or Rimouski shall examine any officer or surgeon or medical man of any steamship or sailing vessel, under oath touching the state of health of such ship or vessel and of every person on board, in such form as shall be prescribed by the Minister of Agriculture; and it shall be the duty of the pilot on each such steamship or sailing vessel to hand to the ship's officer or surgeon a printed copy of the questions required to be answered under oath.

8. Every steamship or sailing vessel arriving with infectious disease shall be liable to be detained at the Quarantine Station for disinfection, together with its cargo and passengers and crew, but every steamship or vessel provided with one isolated hospital for men, and another for women, on the upper deck, ventilated from above and not by the door only, may, in the discretion of the Quarantine Medical Officer, if he is furnished with satisfactory evidence that such hospitals have been promptly and intelligently made use of, be allowed to proceed after the landing of the sick and the disinfection of such hospitals: any vessel, however, arriving with infectious disease, without having such special isolated and ventilated hospitals or, having them, without satisfactory evidence that such hospitals have been promptly and intelligently made use of, shall be liable to be detained for disinfection at the quarantine station.

9. The master of every steamship or sailing vessel arriving from any port outside of Canada shall produce a certificate of quarantine inspection and clearance from Rimouski, in the case of mail steamships, and from Grosse Isle, in the case of all other vessels, before being allowed to make a Customs entry at the ports of Quebec or Montreal.

10. A second quarantine shall not be held to be necessary at Quebec; but in the event of the inspecting physician at Quebec, in pursuance of his port duties, finding infectious disease, as defined in section 4 of these regulations in any steamship or sailing vessel, he shall promptly order it to go back to Grosse Isle.

For all other organized Quarantine Ports of the Dominion.

11. Every steam or sailing vessel from any port outside of Canada arriving at any regularly organized quarantine port (having a quarantine station), that is to say: At Halifax or Pictou, or Hawkesbury, or Sidney (Cape Breton), in the Province of Nova Scotia; or St. John, or the Harbor of Miramichi, in the Province of New Brunswick; or Charlottetown, in the Province of Prince Edward Island; or Victoria, in the Province of British Columbia, shall be subject, in so far as they can be made to apply, to the foregoing regulations relating to the St. Lawrence, as respects inspec-

Agriculture.

tion, by the Quarantine Medical Officers of the said several ports or harbors, before being allowed to make a Customs entry; and any vessel which it shall be considered necessary to detain shall be dealt with in accordance with the Quarantine Regulations of 1868, aforesaid.

For all ports under Quarantine directions of Collectors of Customs.

12. At every other port in Canada, at which there is not a regularly organized quarantine station and at which the collector of Customs is authorized by the Proclamation of 21st of January, 1873, made in pursuance of the Act 35 Victoria, Chapter 27,—such Proclamation being continued in force by section II, 49 Victoria, chapter 68 of the Revised Statutes of Canada, the collector shall, in the case of any steamship or sailing vessel arriving from any port known to be infected and of which notification is published in the *Canada Gazette*, cause a medical inspection to be made of such vessel, and shall not grant a Customs entry, except on the production of a clean bill of health after such inspection.

13. In the event of any infectious disease, such as defined in section 4 of these regulations, being found in any steam or sailing vessel arriving at any port, which is under quarantine direction of a collector of Customs, such vessel shall be dealt with in the manner prescribed in the General Regulations of 21st January, 1873, aforesaid, applying to such port, supplemented by the foregoing regulations in so far as they can be made to apply.

Signals for Quarantine Inspection.

14. Every steam or sailing vessel from any port outside of Canada requiring quarantine inspection shall, on arrival at any port in Canada, display a yellow flag at the fore, for a distinctive quarantine signal, in order to inform the quarantine officer or collector of Customs acting as such, that his services are required, as directed by the Quarantine Regulations, aforesaid, and any such vessel by the St. Lawrence, arriving at the quarantine station of Grosse Ile by night, shall display a red light for such signal.

How rags are to be dealt with.

15. Rags coming from countries or ports in which infected disease prevails, as defined in section 4 of these regulations, the names of such countries or ports being, from time to time published in the *Canada Gazette*, shall be prohibited from landing at any port in Canada, but rags collected in countries which have been free from the prevalence of infectious disease during the six months prior to the shipment of such rags, shall be admitted without any special treatment, if accompanied by a proper evidence of origin.

Hours of Inspection.

16. The hours during which quarantine inspection, the mail steamships excepted, shall take place at any quarantine station or any port in Canada,

Agriculture.

shall be between sunrise and sunset ; with the further exception that at the quarantine station of Grosse Ile, inspection will be made during any hour of the twenty-four.

Penalties for Pilots and all Officers and Masters of Vessels.

17. Every pilot shall be furnished with printed copies of these regulations, one of which it shall be his duty to hand to the master of every steam and sailing vessel coming from a port outside of Canada immediately after going on board such vessel, under a penalty not exceeding \$200.

18. Every collector of Customs, officer or other person charged with putting into effect or having any duties in connection with the foregoing regulations, shall be liable to a penalty not exceeding \$400 and imprisonment until such penalty is paid, for any contravention of such regulations or for omission or neglect of any duty in relation to them.

19. Every master of a steam or sailing vessel shall be liable to a penalty not exceeding \$400 and to imprisonment until such penalty is paid for any contravention of any of the foregoing regulations, and such vessel shall be held liable for any pecuniary penalty imposed on the master.

FORM.

Questions to be answered under oath to quarantine officers by masters, surgeons or officers of vessels.

Date

188 .

1. What is your vessel's name and your name ?
2. From what port and at what date did your vessel sail ?
3. What is your cargo and whence taken on board ?
4. Has your vessel touched at any place or places on her voyage ?
5. Was such place or places or any of them to your knowledge infected with cholera, small-pox, plague or any pestilential fever or disease ?
6. How many persons were on board when the vessel sailed ?

Cabin passengers	Intermediate	Steerage
Cattlemen	Crew	Total

7. State whether any person on board during the voyage has been ill with any of the diseases above referred to, and if so how many ?

8. State whether, in your opinion, any person on board has been, or is now infected with any of such diseases ?

9. Has any person died on board during the present voyage, and if so state all particulars ?

10. Has each of the steerage passengers on board signs of having been vaccinated within 7 years, or of having had the small pox within that period ?

11. (*Question to be asked in the event of small-pox having occurred during the voyage, to ship's surgeon, if such is on board*). Have you personally during the present voyage, examined each one of the passengers and crew for proof of satisfactory vaccination within seven years, or of having had the small-pox within that period ?

Agriculture.

12. Did you or any of the crew or passengers, within your knowledge, land at any place or places within Canada during the present voyage?

13. Is there any person on board lunatic, idiotic, deaf and dumb, blind or infirm, and if so, is such person accompanied by relatives or guardians?

14. Have you an isolated hospital for men and another for women, ventilated from above and not from the passage?

15. Were such hospitals or one of them, immediately made use of on the occurrence of disease?

16. Are there any other facts which, in your opinion, should be communicated?

Signature

*Master,
Surgeon.*

I,

*Master,
Surgeon,*

(here state whether ship's master, or occupying another position on board) do solemnly and sincerely swear to the exactness and truth of the answers to the above questions signed by me. So help me God.

*Master,
Surgeon.*

Sworn before me at

this

day of

188 .

Quarantine Officer and Justice of the Peace authorized by Order in Council under the Act 35 Vic., chap. 27, intituled: "An Act relating to Quarantine."

FORM.

Quarantine Officer's Certificate for Customs Collector.

Port of

Quarantine Station,

188 ,

I hereby certify that the master, has been inspected and admitted to Pratique and has permission to proceed.

Quarantine Officer.

Vide Canada Gazette, Vol. XXI, p. 134.

By an Order in Council bearing date Monday, the 18th day of July, 1887, under the provisions of the "Animals Contagious Diseases Act," Chapter 69 of the Revised Statutes of Canada, the following Orders in Council establishing regulations respecting the importation, quarantine and inspection of animals in the Provinces of Manitoba and British Columbia, and in the North-West Territories, that is to say:—

Agriculture.

Orders in Council dated 8th September, 1884, 11th May, 1885, 30th July, 1885, 24th September, 1885, 6th February, 1886, 4th May, 1886, 17th June, 1886, 18th August, 1886, 28th August, 1886, and 15th October, 1886, were rescinded and cancelled, and the following revised and amended regulations respecting the quarantine and inspection of animals in Manitoba, the North-West Territories and British Columbia were approved and established, that is to say :—

REGULATIONS respecting the Inspection and Quarantine of Animals in Manitoba, the North-West Territories and British Columbia.

PROVINCE OF MANITOBA.

Neat Cattle.

1. The importation of neat cattle from the United States, or from United States Territories, into the Province of Manitoba, is prohibited, except :—

(a.) At Emerson, or at a point on the frontier opposite to the Canadian Pacific Railway Station, named Oak Lake, or at such point or points as may hereafter be indicated by the Minister of Agriculture; and—

(b.) For stock or breeding purposes, or in transit to westerly points in the United States, neat cattle may be allowed to cross the Canadian frontier, subject to the following regulations :—

2. For stock or breeding purposes at Emerson, neat cattle shall be allowed to cross the frontier if, after inspection by a duly authorized veterinary surgeon, appointed by the Minister of Agriculture, they shall be declared free from contagious disease, and also from well founded suspicion thereof. After crossing the frontier such cattle shall be immediately and directly conveyed to the quarantine station at Dufferin, and be there detained for a period of ninety days, or such other period as to the Minister of Agriculture may appear advisable.

3. And such cattle, when it is desired to have them entered at Oak Lake, must cross the frontier at a point opposite the Canadian Pacific Railway Station named Oak Lake, and must not be driven beyond two townships north of the frontier, where they will be inspected by a duly authorized veterinary surgeon appointed by the Minister of Agriculture; and if declared to be free from contagious disease or well founded suspicion thereof, they will be detained in quarantine for a period of ninety days or such other period as may be indicated by the Minister of Agriculture in such manner as shall be ordered by him, but if not so declared they shall be immediately sent back across the frontier.

4. Cattle in transit by railway for the Western United States or Territories shall be allowed to enter at the points above named, and also at Gretna if, on inspection by a duly qualified Veterinary Surgeon authorized by the Minister of Agriculture, they are found to be free from contagious disease, or well founded suspicion thereof, but not otherwise.

5. No car which has been loaded with cattle in the United States and crossing the Canadian frontier shall be allowed afterwards to carry

Agriculture.

Canadian cattle, and the number of each of such cars shall be registered by the Collectors of Customs at Emerson and Gretna.

6. No car nor trains carrying such United States cattle in transit shall be allowed to be or remain shunted in close proximity to any Canadian cattle.

7. Every car containing cattle in transit shall be kept as far as possible apart from cars or trains containing Canadian cattle or Canadian goods.

8. No car containing such United States cattle in transit shall form any part of a train carrying Canadian cattle.

9. Every car or train carrying cattle in transit shall stop at such fixed place or places as shall be named by the Minister of Agriculture for the purpose of rest, feeding or watering, and such place or places shall be declared "infected" within the terms of the "Animals Contagious Diseases Act," being strictly isolated and all communication with them prohibited, except by the officers and men in charge of such infected place or places.

10. Every car which has been used for carrying animals from the United States or Territories in transit, shall be thoroughly cleansed and disinfected before re-entering the Province of Manitoba, in such manner as shall be ordered by the Minister of Agriculture, in the manner prescribed in section No. 23 hereinafter.

11. The owner or owners of any neat cattle for stock or breeding purposes, or in transit desired to be entered at one of the points aforesaid shall, on making application for entry, produce a duly attested certificate indicating the State or Territory, and the particular locality from which they have been brought, and if such certificate should not be found satisfactory, the cattle to which it refers shall not be allowed to enter.

12. The importer of neat cattle, whether for stock or breeding purposes, or in transit, shall pay a fee graded on a scale hereto annexed, to the Customs officer or other person duly authorized to act as such for defraying the expense of such inspection, that is to say:—

One animal.....	\$1 00 each.
Five animals and under.....	0 50 each.
But total fee for over five animals not less than \$2.50.	
Ten animals and under.....	0 30 each.
But total fee for over ten animals not less than \$3.	
Twenty animals and under.....	0 20 each.
But total fee for over twenty animals not less than \$4.	
Fifty animals and under.....	0 12 each.
But total fee for over fifty animals not less than \$6.	
Over fifty animals.....	0 10 each.

Horses and Mules.

13. The importation of any horse or mule into the Province of Manitoba from the United States or United States Territory is prohibited; except

Agriculture.

on inspection by a duly qualified veterinary surgeon, appointed by the Minister of Agriculture, it shall be declared to be free from the disease of glanders or other contagious disease.

14. The following is a scale of fees payable by the owner or importer, for the purpose of defraying the expenses of such inspection :—

For one horse or mule up to five, each.....	\$ 1 00
For over five and up to ten.....	7 50
For over ten and up to twenty.....	12 50
For over twenty and up to thirty.....	15 00
For over thirty and up to fifty.....	20 00
For any number over fifty, 25 cents each, but fee not to be less than.....	20 00

Sheep.

15. The importation of sheep into the Province of Manitoba shall be prohibited, unless, after the inspection of each animal by a duly qualified veterinary surgeon, appointed by the Minister of Agriculture it shall be found free from the disease of sheep scab or other contagious disease

16. The following is a scale of fees payable by the owner or importer, for the purpose of defraying the expenses of such inspection :—

For one animal, 25 cents.

For five animals, 10 cents each, but fee for inspecting more than one and under five, not less than 50 cents.

For ten animals, 6 cents each, but fee for the inspection of over five and under ten, not to be less than 60 cents.

For twenty animals, 4 cents each, but fee for inspection of any animals over ten and under twenty, not less than 80 cents.

For fifty animals, 2½ cents each, but for inspecting over twenty and under fifty, not less than \$1.25.

For over fifty animals, 2 cents each, but fee not to be less than \$1.25.

Swine.

17. Swine imported into the Province of Manitoba, from the United States or Territories, shall be subject to a quarantine of twenty-one days,—no animal being allowed to leave the quarantine, unless certified to be healthy by a veterinary inspector appointed by the Minister of Agriculture.

The fees for the inspection of swine shall be the same as those for the inspection of sheep, as defined in section 16 of these regulations.

PROVISIONAL DISTRICTS OF ASSINIBOIA, SASKATCHEWAN AND ALBERTA.

Neat Cattle.

19. The importation of neat cattle from the United States or the United States Territories into the Provisional Districts of Assiniboia, Saskatchewan and Alberta is prohibited, except,—

(a.) For stock or breeding purposes, subject to an inspection for crossing the Canadian frontier, and to a quarantine of ninety days, within the limits hereinafter defined; and —

Agriculture.

(b.) For transit through the Provisional Districts and the Province of Manitoba, by the route of the Canadian Pacific Railway for exit at Emerson or Gretna.

20. The regulations as respects the conditions of entry, for stock for breeding purposes or in transit, of neat cattle into provisional districts, in relation to inspection,—certificates of locality where from,—freedom from contagious disease,—conditions on which the entry shall be allowed,—payment and scale—of fees, and conditions of quarantine, shall be the same as in the above regulations for the Province of Manitoba, as defined in sections numbered from 1 to 12 inclusive.

21. The Department of the Interior reserve of two townships along the frontier between Canada and the United States shall be declared an "infected place" within the meaning of the "Animals Contagious Diseases Act" for the purpose of serving as quarantine ground, along which animals in quarantine will be allowed to graze, subject to such directions as shall be ordered by the Minister of Agriculture.

22. The quarantine ground for cattle entering the Provisional District of Alberta, opposite the point of Fort Macleod, shall be that portion of the territory formed by the curve of the main branch of the Milk River, from the point of its entering the territory to the point of its crossing the United States frontier, and the area within such points shall be declared an infected place within the meaning of the "Animals Contagious Diseases Act" for the purpose of a special station to be known as the Macleod quarantine station.

23. Neat cattle for eastern transit for exit at Emerson or Gretna, may enter the District of Alberta from the United States Territory of Montana at the point of Maple Creek, or such other point or points as may be hereafter designated by the Minister of Agriculture, subject to the following regulations, additional to those referred to in section 20 herein:—

(a.) The production of a certificate from the territorial veterinarian or other official person to the effect that no pleuro-pneumonia or other infectious disease among cattle exists, or has existed within twelve months, in the district whence such animals have come;

(b.) That such animals be not moved nearer than within twenty-five miles of the shipping point of Maple Creek until they have been inspected by a duly qualified veterinary officer, appointed by the Minister of Agriculture, and by him declared to be free from contagious disease;

(c.) That the yard or place provided by the Canadian Pacific Railway Company for the shipment of these cattle shall be at least half a mile distant from any yard or place used for the shipment of Canadian cattle; and further, that Maple Creek shall not be used as a feeding station by the Canadian Pacific Railway Company for Canadian cattle in transit either east or west on their line;

(d.) That the cars used by the Canadian Pacific Railway Company for carrying cattle from Montana in transit east for exit at Emerson or Gretna shall have each a distinguishing mark, that the numbers of each of such cars shall be registered by the officer of Customs at Maple Creek, and that each of such cars be prohibited from being used for the carriage of Canadian cattle, or settlers' effects;

Agriculture, &c.

(e.) That no car which has been used for carrying such cattle in transit shall be allowed to re-enter Canada until it has been thoroughly disinfected, first, by scraping and sweeping the floors and sides, and second by washing the entire interior of the car with lime wash, in which one pound of commercial carbolic acid to four gallons of the lime wash has been mixed ;

(f.) That the numbers and marks of the cars used for such transit shall be reported by the collector of Customs to the Minister of Agriculture.

Horses, Mules, Sheep, Swine.

24. The regulations respecting the importation of horses, mules, sheep, or swine to be the same as for the Province of Manitoba, as defined by sections numbered 13 to 18 inclusive.

PROVINCE OF BRITISH COLUMBIA.

Horses, Mules.

25. The regulations respecting the importation of horses or mules into the Province of British Columbia from the United States or the United States Territories to be the same as in the Province of Manitoba, with the exception that the fees for the inspection of one horse shall be \$2, for over one and up to five \$1.50 each. or over five and up to ten, \$1 each ; and over ten, the same fee as in the Province of Manitoba, as defined in section numbered 14 hereinbefore.

Sheep, Swine.

26. The regulations respecting the importation of sheep and swine in the Province of British Columbia, shall be the same as for the Province of Manitoba hereinbefore defined in sections numbers 15 to 18 inclusive, and the inspection fees the same.

Vide Canada Gazette, Vol. XXI, p. 141.

Customs.

By a Proclamation, bearing date 1st July, 1887, under the authority of the Revised Statutes of Canada, Chapter 32, the values of the foreign currencies as compared with the standard dollar of Canada, as shown in the schedule annexed, were declared to be the values for duty of such foreign currencies, and it was ordered that all invoices of foreign goods made out in such currencies shall be reduced to Canadian currency at the rates assigned to them in such schedule.

Customs.

Country.	Monetary Unit.	Standard.	Value in Canadian Currency.	Coins.
Argentine Republic.....	Peso.....	Gold and silver.	\$0.965	Gold, Argentine \$4.82.4, and $\frac{1}{2}$ Argentine silver, peso and divisions.
Austria.....	Florin.....	Silver.....	0.359	Gold, 4 florins \$1.92.9, 8 florins \$3.85.8, 1 ducat \$2.28.7 and 4 ducats \$9.15.8—Silver, 1 and 2 flors.
Belgium.....	Franc.....	Gold and silver.	.193	Gold, 10 and 20 francs—Silver, 5 francs.
Bolivia.....	Boliviano.....	Silver.....	.727	Boliviano and divisions.
Brazil.....	Milreis of 1000 reis.....	Gold.....	.546	Gold, 5, 10 and 20 milreis—Silver, $\frac{1}{2}$, 1 and 2 milreis.
Chili.....	Peso.....	Gold and silver.	.912	Gold, escudo \$1.82.4, doubloon \$4.56.1, and condor \$9.12.3—Silver, peso and divisions.
Cuba.....	Peso.....	Gold and silver.	.932	Gold, doubloon \$5.01.7—Silver, peso
Denmark.....	Crown.....	Gold.....	.268	Gold, 10 and 20 crowns.
Ecuador.....	Sucute.....	Silver.....	.727	Gold, doubloon \$3.85.8, condor \$9.64.7 and double condor—Silver, sucre and divisions.
Egypt.....	Pound (100 piastres).....	Gold.....	4.943	Gold, pound (100 piastres) 50, 20, 10 and 5 piastres—Silver, 1, 2, 5, 10 and 20 piastres.
France.....	Franc.....	Gold and silver.	.193	Gold, 5, 10, 20, 50 and 100 francs—Silver, 5 francs.
German Empire.....	Mark.....	Gold.....	.238	Gold, 5, 10 and 20 marks.
Greece.....	Drachma.....	Gold and silver.	.193	Gold, 5, 10, 20, 50 and 100 drachmas—Silver, 5 drachmas.
Hayti.....	Gourde.....	Gold and silver.	.965	Gold, 1, 2, 5 and 10 gourdes—Silver, gourde.
India.....	Rupee of 16 annas.....	Silver.....	.346	Gold, mohur \$7.10.5—Silver, rupee and divisions.
Italy.....	Lira.....	Gold and silver.	.193	Gold, 5, 10, 20, 50 and 100 liras—Silver, 5 liras.
Japan.....	Yen.....	* Gold and silver	.997	Gold, 1, 2, 5, 10 and 20 yen.
Liberia.....	Dollar.....	Gold.....	1.00	Silver, yen.
Mexico.....	Dollar.....	Silver.....	.79	Gold, dollar \$0.98. 3, 2 $\frac{1}{2}$, 5, 10 and 20 dollars—Silver dollar (or peso) and divisions.
Netherlands.....	Florin.....	Gold and silver.	.402	Gold, 10 florins—Silver, $\frac{1}{2}$, 1 and 2 $\frac{1}{2}$ florins.
Norway.....	Crown.....	Gold.....	.268	Gold, 10 and 20 crowns.
Peru.....	Sol.....	Silver.....	.727	Silver, sol and divisions.
Portugal.....	Milreis of 1000 reis.....	Gold.....	1.08	Gold, 1, 2, 5 and 10 milreis.
Russia.....	Rouble of 100 copecks.....	Silver.....	.582	Gold, Imperial \$7.71.8 and $\frac{1}{2}$ Imperial \$3.85.9 $\frac{1}{2}$ —Silver $\frac{1}{4}$, $\frac{1}{2}$ and 1 rouble.
Spain.....	Peseta of 100 centimes.....	Gold and silver.	.193	Gold, 5, 10 and 25 pesetas—Silver, 5 pesetas.
Sweden.....	Crown.....	Gold.....	.268	Gold, 10 and 20 crowns.
Switzerland.....	Franc.....	Gold and silver.	.193	Gold, 5, 10, 20, 50 and 100 francs—Silver, 5 francs.
Tripoli.....	Mahbab of 20 piastres.....	Silver.....	.656	Gold, 25, 50, 100, 250 and 500 piastres.
Turkey.....	Piastre.....	Gold.....	.044	Gold, 25, 50, 100, 250 and 500 piastres.
United States of Columbia.....	Peso.....	Silver.....	.727	Gold, condor \$9.64.7, and double condor—Silver, peso.
Venezuela.....	Bolivar.....	Gold and silver.	.193	Gold, 5, 10, 20, 50 and 100 bolivars—Silver, 5 bolivars.

* Gold, the nominal standard. Silver, practically the standard.
 † Coined since 1st January, 1886. Old $\frac{1}{2}$ Imperial, \$3.98.6.

Customs.

By an Order in Council, bearing date Friday, 1st day of July, 1887, under the provisions of the 22nd section of the Customs Act, Chapter 32 of the Revised Statutes of Canada, the port of Vancouver, in the Province of British Columbia, was constituted a Customs port of entry and a warehousing port, to date from the 1st day of July, 1887.

And further, the outport theretofore known as Burrard's Inlet under the survey of the port of New Westminster, was abolished from the 1st July, 1887.

Vide Canada Gazette, Vol. XXI, p. 52.

By an Order in Council, bearing date Friday, 1st day of July, 1887, under the provisions of the 245th section of the Customs Act, Chapter 32 of the Revised Statutes of Canada, sweat leathers, when imported by hat manufacturers only, for use in their factories in the manufacture of hats, were placed upon the list of articles that may be admitted into Canada free of Customs duty.

Vide Canada Gazette, Vol. XXI, p. 52.

By an Order in Council, bearing date Saturday, 2nd day of July, 1887, under the authority of sub-section 1 of section 245 of Chapter 32 of the Revised Statutes of Canada, it was declared that "noils" (being the short wool which falls from the combs in worsted factories) should be considered as entitled to be entered free of Customs duty.

Vide Canada Gazette, Vol. XXI, p. 92.

By an Order in Council, bearing date Saturday, 2nd day of July, 1887, under authority of sub-section 1 of section 245 of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs," the following articles were transferred to the list of goods which may be entered free of duty when imported into Canada, namely: "Square reeds and raw hide centres, textile leather or rubber heads, thumbs and tips and steel, iron or nickel caps for whip ends, when imported by whip manufacturers for use in the manufacture of whips in their own factories."

Vide Canada Gazette, Vol. XXI, p. 92.

By an Order in Council bearing date Wednesday, 6th day of July, 1887, under the authority of the 78th section of "The Consolidated Revenue and Audit Act," Chapter 29 of the Revised Statutes of Canada, iron or steel imported by bridge manufacturers for the construction of iron bridges may be admitted under the rates of duty in force prior to 18th of May, 1887, provided the importers present satisfactory evidence that the contracts for the construction of the bridge for which said iron or steel is to be used had been actually entered into prior to the date before mentioned (18th May, 1887).

Vide Canada Gazette, Vol. XXI, p. 140.

Customs.

By an Order in Council bearing date Tuesday, 8th day of November, 1887, under the provisions of Chapter 33 of the Revised Statutes of Canada ("An Act respecting the Duties of Customs"), the following regulations authorized by item 517 in Schedule C to the said Act referring to "Animals for the improvement of stock, viz., horses, cattle, sheep and swine, under regulations made by the Treasury Board and approved by the Governor in Council," were adopted, and the regulations adopted by Order in Council of the 26th of September, 1870, were cancelled:—

REGULATIONS.

1st. In all cases of importation and entry of animals under the provisions of the above mentioned item in the said Act, a certificate of purity of blood given by the breeder of the animals, and accompanied by a certificate of identification, signed and sworn to by the importer, shall be furnished to the collector at the port of entry and in addition thereto there shall be required the further evidence hereinafter mentioned, viz:—

2nd. *Ré Blood Horses.*—A proper pedigree referring to the English or American Stud book to be given by the breeder in his certificate, but in the case of such blood horses whose pedigree is not entered in a Stud book, an authenticated certificate of purity of blood and identification will be sufficient, provided the animal is found on inspection to have the properties and qualification essential to improvement of breed.

3rd. *Short horn cattle.*—The breeders certificate shall embody a correct pedigree, referring to the recognized short horn herd book.

4th. *Hereford cattle.*—The pedigree shall refer to a recognized Hereford herd book.

5th. *Devon cattle.*—The pedigree shall refer to a recognized Devon herd book.

6th. *Ayrshire cattle, Angus cattle, Galloway cattle or Alderney cattle.*—A certificate of purity of blood and identification as mentioned in section 1 will be sufficient.

7th. Any other breed or description of cattle which is not specially named in the foregoing shall be held to be included in the general description embodied in section 1.

8th. *Sheep, pigs and poultry.*—In these cases a similar certificate and identification will be required as in the next preceding case.

Vide Canada Gazette, Vol. XXI, p. 1090.

By an Order in Council, bearing date Tuesday, 11th day of November, 1887, under the authority of section 22, Chapter 32, of the Revised Statutes of Canada, the port of Hillsboro, in the Province of New Brunswick, was reduced to an outpost of Customs, and, together with the outports of Alma and Harvey, and the preventive station of Waterside, theretofore attached thereto, were placed under the survey of the port of Moncton, New Brunswick, from and after the 1st day of November, 1887.

Vide Canada Gazette, Vol. XXI, p. 1090.

Customs.

By an Order in Council, bearing date Tuesday, 22nd day of November, 1887, under the provisions of the section 9 of the Revised Statutes of Canada, Chapter 32,—glove leather not being either buck, deer or antelope as mentioned in item 276 in schedule "A" of the Revised Statutes, chapter 33, but being the hide of what is known as the water hog, and tanned in imitation thereof, and not distinguishable therefrom except by an expert,—from and after the passage of this Order was ordered to be classed for duty as provided by item 276 as aforesaid.

Vide Canada Gazette, Vol. XXI, p. 1211.

By an Order in Council bearing date Tuesday, 22nd day of November, 1887, under and by virtue of section 45, sub-section 1, of the Revised Statutes, chapter 32,—copper rollers for use in calico printing when imported by calico printers for use in their factories, in the printing of calicoes and for no other purpose (such rollers not being manufactured in Canada) may be admitted to entry free of Customs duty, until otherwise ordered, upon the importer in each case, making oath at the time of entry, in terms as follows:—

I (1) the undersigned, importer of the copper rollers mentioned in this entry, do solemnly (2) that such copper rollers were specially imported by (3) for use in the printing of calicoes in (4) factory.
I further (2) that the said rollers will be used for the said purpose and that the same will not be used, sold or disposed of by (3) or by any person in (4) employ, for any other purpose or use than as aforesaid.

Vide Canada Gazette, Vol. XXI, p. 1211.

By an Order in Council, bearing date Tuesday, 22nd November, 1887, under the provisions of the 78th section of the Consolidated Revenue and Audit Act, His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order and it is hereby ordered, that anthracite coal dust be admitted free of Customs duty.

Vide Canada Gazette, Vol. XXI, p. 1211.

By an Order in Council, bearing date Tuesday, 1st day of December, 1887, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs," Lethbridge, in the District of Alberta, North-West Territories, was, from the 1st of January, 1888, erected into an outpost of Customs, and a warehousing port, and placed under the survey of the Collector of Customs at the port of Fort Macleod, Alberta.

Vide Canada Gazette, Vol. XXI, p. 1294.

- (1) Name of importer.
- (2) Swear or affirm.
- (3) Me or the firm of _____, of which I am a member.
- (4) My or our, as the case may be.

Customs.

By an Order in Council, bearing date Saturday, 17th day of December, 1887, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled : " An Act respecting the Customs," the village of Agnes, in the Township of Compton, and Province of Quebec, was, from the 1st day of January, 1888, erected into an outport of Customs and a warehousing port, and placed under the survey of the collector of Customs at the port of Sherbrooke, Quebec.

Vide Canada Gazette, Vol. XXI, p. 1416.

By an Order in Council, bearing date Saturday, 17th day of December, 1887, under the provisions of sub-section (l) of section 245 of Chapter 32 of the Revised Statutes of Canada, intituled : " An Act respecting the Customs," retorts, pans, condensers, tubing and pipe, made of platinum, when imported by manufacturers of sulphuric acid for use in their works in the manufacture of concentration of sulphuric acid, were placed on the list of articles that may be admitted into Canada free of Customs duty.

Vide Canada Gazette, Vol. XXI, p. 1416.

By an Order in Council, bearing date Saturday, 17th day of December, 1887, under the authority of sub-section (m) of section 245 of the Customs Act and section 153 of the Inland Revenue Act, subject to the following regulations and restrictions, it was ordered that there may be paid to the Canadian manufacturer of distilled spirits exported, in the manufacture of which foreign duty paid corn has been used, a drawback of two-thirds of the duty paid upon each bushel of foreign corn so used in the spirits exported, and that proof, satisfactory to the Minister of Customs, shall be submitted by the claimant that the corn claimed upon was foreign corn, and such proof may be in the form of a certificate from an inspector or a collector of Inland Revenue, to the effect that the records of such Department show that in the manufacture of each package of spirits claimed upon (and especially designated in such certificate) there was used a stated quantity of foreign corn.

The Minister of Customs shall also be satisfied from evidence presented that duty was paid at certain times and places on the corn claimed to have been used as aforesaid.

There shall further be supplied by the claimant proof that the various packages of spirits claimed upon were duly exported from the Dominion,— such proof to consist of the bill of lading for the spirits, and a form of Customs outward entry, bearing upon its face a certificate of a Canadian Customs officer that the spirits therein mentioned were despatched in a designated railway car or vessel, from a given Canadian port, on a given day, for a stated destination in a foreign country; and the claimant shall be required to supply a certificate from a proper officer of foreign Customs, that the spirits described in such outward entry at Canadian Customs were, in each case, duly landed in such foreign country.

Vide Canada Gazette, Vol. XXI, p. 1417.

Customs.

By an Order in Council, bearing date Friday, 30th day of December, 1887, under the authority of section 22 of Chapter 32 of the Revised Statutes of Canada, the port of Lacolle, in the Province of Quebec, was reduced to an outport of Customs and placed under the survey of the collector of Customs at the port of St. Johns, Province of Quebec, from and after the 1st day of January, 1888.

Vide Canada Gazette, Vol. XXI, p. 1545.

By an Order in Council, bearing date Thursday, 12th day of January, 1888, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs," Arnprior, in the County of Renfrew, Province of Ontario, was erected into an outport of Customs and a warehousing port, and placed under the survey of the collector of Customs at the port of Ottawa, Ontario.

Vide Canada Gazette, Vol. XXI, p. 1545.

By an Order in Council, bearing date Thursday 29th day of March, 1888, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled "An Act respecting the Customs," the port of Port Darlington, in the Province of Ontario, is, for all purposes of "The Customs Act," is to be known and designated as the Port of Bowmanville, on and after the 1st day of July, 1888.

Vide Canada Gazette, Vol. XXI, p. 2143.

By a Proclamation, bearing date 13th April, 1888, under the Revised Statutes of Canada, Chapter 33, intituled "An Act respecting the Duties of Customs," it was declared that following article, that is to say:—

Green fruits, and edible berries, in their natural condition, viz. Apples, apricots, bananas, cherries, olives, peaches, pineapples, plantains, plums, pomegranates, quinces and shaddocks; blackberries, raspberries and strawberries.

Seeds, viz.:—Clover, grass and flower, canary, chia, cotton, jute, mustard (brown and white), sesame, sugar beet, sugar cane seed, and seeds of fruit and forest trees not edible.

Seeds aromatic, which are not edible and are in a crude state, and not advanced in value or condition by refining or grinding or by any other process of manufacture (in addition to those already on the free list), viz.:—Anise-seed, caraway, cummin seed and Tonquin beans.

Trees, shrubs and plants, viz.:—Apple, cherry, peach, pear, plum, quince and all other fruit trees and the seedling stock of the same. Blackberry, currant, gooseberry, raspberry and rose bushes, grape and strawberry vines, shade, lawn and ornamental trees, shrubs and plants.

Vegetables, viz.:—Citrons, mangoes, melons and yams, may hereafter, until otherwise provided, be imported into Canada free of duty.

Vide Canada Gazette, Vol. XXI, p. 2233.

Customs, &c.

By an Order in Council, bearing date Monday, 23rd April, 1888, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs," the outport of Beaver River was abolished from and after the last day of May, 1888.

Vide Canada Gazette, Vol. XXI, p. 2317.

By an Order in Council, bearing date Monday, 23rd day of April, 1888, under the provisions of the 22nd section of "The Customs Act," being Chapter 32 of the Revised Statutes of Canada,—Salmon River, in the County of Digby, and Province of Nova Scotia, was erected into an outport of Customs, and placed under the survey of the collector of Customs at the port of Weymouth, Nova Scotia, to take effect from the 1st day of May, 1888.

Vide Canada Gazette, Vol. XXI, p. 2317.

By an Order in Council, bearing date Wednesday, the 2nd day of May, 1888, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs,"—the Customs outport of Silver Islet, under the port of Port Arthur in the Province of Ontario, was abolished.

Vide Canada Gazette, Vol. XXI, p. 2358.

By an Order in Council, bearing date Wednesday, the 2nd day of May, 1888, under the provisions of the 22nd section of Chapter 32 of the Revised Statutes of Canada, intituled: "An Act respecting the Customs,"—Hagersville in the County of Haldimand and Province of Ontario, was erected into an outport of Customs and a warehousing port and placed under the survey of the collector of Customs at the port of Hamilton, to date from the 1st day of July, 1888.

Vide Canada Gazette, Vol. XXI, p. 2395.

Fisheries.

By an Order in Council, bearing date Thursday, 7th day of July, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, known and cited as "The Fisheries Act," the Order in Council of the 5th January, 1886, setting apart Brome Lake, in the Province of Quebec, for the natural and artificial propagation of fish, was amended by substituting the following therefor:

Fisheries.

“The waters of Brome Lake, in the Province of Quebec, and its inlets for a distance of one mile from said lake, are hereby set apart for the natural and artificial propagation of fish, from the 1st March to the 1st June, in each year, and no other mode of fishing shall be allowed during the open season than angling by hand with hook and line or trolling with a spoon.”

Vide Canada Gazette, Vol. XXI, p. 140.

By an Order in Council, bearing date Wednesday, 27th day of July, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, intituled: “An Act respecting Fisheries and Fishing.” so much of the Fishery Regulations adopted on the 29th day of August, 1884, as relate to herring fishing in the County of Charlotte, in the Province of New Brunswick, was rescinded, and the following substituted therefor:—

Herring Fishing.

1. No weir, engine or barricade, shall be set or placed on either side of Cow Passage or Cheney's Passage, in the island of Grand Manan, without leaving a continuous clear passage or channel of the width of five hundred feet, following the deepest water of the same; and no wing belonging to or used therewith, or attached to any such weir, engine or barricade, shall extend beyond or into channels of the said passages or either of them so as to diminish the said width of five hundred feet.

2. In no case shall weirs, engines or barricades be placed nearer each other than six hundred feet, distant from and running parallel with each other.

3. No weir, engine or barricade shall be set or used in the County of Charlotte, for the purpose of catching herrings or other fish, except under the authority of an annual license from the Minister of Marine and Fisheries, which license the Minister or any person by him authorized for that purpose, may issue on payment of a fee of five dollars.

4. The fishery overseers of the county or either of them, as the case may be, are authorized and required in the event of a violation of either of these rules, in addition to the penalties imposed, when it is thought necessary by the said overseers in their respective districts, to destroy the said weirs, engines or barricades, or wings belonging to them or used therewith or attached to them, or each or any of them respectively, or such portions thereof as the said overseers in their respective districts may deem necessary.

5. Herrings shall not be taken between the 15th day of July and the 15th day of October in any year, on the spawning ground at the Southern Head of Grand Manan, in the Province of New Brunswick, within the following limits, that is to say:—Commencing at Red Point, in the eastern part of Seal Cove; thence running southerly on a line with Gannet Rock Lighthouse, three miles; thence westerly three miles from shore to a point three miles due west from a rock known as the Old Maid, near the

Fisheries.

southern head of Bradford's Cove; thence east to Old Maid Rock; thence following the shore back to Red Rock the place of beginning. Said limits including the two Wood Islands and passing at the distance of 600 feet around and from each of the weirs under license within said limits.

All nets or other fishing material, apparatus, tackle or gear used for catching herrings on any part of the said ground during the period above described shall be seized and confiscated, and every person so using the same shall be subject to fine as prescribed by the Fisheries Act.

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

By an Order in Council, bearing date Saturday, 1st day of October, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, known as "The Fisheries Act," the following regulations were established for the better management, protection and regulation of the fisheries, viz.:—

In the Provinces of Nova Scotia and New Brunswick no person shall fish for, catch, kill, buy, sell or have in possession any speckled trout (*salvelinus fontinalis*), lake trout and landlocked salmon between the 1st of October and the 1st of April in each year, both days inclusive.

Vide Canada Gazette, Vol. XXI, p. 742.

By an Order in Council bearing date Thursday, 27th October, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, intituled: "An Act respecting Fisheries and Fishing," the Orders in Council of the 8th March, 1875, 26th July, 1877, 21st December, 1877, and 17th February, 1886, relating to the smelt fishery, were rescinded, and the following fishery regulations were adopted in their stead:—

1st. No one shall fish for, catch, kill, buy, sell or have in possession any smelts between the first day of April and the first day of July (both days inclusive) in each year.

2nd. The use of smelts for manure is prohibited.

3rd. The use of seines for the purpose of catching smelts is prohibited.

4th. Smelts shall not be fished for, caught, or killed by means of any kind of bag-nets having meshes of a less size than one inch and a quarter, extension measure.

5th. The use of bag-nets for the purpose of catching smelts is prohibited, except under special license from the Minister of Marine and Fisheries, and then only between the 1st of December and the 15th of February in each year.

Vide Canada Gazette, Vol. XXI, p. 1018.

By an Order in Council, bearing date Saturday, 17th day of December, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, intituled: "An Act respecting Fisheries and Fishing,"

Fisheries, &c.

the fishery regulation relating to the lobster fishery adopted by the Order in Council of the 13th March, 1879, was rescinded, and the following adopted in its stead:—

1. On that part of the coast of the Atlantic Ocean extending from Cape Canso westward, and following the coast line of the Bay of Fundy to the United States boundary line, it shall be unlawful to fish for, catch, kill, buy, sell, or have in possession (without lawful excuse) any lobsters between the 1st day of July and the 31st day of December, 1888.

2. In the remaining waters of the Provinces of Nova Scotia and New Brunswick, and in the waters of Prince Edward Island and Quebec (including the Magdalen Islands and Anticosti) it shall be unlawful to fish for, catch, kill, buy, sell or have in possession (without lawful excuse) any lobsters between the 15th day of July and the 31st day of December, 1888.

3. It shall be unlawful at any time to fish for, catch, kill, buy, sell, expose for sale or have in possession any berried or soft-shelled lobsters, or any lobster under nine inches in length, measuring from head to tail, exclusive of claws or feelers, and when caught in fishing apparatus in legal use, they shall be liberated alive by the proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, on each of whom shall devolve the proof of such actual liberation, and each of whom shall be deemed to be jointly and severally liable for any penalties or moneys recoverable under the Fisheries Act or of any regulation made under it.

Vide Canada Gazette, Vol. XXI, p. 1593.

Indian Affairs.

By an Order in Council, bearing date Saturday, 1st October, 1887, under the provisions of the 41st section of Chapter 43 of the Revised Statutes of Canada, intituled: "An Act respecting Indians," the following regulations governing the disposal of Indian lands containing minerals other than coal, were adopted and established:—

MINING REGULATIONS.

TO GOVERN THE DISPOSAL OF MINERAL LANDS OTHER THAN COAL LANDS

1. These regulations shall be applicable to all Indian lands containing gold, silver, cinnabar, lead, tin, copper, petroleum, iron, or other mineral deposit of economic value, with the exception of coal.

2. Any person may explore vacant Indian lands that have been surrendered by the Indians and not appropriated or reserved by the Department of Indian Affairs for other purposes, or Indian reserve lands,

Indian Affairs.

provided the approval of the Superintendent General of Indian Affairs shall have been previously obtained, and may search therein, either by surface or subterranean prospecting, for mineral deposits, with a view to obtaining under these regulations a mining location for the same, but no mining location or mining claim shall be granted until the discovery of the vein, lode, or deposit of mineral or metal within the limits of the location or claim.

I.—QUARTZ MINING.

3. A location for mining, except for iron, on veins, lodes, or ledges of quartz or other rock in place, shall not exceed forty acres in area. Its surface boundaries shall be straight due north and south and east and west lines not more than four in number. Its length shall not be more than three times its breadth. Its boundaries beneath the surface shall be the vertical planes in which its surface boundaries lie.

4. Any person having discovered a mineral deposit may obtain a mining location therefor, under these regulations, in the following manner:—

(a.) He shall mark the location on the ground by placing at each of its four corners a wooden post, not less than four inches square, driven not less than eighteen inches into the ground, and showing that length above it. If the ground be too rocky to admit of so driving the posts into it, he shall build about each of them, to support it and keep it in place, a cairn or mound of stones, at least three feet in diameter at the base, and eighteen inches high. On the most north-easterly post he shall mark, legibly with a cutting instrument, or with colored chalk, or with a pencil, his name in full, the date of such marking, and the letters M.L. 1, to indicate that the post is a Mining Location post No. 1. Proceeding next to the most south-easterly post, he shall mark it with M.L. 2, and with his initials. Next, the most south-westerly post shall be marked M.L. 3, and with his initials; and, lastly, the most north-westerly post with his initials and the letters M.L. 4. Furthermore, on one of the faces of each post, which face shall in the planting thereof be turned towards the post which next follows it in the order in which they are here named and numbered, there shall be marked in figures the number of yards' distance to such next following post. If means of measurement are not available, the distance to be so marked on each of the posts may be that estimated. If the corner of a location falls in a ravine, bed of a stream, or any other situation where the character of the locality may render the planting of a post impossible, the corner may be indicated by the erection at the nearest suitable point of a witness post, which in that case shall contain the same marks as those prescribed in this clause in regard to corner posts, as well as the letters W.P., and an indication of the bearing and distance of the site of the true corner from such witness post.

(In this manner any subsequent prospector, informed of these regulations, will, on meeting any one of the posts or mounds, be enabled to follow them all round, from one to another, and avoid encroachment, either in search or in marking out another location in the vicinity for himself.)

Indian Affairs.

(b.) Having so marked out on the ground the location he desires, the claimant shall within ninety days thereafter file with the local agent, in the Indian office for the district in which the location is situate, a declaration on oath according to Form A in the schedule to these regulations (which may be sworn to before the said agent, or may have been previously sworn to before a justice of the peace or commissioner), setting forth the circumstances of his discovery, and describing, as nearly as may be, the locality and dimensions of the claim marked out by him as aforesaid; and shall, along with such declaration, pay to the said agent an entry fee of five dollars.

(c.) If the land has been surrendered by the Indians for purposes of sale the agent shall then give him a receipt, according to Form B in the schedule to these regulations, for such fee. This receipt shall authorize the claimant, his legal representatives or assigns, to enter into possession of the location applied for, and, during the term of one year from its date, to take therefrom and dispose of any mineral deposit contained within its boundaries.

(d.) If the land is within a reserve and unsurrendered the agent shall report the facts of such discovery and application to the Superintendent General of Indian Affairs, and he shall state at the same time whether the interest of the Indians would be prejudicially affected by the location applied for being sold or otherwise, and should the Superintendent General of Indian Affairs decide that it would be in the interest of the Indians to sell the location he shall instruct the local agent to submit the question of surrendering the same to be sold for their benefit to the Indians in council for a vote thereon, and should a majority of the Indians entitled to vote decide to surrender the land a formal surrender in writing shall be taken from them signed by the chief and principal men and duly attested by one of them and the agent in the manner required by law.

(e.) The agent shall then forward the surrender to the Superintendent General of Indian Affairs, who shall upon receipt of the same submit it to His Excellency the Governor General in Council for acceptance.

(f.) Should the surrender be accepted by the Governor General in Council the location applied for shall be dealt with in the manner prescribed by these regulations for the sale of mineral lands.

5. At any time before the expiration of one year from the date of his obtaining the agent's receipt as aforesaid, it shall be open to the claimant to purchase the location on filing with the local agent proof that he has expended not less than five hundred dollars in actual mining operations on the same, such proof to consist of his own sworn statement, accompanied and confirmed by the affidavits of two disinterested persons, setting forth in detail the nature of such operations and the amount expended.

6. The price to be paid for a mining location shall be at the rate of five dollars per acre cash.

7. On making the application to purchase a mining location, and paying the price therefor as hereinbefore provided, the claimant shall also deposit with the agent the sum of fifty dollars, which shall be deemed payment by him to the department of Indian Affairs for the survey of his location; and upon the receipt of the plans and field-notes, and the ap-

Indian Affairs.

proval thereof by the said department, a patent shall issue to the claimant in the Form D in the schedule hereto. If, on account of its remoteness or other cause, a mining location cannot, at the time of the deposit of fifty dollars by the applicant for the purpose, be surveyed by the said department for that sum, he shall be subject to the alternative of waiting until the employment of a surveyor by the department on other work in the vicinity of the claim renders it convenient to have the survey made at a cost not exceeding fifty dollars, or of sooner procuring at his own cost its survey by a duly commissioned surveyor of the province, district or territory in which the lands are situated, under instructions from the said department; in the latter case, on receipt of the plans and field notes of the survey and approval thereof by the said department, as hereinbefore provided, the claimant shall be entitled to receive his patent, and to have returned to him the fifty dollars deposited by him to defray cost of survey.

8. Should the claimant, or his legal representatives as aforesaid, fail to prove within one year the expenditure prescribed; or, having proved such expenditure, fail within that time to pay in full, and in cash to the local agent, the price hereinbefore fixed for such mining location, and also to pay the sum of fifty dollars hereinbefore prescribed for the survey of his location, then any right on the part of the claimant or of his legal representatives in the location, or claim on his or their part to acquire it, shall lapse, and the location shall thereupon revert to the Crown and shall be held, along with any immovable improvements thereon, for disposal, under these regulations, to any other person, or as the Superintendent General of Indian Affairs may direct; provided that the Superintendent General of Indian Affairs may, upon sufficient cause being shown, extend the time within which the claimant may purchase his mining location for the additional term of one year, upon payment by the claimant of a new entry fee and the relinquishment of his original receipt, in exchange for which the agent shall, when so directed by the said Minister, give him a new receipt in the Form C in the schedule hereto.

9. Where two or more persons lay claim to the same mining location, the right to acquire it shall be in him who can prove he was the first to discover the mineral deposit involved, and to take possession by demarcation, in the manner prescribed in these regulations, of the location covering it.

10. Priority of discovery alone shall not give the right to acquire; but a person subsequently and independently discovering, who has complied with the other conditions prescribed in these regulations, shall take precedence of the first discoverer if the latter has failed to comply with the said other conditions. Provided, however, that in any case where it is proved that a claimant has in bad faith used the prior discovery of another, and fraudulently affirms that he made independent discovery and demarcation, he shall, apart from any other legal consequences, have no claim, and shall forfeit the deposit made with his application, and shall be absolutely debarred from obtaining another mining location.

11. Not more than one mining location shall be granted to any individual claimant upon the same lode or vein.

Indian Affairs.

12. Where land is used or occupied for milling purposes, reduction works or other purposes incidental to mining operations, either by the proprietor of a mining location or other person, such land may be applied for and patented, either in connection with, or separate from, a mining location, in the manner hereinbefore provided for the application for, and the patenting of, mining locations, and may be held in addition to any such mining location; but such additional land shall in no case exceed five acres in extent and shall be paid for at the same rate as a mining location.

13. The Superintendent General of Indian Affairs may grant a location for the mining of iron not exceeding 160 acres in area. Provided, that should any person making an application purporting to be for the purpose of mining iron thus obtain, whether in good faith or fraudulently, possession of a valuable mineral deposit other than iron, his right in such deposit shall be restricted to the area hereinbefore prescribed for other minerals, and the rest of the location shall thereupon revert to the Crown for such disposition as the Minister may direct.

14. When there are two or more applicants for any mining location, no one of whom is the original discoverer, or his assignee, the Superintendent General of Indian Affairs, if he sees fit to dispose of the location, shall invite their competitive tenders, or shall put it up to public tender, or auction, as he may deem expedient.

15. An assignment of the right to purchase a mining location shall be indorsed on the back of the receipt or certificate of assignment (Forms B and E, in the schedule hereto) and the execution thereof shall be attested by two disinterested witnesses; upon the deposit of the receipt or certificate with such assignment executed and attested as herein provided, in the office of the local agent, accompanied by a registration fee of two dollars, the local agent shall give to the assignee a receipt in the Form E in the schedule hereto, which certificate shall entitle the assignee to all the rights and privileges of the original discoverer in respect of the claim assigned; and the said assignment shall be forwarded to the Superintendent General of Indian Affairs by the local agent at the same time and in like manner as his other returns respecting Indian lands, and shall be registered in the Department of Indian Affairs; and no assignment of the right to purchase a mining location which is not unconditional and in all respects in accordance with the provisions of this clause, and accompanied by the registration fee herein provided for, shall be recognized by the local agent or registered in the Department of Indian Affairs.

16. If application be made under the next preceding clause by the assignee of the right to purchase a mining location, and such claim is duly recognized and registered, as hereinbefore provided, such assignee shall, by complying with all the provisions of clauses 5 and 7, become entitled to purchase the location for the price and on the terms prescribed in these regulations, whether or not his assignor may have previously acquired a mining location under them.

II.—PLACER MINING.

17. The regulations hereinbefore laid down in respect of quartz mining shall be applicable to placer mining so far as they relate to entries,

Indian Affairs

entry fees, assignments, marking of locations, agents' receipts, and generally where they can be applied, save that the boundaries of placer mining claims need not be due north and south and east and west lines, and except as otherwise herein provided.

Nature and Size of Claims

18. The size of claims shall be as follows :—

(a.) For "bar diggings," a strip of land 100 feet wide at high water mark, and thence extending into the river to its lowest water level.

(b.) For "dry diggings," 100 feet square.

(c.) "Creek and river claims" shall be 100 feet long, measured in the direction of the general course of the stream and shall extend in width from base to base of the hill or bench on each side, but when the hills or benches are less than 100 feet apart the claim shall be 100 feet square.

(d.) "Bench claims" shall be 100 feet square.

(e.) Every claim on the face of any hill, and fronting on any natural stream or ravine, shall have a frontage of 100 feet, drawn parallel to the main direction thereof, and shall be laid out, as nearly as possible, in the manner prescribed by section 4 of these regulations.

(f.) If any miner or association of miners shall discover a new mine, and such discovery shall be established to the satisfaction of the agent, claims of the following size, in dry, bar, bench, creek, or hill diggings, shall be allowed :—

To one discoverer.....	300 feet in length.
“ a party of two.....	600 “
“ “ three ..	800 “
“ “ four	1,000 “

and to each member of a party beyond four in number, a claim of the ordinary size only.

A new stratum of auriferous earth or gravel, situated in a locality where the claims are abandoned, shall for this purpose be deemed a new mine, although the same locality shall have been previously worked at a different level; and dry diggings discovered in the vicinity of bar diggings shall be deemed a new mine, and *vice versa*.

Rights and Duties of Miners.

19. The forms of application for a grant for placer mining, and the grant of the same shall be those contained in Forms F and G in the schedule hereto.

20. The entry of every holder of a grant for placer mining must be renewed, and his receipt relinquished and replaced, every year, the entry fee being paid each time.

21. No miner shall receive a grant of more than one mining claim in the same locality, but the same miner may hold any number of claims by purchase, and any number of miners may unite to work their claims in common upon such terms as they may arrange, provided such agreement be registered with the local agent.

Indian Affairs.

22. Any miner or association of miners may sell, mortgage, or dispose of his or their claims, provided such disposal be registered with, and a fee of two dollars paid to the local agent, who shall thereupon give the assignee a certificate in Form H in the schedule hereto.

23. Every miner shall, during the continuance of his grant, have the exclusive right of entry upon his own claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom, but he shall have no surface rights therein; and the local agent may grant to the holders of adjacent claims such right of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as may to him seem reasonable.

24. Every miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall, in the opinion of the local agent, be necessary for the due working thereof; and shall be entitled to drain his own claim free of charge.

25. A claim shall be deemed to be abandoned and open to occupation and entry by any person when the same shall have remained unworked on working days by the grantee thereof for the space of seventy-two hours, unless sickness or other reasonable cause be shewn, or unless the grantee is absent on leave.

26. A claim granted under these regulations shall be continuously and in good faith worked, except as otherwise provided, by the grantee thereof or by some person on his behalf.

27. In tunnelling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, or from either end of such hills, so as to interfere with parties tunnelling from the main frontage.

28. Tunnels and shafts shall be considered as belonging to the claim for the use of which they are constructed, and as abandoned or forfeited by the abandonment or forfeiture of the claim itself.

29. For the more convenient working of back claims on benches or slopes, the local agent may permit the owners thereof to drive a tunnel through the claims fronting on any creek, ravine or water-course upon such terms as he may deem expedient.

Leave of absence.

30. In cases where water is necessary to the continuance of mining operations and the supply of water is insufficient, the agent shall have power to grant leave of absence to the holder of the grant during such insufficiency but no longer, except by permission of the Superintendent General of Indian Affairs.

31. Any miner or association of miners shall be entitled to leave of absence for one year from his or their diggings upon proving to the satisfaction of the agent that he or they has or have expended on such diggings in cash, labor or machinery an amount not less than five hundred dollars on each of such diggings without any return of gold or other minerals in reasonable quantities from such expenditure.

Indian Affairs.

32. The time occupied by the locator of a claim in going to and returning from the office of the local agent to enter his claim, or for other purposes prescribed by these regulations, shall not be counted against him, but he shall, in such cases, be deemed to be absent on leave.

Administration.

33. In case of the death of any miner while entered as the holder of any mining claim, the provisions as to abandonment shall not apply either during his last illness or after his decease.

34. The local agent shall take possession of the mining property of the deceased, and may cause such mining property to be duly worked, or dispense therewith, at his option, and he shall sell the property by private sale, or, after ten days' notice thereof, by public auction, upon such terms as he shall deem just, and out of the proceeds pay all costs and charges incurred thereby, and pay the balance, if any, to the legal representatives of the said deceased miner.

35. The local agent, or any person authorized by him, shall take charge of all the property of deceased miners until the issue of letters of administration.

III.—BED ROCK FLUMES.

36. It shall be lawful for any local agent, upon the application hereinafter mentioned, to grant to any bed-rock flume company, for any term not exceeding five years, exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing, laying and maintaining bed-rock flumes.

37. Three or more persons may constitute themselves into a bed-rock flume company, and every application by them for such grant shall state the names of the applicants and the nature and extent of the privileges sought to be acquired. Ten clear days' notice thereof shall be given between the months of June and November, and between the months of November and June one month's notice shall be given, by affixing the same to a post planted in some conspicuous part of the ground or to the face of the rock, and a copy thereof conspicuously upon the inner walls of the Indian office of the district. Prior to such application, the ground included therein shall be marked out in the manner prescribed in subsection *a* of clause four of these regulations. It shall be competent for any person to protest before the local agent within the times hereinbefore prescribed for the notice of such application, but not afterwards, against such application being granted. Every application for a grant shall be accompanied by a deposit of \$100, which shall be returned if the application be refused, but not otherwise.

38. Every such grant shall be in writing, in the Form I given in the schedule hereto.

39. The holders of claims through which the line of the company's flume is to run may put in a bed-rock flume, in their claims to connect with the company's flume, upon giving the company ten days' notice in writing to that effect; but they shall maintain the like grade, and build

Indian Affairs.

their flume as thoroughly, and of as strong materials, as that built by such company.

40. Every bed-rock flume company shall lay at least fifty feet of flume during the first year and one hundred feet annually thereafter, until completion of the flume.

41. Any miners lawfully working any claims where a bed-rock flume exists, shall be entitled to tail their sluices, hydraulics and ground sluices into such flume, but so as not to obstruct the free working of such flume by rocks, stones, boulders or otherwise.

42. Upon a grant being made to any bed-rock flume company, the local agent shall register the same, and the company shall pay for such registration a fee of \$10. They shall also pay, in advance, an annual rent of \$10 for each quarter of a mile of right of way legally held by them.

IV.—DRAINAGE OF MINES.

43. The Superintendent General of Indian Affairs may grant to any person, or association of persons, permission to run a drain or tunnel for drainage purposes through any occupied mining land, and may give such persons exclusive rights of way through and entry upon any mining ground for any term not exceeding five years, for the purpose of constructing a drain or drains for the drainage thereof.

44. The grantee shall compensate the owners of lands or holders of claims entered upon by him for any damage they may sustain by the construction of such tunnel or drain, and such compensation, if not agreed upon, shall be settled by the local agent and be paid before such drain or tunnel is constructed.

45. Such tunnel or drain, when constructed, shall be deemed to be the property of the person or persons by whom it shall have been so constructed.

46. Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll (if any) to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing the same, be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise. Notice of the application shall be given, and protests may be made in the same manner as provided in regard to bed-rock flumes.

47. The grant of the right of way to construct drains or tunnels, shall be made in the Form J in the schedule hereto. The grant shall be registered by the grantee in the office of the local agent, to whom he shall at the time pay a registration fee of \$5, or, if the grant gives power to collect tolls, a fee of \$10. An annual rent of \$10 shall be paid, in advance, by the said grantee for each quarter of a mile of right of way legally held by him, save where the drain shall be for the purpose of draining only the claim of the person constructing the same.

V.—DITCHES.

48. The Superintendent General of Indian Affairs may, upon the application hereinafter mentioned, grant to any person, or association of

Indian Affairs.

persons, for any term not exceeding five years, the right to divert and use the water from any stream or lake, at any particular part thereof, and the rights of way through and entry upon any mining ground, for the purpose of constructing ditches and flumes to convey such water; provided always, that every such grant shall be deemed as appurtenant to the mining claim in respect of which it has been obtained, and, whenever the claim shall have been worked out or abandoned, or whenever the occasion for the use of such water upon the claim shall have permanently ceased, the grant shall be at an end and determine. The grantee shall record the said grant with the local agent during each year of the continuance of the same, and whilst it shall be in operation.

49. Twenty days' notice of the application shall be given, by affixing the same to a post planted in some conspicuous part of the ground, and a copy thereof conspicuously upon the inner walls of the Indian office for the district, and any person may protest within such twenty days, but not afterwards, against such applications being wholly or partially granted.

50. Every application for a grant of water exceeding two hundred inches, shall be accompanied by a deposit of twenty-five dollars, which shall be refunded in case the application is refused, but not otherwise.

51. Every such application shall state the names of the applicants, the name or description of the stream or lake to be diverted, the quantity of water to be taken, the locality for its distribution, and the price (if any) to be charged for the use of such water, and the time necessary for the completion of the ditch. The grant shall be in Form K in the schedule hereto.

52. Every grant of a water privilege on unoccupied creeks, shall be subject to the right of such miners as shall, at the time of such grant, be working on the stream above or below the ditch head, and of any other persons lawfully using such water for any purpose whatsoever.

53. If, after the grant has been made, any miner or miners, locate and *bonâ fide* work any mining claim below the ditch head, on any stream so diverted, he or they collectively shall be entitled to forty inches of water if two hundred inches be diverted, and sixty inches if three hundred inches be diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as may be required; and, in computing such damage, the loss sustained by any claims using water therefrom, and all other reasonable losses, shall be considered.

54. No person shall be entitled to a grant of the water of any stream, for the purpose of selling the water to present or future claim holders, on any part of such stream. The Superintendent General of Indian Affairs may, however, grant such privileges as he may deem just, when such ditch is intended to work bench or hill claims fronting on any such stream, provided that the rights of miners then using the water so applied for, be protected.

55. The Superintendent General of Indian Affairs may, on the report of the local agent that such action is desirable, order the enlargement or

Indian Affairs.

alteration of any ditch, and fix the compensation (if any) to be paid by parties to be benefited thereby.

56. Every owner of a ditch or water privilege shall take all reasonable means for utilizing the water granted to him; and if he wilfully take and waste any unreasonable quantity of water, the Minister may, upon the report of the local agent, if such offence be persisted in, declare all rights to the water forfeited.

57. The owner of any ditch or water privilege may distribute the water to such persons, and on such terms, as he may deem advisable, within the limits mentioned in his grant; provided always, that such owner shall be bound to supply water to all miners who make application therefor, in a fair proportion, and shall not demand more from one person than from another, except where the difficulty of supply is enhanced.

58. Any person desiring to bridge any stream, claim, or other place, for any purpose, or to mine under or through any ditch or flume, or to carry water through or over any land already occupied, may, in proper cases, do so with the written sanction of the local agent. In all such cases, the right of the party first in possession is to prevail, so as to enable him to compensation if the same be just.

59. In measuring water in any ditch or sluice, the following rules shall be observed: The water taken into a ditch or sluice shall be measured at the ditch or sluice head. No water shall be taken into a ditch or sluice, except in a trough placed horizontally at the place at which the water enters it. One inch of water shall mean half the quantity that will pass through an orifice two inches high by one inch wide, with a constant head of seven inches above the upper side of the orifice.

60. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of a registered claim, or to dig or loosen any earth or rock, within four feet of any ditch not belonging solely to the registered owner of such claim, three days' notice, in writing, of such intention shall be given before entering or approaching within four feet of such other property.

61. Any person engaged in the construction of any road or work may, with the sanction of the Superintendent General of Indian Affairs, cross, divert, or otherwise interfere with any ditch, water privilege, or other mining rights whatsoever, for such period as the Minister shall approve.

62. The Minister shall order what compensation for every such damage or interference shall be paid, and when, and to whom, and whether any and what works, damaged or affected by such interference as aforesaid shall be replaced by flumes or otherwise repaired by the person or persons inflicting any such damage.

63. The owners of any ditch, water privilege, or mining right shall, at their own expense, construct, secure and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege or right.

64. The owners of any ditch or water privilege shall construct and secure the same in a proper and substantial manner, and maintain the

Indian Affairs.

same in good repair to the satisfaction of the local agent, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch, water privilege or right.

65. The owners of any ditch, water privilege or right shall be liable, and shall make good, in such manner as the local agent shall determine, all damages which may be occasioned by or through any parts of the works of such ditch, water privilege or right breaking or being imperfect.

66. Nothing herein contained shall be construed to limit the right of the Lieutenant Governor of the North-West Territories in Council, or of the proper authority in any Province containing Indian lands, to lay out, from time to time, public roads across, through, along or under any ditch, water privilege or mining right, without compensation

VI.—GENERAL PROVISIONS.

Interpretation.

67. In these regulations the following expressions shall have the following meaning respectively, unless inconsistent with the context:—

“Minister” shall mean the Superintendent General of Indian Affairs.

“Agent” or “local agent” shall mean the Indian agent, Indian superintendent or Indian lands agent, as the case may be, for the district, or other officer appointed by the Government for the particular purpose referred to.

“Mineral” shall include all minerals whatsoever other than coal.

“Close season” shall mean the period of the year during which placer mining is generally suspended.

“Miner” shall mean a person holding a mining location or a grant for placer mining.

“Claim” shall mean the personal right of property in a placer mine or diggings during the time for which the grant of such mine or diggings is made.

“Bar diggings” shall mean any mine over which a river extends when in its flooded state.

“Dry diggings” shall mean any mine over which a river never extends.

The mines or benches shall be known as “Bench Digging,” and shall, for the purpose of defining the size of such claims, be excepted from “dry diggings.”

“Streams and ravines” shall include water-courses whether usually containing water or not, and all rivers, creeks and gulches.

“Ditch” shall include a flume or race, or other artificial means for conducting water by its own weight, to be used for mining purposes.

“Ditch head” shall mean the point in a natural water-course or lake where water is first taken into a ditch.

“Claimant” shall mean a person who has obtained an entry for a mining location with a view to patent.

“Placer mining” shall mean the working of all forms of deposits excepting veins of quartz or other rock in place.

Indian Affairs.

“Quartz mining” shall mean the working of veins of quartz, or other rock in place.

“Location” shall mean the land entered by or patented to any person for the purpose of quartz mining.

Hearing and Decision of Disputes.

68. The local agent shall have power to hear and determine all disputes in regard to mining property arising within his district, subject to appeal, by either of the parties, to the Deputy Superintendent General of Indian Affairs.

69. No particular forms of procedure shall be necessary, but the matter complained of must be properly expressed in writing, and a copy of the complaint shall be served on the opposite party not less than days before the hearing of the said complaint.

70. The complaint may, by leave of the local agent, be amended at any time before or during the proceedings.

71. The complainant shall, at the time of filing his complaint, deposit therewith a bond-fee of \$10, which shall be returned to him if the complaint proves to have been well-founded, and not otherwise, except for special cause by direction of the Superintendent General of Indian Affairs.

72. In the event of the decision of the local agent being made the subject of an appeal to the Deputy Superintendent General of Indian Affairs, the appellant shall, at the time of lodging the appeal, deposit with the local agent a bond fee of \$10, which shall be returned to the said appellant if his appeal proves to have been well-founded, and not otherwise, except for special cause by direction of the Superintendent General of Indian Affairs.

73. The appeal must be in writing and must be lodged with the local agent not more than three days after he has given his decision, and must state the grounds upon which the said decision is appealed from.

74. If the Deputy Superintendent General of Indian Affairs decides that it is necessary to a proper decision of the matter in issue to have an investigation on the ground,—or in cases of disputed boundaries or measurements, to employ a surveyor to measure or survey the land in question, the expense of the inspection or re-measurement or re-survey, as the case may be, shall be borne by the litigants, who shall pay into the hands of the said Deputy Superintendent General of Indian Affairs, in equal parts, such sum as he may think sufficient for the same before it takes place; otherwise it shall not proceed, and the party who refuses to pay such sum shall be adjudged in default. The said Deputy Superintendent General of Indian Affairs shall subsequently decide in what proportion the said expense should be borne by the parties respectively, and the surplusage, if any, shall then be returned to the parties as he may order.

75. All bond fees adjudged as forfeited by the local agent or Deputy Superintendent General of Indian Affairs, and all payments retained under the last preceding section shall, as soon as decision has been rendered, and all entry and other fees or moneys shall, as soon as they have been received by him, be paid by the said agent or Deputy Superintendent General of

Indian Affairs.

Indian Affairs to the credit of the Receiver General in the same manner as other moneys received by him on account of Indian lands.

Leave of Absence.

76. The agent in each district shall, under instructions from the Superintendent General of Indian Affairs, declare the close season in his district.

77. Each holder of a mining location or of a grant for placer mining shall be entitled to be absent from his mining location or diggings and to suspend work thereon during the close season.

78. The local agent shall have power to grant leave of absence to the holder of a mining location or grant for placer mining pending the decision of any dispute in which he is concerned under these regulations.

79. The Superintendent General of Indian Affairs shall, from time to time, as he may think fit, declare the boundaries of mineral and mining districts, and shall cause a description of the same to be published in the *Canada Gazette*.

80. The Superintendent General of Indian Affairs may direct mineral and mining locations to be laid out within such districts wherever, from report of the director of the Geological Survey, or from other information, he has reason to believe there are mineral deposits of economic value, and may sell the same to applicants therefor, who, in his opinion, are able and intend in good faith to work the same; or he may, from time to time, cause the said locations to be sold by public auction or tender. Such sales shall be for cash, and at prices in no case lower than those prescribed for locations sold to original discoverers, and shall otherwise be subject to all the provisions of these regulations.

Royalty.

81. The patent for a mining or mineral location shall reserve to the Crown, forever, a royalty of 4 per cent. on the sales of the products of all mines therein in trust for the Indians interested in the land patented.

82. Returns shall be made by the grantee, sworn to by him, or by his agent or other employé in charge of the mine, at monthly or other such intervals as may be required by the Superintendent General of Indian Affairs, of all products of his mining location, and of the price or amount he received for the same.

Miscellaneous.

83. The local agent shall have the power to summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public, any public work or highway, or any mining property, mineral lands, mining claims, bed-rock drains or flumes; and any abandoned works may, by his order, be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in their absence upon such terms as he shall think fit.

Indian Affairs.

84. The agent in each district, acting under instructions to be from time to time issued by the Superintendent General of Indian Affairs, shall cause to be laid out, at the expense of the person or persons applying for the same, a space of ground for deposits of leavings and deads from any tunnel or mining ground.

Forfeiture.

85. In the event of the breach of these regulations or any of them, by any person holding a grant or right of any description from the Crown, or from the Superintendent General of Indian Affairs, or from any duly authorized officer of Indian lands, such right or grant shall be absolutely forfeited *ipso facto*, and the person so offending shall be incapable thereafter of acquiring any such right or grant, unless for special cause otherwise decided by the Superintendent General of Indian Affairs.

SCHEDULE TO MINING REGULATIONS.

FORM A.—APPLICATION AND AFFIDAVIT OF DISCOVERER OF QUARTZ MINE.

I, (A.B.) of hereby apply' under the Indian Lands Mining Regulations, for a mining location in (here give general description of locality) for the purpose of mining for (here name the metal or mineral)

and I hereby and solemnly swear:—

1. That I have discovered therein a deposit of (here name the metal or mineral).
2. That I am to the best of my knowledge and belief the first discoverer of the said deposit.
3. That I am unaware that the land is other than vacant Indian land.
4. That I did, on the day of mark out on the ground, in accordance with every particular with the provisions of sub-section a, of clause 4 of the said mining regulations, the location for which I make this application, and that in so doing I did not encroach on any mining location previously laid out by any other person.
5. That the said mining location contains, as nearly as I could measure or estimate, an area of acres, and that the description (and sketch, if any), of this date hereto attached, signed by me, set forth in detail to the best of my knowledge and ability its position, form and dimensions.
6. That I make this application in good faith to acquire the land for the sole purpose of mining to be prosecuted by myself, or by myself and associates, or by my assigns.

Sworn before me at

this
18

day of

} (Signature.)

Indian Affairs.

FORM B.—RECEIPT FOR THE FEE PAID BY APPLICANT FOR MINING LOCATION.

No.....

DEPARTMENT OF INDIAN AFFAIRS,
Office of the Indian Agency at

18 .

Received from (A.B.) of five dollars, being the fee required by sub-section *b*, of clause four of the Indian Lands Mining Regulations, accompanying his application No. , dated 18 , for a mining location in (insert general description of locality).

This receipt authorizes the said (A.B.) his legal representatives or assigns, to enter into possession of the said mining location, and, during the term of one year from the date of this receipt, to take therefrom and dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location which, provisionally, and until survey thereof, may be known and described as follows: (insert description in detail).

If the said (A.B.) or his legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within one year from this date, or, having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Superintendent General of Indian Affairs.

Indian Agent.

FORM C.—RECEIPT FOR FEE ON EXTENSION OF TIME FOR PURCHASE OF A MINING LOCATION.

No.....

DEPARTMENT OF INDIAN AFFAIRS,
Office of the Indian Agency at

, 18 .

Received from (A.B.) of , five dollars, being the fee required by clause eight of the Indian Lands Mining Regulations, accompanying his application No. , dated 18 , for the extension of the time within which he may purchase the mining location described as follows: (insert description in detail) for which he obtained an entry No. on the 18

This receipt authorizes the said (A.B.) his legal representatives or assigns, to continue in possession of the said mining location, and during the term of one year from the 18 , to take therefrom and dispose of any mineral deposit contained within its boundaries,

Indian Affairs.

and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location which, provisionally, and until survey thereof, may be known and described as above.

If the said (A.B.) or his legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within one year from this date, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Superintendent General of Indian Affairs.

Indian Agent.

FORM D. — PATENT OF A MINING LOCATION.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith—To all to whom these presents shall come, Greeting :

Know ye that we do by these presents, for us, our heirs and successors, in consideration of (the fulfilment of the Indian Lands Mining Regulations of our Dominion of Canada) give and grant unto , h heirs and assigns, all that parcel or lot of land situate and numbered on the official plan of survey of the said , to have and to hold the said parcel of land, and all minerals, precious and base, which may be found therein, unto the said h heirs and assigns forever ;

Provided that it shall at all times be lawful for us, our heirs and successors, or any person by our authority, to resume any portion (not exceeding one-twentieth part) of the said lands for making roads, canals, bridges, towing paths, or other works of public utility or convenience, but no such resumption shall be made of land on which any permanent buildings may have been erected, without compensation ;

Provided also, that it shall be lawful for any person duly authorized by us, our heirs and successors, to take and occupy such water privileges, and to have and enjoy such right of carrying water over, through or under any parts of the hereditaments hereby granted as may be reasonably required for agricultural or other purposes in the vicinity of the said land, upon paying therefor a reasonable compensation to the aforesaid , h heirs and assigns ;

Provided further, that a royalty of four per cent. shall be paid to us, our heirs and successors, upon all the gold and silver produced from the said lands.

Indian Affairs.

FORM E.—CERTIFICATE OF THE ASSIGNMENT OF A MINING LOCATION.

No.....

DEPARTMENT OF INDIAN AFFAIRS,
Office of the Indian Agency at _____, 18 .

This is to certify that (B.C.) of _____ has filed an assignment in due form, dated _____ 18 , and accompanied by a registration fee of two dollars, of the right of (A.B.) of _____ to purchase the mining location in _____ (here insert general description of locality) applied for by the said (A.B.) on the _____ 18 .

This certificate entitles the said (B.C.), or his legal representatives or assigns, to all the rights and privileges of the said (A.B.), in respect of the claim assigned and hereinafter described; that is to say, to enter into possession of the said mining location, and during the term of one year from the date of the receipt No. _____, granted to the said (A.B.), dated the _____ day of _____ 18 , to take therefrom and dispose of any mineral deposit contained within its boundaries, and on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location, which, provisionally, and until survey thereof, may be known and described as follows:—(Insert description in detail.)

If the said (B.C.), or his legal representatives or assigns, fail to comply as aforesaid with the conditions that would entitle them to purchase within one year of the date of the receipt granted to (A.B.), and now deposited with me, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Superintendent General of Indian Affairs.

Indian Agent.

FORM F.—APPLICATION FOR GRANT FOR PLACER MINING AND AFFIDAVIT OF APPLICANT.

I, _____ (A.B.), _____, hereby apply, under the Indian Lands Mining Regulations, for a grant of a claim for placer mining, as defined in the said regulations, in _____

(here describe locality)

and I solemnly swear:

1. That I have discovered therein a deposit of (here name the metal or mineral).

2. That I am, to the best of my knowledge and belief, the first discoverer of the said deposits; or

(2. That the said claim was previously granted to (here name the last grantee), but has remained unworked by the said grantee for not less than _____)

Indian Affairs.

3. That I am unaware that the land is other than vacant Indian land.

4. That I did, on the _____ day of _____, mark out on the ground, in accordance, in every particular, with the provisions of sub-section *a* of clause four of the said mining regulations, the claim for which I make this application, and that in so doing I did not encroach on any other claim or mining location previously laid out by any other person.

5. That the said claim contains, as nearly as I could measure or estimate, an area of _____ square feet, and that the description (and sketch, if any) of this date hereto attached, signed by me, sets forth in detail, to the best of my knowledge and ability, its position, form and dimensions.

6. That I make this application in good faith to acquire the claim for the sole purpose of mining to be prosecuted by myself, or by myself and associates, or by my assigns.

Sworn before me at

this
18

_____ day of _____

} (Signature.)

FORM G.—GRANT FOR PLACER MINING.

No.....

DEPARTMENT OF INDIAN AFFAIRS,
Office of the Indian Agency, at _____ 18 .

In consideration of the payment of five dollars, being the fee required by the provisions of the Indian Lands Mining Regulations, clauses four and twenty, by _____ (A.B.), of _____ accompanying his application No. _____, dated _____ 18 _____, for a mining claim in (here insert description of locality.)

The Superintendent General of Indian Affairs hereby grants to the said _____ (A.B.), for the term of one year from the date hereof, the exclusive right of entry upon the claim _____ (here describe in detail the claim granted) for the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom.

The said _____ (A. B.) shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain his claim free of charge.

This grant does not convey to the said _____ (A. B.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said _____ (A. B.) or his associates.

The rights hereby granted are those laid down in the aforesaid mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Indian Agent.

Indian Affairs.

FORM H.—CERTIFICATE OF THE ASSIGNMENT OF A PLACER MINING CLAIM.

No.....

DEPARTMENT OF INDIAN AFFAIRS,
Office of the Indian Agency at , 18 .

This is to certify that (B. C.) of , has filed an assignment in due form, dated 18 , and accompanied by a registration fee of two dollars, of the grant to (A. B.) of the right to mine in (insert description of claim) for one year from the , 18 .

This certificate entitles the said (B.C.) to all the rights and privileges of the said (A.B.) in respect of the claim assigned, that is to say, to the exclusive right of entry upon the said claim for the miner-like working thereof, and the construction of a residence thereon, and the exclusive right to the proceeds realized therefrom, for the remaining portion of the year for which the said claim was granted to the said (A.B.) , that is to say, until the day of , 18 .

The said (B.C.) shall be entitled to the use of so much of the water naturally flowing through or past his claim and not already lawfully appropriated as shall be necessary for the due working thereof, and to drain his claim free of charge.

This grant does not convey to the said (B.C.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim ; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said (B.C.) or his associates.

The rights hereby granted are those laid down in the aforesaid mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Indian Agent.

FORM I.—GRANT TO A BED-ROCK FLUME COMPANY.

No.....

DEPARTMENT OF INDIAN AFFAIRS,
Office of the Indian Agency, at , 18 .

In consideration of the payment of a deposit of one hundred dollars, required by clause thirty-seven of Indian Lands Mining Regulations to be made with the application of a Bed-Rock Flume Company, and of the further sum of ten dollars, being the fee for registration of this grant required by clause forty-two of the said regulations.

The Superintendent General of Indian Affairs hereby grants to (names of members of company) forming together a Bed-Rock Flume Company [known as the (title of company)], the following rights and privileges, that is to say:—

Indian Affairs.

(a.) The rights of way through and entry upon any new and unworked river, creek, gulch or ravine, and the exclusive right to locate and work a strip of ground one hundred feet wide and two hundred feet long in the bed thereof to each individual of the company ;

(b.) The rights of way through and entry upon any river, creek, gulch or ravine worked by miners for any period longer than two years prior to such entry, and already wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof, one hundred feet in width, and one quarter of a mile in length for each individual of the company ;

(c.) The rights of way through and entry upon all claims, which at the time of the notice of application, are in good faith being worked, for the purpose of cutting a channel and laying their flume therein, with such reasonable space for constructing, maintaining and repairing the flume as may be necessary.

(d.) The use of so much of the unappropriated water of the stream on which they may be located, and of other adjacent streams, as may be necessary for the use of their flumes, hydraulic power, and machinery to carry on their operations and the right of way for ditches and flumes to convey the necessary water to their works, subject to the payment of any damage which may be done to other parties by running such ditch or flume through or over their ground ;

Provided, that the rights herein granted shall apply only to such claims and streams as are here specified : (insert description of claims and streams) and such other claims and streams as may after due notice and application, be subsequently added to the above list by the Superintendent General of Indian Affairs, under the hand of the local agent ;

Provided also, that the said company shall pay to the local agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by them ;

Provided, further, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

This grant shall cease and determine at the expiration of years from the date hereof.

Indian Agent.

FORM J.—GRANT FOR DRAINAGE.

No..... ..

DEPARTMENT OF INDIAN AFFAIRS,

Office of the Indian Agency, at , 18 .

In consideration of the payment of a deposit of twenty-five dollars required by clause forty-six of the Indian Lands Mining Regulations to be made with the application for a grant of right of way to construct drains, and of the further sum of dollars, being the fee for the registration of this grant required by clause forty-seven of the said regulations.

Indian Affairs.

The Superintendent General of Indian Affairs hereby grants to (name or names of grantee or grantees) the right to run a drain or tunnel for drainage purposes through the occupied mining lands here specified (here describe mining lands) and further, for a term of from the date hereof, exclusive rights of way through and entry upon the following mining grounds: (here insert description) for the purpose of constructing a drain or drains for the drainage thereof; and the right to charge the following tolls for the use thereof: (insert tariff of tolls);

Provided, that the grantee shall construct such drain or drains of sufficient size to meet all requirements within from the date hereof and keep the same in thorough working order and repair, and free from all obstructions; and shall, within a reasonable time, construct proper tap-drains from or into any adjacent claims, upon being requested by the owners thereof, and in default thereof shall permit such parties to make them themselves, in which case such parties shall only be chargeable with one-half the rates of drainage toll herein authorized;

Provided, also, that the said grantee shall compensate the owners of lands or holders of claims entered upon by for any damage they may sustain by the construction of such tunnel or drain;

Provided, further, that the said grantee shall pay to the local agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by ;

Provided, further, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

Indian Agent.

FORM K.—GRANT OF RIGHT TO DIVERT WATER AND CONSTRUCT DITCHES.

No.....

DEPARTMENT OF INDIAN AFFAIRS,

Office of the Indian Agent at , 18 .

In consideration of the payment of a deposit of twenty-five dollars, required by clause fifty of the Indian Lands Mining Regulations to be made with the application for the right to divert water and construct ditches,

The Superintendent General of Indian Affairs hereby grants to (A.B.) , for the term of years from the date hereof, the right to divert and use the water from (specify stream or lake) to the extent of inches, and no more, to be distributed as follows:— (describe locality of distribution) together with the right to charge the following rates for the use of the said water:— (insert rates to be charged) and the rights of way through and entry upon the following mining grounds (insert description) for the purpose of constructing ditches and flumes to convey

Indian Affairs.

such water, provided such ditches and flumes are constructed and in working order within _____ from the date hereof;

Provided that this grant shall be deemed to be appurtenant to mining claim No. _____, and shall cease and determine whenever the said claim shall have been worked out or abandoned, or the occasion for the use of such water upon the said claim shall have permanently ceased.

Provided, also, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

Indian Agent.

Vide Canada Gazette, Vol. XXI, p. 784.

By Order in Council bearing date Wednesday, 26th October, 1887, under the provisions of the forty-first section of Chapter forty-three of the Revised Statutes of Canada, intituled: "An Act respecting Indians," the following regulations for the disposal of the surrendered Indian lands, prescribing the conditions on which sales of the same may be made subject to the conditions of surrender and the provisions of the aforesaid Act, were approved:

REGULATIONS for the Disposal of Surrendered Indians Lands.

1st. Not more than four lots of 100 acres each, more or less, nor less than one such lot, or more than one section of 640 acres, more or less, or less than one quarter of such section shall be sold to any one purchaser.

2nd. Not less than one-fifth of the purchase money shall be paid at date of sale, and the balance must be paid in equal annual consecutive instalments with interest at six per centum on each instalment from date of sale to date of payment. Payment to be made into a branch of any chartered bank of Canada, to the credit of the Minister of Finance and Receiver General, on account of Indian funds, and bank certificates—duplicate and triplicate—and drafts to be handed or sent to the agent within whose agency the lands on account of which such payment has been made are situated.

3rd. Settlement on the lot or lots included in any sale, is one of the conditions thereof, and shall consist of actual occupation and improvement of the land, which must commence within six months from the date of sale and be continuous for a period of three years; within which time there shall be cleared and fenced at least five acres in every one hundred acres, or in that proportion; also a dwelling house of not less than 18 by 24 feet must be erected on the land included in any sale.

4th. No timber, saw-logs, staves, lathwood, shingle bolts, cordwood, or any other description of wood may be cut for sale until the patent for the lot shall have issued, except that the same may be cut under license, issued under existing regulations governing the issue of such licenses, to the party residing thereon by the Indian lands agent, covering any trees cut on the location in actually clearing the land for cultivation, other than

Indian Affairs.

pine or spruce, which are reserved from the operation of the sale of the land, and may be otherwise disposed of by the Department, and may be cut and removed by the purchaser of said pine or spruce, up to the date on which the patent covering the land shall issue.

5th. Any violations of the above conditions of sale will render the land in respect to which the same has taken place, as well as all moneys paid on account thereof, forfeitable, by order of the Superintendent General of Indian Affairs.

6th. The above regulations as to occupation and improvement shall not apply to any lands in respect to which the Superintendent General of Indian Affairs has received a report sworn to by a competent, reliable, and disinterested person, appointed by the Superintendent General of Indian Affairs to examine such lands, that the same are in whole or for the most part unfit for cultivation. In the case of such lands, the Superintendent General of Indian Affairs, may dispose of the same, or of the timber or other valuables thereon or therein, to the best possible advantage in the interest of the Indians, without reference to occupation or improvement.

Vide Canada Gazette, Vol. XXI, p. 1018.

By Order in Council bearing date Tuesday, 11th October, 1887, under the provisions of the 41st section of chapter 43 of the Revised Statutes of Canada, intituled: "An Act respecting Indians," the following regulations for the disposal of coal lands within Indian reserves in the Province of Manitoba and in the North-West Territories, which have been or may be surrendered by the Indians to be disposed of for their benefit, were approved:—

1. A royalty of ten cents on every ton of coal excavated shall be paid by the purchaser or purchasers of any coal lands situated within an Indian reserve.

2. Coal lands situated on any reserve within the Cascade coal district which have been surrendered shall be sold at an upset price of \$12.50 per acre cash, and the lands situated on Indian reserves within all the other coal districts at an upset price of \$10 per acre cash.

(a.) Not more than three hundred and twenty acres shall be sold to one applicant.

(b.) When there is more than one applicant for the same coal location, the Superintendent General of Indian Affairs may invite competition between the several applicants, or offer the land for sale at public competition by tender or by auction, as he may think expedient, at the upset price of coal lands in the district in which such coal location is situated.

(c.) When applications are made to purchase coal locations situated outside of the organized coal districts, the Superintendent General of Indian Affairs may sell the same to the applicants at the price and on the terms which would apply if the lands were within an organized coal district.

3. The boundaries beneath the surface of coal mining locations shall be the vertical planes or lines in which their surface boundaries lie.

Indian Affairs.

4. All the employés, not being Indians of the reserve, engaged in mining on an Indian reserve, shall be married men living with their wives and families, at or in the vicinity of the mines.

5. The purchaser or purchasers, shall pay the wages of such number of constables, to be appointed by the Department, as may be necessary to prevent all intercourse between the Indians resident upon a reserve and the employés engaged in mining, and to preserve order among the employés. This regulation, however, is not to apply to Indians resident upon such reserve who are legitimately employed in connection with the said mines, but it is intended for the purpose of excluding from the said mines Indians—male or female—not so employed, as well as to prevent employés other than Indians engaged in mining from visiting the portion of the reserve occupied by the Indians.

Vide Canada Gazette, Vol. XXI, p. 1090.

By Order in Council of Thursday, 12th day of January, 1888, under the provisions of the 54th section of Chapter 43 of the Revised Statutes of Canada, intituled: "An Act respecting Indians," the accompanying regulations to govern the sale of timber on Indian lands in the Provinces of Ontario and Quebec were adopted and established:—

1st. The Superintendent General of Indian Affairs may, at his discretion, cause the limit lines of any timber berths under license, which have not been already surveyed, or when the lines of survey have been obliterated by fire or from other cause, to be properly surveyed and run, the costs of such survey to be paid by the holder of the license; and where two or more licensees are interested in the survey, the Superintendent General of Indian Affairs shall determine what portion of the costs of the survey shall be paid by each, and such costs of survey shall be a charge upon the timber berth, to be paid with the ground rent before renewal of the license.

2nd. The Superintendent General of Indian Affairs before granting any licenses for new timber berths in unsurveyed Indian reserves or lands, shall cause such berths to be surveyed, and the Superintendent General of Indian Affairs may cause any reserve or other Indian lands to be subdivided into as many timber berths as he may think proper

3rd. The berths or limits when surveyed and set off, and all new berths or limits in unsurveyed territory, shall be explored and valued, and then offered for sale by public auction at the upset price fixed by such valuation, at such time and place, and on such conditions, and by such officer, as the Superintendent General of Indian Affairs shall direct, by public notice for that purpose, and shall be sold to the highest bidder for cash at the time of sale.

4th. All forfeited timber berths may be offered for sale by public auction, and such sale shall be at such upset price, and at such time and place as the Superintendent General of Indian Affairs may fix and appoint by public notice, and shall be awarded to the highest bidder making payment at the time of sale; but should the said timber berth not be then

Indian Affairs.

sold, the same may be granted to any applicant willing to pay the said upset price and ground rent, or on such other terms as the Superintendent General of Indian Affairs may direct.

5th. License-holders who shall have complied with all existing regulations shall be entitled to have their licenses renewed on application to the Superintendent General of Indian Affairs.

6th. The Superintendent General of Indian Affairs shall keep a register of all licenses granted or renewed, and of all transfers of such licenses; and a copy of such register, with a plan of the licensed limits, shall be kept by the Indian agent, or Indian land agent of the locality, and shall be open to public inspection.

7th. All transfers of timber berths shall be made in writing, but shall be subject to the approval of the Superintendent General of Indian Affairs, to whom they shall be transmitted for approval or rejection, and they shall be valid only from the time of such approval to be expressed in writing. In all cases of transfer of limits or timber berths, they will be subject to the payment of two dollars per square mile for each limit or berth, and in proportion if only a part is transferred, or if the license holder takes in one or more partners with him.

8th. Timber berths are to be described in new licenses as "not to interfere with prior licenses existing or to be renewed in virtue of regulations." When the description of any berth or boundary, as given by any license, clashes with the description of any other licensed berth or territory, the license of more recent origin (tracing back only to the time when such license or any previous license, of which it is a renewal, was first granted) shall give way, and the Superintendent General of Indian Affairs may amend or cancel such license wholly or in part, and substitute another in place thereof, so as to correct the description of the berth or limit intended to be licensed; and in all cases where any license has issued in error or mistake, or is found to be inconsistent with any other license, or inconsistent or incompatible with the regulations under which it was granted, the Superintendent General of Indian Affairs may cause it to be cancelled or amended, or he may refer all matters in dispute with reference to the boundaries and position of timber limits to arbitration—each of the contending parties to choose one arbitrator; and the Superintendent General of Indian Affairs shall appoint an umpire, naming a day on or before which the award of such arbitrators or of such umpire shall be made and delivered to the parties, and such award shall be binding on them.

9th. Timber cut on limits for which license has been suspended or held in abeyance, shall be considered as having been cut without authority and treated accordingly.

10th. Purchasers of Indian lands, who have not completed all the conditions of sale shall not, unless under settler's license, or for clearing, fencing or building purposes on the said land, be permitted to cut timber or logs thereon, or to dispose of it to others. Persons found doing so shall be subject to the penalties established by law, for cutting timber on Indian lands without authority. On all lands sold on or after the issue of a

Indian Affairs.

license, the licensee may, in virtue of said license, not cut any description of timber excepting merchantable pine and spruce, which he may continue to cut until the purchaser of the land shall have fulfilled all conditions of sale entitling him to a patent for the said land, when the right of the licensee to cut pine or spruce thereon shall cease; but it will rest with the purchaser to notify the licensee, and, if required to do so, to furnish sufficient proof to him that he has fulfilled such conditions of sale.

11th. All timber licenses are to expire on the 30th of April next after the date thereof, and all renewals are to be applied for before the 1st of July following the expiration of the last preceding license, in default whereof the berth or berths shall be treated as *de facto* forfeited.

12th. No renewal of any license shall be granted unless the limit covered thereby has been properly worked during the preceding season, or sufficient reason be given under oath, and the same be satisfactory to the Superintendent General of Indian Affairs, for the non-working of the limit, and unless or until the ground rent and all costs of survey, and all dues to the Crown on timber, saw-logs or other lumber cut under and by virtue of any license, other than the last preceding, shall have been first paid.

13th. All timber berths or limits shall be subject to an annual ground rent of \$3 per square mile, payable in advance, before the issuing of any original license or renewal. And, in computing the ground rent, no license shall be charged at less than eight miles of area.

14th. All timber, saw-logs, wood or other lumber, cut under any license now in force, or under any license which may be hereafter granted, shall be subject to the following Crown dues, that is to say:—

TARIFF OF DUES

Chargeable on Indian timber cut under license, under Order in Council of 30th July, 1877, as amended by Order in Council of 27th October, 1882, and 18th July, 1887.

1. Oak and black walnut, square timber, per M. cubic feet.....	\$30 00
2. Oak and black walnut, saw logs, per M. feet board measure.....	4 00
3. Tamarac, elm, beech, ash, maple and hickory, square timber, per M. cubic feet.....	16 66
4. Tamarac, elm, beech, ash, maple and hickory, saw-logs, per M. feet, board measure.....	2 00
5. Red and white pine, cedar, birch, basswood, and boom timber, per M. cubic feet.....	15 00
6. Red and white pine, cedar, birch, basswood, saw-logs, per M. feet, board measure.....	1 00
7. Hemlock, spruce, or other wood, per M. cubic feet	10 00
8. Hemlock, spruce, or other wood, being saw-logs, per M. feet, board measure.....	0 80
9. Pipe staves, per 1,000 standard.....	15 00

Indian Affairs.

10.	West India staves, per 1,000 standard.....	5 00
11.	Railway ties—tamarac, cedar or pine, per 100	2 00
12.	Telegraph poles per 100.....	8 00
13.	Cedar pickets per 100 (over 8 inches in diameter)	2 00
13½	Cedar pickets per 100 (8 inches and under)....	1 00
14.	Tamarac knees, lineal measure, per M. feet.....	12 00
15.	Shingle bolts, per cord.....	0 60
16.	do do in advantageous localities	0 75
17.	Cordwood, hard, per cord.....	0 30
18.	do do in advantageous localities..	0 40
19.	Cordwood, soft, per cord.....	0 20
20.	do do in advantageous localities	0 25
21.	Hop-poles, per 100	0 50
22.	Hoop-poles, hickory or ash, per 100.....	0 25
23.	do soft maple, per 100.....	0 12½
24.	Burnt cedar and tops of cedar trees which cannot be used for railway ties, per cord	0 40

Dues on maple and swamp elm, cut under license on the Saugeen Peninsula, have been reduced to \$1 per M. feet board measure, and \$15 per M. feet cubic measure.

15th. The duties on timber shall be charged upon the quantities shown by the specification of measurement furnished under oath by the licensee or his foreman to the Indian agent for the locality, or to the Superintendent General of Indian Affairs, or by other reliable measurement; but where such actual measurement cannot be obtained, each stick of white pine timber shall be estimated as containing 70 cubic feet, red pine as containing 38 cubic feet, oak 50 feet, and elm 45 feet, and all other wood as containing 34 cubic feet.

16th. All licensees or occupants of timber berths shall furnish through themselves, their agents, cullers and foremen, to such agent or agents as the Superintendent General of Indian Affairs may appoint for that purpose, and at such time and place as such agent or agents may require, satisfactory proof upon oath as to the exact locality where all the timber, saw-logs and other lumber in his or their possession were cut, giving the number of pieces and description of timber, saw-logs and other lumber including culls, cut by themselves and others to their knowledge upon each of the timber berths held or occupied by him or them respectively, designating what quantity, if any, had been cut on settlers' lands, giving the names of such settlers, the name of the township, and the number of each lot and concession, exhibiting at the same time for the inspection of such agent or agents, the books of count and measurement of such timber, saw-logs and other lumber under his or their control respectively; and shall moreover furnish such agent or agents all required information and facilities to enable him or them to arrive at a satisfactory determination

Indian Affairs.

as to the quantity and description of timber, saw-logs and other lumber made by him or them, or held in his or their possession respectively, on which Government dues are chargeable; and in the event of such agent or agents deeming it expedient to cause such timber, saw-logs and other lumber to be counted or measured, the said licensee or occupier of such timber berth, and his or their agents, cullers and foremen, shall aid and assist in such count or measurement, but should such licensee or occupier or his or their agents, fail to comply with these conditions, such licensee shall forfeit all right to a renewal of his license, and the berth and limit shall become vacant. And to enable persons who sell their timber under settler's license to obtain their refund of dues, and timber cut on patented lands to pass duty free, it will be necessary for the parties interested to prove, on oath taken before such agent or agents, and to his or their satisfaction, the number of pieces and description of timber and saw-logs cut on each lot respectively. And in the event of such proof being deemed unsatisfactory, the said agent or agents may determine the same by causing a strict count of the stumps to be made, and then certifying according to such count.

17th. The Superintendent General of Indian Affairs, or any authorized agent, shall, at all times, have free access to and be permitted to examine the books and memoranda kept by any licensee, showing the quantity of lumber in board measure sawn by him from logs cut on his timber berth or berths, and failing to produce such books and memoranda when required so to do, will subject such licensee to a forfeiture of his right to a renewal of his license.

18th. When any license-holder is in default for, or has evaded the payment of dues to the Crown on any part of his timber or saw-logs, such dues may be levied on any other timber or saw-logs belonging to such defaulter, cut under license, together with the dues thereon.

19th. Before moving any raft or parcel of timber, lumber or saw-logs from the Indian agency in which it has been cut, the owner or person in charge thereof, shall report the same to the Indian agent for the locality, making, if required, declaration upon oath, as to where the said timber was cut, the number of pieces and description of each kind of wood contained in such raft or parcel of timber, and the number of cribs, stating at the same time the number and description of pieces cut on private lands, also on lands under settler's license, giving the names of the owners or licensees of such land, with the name of the townships and number of each lot and concession; and should such Indian agent not be satisfied with the correctness of such report, he shall cause a strict count to be made of the timber in such raft; and on being satisfied of the correctness of such report or count, the Indian agent may grant a clearance in due form, for such raft, stating the number of pieces and description of timber contained therein, distinguishing the timber cut on private lands under settler's license, from that cut on Indian lands or reserve.

20th. The owner or holder of any such raft or parcel of timber shall, within twenty-four hours after the same shall have arrived at its destination at Quebec, Sorel, Montreal, or other port of sale or shipment, report

Indian Affairs.

the arrival of such raft to the collector of crown timber dues, or if at Sorel or Montreal, to the deputy supervisors of cullers; and should the said raft be found by the specification of measurement to contain a greater number of pieces of timber than is noted in the clearance, the surplus number of pieces, if not satisfactorily explained, shall be held as having been cut on Indian lands without authority, and subject to payment of dues accordingly.

21st. Parties omitting to obtain their clearance at such agency, or omitting to report the arrival of such raft at its destination as above mentioned, may be refused further license, and may be subject to forfeiture of the timber for evasion of regulations, as provided in Chapter 43 of the Revised Statutes of Canada.

22nd. Persons evading or refusing the payment of timber dues, or the final settlement of bonds or promissory notes for payment of such dues, or in default with the Indian department or agent; also, persons taking forcible possession of disputed ground before obtaining decision in their favor, and persons refusing to comply with the decision of arbitrators or of the umpire, as provided by the 8th section of these regulations, or with the regulations established by Order in Council, or who forcibly interrupt surveyors in the discharge of their duty, shall be refused further licenses, and their berths shall be forfeited at the expiration of the then existing license.

23rd. Dues of all kinds on timber cut under license, remaining unpaid on the 30th November following the season in which it was cut, shall be subject to interest from that date, but without prejudice to the power of the Crown to enforce payment of such outstanding dues at any time the Superintendent General of Indian Affairs may think proper.

24th. Purchasers of Indian lands, who have not completed all conditions of sales, and have not obtained their patents for such lands, cutting timber without license (except for clearing, building, or fencing thereon), or others doing so by their permission, shall be subject to the penalties established by law for cutting timber without authority.

25th. Before the issue of any timber license, the licensee or licensees thereof shall furnish security by a bond of himself or themselves, and two responsible sureties, for such amounts as the Superintendent General of Indian Affairs may consider sufficient to ensure the proper working of the limit, the due fulfilment by him or them of the conditions of the license, and the due observance of all the regulations of the department in respect to the timber to be cut. The giving of such security shall not, however, in any way prejudice the right of the Superintendent General of Indian Affairs, or his agent, to levy upon any timber cut or owned by the holder or holders of the license, or to cancel the said license should there appear to him to be sufficient cause for so doing.

26th. Licenses are to be granted in the following form, in triplicate, and the description of each berth is to be written on the back thereof, and is to be dated and signed by the Deputy Superintendent General of Indian Affairs, as well as the license itself—the duplicate to be kept of record by the local Indian agent.

Indian Affairs.

27th.

FORM OF LICENSE.

License to cut Timber on Indian Lands.

(Royal Arms.)

By authority of the 43rd Chapter of the Revised Statutes of Canada and amendments thereto, and for and in consideration of the payments made, and to be made to the credit of Indian funds, I do hereby give unto
and unto agents and

workmen, full power and license to cut

upon the location described upon the back hereof, and to hold and occupy the said location to the exclusion of all others, except as hereinafter mentioned:—from 18 , to thirtieth day of April 18 , and no longer ; with the right of conveying away the said timber, through any ungranted or waste Indian lands.

And by virtue of this license the said licentiate has right by the said statute, to all timber cut by others in trespass on the ground hereby assigned, with full power to seize and recover the same anywhere within the Dominion of Canada

But this license is subject to the following conditions, viz. :—

That the dues to which the timber cut under its authority are liable, shall be paid as follows, namely :

That all lots sold prior, and all lots sold subsequently, to the date hereof and which have been settled upon and are being cleared for cultivation, shall be exempt from the operation of this license, excepting in so far as pine and spruce merchantable timber are concerned, which this license will continue to control until all conditions of sale have been fulfilled.

That any person or persons may under authority of the Superintendent General of Indian Affairs, at all times, make and use roads upon and travel over the ground hereby licensed.

That nothing herein shall prevent any person or persons having authority from the Superintendent General of Indian Affairs to do so, from taking standing timber of any kind to be used for the making of roads and bridges, or for public works.

And that persons settling under lawful authority or title within the location hereby licensed, shall not in any way be interrupted in clearing and cultivating by the said licentiate, or anyone acting for
or by permission.

And further, upon condition that the said licentiate or representatives shall comply with all regulations that are or may be established by Order in Council, and shall submit all the timber cut under this license to be counted or measured, and shall settle for the duties chargeable thereon when required by me or any officer thereunto authorized,—otherwise the said timber will be forfeited to the Crown, and the said licentiate be subject to such other penalty or penalties as provided by law.

Given under my hand at , this
day of , in the year of our Lord, one thousand
eight hundred and

Deputy of the Superintendent General of Indian Affairs.

Indian Affairs.

Amount payable on giving this license. { Bonus..... \$
 { Ground rent..... \$
 { License fee..... \$

The above named licentiate shall be bound before or when paying the ground rent and renewal fee - if the license is renewed - to declare on oath whether still the *bonâ fide* proprietor of the limit hereby licensed, or whether sold or transferred it, or any part of it, or for whom hold it.

↪ We have read and comprehend the nature of the obligations contained in this license, and we bind ourselves jointly and severally, and each of our heirs, executors, curators and administrators, to pay all duties that may become due and payable to Her Majesty, her heirs or successors, on any timber cut or acquired by virtue of this license, in the event of the above named licentiate failing or refusing to pay the same, or to give satisfactory bonds for payment thereof.

.....

Kinds and descriptions of timber to be cut, and the rate of dues to be paid under authority of this license :

* * * * *

The timber limits comprehended by the within license consist of the following limits :

* * * * *

28th. All persons cutting timber on Indian lands or reserve, without authority of license, will be punished as the law provides.

Persons hindering any officer or agent of the Department of Indian Affairs in the discharge of his duty in seizing timber illegally cut, or taking away, or causing to be taken away, any timber seized under the Act, Cap. 43, Revised Statutes, Canada, are guilty of felony.

Parties cutting timber on Indian lands purchased by them on pretence of settlement, but really for the purpose of cutting the timber, are trespassers as above.

Railway companies, contractors and others, cutting without the authority of the Superintendent General of Indian Affairs timber for railway purposes on Indian lands and on lands sold but not yet patented, are also trespassers and subject to the same penalties.

29th. From and after the date of the passing of the present regulations, in cases of timber which although cut in trespass was so cut through error in good faith on Indian lands, by licentiates or other parties, it shall be lawful for the Superintendent General of Indian Affairs to exact in settlement of such wood goods a penalty equivalent to double, treble or quadruple the ordinary dues as established by tariff above, according to circumstances, besides costs of seizure and other expenses connected with all investigations into such trespasses.

30th. It shall be no longer permitted to cut, on Indian lands, pine trees measuring less than nine inches in diameter at the stump.

Indian Affairs.

TRANSFERS.

31st. All limit owners are to notify the Superintendent General of Indian Affairs of any transfer which they may have effected, as soon as any transaction of the kind may have taken place; and should they fail to give due notification to the Superintendent General of Indian Affairs, he may rule the forfeiture of such license or licenses comprising the limit or limits so transferred.

32nd. Limit holders, in order to enable them to obtain advances necessary for their operations, shall have a right to pledge their limits as security without a bonus becoming payable. Such pledge, in order to effect the limit against the debtor, shall require to be noted on the back of the license by an authorized officer of the Department of Indian Affairs. But if the party giving such pledge should fail to perform his obligations towards his creditors, the latter, on establishing the fact to the satisfaction of the Superintendent General of Indian Affairs, may obtain the next renewal in his or their own name, subject to payment of the bonus, the transfer being then deemed complete.

33rd. Transfers of timber berths are to be in writing, and if not found objectionable by the Department of Indian Affairs, are to be valid from the date on which they may be deposited in the hands of the latter; but no transfer is to be accepted while the party transferring is in default for non-payment of dues on timber to the Crown.

SURVEYS.

34th. The Department of Indian Affairs shall, at the joint written request of conterminous license holders, issue instructions stating how the boundaries of such limits should be run to be in conformity with existing licenses. The surveys shall be performed at the expense of the parties requiring them, who must cause copies of the plans and field notes of the surveys to be delivered to the said department subject to approval, to be paid for and kept of record by the department.

Boundaries so established at the joint request of the parties interested shall be fixed and permanent, and shall in no case be altered.

35th. If a limit holder refuses to join his neighbor to have the boundaries defined, the party wishing to have the survey made shall be entitled to have it performed at his own expense, under instructions which shall be furnished to him for that purpose, as provided in the foregoing clause.

On the completion of the survey, notice of the same shall be given in writing to the adverse party at his residence or place of business. And if within one year after such notification, the adverse party shall have made no opposition to the same in the manner hereinafter prescribed, or if, having done so, such opposition has not been maintained, the boundary so surveyed shall be fixed permanently and irrevocably. But if within the space of one year from the date of such notice, the adverse party shows that he has sufficient reasons to doubt the exactness of such survey, and deposits in the hands of the agent of the Department of Indian Affairs,

Indian Affairs.

such sum of money as that department may deem sufficient to cover all the expenses of a new survey, the Superintendent General of Indian Affairs shall name a surveyor to establish finally the boundary in dispute, and this second survey shall be binding upon the interested parties. All the expenses shall be borne by the applicant if his objections be not maintained. If, on the contrary, they be confirmed and the first survey be declared erroneous, the expenses shall be borne share and share alike by both parties.

36th. All limit lines or boundaries already established in virtue of official instructions, are hereby declared valid and permanent, if a report or field notes, or at least a plan describing such boundaries, have been filed of record in the Department of Indian Affairs, and if, within the space of one year from the date such documents or plan were filed, their correctness be not disputed. If, on the contrary, within this delay one of the interested parties objects to them, a final survey shall be made as prescribed in the thirty-fifth clause of these presents, unless, however, the interested parties agree to have a final survey effected in virtue of the thirty-fourth clause.

Vide Canada Gazette, Vol. XXI., p. 1865.

By Order in Council bearing date Wednesday, the 2nd day of May, 1888, under the provisions of the 41st section of Chapter 43 of the Revised Statutes of Canada, intituled: "An Act respecting Indians," the following changes in the regulations for the disposal of Indian land containing minerals other than coal, established by the Order in Council of the 1st October, 1887, were approved and adopted, in so far as the mineral lands in the District of Algoma are concerned:—

1. That section 3 be amended by fixing the area of a mining location at 160 acres instead of 40 acres as therein stated.

2. That section 7 be amended by providing that in cases where the survey is not made by the purchaser the deposit for a survey of a location be \$100 instead of \$50 as therein stated.

3. That sections 81 and 82 reserving a royalty to the Crown of four per cent. on the sales of the products of mines and requiring returns by the grantee of all products of his mining location be annulled.

4. That form "D" of said regulations be amended by striking out the provision therein respecting the payment of royalty.

5. That the price of land shall be three dollars per acre.

6. That the fifth clause of the said regulations be rescinded, but that the right to purchase a location shall be limited to twelve months from the date of obtaining the agent's receipt, as provided in sub-section c. of section four.

Vide Canada Gazette, Vol. XXI, p. 2394.

By an Order in Council bearing date Tuesday, 8th day of May, 1888, under and in pursuance of the provisions of "The Indian Act," being chapter 43 of the Revised Statutes of Canada, it was ordered that not-

Indian Affairs, &c.

withstanding anything to the contrary in the Timber and Land Regulations of the Department, the Superintendent General of Indian Affairs be and he is hereby authorized to sell to any *bond fide* actual settler on a wood lot or lots being the purchaser of the same, the pine and spruce timber thereon, on such terms as may be arranged upon between the purchaser of the said lot or lots and the Superintendent General of Indian Affairs, always provided that the timber has not been previously disposed of by the Department of Indian Affairs.

Vide Canada Gazette, Vol, XXI, p. 2395.

Inland Revenue.

By an Order in Council bearing date Friday, 1st July, 1887, under the provisions of the 148th section of the Inland Revenue Act, Chapter 34 of the Revised Statutes of Canada, the following regulations respecting the removal of non-potable spirits from distilleries for chemical or mechanical purposes, were approved:—

1st. The Minister of Inland Revenue may prescribe, from time to time, tests for determining a standard of purity below which spirits shall be deemed to be “non-potable.”

2nd. No “non-potable” spirits shall be removed from any distillery except to the following parties, viz. :—

- a. To persons who have obtained a license to manufacture in bond ;
- b. To persons who have obtained from the Minister of Inland Revenue a permit to have such “non-potable” spirits in possession for chemical or mechanical purposes.

3rd. Before granting such a permit the Minister shall require the party obtaining the same to enter into bonds in the sum of \$1,000, and which bond shall be conditioned that he will not permit any portion of such spirit to go into consumption as “potable spirits.”

4th. All packages containing such spirits shall have the word “non-potable” printed on both ends of the package in letters not less than two inches in height and three-fourths of an inch in width and in a color different from that used for the other marks on the package.

5th. No spirits other than such as are “non-potable” shall be removed from any distillery to a licensed bonded manufactory unless the formula accompanying the application of such bonded manufacturer expressly provides for the same, or when not so called for in the formula upon the written authority from the Minister which must be obtained in each specific case.

Vide Canada Gazette, Vol. XXI, p. 53.

Inland Revenue.

By an Order in Council bearing date Monday, 18th day of July, 1827, under the provisions of the 157th section of "The Inland Revenue Act," Chapter 34 of the Revised Statutes of Canada, authority was granted to the Minister of Inland Revenue to issue special permits for the removal of duty-paid spirits in packages of five and ten gallons into British Columbia, provided the regulations assented to by the Lieutenant Governor of the North-West Territories as to transmission through the North-West Territories (by which their identification on arrival beyond the limits of said Territories is required) are fully complied with.

Vide Canada Gazette, Vol. XXI, p. 143.

By an Order in Council bearing date Wednesday, 27th day of July, 1887, under the provisions of the 307th section of Chapter 34 of the Revised Statutes of Canada, the town of Tilsonburg, in the Province of Ontario, was added to those places mentioned in the said section of the Act above quoted, at which raw leaf tobacco may be imported into Canada.

Vide Canada Gazette, Vol. XXI, p. 302.

By an Order in Council bearing date Saturday, 13th day of August, 1887, under the provisions of section 17 of Chapter 29 of the Revised Statutes of Canada, intituled "An Act respecting the Public Revenue, the raising of loans authorized by Parliament and the auditing of Public Accounts," the Inland Revenue Division of Cobourg was abolished and for the purposes of the collection of Excise duties the counties of Peterborough, Victoria, Durham and Northumberland, were constituted an Inland Revenue Division to be designated and known as the division of Peterborough.

Vide Canada Gazette, Vol. XXI, p. 464.

By an Order in Council bearing date Saturday, 3rd day of September, 1887, under the provisions of section 17, Chapter 29, of the Revised Statutes of Canada, the several Inland Revenue districts and divisions in the Dominion of Canada, enumerated in the list hereto appended, and the territory comprising them, were constituted and established.

OFFICIAL List of Inland Revenue Districts and Divisions in the Dominion of Canada and the territorial extent of each :—

PROVINCE OF ONTARIO.

G.—WINDSOR : Office at Windsor.

Brantford.....	Brantford	The Counties of Brant, Norfolk and Oxford.
London.....	London	Middlesex, Elgin and Lambton.
Stratford.....	Stratford	Bruce, Huron and Perth.
Windsor.....	Windsor	Essex and Kent.

F.—TORONTO : Office at Toronto.

Guelph.....	Guelph	Wellington and Waterloo.
Hamilton.....	Hamilton	Hamilton (city), and Wentworth.
Owen Sound.....	Owen Sound	Grey.
Peterborough.....	Peterborough.....	Durham, Haliburton, Northumberland, Peterborough and Victoria
St. Catharines.....	St. Catharines.....	St. Catharines (city), Haldimand, Lincoln and Welland.
Toronto.....	Toronto	Toronto (city), Dufferin, Halton, Ontario, Peel, Simcoe, York, with the Districts of Muskoka, Parry Sound and Algoma as far west as Pic River.

Inland Revenue.

PROVINCE OF ONTARIO—*Concluded.*

E.—KINGSTON: Office at Brockville.

Belleville.....	Belleville.....	Hastings and Prince Edward.
Cornwall.....	Cornwall.....	Glengarry, Prescott (county), and Stormont.
Kingston.....	Kingston.....	Frontenac, Kingston (city), Lennox and Addington.
Ottawa & Pontiac.	Ottawa.....	{ Ottawa (city), Carlton and Russell, in Province of Ontario. Ottawa (county), and Pontiac, in the Province of Quebec.
Perth.....	Perth.....	
Prescott.....	Prescott.....	Lanark and Renfrew. and District of Nipissing.
		Dundas, Leeds, Grenville.

PROVINCE OF QUEBEC.

D.—MONTREAL: Office at Montreal.

Montreal.....	Montreal.....	Montreal (city), Hochelaga, Jacques-Cartier, Laval, Vaudreuil, Soulanges, Laprairie, Chambly.
Beauharnois.....	Ormstown.....	Beauharnois, Chateauguay, Huntingdon.
Joliette.....	Joliette.....	Berthier, Joliette, Montcalm and L'Assomption.
Pontiac.....		<i>Included in the Division of Ottawa.</i>
Sherbrooke.....	Sherbrooke.....	Richmond, with town of Sherbrooke, Wolfe, Compton and Stanstead.
Sorel.....	Sorel.....	Richelieu, Verchères, Yamaska.
St. Hyacinthe.....	St. Hyacinthe.....	St. Hyacinthe (county and town), Rouville and Bagot.
Iberville.....	Iberville.....	Brome, Iberville, Missisquoi, Napierville, Shefford and St. John's.
Terrebonne.....	Ste. Thérèse.....	Argenteuil, Two Mountains and Terrebonne.
Three Rivers.....	Three Rivers.....	City of Three Rivers, Champlain, Maskinongé, Nicolet and St. Maurice, Drummond and Arthabaska.

C.—QUEBEC: Office at Quebec.

Quebec.....	Quebec.....	Quebec (city and county), Montmorency, Portneuf, Lotbinière, Bellechasse, Beauce, Megantic, and all to the East thereof, including the Magdalen Islands.
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PROVINCE OF NEW BRUNSWICK.

B.—NEW BRUNSWICK: Office at St. John.

Chatham.....	Chatham.....	Restigouche, Gloucester, Northumberland, Kent.
St. John.....	St. John.....	Albert, Carleton, Charlotte, King's, Madawaska, Queen's, St. John (city and county), Sunbury, Victoria, Westmoreland, York.

PROVINCES OF NOVA SCOTIA AND PRINCE EDWARD ISLAND.

A—NOVA SCOTIA AND P. E. ISLAND: Office at Halifax.

Cape Breton.....	Sydney.....	Cape Breton, Inverness, Richmond, Victoria.
Halifax.....	Halifax.....	Annapolis, Colchester, Cumberland, Digby, Hants, Halifax (city and county), King's, Lunenburg, Queen's, Shelburne, Yarmouth.
Pictou.....	Pictou.....	Antigonish, Guysborough, Pictou.
Charlottetown.....	Charlottetown.....	The Province of Prince Edward Island.

PROVINCE OF MANITOBA.

H.—MANITOBA: Office at Winnipeg.

Port Arthur.....	Port Arthur.....	That part of Ontario West of Pic River.
Winnipeg.....	Winnipeg.....	The Province of Manitoba and the N. W. Territories.

PROVINCE OF BRITISH COLUMBIA.

I.—BRITISH COLUMBIA: Office at Victoria.

Victoria.....	Victoria.....	The Province of British Columbia.
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Vide Canada Gazette, Vol. XXI, p. 567.

Inland Revenue, &c.

By an Order in Council bearing date Monday, 31st day of October, 1887, under the provisions of section 2, Chapter 99, of the Revised Statutes of Canada, the Counties of Richmond, Shefford, Brome, and Stanstead including the town of Sherbrooke, were constituted an inspection division for the purposes of the inspection of leather and raw hides.

Vide Canada Gazette, Vol. XXI, p. 1018.

By an Order in Council bearing date Monday, 27th day of February, 1888, under and in pursuance of the 29th section of Chapter 107 of the Revised Statutes of Canada, known and cited as "The Adulteration Act," the following regulations were made for carrying out the provisions of the said Act, viz. :—

1. Such employés of the Inland Revenue mentioned in section 5 of the above mentioned Act, as the Minister of Inland Revenue may select, shall be styled food inspectors, and for such extra services may be paid an additional remuneration, the gross salary not to exceed the sum of twelve hundred dollars (\$1,200) in any one year, as the Minister of Inland Revenue may decide, such extra remuneration to be paid out of the sum voted by Parliament for that purpose.

2. Any manufacturer, importer, retailer or purchaser who desires to procure an analysis of any drug, food sample, &c., may obtain such from the Minister of Inland Revenue on payment of a fee of five dollars (\$5.00) for each sample so analysed, such fees to be credited to the adulteration of food grant.

3. The Minister of Inland Revenue may, from time to time, make such alterations in the forms of certificates and other forms used under the Adulteration of Food Act, in conformity with its provisions as are thought necessary for its better administration.

Vide Canada Gazette, Vol. XXI, p. 1927.

Interior.

By an Order in Council bearing date Monday, 18th day of July, 1887, under the provisions of the 90th section of "The Dominion Lands Act," Chapter 54 of the Revised Statutes of Canada, the land situated in the Rocky Mountains Park of Canada, and containing about 404 acres, was reserved for the use of the North-West Mounted Police Force. (*But see below*).

Vide Canada Gazette, Vol. XXI, p. 141.

By an Order in Council bearing date Saturday, 17th September, 1887, under the provisions of the 4th sub-section of the 1st section of Chapter 56

Interior.

of the Revised Statutes of Canada, intituled: "An Act respecting certain Public Lands in British Columbia," the following regulations for the survey, administration and disposal of Dominion lands within the forty-mile railway belt, in the Province of British Columbia, replacing the Regulations for the same purpose adopted by Order in Council dated 20th April, 1885, and amended by Orders in Council dated 16th July, 1885 and 12th April, 1886, respectively, which expired on the 1st July last, were approved and adopted:—

[MEMORANDUM of proposed changes in the Regulations affecting Public Lands in the Railway Belt in the Province of British Columbia.

The recital of various clauses of the Dominion Lands Act, which are applicable to lands in the railway belt in British Columbia, has been regarded as unnecessary and as cumbering the regulations, and it is therefore simply provided that the clauses in question shall be so applicable.

Sub-clause 4 of clause 9 is new. It reserves, until the roads provided for by the regulations have been defined and constructed, a right of way to or from any settler's holding to or from any public road or trail, over any granted or leased lands.

There is a slight change in clause 13, the effect of which is to prevent any owner of more than 160 acres of land in the railway belt from obtaining a homestead entry in the belt. The area of agricultural land within the belt is comparatively limited; those who are already settlers and land owners there, are, as a rule, extensive land holders, having had ample opportunity of obtaining, under the provincial laws, all the land they require for cultivation at a low price.

Sub-clauses 4, 5, 6 and 7 of clause 13 are new, and are intended to facilitate the settlement of timbered lands, which would not otherwise be opened for homestead entry. These provisions are copied from the timber regulations of the Province of Ontario, and the object is, while permitting such lands as contain merchantable timber to be taken up and cleared for agricultural purposes, to prevent persons who merely desire to obtain the timber, from getting possession of land under cover of a homestead entry, stripping the land of its timber without paying any dues, and then leaving the land much less valuable, for all practical purposes, than if it had remained in its natural state—in other words, neither producing revenue nor actual settlement.

Sub-clause 4 of clause 18 is, in effect, the amendment made to the Dominion Lands Act during the session of 1886, which it is proposed thus to make applicable to homesteads in the railway belt in British Columbia. Under this provision, the homesteader is enabled to hold his land for the first two years after entry, by cultivating a certain number of acres of it, but during the three years next thereafter, he must reside upon as well as cultivate it.

Clause 23 is all new, and its various provisions are designed to encourage the culture of fruit; the conditions upon which legal subdivisions of sections, not, however, to exceed 160 acres in all, may be obtained for that purpose, being fully stated.

Interior.

Four new schedules, and a re-arrangement of the former schedules, become necessary on account of the proposed amendments.]

REGULATIONS for the disposal of Dominion Lands within the Railway Belt in the Province of British Columbia.

Preliminary Interpretation.

1. These regulations shall apply exclusively to the public lands of the Dominion, within what is known as the railway belt, in the Province of British Columbia, which lands shall be styled and known as *Dominion Lands*; and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:—

(2.) The term *Minister of the Interior* means the Minister of the Interior of Canada:

(3.) The term *Surveyor-General* means the officer of the Department of the Interior bearing that designation, or the chief clerk performing his duties for the time being:

(4.) The term *Agent or Officer* means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; and the term *Local Agent* means the agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the term *Land Office* means the office of any such agent:

(5.) The term *Dominion Land Surveyor* means a surveyor duly authorized under the provisions of the Dominion Lands Act, to survey Dominion lands:

(6.) The term *Crown Timber Agent* means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer, in respect to the timber on Dominion lands:

(7.) The term *Clause* means a section of these regulations distinguished by a separate number; and the term *Sub-Clause* means a subdivision of any clause distinguished by a separate number or letter, in smaller type:

(8.) The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa:

(9.) The term *British Columbia Gazette* means the official Gazette of the Government of British Columbia, published at Victoria.

Department of the Interior.

2. The Department of the Minister of the Interior shall be charged with the administration and management of the Dominion lands:

(2.) Under the authority of the Act 49 Victoria, Chapter 56, Consolidated Statutes of Canada, 1886, the powers and authorities of the Dominion Lands Board and of the officers thereof are hereby extended to the public lands of Canada in British Columbia:

(3.) The provisions of clause 7 with the sub-clause thereof, and clauses 52, 53, 54, 55, 56, 57, 58, 78, 93 and 94 of the Act 49 Victoria, Chapter 54, Consolidated Statutes of Canada, 1886, shall apply to the public lands of Canada in British Columbia.

Interior.

Surveys.

3. The Dominion lands in British Columbia shall be laid off, so far as practicable, in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, together with an allowance of twelve acres in each section for road purposes :

(2.) The sections shall be bounded and numbered as shown by the following diagram :—

		N							
		31	32	33	34	35	36		
		30	29	28	27	26	25		
		19	20	21	22	23	24		
W		18	17	16	15	14	13	E	
		7	8	9	10	11	12		
		6	5	4	3	2	1		
		S							

4. The lines bounding sections on the east and west sides shall be meridians ; and those on the north and south sides shall be chords to parallels of latitude.

5. Each section shall be divided into quarter-sections of one hundred and sixty acres, more or less, together with an allowance for roads of three acres in each, subject to the provisions hereinafter made.

6. In the survey of a township, the deficiency or surplus resulting from convergence of meridians shall be divided equally between all the quarter-sections involved, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter-sections adjoining, and north or south respectively of the said correction lines.

7. The dimensions and areas of irregular quarter-sections shall in all cases be returned by the surveyor at their actual measurements and contents.

8. To facilitate the description for letters patent of less than a quarter-section, every section shall be supposed to be divided into quarter-quarter-sections, of forty and three-quarters acres, and such quarter-quarter-sections shall be numbered as shown in the following diagram, which is intended to show such sub-divisions of a section, which shall be styled legal sub-divisions :—

		N.					
		13	14	15	16		
		12	11	10	9		
W.		5	6	7	8	E.	
		4	3	2	1		
		S.					

Interior.

(2) The area of any legal sub-division, as above set forth, shall, in letters patent, be held to be more or less, and shall in each case be represented by the exact quantity as given to such sub-division in the original survey.

9 The Governor in Council may order the survey by a Dominion Land Surveyor of such public highways as he may deem expedient, through any lands subject to these regulations :

(2.) On the approval of the survey of a public highway, the fact shall be notified to the Lieutenant Governor of British Columbia by the Minister of the Interior, and, by virtue of such notification, such public highway shall become the property of the said Province, the legal title thereto remaining in the Crown for the public use of the Province; but no such road shall be closed up or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor General in Council :

(3.) The Governor in Council may authorize any person to locate and build public highways or to build public highways located in accordance with clause *nine* of these regulations :

(4.) In the meantime, and until any such road shall have been located and constructed, a convenient right of way not exceeding 66 feet in width over any such land is hereby reserved for the use and convenience of settlers and land holders in passing, from time to time, to and from their locations or lands to and from any now existing public road or trail: Provided always that such settler or land owner, making use of the aforesaid privilege shall not damage the fences or crops of the occupier of any such located, sold or leased land :

(5.) Every patent issued for lands subject to these regulations shall contain a provision reserving to the Governor in Council the power to order the survey through such lands by a Dominion Land Surveyor of such public highways as he may deem expedient, and for that purpose to take any existing road, and any requisite area of land, whether the area of the roads and lands so taken be or be not in excess of the allowance for roads in any section, quarter-section or legal sub-division; also to enter upon such lands and take therefrom any gravel, stone, timber, or other material required for the construction of such highway or any bridge connected therewith; and also to enter upon any such land for the purpose of cutting any drains necessary for the building of such highway.

Ordinary Sale of Lands.

10. Dominion lands, as the surveys thereof are duly made and confirmed, shall, except as otherwise hereinafter provided, be open for homesteading and purchase at such prices and on such terms and conditions as may be fixed from time to time by the Governor in Council: Provided, that no purchase shall be permitted at a less price than two dollars and fifty cents per acre: Provided also, that, except in special cases where otherwise ordered by the Governor in Council, no sale to one person shall exceed a section, or six hundred and forty acres :

Interior.

(2.) And provided also, that, whenever so ordered by the Minister, such unoccupied lands as may be deemed by him expedient, from time to time, may be withdrawn from ordinary sale and settlement, and sold at public auction or tender to the highest bidder—an upset price being fixed for the same :

(3.) Provided further, that any legal sub-division or other portion of Dominion lands which may be deemed by the Minister of the Interior of special value, may be reserved from ordinary sale and be disposed of in such manner and on such terms and conditions as may be fixed by the Governor in Council on the report of the Minister of the Interior.

Town Plots, &c.

11. The Minister of the Interior shall have power to withdraw from sale or homestead entry any tract or tracts of land, and to lay the same out into town or village lots, the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at a public auction or tender, an upset price being fixed for the same :

(2.) The Governor in Council may set apart and appropriate such Dominion lands as he may deem expedient for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares, and for other like public purposes, and at any time before the issue of letters patent therefor may alter or revoke, such appropriation, as he deems expedient ; and he may make free grants for the purpose aforesaid of the lands so appropriated—the trusts and uses to which they are to be subject being expressed in the letters patent.

12. The provisions of clauses numbered thirteen to twenty-three of these regulations, both inclusive, shall not apply to lands settled upon after the first day of July, one thousand eight hundred and eighty-eight.

Homestead Rights.

13. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, who has not heretofore had a homestead on Dominion lands in British Columbia, Manitoba or the North-West Territories, or does not hold or own by pre-emption record or otherwise, under the laws of the Province of British Columbia, more than one hundred and sixty acres of land within the railway belt in the said Province, shall, on making application in the form A in the schedule to these regulations, be entitled to obtain homestead entry for any quantity of land not exceeding one quarter-section, and being of the class of land open under the provisions of these regulations to homestead entry :

(2.) The entry for a homestead shall entitle the recipient to take, occupy and cultivate the land entered for, and hold possession of the same to the exclusion of any other person or persons whomsoever, and to bring and maintain actions for trespass committed on the said land, the same as if a patent therefor had issued in his favor ; the title to the land shall remain in the Crown until the issue of the patent therefor, and the said

Interior.

land shall not be liable to be taken in execution before the issue of patent :

(3.) The privilege of homestead entry shall only apply to surveyed agricultural lands ; no person shall be entitled to such entry for land valuable for its timber, or for hay land, or for land on which there is a stone or marble quarry, or coal or other mineral having commercial value, or whereon there is any water power which may serve to drive machinery, or for land which by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station, it will be in the public interest to withhold from such entry.

Homestead Entries and Sales Affecting Timbered Lands.

(4.) All merchantable timber growing or being upon any land entered or sold within the limits of Dominion lands in British Columbia, and all gold, silver, copper, lead, iron, petroleum, coal or other mines or minerals shall be considered as reserved from the said land, and shall be the property of Her Majesty, except that the homesteader or purchaser, or those claiming under him, may cut and use such merchantable timber as may be necessary for the purpose of building, fencing or road-making, on the land so entered or sold, and may also, under the authority of the Crown timber agent, cut and dispose of all timber required to be removed in the actual clearing of the said land for cultivation ; but no merchantable timber (except for the necessary building, fencing or road-making as aforesaid) shall be cut beyond the limit of such actual clearing ; and all merchantable timber cut in the process of clearing, and disposed of, shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber :

(5.) The patents for all lands, hereafter entered or sold as aforesaid, shall contain a reservation of all merchantable timber grown or being on the said lands,--which merchantable timber shall continue to be the property of Her Majesty ; and any person or persons now or hereafter holding a license to cut timber on such land, may, at all times during the continuance of such license, enter upon the uncleared portion of such lands, cut and remove such timber, and make all necessary roads or water-ways for that purpose, and for the purpose of hauling in supplies, doing no unnecessary damage thereby ; but the patentees or those claiming under them may cut and use such timber as may be necessary for the purpose of building, fencing or road-making on the lands so patented, and may also, under the authority of the Crown timber agent, cut and dispose of such timber required to be removed in actually clearing the said land for cultivation, but no merchantable timber (except for the necessary building, fencing or road-making as aforesaid) shall be cut beyond the limit of such actual clearing ; and all merchantable timber so cut and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber :

(6.) Holders of timber licenses, their servants and agents, shall have the right to haul their timber over the uncleared portion of any land

Interior.

entered as a homestead or purchased as hereinbefore provided, and to make such roads or water-ways thereon as may be necessary for that purpose, doing no unnecessary damage, and to use all slides, portages, roads, water-ways, or other work previously constructed or existing on any land so entered, sold or leased, and the right of access to, and free use of all streams and lakes theretofore used, or that may be necessary for the passage of timber; and all land necessary for such work is hereby reserved.

(7.) All merchantable timber growing or being upon any land hereafter entered as a homestead or sold under these regulations, shall be subject to any timber license in force at the time of such entry or sale, and may, at any time during the currency of any license or licenses to be issued during such period, be cut and removed under the authority thereof.

14. Whenever the survey of any township has been finally confirmed and such township opened for homestead entry, any person who has *bonâ fide* settled and made improvements before such confirmed survey on land in such township, shall have a prior right to obtain homestead entry for the land so settled on, provided such right be exercised within three months after the land is opened for settlement; and provided that such land has not been reserved or the right to homestead entry is not excepted under the provisions of these regulations; no homestead entry shall be granted to any other person in respect of such land until three months after notice in writing shall have been given by the local agent to such *bonâ fide* settler that such land is open for settlement.

15. Every person applying for homestead entry shall appear and make affidavit before the local agent or, in his absence, the senior clerk performing his duties, according to the Forms B, C or D, in the schedule to these regulations, as the circumstances require; and upon filing such affidavit with the said local agent or senior clerk, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the said local agent or senior clerk according to the Form J in the schedule to these regulations; and such receipt shall be a certificate of entry, and shall be authority to the person obtaining it to take possession of the land described in it:

(2.) The Minister of the Interior or the Dominion Lands Board, upon requisition, may authorize any person named therein to make a homestead entry on behalf of any person signing such requisition and desiring to obtain such entry:

(3.) The person so authorized shall, in order to obtain such entry, make application in the Form E in the schedule to these regulations, on behalf of each of those whom he represents, and shall make an affidavit before the local agent or, in his absence, the senior clerk performing his duties, according to form F, G, or H, in the schedule to these regulations, as the circumstances of the case require, and shall pay for each homestead entry the office fee of ten dollars, hereinbefore prescribed for such entry, and shall receive for each fee so paid a receipt in the Form J in the schedule hereto:

(4.) Persons occupying land owned by them may obtain homestead entry for any contiguous land open to the same; but the whole extent of

Interior.

land, including that previously owned and occupied, must not exceed one quarter-section :

(5.) A person applying for such entry for contiguous land must, when making the affidavit prescribed for homestead entry, also describe therein the tract he owns and lives upon ; and his residence upon and cultivation of the whole shall thereafter be of the kind and for the term required by the provisions of these regulations, in the case of ordinary homestead entry, before he shall be entitled to patent for the part so entered for : Provided, that such residence and cultivation may be upon the land originally occupied by him or that for which homestead entry has been obtained, or both.

16. In case a dispute arises between persons claiming the right to homestead entry for the same land, the local agent, or senior clerk, or any person thereto authorized by the Minister of the Interior, shall make investigation and obtain evidence respecting the facts, and his report thereon, together with the evidence taken, shall be referred to the Minister of the Interior for decision, or to the Dominion Lands Board, Commissioner of Dominion Lands, or such person as may be appointed by the Governor in Council to consider and decide in cases of such disputes :

(2.) Provided that when two or more persons have settled upon and seek to obtain homestead entry for the same land, the one who settled first thereon and has continued to reside upon and cultivate the land for which homestead entry is sought shall be entitled to such entry if the land be of the class open to homestead entry, and if it be not in the opinion of the Minister of the Interior otherwise inexpedient, in the public interest, to entertain any application therefor :

(3.) Provided further, that where contending parties have valuable improvements on the lands in dispute, the Minister of the Interior, if the application to acquire the land by homestead entry is entertained by him, may order a division thereof in such a manner as shall preserve to each of them, as far as practicable, his improvements ; and the Minister may, at his discretion, direct that what the land so allotted to each of them may be deficient of a quarter section shall be made up from unoccupied land adjoining, if there be any of the class open to homestead entry.

17. Any person who has obtained a homestead entry shall be allowed a period of six months from its date within which to perfect the entry, by taking in his own person possession of the land and beginning continuous residence thereon and cultivation thereof ; and if the entry be not perfected within that period it shall be void, and the land shall be open to entry by another person, or to other disposition under these regulations by the Minister of the Interior :

(2.) Provided further, that in the case of immigrants from elsewhere than the North American Continent, the Governor in Council may extend the time for the perfecting of entry to twelve months from the date thereof.

18. At the expiration of three years from the date of his perfecting his homestead entry, the settler, or in case of his death, his legal representatives, upon proving to the satisfaction of the local agent that he, or they, or some of them, have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent of the land, provided

Interior.

such proof is accepted by the Commissioner of Dominion Lands, or in his absence by a member of the Land Board, and on payment of one dollar per acre for the land : Provided also, that the patent therefor shall not issue to any person not then a subject of Her Majesty by birth or naturalization :

(2.) Provided, that in case of a settler who may have obtained homestead entry for land occupied by him previous to survey thereof, in manner hereinbefore mentioned, residence upon and cultivation of the land for three years next preceding the application for patent shall, for the purpose of the issue of patent, be held to be equivalent to that prescribed in the foregoing clause, if such residence and cultivation be otherwise in conformity with the provisions of these regulations :

(3.) Any person proving that he has resided on the land for which he has homestead entry for twelve months from the date of his perfecting his entry therefor, and that he has brought under cultivation at least thirty acres thereof, may, before the expiration of the three years defined in sub-clause two of this clause, obtain a patent by paying two dollars and fifty cents per acre for the land :

(4.) Any person claiming a patent under a homestead entry shall also be entitled thereto upon making payment therefor at the rate of one dollar per acre and proving to the satisfaction of the Commissioner of Dominion Lands or the Dominion Lands Board,—

(a.) That he perfected his homestead entry by commencing the cultivation of the homestead within six months from the date of his homestead entry ;

(b.) That within the first year after the date of his homestead entry he broke and prepared for crop not less than five acres of his homestead quarter-section ; or if the land affected by his homestead entry be timber land, then in lieu of breaking and preparing for crop five acres he may substitute therefor the clearing and fencing of three acres ;

(c.) That within the second year he cropped the said five acres, and broke and prepared for crop not less than ten acres in addition, making not less than fifteen acres in all ; or if the land affected by his homestead entry be timber land, in lieu of cropping five acres and breaking and preparing for crop ten acres additional, he may substitute therefor cropping the three acres broken the previous year and clearing and fencing five acres in addition, making in all eight acres cleared and fenced, three of which shall also be cropped ;

(d.) That he has erected a habitable house upon his homestead before the expiration of the second year after his homestead entry, and has *bond fide* resided therein and has cultivated the land for three years next prior to the date of his application for his patent ;

(e.) That at the commencement of the third year after the date of his homestead entry, or previously, he commenced the residence on his homestead required by the next preceding paragraph of this sub-clause :

(5.) Proof of the residence and improvements required by this clause shall be made by the claimant by affidavit, and shall be corroborated by the evidence on oath of two disinterested witnesses, resident in the vicinity of the land affected by their evidence, and accepted as sufficient by

Interior.

the Commissioner of Dominion Lands or in his absence by a member of the Land Board ; such affidavit shall be sworn and such testimony given before the local agent or, in his absence, the senior clerk performing his duties, or some other person named for that purpose by the Minister of the Interior.

19. Every person who has obtained a homestead entry, and who proposes to apply for a patent for such homestead, shall give six months' notice in writing to the agent of Dominion Lands of his intention to make such application, and shall produce evidence to the officer who is authorized to receive the application that such notice has been duly given.

20. In case it is proved to the satisfaction of the Minister of the Interior that a settler has not resided upon and cultivated his homestead, except as herein provided, for at least six months in any one year, or has failed to cultivate and crop the said land during the first two years after obtaining entry therefor, or to erect a habitable house before the expiration of the second year after such entry, and to *bonâ fide* reside therein and cultivate the land for three years next prior to the date of his application for patent, or has made any false statement in the affidavit in support of his application for entry, or if he fails, within the time provided for in these regulations, to apply for a patent for his homestead, and to pay for the said homestead the price specified in these regulations, the right to the land shall be forfeited and the entry therefor shall be cancelled, and the settler so forfeiting his entry shall not be eligible to obtain another entry, except in special cases in the discretion of the Minister of the Interior :

(2.) Provided, that in case of illness, vouched for by sufficient evidence, or in the case of immigrants requiring to return to their native land to bring out their families to their homesteads, or in other special cases, the Minister of the Interior may, in his discretion, grant an extension of time, during which a settler may be absent from his homestead without prejudice to his right therein ; but the extension of time so granted shall not count as residence.

21. A homestead, the entry of which has been cancelled, may, at the discretion of the Minister, be held for homestead entry by another person, on such terms and conditions as the Minister of the Interior may prescribe, or for sale of the land with the improvements if any, or of the improvements alone in connection with homestead entry thereof, to another person.

22. Any assignment or transfer of homestead right or any part thereof and any agreement to assign or transfer any homestead right or any part thereof after patent shall have been obtained, made or entered into before the issue of the patent, shall be null and void ; and the person so assigning or transferring or making an agreement to assign or transfer shall forfeit his homestead right and shall not be permitted to make another homestead entry : Provided, that a person whose homestead may have been recommended for patent by the local agent or senior clerk and who has received from such agent or clerk a certificate to that effect in the Form K, in the schedule to these regulations, countersigned by the Commissioner of Crown Lands, or in his absence any member of the Dominion Lands Board may legally dispose of and convey, assign or transfer his right and title therein.

Interior.

Fruit Culture.

23. Any person eligible under these regulations to obtain a homestead entry may, for fruit-growing purposes, upon payment of a fee of ten dollars, and upon making application therefor to the local agent in the Form L, in the schedule hereto, obtain entry for any area not in excess of one quarter-section of Dominion Lands of the class open for homestead entry under these regulations, upon the following terms and conditions:—

(a.) For each legal sub-division included in the land entered, the applicant shall, during the first year alter the date of entry, clear at least four acres and plant the same in fruit trees, bushes, plants or vines, to the number prescribed in these regulations;

(b.) During the second year he shall clear and plant three acres additional; and any trees, plants or vines planted the preceding year which may have died shall be replaced;

(c.) During the third year he shall clear three acres additional, planting the same as in the first and second years, and replacing any trees, shrubs, plants or vines planted during the first and second years which may have died:

(d.) At the end of the third year he shall have ten acres cleared and planted with fruit trees, bushes or vines;

(e.) Provided that the clearing and planting herein provided for may be made upon any portion of the land entered for:

(f.) The fruit trees, bushes or vines to be planted by the applicant as herein provided, shall be in the proportion set forth in the following table, according to the variety or varieties planted:—

Kind.	Distance apart.	No. per Acre.
Apple trees, standards.....	33 feet.	40
Pear " "	20 "	110
Peach " "	15 "	200
Plum " "	15 "	200
Cherry " "	20 "	110
Currant bushes.....	4 " x 6 feet,	1,815
Gooseberry bushes.....	4 " x 6 "	1,815
Grapes.....	10 " x 12 "	364
Raspberries.....	3 " x 6 "	2,425
Strawberries.....	1 " x 4 "	10,900

(g.) At the expiration of five years from the date of his entry, the applicant, or in case of his death his legal representative, upon proving to the satisfaction of the local agent, or in his absence the senior clerk performing his duties, that there are then growing upon the land and in healthy condition, the number of trees, bushes, plants or vines, as the case may be, prescribed by these regulations, shall be entitled to a patent for the land upon payment therefor at the rate of one dollar per acre, provided such proof is accepted by the Commissioner of Dominion Lands, or in his absence by a member of the Land Board; but such patent shall not issue to any person who is not a subject of Her Majesty by birth or naturalization;

Interior.

(h.) If any person having an entry for land for purposes of fruit culture fails to comply with any of the conditions in respect thereof prescribed by these regulations, his entry therefor shall be forfeited and cancelled, and he shall have no claim to the land whatever, except in special cases, in the discretion of the Minister of the Interior.

Grazing Lands.

24. The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons, for such term of years and at such rent in each case, as may be deemed expedient; and every such lease shall contain a condition by which the Governor in Council may authorize the Minister of the Interior, at any time during the term of the lease, to give the lessee notice of cancellation thereof; and at the end of the two years from the service of such notice such lease shall cease and determine.

Mining and Mining Lands.

25. Lands containing coal or other minerals, whether in surveyed or unsurveyed territory, may be disposed of in such manner and on such terms and conditions as may, from time to time, be fixed by the Governor in Council by regulations to be made in that behalf.

26. It is hereby declared that no grant from the Crown of lands in freehold, or for any less estate, has operated or will operate as a conveyance of the minerals therein, unless the same are expressly conveyed in such grant.

Ditches.

27. The provisions of the mining regulations having reference to the diversion and use of the water from any stream or lake, and the rights of way necessary for the construction of flumes and ditches to convey such water, shall apply to the diversion and use of the water from any stream or lake, and the rights of way necessary to the conveyance thereof in respect of the irrigation of agricultural lands.

Timber Licenses.

28. The provisions of the Act of the Legislature of British Columbia, 47 Vic., Chap. 32, intituled "An Act relating to the cutting of timber upon Provincial lands and for the purpose of deriving a revenue therefrom," shall govern the mode of disposal of, and the rents, royalties, dues and charges upon the timber lands in the railway belt in British Columbia lying south of 49° 34' north latitude and west of 121° of longitude west of Greenwich, but the said Act of the Legislature of British Columbia, in so far as it applies to the lands in the railway belt lying south of 49° 34' north latitude and west of the 121° of longitude west of Greenwich, shall be administered by the Minister of the Interior of Canada, and the rents, royalties, dues and other charges to be made and collected upon

Interior.

or in respect of the said timber lands shall be paid to the credit of the Receiver-General of Canada; and the enactments and provisions in the twenty-six next following clauses shall be limited in their effect to the Dominion lands in the railway belt in British Columbia, lying north and east of the tract hereinbefore described, as far as the height of land forming the water-shed between the basin of the Shuswap Lake and the Thompson River on the west, and the basin of the Columbia River on the east; and in regard to the timbered lands within the railway belt in British Columbia lying east of the said height of land, the provisions of the Dominion Lands Act, 1883, and the regulations thereunder made from time to time by the Governor in Council, shall apply:

(a.) The word "timber" shall mean all wood and the products thereof.

29. It shall be unlawful for any person, without a license in that behalf, to be granted as hereinafter mentioned, to cut, fell or carry away any trees or timber upon or from any Dominion lands.

30. Every person who shall violate the provisions of the preceding section shall, for the first offence, be liable to a penalty of two hundred and fifty dollars, and in default of immediate payment to imprisonment for three calendar months, and, for a second conviction, to both a fine of two hundred and fifty dollars and imprisonment for three calendar months.

31. Any person desirous of cutting or felling and carrying away trees or timber from Dominion lands may obtain a license to that effect upon proving to the satisfaction of the Minister of the Interior that he has complied with the following provisions, such proof to be made by affidavit in the Form P in the schedule hereto:

(a.) He shall apply in writing to the Minister of the Interior for a license, and shall also, if the land intended to be covered by such license be not included in any surveyed township, stake out the land sought for, by placing at each angle or corner of the land a stake or post at least four inches square and standing not less than four feet above the surface of the ground; and upon each post he shall inscribe his name, and the angle represented thereby, thus:—"A. B.'s. N. E. corner" (meaning north-east corner), or as the case may be: except such posts are so planted before the notice referred to in the next succeeding section is given, all the proceedings taken by the applicant shall be void; and with his application he shall forward to the Minister of the Interior a map or sketch of the land so staked out, specifying metes and bounds and showing thereon the best information in his power respecting the same, but if the land has already been included in any general survey, then the official number of the section or sections or part thereof applied for shall be given:

(b.) He shall, after making the application for the license, publish, for a period of thirty days, in the *British Columbia Gazette*, and in any newspaper circulating in the district in which the lands lie, notice of his application for a timber license, and shall in such notice give the best description of the land applied for, specifying metes and bounds, and such further particulars, if any, as may be required by the Minister of the Interior.

32. In the event of any adverse claim being filed with the Minister of the Interior, he may hear and decide upon the same.

Interior.

33. Timber licenses shall be granted for such area and such length of time as may, from time to time, be determined by the Governor in Council; the licensee shall pay to the Minister of the Interior, for the use of Her Majesty, annually, during the currency of the license, the sum of fifty dollars therefor, the first payment to be made upon the granting of the license, and subsequent payments thereafter annually on a day to be named in the license, and in default of payment of any such sum within thirty days after the same should have been paid, the license shall be void.

34. No timber license shall be granted in respect of lands forming the site of any Indian settlement or reserve, and the Minister of the Interior may refuse to grant a license in respect of any particular land, if, in his opinion, it is deemed expedient in the public interest so to do.

35. The license may be in the Form Q, in the schedule to these regulations.

36. Every licensee shall keep an account in writing, of the number of trees felled by him upon the land embraced within his license, and the measurement thereof; and shall, at the expiration of every month, during the currency of his license, make and furnish to the Minister of the Interior a statement in writing, verified by affidavit, showing the number of trees so felled and the measurement thereof, and shall then forthwith pay to the Crown timber agent, for the use of Her Majesty, in respect of each tree felled, the sum of thirty cents, and also the sum of seventy-five cents for each and every one thousand feet of board measure contained in the logs made from such trees, and until the same shall be paid the logs shall not be removed from the land where they were cut, and a lien for such timber dues shall attach to the logs until the dues are paid, and as soon as the logs are scaled and measured, and until payment of the dues, the Crown timber agent may take and hold possession of the logs

37. In reckoning the number of trees felled, there shall not be included small timber used for skids, levers, rafting stuff, or the like, and no dues shall be payable in respect of such small timber.

38. The scale and rule by which the measurement of logs shall be determined is the rule laid down and prescribed in Scribner's Lumber and Log Book, as copyrighted, in 1882, by George W. Fisher, of Rochester, New York.

39. In scaling or measuring logs a deduction shall be made, in the case of hollow logs, equal to one-half of the diameter of the hollow portion of such logs; and of all logs over eighteen feet in length, the mean diameter shall be taken.

40. If the licensee shall fail to keep correct books of account of his business, or to submit the same for the inspection of any authorized agent of the Minister of the Interior whenever required, or to render to the Minister of the Interior the statement in writing aforesaid, or shall wilfully make a false statement, he shall be liable to a penalty of two hundred and fifty dollars, to be recovered as hereinbefore provided, and in default of payment, imprisonment not exceeding sixty days; and in case of conviction the license held by him may be cancelled by the Minister of the Interior.

Interior.

Liability of persons cutting timber without authority.

41. If any person without authority cuts or employs or induces any other person to cut, or assist in cutting, any timber of any kind on Dominion lands, or removes or carries away, or employs, or induces, or assists any other person to remove or carry away any timber of any kind so cut, he shall not acquire any right to such timber, or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown timber officers, or it is otherwise found impossible to seize it, he shall, in addition to the loss of his labor and disbursements, pay a fine not exceeding three dollars for each log which he is proved to have cut or carried away, or assisted to cut or carry away; and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty; and in all cases the burden of proof of authority to cut and take the timber shall lie on the party charged; and the averment of the party seizing or prosecuting, that he is duly employed under the authority of these regulations, shall be sufficient proof thereof, unless the defendant proves the contrary.

42. Whenever satisfactory information, supported by affidavit made before a justice of the peace, or before any other competent officer or person, is received by any Crown timber officer or agent, that any timber has been cut without authority on Dominion lands, or if any Crown timber officer or agent, from other sources of information, or his own knowledge, is aware that any timber has been cut without authority on any such lands, he may seize or cause to be seized, in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until a decision can be had in the matter by competent authority:

(2.) And where the timber reported, or known to have been cut without authority, has been made up with other timber into a crib, dam or raft, or in any other manner, has, at any mill or elsewhere, been so mixed up with other timber as to render it impossible or very difficult to distinguish the timber so cut without authority from the other timber, the whole shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until the holder shall have separated, to the satisfaction of the Crown timber agent, the one timber from the other.

43. Whenever any Crown timber agent, or other officer or agent of the Minister of the Interior, is in doubt as to whether any timber has or has not been cut without authority, or is or is not liable to Crown dues on the whole or any part thereof, he may enquire of the person or persons in possession or in charge of such timber, as to when and where the same was cut; and if no satisfactory explanation, on oath or otherwise as he may require, be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Minister of the Interior, or of such Crown timber agent or officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof be not made within thirty days after such

Interior.

seizure such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid, according to the circumstances of the case; and the dues thereon may be recovered as provided in the seventy-fourth clause of the Dominion Lands Act.

44. In case any timber, or any product thereof, is seized under the provisions of these regulations by any Crown timber agent or officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise, to his satisfaction, for the full value thereof, or, in his discretion, for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon, as the case may be.

45. All timber seized under these regulations on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the owner thereof, or the person for whom it was seized, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown timber agent or officer under whose authority the seizure was made, that he intends to contest the seizure. If, within fifteen days thereafter, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure, or if the decision of the court be against him, or should the claimant fail duly to prosecute such proceedings, in the opinion of the judge before whom such case may be tried (and who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted—anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and sold for the benefit of the Crown, by order of the Minister of the Interior, after notice on the spot of at least thirty days: Provided, nevertheless, that the Minister of the Interior, should he see cause for doing so, may, instead of confiscating timber cut without authority on Dominion lands, impose a fine or penalty, which, in addition to all costs incurred, shall be levied on such timber; and, in default of payment of the whole on demand, he may, after a notice of fifteen days, sell such timber by public auction, and may, at his discretion, retain the whole proceeds of such sale, or the amount of penalty and costs only.

46. And whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is instituted for any penalty or forfeiture under these regulations, and any question arises whether the said dues have been paid on such timber, or whether said timber was cut on other than any of the Dominion lands aforesaid, the burden of proving payment, or of proving on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same, or the party instituting such prosecution.

47. An officer or person seizing timber in the discharge of his duty under these regulations, may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized; and if any person under any pretence, either by assault, force or violence, or by threat of such force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under these regulations, such person shall be guilty of felony, and, being convicted thereof, shall be punishable accordingly.

Interior.

48. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken or carried away without permission of the officer or person who seized the same, or of some competent authority, any timber seized and detained for any lawful cause under these regulations, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, the property of the Crown, and to be guilty of felony, and, being convicted thereof, shall be punishable accordingly.

49. The Minister of the Interior may, from time to time, define timber districts, and may appoint a Crown timber agent for each district.

50. The Minister of the Interior may, in his discretion, cancel any timber licenses granted under the provisions of these regulations, if the licensee shall not, within the time prescribed by his license, continuously proceed to cut and manufacture the timber contained within the limits of his license.

Slides, &c.

51. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, water-way, pier or boom, or other work previously constructed on such land, or any stream passing through or along it, for the purpose of facilitating the descent of timber or saw logs, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant that such slide, dam, water-way, pier or boom, or other work, is intended to be thereby sold or granted :

(2.) The free use of any slide, dam, water-way, pier, boom or other work on streams, to facilitate the descent of lumber and saw logs, and the right of access thereto for the purpose of using the same and keeping the same in repair, shall not in any way be interrupted or obstructed by or in virtue of any sale or grant of Dominion lands made subsequent to the construction of any such work.

52. The free use for the floating of saw logs or other timber, of any stream or lake that may be necessary for the descent thereof from Dominion lands, and the right of access to such stream or lake, and of passing and re-passing on or along the land on either side, and wherever necessary for such use thereof, and over any existing or necessary portage road past any rapid or fall, or connecting such stream or lake, and over such road as, owing to natural obstacles, may be necessary for taking out timber from Dominion lands, and the right of constructing any slide or water-way where necessary, shall continue uninterrupted, and shall not be affected or obstructed by or in virtue of any sale or grant of such lands.

Assignments.

53. The Minister of the Interior shall cause to be kept in his Department, books for registering, at the option of the parties interested, assignments of any right to Dominion lands which is assignable under these regulations, upon proof to his satisfaction that such assignment is in conformity with these regulations ; and every assignment so registered shall

Interior.

be valid against any other assignment unregistered or subsequently registered; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed or dispensed with by the Minister of the Interior before the assignment is registered.

Township Plans and Patent Lists.

54. The Minister of the Interior shall transmit to the Registrar General of British Columbia, or his proper deputy or deputies, as early as possible in each year, a certified copy of the map of each township in such district or division, surveyed in the year next preceding, together with a certified list of the lands in such district or division patented during such year

General Provisions.

55. The following powers are hereby delegated to the Governor in Council, to be exercised, from time to time, by special Orders in Council, upon the recommendation of the Minister of the Interior:—

(a.) To withdraw from the operation of these regulations, subject to existing rights as defined or created under the same, such lands as have been or may be reserved for Indians;

(b.) To encourage works undertaken, with a view of draining and reclaiming swamp lands, by granting to the promoters of such works remuneration in the way of grants of the lands so reclaimed, or of such portions thereof, or any other land, as may be deemed fair and reasonable;

(c.) To make such orders as may be deemed necessary, from time to time, to carry out the provisions of these regulations, according to their true intent, or to meet any cases which may arise and for which no provision is made in these regulations; and further to make and declare any regulations which may be considered necessary to give the provisions in this clause contained full effect; and from time to time alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead:

(2.) Every order or regulation made by the Governor in Council, in virtue of the provisions of this clause, or of any other clause of these Regulations, shall, unless otherwise specially provided in these regulations, have force and effect only after the same has been published for four successive weeks in the *Canada Gazette* and *British Columbia Gazette*; and all such orders or regulations shall be laid before both Houses of Parliament, within the first fifteen days of the Session next after the date thereof.

56. All affidavits, oaths, solemn declarations affirmations required to be taken or made under these regulations except as otherwise herein provided, may be taken before a registrar of the Supreme Court of British Columbia, or the judge or registrar of any County Court, or any justice of the peace, or any commissioner for taking affidavits, or notary public, or any Dominion lands agent or officer, or any person specially authorized to take such affidavits by these regulations or by the Minister of the Interior.

57. The Dominion Lands Board, or any member thereof, the Crown timber agent, or any person specially authorized to that effect by the

Interior.

Governor in Council, shall have power to summon before them, or him, any person, by subpoena issued by them or him, to examine such person under oath and to compel the production of papers and writings before them or him—and such subpoena may be in the Form R in the schedule to these regulations—and, if any person duly summoned neglects or refuses to appear at the time and place specified in the subpoena upon him legally served, or refuses to give evidence or to produce the papers or writings demanded of him, may, by warrant under their or his hands or hand, cause such person so neglecting or refusing, to be taken into custody and to be imprisoned in the nearest common gaol, as for contempt of court, for a period not exceeding fourteen days.

58. In any case where an affidavit or oath is required by these regulations, a solemn affirmation may be administered to, and made, instead of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath.

59. Every receipt or certificate of entry or sale issued by an agent of Dominion lands shall, unless such entry or sale shall have been revoked or cancelled by the Minister of the Interior, entitle the person to whom the same was granted to maintain suits at law or in equity against any wrongdoer or trespasser on the lands to which such receipt or certificate relates, as effectually as he could do under a patent of such land from the Crown.

SURVEYS AND SURVEYORS.

Who shall be competent to survey Dominion Lands.

60. Clauses ninety-nine to one hundred and thirty-nine inclusive of the Act 49 Victoria, Chapter 54, Consolidated Statutes of Canada, are hereby extended to the public lands of Canada in the Province of British Columbia.

Tariff of Fees.

61. The Governor in Council may establish a tariff of fees to be charged by the Minister of the Interior for all copies of maps, township plans, field notes and other records, and also for registering assignments; and all fees received under such tariff shall form part of revenue from Dominion lands.

SCHEDULE.

FORM A.

Application for a Homestead Entry.

I, _____, of _____, do hereby apply for a homestead entry, under the provisions of the "Regulations for the disposal of Dominion lands within the railway belt in the Province of British Columbia approved by Order in Council of the _____, 188 _____," for the quarter-section of section number _____ of the _____ township, in the _____ range of the _____ meridian.

Interior.

FORM B.

Affidavit in support of a claim for homestead entry by a person who has *bonâ fide* settled and made improvements upon land in advance of survey.

I, A. B., do solemnly swear (*or affirm, as the case may be*) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water-power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that I became resident upon and began to cultivate the said land on the day of _____, 18____, before the same was surveyed; that I have resided upon and cultivated the said land continuously ever since; that there is no other person residing or having improvements upon it, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use and benefit of any other person or persons whomsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands, nor do I own more than one hundred and sixty acres of land within the tract known as the railway belt in British Columbia.

Subscribed and sworn to, this _____ day of _____ } (*Signature*)
18____, before me.

Local Agent.

FORM C.

Affidavit in support of a claim for homestead entry by a person who has not previously obtained homestead entry.

I, A. B., do solemnly swear (*or affirm, as the case may be*) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is surveyed agricultural land; it is not chiefly valuable for its timber or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other

Interior.

person or persons whomsoever, and that I have not heretofore obtained a homestead on Dominion lands, nor do I own any lands within the tract known as the Railway belt in British Columbia.

Subscribed and sworn to, this _____ day of _____ } (Signature)
 18 _____, before me.

Local Agent.

FORM D.

Affidavit in support of a claim for homestead entry by a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (*or affirm as the case may be*) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon; that I obtained homestead entry on the _____ day of _____ 18 _____, for the _____ quarter-section of section _____ township _____, range _____, of the _____ meridian, but forfeited the same; that by order of the Minister of the Interior, which I now produce, I have been permitted to make application for and to receive another homestead entry; that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the land applied for, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever, and I neither own nor have I a homestead entry for any other land within the tract known as the railway belt in British Columbia.

Subscribed and sworn to, this _____ day of _____ } (Signature)
 18 _____, before me.

Local Agent.

FORM E.

Application for a homestead entry by an agent.

I, A. B., do hereby apply on behalf of _____ of _____, for homestead entry under the provisions of the "Regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia as approved by Order in Council, dated _____" for the _____ quarter-section of section _____ number _____ of the _____ township, in the _____ range _____ of the _____ meridian.

Interior.

FORM F.

Affidavit by an agent in support of a claim for homestead entry on behalf of a person who has *bonâ fide* settled and made improvements upon land in advance of survey

I, A.B., do solemnly swear (*or affirm, as the case may be*) that for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that the said

became resident upon and began to cultivate the said land on the _____ day of _____ 18____, before the same was surveyed; that he has resided upon and cultivated the said land in conformity with the requirements of the homestead provisions of the Dominion lands regulations in British Columbia ever since; that there is no other person residing on, or claiming, or having improvements upon it, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained an entry for a homestead on Dominion lands, nor does he own any land within the tract known as the railway belt in British Columbia.

Subscribed and sworn, this _____ day of _____ { (*Signature*)
18____, before me.

Local Agent.

FORM G.

Affidavit by an agent in support of a claim for homestead entry on behalf of a person who has not previously obtained homestead entry.

I, A.B., do solemnly swear (*or affirm, as the case may be*) that _____, of _____, for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing upon the said land, nor are there any improvements thereon, and that this application is made for the exclusive use and benefit

Interior.

of the said _____, with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained an entry for a homestead on Dominion lands, nor does he own any lands within the tract known as the railway belt in British Columbia.

Subscribed and sworn to, this _____ day of } (Signature)
 18 -, before me.

Local Agent.

FORM H.

Affidavit by an agent in support of a claim for homestead entry on behalf of a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm as the case may be) that for whom I am acting herein as agent, is over eighteen years of age; and to the best of my knowledge and belief the land in respect of which application is made is surveyed agricultural land; it is not chiefly valuable for its timber, or for hay land, nor is there upon it any stone or marble quarry, or coal or other mineral having commercial value; there is not upon it any water power which may serve to drive machinery, nor is it specially valuable by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station; that there is no person residing on the said land, nor are there any improvements thereon; that he obtained homestead entry on the _____ day of _____, 18 __, for the _____ quarter-section of section _____ township _____ range _____ of the _____ meridian, but forfeited the same; that by an order of the Minister of the Interior, which I now produce, he has been permitted to make application for and receive another homestead entry, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the land applied for, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he neither owns nor has he a homestead entry for any other land within the tract known as the railway belt in British Columbia.

Subscribed and sworn to, this _____ day of } (Signature.)
 18 __, before me.

Local Agent.

FORM J.

Receipt and certificate of entry.

I certify that I have received from _____ the sum of ten dollars, being the office fee for homestead entry for (*describe the land*), and that the

Interior.

said _____ is, in consequence of such entry and payment, vested with the rights conferred in such cases by the provisions of the "Regulations for the disposal of Dominion lands within the Railway Belt in the Province of British Columbia as approved by Order in Council, dated _____," respecting homestead rights

Local Agent.

(Place—Date).

FORM K.

Certificate of recommendation for patent.

I certify that _____ who is the holder of a homestead entry for (*describe the land*) has complied with the provisions of the law required to be conformed to, in order to entitle him to receive a patent for such land, and that I have recommended the issue of such patent.

Local Agent.

(Place—Date).

Countersigned :

Commissioner of Dominion Lands.

FORM L.

Application for fruit culture entry.

, 188 .

I, A. B., do hereby apply for entry under the "Regulations for the disposal of Dominion Lands for fruit culture within the Railway Belt in the Province of British Columbia, as approved by Order in Council of the day of _____, 188," for _____ L.S., _____, of section number _____, of the _____ township in the _____ range west of the _____ meridian.

And I, A. B., do solemnly swear (*or affirm, as the case may be*) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which this application is made is of the class open for homestead entry; that there is no person residing upon the said land, nor are there any improvements thereon; and that I have not heretofore obtained a fruit culture or other entry for Dominion Lands.

Sworn before me, this _____ day }
of _____ A D. 18 _____, } (Signature)
at _____

Local Agent.

FORM M.

Notice of application for right to divert water.

Notice is hereby given in pursuance of the provisions of the regulations for the disposal of Dominion lands within the railway belt in the Province

Interior.

of British Columbia, that I, _____ of _____ at the expiration of 20 days from the date hereof intend to apply to the local agent of Dominion lands at _____, in the Province of British Columbia, for authority to take, carry away and divert to my (farm or mining claim) from its natural channel _____ inches of the unentered and unappropriated water of the (stream or lake) known as _____ for _____ purposes during the term of _____ years from the date of record with the object of (irrigating or sluicing) my said (farm or mining claim); such diversion will be made at a point situated on the (north, east, south, or west, end or side) of the said (stream or lake) marked on the ground by a conspicuous post, and it is intended that such water shall be carried in and through a (ditch or flume or both) in a _____ direction over the lands of _____, as indicated by like posts planted, where practicable, every quarter of a mile along the proposed line of the (ditch or flume or both).

(Signature)

Dated this _____ day of _____, 18 _____, at _____

FORM N.

Affidavit in support of application for right to divert water.

Province of British Columbia, }
 To Wit : }

I, _____ of _____, make oath and say:—

1st. That the document hereunto annexed and marked with the letter "A" is a true copy of a notice given by me, _____, in pursuance of the provisions of the regulations for the disposal of the Dominion lands within the railway belt in the Province of British Columbia, and posted up by me on the date thereof at the point of diversion therein named.

2nd. That on the _____ day of _____, A.D. 18 _____, I also posted up a like copy of such notice in a conspicuous place on the lands of each of the following persons, viz.:

3rd. That the lands of the said several persons named in the last above paragraph, and of no others, will be affected by the proposed diversion in the said notice mentioned.

4th. That I am lawfully entitled to hold land under the said regulations, and I am lawfully occupying (and *bonâ fide* cultivating or working, as the case may be), the (land or mineral claim) to which the said water is intended to be diverted.

5th. That I have planted posts in accordance with the terms of, and along the proposed line of _____, as indicated in the said notice, and I believe that I have performed all conditions precedent necessary to entitle me to a record of the water privilege in the said notice mentioned or referred to.

Sworn before me, this _____ day }
 of _____ A.D. 18 _____, at _____ } (Signature)
 in the said Province. }

Local Agent.

Interior.

FORM O.

Grant of the right to divert water.

To all whom it may concern—GREETING :

Know ye, that _____, of _____, having complied with the provisions of clauses 28 and 29 of the regulations for the disposal of Dominion lands within the railway belt in the Province of British Columbia, as appears by affidavit of himself with notice annexed filed with the undersigned on the _____ day of _____ 18 _____, is hereby authorized to divert for his own use for a period of _____ years from the date hereof, _____ inches of unrecorded and unappropriated water of _____, or so much of that quantity as may be lawfully diverted and used by him under and in accordance with the provisions of the said regulations, and the said _____ is entitled to all the rights conferred by the said regulations upon the recorded owner of a water privilege.

Given the _____ day of _____ 18 _____, at _____ in the Province of British Columbia.

Local Agent.

FORM P.

Affidavit in support of an application for a license to cut timber upon Dominion lands.

Province of British Columbia, }
To Wit :

I, _____, of _____, make oath and say :—

1. That I have applied to the Minister of the Interior in writing for a license to cut timber on Dominion lands.

2. (*If the land applied for be surveyed land*). That the land covered by my application is the (*here describe land by section and part of section, township and range*).

2. (*If the land applied for be unsurveyed land*). That I have staked out, or caused to be staked out, the land sought for by placing at each angle or corner of the lands a stake or post not less than four inches square, and standing not less than four feet above the surface of the ground ; and upon each post I have inscribed or caused to be inscribed my name and the angle represented thereby ; that I have forwarded to the Minister of the Interior a map or sketch of the land so staked out, specifying metes and bounds, and showing thereon the best information in my power respecting the same.

3. That I have, after making application as aforesaid, published, for a period of thirty days, in the *British Columbia Gazette*, and also in the (*here insert name of newspaper*), a newspaper circulating in the district in

Interior.

which the lands applied for lie, a notice of my application for a timber license, giving the best possible description of the lands applied for.

Sworn before me this day }
of A.D. 18 , at , } (Signature).
in the said Province.

Local Agent.

FORM Q.

Timber license.

No.

Term years.

This is to certify that of in the Province of British Columbia, is hereby, from this date, licensed for the term of years next ensuing, to enter upon, cut, fell and remove (except as thereafter is reserved) timber from all that tract of Dominion lands situate in the district of and more particularly described as (*insert description of land*), and containing acres, more or less, with right of ingress, egress and regress for agents, servants and workmen for such purposes over any adjacent, vacant and unoccupied Dominion lands.

Subject nevertheless, to the payment of the annual sum of dollars on the day of in each year of the said term, and to the payment of all other sums, fees and timber dues prescribed by the "Regulations for the disposal of Dominion lands within the railway belt in the Province of British Columbia as approved by Order in Council, dated " and also subject to all other provisions of the said Act with respect to timber.

Provided always, that any and all exceptionally large trees that may be standing or growing on the said tract of land are hereby expressly reserved to the use of Her Majesty for all time, and the said hereby expressly forbidden to cut or fell any of such trees.

Dated at

Deputy Minister of the Interior.

FORM R.

Subpœna.

To

GREETING :

You are hereby commanded that all things set aside and ceasing every excuse, you be and appear in your proper person before me the undersigned, at on the day of 18 , by o'clock in the noon, and so on from day to day, to be then and

Interior.

there examined upon oath touching your knowledge of _____ And you are to bring with you and produce all papers and writings in your custody, power or control, in any wise relating to the said matters; and take notice that if you neglect or refuse to appear at the time or place aforesaid you will be liable to be taken into custody and to be imprisoned in the nearest common gaol, as for contempt of court, for a period not exceeding fourteen days.

Given under my hand and seal, this _____ day of _____ 18 ,
at _____

(*Signature of Officer*)

Vide Canada Gazette, Vol. XXI, p. 687.

By Order in Council bearing date, Saturday, 17th day of September, 1887, under the authority of the 90th section of "The Dominion Lands Act," Chapter 54 of the Revised Statutes of Canada, the Order in Council of the 18th July, 1887, respecting the reservation for the use for the North-West Mounted Police of land in the Rocky Mountains Park of Canada was cancelled, and the land situate in the Rocky Mountains Park of Canada, containing about 1,106 acres, was reserved for the use of the North-West Mounted Police.

Vide Canada Gazette, Vol. XXI, p. 697.

By Order in Council bearing date Wednesday, 5th day of October, 1887, under the provisions of the 47th section of Chapter 54 of the Revised Statutes of Canada, intituled "An Act respecting Public Lands," the regulations governing the disposal of mineral lands approved by the Order in Council of the 7th March, 1884, were cancelled, and the accompanying amended regulations governing the disposal of mineral lands other than coal lands in Manitoba and the North-West Territories, and of such mineral lands in British Columbia as are the property of the Government of Canada, were approved and adopted in lieu thereof.

SUMMARY OF PROPOSED CHANGES IN THE MINING REGULATIONS.

[Generally it may be said that the few changes proposed in the mining regulations have for their object the assimilation of the system of administering mining lands within the railway belt in British Columbia with the mining laws of that Province, adhering, however, to the principle that the purchaser of mining lands shall acquire the right to such mines, minerals, and substances as may be found within the boundaries of his claim produced vertically, but not the right to follow the lead or vein of gold or silver bearing quartz which originates in his own claim outside of those vertical lines, as is the case under the ledge or Californian system which prevails in the Province.

The principal changes may be briefly stated as :

The area of a mining location is reduced from 40 to a little over 20 acres.

Interior.

Under the present regulations a mining claim has to be rectangular in form and laid out on due north and south and east and west lines. It is proposed to make the form of the claim a parallelogram, with a length not exceeding 1,500 feet and a breadth not exceeding 500 feet, and to forego the requirement as to its being laid out on due north and south and east and west lines.

The present regulations require \$500 to be expended on a claim within one year of the date of entry and before patent shall issue, with the privilege of another year in certain cases within which to make such expenditure. The proposed regulations call for \$100 expenditure in each of five years, thus giving the locatee five years within which to make the \$500 worth of improvements; but if he wishes to obtain patent sooner, he can do so by making the necessary expenditure at any time before applying for patent.

A new feature of the proposed regulations is that provision is made to a limited extent for the formation of mining partnerships of not exceeding four persons, whose claims must be adjacent to each other, and the entries for which must have been made within three months of each other. In such cases the four partners will be permitted for the first two years to concentrate their annual expenditure on any one of the four claims. Such expenditure, however, does not count as expenditure on any but the claim on which it is made; in other words, it gives the partners two years extension of time within which to make the expenditure upon each of the claims required under the regulations to be made by individual claim holders within five years.

The sub-clauses of clause 8 provide that within surveyed territory the mining locations shall be adapted to the system of surveys—a new feature.

Clause 13 of the proposed regulations will enable the Minister, if he deem it expedient, to grant petroleum claims of an area of 160 acres each, under the same conditions as the present regulations provide for claims for iron mining lands.

Clause 18 is so amended that creek or river placer claims shall not exceed ten acres in area when the distance from base to base of the hill or bench exceeds ten chains.

Under the head of ditches, the present regulations provide for the granting of water required for works in connection with mining. Subject to the same conditions, the proposed regulations permit of the acquisition of the same right in connection with stamping mills, reduction works, &c.

It is proposed to repeal clause 81 of the present regulations with reference to royalty. The attempt to collect royalties upon gold and silver has proved abortive in British Columbia, as has every form of collecting the same impost in Australia. No charge of the kind being imposed outside the railway belt in British Columbia or in the neighboring States of the American Union, it would be impossible to enforce it in our territory. A revenue of equal value, but much more easily collectable, and less offensive, because no inquisitorial proceedings are necessary for its collection, can be obtained from the fees required to be paid annually until the issue of patent; and the territorial revenue in the North-West might be largely

Interior.

augmented, as in British Columbia, by requiring miners and prospectors to take out licenses

By the proposed regulations lots containing stone quarries can be taken up, but the products are either subject to royalty, or the lots may be sold absolutely at such price as the Minister may determine.

A new provision is that which permits the owner of a mine, who finds in the course of development that his lode or vein will pass beyond the vertical lines of his claim before he has reached the depth beyond which working would cease to be remunerative, and the adjacent land is vacant, to obtain an additional area of 20 acres on the side to which the lode or vein deflects. This privilege only attaches, however to a claim which is in process practically and *bonâ fide* of being worked.]

—

REGULATIONS *Governing the disposal of Mineral Lands other than Coal Lands.*

1. These regulations shall be applicable to all Dominion lands containing gold, silver, cinnibar, lead, tin, copper, petroleum, iron, or other mineral deposit of economic value, with the exception of coal.

2. Any person or persons may explore vacant Dominion lands not appropriated or reserved by Government for other purposes, and may search therein, either by surface or subterranean prospecting, for mineral deposits, with a view to obtaining under these regulations a mining location for the same; but no mining location or mining claim shall be granted until actual discovery has been made of the vein, lode, or deposit of mineral or metal within the limits of the location or claim.

I.—QUARTZ MINING.

3. A location for mining, except for iron or petroleum, on veins, lodes, or ledges of quartz or other rock in place, shall not exceed the following dimensions: Its length shall not be more than 1,500 feet, its breadth not more than 500 feet; its surface boundaries shall be four straight lines, and the side lines and end lines shall be parallel lines, except where prior locations may prevent, in which case it may be of such shape as may be approved by the Superintendent of Mines. Its length shall not be more than three times its breadth. Its boundaries beneath the surface shall be the vertical planes in which its surface boundaries lie.

4. Any person having discovered a mineral deposit may obtain a mining location therefor, under these regulations, in the following manner:—

(a.) He shall mark the location on the ground by placing at each of its four corners a wooden post, not less than four inches square, driven not less than eighteen inches into the ground, and showing that length above it. If the ground be too rocky to admit of so driving such posts, he shall build about each of them, to support it and keep it in place, a cairn or mound of stones, at least three feet in diameter at the base, and eighteen inches high. If the location be timbered, a line shall be run and well blazed joining the said posts. If it be not so timbered, and the ground is of such a nature that any one post cannot be seen from the ends of either of

Interior.

the lines, which form the angle at which the said post is placed, posts flattened on two sides (such flattened portions facing the directions of the line) shall be planted or mounded along the side lines wherever necessary, so that no difficulty may be experienced by a subsequent prospector or explorer in discovering or following the boundaries of any location. If the location be laid out with its boundaries due north and south and east and west, then he shall mark on the post designating the north-east angle of the location, legibly, with a cutting instrument, or with colored chalk, his name in full, the date of such marking, and the letters M. L. No. 1, to indicate that the post is Mining location post No. 1. Proceeding next to the south-easterly angle of the location he shall mark the post planted there with the letters M. L. No. 2, and his initials; next to the south-westerly angle of the location, the post planted at which he shall mark with the letters M. L. No. 3, and his initials; and lastly to the north-westerly angle of the location, the post planted at which he shall mark with the letters M. L. No. 4, and his initials. If the location be laid out by other than due north and south and east and west lines, the first mentioned post shall be the one at the northerly angle; the second the one at the easterly angle; the third the one at the southerly angle; and the fourth the one at the westerly angle. Furthermore, on the face of each post, which face shall in the planting thereof be turned towards the post which next follows it in the order in which they are here named and numbered, there shall be marked in figures the number of yards distant to the next following post. If means of measurement are not available, the distance to be so marked on each of the posts may be that estimated. If the corner of a location falls in a ravine, bed of a stream, or any other situation where the character of the locality may render the planting of a post impossible, the said corner may be indicated by the erection at the nearest suitable point of a witness post, which in that case shall contain the same marks as those prescribed in this clause in regard to corner posts, together with the letters W. P., and an indication of the bearing and distance of the site of the true corner from such witness post.

(In this manner any subsequent prospector, informed of these regulations, will, on finding any one of the posts or mounds, be enabled to follow them all round, from one to another, and avoid encroachment, either in search of or in marking out another location in the vicinity for himself;)

(b.) Having so marked out on the ground the location he desires, the claimant shall, within sixty days thereafter, file with the agent in the Dominion lands office for the district in which the location is situated, a declaration under oath, according to Form A in the schedule to these regulations (which may be sworn to before the said agent, or may have been previously sworn to before a justice of the peace or commissioner), setting forth the circumstances of his discovery, and describing as nearly as may be, the locality and dimensions of the location marked out by him as aforesaid; and shall, along with such declaration, pay to the said agent an entry fee of five dollars.

(c.) The agent upon such payment being made shall grant a receipt according to the Form B in the schedule to these regulations. This receipt shall authorize the claimant, his legal representatives or assignees,

Interior.

to enter into possession of the location applied for, and subject to its removal from year to year as hereinafter provided, during the term of five years from its date, to take therefrom and dispose of any mineral deposit contained within its boundaries, provided that during each of the said five years after the date of such receipt he or they shall expend in actual mining operations on the claim at least one hundred dollars, and furnish to the agent of Dominion lands within each and every year a full detailed statement of such expenditure, which evidence shall be in the form of an affidavit corroborated by two reliable and disinterested witnesses; and the agent shall thereupon, subject to the payment by the claimant of a fee of five dollars, issue a receipt in the Form C in the schedule thereto, which shall entitle the claimant to hold the location for another year;

(d.) Any party of miners, not exceeding four, whose claims are adjoining, and each of which has been entered within three months of the other, may, for the better development of their locations, and upon being authorized to do so by the agent, make upon any one of such locations, during the first and second years after entry, but not subsequently, the expenditure required by these regulations to be made upon each of the said locations. The authority herein provided for shall be in the Form D in the schedule hereto, and shall be granted by the agent upon application made in writing to that effect by each of the claimants interested, and payment of a fee of five dollars, upon which payment the agent shall also grant a receipt in the Form E in the schedule hereto: Provided, however, that the expenditure made upon any one location shall not be applicable in any manner or for any purpose to any other location.

5. At any time before the expiry of five years from the date of his entry for his mining location, the claimant shall be entitled to purchase the said location upon filing with the agent proof that he has expended not less than five hundred dollars in actual mining operations on the same, and that he has in every other respect complied with the requirements of these regulations.

6. The price to be paid for a mining location shall be at the rate of five dollars per acre, cash.

7. On making the application to purchase a mining location, and paying the price therefor, as hereinbefore provided, the claimant shall also deposit with the agent the sum of fifty dollars, which shall be deemed payment by him to the Government for the survey of his location; and upon the receipt of the plans and field notes, and the approval thereof by the Surveyor General, a patent shall issue to the claimant in the Form F in the schedule hereto. If, on account of its remoteness or other cause, a mining location cannot, at the time of the deposit of fifty dollars by the applicant for the purpose, be surveyed by the Government for that sum, he shall be subject to the alternatives of waiting until the employment of a surveyor by the Government on other work in the vicinity of the claim renders it convenient to have the survey made at a cost not exceeding fifty dollars, or of sooner procuring, at his own cost, its survey by a duly commissioned surveyor of Dominion lands, under instructions from the Surveyor General; in the latter case, on receipt of the plans and field notes of the survey and approval thereof by the Surveyor General, as hereinbe-

Interior.

fore provided, the claimant shall be entitled to receive his patent, and to have returned to him the fifty dollars deposited by him to defray the cost of survey.

8. Should the claimant, or his legal representatives as aforesaid, fail to prove within each year the expenditure prescribed, or, having proved such expenditure, fail within the prescribed time to pay in full, and in cash, to the local agent, the price hereinbefore fixed for such mining location, and also to pay the sum of fifty dollars hereinbefore prescribed for the survey of his location,—then any right on the part of the claimant or of his legal representatives in the location, or claim on his or their part to acquire it, shall lapse, and the location shall thereupon revert to the Crown, and shall be held, along with any immovable improvements thereon, for disposal, under these regulations, to any other person, or as the Minister of the Interior may direct :

(a.) In cases where applications for mining locations are made in respect of lands within surveyed townships, they must conform to the regular system of surveys ; that is, the location shall be either legal subdivisions or regular sub-divisions thereof ; and prior to the application being granted it shall be necessary to stake out the location, at least approximately, on the ground, and it shall be surveyed by a Dominion land surveyor, acting under instructions from the Surveyor General, within one year thereafter :

(b.) If applications for mining locations are made within a township of which at least one boundary has been surveyed, to protect himself the discoverer may stake out his claim in conformity with these regulations ; but, before the issue of the patent, the claim shall, if required by the Minister of the Interior, be described by legal sub-divisions or fractional portions thereof, upon a survey made by a Dominion land surveyor acting under instructions from the Surveyor-General

Locations taken up prior to this date may, until the 1st July, 1888, be re-marked and re-entered in conformity with these regulations without the payment of new fees, in cases where no existing interest would thereby be prejudicially affected.

9. Where two or more persons lay claim to the same mining location, the right to acquire it shall be in him who can prove he was the first to discover the mineral deposit involved and to take possession, by demarcation in the manner prescribed in these regulations, of the location covering it.

10. Priority of discovery alone shall not give the right to acquire ; but a person subsequently and independently discovering, who has complied with the other conditions prescribed in these regulations, shall take precedence of the first discoverer if the latter has failed to comply with the said other conditions : Provided, however, that in any case where it is proved that a claimant has, in bad faith, used the prior discovery of another, and fraudulently affirms that he made independent discovery and demarcation, he shall, apart from any other legal consequences, have no claim, and shall forfeit the deposit made with his application, and shall be absolutely debarred from obtaining another mining location.

Interior.

11. Not more than one mining location shall be granted to any individual claimant upon the same lode or vein.

12. Where land is used or occupied for milling purposes, reduction works or other purposes incidental to mining operations, either by the proprietor of a mining location or other person, such land may be applied for and patented, either in connection with or separate from a mining location, in the manner hereinbefore provided for the application for and the patenting of mining locations, and may be held in addition to any such mining location; but such additional land shall in no case exceed five acres in extent, and shall be paid for at the same rate as a mining location.

13. The Minister of the Interior may grant a location for the mining of iron or petroleum not exceeding 160 acres in area, which shall be bounded by due north and south and east and west lines, and its breadth and length shall be equal: Provided, that should any person making an application purporting to be for the purpose of mining either iron or petroleum thus obtain, whether in good faith or fraudulently, possession of a valuable mineral deposit other than iron or petroleum, his right in such deposit shall be restricted to the area hereinbefore prescribed for other minerals, and the rest of the location shall thereupon revert to the Crown for such disposition as the Minister may direct.

14. When there are two or more applicants for any mining location, no one of whom is the original discoverer or his assignee, the Minister of the Interior, if he sees fit to dispose of the location, shall invite their competitive tenders, or shall put it up to public tender or auction as he may deem expedient.

15. An assignment of the right to purchase a mining location shall be indorsed on the back of the receipt or certificate of assignment (Forms B and G, in the schedule hereto), and the execution thereof shall be attested by two disinterested witnesses; upon the deposit of the receipt or certificate with such assignment executed and attested as herein provided, in the office of the agent, accompanied by a registration fee of two dollars, the agent shall give to the assignee a receipt in the Form G in the schedule hereto, which certificate shall entitle the assignee to all the rights and privileges of the original discoverer in respect of the claim assigned; and the said assignment shall be forwarded to the Minister of the Interior by the agent, at the same time and in like manner as his other returns respecting Dominion lands, and shall be registered in the Department of the Interior; and no assignment of the right to purchase a mining location which is not unconditional and in all respects in accordance with the provisions of this clause, and accompanied by the registration fee herein provided for, shall be recognized by the agent or registered in the Department of the Interior.

16. If application be made under the next preceding clause by the assignee of a right to purchase a mining location, and such claim is duly recognized and registered, as hereinbefore provided, such assignee shall, by complying with these regulations, become entitled to purchase the location for the price and on the terms prescribed thereby.

Interior.

II.—PLACER MINES.

17. The regulations hereinbefore laid down in respect of quartz mining shall be applicable to placer mining so far as they relate to entries, entry fees, assignments, marking of locations, agents' receipts, and generally where they can be applied, save and except as otherwise herein provided.

Nature and size of Claims.

18. The size of claims shall be as follows :—

- (a.) For "bar diggings," a strip of land 100 feet wide at high water mark, and thence extending into the river to its lowest water level ;
- (b.) For "dry diggings," 100 feet square ;
- (c.) "Creek and river claims," shall be 100 feet long, measured in the direction of the general course of the stream, and shall extend in width from base to base of the hill or bench on each side, but when the hills or benches are less than 100 feet apart the claim shall be 100 feet square ; Provided, however, that in any case where the distance from base to base of the hill or bench exceeds ten chains, such claims shall be laid out in areas of ten acres each, the boundaries of such areas to be due north and south and east and west lines, and if within surveyed territory the said area of ten acres shall consist of one-fourth of a legal sub-division, and shall be marked on the ground in the manner prescribed by these regulations for marking quartz mining locations: Provided further, that any such claim intersected by a creek or river, shall, in addition to the stakes at the four corners thereof, have the points at which its boundaries may be intersected by the high water mark of the creek or river on both sides of the creek or river designated by posts of the same size which shall be driven into the ground the same depth and showing the same length above it as the posts prescribed by these regulations in respect of quartz mining locations, and the said posts shall have marked upon them legibly, with a cutting instrument or with colored chalk, the name of the claimant in full and the date of such marking ;

(d.) "Bench claims" shall be 100 feet square.

(e.) Every claim on the face of any hill, and fronting on any natural stream or ravine, shall have a frontage of 100 feet, drawn parallel to the main direction thereof, and shall be laid out, as nearly as possible, in the manner prescribed by section 4 of these regulations ;

(f.) If any person or persons shall discover a new mine, and such discovery shall be established to the satisfaction of the agent, claims of the following size, in dry, bar, bench, creek or hill diggings, shall be allowed :

To one discoverer.....	300 feet in length.		
a party of two.....	600	do	do
do three.....	800	do	do
do four.....	1,000	do	do

and to each member of a party beyond four in number, a claim of the ordinary size only.

A new stratum of auriferous earth or gravel, situated in a locality where the claims are abandoned, shall, for this purpose, be deemed a new

Interior.

mine, although the same locality shall have been previously worked at a different level; and dry diggings discovered in the vicinity of bar diggings shall be deemed a new mine, and *vice versa*.

Rights and Duties of Miners.

19. The forms of application for a grant for placer mining, and the grant of the same, shall be those contained in Forms H and I in the schedule hereto.

20. The entry of every holder of a grant for placer mining must be renewed and his receipt relinquished and replaced every year, the entry fee being paid each time.

21. No miner shall receive a grant of more than one mining claim in the same locality, but the same miner may hold any number of claims by purchase, and any number of miners may unite to work their claims in common upon such terms as they may arrange, provided such agreement be registered with the agent, and a fee of five dollars paid for each registration.

22. Any miner or miners may sell, mortgage, or dispose of his or their claims, provided such disposal be registered with, and a fee of two dollars paid to the agent, who shall thereupon give the assignee a certificate in Form J in the schedule hereto.

23. Every miner shall, during the continuance of his grant, have the exclusive right of entry upon his own claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom; but he shall have no surface rights therein; and the superintendent of mines may grant to the holders of the adjacent claims such right of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as may to him seem reasonable.

24. Every miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall, in the opinion of the superintendent of mines, be necessary for the due working thereof; and shall be entitled to drain his own claim free of charge.

25. A claim shall be deemed to be abandoned and open to occupation and entry by any person when the same shall have remained unworked on working days by the grantee thereof for the space of seventy-two hours, unless sickness or other reasonable cause be shown, or unless the grantee is absent on leave.

26. A claim granted under these regulations shall be continuously, and in good faith, worked, except as otherwise provided, by the grantee thereof or by some person on his behalf.

27. In tunnelling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, or from either end of such hills, so as to interfere with parties tunnelling from the main frontage.

28. Tunnels and shafts shall be considered as belonging to the claim for the use of which they are constructed, and as abandoned or forfeited by the abandonment or forfeiture of the claim itself.

Interior.

29. For the more convenient working of back claims on benches or slopes, the superintendent of mines may permit the owners thereof to drive a tunnel through the claims fronting on any creek, ravine or watercourse, upon such terms as he may deem expedient.

Administration.

30. In case of the death of any miner while entered as the holder of any mining claim, the provisions as to abandonment shall not apply either during his last illness or after his decease.

31. The Minister of the Interior shall take possession of the mining property of the deceased, and may cause such mining property to be duly worked, or dispense therewith, at his option; and he shall sell the property by private sale, or, after ten days' notice thereof, by public auction, upon such terms as he shall deem just, and out of the proceeds pay all costs and charges incurred thereby, and pay the balance, if any, to the legal representatives of the said deceased miner.

32. The Minister of the Interior, or any person authorized by him, shall take charge of all the property of the deceased miners until the issue of letters of administration.

III.—BED-ROCK FLUMES.

33. It shall be lawful for the Minister of the Interior, upon the application hereinafter mentioned, to grant to any bed-rock flume company, for any term not exceeding five years, exclusive rights of way through and entry upon any mining ground for the purposes of constructing, laying and maintaining bed-rock flumes.

34. Three or more persons may constitute themselves into a bed-rock flume company; and every application by them for such grant shall state the names of the applicants and the nature and extent of the privileges sought to be acquired. Ten full days' notice thereof shall be given between the months of June and November, and between the months of November and June one month's notice shall be given, by affixing the same to a post planted in some conspicuous part of the ground or to the face of the rock, and a copy thereof conspicuously upon the inner walls of the land office of the district. Prior to such application, the ground included therein shall be marked out in the manner prescribed in sub-clause (a) of clause four of these regulations. It shall be competent for any person to protest before the agent within the times hereinbefore prescribed for the notice of such application, but not afterwards, against such application being granted. Every application for a grant shall be accompanied by a deposit of \$100, which shall be returned if the application be refused, but not otherwise.

35. Every such grant shall be in writing, in the Form K in the schedule hereto.

36. The holders of claims through which the line of the company's flume is to run may put in a bed-rock flume in their claims to connect with the company's flume, upon giving the company ten days' notice in writing to that effect; but they shall maintain the like grade, and build

Interior.

their flume as thoroughly, and of as strong materials, as that built by such company.

37. Every bed-rock flume company shall lay at least fifty feet of flume during the first year and one hundred feet annually thereafter, until completion of the flume.

8. Any miners lawfully working any claims where a bed-rock flume exists, shall be entitled to tail their sluices, hydraulics and ground sluices into such flume, but so as not to obstruct the free working of such flume, by rocks, stones, boulders or otherwise.

39. Upon a grant being made to any bed-rock flume company, the local agent shall register the same, and the company shall pay for such registration a fee of \$10. They shall also pay, in advance, an annual rent of \$10 for each quarter of a mile of right of way legally held by them.

IV.—DRAINAGE OF MINES.

40. The Minister of the Interior may grant to any person or persons permission to run a drain or tunnel for drainage purposes through any occupied mining land, and may give such persons exclusive rights of way through and entry upon any mining ground for any term not exceeding five years, for the purpose of constructing a drain or drains for the drainage thereof.

41. The grantee shall compensate the owners of lands or holders of claims entered upon by him for any damage they may sustain by the construction of such tunnel or drain, and such compensation if not agreed upon shall be settled by the superintendent of mines and be paid before such drain or tunnel is constructed.

42. Such drain or tunnel, when constructed, shall be deemed to be the property of the person or persons by whom it shall have been so constructed.

43. Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll (if any) to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing the same, be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise. Notice of the application shall be given and protests may be made in the same manner as provided in regard to bed-rock flumes.

44. The grant of the right of way to construct drains or tunnels shall be made in the Form L in the schedule hereto. The grant shall be registered by the grantee in the office of the agent, to whom he shall at the time pay a registration fee of \$5, or, if the grant gives power to collect tolls, a fee of \$10. An annual rent of \$10 shall be paid, in advance, by the said grantee for each quarter of a mile of right of way legally held by him, save where the drain shall be for the purpose of draining only the claim of the person constructing the same.

Interior.

V.—DITCHES.

45. The Minister of the Interior may, upon application hereinafter mentioned, grant to any person or persons, for any term not exceeding five years, or in special cases for such length of time as he may determine, the right to divert and use the water from any stream or lake, at any particular part thereof, and the right of way through and entry upon any mining ground, for the purpose of constructing ditches and flumes to convey such water; provided always, that every such grant shall be deemed as appurtenant to the mining claim in respect of which it has been obtained, or is required in connection with reduction works, sampling works, stamp mills, concentrating works, or other works connected with mining operations, and, whenever the claim shall have been worked out or abandoned, or whenever the occasion for the use of such water upon the claim or in connection with such works shall have permanently ceased, the grant shall cease and determine.

46. Twenty days' notice of the application shall be given, in accordance with Form M in the schedule to these regulations, by affixing the same to a post planted in some conspicuous part of the ground, and a copy thereof conspicuously posted upon the inner walls of the land office for the district, and any person may protest within such twenty days, but not afterwards, against such application being wholly or partially granted.

47. Every application for a grant of water exceeding 200 inches shall be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise.

48. Every such application shall state the names of the applicants, the name or description of the stream or lake to be diverted, the quantity of water to be taken, the locality for its distribution, the price (if any) to be charged for the use of such water, and the time necessary for the completion of the ditch. The grant shall be in the Form N in the schedule hereto.

49. Every grant of a water privilege on occupied creeks shall be subject to the rights of such miners as shall, at the time of such grant, be working on the stream above or below the ditch head, and of any other persons lawfully using such water for any purpose whatsoever.

50. If, after the grant has been made, any miner or miners locate and *bonâ fide* work any mining claim below the ditch head, on any stream so diverted, he or they collectively shall be entitled to 40 inches of water if 200 inches be diverted, and 60 inches if 300 inches be diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as may be required; and, in computing such damage, the loss sustained by any claims using water therefrom, and all other reasonable losses, shall be considered.

51. No person shall be entitled to a grant of the water of any stream for the purpose of selling the water to present or future claim holders on any part of such stream. The Minister of the Interior may, however, grant such privileges as he may deem just, when such ditch is intended to work

Interior.

bench or hill claims fronting on any such stream, provided that the rights of miners then using the water so applied for be protected.

52. The Minister of the Interior may, on the report of the superintendent of mines that such action is desirable, order the enlargement or alteration of any ditch, and fix the compensation (if any) to be paid by parties to be benefitted thereby

53. Every owner of a ditch or water privilege shall take all reasonable means for utilizing the water granted to him; and, if he wilfully take and waste any unreasonable quantity of water, the Minister may, if such offence be persisted in, declare all rights to the water forfeited.

54. The owner of any ditch or water privilege may distribute the water to such persons and on such terms as he may deem advisable, within the limits mentioned in this grant; provided always, that such owner shall be bound to supply water to all miners who make application therefor in a fair proportion, and shall not demand more from one person than from another, except where the difficulty of supply is enhanced.

55. Any person desiring to bridge any stream, claim or other place, for any purpose, or to mine under or through any ditch or flume, or to carry water through or over any land already occupied, may, in proper cases, do so with the written sanction of the superintendent of mines. In all such cases the right of the party first in possession shall prevail, so as to entitle him to compensation if the same be just.

56. In measuring water in any ditch or sluice, the following rules shall be observed: The water taken into a ditch or sluice shall be measured at the ditch or sluice head: no water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it, and which trough shall be extended two feet beyond the orifice for the discharge of the water: one inch of water shall mean the quantity that will pass through a rectangular orifice two inches high by half an inch wide, with a constant head of seven inches above the upper side of the orifice.

57. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of an entered claim, or to dig or loosen any earth or rock, within four feet of any ditch not belonging solely to the registered owner of such claim, three days' notice, in writing, of such intention shall be given, before entering or approaching within four feet of such other property.

58. Any person engaged in the construction of any road or work may, with the sanction of the Minister of the Interior, cross, divert or otherwise interfere with any ditch, water privilege or other mining rights whatsoever, for such period as the Minister shall approve.

59. The Minister shall order what compensation for every such damage or interference shall be paid, and when, and to whom, and whether any and what works, damaged or affected by such interference as aforesaid, shall be replaced by flumes or otherwise repaired by the person or persons inflicting any such damage.

60. The owners of any ditch, water privilege, or mining right, shall, at their own expense, construct, secure, and maintain, all culverts, neces-

Interior.

sary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege or right.

61. The owners of any ditch or water privilege shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair to the satisfaction of the superintendent of mines, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch, water privilege, or right.

62. The owners of any ditch, water privilege or right, shall be liable, and shall make good, in such manner as the superintendent of mines shall determine, all damages which may be occasioned by or through any part of the works of such ditch, water privilege or right, breaking or being imperfect.

63. Nothing herein contained shall be construed to limit the right of the Lieutenant Governor of the North West Territories in Council, or of the proper authority in any Province containing Dominion lands to lay out, from time to time, public roads across, through, along, or under any ditch, water privilege or mining right, without compensation.

VI.—GENERAL PROVISIONS.

Interpretation.

64. In these regulations the following expressions shall have the following meanings respectively, unless inconsistent with the context:—

“Minister” shall mean the Minister of the Interior.

“Agent” or “local agent” shall mean the agent of Dominion lands for the district, or other officer appointed by the Government for the particular purpose referred to.

“Mineral” shall include all minerals whatsoever other than coal.

“Close season” shall mean the period of the year during which placer mining is generally suspended.

“Miner” shall mean a person holding a mining location or a grant for placer mining.

“Claim” shall mean the personal right of property in a placer mine or diggings during the time for which the grant of such mine or diggings is made.

“Claimant” shall mean a person who has obtained an entry for a mining location with a view to patent.

“Bar diggings” shall mean a mine over which a river extends when in its flooded state.

“Dry diggings” shall mean any mine over which a river never extends.

The mines on benches shall be known as “bench diggings,” and shall, for the purpose of defining the size of such claims, be excepted from “dry diggings.”

“Streams and ravines” shall include water-courses whether usually containing water or not, and all rivers, creeks and gulches.

“Ditch” shall include a flume or race, or other artificial means for conducting water by its own weight, to be used for mining purposes.

Interior.

“Ditch head” shall mean the point in a natural water-course or lake where water is first taken into a ditch.

“Placer mining” shall mean the working of all forms of deposits, excepting veins of quartz or other rock in place.

“Quartz mining” shall mean the working of veins of quartz or other rock in place.

“Location” shall mean the land entered by, or patented to, any person for the purpose of quartz mining.

Hearing and Decision of Disputes.

65. The superintendent of mines shall have power to hear and determine all disputes in regard to mining property arising within his district, subject to appeal by either of the parties to the Commissioner of Dominion Lands.

66. No particular forms of procedure shall be necessary, but the matter complained of must be properly expressed in writing, and a copy of the complaint shall be served on the opposite party not less than seven days before the hearing of the said complaint.

67. The complaint may, by leave of the superintendent of mines, be amended at any time before or during the proceedings.

68. The complainant shall, at the time of filing his complaint, deposit therewith a bond fee of \$20, which shall be returned to him if the complaint proves to have been well founded, and not otherwise, except for special cause, by direction of the Minister of the Interior.

69. In the event of the decision of the superintendent of mines being made the subject of an appeal to the Commissioner of Dominion Lands, the appellant shall, at the time of lodging the appeal, deposit with the agent a bond fee of \$20, which shall be returned to the said appellant if his appeal proves to have been well-founded, and not otherwise, except for special cause by direction of the Minister of the Interior.

70. The appeal must be in writing and must be lodged with the superintendent of mines not more than three days after his decision has been communicated in writing to all the parties interested, and must state the grounds upon which the said decision is appealed from.

71. If the Commissioner of Dominion Lands decides that it is necessary to a proper decision of the matter in issue to have an investigation on the ground, or, in case of disputed boundaries or measurements, to employ a surveyor to measure or survey the land in question, the expense of the inspection or re-measurement or re-survey, as the case may be, shall be borne by the litigants, who shall pay into the hands of the said commissioner, in equal parts, such sum as he may think sufficient for the same, before it takes place; otherwise it shall not proceed, and the party who refuses to pay such sum shall be adjudged in default. The said commissioner shall subsequently decide in what proportion the said expenses should be borne by the parties respectively, and the surplusage, if any, shall then be returned to parties as he may order.

72. All bond-fees adjudged as forfeited and all payments retained under the last preceding section, shall, as soon as decision has been rendered, and all entry and other fees or moneys shall, as soon as they

Interior.

have been received by him, be paid by the said agent or commissioner to the credit of the Receiver-General in the same manner as other moneys received by him on account of Dominion lands.

Leave of Absence.

73. The agent in each district shall, under instructions from the Minister of the Interior, declare the close season in his district.

74. Each holder of a mining location or of a grant for placer mining shall be entitled to be absent from his mining location or diggings and to suspend work thereon during the close season.

75. The agent shall have power to grant leave of absence to the holder of a mining location or grant for placer mining pending the decision of any dispute in which he is concerned under these regulations.

76. In cases where water is necessary to the continuance of mining operations, and the supply of water is insufficient, the superintendent of mines shall have power to grant leave of absence to the holder of the grant during such insufficiency, but no longer, except by permission of the Minister of the Interior.

77. Any miner or miners shall be entitled to leave of absence for one year from his or their diggings, upon proving to the satisfaction of the superintendent of mines that he or they has or have expended on such diggings, in cash, labor or machinery, an amount of not less than \$200 on each of such diggings without any return of gold or other minerals in reasonable quantities for such expenditure.

78. The time reasonably occupied by the locator of a claim in going to, and returning from, the office of the agent or superintendent of mines to enter his claim, or for other purposes prescribed by these regulations, shall not be counted against him, but he shall, in such cases, be deemed to be absent on leave.

Miscellaneous.

79. The Minister of the Interior shall, from time to time, as he may think fit, declare the boundaries of mineral and mining districts, and shall cause a description of the same to be published in the *Canada Gazette*.

80. The Minister of the Interior may direct mineral and mining locations to be laid out within such districts wherever, from report of the director of the Geological Survey, or from other information, he has reason to believe there are mineral deposits of economic value, and may sell the same to applicants therefor, who, in his opinion, are able and intend in good faith to work the same; or he may, from time to time, cause the said locations to be sold by public auction or tender. Such sales shall be for cash, and at prices in no case lower than those prescribed for locations sold to original discoverers, and shall otherwise be subject to all the provisions of these regulations.

81. The Minister of the Interior may grant to any person or persons who have a mining location and are actively developing the same, an additional location adjacent to and not exceeding it in area, provided the

Interior.

person or persons holding such location shall show to the satisfaction of the Minister of the Interior that the vein or lode being developed on the location will probably extend outside of either of the vertical lines forming the side boundaries of the location before it has reached the depth at which it cannot be profitably mined.

82. Persons desirous of obtaining quarries for stone on vacant Dominion lands may do so under these regulations; but the Minister of the Interior may require the payment of a royalty not exceeding five per cent. on account of the sales of the product of such quarries, or the land may be sold not subject to such royalty at such price as may be determined.

83. Returns shall be made by the grantee, sworn to by him, or by his agent or other employé in charge of the mine, at monthly or other such intervals as may be required by the Minister of the Interior, of all products of his mining location and of the price or amount he received for the same.

84. The Minister of the Interior shall have the power to summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public, any public work or highway, or any mining property, mineral lands, mining claims, bed-rock drains or flumes; and any abandoned works may, by his order, be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in their absence upon such terms as he shall think fit.

85. The superintendent of mines, acting under instructions to be from time to time issued by the Minister of the Interior, shall cause to be laid out, at the expense of the person or persons applying for the same, a space of ground for deposits of leavings and deads from any tunnel, claim or mining ground.

Forfeiture.

86. In the event of the breach of these regulations, or any of them, by any person holding a grant for quartz or placer mining from the Crown other than Crown patents, or from the Minister of the Interior, or from any duly authorized officer of Dominion lands, such right or grant shall be absolutely forfeited *ipso facto*, and the person so offending shall be incapable thereafter of acquiring any such right or grant, unless for special cause it is otherwise decided by the Minister of the Interior.

SCHEDULE TO MINING REGULATIONS.

FORM A.—APPLICATION AND AFFIDAVIT OF DISCOVERER OF QUARTZ MINE.

I (or we) (A.B.) of hereby apply
under the Indian Lands Mining Regulations, for a mining location in
(here give general description of locality)
for the purpose of mining for

(here name the metal or mineral)

and I (or we) hereby solemnly swear:—

Interior.

1. That I (*or we*) have discovered therein a deposit of
(here name the metal or mineral).
2. That I (*or we*) am (*or are*) to the best of my (*or our*) knowledge and belief, the first discoverer of the said deposit.
3. That I (*or we*) am (*or are*) unaware that the land is other than vacant Dominion land.
4. That I (*or we*) did, on the _____ day of _____ mark out on the ground, in accordance in every particular with the provisions of sub-clause (*a*) of clause 4 of the said mining regulations, the location for which I (*or we*) make this application, and that in so doing I (*or we*) did not encroach on any mining location previously laid out by any other person.
5. That the said mining location contains, as nearly as I (*or we*) could measure or estimate, an area of _____ acres, and that the description (and sketch, *if any*), of this date hereto attached, signed by me (*or us*), set forth in detail to the best of my (*or our*) knowledge and ability its position, form and dimensions.
6. That I (*or we*) make this application in good faith to acquire the land for the sole purpose of mining to be prosecuted by myself (*or us*) or by myself and associates, or by my (*or our*) assigns.

Sworn before me at _____ day of _____ } (*Signature.*)
 this _____ day of _____ }
 18 }

NOTE.—In case of abandoned ground it may be necessary to omit No. 2.

FORM B.—RECEIPT FOR FEE PAID BY APPLICANT FOR MINING LOCATION.

No.....

DEPARTMENT OF THE INTERIOR,
 Dominion Lands Office,
 Agency, _____ 18 .

Received from _____ (A.B.) of _____ five dollars, being the fee required by sub-section *b*, of clause four of the Dominion Mining Regulations, accompanying his (*or their*) application No. _____, dated _____ 18 _____, for a mining location in (*insert general description of locality*).

This receipt authorizes the said _____ (A.B.) his (*or their*) legal representatives or assigns, to enter into possession of the said mining location, and, subject to the payment of a fee of five dollars and the renewal of this form of receipt on or before the beginning of each year, during the term of five years from this date, to take therefrom and dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location which, provisionally, and until survey thereof, may be known and described as follows : (*insert description in detail*).

Interior.

If the said (A.B.) or his (*or their*) legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within five years from this date, or, having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Minister of the Interior.

Agent of Dominion Lands

FORM C.—RECEIPT FOR ANNUAL FEE FOR RENEWAL OF LOCATION
CERTIFICATE.

No.....

DEPARTMENT OF THE INTERIOR,
Dominion Lands Office,
Agency , 18 .

Received from (A.B.) of , five dollars, being the fee required by sub-sec. (c) sec. four of the Dominion Mining Regulations, accompanying his (*or their*) application No. , dated 18 , respecting the mining location described as follows: (*insert description in detail*) for which he (*or they*) obtained entry No. on the 18

From evidence furnished in support of the said application No. it would appear that (A.B.) his (*or their*) legal representatives or assigns, are entitled to continue in possession of the said mining location, and during the term of year from the 18 , to take therefrom or dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, to purchase the said location which, provisionally, and until survey thereof, may be known and described as above.

If the said (A.B.) or his (*or their*) legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within year from this date, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Minister of the Interior.

Agent of Dominion Lands.

Interior.

FORM D.—CERTIFICATE IN CASES OF PARTNERSHIP THAT ANNUAL EXPENDITURE MAY FOR FIRST TWO YEARS AFTER RECORDING CLAIMS BE MADE ON ANY ONE OF THE CLAIMS AFFECTED BY SUCH PARTNERSHIP.

No.....

DEPARTMENT OF THE INTERIOR,
 Dominion Lands Office,
 Agency, 18 .

This is to certify that in accordance with the provisions of sub-clause (d) of clause four of the Dominion Mining Regulations (A.B.) of who obtained entry No. for the mining location described as follows :
 on the day of 18 , and (C.D.)
 of who obtained entry No for the mining location described as follows :
 on the day of 18 , and (E.F.)
 of who obtained entry No for the mining location described as follows :
 on the day of 18 , and (G.H.)
 of who obtained entry No for the mining location described as follows :
 on the day of 18 , having complied with the conditions required by said sub-clause (d) in so far that they have filed a certificate of a partnership entered into at at dated the day of 18 , and all their claims having been entered within three months of each other, and numbered in this office as No. (or if incorporated have filed the documents required) may make within one year from this date the annual expenditure required by each on any one of the mining locations aforementioned, amounting to dollars, this being the amount under said regulations required to be expended within the first and second years after said claims were located.

Agent of Dominion Lands.

FORM E.—RECEIPT TO BE GIVEN FOR FEE PAID IN CASE OF PARTNERSHIP.

DEPARTMENT OF THE INTERIOR,
 Dominion Lands Office,
 Agency, 18 ,

Received from (A.B.) of five dollars being the fee required by sub-clause (d) of clause 4, of the Dominion mining regulations accompanying his (or their) application No. dated 18 , respecting the mining location described as follows : (insert description in detail) for which he (or they) obtained entry No. , on the day of 18 .

From evidence furnished by the said application No. it would appear that (A.B.) his (or their) legal representatives or assigns are entitled to continue in possession of the said mining location, and, during the term of year from the 18 , to take therefrom and dispose of any mineral deposit contained within its boundaries,

Interior.

and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, are entitled to purchase the said location which, provisionally and until survey thereof, may be known and described as above.

If the said (A.B.) or his (*or their*) legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within year from this date, or, having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Minister of the Interior.

The said (A.B.) and the foregoing mining location are those recited in No. Form D, dated at , the day of , 18 .

Agent of Dominion Lands.

FORM F.—PATENT OF A MINING LOCATION.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith—To all to whom these presents shall come, Greeting :

Know ye that we do by these presents, for us, our heirs and successors, in consideration of (the fulfilment of the Dominion mining regulations of our Dominion of Canada) give and grant unto heirs and assigns, all that parcel or lot of land situate and numbered on the official plan of survey of the said , to have and to hold the said parcel of land, and all minerals, precious and base, which may be found therein, unto the said heirs and assigns forever ;

Provided that it shall, at all times, be lawful for us, our heirs and successors, or any person by our authority, to resume any portion (not exceeding one-twentieth part) of the said lands for making roads, canals, bridges, towing paths, or other works of public utility or convenience, but no such resumption shall be made of land on which any permanent buildings may have been erected, without compensation ;

Provided also, that it shall be lawful for any person duly authorized by us, our heirs and successors, to take and occupy such water privileges, and to have and enjoy such right of carrying water over, through or under any parts of the hereditaments hereby granted as may be reasonably required for agricultural or other purposes in the vicinity of the said land, upon paying therefor a reasonable compensation to the aforesaid heirs and assigns.

Interior.

FORM G.—CERTIFICATE OF THE ASSIGNMENT OF A MINING LOCATION.

No.....

DEPARTMENT OF THE INTERIOR,
 Dominion Lands Office,
 Agency, 18 .

This is to certify that (B.C.) of has (*or have*) filed an assignment in due form, dated 18 , and accompanied by a registration fee of two dollars, of the right of (A.B.) of to purchase the mining location in (*here insert general description of locality*) applied for by the said (A.B.) on the 18 .

This certificate entitles the said (B.C.), or his (*or their*) legal representatives or assigns, to all the rights and privileges of the said (A.B.), in respect of the claim assigned and hereinafter described; that is to say, to enter into possession of the said mining location, and during the term of year from the date of the receipt No. , granted to the said (A.B.), dated the day of 18 , to take therefrom and dispose of any mineral deposit contained within its boundaries, and on due compliance at any time within that period with the several requirements in that behalf of the Dominion mining regulations, entitles him or them to purchase the said location, which, provisionally, and until survey thereof, may be known and described as follows:—(*Insert description in detail*).

If the said (B.C.), or his (*or their*) legal representatives or assigns, fail to comply as aforesaid with the conditions that would entitle him (*or them*) to purchase within one year of the date of the receipt granted to (A.B.), and now deposited with me, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Minister of the Interior.

Agent of Dominion Lands.

 FORM H.—APPLICATION FOR GRANT FOR PLACER MINING AND AFFIDAVIT OF APPLICANT.

I (*or we*) of , hereby apply, under the Dominion mining regulations, for a grant of a claim for placer mining, as defined in the said regulations, in

(here describe locality)

and I (*or we*) solemnly swear:

1. That I (*or we*) have discovered therein a deposit of (*here name the metal or mineral*).

2. That I (*or we*) am (*or are*) to the best of my (*or our*) knowledge and belief, the first discoverer of the said deposits; or—

(2. That the said claim was previously granted to (*here name the last grantee*), but has remained unworked by the said grantee for not less than

Interior.

3. That I (*or we*) am (*or are*) unaware that the land is other than vacant Dominion land.

4. That I (*or we*) did, on the _____ day of _____, mark out on the ground, in accordance, in every particular, with the provisions of sub-section *e* of clause eighteen of the said mining regulations, the claim for which I (*or we*) make this application, and that in so doing I (*or we*) did not encroach on any other claim or mining location previously laid out by any other person.

5 That the said claim contains, as nearly as I (*or we*) could measure or estimate, an area of _____ square feet, and that the description (and sketch, *if any*) of this date hereto attached, signed by me (*or us*), set forth in detail, to the best of my (*or our*) knowledge and ability, its position, form and dimensions.

6. That I (*or we*) make this application in good faith to acquire the claim for the sole purpose of mining to be prosecuted by myself (*or us*), or by myself and associates, or by my (*or our*) assigns.

Sworn before me at _____ day of _____, }
 this _____, } (*Signature.*)
 18 _____

FORM I.—GRANT FOR PLACER MINING.

No.....

DEPARTMENT OF THE INTERIOR,
 Dominion Lands Office,
 Agency, _____ 18 _____

In consideration of the payment of five dollars, being the fee required by the provisions of the Dominion mining regulations, clauses four and twenty, by _____ (A.B.), of _____ accompanying his (*or their*) application No. _____, dated _____ 18 _____, for a mining claim in (*here insert description of locality.*)

The Minister of the Interior hereby grants to the said _____ (A.B.), for the term of one year from the date hereof, the exclusive right of entry upon the claim _____ (*here describe in detail the claim granted*) for the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom.

The said _____ (A. B.) shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain his claim free of charge.

This grant does not convey to the said _____ (A. B.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said _____ (A. B.) or his associates.

Interior.

The rights hereby granted are those laid down in the aforesaid mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Agent of Dominion Lands.

FORM J.—CERTIFICATE OF THE ASSIGNMENT OF A PLACER MINING CLAIM.

No.....

DEPARTMENT OF THE INTERIOR,
 Dominion Lands Office,
 Agency, 18 .

This is to certify that (B. C.) of , has filed an assignment in due form, dated 18 , and accompanied by a registration fee of two dollars, of the grant to (A. B.) of of the right to mine in (*insert description of claim*) for one year from the , 18 .

This certificate entitles the said (B.C) to all the rights and privileges of the said (A.B.) in respect of the claim assigned, that is to say, to the exclusive right of entry upon the said claim for the miner-like working thereof, and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom, for the remaining portion of the year for which the said claim was granted to the said (A.B.) , that is to say, until the day of , 18 .

The said (B.C.) shall be entitled to the use of so much of the water naturally flowing through or past his claim and not already lawfully appropriated as shall be necessary for the due working thereof, and to drain his claim free of charge.

This grant does not convey to the said (B.C.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim ; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said (B.C.) or his associates.

The rights hereby granted are those laid down in the Dominion mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Agent of Dominion Lands.

FORM K —GRANT TO A BED-ROCK FLUME COMPANY.

No.....

DEPARTMENT OF THE INTERIOR,
 Dominion Lands Office,
 Agency, 18 .

In consideration of the payment of a deposit of one hundred dollars, required by clause thirty-four of Dominion mining regulations to be

Interior.

made with the application of a Bed-Rock Flume Company, and of the further sum of ten dollars, being the fee for registration of this grant required by clause thirty-nine of the said regulations.

The Minister of the Interior hereby grants to (*names of members of company*) forming together a Bed-Rock Flume Company [known as the (*title of company*)], the following rights and privileges, that is to say:--

(a.) The rights of way through and entry upon any new and unworked river, creek, gulch or ravine, and the exclusive right to locate and work a strip of ground one hundred feet wide and two hundred feet long in the bed thereof to each individual of the company ;

(b.) The rights of way through and entry upon any river, creek, gulch or ravine worked by miners for any period longer than two years prior to such entry, and already wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof, one hundred feet in width, and one quarter of a mile in length for each individual of the company ;

(c.) The rights of way through and entry upon all claims, which at the time of the notice of application are in good faith being worked, for the purpose of cutting a channel and laying their flume therein, with such reasonable space for constructing, maintaining and repairing the flume as may be necessary ;

(d.) The use of so much of the unappropriated water of the stream on which they may be located, and of other adjacent streams, as may be necessary for the use of their flumes, hydraulic power, and machinery to carry on their operations and the right of way for ditches and flumes to convey the necessary water to their works, subject to the payment of any damage which may be done to other parties by running such ditch or flume through or over their ground ;

Provided, that the rights herein granted shall apply only to such claims and streams as are here specified : (*insert description of claims and streams*) and such other claims and streams as may after due notice and application, be subsequently added to the above list by the Minister of the Interior, under the hand of the local agent ;

Provided also, that the said company shall pay to the local agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by them ;

Provided, further, that this grant is subject to all the provisions of the Dominion mining regulations in that behalf, whether the same are expressed herein or not.

This grant shall cease and determine at the expiration of _____ years from the date hereof.

Agent of Dominion Lands.

Interior.

FORM L.—GRANT FOR DRAINAGE.

No.

DEPARTMENT OF THE INTERIOR,
 Dominion Lands Office,
 Agency, , 18 .

In consideration of the payment of a deposit of twenty-five dollars required by clause forty-three of the Dominion Mining Regulations to be made with the application for a grant of right of way to construct drains, and of the further sum of dollars, being the fee for the registration of this grant required by clause forty-four of the said regulations :

The Minister of the Interior hereby grants to
(name or names of grantee or grantees) the right to run a drain or tunnel for drainage purposes through the occupied mining lands here specified *(here describe mining lands)* and further, for a term of from the date hereof, exclusive rights of way through and entry upon the following mining grounds: *(here insert description)* for the purpose of constructing a drain or drains for the drainage thereof; and the right to charge the following tolls for the use thereof: *(insert tariff of tolls)*;

Provided, that the grantee *(or grantees)* shall construct such drain or drains of sufficient size to meet all requirements within from the date hereof, and keep the same in thorough working order and repair, and free from all obstructions; and shall, within a reasonable time, construct proper tap drains from or into any adjacent claims, upon being requested by the owners thereof, and in default thereof shall permit such parties to make them themselves, in which case such parties shall only be chargeable with one-half the rates of drainage toll herein authorized;

Provided, also, that the said grantee *(or grantees)* shall compensate the owners of lands or holders of claims entered upon by for any damage they may sustain by the construction of such tunnel or drain;

Provided, further, that the said grantee *(or grantees)* shall pay to the local agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by ;

Provided, further, that this grant is subject to all the provisions of the Dominion mining regulations in that behalf, whether the same are expressed herein or not.

Agent of Dominion Lands.

FORM M.—NOTICE OF APPLICATION TO USE AND DIVERT WATER.

Notice is hereby given, in pursuance of the provisions of the Dominion mining regulations, that I *(or we)* at the expiration of twenty days from the date thereof, intend to apply to the Minister of the Interior of Canada, for authority to take, carry away, and divert to my *(or our)* mining claim or from its natural channel, inches of the unentered and unappropriated water of

Interior.

the (*stream or lake*) known as _____ for _____ purposes,
 during the term of _____ years from the date of entry, with the
 object of _____ Such diversion will be
 made at a point situate on the _____ end or side of the said (*stream
 or lake*), marked on the ground by a conspicuous post; and it is intended
 that such water shall be carried in and through a (*ditch, or flume, or both*),
 in a _____ direction over the lands of
 as indicated by like conspicuous posts planted about every quarter of a
 mile along the proposed location of the (*ditch, or flume, or both*).

(Signed)

Post Office Address.

Dated the _____ day of _____, 18 .

FORM N.—NOTICE OF RIGHT TO DIVERT WATER AND CONSTRUCT DITCHES.

No.....

DEPARTMENT OF THE INTERIOR,
 Dominion Lands Office,
 Agency, _____ 18 .

In consideration of the payment of a deposit of twenty-five dollars,
 required by clause forty-seven of the Dominion mining regulations to be
 made with the application for the right to divert water and construct
 ditches,

The Minister of the Interior hereby grants to _____ (A.B.)
 _____, for the term of _____ years from the date hereof, the
 right to divert and use the water from _____ (*specify stream or lake*)
 to the extent of _____ inches, and no more, to be distributed as
 follows:— (*describe locality of distribution*) _____ together with
 the right to charge the following rates for the use of the said water:—
 (*insert rates to be charged*) _____ and the rights of way through and
 entry upon the following mining grounds _____ (*insert description*)
 for the purpose of constructing ditches and flumes to convey
 such water, provided such ditches and flumes are constructed and in
 working order within _____ from the date hereof;

Provided that this grant shall be deemed to be appurtenant to mining
 claim No. _____, and shall cease and determine whenever the said claim
 shall have been worked out or abandoned, or the occasion for the use of
 such water upon the said claim shall have permanently ceased.

Provided, also, that this grant is subject to all the provisions of the
 Dominion mining regulations in that behalf, whether the same are
 expressed herein or not.

*Agent of Dominion Lands.**Vide Canada Gazette, Vol. XXI, p. 792.*

Justice.

Justice.

By an Order in Council bearing date Saturday, 23rd day of July, 1887, under the authority of Chapter 113 of the Revised Statutes of Canada "The Naturalization Act," the regulations made under the authority of "The Naturalization Act, Canada, 1881," approved by His Excellency the Governor General in Council on the 19th day of December, 1883, were amended as follows :—

Firstly. That the words "Naturalization Act" be substituted for the words "The Naturalization Act, Canada, 1881," wherever the latter words occur in such regulations.

Secondly. That the second paragraph of the regulations be rescinded and the following be substituted therefor :—

"(2.) In the North-West Territories the certificate mentioned in the twelfth section of "The Naturalization Act," shall be presented to a judge of the Supreme Court of the North-West Territories, who shall take such measures to satisfy himself that the facts stated in the certificate are true as shall in each case appear to him to be necessary, and when satisfied that the facts stated in the certificate are true, he shall grant to the alien a certificate of naturalization authenticated under his hand and the seal of the court.

Each judge of the Supreme Court shall cause to be kept by the clerk of the court a record of the certificates presented to and filed with him.

Also a record of all certificates of naturalization granted by him, of which such judge or clerk is hereby authorized at any time to give a certified copy.

The oaths mentioned in sections 41 and 42 of "The Naturalization Act" shall, if the person taking them resides in the North-West Territories, be filed of record with a clerk of the Supreme Court of the North-West Territories.

Vide Canada Gazette, Vol. XXI, p. 218.

By an Order in Council bearing date Thursday, 30th June, 1887, under the provisions of the 9th section of the Act 50-51 Victoria, Chapter 52, intituled : "An Act to amend the Penitentiary Act," the Order in Council of the 12th April, 1887, respecting the salaries of the officers of the several penitentiaries, their houses and quarters, their uniforms and the sale of articles to them and work to be done for them in the shops and their perquisites was cancelled :—

And the following regulations were adopted and prescribed as the rules in the future to be followed in respect to the matters referred to :—

RULES RESPECTING THE SALARIES AND ALLOWANCES OF PENITENTIARY OFFICERS.

1. In these rules and the schedules thereto :—

(a.) The expression "The Minister" means the Minister of Justice ;

(b.) The expression "The Inspector" means the Inspector of Penitentiaries ;

Justice.

(c) The expression "The Warden" means the Warden of the Penitentiary over which he presides ;

(d.) The expression "officer" means and includes any officer or employé of any of the classes mentioned in the schedule to an Act passed in the Session held in 1887, intituled : " An Act to amend the Penitentiary Act ;"

(e.) The expression "Trade Instructors" includes bakers, blacksmiths, carpenters, masons, millers, shoemakers, stone-cutters, tailors, and persons employed to direct and instruct convicts in any branch of labor.

Salaries.

2. Each warden shall, on or before the 1st day of June in each year, transmit to the inspector, for the information of the Minister, a report showing the officers under him who are eligible for such yearly increases, and giving in each case his own opinion as to whether or not such increase should be given and the reasons therefor.

3. The inspector shall, on receipt of any such report, transmit the same to the Minister, with a memorandum showing whether he concurs or not in the recommendations of the warden. He shall also express his views as to whether or not the warden should be given any increase for which he is eligible.

Residences and Grounds.

4. An officer occupying any house or quarters, the property of and provided for him by Government, shall, during the will of the Minister, occupy the same with any grounds attached, free of rent.

5. No officer shall, at any time, have any claim to or be made any allowance in lieu of such free house or quarters.

6. The Government will keep such houses and quarters in repair, but if at any time the need of such repairs shall be occasioned by the negligence or fault of the officer so occupying such house or quarters, or of any member of his family, the cost thereof may be charged to such officer and deducted from his salary.

7. The Government will not in future, in whole or in part, furnish any house or quarters for occupation by any officer.

8. Any officer occupying any house or quarters lighted by gas from a supply common to the penitentiary shall pay for the gas consumed by him at a fair price to be fixed by the Minister, and a meter shall be used to indicate the quantity of gas so consumed by such officer.

9. Any officer occupying any house or quarters heated by a system common to the penitentiary, shall pay for such heating a fair price to be fixed by the Minister.

10. The grounds or gardens attached to the residence or quarters of a warden or deputy warden may be kept in order and cultivated by convict labor, but otherwise no convict labor shall be employed in keeping in order or cultivating any grounds occupied by any officer.

11. Each officer shall be entitled to everything grown upon the grounds attached to his house or quarters.

Justice.

Officers' Uniform Clothing.

12. Each officer who wears uniform shall be allowed uniform clothing as follows :—

(a.) One fine blue cloth dress suit every four years, consisting of fine blue cloth cap, frock coat, waistcoat and trousers ;

(b.) One winter suit every year, consisting of pilot cloth pea jacket, waistcoat and trousers ;

(c.) One summer suit every year, consisting of blue serge or Halifax tweed, pea jacket, waistcoat and trousers ;

(d.) A frieze overcoat every three years ;

(e.) A pair of French kip boots for winter and a pair of shoes for summer, every year ;

(f.) A fur cap every four years ;

(g.) A cloth cap every year.

13. The warden may allow any officer whose conduct has been good and is about to retire from the service, to take away with him his dress suit, if it has been in use eighteen months, and his winter or his summer suit, if it has been in use six months.

Sale of Articles to Officers.

14. The warden may, if he sees fit so to do, sell at a fair price, to any officer, for his own use only, any article manufactured in the penitentiary shops, or grown upon the penitentiary property, but not any other article the property of the penitentiary.

15. The warden may, if he sees fit so to do, allow any officer, for his own use only, at a fair value, to have any work done for him in the penitentiary shops.

16. Nothing shall be so sold, and no work shall be so done :—

(a.) Without an application in writing by the officer, stating that the article sought to be purchased, or the work to be done, is for his own use only ; and—

(b.) Without a proper requisition, duly signed by the proper officers, according to the penitentiary rules in other cases in force.

17. Subject to revision as hereinafter provided, the fair price or value of any article sold or work done for the warden shall be fixed by the deputy warden and accountant jointly, and in other cases by the warden.

18. Any officer signing a false application shall be dismissed.

19. An accurate account shall be kept of all articles sold to any officer, or work done for him, and the price or value thereof, and a statement thereof, in such form and verified in such manner as the Minister from time to time prescribes, shall each month be sent to the accountant of penitentiaries, who may, under directions from the Minister, revise any such statement, and direct the warden to charge against and collect from any officer any amount short charged either by mistake or under-valuation.

20. Any article so sold or work so done shall be paid for in cash on or before the last day of the month in which it is delivered or finished.

Justice.

21. No officer who is in arrears in respect of an article so sold to him, or work so done for him, shall be paid his monthly salary until such arrears are discharged by payment.

General.

22. No officer shall, for any service or work in any manner or under any circumstances, done either under the direction of the Department of Justice or the Department of Public Works, for or in respect of the penitentiary at which he is employed, be paid any salary or emolument in addition to that hereby prescribed, and for such salary the warden may exact any service for which by reason of his office or qualifications such officer is fitted

Vide Canada Gazette, Vol. XXI, p. 302.

By an Order in Council bearing date the 7th July, 1886, under the authority of the ninth section of the North-West Territories Act, 1880 (43 Victoria, Chapter 25), the Lieutenant Governor in Council of the North-West Territories, or the Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the North-West Territories, as the case may be, was empowered, in addition to the powers already conferred on the Lieutenant Governor in Council, as by and with such advice and consent, to make ordinances in relation to the following subjects, that is to say :—

1. Direct taxation, within the territory in order to the raising of a revenue for territorial (including municipal) purposes.

2. The incorporation of companies with territorial objects, with the following exceptions :

(a.) Such companies as cannot be incorporated by a Provincial Legislature.

(b.) Railway, tramway, steamboat, canal transportation, telegraph and telephone companies.

(c.) Insurance companies.

Vide Canada Gazette, Vol. XXI, p. 607.

By a proclamation bearing date the 28th September, 1887, the Parliament of Canada, passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chaptered fifty and intituled "An Act to amend the law respecting Procedure in Criminal Cases," the first and second sections of the Act were declared to come into force upon the first day of October, in the year of our Lord one thousand eight hundred and eighty-seven.

Vide Canada Gazette, Vol. XXI, p. 686.

By a proclamation bearing date the 1st day of October, 1887, the Act of the Parliament of Canada passed in the fiftieth and fifty-first years of Her Majesty's reign, chaptered sixteen and intituled: "An Act to amend 'The Supreme and Exchequer Courts Act' and to make better provision

Justice.

for the trial of claims against the Crown " was declared to have force and effect upon, from and after the first day of October, in the year of our Lord one thousand eight hundred and eighty-seven.

Vide Canada Gazette, Vol. XXI, p. 730.

GENERAL ORDER OF THE EXCHEQUER COURT.

In pursuance of the provisions contained in the 55th section of the Act 50-51 Victoria, Chapter 16, intituled: " An Act to amend the Supreme and Exchequer Courts Act, and to make better provision for the trial of claims against the Crown," and of the 13th section of " The Expropriation Act," it is ordered that the following rules in respect of the matters hereinafter mentioned shall be in force in the Exchequer Court of Canada.

Reference of Claim by Head of Department.

1. Whenever a claim is referred to the court by the head of any department of the Government of Canada, the claimant shall file with the registrar a statement of his claim, and shall leave, at the office of Her Majesty's Attorney General of Canada, a copy thereof with an indorsement thereon in the Form A in the schedule hereto; and the pleadings and procedure subsequent thereto shall be regulated by and conform, as near as may be, to the mode of pleading and procedure in proceedings against the Crown by petition of right.

Expropriation.

2. Whenever under section twelve of " The Expropriation Act," any Minister gives to the registrar any notice therein provided for, the registrar shall cause to be inserted, once each week during four consecutive weeks, in the *Canada Gazette* and in a newspaper, if there is any published in the district or county in which the land or property is situate, a notice in one of the Forms B, C, or D, in the schedule hereto, or to the like effect, according to the circumstances of the case.

3. Every person claiming to be interested in the land or property, or entitled to the compensation money, or any part thereof, mentioned in any such notice, shall, on or before the day named in such notice, file with the registrar a statement of his claim, and shall leave at the office of Her Majesty's Attorney-General a copy thereof, with an indorsement thereon in the Form A in the schedule hereto, and the pleadings and procedure subsequent thereto shall be regulated by and conform, as near as may be, to the mode of pleading and procedure in proceedings against the Crown by petition of right.

Motion for Judgment by Default.

4. A motion for judgment by default, pursuant to rules 80 or 81 of the Exchequer Court, may be made *ex parte* if a copy of the information or statement of claim with an indorsement as provided by rule 14 of the Exchequer Court is served personally upon the defendant.

Justice.

Discovery of Documents.

5. Rule 95 of the Exchequer Court is repealed and the following rule substituted therefor:—

95 The Attorney General, plaintiff or petitioner, after the time for delivering the defence has expired, and any party after the defence is delivered, may obtain an order, of course, upon *præcipe*, directing any other party, or any officer of the Crown to make discovery on oath of the documents which are or have been in his possession or power relating to any matter in question in the action.

Matters Pending before the Official Arbitrators.

6. Unless it is otherwise specially ordered any matter pending before the official arbitrators when the Act first herein mentioned came into force which had then been heard or partly heard, or which has since been heard, by them, shall be continued before them as official referees, and their report thereon shall be made to the court in like manner as if such matter had been by the court referred to them under the twenty-sixth section of the said Act.

7. The 255th rule of the Exchequer Court respecting the enlargement or abridgement of time shall apply to the doing of any act or the taking of any proceeding hereunder.

Dated this seventh day of March, 1888.

(Signed) GEO. W. BURBIDGE, J.

SCHEDULE.

FORM A.

The claimant prays for a statement in defence on behalf of Her Majesty within four weeks after the date of service hereof, or otherwise that the statement of claim may be taken as confessed.

FORM B.

(WHERE LANDS ARE TAKEN.)

IN THE EXCHEQUER COURT OF CANADA.

In the matter of "The Expropriation Act."

And in the matter of certain parcels or tracts of land hereinafter described:—

Public notice is hereby given that there has been lodged in the office of the registrar of the Exchequer Court of Canada on the

a notice to the said registrar by the Minister of
for Canada, stating his readiness to pay over to the persons entitled thereto,

Justice.

the sum of _____ which, in his opinion, is sufficient compensation for the land or property expropriated for the purposes of

(*short description of public work*)

and described as follows, that is to say:—

(*description of lands expropriated.*)

That Her Majesty has acquired title to the land or property hereinbefore described under Chapter thirty-nine of the Revised States of Canada, respecting the Expropriation of Lands, as amended by the Act 50-51 Victoria, Chapter 17, intituled: "An Act to amend the Revised Statutes, Chapter thirty-nine, respecting the Expropriation of Lands"

In consequence, all persons entitled to the said hereinbefore described land or property or any part thereof, or representing or being the husbands of any persons so entitled, or claiming to hold or represent incumbrances thereon or interests therein, are called upon to file, in the office of the registrar of the Exchequer Court of Canada, their claims or oppositions, on or before the _____ day of _____ (*any day subsequent to the last insertion of the notice in the discretion of the registrar*) and are notified that such claims or oppositions will be received and adjudged upon by this court, and that the proceedings herein will forever bar all claims to the compensation money, or any part thereof, including any claim in respect of dower, or of dower not yet open, as well as in respect of all mortgages, hypothecs or incumbrances upon the said land or property.

Dated at Ottawa this _____ day of _____ A.D. 18 _____

Registrar.

FORM C.

(WHERE LANDS ARE TAKEN AND OTHERS INJURIOUSLY AFFECTED.)
IN THE EXCHEQUER COURT OF CANADA.

In the matter of "The Expropriation Act."

And in the matter of certain parcels of tracts of land hereinafter described:—

Public notice is hereby given that there has been lodged in the office of the registrar of the Exchequer Court of Canada, on the _____ a notice to the said registrar by the Minister of _____ for Canada, stating his readiness to pay over to the persons entitled thereto, the sum of _____ which in his opinion, is sufficient compensation for the land or property expropriated for the purposes of (*short description of the public work*) and described as follows, that is to say:—

(*description of the lands expropriated.*)

And also for all damages which it is alleged such persons have sustained or may hereafter sustain by the construction of the said _____ having seriously affected certain other land or property of such persons, that is to say: (*description of lands injuriously affected.*)

Justice.

That Her Majesty has acquired title to the land or property first above described under Chapter thirty-nine of the Revised Statutes of Canada, respecting the Expropriation of Lands, as amended by the Act 50-51 Victoria, Chapter 17, intituled: "An Act to amend the Revised Statutes, Chapter thirty-nine, respecting the Expropriation of Lands."

In consequence, all persons entitled to the said land or property first above described, or any part thereof, or to any damages arising from or in connection with the taking of such land or property, or representing or being the husbands of any persons so entitled, or claiming to hold or represent incumbrances thereon or interests therein, are called upon to file, in the office of the registrar of the Exchequer Court of Canada, their claims or oppositions, on or before the day of (*any day subsequent to the last insertion of the notice, in the discretion of the registrar*) and are notified that such claims or oppositions, will be received and adjudged upon by this court, and that the proceedings herein will forever bar all claims to the compensation money, or any part thereof, including any claim in respect of dower, or of dower not yet open, as well as in respect of all mortgages, hypothecs or incumbrances upon the said land or property.

Dated at Ottawa this day of , A.D. 18 .

Registrar.

FORM D.

(WHERE LANDS ARE INJURIOUSLY AFFECTED ONLY.)

IN THE EXCHEQUER COURT OF CANADA.

In the matter of "The Expropriation Act."

And in the matter of certain parcels or tracts of land hereinafter described:—

Public notice is hereby given that there has been lodged in the office of the Exchequer Court of Canada, on the day of a notice to the said registrar by the Minister of for Canada, stating his readiness to pay over to the persons entitled thereto the sum of which, in his opinion, is sufficient compensation for all damages which it is alleged such persons have sustained or may hereafter sustain by the construction of (*short description of public work*) having injuriously affected certain land and property of such persons, that is to say:—(*description of lands injuriously affected.*)

In consequence, all persons entitled to the said compensation or any part thereof, or representing or being the husbands of any persons so entitled, or claiming to hold or represent incumbrances thereon or interests therein, are called upon to file, in the office of the registrar of the Exchequer Court of Canada, their claims or oppositions, on or before the day of (*any day subsequent to the last insertion of the notice, in the discretion of the registrar*) and are notified that such claims or oppositions will be received and adjudged upon by this court, and that the

Justice, &c.

proceedings herein will forever bar all claims to the compensation money, or any part thereof, including any claim in respect of dower, or of dower not yet open, as well as in respect of all mortgages, hypothecs or incumbrances upon the said land or property.

Dated at Ottawa this day of A.D. 18 . . .

Registrar.

Vide Canada Gazette. Vol. XXI, p. 2095.

By an Order in Council bearing date Thursday, 19th day of April, 1888, an Act passed by the Lieutenant Governor of the Province of British Columbia, with the Legislative Assembly of that Province, on the 7th day of April, 1887, chaptered 7, and intituled: "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," was disallowed.

Vide Canada Gazette, Vol. XXI, p. 2273.

Marine.

At a meeting of the Commissioners of Pilots, being the Pilotage Authority for the Pilotage District of "Victoria and Esquimalt, and such other waters as are not included in the Electoral Districts of Yale and New Westminster, the port of Nanaimo and other ports in the Island of Vancouver," held in the city of Victoria, Province of British Columbia, in the Dominion of Canada, on the seventh and ninth days of December, A.D. 1886, the following amendments and additions to the by-laws respecting pilotage for the said district were adopted, and approved by His Excellency in Council on the 13th, June 1887:

Resolved,—That in the interests of trade and navigation of this pilotage district, and in view of the fact that pilots are now only required to pilot the mail steamers from the limits prescribed in clause IV of section 17 of the by-laws, 1883, to the outer wharf of Victoria Harbor, thus being relieved of the responsibility incident to piloting them through the tortuous channel leading to the inner harbor (clause K, section 18), that steamers making regular trips to Victoria and Esquimalt and carrying Her Majesty's Mails (under clause IV of the Terms of Union) between San Francisco and said ports, shall only pay \$3 per foot for services tendered or rendered on the inward voyage (*i.e.* \$1.50 per foot into and \$1.50 per foot out of either harbor), that pilots for said remuneration will only be expected to tender such service at or about a line drawn from Williams Head to Trial Island, bearing N. E. and S. W. magnetic; that clause J be amended by striking out the figures and words "\$3 per foot into and out of either harbor" and substituting in lieu thereof the words "the prescribed rates under clause K," of the hereinbefore referred section

Marine.

18 of the by-laws; that clause or section 14, making the registered ownership of three tons in a licensed pilot vessel compulsory, be and the same is hereby suspended.

Vide Canada Gazette, Vol. XXI, p. 91.

RULES AND REGULATIONS

For the government of the public wharf at the place called the "Cascades," in the County of Vaudreuil, Province of Quebec, with tariff of tolls leviable thereat, in accordance with the provisions of the Act 49 Vic., chap. 84, Revised Statutes, approved by His Excellency in Council, 30th June, 1887.

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

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

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

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

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

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

RULE VII.—That all lumber, shingles, lath, salt, or any goods or merchandise, or material of any kind whatsoever, having been landed, piled or placed on the harbor property for shipment shall be liable to harbor tolls, whether afterwards shipped or not, the fact of any having been landed, piled or placed on any part of the harbor property shall be presumptive evidence that the owner intended to ship it, and said lumber, timber, salt, &c., shall in consequence be liable to pay the usual tolls, although afterwards removed by teams or otherwise, and shall likewise be

Marine.

liable to all the previous conditions as to removal and ground rent and sales as hereinafter provided.

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

RULE IX.—That no lumber, timber, shingles, lath, pickets, ties, cedar posts or poles, cordwood, stone, plaster stone, coal, salt or other goods or materials of whatsoever nature or kind shall be landed or placed in or upon any of the wharves, piers and lands of the harbor, unless by permission of the wharfinger, and then only on such portions of the harbor property as may be allotted to them for the time being, and shall be so landed and placed in such a manner as the wharfinger may direct; and goods, merchandise, lumber, salt or other material landed or placed on the harbor property shall be shipped or removed within forty-eight hours, and in default of so shipping or removing said goods, lumber, salt or other material, it may be removed at the direction of the wharfinger, and the expense of such removal shall be a lien upon such property so removed; it shall also pay a rental of not more than one dollar for every succeeding forty-eight hours for each and every 12 feet square of the harbor property occupied by said goods, lumber, salt or other material; provided that in case the owner or agent of such goods, lumber, salt or other material, refuses or neglects to ship or remove the same from the harbor property after the expiration of one month, it shall be lawful to sell and dispose of the same by public auction to defray the expenses to pay ground rent as above—eight days' notice of such sale to be given by posting handbills announcing it in the usual manner.

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

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

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

SCHEDULE.

	Cts.
Apples, per barrel.....	2
Apples, per bushel.....	1
Bacon, per 100 lbs.....	3
Bark, per cord.....	5
Beef and pork, per barrel.....	4
Beef and pork, per half barrel	2
Beef and pork, per quarter barrel.....	1
Beer, ale and porter, per barrel.....	4
Beer, ale and porter, per half barrel.....	2
Beer, ale and porter, per quarter barrel.....	1

Marine.

	Cts.
Boilers, per ton.....	25
Bricks of all kinds, per M.....	20
Building stone, per cord.....	10
Butter, per 100 lbs.....	2
Calves, each.....	3
Carriages and waggons of all kinds, with springs.....	20
Carts, without springs, each.....	10
Cattle and horses, per head.....	15
Cedar posts, per 100.....	10
Cement, per barrel.....	3
Cheese, per 100 pounds.....	2
Cider, per barrel.....	3
Clover seed, per bushel.....	2
Coal, per ton.....	5
Colts and fillies, each.....	7
Corn meal, Indian, per barrel.....	2
Cranberries, per barrel.....	5
Crockery, including china and glassware, per crate.....	25
Cultivators, each.....	15
Earthenware, coarse, per crate.....	10
Eggs, per barrel, or box of 72 dozen.....	5
Fanning mills, each.....	15
Fish, per barrel.....	2
Fish, per half barrel.....	1
Fish, dry, per 100 lbs.....	2
Flour, per barrel.....	2
Flour, per 100 lbs.....	1
Fruit, per 100 lbs., not otherwise provided for.....	5
Furniture, per ton measurement.....	30
Grain of all kinds, except oats, per bushel.....	$\frac{1}{4}$
Grain, oats, per bushel.....	$\frac{3}{8}$
Grindstones, per ton.....	15
Gypsum, per ton.....	3
Hams, per 100 lbs.....	2
Hardware, per ton.....	25
Hay, per ton.....	10
Headings, barrel, per M.....	25
Hides or skins, per 100 lbs.....	2
Hoops, per M.....	2
Hops, per 100 lbs.....	5
Horse rakes, each.....	5
Iron, bar, per ton.....	15
Iron, pig, per ton.....	8
Iron, scrap, per ton.....	15
Lard, per barrel.....	5
Lard, per half barrel.....	$2\frac{1}{2}$
Lath, per thousand pieces.....	$\frac{1}{4}$
Leather, per 100 lbs.....	3

Marine.

	Cts.
Lime, per barrel.....	2
Lime, per ton, in bulk.....	5
Lumber, sawn or square, per M feet B. M.....	3
Machinery, engines, &c., per ton.....	25
Machines, reaping and mowing, each.....	50
Machines, threshing, each.....	75
Marble, per ton.....	25
Merchandise, dry goods, per ton.....	50
Millstones, per pair.....	30
Molasses, per hogshead.....	8
Nails and spikes, per ton.....	25
Nursery produce, per ton.....	30
Oatmeal, per barrel.....	2
Oils, per barrel.....	5
Paints, per ton.....	25
Pearl and pot ashes, per barrel.....	8
Pickets, per 1000.....	3
Plaster, calcined, per barrel.....	4
Plaster, land, per barrel.....	2
Ploughs, each.....	3
Poles, telegraph, each.....	$\frac{1}{4}$
Potatoes and roots, per bushel.....	$\frac{1}{4}$
Rags, per ton.....	15
Rakes (hay) snaiths and forks, per dozen.....	1
Rakes, horse, each.....	5
Root slicers, each.....	5
Salt, per barrel.....	$\frac{1}{4}$
Salt, per ton.....	$1\frac{1}{2}$
Sand, per ton.....	$1\frac{1}{2}$
Sawlogs, per M. feet, B. M.....	1
Sheep, per head.....	2
Shingles, per M.....	$\frac{1}{2}$
Shingle or stave bolts, per cord.....	3
Slate, per ten feet square.....	3
Spirits of all kinds and wines, per barrel.....	10
Spirits of all kinds and wines, per half barrel.....	5
Spirits of all kinds and wines, per keg or quarter barrel.....	$2\frac{1}{2}$
Spirits of all kinds and wines, per dozen bottles.....	2
Staves, fish, flour and salt, per M.....	2
Staves, pipe, per M.....	50
Staves, West India, per M.....	25
Stone, cut, per ton.....	20
Stone, block, in the rough, per ton.....	15
Stoves, per ton.....	20
Straw cutters, each.....	5
Swine.....	$2\frac{1}{2}$
Ties, railroad, each.....	$\frac{1}{4}$

Marine.

	Cts.
Timothy seed, per bushel.....	2
Vinegar, per barrel.....	4
Wood, per cord.	2½
Wool, per ton.....	30

Vide Canada Gazette, Vol. XXI, p. 138

REGULATIONS

For the use of the Public Wharf at Buctouche, in the County of Kent, Province of New Brunswick, approved by His Excellency in Council, 7th July, 1887.

1. No vessel or vessels shall be allowed to make fast to any of the fenders on the wharf aforesaid.

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

On each steamboat.....	\$1 00
do sailing vessel under 50 tons.....	0 25
do do of 50 tons and under 100.....	0 30
do do 100 do 200.....	0 50
do do 200 do 300.....	0 70
do do 300 do 500.....	1 00
do do 500 do 800.....	1 25
do do 800 do 1200.....	1 50
do do 1200 do 1600.....	1 75
do do above 1600 tons.....	2 00

3. The following dues shall be charged on all horses, cattle, sheep and goods landed or shipped from the said wharf :—

Horses, each.....	\$0 15
Carriages, each.....	0 10
Oxen and cows, each.....	0 10
Sheep, each.....	0 02
Barrels, each.....	0 02
Hogsheads, each.....	0 10
Cases, bales and other goods.....	½ ct. p. c. foot.
Coal, iron, building stone, salt and articles of similar nature.....	5 cts. p. ton.
Chains and anchors.....	10 do
Naval stores, paints, oils and articles of a similar nature.....	5 do
Cordwood and bark.....	5 cts p. cord.
Rough plaster from quarry, stone or gravel or earth ballast for shipping.....	2 cts. p. ton.
Gravel for use of roads.....	Free.
Dried fish in bulk.....	1 ct. p. quintal.

Marine.

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

Vide Canada Gazette, Vol. XXI., p. 140.

By Order in Council bearing date Monday, 3rd day of October, 1887, in accordance with the provisions of the 15th section of Chapter 81, "The Wrecks and Salvage Act," of the Revised Statutes of Canada, the eastern portion of Prince County, in the Province of Prince Edward Island, embracing Lots 16, 17, 18, 19, 25, 26, 27 and 28, was established a district for the purposes of the Act.

Vide Canada Gazette, Vol. XXI. p. 792.

BY-LAWS

For the Pilotage District of St. Mary's and Liscombe. Also the amended rate of Pilotage Fees. Approved by His Excellency in Council, 15th October, 1887,

Any licensed pilot placed in charge of a vessel by the master shall, in addition to full pilotage rates, be paid the sum of one dollar and fifty cents per day, for each day he may be detained on board such vessel by the master, by stress of weather or otherwise while he is waiting orders.

By-law for Liscombe Harbor, as follows:—

The pilots of Liscombe shall hereafter take all vessels for the purpose of loading under five hundred tons above Riley's Island, but not to remain after drawing fifteen feet of water. All vessels over five hundred tons shall be moored between Riley's Island and Freeman Lang's near Riley's Island and load there until they draw eighteen feet of water. Vessels drawing more than eighteen feet of water to finish loading near Clay Head. Vessels removing from the upper loading ground shall not pass the second unless they draw more than eighteen feet of water. One moving to be paid by the master, the rate to be one cent per ton.

Amended rates of Pilotage for Liscombe and St. Mary's as follows:—

				Inwards.	Outwards.
Vessels of 80 tons and under	150 tons		\$ 4.00	\$ 6.00
do 150	do up to 200	do		5.00	7.00
do 200	do do 250	do		6.00	8.00
do 250	do do 300	do		7.00	9.00
do 300	do do 350	do		8.00	10.00
do 350	do do 400	do		9.00	11.00
do 400	do do 500	do		11.00	13.00
do 500	do do 600	do		14.00	16.00

Vessels from 600 tons and over, one dollar for every additional hundred tons or fractional part of a hundred.

Marine.

The following rate shall apply to the Port of Liscombe only :—

Vessels of eighty tons and under requiring the services of a pilot shall pay three cents per register ton inwards and outwards.

The rates for small vessels for St. Mary's to remain as heretofore.

Vide Canada Gazette, Vol. XXI, p. 948.

BY-LAWS, RULES AND REGULATIONS

For the government of pilots, for the Pilotage District of Economy, in the County of Colchester in the Province of Nova Scotia, made by the Pilotage Authority for the said district, and approved by His Excellency in Council, 2nd December, 1887.

1. No person shall be licensed for a pilot under twenty-one years of age, nor unless he shall reside within the said pilotage district and shall on examination be found in every respect well qualified to discharge all the duty of a pilot.

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

3. Every master or mate shall pay for his certificate the yearly sum of ten dollars (\$10) on receipt of his certificate or renewal thereof.

4. Any pilot piloting a vessel from sea shall be entitled to pilot her to sea when she next leaves port, unless on the complaint of the master, owner or agent of said vessel the pilotage authority direct otherwise.

5. On proof on oath to the satisfaction of the pilotage authority that any pilot licensed by them has been guilty of any improper conduct, drunkenness or wilful neglect of duty, said pilot shall be suspended, or deprived of his license at the discretion of the pilotage authority.

6. Every licensed pilot shall report to the secretary of the pilotage authority all vessels spoken by him which have refused to accept his services, and shall also report any casualty or accident which may have happened to any vessel under his charge or any other matter of importance connected with vessels coming under his observation, and shall also report, when any of the buoys are not in their places, or any of the lighthouses not lighted at the proper time, which report shall be made as above immediately after his arrival or as soon as office hours will permit.

7. Each licensed pilot upon boarding any vessel is required to exhibit to the master of such vessel a copy of the quarantine regulations, and if upon enquiry, the pilot finds such vessel has come from any infected port, or if on board of such vessel any death from infectious or contagious disease has occurred, then in any of these cases it shall be the duty of such pilot to warn the master of such vessel that he is not to allow any intercourse between his vessel and the people on shore before receiving the visit and orders of the quarantine officer of the port, and on entering the port the pilot shall cause the national flag to be hoisted at the main and shall bring the vessel to anchor at the usual place appointed for riding quarantine.

8. Any licensed pilot offering his services to any inward bound vessel liable to pay pilotage on being refused employment shall be entitled to

Marine.

demand legal pilotage, provided no other licensed pilot shall have previously offered his services and demanded payment therefor.

9. Any questions or disputes arising between pilots, masters of vessels and others respecting pilotage or for any other extra remuneration and all other questions and disputes between them shall be submitted to the pilotage authority to be readjusted and decided by them; and the judgment of the commissioners or a majority of them respecting all such questions or disputes in which the subject matter does not exceed the sum of forty dollars (\$40) shall be final and binding on all parties; and every licensed pilot who shall act contrary to this regulation or shall refuse or neglect to appear before the commissioners after twenty-four hour's notice when his attendance shall be required by them on any occasion, or shall give any unnecessary trouble, annoyance or detention to the masters of vessels, shall, for each offence, be liable to a penalty not exceeding twenty dollars (\$20) and also to suspension or dismissal at the discretion of the commissioners.

10. The rates of pilotage within the pilotage limits of the district of Economy shall be as follows, on vessels liable to pay pilotage:—

From the west end of Moose Island to the Port of Economy. \$2 per draught foot, and twenty-five cents extra per foot on vessels to and above Economy Point and within the district. From Moose Island to any river in Five Islands, \$2 per draught foot.

From Economy River to the west end of Moose Island, \$2 per draught foot.

The Port of Economy is hereby understood to mean Economy Village, and also to include any place inside the mouth of Economy River.

Vide Canada Gazette, Vol. XXI., p. 1294.

At a meeting of the Pilot Commissioners, being the Pilotage Authority for the pilotage district of Victoria and Esquimault, in the Province of British Columbia, Dominion of Canada, duly convened, regularly held and assembled in the city of Victoria at the office of said Commissioners on the 28th day of June, 1887,—a full board being present—the following resolution was agreed upon and passed unanimously, and was approved by His Excellency in Council on the 1st February, 1888:

“That on account of the changed circumstances of the commerce of British Columbia and the fact of steamers and vessels from foreign ports having to call at more than one port in the province, and having to pay separate pilotage rates at each port, which is regarded as being oppressive and detrimental to the commerce of the province, it is desirable to amend the by-laws fixing the rate of pilotage for the ports of Esquimault and Victoria. Be it therefore resolved, that section B of clause 18 of the by-laws be amended as follows, viz:—

Esquimault Harbor—

	Per foot.
Vessels under sail.....	\$3 00
do under steam or in tow.....	2 00
Steamers.....	1 50

Marine, &c.

	Per foot.
Victoria Harbor—	
Sailing vessels under sail.....	3 00
do under steam	2 00
Steamers.....	1 50
That section, C of clause 18 of the by-laws be amended to read “half the above rates when the services of a pilot are offered but not accepted.”	
<i>Vide Canada Gazette, Vol. XXI, p. 1759.</i>	

At a meeting of the Commission of the Nanaimo Pilotage District held at Nanaimo, British Columbia, on the 14th February, 1888, the following amendments to clauses 29 and 34 were adopted, and approved by His Excellency in Council on the 19th March, 1888 :—

That clause 29 be amended by adding thereto the following :—

That a line to be known as the outer line shall be at or outside a line drawn from Trial Island to Dungeness Lighthouse, including all ports on Vancouver Island shore north of said line.

That clause 34 be repealed and the following substituted therefor :—

All steamers carrying Her Majesty's mails from any foreign port to British Columbia shall pay for inward and outward pilotage one dollar and fifty cents per foot exclusive of gulf pilotage.

Vide Canada Gazette, Vol. XXI, p. 2091.

At a meeting of the Parrsboro' Pilotage Authority held on the 20th February, 1888, the following resolution was passed unanimously and was approved by His Excellency in Council on the 25th March, 1888 :—

Resolved, that section 3 of the rules and regulations for the government of pilots for the Pilotage District of Parrsboro' in the County of Cumberland, Province of Nova Scotia, be repealed, and the following clause be enacted instead thereof :—

“ Every master or mate of vessels of 130 tons register tonnage shall pay yearly the sum of forty dollars on receipt of his pilot certificate or a renewal thereof, and vessels over 130 tons to pay five cents per ton additional, and all vessels under 130 tons, owned and registered in the Dominion of Canada, be exempt from the payment of pilotage dues in and out of the Parrsboro' Pilotage District.

Vide Canada Gazette, Vol. XXI, p. 2143.

Post Office.

By an Order in Council bearing date Monday, 3rd January, 1887, two new Post Office Inspector's Divisions were constituted and established to be called, respectively, the Stratford Division in the Province of Ontario, and the Sherbrooke Division in the Province of Quebec, and that the said divisions be composed as follows :—

Post Office, &c.

The Stratford Division in the Province of Ontario to consist of the Counties of Perth (South Riding) and Huron, and the Townships of North and South Easthope in the County of Oxford, to be detached from the London Division, the Counties of Perth (North Riding), Wellington and Waterloo, to be taken from the Toronto Division, and the Counties of Bruce, Grey (South Riding) and Grey (North Riding) to be withdrawn from the Barrie Division.

The Sherbrooke Division in the Province of Quebec to comprise the Counties of Compton, Richmond (except townships of Cleveland and Shipton), Stanstead, Drummond (except Township of Kingsey), Sherbrooke (town), Shefford and Brome, heretofore forming part of the Montreal Division, and the Counties of Wolf, Richmond (Townships of Cleveland and Shipton) and Drummond (Township of Kingsey), now belonging to the Quebec Division.

Vide Canada Gazette, Vol. XXI, p. 52.

By an Order in Council bearing date Monday, 3rd January, 1887, a new Post Office Inspector's Division was constituted and established to be called the Stratford Division in the Province of Ontario, and that the said division be composed as follows:—

The Stratford Division in the Province of Ontario to consist of the Counties of Perth (South Riding) and Huron, and the Townships of North and South Easthope in the County of Oxford, to be detached from the London Division, the Counties of Perth (North Riding), Wellington and Waterloo, to be taken from the Toronto Division, and the Counties of Bruce, Grey (South Riding) and Grey (North Riding) to be withdrawn from the Barrie Division.

Vide Canada Gazette. Vol. XXI, p. 91.

Public Works.

BY-LAWS

As to the Quebec Graving Dock. Enacted under 22nd Victoria, Chapter 32, section 4, sub-sections 1 and 2; 25 Victoria, Chapter 44, section 2; 40 Victoria, Chapter 51, section 5, and 38 Victoria, Chapter 56, section 4, and approved by His Excellency in Council 19th July, 1887.

1. No vessel shall be entitled to be admitted into the graving dock without having the time and manner of her entry into, and of her remaining in said dock, previously prescribed and regulated at the dock master's office in books to be kept for that purpose.

Public Works.

No regulation shall be considered complete until the owner of the vessel or his representative shall have signed the regulating book.

2. No vessel shall remain in the graving dock any longer than the time for which such vessel shall have been regulated.

If, before the expiration of the time for which a vessel was originally regulated in the dock, the dock master shall be satisfied, on a written application to be made to him for that purpose, that circumstances not known when the vessel was regulated, or beyond the control of the parties engaged in the work, will prevent the completion within the period for which the vessel was regulated, a new regulation may, if the dock master shall think proper, be made for such further time not exceeding fourteen (14) days as he may think requisite for the completion of such work, but no vessel shall be allowed to be re-regulated more than once, except with the sanction of the Harbor Commissioners. Every owner, master, managing owner or consignee of any vessel which shall remain in the graving dock after the expiration of the time for which such vessel shall have been originally regulated or re-regulated, as above mentioned; and the person by whom the regulating book was signed in respect of such vessel, shall be deemed to have committed a separate offence against this by-law in respect of every tide during which such vessel shall so remain in the graving dock, and a penalty of fifty dollars (50) will be inflicted for every such offence; and the infliction of such penalty or penalties in respect of any such offence or offences shall not relieve the parties from their liability to pay the graving dock rates payable to the harbor board in respect of the use of the graving dock beyond the period for which the vessel was regulated or re-regulated.

3. If any vessel shall not leave the graving dock at the expiration of the period for which she was regulated or re-regulated, the dock master, whether such vessel may or may not then be water-tight, or capable of being floated, may open the gates of the dock to let out any vessel therein, or to admit any other vessel thereto, and any loss or damage sustained by any vessel by reason of the water being so let into the dock, shall be exclusively borne by the owner or owners of such vessel; and the commissioners may cause to be removed from the graving dock vessels not removed by the owner or owners in due course, and to recover from said owner or owners all expenses incurred in so doing, including the cost of ballast and making the vessel water-tight if necessary.

4. On failure to place a vessel in the graving dock, for which she has been regulated on the day appointed for that purpose in the regulating book, such vessel shall be struck off the entry list; the owner, master, managing owner or consignee of such vessel shall, on demand, pay to the board the amount, if any, which the board may have lost in respect of graving dock rates, by reason of such failure; and except under the circumstances hereinafter mentioned, her entrance fee shall be forfeited to the Board; but if the dock master shall be satisfied that such failure arose by stress of weather or other circumstances which shall in his judgment be a sufficient reason for the same, then on payment of the amount, if any, which the board may have lost as aforesaid, the vessel may be reinstated in her original position on the entry list without payment of a fresh entrance fee.

Public Works.

5. No vessel shall be broken up or commenced to be broken up while in the graving dock without the consent of the board signified in writing under the hand of their secretary for the time being; the dock master may forthwith remove from the graving dock any vessel which shall be commenced to be broken up, without such consent, and all the costs consequent upon such removal shall be paid by the master, owner or consignee of such vessel, or by the person who signed the Regulating Book for such vessel.

6. The dock master may, in his discretion, allow any vessel which shall have put back in a damaged condition, or which shall under any other circumstances be in such a condition as may in his judgment render her immediate admission to the graving dock actually necessary, to enter the graving dock in priority to all other vessels standing on the regulating list.

7. No vessel shall be scuttled in the graving dock without the special permission, in writing, of the dock master.

8. The owner or master of any vessel intending to enter the graving dock shall cause the blocks to be laid, and the lines stretched for her reception at least three hours before high water of the tide for which such vessel may have been regulated to enter the graving dock; and in the case of iron vessels he shall also cover the dock blocks with hardwood caps of a sufficient thickness to prevent the dock blocks being cut or injured by the vessel's keel. Whenever caps are required to be placed on the dock blocks notice thereof shall be given to the dock master at the time of regulating, in order that a proportionate allowance may be made as to the depth of water. Any vessel in respect of which any breach of this by-law shall occur, shall be struck off the entry list and the entrance fee shall be forfeited to the board.

9. Blocks and horizontal shores and stages will be provided by the board, as follows, viz. :—Blocks : one set for the length given at the time of regulating. Horizontal shores : two for every fifteen feet of the length given at the time of regulating. Stage poles and planks : A sufficient number to make one tier of stages round the vessel, to consist of two planks in breadth and a gangway stage of two poles and five planks. No person shall use or take away any such block, shore, pole or plank or other article belonging to the harbor board without permission from the said board, and every person using or taking away any such block, shore, pole or plank, or other article with such permission, shall return and replace the same when required by the dock master.

10. No person shall destroy, cut, or otherwise damage, or allow to go adrift, any of the blocks, shores, machines, stores, water cisterns, stages or pipes, pitch pots, cranes, tackle or other appendages belonging or which may belong to the graving dock, nor throw down timber or other heavy thing upon the steps and stonework, or pass the same into or out of the dock, otherwise than by the shoots prepared for that purpose.

11. The master, owner, or consignee of any vessel requiring to be swealed whilst in a graving dock may with the permission of the dock master, cause such vessel to be swealed, on condition that such owner, master or consignee, shall, at his own expense, procure the attendance of a

Public Works.

waterman with the water laid on, and with a hose of sufficient length to reach every part of the vessel; and that such waterman shall remain constantly near such vessel during such sweating.

12. No vessel shall be admitted into the graving dock until she shall have been regulated in accordance with the by-law No. 1. No vessel shall be regulated until she shall have been entered at the dock office on the entry list and the undermentioned sums paid at the office of the treasurer of the harbor board as an entrance fee, viz., two hundred dollars (\$200).

13. The use of the graving dock will be subject to the following tariff, viz. :—

Gross Tonnage of Vessel.	For the first day, Docking.	For each day subsequent, including the undocking day.
2,000 tons or any portion of same to be counted as 2,000 tons	25 cts. per ton	4½ cts. per ton.
Each 50 tons above 2,000 tons.....	3 cts. per ton.....	1½ ct. per ton.

All fractional part of 50 tons to be counted as 50 tons.

Each day to be counted from noon to noon.

Each fractional part of a day will be charged as one day.

No reduction will be allowed for Sundays and holidays.

A reduction on the above tariff will be allowed for the use of the dock during the period the navigation will be closed.

The rates for the use by any vessel of the graving dock shall be due and payable at the said treasurer's office forthwith upon the delivery of the account of such rates to the master, owner or owners, managing owner or owners, consignee or consignees of such vessel, or to the person who shall have signed the regulation book for the owner of such vessel pursuant to the by-law No. 1; and if such rates shall be paid at the treasurer's office within ten days after the delivery of such account, the entrance fee paid in respect of such vessel shall be returned; but if such rates shall not be paid in the manner and within the period above mentioned, the entrance fee paid in respect of such vessel shall be forfeited to the harbor board.

14. When two or more vessels shall be in the dock the above tariff will be paid conjointly by them in proportion of their respective gross tonnage.

15. No vessel will be allowed to enter the graving dock with gunpowder on board or any other explosive material.

16. Prior to the undocking of each vessel the dock will be properly cleaned by and at the expense of the party who has used the dock.

17. The commissioners will, under no circumstances hold themselves responsible for any accident or damage of any description whatever which might possibly occur in the landing and shipping of machinery or other articles, either from or into any vessel in the dock.

18. The commissioners will also, under no circumstances, hold themselves responsible for any accident of any description whatever which

Public Works.

might occur to a vessel when in the dock or when entering into or going out of same.

19. Every person committing an offence against any of the foregoing by-laws shall be subject to a penalty of fifty dollars, (\$50) for each and every offence, to be recovered by civil action.

Vide Canada Gazette, Vol. XXI, p. 497.

RULES and regulations for the management and working of the Graving Dock at Esquimalt, B. C. Approved by His Excellency in Council 3rd September, 1887.

1. No vessel will be admitted into the dock without having the time and manner of her entry, and of her remaining in the dock, fixed and determined at the dock master's office, and duly noted and entered in books to be kept for that purpose, nor until after the owner of the vessel or his representative shall have signed such note and entry.

2. No vessel shall remain in the dock any longer than the time agreed upon and fixed and noted in the dock master's office, but if, before the expiration of the time fixed, the dock master shall be satisfied, on a written application to be made to him for that purpose, that circumstances not known when the vessel was docked, or which are beyond the control of the persons engaged in the repairs, will prevent their completion within the period for which the vessel was entitled to remain, a new arrangement may, if the dock master shall think proper, be made for such further period not exceeding fourteen (14) days as he may think requisite; but no vessel shall be allowed to remain over the date fixed by the new arrangement, except with the sanction of the Honorable the Minister of Public Works of Canada. Every owner, master, managing owner or consignee of any vessel, or the person by whom the entry books in the dock master's office were signed in respect of such vessel, which shall remain in the dock after the expiration of the period or date originally fixed or extended and fixed by any new arrangement as above mentioned, shall be deemed to have committed a separate offence against this rule and regulation in respect of every tide during which such vessel shall remain in the dock, and a penalty of fifty (50) dollars will be inflicted for every such offence; and the infliction of such penalty or penalties in respect of any such offence or offences shall not relieve the parties from their liability to pay the dock rates payable to the dock master in respect of the use of the dock beyond the period for which arrangement had been made.

3. If any vessel will not leave the dock at the expiration of the period for which arrangement had been made, the dock master, whether such vessel may or may not be then water-tight or capable of being floated, may open the dock to let out any vessel therein, or to admit any other vessel thereto, and any loss or damage sustained by any vessel by reason of flooding the dock shall be exclusively borne by the owner or owners of such vessel; and the dock master may cause to be removed from the dock vessels not removed by the owner or owners in due course, and to recover from said owner or owners all expenses incurred in so doing, including the cost of ballast and making the vessel water-tight, if necessary.

Public Works.

4. On failure to place a vessel in the dock on the day appointed and agreed upon for that purpose, such vessel shall be struck off the entry books, and the owner, managing owner, master or consignee of such vessel shall, on demand, pay to the dock master, the amount, if any, which may have been lost in respect of dock rates and dues by reason of such failure, — and except under the circumstances hereinafter mentioned, her entrance fee shall be forfeited; but if the dock master shall be satisfied that such failure arose by stress of weather or other circumstances which shall, in his judgment be a sufficient reason for the same, then on payment of the amount which may have been lost, as aforesaid, the vessel may be reinstated in her original position on the entry list without payment of a fresh entrance fee.

5. No vessel shall be broken up, or commenced to be broken up, while in the dock, without the permission of the Honorable the Minister of Public Works is first had and obtained. The dock master may forthwith remove from the dock any vessel which shall be commenced to be broken up without such permission, and all costs consequent upon such removal shall be paid by the owner, managing owner, master or consignee of such vessel, or by the person who signed the entry books in the dock master's office for and on account of such vessel.

6. The dock master may, in his discretion, allow any vessel which shall have put back in a damaged condition, or which shall, under any other circumstances, be in such a condition as may, in his judgment, render her immediate admission into the dock actually necessary, to enter the dock in priority to all other vessels standing on the entry list and books.

7. No vessel shall be scuttled in the dock without the special permission, in writing, of the dock master, who shall demand and obtain a written statement from the proper persons why it is necessary that scuttling shall take place.

8. The owner or master of any vessel intending to enter the dock shall cause the blocks to be laid and the ties stretched for her reception at least three (3) hours before high water of the tide for which entry shall have been fixed for the said vessel, and in case of iron vessels, the owner or master shall also cover the dock blocks with hardwood caps of a thickness sufficient to prevent the dock blocks being cut or injured or broken by the vessel's keel, the thickness of the caps to be fixed by the dock master. Whenever caps are required to be placed on the dock blocks, notice thereof shall be given to the dock master at the time of entry, in order that a proportionate allowance may be made as to the depth of water. Any vessel in respect of which any breach of this rule and regulation shall occur shall be struck off the entry list and the entrance fee shall be forfeited.

9. Blocks and horizontal shores will be provided as follows, viz. :—

Blocks; one set for the length given at the time of entry at the dock master's office;

Horizontal shores; two for every fifteen (15) feet of such length as aforesaid;

Public Works.

A sufficient number of stage poles and planks to make one tier of stages around the vessel, to consist of two (2) planks in breadth, and a gangway stage of two poles and five planks will also be provided.

No person shall use or take away any such blocks, shores, poles or planks or other articles belonging to the dock without permission first had and obtained from the dock master, and every person using or taking away any of the articles above mentioned, with such permission, shall return and replace the same when and where required by the dock master.

10. No person shall destroy, cut or otherwise damage, or shall allow to go adrift, any of the blocks, poles, shores, planks, machines, stores, water-cisterns, stages, pipes, pitch pots, cranes, tackle or other appendage belonging or which may belong to or be used in connection with the dock, nor throw down timber or other heavy thing upon the steps and stone work, or pass the same into or out of the dock otherwise than by the shoots prepared for that purpose.

11. The master, owner or consignee of any vessel requiring to be swealed whilst in the dock may, with the permission of the dock master first had and obtained, cause such vessel to be swealed only on condition that such owner, master or consignee shall, at his own expense, procure the attendance of persons with the water laid on with a sufficient length of hose to reach every part of the vessel, and that the persons so engaged shall remain constantly near such vessel during such swealing.

12. No vessel will be admitted into the dock until she shall have been duly entered in accordance with rule and regulation No. 1 on the entry books in the dock master's office, nor until after the sum of two hundred dollars (\$200) shall have been paid to the dock master as an entrance fee.

13. The use of the dock will be subject to the following tariff, viz:—

Gross Tonnage of Vessel.	For the first day of docking.	For each following day, including the unlocking day.
For all vessels up to 1,000 tons.....	\$400.00	10 cts. per ton.
For all vessels from 1,000 to 2,000 tons.....	\$500.00	8 cts. per ton.
For all vessels from 2,000 to 3,000 tons.....	\$600.00	6 cts. per ton.
For all vessels from 3,000 to 6,000 tons.....	\$700.00	5 cts. per ton.

All fractional parts of 50 tons to be counted and paid for as 50 tons. Cargoes to be charged at the same rate as tonnage, and no charge for ballast. Each day to be counted from noon, and each fractional part of a day will be charged as one day.

No reduction will be allowed for Sundays and holidays.

The rates for the use of the dock by any vessel shall be due and payable to the dock master at his office forthwith upon the delivery of the account of such rates to the master, owner or owners, managing owner or owners, consignee or consignees of such vessel, or the person or persons who shall have signed the entry books in the dock master's office in re-

Public Works.

spect of such vessel in accordance with rule and regulation No. 1; and if such rates shall be paid to the dock master within ten days after the delivery of such account, the entrance fee paid in respect of such shall be returned; but if such rates shall not be paid in the manner and within the period above mentioned, the entrance fee paid in respect of such vessel shall be forfeited to the Crown.

14. When two or more vessels may be in the dock the above tariff will be paid conjointly by them in proportion to their respective gross tonnage.

15. No vessel, excepting Her Majesty's ships of war, will be allowed to enter the dock with gunpowder or any explosive material on board.

16. Prior to the unlocking of such vessel the dock must be properly cleaned by and at the expense of those who have used the dock, and all parts or portions of damaged vessels or machinery which may have been removed and not again used must be taken from off the dock premises, and all plant, tools and machinery which may have been brought and used in repairs must, after the completion of such repairs, be taken away.

17. It is distinctly to be understood that the Crown will, under no circumstances, be held to be liable or responsible for any accident of any description whatever which may occur to a vessel when in the dock, or when entering or leaving the same.

18. Every person committing an offence against any of the foregoing rules and regulations shall be subject to a penalty of \$50 for each and every offence, to be recovered by civil action.

19. Her Majesty's ships of war shall have, at all times, priority of entry, and in the event of its being necessary that such a ship shall enter, the dock master shall have the power to cancel existing entries and arrangements, and to treat all such as fresh entries, to take effect after such war vessel shall have been undocked.

Vide Canada Gazette, Vol. XXI, p. 565.

By a Proclamation bearing date 7th November, 1887, under the authority the Revised Statutes of Canada, Chapter one hundred and fifty-one, intitled "An Act for the preservation of peace in the vicinity of Public Works," the sections of the said Act then in force over the line of the Canadian Pacific Railway from Sudbury Junction to a point half a mile east of Sault Ste. Marie and the district adjacent to such line within ten miles on each side of the track and within a radius of ten miles surrounding the village of Sudbury were declared to be no longer in force over such line and district.

Vide Canada Gazette, Vol. XXI, p. 1039.

By an Order in Council bearing date 24th January, 1888, the following tariff of tolls to be charged by the Rouge Boom Company during the season was approved:—

Public Works

Tariff of tolls to be charged by the Rouge Boom Company in 1883.

Pine logs.....	3	cts.	per	piece.
Spruce logs	2	do	do	
Round timber.....	5	do	do	
Square timber.....	10	do	do	
Railway ties.....	1	do	do	

Vide Canada Gazette, Vol. XXI, p. 1667.

By an Order in Council bearing date 8th February, 1888, the following schedule of tolls proposed to be collected by the Upper Ottawa Improvement Company during the year 1883, was approved:—

Through Des Joachims Boom.

	Per piece. Cent.
Saw logs, 17 ft. and under.....	$\frac{1}{4}$
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	$\frac{1}{3}$
Red and white pine, tamarac, spruce and hemlock, round or flatted, 25 to 35 ft. long.....	$\frac{5}{12}$
Red and white pine, tamarac, spruce and hemlock, round or flatted, under 35 ft. and upwards in length.....	$\frac{2}{3}$
Red and white pine, tamarac, spruce, and hemlock, square	1
Oak, elm. and other hardwood, square or flatted.....	$1\frac{1}{2}$

Through Fort William Boom.

Saw logs, 17 ft and under.....	$\frac{1}{10}$
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	$1\frac{2}{5}$
Red and white pine, tamarac, spruce and hemlock, round or flatted, 25 to 35 ft. long.....	$\frac{1}{6}$
Red and white pine, tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	$\frac{4}{15}$
Red and white pine, tamarac, spruce and hemlock, square	$\frac{2}{3}$
Oak, elm, and other hardwood, square or flatted.....	$\frac{3}{5}$

Passing Lapasse Boom.

Saw logs, 17 feet and under.....	$\frac{1}{20}$
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	$\frac{1}{15}$
Red and white pine, tamarac, spruce and hemlock, round or flatted, 25 to 35 ft. long.....	$\frac{1}{12}$
Red and white pine, tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	$\frac{2}{15}$
Red and white pine, tamarac, spruce and hemlock, square	$\frac{1}{5}$
Oak, elm, and other hardwood, square or flatted.....	$\frac{3}{10}$

Public Works.

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

	Per piece. cent.
Saw logs, 17 feet and under.....	½
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	1 ½
Red and white pine, tamarac, spruce and hemlock, round or flatted, 25 to 35 ft. long.....	½
Red and white pine, tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	1 ⅞
Red and white pine, tamarac, spruce and hemlock, square	½
Oak, elm, and other hardwood, square or flatted.....	1 ½

Through Improvements from Deschênes to Head of Hull Slide, North Side.

Saw logs, 17 ft. and under.....	½
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	¾
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 25 ft. and under 35 ft. long.....	⅝
Red and white pine, tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	1 ⅓
Red and white pine, tamarac, spruce and hemlock, square	2
Oak, elm, and other hardwood, square or flatted.....	3

Through Boom at outlet of Hull Slide.

Saw logs, 17 ft. and under.....	½
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	1 ½
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 25 and under 35 ft. long.....	¾
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 25 and under 35 ft. and upwards in length.....	1 ⅞
Red and white pine, tamarac, spruce and hemlock, square	½
Oak, elm, and other hardwood, square or flatted.....	1 ½

Through Improvements in Thomson's Bay and Lime Kilo Eddy.

Saw logs, 17 ft. and under.....	½
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	¾
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 25 ft. and under 35 ft. long.....	⅝
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 25 ft. and under 35 ft. and upwards in length.....	1 ⅓
Red and white pine, tamarac, spruce and hemlock, square.	2
Oak, elm, and other hardwood, square or flatted.....	3

Public Works.

Through Chaudière Assorting Boom.

	Per piece cent.
Saw logs, 17 ft. and under.....	1/5
Red and white pine, tamarac, spruce, and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	15
Red and white pine, tamarac, spruce, and hemlock, round or flatted, over 25 ft. and under 35 ft. long.....	1/3
Red and white pine, tamarac, spruce, and hemlock round or flatted, over 25 ft. and under 35 ft. and upwards in length	1 8/5
Red and white pine, tamarac, spruce and hemlock, square.	1 1/5
Oak, elm, and other hardwood, square or flatted.....	1 1/5

SCHEDULE of boom working expenses proposed to be collected by the Upper Ottawa Improvement Company during 1888.

Through Des Joachims Boom.

Saw logs, 17 ft. and under.....	1/2
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	2/3
Red and white pine, tamarac, spruce and hemlock, round or flatted, 25 to 35 ft. long.....	5/8
Red and white pine, tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	1 1/3
Red and white pine, tamarac, spruce and hemlock, square..	2
Oak, elm and other hardwood, square or flatted.....	3

Through Fort William Boom.

Saw logs, 17 ft. and under.....	1/2
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	2/3
Red and white pine, tamarac, spruce and hemlock, round or flatted, 25 to 35 ft. long.....	5/8
Red and white pine, tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	1 2/3
Red and white pine, tamarac, spruce and hemlock, square..	2
Oak, elm and other hardwood, square or flatted.....	3

Through Allumette Boom.

Saw logs, 17 ft. and under.....	1/2
Red and white pine, tamarac, spruce and hemlock round or flatted, over 17 ft. and under 25 ft. long.....	2/3
Red and white pine, tamarac, spruce and hemlock, round or flatted, 25 to 35 ft. long.....	5/8
Red and white pine, tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	1 1/3
Red and white pine, tamarac, spruce and hemlock, square..	2
Oak, elm and other hardwood, square or flatted.....	3

Public Works.

Through Melons Chenail Boom.

	Per piece. cent.
Saw logs, 17 ft. and under.....	1/2
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	3/8
Red and white pine, tamarac, spruce and hemlock, round or flatted, 25 to 35 ft. long.....	5/8
Red and white pine, tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	1 1/8
Red and white pine, tamarac, spruce and hemlock, square..	2
Oak, elm and other hardwood, square or flatted.....	3

*Through Improvements in Mississippi Chenail, Chats Rapids and Quio Boom,
or any of them.*

Saw logs, 17 ft. and under.....	1
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long	1 1/8
Red and white pine, tamarac, spruce and hemlock, round or flatted, 25 to 35 ft. long.....	1 3/8
Red and white pine, tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	2 3/8
Red and white pine, tamarac, spruce and hemlock, square	4
Oak, elm and other hardwood, square or flatted	6

Through Thompson's Bay Boom.

Saw logs, 17 ft. and under.....	3/4
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 feet long	1
Red and white pine, tamarac, spruce and hemlock, round or flatted, 25 to 35 feet long.....	1 1/4
Red and white pine, tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length	2
Red and white pine, tamarac, spruce and hemlock, square.	3
Oak, elm and other hardwood, square or flatted.....	4 1/2

Through Chaudière Assorting Boom.

Saw logs, 17 ft. and under.....	3/4
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long	1
Red and white pine, tamarac, spruce and hemlock, round or flatted, 25 to 35 ft. long.....	1 1/4
Red and white pine, tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	2
Red and white pine, tamarac, spruce and hemlock, square.	3
Oak, elm, and other hardwood, square or flatted	4 1/2

Vide Canada Gazette, Vol XXI, p. 1758.

Railways and Canals.

Railways and Canals.

By an Order in Council bearing date Saturday, 3rd September, 1887, under the authority of the 13th section of Chapter 37 of the Revised Statutes of Canada, intituled "An Act respecting the Department of Railways and Canals," the then existing rates of toll on cordwood and logs passing through the Bobcaygeon, Peterboro' and Hastings Locks, on the Trent Valley Canal, were amended as follows:—

On cordwood the rate to be levied shall be 3 cents per cord in lieu of 5 cents, and on logs $\frac{3}{4}$ cent each in lieu of $\frac{1}{4}$ cent.

Vide Canada Gazette, Vol. XXI, p. 565.

By a Proclamation bearing date 5th October, 1887, under authority of an Act of the Parliament of Canada, passed in the forty-ninth year of Her Majesty's reign, Chapter 16, and intituled "An Act respecting the Carleton, City of St. John, Branch Railroad," it is declared that in pursuance of the provisions of the said Act the Minister of Railways and Canals has purchased from the holders thereof all the shares then outstanding in the capital stock of the said company except certain shares for the purchase of which he had not been able to agree with the owners thereof, and had procured the discharge of all incumbrances affecting the property of the said Company; and that from and after the twentieth day of October, 1887, the said railroad of the said company, with its harbor frontage, wharves and town lots and all other property of the said company should be vested in Her Majesty for the public uses of Canada free from all claims and incumbrances whatsoever, saving the right of any shareholder or incumbrancer whose shares of the stock of the said company had not been purchased or whose incumbrance had not been discharged as in the said Act is provided to obtain compensation therefor in the manner by law provided in the case of the expropriation of lands required for public works.

Vide Canada Gazette, Vol. XXI, p. 780.

BY-LAW respecting traffic over the Northern and Pacific Junction Railway under lease to and traffic arrangements between the Northern Railway Company of Canada and the Hamilton and North-Western Railway Company, approved by His Excellency in Council on the 3rd March, 1886.

"The rate for conveyance of passengers may be but shall not exceed three and one-third cents per passenger per mile on all the lines of the companies and all leased lines or other branches thereof now operated by the said company, except the Flos Tramway, and an additional sum of ten cents may be charged for each ticket purchased on the trains of the companies in case where a passenger has entered the cars of the companies at a station where tickets were for sale, and has not purchased a ticket at such station or other duly authorized ticket office before entering the cars.

"The following shall be the maximum mileage tariff of freight rates and tolls on all the lines of the companies and all leased lines or other branches thereof now operated by the said companies.

Railways and Canals.

“ Provided that in computing the freight to be paid for carriage on the Flos Tramway the charge for the distance run on such tramway shall be made up separately from and be added to the charge for carriage on any other portions of the lines aforesaid :—

DISTANCES.	Classes in cents per 100 lbs.									
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Not exceeding 5 miles.	8	7	6	5	4	4	4	3	3	3
Over 5 & not over 10	10	8	7	6	5	5	4	4	4	4
“ 10 “ “ 15	12	11	9	8	6	6	5	5	5	4
“ 15 “ “ 20	14	12	11	9	7	7	6	6	6	5
“ 20 “ “ 25	16	14	12	10	8	8	6	7	7	6
“ 25 “ “ 30	18	16	14	11	9	8	7	8	7	6
“ 30 “ “ 35	20	18	15	13	10	9	7	8	8	6
“ 35 “ “ 40	22	19	17	14	11	10	8	9	8	7
“ 40 “ “ 45	24	21	18	15	12	11	8	9	8	7
“ 45 “ “ 50	24	21	18	15	12	11	9	10	9	7
“ 50 “ “ 55	26	23	20	16	13	12	10	10	10	8
“ 55 “ “ 60	26	23	20	16	13	12	10	11	10	8
“ 60 “ “ 65	28	25	21	18	14	13	11	11	11	9
“ 65 “ “ 70	28	25	21	18	14	13	11	12	11	9
“ 70 “ “ 75	30	26	23	19	15	14	12	12	11	10
“ 75 “ “ 80	32	28	24	20	16	14	12	13	12	10
“ 80 “ “ 85	32	28	24	20	16	14	12	13	12	10
“ 85 “ “ 90	34	30	26	21	17	15	13	14	12	11
“ 90 “ “ 95	34	30	26	21	17	15	13	14	13	11
“ 95 “ “ 100	36	32	27	23	18	16	13	14	13	11
“ 100 “ “ 110	36	32	27	23	18	16	14	15	14	12
“ 110 “ “ 120	38	33	29	24	19	17	14	15	14	12
“ 120 “ “ 130	38	33	29	24	19	17	15	15	15	13
“ 130 “ “ 140	40	35	30	25	20	18	15	16	16	13
“ 140 “ “ 150	40	35	30	25	20	18	16	16	16	14
“ 150 “ “ 160	42	37	32	26	21	19	16	17	17	14
“ 160 “ “ 170	42	37	32	26	21	19	17	17	17	15
“ 170 “ “ 180	44	39	33	28	22	20	17	18	18	15
“ 180 “ “ 190	46	40	35	29	23	21	17	18	18	15
“ 190 “ “ 200	46	40	35	29	23	21	18	19	19	16
“ 200 “ “ 210	48	42	36	30	24	22	18	19	19	16
“ 210 “ “ 220	48	42	36	30	24	22	18	19	20	16
“ 220 “ “ 230	50	44	38	31	25	23	19	20	21	17
“ 230 “ “ 240	50	44	38	31	25	23	19	20	21	17

Smalls — No single shipment of freight from one consignor to one consignee will be charged less than 100 lbs. 1st class rate; minimum charge, 35 cents.

Cartage.—Above rates are computed exclusive of cartage.

Vide Canada Gazette, Vol. XXI, p. 867.

By an Order in Council bearing date Friday, 20th day of April, 1888, under the provisions of the 13th section of Chapter 37 of the Revised Statutes of Canada, intituled “ An Act respecting the Department of Railways and Canals,” the special rate of toll, of two (2) cents per ton, adopted last year

Railways and Canals, &c.

for the passage through the Welland and St. Lawrence Canals of certain cereals, wheat, Indian corn, peas, barley and rye, when shipped for Montreal or for any other port, east of Montreal, was continued during the forthcoming season of navigation and no longer, such toll covering the Welland and the St. Lawrence Canals. Also, for the same period only, the arrangement under which the said food products, if they have paid the ordinary full tolls for passage through the Welland Canal shall be entitled to exemption from payment of any further toll for passage through any portion of the St. Lawrence Canal system, even if not traversing the whole distance to Montreal.

Vide Canada Gazette, Vol. XXI, p. 2317.

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By an Order in Council bearing date Wednesday, 1st day of February, 1888, under the provisions of the 13th section of Chapter 37 of the Revised Statutes of Canada, intituled "An Act respecting the Department of Railways and Canals," the Order in Council of the 23rd June, 1883, establishing the tariff of tolls on the canals of the Dominion, was modified so as to place "steel" in the same category as "iron," making the charge thereon 15 cents per ton.

Vide Canada Gazette, Vol. XXI, p. 1709.

Secretary of State.

By an Order in Council bearing date Tuesday, 20th day of September, 1887, under the authority of "The Naturalization Act," Chapter 113 of the Revised Statutes of Canada, the following regulations made under the authority of the said Act, were approved :

REGULATIONS MADE UNDER THE AUTHORITY OF THE NATURALIZATION ACT.

1. The time within which an alien's three years' residence or service must be had before taking the oaths or affirmations of residence and allegiance, and procuring the same to be filed of record as provided in the 8th section of the said Act is limited to five years, immediately preceding the taking of such oaths or affirmations.

2. In the North-West Territories the certificate mentioned in the 10th section of the Naturalization Act shall be presented to a judge of the Supreme Court of the North-West Territories, who shall take such measures to satisfy himself that the facts stated in the certificate are true, as shall in each case appear to him to be necessary ; and when satisfied that the facts stated in the certificate are true, he shall grant to the alien a certificate of naturalization authenticated under his hand and the seal of the court.

Each judge of the Supreme Court shall cause to be kept by the clerk of the court a record of the certificates presented to and filed with him.

Secretary of State.

Also a record of all certificates of naturalization granted by him of which such judge or clerk is hereby authorized at any time to give a certified copy.

The oaths mentioned in sections 41 and 42 of "The Naturalization Act," shall, if the person taking them resides in the North-West Territories, be filed of record with a clerk of the Supreme Court of the North-West Territories.

3. The forms of declarations of alienage made in pursuance of the said Act shall be respectively as follows:—

THE NATURALIZATION ACT, CANADA.

Declaration of Alienage by a Naturalized British Subject.

I, A. B., of _____, having been naturalized as a British subject on the _____ of _____, 18____, do hereby, under the provisions of the Order of the Governor General in Council of the _____, and of the treaty between Great Britain and C. D., renounce my naturalization as a British subject, and declare that it is my desire to resume my nationality as a subject [or citizen] of C. D.

(Signed) _____ A. B.
 Made and subscribed this _____ day of _____, 18____, before me,
 (Signed) _____ E. F.
Justice of the Peace [or other official title].

THE NATURALIZATION ACT, CANADA.

Declaration of Alienage by a person born within British Dominions, but also a subject or citizen of a Foreign State by the laws thereof.

I, A. B., of _____, being held by the common law of Great Britain to be a natural-born subject of Her Britannic Majesty by reason of my having been born within Her Majesty's dominions, and being also held by the law of C. D. to have been at my birth, and to be still, a subject [or citizen] of C. D., hereby renounce my nationality as a British subject, and declare that it is my desire to be considered and treated as a subject [or citizen] of C. D.

(Signed) _____ A.B.
 Made and subscribed this _____ day of _____, 18____, before me,
 (Signed) _____ E.F.,
Justice of the Peace [or other official title].

THE NATURALIZATION ACT, CANADA.

Declaration of Alienage by a Person who is by origin a British Subject.

I, A.B., of _____, having been born out of Her Britannic Majesty's dominions of a father being a British subject, do hereby renounce my nationality as a British subject.

(Signed) _____ A.B.
 Made and subscribed this _____ day of _____, 18____, before me,
 (Signed) _____ G.H.,
Justice of the Peace [or other official title].

Secretary of State.

THE NATURALIZATION ACT, CANADA.

Declaration of British Nationality.

I, A.B., of _____, being a natural-born subject of Her Britannic Majesty, and having voluntarily become naturalized as a subject (or citizen) of C.D., on the _____ of _____, 18____, do hereby renounce such naturalization, and declare that it is my desire to be considered and treated as a British subject.

(Signed) _____ A.B.

Made and subscribed this _____ day of _____ 18____, before me,

(Signed) _____ E.F.,

Justice of the Peace [or other official title.]

[NOTE—The Act under which this declaration is made provides that the declarant “shall not, within the limits of the foreign state in which he was naturalized, be deemed within Canada to be a British subject, unless he has ceased to be a subject of the state in pursuance of the laws thereof or in pursuance of a treaty to that effect.]

4. Every description, whether of alienage or British nationality, made in pursuance of the said Act, shall be deposited and registered in the office of the Secretary of State of Canada.

The Secretary of State of Canada, the Under Secretary of State, or the Deputy Registrar General of Canada may give certified copies of any such declaration for the purposes mentioned in the said Act.

5. With the consent of the Treasury Board, the following provision is made in regard to the imposition and application of fees :

Matter in which Fee may be taken.	Amount of Fee.	How to be applied.
	\$ cts.	
For taking a declaration, whether of alienage or British nationality.....	0 40	To the justice or other official taking declaration.
For administering the oath of allegiance.....	0 40	To the justice, commissioner, notary, stipendiary or other magistrate administering the oath.
For registration of declaration, with or without the oath of allegiance.....	1 00	Consolidated Revenue of Canada.
For certified copy of declaration, with or without oath.....	1 00	Consolidated Revenue of Canada.

Vide Canada Gazette, Vol. XXI, p. 742.

Governor General.

APPENDIX.

[L.S.]

CANADA.

By His Excellency the Right Honorable Sir Frederick Arthur Stanley, Baron Stanley of Preston in the County of Lancaster, in the Peerage of Great Britain, Knight Grand Cross of the Most Honorable Order of the Bath.

To all to whom these presents shall come,—Greeting :

A PROCLAMATION.

WHEREAS Her Majesty the Queen, by commission under Her Royal Sign Manual bearing date at Windsor, on the first day of May, 1888, has been graciously pleased to appoint me to be during Her Royal pleasure Her Majesty's Governor General in and over Her Dominion of Canada, and has further in and by the said Commission authorized, empowered and commanded me to exercise and perform all and singular the powers and directions contained in Her Majesty's Letters Patent under the Great Seal of Her Majesty's United Kingdom of Great Britain and Ireland, constituting the office of Governor General, and bearing date at Westminster the fifth day of October, in the year of Our Lord one thousand eight hundred and seventy-eight, according to such orders and instructions as Her Majesty's Governor General, at the time being, in and over her said Dominion of Canada, hath already received from Her Majesty or as have been given to me with the said Commission or as I shall hereafter receive from Her Majesty.

NOW THEREFORE KNOW YE that I have thought fit to issue this proclamation in order to make known Her Majesty's said appointment, and I do also hereby require and command that all and singular Her Majesty's Officers and Ministers in the said Dominion of Canada do continue in the execution of their several and respective offices, places and employments, and that Her Majesty's loving subjects and all others whom it may concern do take notice hereof and govern themselves accordingly.

Given under my hand and seal of arms, at Ottawa, this eleventh day of June, in the year of Our Lord one thousand eight hundred and eighty-eight, and in the fifty-first year of Her Majesty's reign.

STANLEY OF PRESTON.

Customs

By Order in Council bearing date Tuesday, the 29th day of May, 1888, under the provisions of the 22nd section of "The Customs Act," being Chapter 32 of the Revised Statutes of Canada, Streetsville, in the County of Peel, and Province of Ontario, was erected into an outport of customs and a warehousing port, and placed under the survey of the collector of customs at the port of Toronto, to date from the 1st of day of July, 1888.

Vide Canada Gazette, Vol. XXI, p. 2517.

By an Order in Council, bearing date Monday, the 2nd day of July, 1888, under the provisions of section 22 of the "Customs Act," being Chapter 32 of the Revised Statutes of Canada, the port of Valleyfield, in the County of Beauharnois, in the Province of Quebec, was made an outport of Customs and a warehousing port, under the survey of the collector of Customs at the port of St. John's, Quebec; the same to take effect from the 1st July, 1888.

Vide Canada Gazette, Vol. XXII., p. 48.

By an Order in Council, bearing date Friday, 6th day of July, 1888, under the provisions of the 78th section of the Revised Statutes of Canada, Chap. 29, Consolidated Revenue and Audit Act, type-writers, tablets with movable figures, geographical maps and musical instruments, when imported by and for the use of schools for the blind, and being and remaining the sole property of the governing bodies of said schools and not of private individuals, may be admitted into Canada free of Customs duties,—the above particulars to be verified by special affidavit on each entry when presented.

Vide Canada Gazette, Vol. XXII., p. 48.

By an Order in Council bearing date Wednesday, 11th day of July, 1888, under the authority of section 245 (l) of Chapter 32 of the Revised Statutes of Canada (Customs Act), steel of No. 12 gauge and thinner, but not thinner than No. 30 gauge, when imported by manufacturers of buckle clasps and ice creepers, used for these purposes only, in their own factories, was placed upon the list of articles that may be admitted into Canada free of Customs duty, until the end of the next session of Parliament.

Vide Canada Gazette, Vol. XXII, p 102.

By an Order in Council bearing date Wednesday, 11th day of July, 1888, under the authority of section 245 (l) of Chapter 32 of the Revised Statutes of Canada (Customs Act), yarns made of wool or worsted, the same being *gennapped*, dyed and finished, when imported by manufacturers of braids, cords, tassels and fringes, to be used for these purposes only, in their own factories, were placed upon the list of articles that may be admitted into Canada free of Customs duty, until the end of the next session of Parliament.

Vide Canada Gazette, Vol. XXII, p. 102.

Customs.

By an Order in Council bearing date Wednesday, the 11th day of July, 1888, the Order in Council of the 17th December, 1887, interpreting item No. 57 of the tariff of Customs duties so far as it relates to plough plates, mould boards and land sides, which expired at the close of the last session of Parliament, was continued in force until the end of the next session of Parliament.

Vide Canada Gazette, Vol. XXII, p. 102.

By an Order in Council bearing date Wednesday, the 11th day of July, 1888, under the authority of section 245 (l) of Chapter 32 of the Revised Statutes of Canada (Customs Act), jute yarn, plain, dyed or colored, when imported by manufacturers of jute webbing and jute cloth, to be used for those purposes only, in their own factories, was placed upon the list of articles that may be admitted into Canada free from Customs duty, until the end of next session of Parliament.

Vide Canada Gazette, Vol. XXII, p. 103.

By an Order in Council bearing date Wednesday, the 11th day of July, 1888, under the authority of section 245 (l) of Chapter 32 of the Revised Statutes of Canada (Customs Act), cotton yarn finer than No. 40, unbleached, bleached or dyed, for use in covering electric wires, was placed upon the list of articles that may be admitted into Canada free of Customs duty, until the end of next session of Parliament.

Vide Canada Gazette, Vol. XXII, p. 103.

By an Order in Council bearing date Wednesday, the 11th day of July, 1888, under the provisions of section 245 (l) of Chapter 32 of the Revised Statutes of Canada (Customs Act), wire of iron or steel, galvanized or tinned or coppered, or not, of No. 16 gauge or smaller, when imported by manufacturers of wire cloth, wire work, brushes, pianos and plated ware, to be used for those purposes only, in their own factories, was placed upon the list of articles that may be admitted into Canada free of Customs duty, until the end of next session of Parliament, the Order in Council of 9th August, 1887, providing for the admission free of duty of the above articles having expired on the 22nd of May last, the above order to take effect from that date.

Vide Canada Gazette, Vol. XXII, p. 103.

By an Order in Council bearing date Wednesday, the 11th day of July, 1888, under the provisions of section 245 of Chapter 32 of the Revised Statutes of Canada (Customs Act), the Customs Port of Cornwallis, N.S., was reduced to an outport of Customs and warehousing port, and placed under the survey of the newly created port of Kentville, N. S.

Vide Canada Gazette, Vol. XXII, p. 103.

Fisheries.

By an Order in Council bearing date Saturday, 17th day of December, 1887, under the provisions of the 16th section of Chapter 95 of the Revised Statutes of Canada, intituled "An Act respecting Fisheries and Fishing," the fishery regulation relating to the lobster fishery, adopted by the Order in Council of the 13th March, 1879, was rescinded, and the following adopted in its stead:—

1. On that part of the coast of the Atlantic Ocean extending from Cape Canso westward, and following the coast line of the Bay of Fundy to the United States boundary line, it shall be unlawful to fish for, catch, kill, buy, sell, or have in possession (without lawful excuse) any lobsters between the 1st day of July and the 31st day of December, 1888.

2. In the remaining waters of the Province of Nova Scotia, and in the waters of Prince Edward Island, New Brunswick and Quebec (including the Magdalen Islands and Anticosti) it shall be unlawful to fish for, catch, kill, buy, sell, or have in possession (without lawful excuse) any lobsters between the 15th day of July and the 31st day of December, 1888.

3. It shall be unlawful at any time to fish for, catch, kill, buy, sell, expose for sale or have in possession any berried or soft-shelled lobsters, or any lobster under nine inches in length, measuring from head to tail, exclusive of claws or feelers, and when caught in fishing apparatus in legal use, they shall be liberated alive by the proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, on each of whom shall devolve the proof of such actual liberation, and each of whom shall be deemed to be jointly and severally liable for any penalties or moneys recoverable under the Fisheries Act or of any regulation made under it.

Vide Canada Gazette, Vol. XXI., p. 1416.

By an Order in Council, bearing date Thursday, 5th day of July, 1888, under the provisions of section 16 of Chapter 95 of the Revised Statutes of Canada, intituled "An Act respecting Fisheries and Fishing," for the purpose of affording better protection to the fish in the fluvial portions of the rivers of Quebec, Nova Scotia and New Brunswick, so much of the 8th section of the above quoted statute which relates to fly fishing for salmon was amended by substituting the following therefor:—

"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 first day of February and the fifteenth day of August, in the Provinces of Quebec, New Brunswick and Nova Scotia."

The same to take effect from the 15th August, 1889.

Vide Canada Gazette, Vol. XXII., p. 48.

Inland Revenue.

By an Order in Council bearing date Thursday, 28th day of June, 1888, under the provisions of section 17 of Chap. 29 of the Revised Statutes of Canada, intituled "An Act respecting the Public Revenue, the raising of loans authorized by Parliament and the auditing of Public Accounts," the inland revenue division of Peterborough was transferred from the inspection district of Toronto to that of Kingston.

Vide Canada Gazette, Vol. XXII, p. 2.

By an Order in Council, bearing date Friday, the 6th day of July, 1888, the following regulations for the governance of all licensed bonded manufactories in the Dominion, were adopted,—such regulations to take effect from the 3rd day of July, 1888.

REGULATIONS.

1. Subject to the provisions of the Inland Revenue Act, to these regulations, and to such further regulations as may hereafter be made by competent authority, licenses may be granted to manufacture in bond the articles herein enumerated, viz. : vinegar and crude fulminate in the form of paste.

2. Any bonded manufactory licensed under the above recited Act may be closed and the license forfeited, whenever it is shown to the satisfaction of the Minister of Inland Revenue that there is just cause for believing that frauds upon the revenue are being perpetrated in connection with such manufactory.

3. In addition to the license fee named in the Act above cited, every person to whom a "bonded manufacturing license" is granted, shall pay to the Collector of Inland Revenue, in monthly instalments, such sums of money as shall be sufficient for the payment of the expenses incurred by the Inland Revenue Department for the effective supervision of the manufactures carried on under such license, and for taking account of the dutiable articles consumed in such manufacture, and of the articles produced therefrom ; and the maximum sum to be so paid by the party aforesaid shall, from time to time, be determined by the Minister of Inland Revenue, as he may deem necessary, and shall, as nearly as may be, be in proportion to the magnitude and general character of the business carried on under such license.

4. Goods manufactured in bond shall be removed from the apartments of the manufactory wherein the same were made as soon as the process of manufacture is completed and shall then be placed in compartments or storerooms set apart for that purpose, and be either warehoused as per warehousing regulations then in force or entered ex-factory for duty, the duty to be collected on the monthly returns of the manufacturer as in the case of other manufactures subject to excise.

5. With every application for a license to manufacture in bond there shall be submitted a specification or formula of all the articles to be manufactured thereunder, which specification or formula shall also set forth in detail the percentage or proportion of every ingredient to be used in the

Inland Revenue.

manufacture of each article, except that in the case of vinegar, the actual quantity of each ingredient to be used (water excepted) shall be given, for the production of one hundred gallons of standard vinegar.

6. The articles manufactured in bond shall be compounded carefully in accordance with the specification or formula submitted with the application for the license and approved by the Minister of Inland Revenue.

7. Collectors and officers in charge of bonded manufactures shall be, and they are hereby required, to see that the percentages, proportions and quantities set forth in the specification or formula are closely adhered to and in no case exceeded; but should it be ascertained by any process or by any test of any of the articles made that a greater portion or percentage of alcohol has been used in the preparation thereof than is set forth in the specification or formula, the duty exigible upon spirits shall be collected upon the excess of alcohol so ascertained, which may be computed upon the article or articles made during the currency of the license then in force, and the manufacturer shall also be liable to the penalty of forfeiting his license as well as the other penalties set forth in the "Inland Revenue Act."

8. The under side of the flooring joists of all bonded apartments in which spirits or other goods subject to excise duty are stored or placed while under any process of manufacture, shall, if there is any space or other apartment below them, be sheeted or lathed to the satisfaction of the inspecting officer.

9. Dutiable vinegar produced in any bonded factory shall be in the proportion of one hundred gallons of standard vinegar containing 6 per cent. of acetic acid, over and above the quantity taken for "mix" or used in the further production of vinegar to twenty-five gallons of proof spirits taken into the manufactory and used for its production, with such addition to the standard quantity of vinegar as may, in the opinion of the Minister of Inland Revenue, be fairly due to any other article such as sour beer, or wine, acetic acid, or any like article brought into the manufactory, in addition to the alcohol used for its production.

10. In estimating the quantity of spirits used in any bonded manufactory during any period, for the production of vinegar, the inspector shall be guided by the books kept by the manufacturer as required by law or by the actual quantity discovered by stocktaking, thus by adding to the quantity on hand at commencement of period the quantity brought in and deducting therefrom the actual quantity found in stock, the difference may be taken as the quantity used, nevertheless due allowance must be made for the alcohol, that may be in process in the mixing or compounding tub at the beginning and end of the period, but no allowance whatever shall be made for the quantity said to be in process in the generators at the beginning or end of the period for which the calculation is being made.

11. The percentage of acetic acid contained in any vinegar produced in any such bonded factory shall be determined by such established chemical tests, applied by such apparatus, as may be, from time to time, directed by regulations or instructions made in that behalf by the Minister of Inland Revenue.

12. The officers of Inland Revenue may, at any time, take such samples from any of the packages of vinegar, or other article made in, or brought

Inland Revenue.

into any bonded manufactory as may be deemed necessary for determining their strength or quality. Samples of each package so tested shall be sent to the Department for confirmation, and in case the Department test is at variance with the test so made by the officer in charge of the manufactory, then the test made at the Department shall be final.

13. Every package of spirits and every other article or material brought into any bonded factory, whether subject to excise or customs duty, or not, shall be immediately placed in an apartment appropriated thereto and secured by a crown lock, the sole key whereof shall be in the exclusive custody of an officer of Inland Revenue; and no spirits or other article shall be removed from such locked apartment, except in the presence of the officer who has the key thereof for the time being, and in his presence every article removed from such locked apartment shall be immediately conveyed to the mixing room or other place where it is to be used and applied to the purpose for which it is intended.

14. All packages containing spirits shipped to bonded factories shall have the word "non-potable" over printed on both ends of the package, in letters not less than two inches in height and three-fourths of an inch in width and in a color different from that used for the other marks on the package.

15. Whether the spirits be domestic or imported, the branding shall be done by the vendor before they leave his premises; but if the bonded manufacturer be himself the importer, he shall have the branding done at a port of entry and before leaving the Customs premises where the spirits are examined.

16. Spirits shall be removed to a bonded factory only upon a permit countersigned by the collector, which shall have the word "non-potable" distinctly written across its face.

17. If the bonded factory and the shipper's premises are situated in separate divisions, one copy of the permit (K. 4, which will, in this case, be made in duplicate) shall accompany the bill of lading, and the spirits shall be consigned to the collector of the receiving division.

18. The duplicate permit must be designated as such and on the stub of permit book may be accounted for by referring to original general number.

19. In all cases the collector shall detail an officer, in addition to the officer in charge of the bonded factory, to weigh and test the spirits, and see them placed under lock in the bonding warehouse of the factory, and to certify the fact in writing upon the permit.

20. Spirits shall not be removed from a bonded factory without the written permission of the Minister of Inland Revenue, and then only to another bonded factory or to a licensed distillery.

21. The word "non-potable" shall be conspicuously placed upon all removal entries, or other official documents, used in connection with the removing of spirits to a bonded factory.

22. No article shall be kept or stored in any bonded manufactory other than such as are to be used in the manufacture of articles enumerated in the specification or formula accompanying the application for license.

Inland Revenue.

23. Every excise mark on every package in which any excisable goods are taken to any bonded manufactory, shall be completely erased and removed from such package as soon as emptied.

24. No person licensed as a manufacturer in bond shall carry on any trade of buying or selling spirits or spirituous liquors on the premises for which such license is granted, nor in any other premises situated within five hundred yards of such licensed premises, except in so far as such buying and selling is a necessary consequence of the business for which the license is granted, and permission to carry on such business is specially granted in the license.

25. No duty-paid spirits (except spirits on which the difference between Customs and Excise duty has been paid under 49 Vic., cap. 34, sec. 234) shall be taken into any bonded manufactory.

26. Whereas by the 234th section of the Act of the Parliament of Canada, 49th Vic, chap. 34, intituled "The Inland Revenue Act," it is provided that "whenever any article not the produce of Canada upon which the duty of excise would be levied if produced in Canada, is taken into a bonded manufactory, the difference between the duty of excise to which it would be so liable and the Customs duty which would be levied on such article if so imported and entered for consumption shall be paid as a duty of excise when it is taken into the bonded manufactory ; but in the case of spirits to be used for any chemical or manufacturing purpose only, the foregoing provisions of this section may be varied, in whole or in part, by the Governor in Council, provided that no increase of duties shall accrue therefrom." His Excellency in Council, in pursuance of the provisions above recited, has been pleased to order, and it is hereby ordered, that the duty exigible upon foreign spirits, when taken into any duly licensed bonded manufactory, shall be determined at the rate of thirty cents (30) per proof gallon.

27. Stock books must be kept in the factory, in which must be entered :—

1st. The quantity of each description of article or commodity brought into the factory, and in the case of spirits the particulars of every package, stating where manufactured, the strength and quantity, the marks, &c., on the casks, and the general number of the permits under which it was conveyed to the factory ;

2nd. The quantity of each description of article or commodity used in the production of the manufactured articles made in the manufactory, giving the particulars of every quantity mixed, showing the marks, &c., of the original packages from which they were taken ;

3rd. The quantity of each description of article or commodity removed from the factory, or disposed of otherwise than for the production of the articles therein manufactured or made ;

4th. The quantity of each description of manufactured article or commodity made or produced on each day ;

5th. The quantity of manufactured product removed from the factory.

6th. The quantity entered for warehouse, and—

7th. The quantity ex-warehoused and entered for duty ex-factory.

Inland Revenue, &c.

28. All vinegar running from generators and having a strength of 3 per cent. or more of acetic acid, must be conveyed directly to the closed receivers and must there be gauged and tested before being taken for "mix" or otherwise.

The quantity required for "mix," when not exceeding the quantity stated in the specification or formula, will be given by the officer when required, and at the end of the month the total quantity taken will be deducted from the total production of vinegar in the manufactory, leaving the balance as the actual quantity of dutiable vinegar produced.

29. On and after the first day of July, 1888, no allowance shall be made to the manufacturer for the quantities of spirits supposed to be in process in the generators, the Department giving up all claim against the manufacturer for an equivalent number of gallons of standard vinegar, nor shall such quantity be taken into consideration in any stock-taking or assessment that may have to be made in case of a deficiency of production.

30. When vinegar is conveyed from the generators through unlocked compartments of the factory, it must be conveyed in closed pipes properly secured.

31. Should the inspector of bonded manufactories, or any other officer of excise, at any time on visiting a bonded manufactory, observe anything which in his judgment might lead to a loss of revenue or interfere with its proper collection, or which might offer facilities for fraud, he is empowered to give instructions as to the changes he may deem necessary for the proper protection of the revenue, and such instructions shall be complied with by the manufacturer or his agent; and if such changes be not made within the space of ten days, his license may be forfeited.

32. All Orders in Council in respect of the manufacture of goods in bond, previously issued or established, are hereby cancelled.

33. The Minister of Inland Revenue may provide such tests for determining the percentage of free spirits contained in vinegar, and may deal with any vinegar found to contain such free spirits as may be deemed necessary for the proper protection of the revenue.

Vide Canada Gazette, Vol. XXII, p. 48.

Interior.

By an Order in Council bearing date Wednesday, 11th day of July, 1888, under the provisions of the 1st section of Chapter 56 of the Revised Statutes of Canada, intituled "An Act respecting Public Lands in British Columbia," the regulations for the disposal of coal lands in the Province of Manitoba and in the North-West Territories, a copy of which regulations is annexed hereto, were declared to govern the disposal of Dominion lands in the railway belt in the Province of British Columbia containing coal.

Interior.

REGULATIONS.

1st The following districts have been set apart and declared to be coal districts, the same to be known as those of the Souris River, the Bow River, the Belly River, the South Saskatchewan River, the North Saskatchewan River, the Cascade, and a district at Wood Mountain and its vicinity.

These lands are withdrawn from ordinary sale; but the even-numbered sections, with the exception of Hudson's Bay Company's lands, are open for settlement, subject, however, to the reservation of the coal and other mineral rights therein.

I.—SOURIS RIVER COAL DISTRICT.

Township 1, and South halves of 2, Ranges 4, 5, and 6, West of Second Meridian.

Townships 1, 2, 3, Ranges 7, 8, 9, 10, West of Second Meridian.

Townships 1, 2, 3, 4, Range 11, West of Second Meridian.

Townships 1, 2, 3, 4, 5, Ranges 12, 13, West of Second Meridian.

Townships 2, 3, 4, 5, Range 14, West of Second Meridian.

Townships 3, 4, 5, Range 15, West of Second Meridian.

Townships 4, 5, Range 16, West of Second Meridian.

Township 5, Range 17, West of Second Meridian.

II.—BOW RIVER COAL DISTRICT.

Townships 19, 20, 21, Ranges 18, 19, West of Fourth Meridian.

Townships 20, 21, 22, Ranges 20, 21, West of Fourth Meridian.

III.—BELLY RIVER COAL DISTRICT.

Townships 8, 9 and 10, Range 21;

Those portions of Townships 8 and 9 not included in the Blood Indian Reserve, and the whole of Township 10, in Range 22; those portions of Townships 8 and 9 not included in the Blood Indian Reserve, and the whole of Township 10, in Range 23, all West of the Fourth Principal Meridian.

IV.—SOUTH SASKATCHEWAN RIVER COAL DISTRICT.

Townships 11, 12, 13, Ranges 2, 3, 4, 5, 6, 7, 8, 9, 10, West of Fourth Meridian.

Townships 14, 15, 16, Ranges 2, 3, 4, 5, West of Fourth Meridian.

V.—NORTH SASKATCHEWAN RIVER COAL DISTRICT.

Townships 50 and 51, and the south half of Township 52, Range 25,

Townships 50 and 51, Range 26.

do 50 do 51 do 27.

do 50 do 51, in the fractional portion of Range 28, all West of the Fourth Principal Meridian.

Also Townships 50 and 51, Range 1.

do 50 do 51 do 2.

do 50 do 51 do 3.

do 50 do 51 do 4.

Interior.

All West of the Fifth Principal Meridian, in the Provisional District of Alberta.

VI.—CASCADE COAL DISTRICT.

The North West quarter of Township 25, Range 11.					
do South West	do	do	26	do	11.
do North East	do	do	25	do	12.
do South East	do	do	26	do	12.

All west of the Fifth Principal Meridian, in the Provisional District of Alberta, but excluding therefrom that portion of the said described area which is covered by the right of way and station grounds of the Canadian Pacific Railway.

VII.—DISTRICT AT WOOD MOUNTAIN AND ITS VICINITY.

Townships 1, 2, 3, 4, 5, 6, 7, Ranges 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, West of Second Meridian.

Townships 1, 2, 3, 4, 5, 6, 7, Ranges 1, 2, 3, 4, 5, 6, 7, 8, West of Third Meridian.

2nd. The surveys of the lands within the said coal districts will be completed as soon as possible, and thereafter the lands will be periodically offered for sale by tender or public auction. The lands within the "Cascade Coal District" at an upset price of \$20 per acre, cash, and the lands within all the other coal districts, at an upset price of \$10 per acre, cash.

(a.) Not more than three hundred and twenty acres shall be sold to one applicant:

(b.) When there is more than one applicant for the same coal location, the Minister of the Interior may invite competition between the several applicants, or offer the land for sale at public competition by tender or by auction as he may think expedient, at the upset price of coal lands in the district in which such coal location is situated:

(c.) When applications are made to purchase coal locations situated outside of the organized coal districts, the Minister of Interior may sell the same to the applicants at the price and on the terms which would apply if the lands were within an organized coal district, and with due regard to the quality of the coal which the said lands may be found to contain.

3rd. With respect to leases which have already been granted, each lessee who has fulfilled the conditions thereof may, within two years from the date of the Order in Council authorizing his lease, convert the leasehold into freehold by paying in cash the upset price placed by the Minister of Interior on the lands in the coal district wherein the said leasehold is situated; but the lease shall be null and void in all cases where the conditions have not been fulfilled by the lessee, especially the conditions contained in clause 5 of the said regulations, which is as follows: "That failure to commence active operations within one year and to work the mine within two years of the commencement of the term of the lease, or to pay the ground rent or royalty, shall subject the lessee to forfeiture of the lease and resumption of the land by the Crown."

Interior, &c.

4th. In cases where the Minister of the Interior satisfies himself that companies, or persons, have expended considerable sums of money in exploring for coal within the limit of any district for which they may have applied under the regulations of the 17th December, 1881, the said lands may be sold to such companies or persons at the upset price fixed for lands in the coal district in which such tract may be situated.

5th. The boundaries beneath the surface of coal mining locations shall be the vertical planes or lines in which their surface boundaries lie.

6th. The rights of lessees, and of persons in favor of whom Orders in Council authorizing leases have been passed, shall not be affected by these regulations.

Vide Canada Gazette, Vol. XXII, p. 103.

Marine.

By an Order in Council bearing date Wednesday, 11th day of July, 1888, under the provisions of the 13th section of the Pilotage Act, being Chapter 80 of the Revised Statutes of Canada, the Order in Council of the 30th April, 1874, appointing a pilotage district for the Counties of Digby and Annapolis in the Province of Nova Scotia, was cancelled so far as it relates to the County of Digby, and a pilotage district was formed for St. Mary's Bay in the County of Digby, the limits of which district shall embrace the whole of St. Mary's Bay and such ports and harbors therein as belong to the County of Digby inside of an imaginary line drawn between Whipple Point and Cape St. Mary's,—such district to include also Grand and Petit Passages.

Vide Canada Gazette, Vol. XXII, p. 103.

Public Works.

By an Order in Council bearing date 21st June, 1888, a by-law of the Town of Trenton for the imposition and collection of dues or tolls upon saw logs, sawn timber, square lumber, square and round timber, cedar railway ties, hoop and hop poles, floats of all kinds, barrel headings, wood long or short, staves and stave bolts coming down the River Trent within the limits of the said corporation, was approved as follows:—

Public Works.

1. That it shall be lawful for the said corporation to keep constantly stretched during the season of navigation as heretofore a good and substantial boom across the River Trent, within the limits of the said corporation, and fastened to the piers and shore fastenings erected for that purpose, for the purpose of stopping and securing timber of all kinds coming down the said river, except a gate at one side of the river, as the council may direct, between the outside pier and the main shore, of sufficient width to allow drams of timber, wood or vessels to pass through, which shall be opened sufficiently wide by the person in charge of the boom for the passing and re-passing of vessels, craft, cribs, drams of timber and lumber of various kinds, at all reasonable times and when it can be done with safety.

2. That the dues, fees or tolls enumerated and specified in the following schedule, which forms a part of this by-lay, shall be the dues, fees or tolls chargeable and collectable on all saw logs, sawn timber, square and round timber, cedar railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, stave and stave bolts, passing down the said river, running into the said corporation boom.

Schedule of Dues, Fees or Tolls above referred to.

For every saw log coming into the said boom.....	\$0 00½
For every piece of square timber, mast and spar.....	0 05
For every railway tie, allowing 8 ft. for each.....	0 00½
For every float.....	0 02
For every board, plank or deal and all kinds of sawn lumber, per raft, board measure.....	0 15
For every piece of round cedar.....	0 02
For every piece of ash or other round work.....	0 02
For every telegraph pole.....	0 00½
For every crib or dram of boards, plank or railway ties, hop poles, staves, round or square timber, deal or other lumber of any kind that may come into the boom and is hereby protected from going adrift, also cribs made or rafted within the corporation boom.....	1 00

3. That it shall be lawful for the council of the corporation of the town of Trenton to appoint a person to take charge of the said boom under such wages or salary as the council may, from time to time, direct, and to hold office during the pleasure of the council, whose duty it shall be to see that the boom and piers are kept in proper condition, and to keep a correct account of all the various kinds of lumber liable to dues, fees or tolls coming into the boom from time to time, and furnish a copy thereof to the clerk of the council or to the mayor or chairman of the Harbor and Public Works Committee, every Saturday night during the season of navigation or while the said boom is in use.

4. That it shall be the duty of every person or persons having lumber of any kind in the said boom liable to any of the dues, fees or tolls aforesaid, to pay the same or produce to the person in charge of the said boom the authority of the council allowing the removal of the same, before the same is removed out of the said boom.

Public Works, &c.

5. That any person or persons removing or attempting to remove any of the aforesaid property out of the said boom contrary to the provisions of section 4, of this by-law shall, upon conviction before a police magistrate of the town or before any justices of the peace for the County of Hastings, be subject to the penalties provided in section 280 of the consolidated by-laws of the town of Trenton.

6. That sections 121, 122, 123, 124, 125, 126 and 127 of the consolidated by-laws of the town of Trenton are hereby repealed.

Vide Canada Gazette, Vol. XXI, p. 2680.

Railways and Canals

By Order in Council bearing date Ottawa, 1st June, 1888, the provisions of the Order in Council of the 26th May, 1885, whereby steamers specially chartered for the conveyance of excursion parties, going and returning in the same boat the same day, were charged one half of the usual passenger tolls for passage through the Lachine Canal and St. Ann's Lock, were continued in force for the present season of 1888 only.

Vide Canada Gazette, Vol. XXI, p. 2559.

A Proclamation bearing date the 5th day of July, 1888, under authority of an Act of the Parliament of Canada passed in the session thereof held in the fifty-first year of Her Majesty's reign chaptered twenty-nine and intituled "An Act respecting Railways," confirmed an Act passed by the Legislature of the Province of Quebec, passed in the session of the said Legislature holden in the year one thousand eight hundred and eighty-six, and intituled "an Act to amend the Charter of the Quebec Central Railway Company,"—which Act provides among other things that it shall come into force upon the proclamation of the Lieutenant Governor, to be issued upon the declaration of the company that the Act had received the written assent of two-thirds of the shareholders,—the assent of two-thirds of the shareholders of the said company having been duly given as required by the said Act, and the said Act duly proclaimed by the Lieutenant Governor of the Province of Quebec.

Vide Canada Gazette, Vol. XXII, p. 102.

By an Order in Council bearing date 9th July, 1888, the Grenville Canal was declared closed to the passage of rafts, or of any portion of a raft, of any kind whatever.

Vide Canada Gazette, Vol. XXII, p. 51

Indians.

By an Order in Council bearing date Thursday, 7th June, 1888, under the provisions of the 54th section of "The Indian Act," being Chapter 43 of Revised Statutes of Canada, the Orders in Council of the 26th of March, 1877, and 9th of August, 1884, respecting the removal of timber by actual settlers from Indian lands were rescinded, and the following regulations were adopted in place thereof:—

1st. That purchasers of Indian land be required to clear five instead of fifteen acres; no license fee to be charged for the said five acres or dues to be charged upon the timber removed therefrom (pine and spruce being reserved), but each purchaser to be required to declare by written declaration at the time of sale that he intends becoming an actual settler on the land, and to obtain from the agent a license to cut on the five acres.

2nd. That upon it being established to the satisfaction of the Indian agent by affidavit or statutory declaration of two reliable disinterested parties that the purchaser has cleared on the land purchased ready for cultivation and fenced, at least five acres, and that he has built thereon a habitable dwelling house of not less than 18 by 24 feet, and that he resides and that they believe he intends to continue to reside on the said land, the agent may grant him a settler's license covering the land included in the sale to him, which must exceed the area stated in clause one of the Indian land regulations, namely, 400 acres or 640 acres as the case may be.

3rd. That said license shall be issued for one year only on payment of a fee of four dollars (4), which may be renewed yearly on a payment of a fee of one dollar (1), provided there has been no violation of the terms of the said license.

4th. That dues shall be paid on timber cut under said license in accordance with the following tariff, which dues or such portion thereof as may be necessary may be applied on behalf of the purchaser towards payment of the land, and any balance in excess of what is required shall be placed at the credit of Indian funds:—

Oak and black walnut and basswood square timber,	
per M. cubic feet.....	\$30 00
Oak and black walnut and basswood saw logs, per M.	
feet, board measure.....	4 00
Tamarac, elm, beech, ash, maple, hickory and butter-	
nut, per M. cubic feet.....	16 66
For the same, as saw logs, per M. feet, board measure..	2 00
Cedar, birch, basswood and boom timber, per M. cubic	
feet.....	15 00
For the same as saw logs, per M. feet, board measure..	1 00
Hemlock, per M. cubic feet including bark.....	5 00
Hemlock, per M. feet, board measure.....	0 60
Hemlock bark, per cord.....	0 40
Pipe staves. per M. standard.....	15 00
West India do do	5 00
Railway ties, tamarac or cedar, per 100 of 12 inches	
and under at the butt.....	2 00
Telegraph poles, per 100 up to 30 feet long.....	5 00

Indians, &c.

Over and above that length the rate to be increased in proportion to the length.

Boom timber, per M. cubic feet	6 00
Boom timber, per M. feet, board measure.....	0 40
Cedar pickets, per 100.....	1 00
Tamarac knees, lineal measurement, per M. feet.....	15 00
Shingle bolts, per cord.....	0 40
Shingle bolts, in advantageous localities.....	0 50
Cordwood, hardwood, per cord.....	0 15
do in advantageous localities	0 20
do soft wood, per cord.....	0 10
do in advantageous localities.....	0 12

Vide Canada Gazette. Vol. XXI., p. 2599.

Secretary of State.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 16th January, 1885, whereby the second part of the said Act was brought into force in the County of Renfrew, was revoked.

Vide Canada Gazette, Vol. XXI, p. 2559.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 17th January, 1885, whereby the second part of the said Act was brought into force in the County of Norfolk, was revoked.

Vide Canada Gazette, Vol. XXI, p. 2559.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 12th December, 1884, whereby the second part of the said Act was brought into force in the County of Simcoe, was revoked.

Vide Canada Gazette, Vol. XXI, p. 2560.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 23rd January, 1885, whereby the second part of the said Act was brought into force in the County of Dufferin, was revoked.

Vide Canada Gazette, Vol. XXI, p. 2560.

Secretary of State.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 20th January, 1885, whereby the second part of the said Act was brought into force in the County of Huron, was revoked.
Vide Canada Gazette, Vol. XXI, p. 2560.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 17th January, 1885, whereby the second part of the said Act was brought into force in the County of Bruce, was revoked.
Vide Canada Gazette, Vol. XXI, p. 2560.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 3rd January, 1885, whereby the second part of the said Act was brought into force in the United Counties of Stormont, Dundas and Glengarry, was revoked.
Vide Canada Gazette, Vol. XXI, p. 2560.

By an Order in Council bearing date Friday, the 1st day of June, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 25th June, 1881, whereby the second part of the said Act was brought into force in the County of Halton, was revoked.
Vide Canada Gazette, Vol. XXI, p. 2561.

By an Order in Council bearing date Monday, 2nd day of July, 1888, in pursuance of section 96 of "The Canada Temperance Act," the Order in Council of the 30th December, 1888, whereby the second part of the said Act was brought into force in the County of Stanstead, was revoked.
Vide Canada Gazette, Vol. XXII, p. 78.

By an Order in Council bearing date Saturday, 17th day of September, 1887, it is declared that no election for the revocation of an Order in Council under the Canada Temperance Act, being Chap. 106 of the Revised Statutes of Canada, shall be authorized to take place earlier than fifteen days before the expiration of three years from the date of the coming into force thereof under such Order in Council.
Vide Canada Gazette, Vol. XXI., p. 657.

TABLE OF CONTENTS.

ACTS OF IMPERIAL PARLIAMENT, IMPERIAL TREATIES, DESPATCHES AND ORDERS IN COUNCIL OF THE
IMPERIAL GOVERNMENT, CANADIAN ORDERS IN COUNCIL AND PROCLAMATIONS, AND OTHER DOCUMENTS.

IMPERIAL ACTS.

	PAGE
An Act to amend the Superannuation Acts, 1834 and 1859, and for other purposes.....	iii
An Act to amend in certain minor particulars some of the enactments relating to Merchant Shipping and Seamen	ix
An Act to amend the Appellate Jurisdiction Act, 1876.....	xii

IMPERIAL ORDERS IN COUNCIL, TREATIES, PROCLAMATIONS AND DESPATCHES.

Extradition Treaty with the King of the Belgians.....	xvii
Order in Council under Foreign Jurisdiction Acts, 1843 to 1878, relating to the Ottoman dominions.....	xix
Order in Council under Foreign Jurisdiction Acts, 1843 to 1878, relating to China, Japan and Corea.....	xxiv
Order in Council under Foreign Jurisdiction Acts, 1843 to 1878, relating to Siam.....	xxviii
Proclamation respecting coinage	xxxii
Foreign Deserters Act, 1852, extended to the dominions of the King of the Hellenes.....	xxxiv
Foreign Deserters Act, 1852, extended to the Republic of Paraguay	xxxv
Draft of proclamation respecting coinage of "sixpences".....	xxxvi
Rules under section six of the Superannuation Act, 1887.....	xxxvii

CANADIAN ORDERS IN COUNCIL, PROCLAMATIONS, &c.

Orders in Council disallowing Acts of the Province of Manitoba..	xliv
Order in Council disallowing Act of the Province of Quebec.....	xliv
Orders in Council, &c., on subjects connected with the Department of Agriculture	xlv

	PAGE
Orders in Council, &c., on subjects connected with the Department of Customs.	liv <i>and</i> cxcii
Orders in Council, &c., on subjects connected with the Department of Fisheries	lxi <i>and</i> cxciv
Orders in Council, &c., on subjects connected with the Department of Indian Affairs.....	lxiv <i>and</i> ccv
Orders in Council, &c., on subjects connected with the Department of Inland Revenue.....	xcviii <i>and</i> cxcv
Orders in Council, &c., on subjects connected with the Department of the Interior.....	ci <i>and</i> cxcix
Orders in Council, &c., on subjects connected with the Department of Justice	clvi
Orders in Council, &c., on subjects connected with the Department of Marine.....	clxiv <i>and</i> ccii
Orders in Council, &c., on subjects connected with the Post Office Department.....	clxxiii
Orders in Council, &c., on subjects connected with the Department of Public Works	clxxiv <i>and</i> ccii
Orders in Council, &c., on subjects connected with the Department of Railways and Canals	clxxxvi <i>and</i> cciv
Orders in Council, &c., on subjects connected with the Department of Secretary of State.....	clxxxviii <i>and</i> ccvi

APPENDIX.

Proclamation—Sir Frederick Arthur Stanley assuming office as Governor General of Canada.....	cxci
Orders in Council, on subjects relating to Customs.....	cxcii
Orders in Council, on subjects relating to Fisheries.....	cxciv
Orders in Council, on subjects relating to Inland Revenue.....	cxcv
Orders in Council, on subjects relating to the Interior	cxcix
Order in Council relating to Marine	ccii
Order in Council, relating to Public Works.....	ccii
Orders in Council, &c., on subjects relating to Railways and Canals	cciv
Order in Council relating to Indians.....	ccv
Orders in Council respecting "Canada Temperance Act".....	ccvi

INDEX

TO

ACTS OF IMPERIAL PARLIAMENT, IMPERIAL TREATIES, DES- PATCHES AND ORDERS IN COUNCIL OF IMPERIAL GOVERNMENT, CANADIAN ORDERS IN COUNCIL AND PROCLAMATIONS AND OTHER DOCUMENTS.

	PAGE.
ACT, Imperial, to amend the Superannuation Acts - - -	iii
Act, Imperial, to amend Merchant Shipping Acts - - -	ix
Act, Imperial, to amend Appellate Jurisdiction Act - - -	xii
Adulteration Act, regulations made under the - - -	ci
Agnes, Que., to be an outport of Customs - - -	lix
Agriculture and Statistics, Orders relating to Department of - <i>(And see the subjects and localities specially affected.)</i>	xlv
Algoma, Indian lands in, mining regulations applicable to -	xcvii
Animals for improvement of stock, importation of - - -	lvii
Appellate Jurisdiction Act, 1887, Imperial - - -	xii
Arnprior, Ont., to be an outport of Customs - - -	lx
BEAVER River, outport of, abolished - - -	lxi
Belgium, Extradition Treaty with - - -	xvii
Blind. <i>See</i> Schools for the blind - - -	xcvii
Bonded manufactories, regulations - - -	xcv
Bowmanville, name of port of Port Darlington changed to -	lx
Braids, yarns used in making, placed on free list - - -	xcvii
British Columbia, coal lands, regulations - - -	xcix
British Columbia, Dominion Lands in, regulations - - -	ci
British Columbia, mining regulations - - -	cxxxix
British Columbia, Quarantine regulations - - -	l
British Columbia, regulations respecting entry of spirits into -	xcix
Brome, County of, to form part of an inspection district - - -	ci
Brome Lake, Que., set apart for propagation of fish - - -	lxi
Bruce, County of, Canada Temperance Act not in force in -	ccvii
Buckle clasps, steel for, placed on free list - - -	xcvii
Buctouche, N. B., rules for government of wharf at - - -	clxix
CANADIAN Pacific Railway, section near Sudbury, R.S.C., chap. 151 no longer in force - - -	clxxxii
Canada Temperance Act, when election for revocation of Order may be held - - -	ccvii
Carleton Branch Railway acquired by Canada - - -	clxxxvi
Cascades, Que., rules for government of wharf at the - - -	clxv

	PAGE
Charlotte, herring fishing in County of, regulations respecting	lxii
China, Japan and Corea Order in Council - - - -	xxiv
Coal lands, regulations - - - - -	exc x
Coal lands in Indian reserves, regulations for disposal of - -	lxxxvii
Cobourg, Inland Revenue Division of, abolished - - - -	xcix
Coinage - - - - -	xxxii and xxxvi
Cords, yarns used in making, placed on free list - - - -	excii
Corn for distillers, drawback on foreign - - - - -	lix
Cornwallis, N. S., reduced to an outport of Customs - - -	exciii
Criminal Procedure Act, amendments, when to be in force -	clix
Currencies, foreign, values for Customs duties - - - -	liv
Customs, Orders relating to Department of - - - - -	liv and excii
<i>(And see the subjects and localities specially affected.)</i>	
DIGBY, County, pilotage district abolished - - - - -	ccii
Disallowance of British Columbia Act - - - - -	clxiv
Disallowance of Manitoba Acts - - - - -	xliv
Disallowance of Quebec Acts - - - - -	xliv
Distillers. <i>See</i> Corn - - - - -	lix
Dominion Lands Regulations, British Columbia - - - -	c
Dufferin, County of, Canada Temperance Act not in force in -	ccvi
ECONOMY, pilotage district, regulations established - - -	clxxi
Electric wires, yarn for covering, placed on free list - - -	exciii
Esquimalt, B. C., Graving Dock, by-laws - - - - -	clxxviii
Esquimalt, B. C., pilotage by-laws amended - - - - -	clxiv and clxxii
Exchequer Court, Rules of - - - - -	clx
Reference of claim by head of Department - - - - -	clx
Expropriation - - - - -	clx
Motion for judgment by default - - - - -	clx
Discovery of documents - - - - -	clxi
Matters pending before the official arbitrators - - -	clxi
Schedule of forms - - - - -	clxi
Extradition Treaty with Belgium - - - - -	xvii
FISHERIES, Orders relating to Department of - - - - -	lxi and exciv
<i>(And see the subjects and localities specially affected.)</i>	
Foreign Deserters Act, 1852, to apply to the Hellenes - - -	xxxiv
Foreign Deserters Act, 1852, to apply to Paraguay - - - -	xxxv
Free list, articles placed on - - - - -	lvi, lviii, lix, lx, excii and exciii
Fringes, yarns used in making, placed on free list - - - -	excii
GLOVE leather, duty on - - - - -	viii
Governor General, proclamation of appointment - - - - -	exc i
Grenville Canal, closed to rafts - - - - -	cciv
HAGERSVILLE, Ont., to be an outport of Customs - - - -	lxi
Halton, County of, Canada Temperance Act not in force in -	ccvii
Hellenes, Kingdom of the, Foreign Deserters Act, 1852, to apply to	xxxiv
Herring fishing, County of Charlotte, regulations respecting -	lxii

	PAGE
Hillsboro', reduced to outport of Customs - - -	lvii
Huron, County of, Canada Temperance Act not in force in - -	ccvii
ICE creepers, steel for, placed on free list - - -	xcvii
Indian Affairs, Orders relating to Department of - - -	lxiv
<i>(And see the subjects and localities specially affected.)</i>	
Indian lands, mining regulations applicable to - - -	lxiv
Indian lands in Algoma, mining regulations applicable to - -	xcvii
Indian lands, removal of timber by settlers on, regulations -	ccv
Indian lands, sale to settlers of pine and spruce on - - -	xcvii
Indians lands in Ontario and Quebec, sale of timber on - -	lxxxviii
Indian lands, surrendered, regulations for disposal of - - -	lxxxvi
Indian reserves, disposal of coal lands in - - -	lxxxvii
Inland Revenue, Orders relating to Department of - - -	xcviii and cxcv
<i>(And see the subjects and localities specially affected.)</i>	
Inland Revenue Districts and Divisions established - - -	xcix
Interior, Orders relating to Department of - - -	ci and cxcix
<i>(And see the subjects and localities specially affected.)</i>	
Iron bridges, rate of duty on iron or steel for - - -	lvi
JAPAN. See China - - - - -	xxiv
Justice, Orders relating to Department of - - - - -	clvi
<i>(And see the localities and subjects specially affected.)</i>	
Jute yarn placed on free list - - - - -	ccxiii
LACHINE Canal, tolls for excursion steamers - - - - -	cciv
Lacolle, Que., reduced to an outport of Customs - - - - -	lx
Lethbridge, N.W.T, to be an outport of Customs - - - - -	lviii
Liscombe. See St. Mary's - - - - -	clxx
Lobster fishing, regulations respecting - - - - -	lxiii and cxciv
MANITOBA Acts disallowed - - - - -	xliv
Manitoba, coal lands, regulations - - - - -	cxcix
Manitoba, mining regulations - - - - -	cxxxix
Manitoba, Quarantine regulations - - - - -	l
Marine, Orders relating to Department of - - - - -	clxiv and ccii
<i>(And see the subjects and localities specially affected.)</i>	
Merchant Shipping Acts, Imperial Act amending - - - - -	ix
Mining regulations, Manitoba, Territories and British Columbia	cxxxix
Mining regulations, applicable to Indian lands in Algoma - -	xcvii
Mining regulations, applicable to Indian lands - - - - -	lxiv
NANAIMO, B.C., pilotage by-laws amended - - - - -	clxxxiii
Naturalization Act, regulations made under the - - - - -	clvi and clxxxviii
Noils placed on free list - - - - -	lvi
Non-potable spirits, regulations respecting removal of - - -	xcviii
Norfolk, County of, Canada Temperance Act not in force in -	ccvi
North-West Mounted Police, land in Rocky Mountains Park re-	
served for - - - - -	ci and cxxxix
North-West Territories, coal lands, regulations - - - - -	cxcix

	PAGE
North-West Territories, additional powers conferred on Lieutenant-Governor	clix
North-West Territories, mining regulations	cxxxix
North-West Territories, Quarantine regulations	l
Northern and Pacific Junction Railway, passenger and freight rates	clxxxvi
OTTOMAN Order in Council	xix
PARAGUAY , Foreign Deserters Act, 1852, to apply to	xxxv
Parrsboro', N.S., pilotage by-laws amended	clxxxiii
Penitentiary regulations	clvi
Salaries of officers	clvi
Residences and grounds	clvii
Uniforms	clviii
Sale of articles to officers	clviii
No additional salary for certain work	clix
Peterborough, Inland Revenue Division of. constituted	xcix
Peterborough, Inland Revenue Division, transferred to Kingston District	xcv
Plough plates, &c., rate of duty on	exciii
Port Darlington, Ont., port of, name changed	lx
Post Office Department, Orders relating to	clxxxiii
<i>(And see the localities and subjects specially affected.)</i>	
Prince County, P.E.I., wreck and salvage district established	clxx
Public Works, Orders relating to Department of	clxxiv and ccii
<i>(And see the localities and subjects specially affected.)</i>	
QUARANTINE regulations, further, for vessels by the St. Lawrence	xlv
Quarantine regulations, revised, for animals in Manitoba, the Territories and British Columbia	l
Quebec, Act of, disallowed	xliv
Quebec Central Railway Co., Act of Quebec respecting, confirmed	cciv
Quebec Graving Dock, by-laws	clxxiv
RAILWAYS and Canals, Orders relating to Department of	clxxxvi and cci
<i>(And see the localities and subjects specially affected.)</i>	
Renfrew, County of, Canada Temperance Act not in force in	cevi
Richmond, County of, to form part of an inspection division	ci
Rocky Mountains Park, reservation of land for use of Mounted Police	ci and cxxxix
Rouge Boom Company, tariff of tolls	clxxxii
Salmon fishing, season for	cxciv
Salmon River, N.S., to be an outpost of Customs	lxi
Schools for the blind, certain articles for use of, placed on free list	cxcii
Shefford, County of, to form part of an inspection division	ci
Sherbrooke Post Office inspector's division established	clxxiv
Siam Order in Council	xxviii

	PAGE
Silver Islet, Ont., outport of, abolished - - - - -	lxi
Simcoe, County of, Canada Temperance Act not in force in	ccvi
Secretary of State, Orders relating to Department of	clxxxviii and ccvi
<i>(And see the localities and subjects specially affected.)</i>	
Smelt fishery, regulations respecting the - - - - -	lxiii
Spirits, regulations respecting their entry into British Columbia	xcix
Spirits, non-potable, regulations respecting removal of - - - - -	xcviii
St. Ann's Lock, tolls for excursion steamers - - - - -	cciv
St. Lawrence and Welland Canals, toll on certain food products -	clxxxvii
St. Mary's and Liscombe, pilotage district, by-laws and fees -	clxx
St. Mary's Bay, N.S., pilotage district formed - - - - -	ccii
Stanstead, County of, Canada Temperance Act not in force in	ccvii
Stanstead, County of, to form part of an inspection district -	ci
Steel for buckle clasps and ice creepers, placed on free list -	cxcii
Stormont, Dundas and Glengarry, United Counties of, Canada Temperance Act not in force in - - - - -	ccvii
Stratford Post Office inspector's division established -	clxxiii and clxxiv
Streetsville, Ont., to be an outport of Customs - - - - -	cxcii
Superannuation Act, 1887, Imperial - - - - -	iii
Superannuation Act, 1887, Rules under - - - - -	xxxvii
Supreme and Exchequer Courts Act, 1887, when to be in force -	clix
Sweat leathers for hats placed on free list - - - - -	lv
TASSELS , yarns used in making, placed on free list - - - - -	cxcii
Tilsonburg, Ont., to be a port of entry for raw leaf tobacco -	xcix
Tobacco, raw leaf, Tilsonburg to be a port of entry for - - -	xcix
Treaty of Extradition with Belgium - - - - -	xvii
Trent Valley Canal, rates of toll amended - - - - -	clxxxvi
Trenton, timber dues imposed by Town of - - - - -	-
Trout fishing, regulations respecting - - - - -	ccii
UPPER Ottawa Improvement Company, schedule of tolls -	clxxxii
VALLEYFIELD , Que., to be an outport of Customs - - - - -	cxcii
Vancouver, B.C., to be a port of entry - - - - -	lvi
Victoria, B.C., pilotage by-laws amended - - - - -	clxiv and clxxii
WELLAND and St. Lawrence Canals, toll on certain food products	clxxxvii
Whip centres, heads and caps placed on free list - - - - -	lvi
Wire for certain purposes, placed on free list - - - - -	cxciii
YARNS for braids, cords, tassels and fringes, placed on free list -	cxciii

ACTS

OF THE

PARLIAMENT

OF THE

DOMINION OF CANADA,

PASSED IN THE SESSION HELD IN THE

FIFTY-FIRST YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE

SECOND SESSION OF THE SIXTH PARLIAMENT,

*Began and holden at Ottawa, on the twenty-third day of February, and
closed by Prorogation on the twenty-second day of May, 1888.*

LIBRARY
SUPREME COURT
OF CANADA.



LIBRARY
SUPREME COURT
OF CANADA.

HIS EXCELLENCY

THE MOST HONORABLE SIR HENRY CHARLES KEITH, MARQUESS OF LANSDOWN,
GOVERNOR GENERAL.

VOL. I.
PUBLIC GENERAL ACTS.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
ANNO DOMINI, 1888.

A. SENECAI,
SUPERINTENDENT OF PRINTING.



51 VICTORIA.

CHAP. I.

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, 1888, and the 30th June, 1889, and for other purposes relating to the public service.

[Assented to 22nd May, 1888.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by Messages from His Excellency Preamble
the Most Honorable the Marquess of Lansdowne, Governor General of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and eighty-eight, and the thirtieth day of June, one thousand eight hundred and eighty-nine, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

1. From and out of the Consolidated Revenue Fund of Canada there shall and may be paid and applied a sum not exceeding in the whole one million seven hundred and ninety-four thousand seven hundred and seventy-two dollars and sixty-two cents, towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of Our Lord one thousand eight hundred and eighty-seven, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and eighty-eight, not otherwise provided for, and set forth in Schedule

Sum granted
for financial
year 1887-88,
\$1,794,772.62.

A to this Act, and also for the other purposes in the said schedule mentioned.

Sum granted
for financial
year 1888-89,
\$24,548,591.86

2. From and out of the Consolidated Revenue Fund of Canada there shall and may be paid and applied a sum not exceeding in the whole twenty-four million five hundred and forty-eight thousand five hundred and ninety-one dollars and eighty-five cents, towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of Our Lord one thousand eight hundred and eighty-eight, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty-nine, not otherwise provided for, and set forth in Schedule B to this Act, and also for the other purposes in the said schedule mentioned.

Account to be
rendered in
detail.

3. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next Session of Parliament.

Declaratory
as to certain
loans author-
ized but not
raised.

4. And whereas there remained on the thirty-first day of December last, unborrowed and negotiable, of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each, respectively, that is to say :—

For Intercolonial Railway.....	\$2,433,333 33
For opening communication and administration of the Government in the North-West Territories.....	1,460,000 00
For improvement of the River St. Lawrence..	3,005,000 00
do do Quebec Harbor.....	2,975,000 00
For the Quebec Graving Dock.....	910,000 00
For the Harbor of Three Rivers.....	82,000 00
For the Pacific Railway and Canadian Canals	3,893,333 32
For general purposes, balance	
30th June, 1887	10,324,014 33
For Savings Bank withdrawals to 31st December, 1887.....	5,381,439 67
For four per cent. funded debt redeemed to 31st December, 1887.....	753,706 77
For Dominion stock redeemed to 31st December, 1887....	85,112 89
For sterling debentures redeemed to 31st December, 1887.....	240,900 00

\$16,785,173 66

4

Deduct :

Deduct :— Sav- ings Bank de- posits to 31st December, 1887.....	5,028,223 77		
Currency bonds issued to 31st December, 1887.....	50,000 00	5,078,223 77	
			11,706,949 89
			<u>\$26,465,616 54</u>

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of "*The Consolidated Revenue and Audit Act*;" and the sums so raised shall form part of the Consolidated Revenue Fund of Canada, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Such sums
may be raised
under R.S.C.,
c. 29.

Application
of sums so
raised.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the Financial Year ending 30th June, 1888, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
CHARGES OF MANAGEMENT.		
To pay Thomas Crimmen for acting as Savings Bank agent at Newcastle, N.B., from 3rd November, 1886, to 4th November, 1887.		400 00
CIVIL GOVERNMENT.		
Finance Department :—To provide for the salary of J. C. Saunders for one year, from 1st July, 1887.	\$ 650 00	
To pay R. W. Baxter the difference between his own salary and that of the Accountant of Contingencies, whose duties he performed from the 10th March to 30th June, 1886	245 48	
		895 48
Auditor General's Office :—To provide for the salaries of two third class clerks, one from 1st July, 1887, to 30th June, 1888, at \$400 per annum, and one, Iva A. Martin, from 1st August, 1887, to 30th June, 1888, at \$800 per annum, \$733.34.....	\$ 1,133 33	
One messenger, 6 months, at \$500 per annum.....	250 00	
		1,383 33
Department of Indian Affairs :—To compensate D. C. Bliss for performing additional official duty during Mr. Benson's absence for three months on account of illness	\$ 136 00	
To provide for the payment of arrears of salary to J. D. McLean, promoted from the 2nd to the 1st class by Order in Council of 29th September, 1887.....	77 75	
To provide for the payment to J. A. J. McKenna of arrears of salary as Minister's private secretary, being the difference between \$200 and \$600 per annum, from 28th November, 1887, to 30th June, 1888	236 67	
		450 42
Railways and Canals :—To pay H. A. Fissiault (over 27 years on staff and at same duties, promoted by Order in Council of 3rd September, 1885, from the rank of 1st class clerk to that of chief clerk, from 1st July, 1884, and whose examination, required in ordinary cases, is hereby dispensed with, he being a notary, and therefore possessing technical qualifications) the difference between his salary as a 1st class clerk and that of chief clerk, from 1st July, 1884, to 30th June, 1887, \$750, and from 1st July, 1887, to 30th June, 1888, \$350		1,100 00
Post Office Department :—To provide for payment to G. F. Everett, Assistant Superintendent of the Money Order Branch, for performing the duties of Superintendent during the absence from Canada of J. C. Stewart, the Superintendent, from the 21st July, 1887, to the 4th December, 1887, both days inclusive, being one half the difference between his salary, \$2,300 a year, and that of Mr. Stewart, as Superintendent of the Money Order and Savings Bank Branches, namely, \$2,800, during the period above named, in accordance with Clause 2, Section 51, of "The Civil Service Act"	\$ 93 41	
Carried forward.....	93 41	3,829 23
		400 00

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 93 41	3,829 23
CIVIL GOVERNMENT—Continued.		
To provide for payment to D. Matheson, Assistant Superintendent of the Savings Bank Branch, for performing the duties of Superintendent during the absence from Canada of J. C. Stewart, the Superintendent, from the 21st July, 1887, to the 4th December, 1887, both days inclusive, being one half the difference between his salary, \$2,100 a year, and that of Mr. Stewart, as Superintendent of the Money Order and Savings Bank Branches, namely: \$2,800, during the period above named, in accordance with Clause 2, Section 51, of "The Civil Service Act"	130 78	
To provide for payment to W. H. Smithson, Assistant Accountant, for performing the duties of Accountant during the absence on leave of H. A. Wicksteed, the Accountant, from the 1st October, 1887, to the 31st December, 1887, and for acting as Accountant from the 1st to the 31st January, 1888, being the difference between his salary, \$2,400 a year, and that of the Accountant, \$2,800 a year, in accordance with Clause 2, Section 51, of "The Civil Service Act"	133 33	
To provide for payment to J. C. Stewart, of the difference between the amount provided for his salary, \$2,800, as Superintendent of the Money Order and Savings Bank Branches, and his salary, \$3,200 a year, authorized by Order in Council, as Financial Comptroller, from 1st February, 1888...	166 67	
To provide for payment to D. Matheson, of the difference between the amount provided for his salary, \$2,100, as Assistant Superintendent of the Savings Bank Branch, and his salary, \$2,300, authorized by Order in Council, as Superintendent of the Savings Bank Branch, from the 1st February, 1888	83 33	
To provide for payment to Henry Knauf, for translating German into English, and English into German.....	300 00	
	907 52	
Remuneration to Special Messenger for delivery of night mails at the private residences of Ministers and Deputy Heads.....		300 00
Department of Agriculture:—For allowance for the Secretary of Department for performing the duties of the Deputy Head, from 1st July, 1887, to 30th June, 1888.....	\$ 700 00	
To increase, for technical services, the salary of Alfred Desjardins, who was appointed a clerk of the 3rd class, at a minimum of \$400, in the Patent Branch.	100 00	
To pay J. B. Lynch for special services out of office hours, from 1st July to 31st October, 1887.....	100 00	
	900 00	
Privy Council:—Statutory increase omitted in main Estimate	50 00	
Carried forward.....	50 00	5,936 75
		400 00

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	\$ 50 00	400 00
CIVIL GOVERNMENT—Concluded.		
Difference between the salary of the late Mr. Beaudry and that of L. J. Burpee, from 23rd September, 1887, to 30th June, 1888.....	384 72	
Additional amount for contingencies to provide for the payment of Confidential Translation, &c., notwithstanding the 51st section of the Civil Service Act	100 00	
	534 72	
Department of the Secretary of State:—To pay E. Brouseau \$50 per annum from 1st July, 1880, to 30th June, 1888. An Order in Council granting him \$1,450 from 1st July, 1880, was passed, whilst only \$1,400 was provided by the Estimates of that year, and the annual difference has never been made up.....	\$ 400 00	
To pay F. J. Audet, 3rd class Clerk, from 1st February to 30th June, at \$500 per annum.....	208 34	
To pay P. Pelletier, Chief Clerk, from 1st March to 30th June, at \$1,800 per annum.....	600 00	
	1,208 34	
Department of Printing and Stationery:—To pay increase of salary to Thomas Roxborough.....	\$ 37 85	
Further amount required for contingencies.....	3,200 00	
	3,237 85	
Department of Justice:—For allowance to A. Power, Chief Clerk, for performing the duties of the Deputy Head from the date of appointment of Mr. Justice Burbidge to the Exchequer Court (1st Oct. 1887), to the date of the appointment of a Deputy Minister (25th Feb., 1888).....		704 00
Department of Inland Revenue:—To pay W. Carter the difference between his salary and that of the Secretary of the Department, from 11th November, 1887, to the 19th February, 1888, during the illness of the latter.....		137 52
		11,759 18
DOMINION POLICE.		
Further amount required to complete the service for the year 1887-88.....		500 00
LEGISLATION.		
House of Commons:—To pay the widow of the late R. Campbell, Esq., M.P., amount of his Sessional indemnity and mileage, for Session of 1887.....	\$ 1,021 00	
Sessional indemnity for the late Alexander Robertson, Esq., M.P., payable to his mother, Mrs. Jane Robertson.....	1,000 00	
Balance of indemnity and mileage for the late George Claves, Esq., M.P., payable to his widow.....	983 20	
To meet probable expenses in connection with the trial of corrupt practices at Elections under R.S.C., chapter 9, section 77.....	1,000 00	
To provide for the promotion of W. C. Bowles from the rank of first-class clerk to that of chief clerk, from 1st January, 1888, at \$2,200 per annum.....	200 00	
To cover amount expended, during recess, for extra French translation.....	2,144 00	
Publishing Debates.....	4,592 51	
	10,940 71	
Carried forward.....		12,659 18
	10,940 71	12,659 18

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	10,940 71	12,659 18
<i>LEGISLATION—Concluded.</i>		
Franchise Act :—To pay E. G. Pulford, for extra services in connection with the administration of the Franchise Act.....	\$ 200 00	
Printing voters' lists.....	3,600 00	
Further amount required for the Franchise Act, including expenses of bailiffs and clerks caused by the holding of preliminary revisions for 1886 at more than one place in the electoral division—the Act having authorized the holding of the revision at one place only.....	20,000 00	
Expenses actually incurred for advertising, printing, stationery, postage and clerk's services under instructions from revising officers in connection with the expected revision of 1887.....	2,500 00	
	26,300 00	
Library of Parliament :—To pay Joseph Lafontaine, an extra messenger.....	250 00	
Senate :—Amount required to make up the salary of the late Hon. J. B. Plumb, as Speaker, to 30th June, 1888, \$1,204.31; and balance of his Sessional allowance, \$810.....	2,014 31	39,505 02
<i>ARTS, AGRICULTURE AND STATISTICS.</i>		
Colonial and Indian Exhibition.....		16,000 00
<i>IMMIGRATION.</i>		
Gratuity to Mr. Charles Foy, late Immigration Agent at Belfast.....		1,000 00
<i>PENSIONS.</i>		
Private Montgomery Smith, No. 5 Company, 26th Battalion—Pension from 26th January, 1872, to 9th July, 1885, inclusive, 4,914 days, at 25 cents.....	\$ 1,228 50	
From 10th July, 1885, to 31st December, 1887, inclusive, 905 days, at 30 cents.....	271 50	
	1,500 00	
Pensions payable on account of North-West Outbreak, 1885, to mounted police, Prince Albert volunteers and police scouts.....	3,000 00	4,500 00
<i>MILITIA.</i>		
<i>CONTINGENCIES.</i>		
To provide for the retirement of 2 Deputy Adjutants-General, gratuity of 2 years' pay each, at the rate of \$1,700 per annum, \$3,400 each..	6,800 00	
Barracks in British Columbia.....	4,000 00	10,800 00
<i>RAILWAYS AND CANALS.</i>		
<i>(Chargeable to Capital.)</i>		
<i>INTERCOLONIAL RAILWAY.</i>		
Increased accommodation at St. John.....	\$ 2,500 00	
Increased accommodation at Moncton.....	5,000 00	
Carried forward.....	7,500 00	84,464 20

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 7,500 00	84,464 20
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital)—Concluded.</i>		
<i>INTERCOLONIAL RAILWAY—Concluded.</i>		
Increased accommodation at Rivière du Loup.....	4,000 00	
St. Charles Branch.....	71,000 00	
Pictou Town Branch.....	128,000 00	
Dartmouth Branch.....	6,000 00	
Indiantown Branch.....	5,000 00	
Snow sheds.....	39,000 00	
Rivière du Loup Town Branch.....	400 00	
Construction.....	5,000 00	
Rolling stock.....	38,600 00	
To meet legal expenses in connection with the construction of the Cotton Factory Branch at Halifax, N.S.....	500 00	
	305,000 00	
CANADIAN PACIFIC RAILWAY.		
To meet land claims and expenses on the Pembina Branch..	\$ 5,000 00	
To meet expenses of arbitration.....	31,500 00	
<i>(This sum includes the remuneration to be paid to L. K. Jones, a permanent officer of the Department of Railways and Canals, as Secretary of the Commission, appointed by Order in Council, dated 27th February, 1888, and in addition to his regular salary.)</i>		
To meet legal expenses in the case of Whitehead vs. The Queen.....	500 00	
	37,000 00	
CARLETON BRANCH RAILWAY.		
To reimburse the Intercolonial Railway for accounts paid by that road..	504 17	
	504 17	342,504 17
CANALS		
St. Lawrence River and Canals.....	16,000 00	
Carillon Canal.....	1,800 00	
Murray Canal.....	30,000 00	
St. Anne's Canal—To pay a gratuity of two months' salary to the undermentioned persons, whose services are no longer required owing to the completion of the works in connection with the forma- tion of a channel above the lock at St. Anne's, River Ottawa—		
G. H. Henshaw.....	\$ 333 32	
H. G. Stanton.....	120 00	
Autoine Ranger.....	60 00	
	513 32	
	513 32	48,313 32
RAILWAYS AND CANALS.		
<i>(Chargeable to Income.)</i>		
CANALS.		
Lachine—Construction of two bridges for foot passengers..	\$ 1,600 00	
Chambly—Rebuilding lockwalls, and building new by-wash above Lock No. 2.....	5,000 00	
Rideau—Construction of a bridge at Brass Point.....	1,347 30	
Miscellaneous :—To pay claims and legal expenses for land damages.....	1,300 00	
Construction of new steam dredge and scows.....	14,000 00	
Royal Commission on Canal Leases.....	1,269 16	
	24,516 46	
Carried forward.....	24,516 46	475,281 69

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	24,516 46	475,281 69
RAILWAYS AND CANALS.		
(Chargeable to Income)—Concluded.		
RAILWAYS.		
Royal Commission on Railways.....	10,000 00	34,516 46
PUBLIC WORKS.		
(Chargeable to Capital.)		
ESQUIMALT GRAVING DOCK.		
To complete dock.....	50,000 00	
For settlement of Messrs. F. B. McNamee & Co.'s claim arising out of their contract for the construction of this dock with the Government of British Columbia, in accordance with the recommendations made by a Select Committee of the House of Commons of the Dominion of Canada, at the Session of 1887.....	17,383 15	67,383 15
PUBLIC WORKS.		
(Chargeable to Income.)		
PUBLIC BUILDINGS.		
New Brunswick.		
Newcastle Post Office, Custom House, &c.—Balance due on contract, works, &c.....	\$ 4,677 45	
Quebec.		
Montreal Drill Hall and Armories.....	25,500 00	
Montreal Custom House—Re-covering roof with copper...	6,200 00	
Montreal Post Office—Improvements.....	2,000 00	
St. Régis Custom House—Repairs, &c.....	300 00	
St. Vincent de Paul Penitentiary.....	13,600 00	
Grosse Isle Quarantine Station—Disinfecting house.....	5,000 00	
Montreal Custom House—Removal of boiler from cellar to ground floor.....	3,700 00	
Ontario.		
Hamilton Post Office, Custom House, &c.....	2,080 00	
Kingston Custom House—Repairs.....	1,800 00	
Parliament Buildings, Ottawa—Improvements, furniture, &c., Speakers' apartments, Senate and House of Commons.....	6,000 00	
Toronto Post Office.....	1,250 00	
Supreme Court Building, Ottawa—Fitting up apartments for Exchequer Court, furniture, &c.....	3,000 00	
Victoria Hall—Alterations and fittings in connection with transfer of National Art Gallery from the Supreme Court building to this hall.....	3,500 00	
Toronto Examining Warehouse.....	5,287 51	
Carried forward.....	83,894 96	577,181 30

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$83,894 96	577,181 30
PUBLIC WORKS.		
(Chargeable to Income)—Continued.		
<i>Ontario—Concluded.</i>		
Victoria Hall, Ottawa—Half lot purchased on Queen Street, Ottawa, in rear of hall	1,550 00	
St Catharines Public Building—Improvements, &c.....	1,500 00	
Kingston Penitentiary	6,000 00	
<i>Manitoba.</i>		
Winnipeg Mounted Infantry School	2,216 85	
<i>North-West Territories.</i>		
McLeod Custom House.....	1,000 00	
Regina Jail and Lunatic Asylum.....	6,000 00	
Regina Court House	720 00	
North-West Mounted Police Buildings	27,600 00	
	130,481 81	
REPAIRS, FURNITURE, HEATING, &C.		
Ottawa Geological Museum—Fitting up top flat of adjoining building for use in connection with Museum, furniture, &c.	\$ 2,050 00	
Set of pigeon hole cases for use of Distribution Office, House of Commons	175 00	
Rent of site of old Parliament House, Quebec, for year ending 30th June, 1888	4,444 44	
Safes for Montreal Post Office.....	658 75	
Water, Dominion Public Buildings—Special water rates imposed by the Quebec City Corporation on Post Office building to meet outlay for new main, &c., viz., for the years 1884-85, 1885-86, 1886-87 and 1887-88.....	2,774 00	
Temporary offices for organization of new Government Printing Bureau—Rent and repairs.....	275 00	
Additional amount required to meet disbursements for petty repairs, &c., in connection with Dominion Public Buildings, hitherto made by the various departments occupying the offices	2,000 00	
	12,377 19	
HARBORS AND RIVERS.		
<i>Nova Scotia.</i>		
Great Tancook Island	\$ 1,200 00	
Sheet Harbor.....	2,000 00	
Margaretsville Breakwater	1,300 00	
Economy Breakwater	1,300 00	
<i>New Brunswick.</i>		
Dalhousie Ballast Wharf.....	1,000 00	
Carried forward.....	6,800 00	577,181 30

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 6,800 00	142,859 00
PUBLIC WORKS.		
<i>(Chargeable to Income)—Concluded.</i>		
HARBORS AND RIVERS—Concluded.		
<i>Quebec.</i>		
Longueuil	\$ 2,600 00	
River Nicolet.....	4,269 25	
General repairs and improvements.....	7,000 00	
New Carlisle.....	800 00	
Rivière du Lièvre.....	17,500 00	
<i>Ontario.</i>		
Little Nation River—Removal of obstructions.....	1,000 00	
<i>Manitoba.</i>		
General repairs and improvements, harbors and rivers.	1,500 00	
<i>North-West Territories.</i>		
North Saskatchewan River	6,000 00	
	<hr/>	47,469 25
DREDGING.		
New Dredging Plant	\$ 12,000 00	
Dredging—Quebec.....	3,000 00	
do Manitoba	5,000 00	
	<hr/>	20,000 00
ROADS AND BRIDGES.		
Bridge across the Bow River, near Calgary—To complete.\$	6,500 00	
Reconstruction of roadway leading from Rideau Canal to dynamo house, at base of Parliament Hill, including new retaining wall.....	9,000 00	
	<hr/>	15,500 00
MISCELLANEOUS.		
Surveys and inspections.....		6,000 00
<i>Arbitrations and Awards.</i>		
Settlement of claim of Madam Henrietta Ansboro Ennis, for salary due her late husband as Secretary of the Official Arbitrators, in accordance with judgment of Exchequer Court in her favor.....		6,515 38
TELEGRAPH LINES.		
<i>Telegraph Lines, North-West Territories.</i>		
Line between Battleford and Edmonton via Fort Pitt.....\$	650 00	
Line between Clark's Crossing and Prince Albert, including deviations to Stobart and Batoche—Re-poling, &c.	6,500 00	
	<hr/>	7,150 00
		245,493 63
Carried forward.....		822,674 93

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		822,674 93
LIGHTHOUSE AND COAST SERVICE.		
To provide for costs of defendant in suit <i>Queen vs. George McLeod</i> , owner of ship "Minnie Gordon".....	509 80	
Signal service.....	1,000 00	1,509 80
FISHERIES.		
Fisheries, New Brunswick.....	3,000 00	
To pay balance of expenses in connection with the Lobster and Oyster Commission	1,979 19	
To pay litigation in <i>re schooner "David J. Adams"</i>	3,369 53	
To pay J. M. Oxley for services in <i>re Fisheries Protection Service</i>	15 00	
To pay W. H. Hayes for services in connection with Fishing Bounty payments	42 00	8,405 72
INDIANS.		
ONTARIO AND QUEBEC.		
To enable the Department to meet the expenses of the commission appointed under Order in Council to examine and report upon the claims of lessees of Indian Lands in the Township of Dundee, to obtain titles in fee.....	\$ 4,000 00	
To pay Miss C. F. Ryerson for copying surrenders of Indian lands, 965 folios, at 5c.....	48 25	
Grant in aid of the Students' Fund of the Mohawk Institution at Brantford.....	392 29	
To enable the Department to relieve cases of distress amongst Indians of Ontario.....	300 00	4,740 54
BRITISH COLUMBIA.		
To remunerate the Hon. Clement Cornwall for services rendered by him as a special Commissioner to enquire into Indian matters on the north-west coast of British Columbia... \$ 900 00		
And to reimburse living expenses paid by him while engaged on that service, forty days, at \$5.....	200 00	
	\$ 1,100 00	
To cover the cost of expenses incurred in the employment of the Dominion steamer "Sir James Douglas", with two Commissioners (one of whom was the Hon. Mr. Cornwall) attended by Secretary, Interpreters and servants	1,317 80	
To provide for ditching and breaking up lands in St. Mary's Reserve, Kootenay.....	300 00	2,717 80
NORTH-WEST TERRITORIES.		
Grant in aid of the hospital at St. Albert's Mission, at which Indians frequently receive treatment.....	\$ 200 00	
To provide for an increase to the salary of Mr. Hayter Reed, Assistant Indian Commissioner, from \$2,000 to \$2,400	400 00	
To provide for the payment to the North-West Coal and Navigation Company of expenses incurred by it on account of preliminary steps taken to develop coal deposits within the districts afterwards included in the Blackfoot Reserve, under the authority of Order in Council of 15th October, 1887	2,481 00	
Carried forward.....	3,081 00	7,458 34
		832,590 45

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$ 3,081 00	7,458 34
		832,590 45
INDIANS—Concluded.		
NORTH-WEST TERRITORIES—Concluded.		
To provide an additional grant of \$30 per head to each of nineteen pupils at the McDougall Orphanage at Morleyville.....	570 00	
To provide salary for eight months, from 1st November, 1887, to 30th June, 1888, for J. A. Macrae, appointed Inspector of Protestant schools in the North-West Territories, under Order in Council of 27th October, 1887.....	800 00	
To provide a similar payment for Mr. Albert Betournay, appointed Inspector of Roman Catholic schools in the North-West Territories, under Order in Council of 22nd December, 1887.....	800 00	
For an additional grant of \$30 per head for each of fifty pupils at the St. Albert's Institution.....	1,500 00	
For salary to the teacher of an Indian school at Isle à la Crosse.....	300 00	
	7,051 00	14,509 34
NORTH-WEST MOUNTED POLICE.		
Required to complete the service for the year.....		100,000 00
MISCELLANEOUS.		
To meet expenses of Royal Labor Commission.....	40,000 00	
To meet expenses of Washington Fishery Commission.....	18,000 00	
Printing and distributing Criminal Statutes.....	8,600 00	
To pay difference between \$600 and \$700 in salary of F. F. Payne, employed as one of the observers on the Hudson Bay Expedition, from 1st November, 1886, to 1st July, 1887.....	66 64	
To pay W. E. Hodgins for completion of correspondence, petitions, reports and Orders in Council respecting Provincial legislation. ...	350 00	
<i>Canada Gazette</i>	800 00	
Organization of Printing Bureau.....	1,250 00	
To pay Messrs. Rowsell & Hutchison for twelve copies each of volumes twelve and thirteen of Ontario Law Reports.....	120 00	
To pay C. E. Rouleau for twenty-five copies of Débats du Conseil Législatif, Québec.....	75 00	
To meet expenditure in connection with consolidation and preparation of Orders in Council.....	6,300 00	
To meet expenditure in connection with preparation of supplementary volume to the Orders in Council.....	1,000 00	
To pay a gratuity of two months' salary to the widow of the late Hugh Gavin, diver and carpenter on the Lachine Canal for the last forty-one years.....	91 00	
Amount required for lithographing statistical diagrams.....	3,110 00	
Gratuity to the widow of the late George Eyvel, one of the official reporters of the House of Commons.....	1,000 00	
To pay for the undermentioned works for Library exchanges, &c. :—		
Fifty copies of Bourinot's Local Government in Canada.....	15 00	
Twenty-five copies of Banks and Banking and the Mercantile Law of Canada.....	43 75	
Forty copies of the Débats de la Législature de Québec for 1887....	320 00	
Twenty-five copies of L'Abbé Tanguay's Dictionnaire Généalogique, volumes two, three and four, at \$4 per copy.....	300 00	
Twenty-five copies of L'Abbé Casgrain's Pèlerinage au pays d'Évangéline, at \$1 per copy.....	25 00	
Carried forward.....	81,466 39	947,099 79

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	81,466 39	947,099 79
<i>MISCELLANEOUS—Concluded.</i>		
Twenty-five copies of Chauveau's <i>Frédéric Ozanam et ses œuvres</i> , at \$1.50 per copy	37 50	
Twenty-five copies of Béchard's <i>La Paroisse de St. Augustin</i> , at \$1 per copy	25 00	
Twenty-five copies of Taché's <i>Les Hommes du jour</i> , at 50 cents per copy	12 50	
To provide for payment to La Société de Colonization de Manitoba in lieu of a free grant of land to which the Society is entitled.....	1,600 00	
Further amount required to pay for the survey, construction of roads, bridges and other necessary works in connection with the Hot Springs Reservation near Banff Station, North-West Territories....	8,782 64	
To pay Mr. Justice Macleod rental allowance, in lieu of free quarters, from 1st July, 1884, to 17th March, 1887	1,356 17	
Further amount required to provide for the clothing and maintenance of patients from the district of Keewatin, in the Manitoba Asylum for the insane.....	3,500 00	
Further amount required to provide for the clothing and maintenance of patients from the North-West Territories in the Manitoba Asylum for the insane.....	4,000 00	
Amount required to cover the salary and expenses of a Forestry Commissioner	3,396 00	
Further amount required to provide for the expenses in connection with the Commission for the settlement of the Half-breed Claims in the North-West Territories (including \$500 to N. O. Coté, for services as Commissioner, notwithstanding anything in the Civil Service Act to the contrary).....	5,000 00	
To provide an allowance of two months' pay to the widow of the late Henry J. Derham, an extra clerk of over seven years' service in the Patent Branch, who died 1st January, 1888.....	120 00	
Gratuity of two months salary to the widow of the late Thomas Lambkin, in his lifetime employed as Messenger and Watchman in the Department of Public Works.....	90 00	
Gratuity to the widow of the late W. F. Fanning, for 50 years in the service of the Customs, Quebec.....	100 00	
		109,486 20
COLLECTION OF REVENUES.		
CUSTOMS		
To cover amount expended under authority of a Governor General's Warrant, in the purchase of the steam launch "Argus," for use of Customs Officers at the Port of Halifax.....	\$4,680 54	
To pay A. J. McKenzie, Surveyor, in Her Majesty's Customs at Hamilton, an allowance in addition to his salary, for services as Acting Collector, from 1st November, 1884, to 1st February, 1887.....	1,237 50	
A amount to cover the Canadian contribution to the proposed international Bureau at Brussels for the purpose of collecting, translating, publishing and distributing information relating to Customs Tariffs.....	500 00	
		6,418 04
EXCISE.		
To pay Peter Kastner the sum of \$210.44, duty on malt used in the manufacture of beer, destroyed by fire 24th August, 1881, authorized by Order in Council of 20th September, 1887.....	210 44	
To increase the salary of Albert Lafontaine, Excise Officer, Joliette, from \$400 to \$500, from 1st July, 1887.	100 00	
		310 44
Carried forward.....	6,728 48	1,056,589 99

SCHEDULE A—*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	6,728 48	1,056,585 99
COLLECTION OF REVENUES—<i>Concluded.</i>		
CULLING TIMBER.		
Cullers' Contingencies.....	1,500 00	
RAILWAYS AND CANALS.		
<i>Repairs and Working Expenses.</i>		
Intercolonial Railway.....	\$477,000 00	
Cornwall Canal.....	1,500 00	
Williamsburgh.....	200 00	
Rideau.....	7,000 00	
St. Ours.....	350 00	
Chambly.....	850 00	
Dredge vessels.....	4,000 00	
To pay J. A. Phelan, Collector of Canal Tolls, Cornwall, for loss sustained by him by destruction of household effects by flood.....	125 00	
Canal Contingencies.....	1,500 00	
	492,525 00	
GAS INSPECTION CONTINGENCIES.....	1,000 00	
ADULTERATION OF FOOD.....	1,000 00	
MINOR REVENUES.		
Further amount required for Ordnance Lands.....	1,383 28	
POST OFFICE.		
To complete the year's provisional allowance in Manitoba..	\$4,000 00	
To complete the year's provisional allowance in British Columbia.....	1,000 00	
	5,000 00	
DOMINION LANDS.		
Further amount to complete the service for the year.....	4,603 00	
		513,739 76
TERRITORIAL ACCOUNTS.		
<i>(Chargeable to Capital.)</i>		
Further amount required to purchase and supply Seed Grain, as a loan, to remote sections of the North-West Territories.....	3,000 00	
Further amount required to meet expenses in connection with the suppression of the Outbreak.....	95,000 00	
Amount required for compensation to Alexander Hemla and Julien Cardinal, for services rendered during the Outbreak, \$250 each....	500 00	
To pay J. W. McKeen, for loss of time and health by reason of his being made a prisoner during the North-West Outbreak.....	100 00	
		98,600 00
UNPROVIDED ITEMS.		
Unprovided items, 1886-87 as shown by the Auditor General's report for 1886-87, pages 46 to 53.....		125,846 87
Total.....		1,794,772 62

SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1889, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.		
	\$ cts.	\$ cts.
Financial Inspector.....	2,600 00	
Assistant Financial Inspector.....	1,700 00	
Office of Assistant Receiver-General, Toronto.....	7,600 00	
do do Montreal.....	5,600 00	
do do Halifax.....	10,000 00	
do do St. John.....	8,000 00	
Auditor and do Winnipeg.....	6,600 00	
do do Victoria.....	7,600 00	
do do Charlottetown.....	4,900 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia, salaries.....	15,000 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia, contingencies.....	3,000 00	
Commission on \$6,729,400.10, for payment of interest on Public Debt.	33,647 00	
Brokerage on purchases for Sinking Funds, viz. :—		
Intercolonial Railway Loan.....	768 24	
Rupert's Land Loan.....	78 66	
British Columbia Loan.....	41 45	
Brokerage and commission on purchases for Sinking Funds, viz. :—		
Dominion Loans of 1874, 1875, 1876, 1878 and 1879.....	4,870 74	
Dominion Loan of 1884.....	1,042 70	
do Canada reduced.....	3,970 14	
English bill stamps, postages, telegrams, &c.....	2,000 00	
Expenses in connection with the issue and redemption of Dominion Notes.....	9,000 00	
Printing Dominion Notes.....	40,000 00	
Printing, advertising, inspection, expressage, miscellaneous charges, &c., including commutation of stamp duty.....	17,000 00	
		185,018 93
CIVIL GOVERNMENT.		
The Governor General's Secretary's Office.....	9,750 00	
The Office of the Queen's Privy Council for Canada.....	25,462 50	
The Department of Justice.....	19,925 00	
do do Penitentiaries Branch.....	6,150 00	
do do Militia.....	42,600 00	
do do Secretary of State.....	31,037 50	
do do Public Printing and Stationery.....	22,620 82	
do do Interior.....	126,787 50	
North-West Mounted Police.....	8,580 00	
The Department of Indian Affairs.....	40,647 50	
The Office of the Auditor General.....	25,750 00	
The Department of Finance and Treasury Board.....	53,980 00	
do Inland Revenue.....	41,175 00	
do Customs.....	34,650 00	
do Postmaster-General.....	185,075 00	
do Agriculture.....	51,220 00	
do Marine.....	24,912 50	
do Fisheries.....	15,425 00	
do Public Works.....	43,510 00	
do Railways and Canals.....	47,980 00	
Departmental contingencies.....	199,250 00	
Stationery Office, for stationery.....	10,000 00	
Carried forward.....	1,086,458 32	185,018 93

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	1,066,458 32	185,018 93
CIVIL GOVERNMENT—Continued.		
Amount required to provide for the contingent expenses of the High Commissioner for Canada in London.....	2,000 00	
Amount estimated to be required for taxes and insurance for High Commissioner's residence, including income tax.....	1,200 00	
Post Office and Finance Departments—Contingencies—Amount required to make payment to those officers of the Savings Bank Branch, Post Office and Finance Departments, engaged in the balancing of, and computing interest on depositors' accounts, to 30th June, 1888:—		
Post Office Department	\$ 1,850 00	
Finance do	1,250 00	
	3,100 00	
Amount required for salaries of Board of Examiners and other expenses in connection with the Civil Service Act.....	6,000 00	
Contingencies:—Remuneration to special Messenger for delivery of night mails at the private residences of Ministers and Deputies.....	300 00	
Department of Justice:—To provide for statutory increase to V. Webb, Messenger.....	\$ 30 00	
To pay A. J. Horan an increase of salary on account of two optional subjects.....	100 00	
	130 00	
Department of Printing and Stationery:—Salary of one Second Class Clerk, T. Roxborough.....	\$ 1,150 00	
Salary of one Third Class Clerk, J. Hughes.....	550 00	
	1,700 00	
North-West Mounted Police:—To provide for an increase of salary to L. Fortescue.....	100 00	
Post Office Department:—To provide for the salary of the Chief Clerk, Cashier, from the 1st July to the 30th September, at the rate of \$2,400 a year.....	600 00	
Department of Indian Affairs:—To increase the salary of John Austin, Clerk in the Registry Branch, from \$700 to \$850 per annum.....	\$ 150 00	
To increase the salary of Martin Benson, Clerk in the Correspondence Branch, from \$1,300 to \$1,350 per annum.....	50 00	
To increase the salary of Joseph Delisle from \$950 to \$1,000 per annum.....	50 00	
	250 00	
Privy Council:—To provide for the promotion of one Third Class Clerk to a Second Class Clerkship.....	\$ 1,100 00	
To provide for an increase of salary to a Messenger from \$440 to \$470, to date from 1st January, 1889.	30 00	
Contingencies:—To provide payment for confidential translation, &c., notwithstanding the 51st section of the Civil Service Act.....	100 00	
	1,230 00	
Department of Marine:—To provide for the promotion of a First Class Clerk to a Chief Clerkship.....	\$ 50 00	
To provide for the promotion of a Third Class Clerk to the rank of Second.....	100 00	
	150 00	
Department of the Secretary of State:—To pay L. A. Catellier, Deputy Registrar-General, in addition to his salary as Chief Clerk.....	\$ 400 00	
To provide for the salary of one Third Class Clerk, M. F. J. Audet.....	512 50	
To provide for salary of the Chief Clerk, P. Pelletier...	1,812 50	
	2,725 00	
Carried forward.....	1,085,943 32	185,018 93

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	1,085,943 32	185,018 93
CIVIL GOVERNMENT—Concluded.		
Department of Inland Revenue :—To pay W. Himsworth, Secretary of the Department.....	200 00	
Auditor General's Office :—To increase the salary of Mr. Patterson, Assistant Auditor, from 1st July, 1887, \$200 annually.....	400 00	1,086,543 32
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice, including North-West Territories.....	20,000 00	
Travelling expenses of Judges in the North-West Territories.....	4,000 00	
Circuit allowances, British Columbia.....	6,000 00	
Travelling allowances, Supreme and County Court Judges, Manitoba.	2,500 00	
Reporter of the Supreme Court of Canada	2,300 00	
Assistant Reporter of the Supreme Court of Canada, Second Class Clerk.....	1,200 00	
Clerk in the office of the Registrar of the Supreme Court of Canada	1,000 00	
Second Clerk in the office of the Registrar of the Supreme Court of Canada.....	850 00	
Senior Messenger of the Supreme Court of Canada	500 00	
Second Messenger of the Supreme Court of Canada	500 00	
Third Messenger of the Supreme Court of Canada	430 00	
Clerk, Stenographer, Exchequer Court.....	800 00	
Messenger, Exchequer Court.....	300 00	
Contingencies and disbursements; Judges' travelling expenses; also salaries of officers (Sheriff, Registrar as Editor of Reports, Usher, &c.) in the Supreme and Exchequer Courts of Canada, and \$150 for books for Judges.....	5,000 00	
Printing, binding and distributing the Supreme Court reports.....	2,000 00	
Sundry disbursements connected with the Maritime Court of Ontario, Judges' travelling expenses, &c.	100 00	
Salary of Registrar of the Vice-Admiralty Court, Quebec	666 66	
Salary of Marshal of Vice-Admiralty Court, Quebec.....	333 34	
To provide Vice-Admiralty Court Rooms, St. John, N.B.....	150 00	
To provide Vice-Admiralty Court Rooms, Halifax.....	150 00	
For the purchase of law reports and text books for the Supreme Court Library.....	1,500 00	
		50,280 00
DOMINION POLICE.		
Dominion Police.....	16,500 00	
Further amount required to complete the service of the year.....	1,100 00	17,600 00
PENITENTIARIES.		
Kingston.....	118,429 85	
St. Vincent de Paul	85,654 79	
Dorchester.....	46,304 50	
Manitoba	49,914 48	
British Columbia.....	43,827 85	
Regina Jail	13,000 00	
Dorchester Penitentiary—To provide for an increase to one Messenger.	50 00	357,181 47
LEGISLATION.		
SENATE.		
Salaries and contingent expenses of the Senate.....	60,538 00	
To pay amount of sessional indemnity to Hon. Mr. Fortin, who was prevented by illness from attending Parliament.....	1,000 00	
Carried forward.....	61,538 00	1,696,623 72

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	61,538 00	1,696,623 72
LEGISLATION—Concluded.		
HOUSE OF COMMONS.		
Salary of the Deputy Speaker.....	2,000 00	
Salaries, per Clerk's estimate.....	66,650 00	
Expenses of Committees, Extra Sessional Clerks, &c.....	13,200 00	
Contingencies.....	24,000 00	
Publishing Debates, House of Commons. (The authority required by section 51 of "The Civil Service Act," is hereby given for paying out of this vote such sums as may be required to pay such employees of the Civil Service as it is necessary to employ to do duty as amanuenses to the Debates Staff of the House of Commons, for the present Session).....	40,000 00	
Salaries and contingencies, per Sergeant-at-Arms' estimate.....	33,462 50	
To provide for the promotion of W. C. Bowles, from the rank of First Class Clerk to that of Chief Clerk, for the year ending 30th June, 1889.....	400 00	
To provide for the promotion of Treffé Ouimet, from the rank of Third Class Clerk to that of Second Class, at \$1,100 per annum.....	100 00	
To provide for an increase of salary to Wilfred Dubé, Third Class Clerk.....	50 00	
To provide for an increase of salary to F. X. Lemieux, Third Class Clerk.....	50 00	
To pay the widow of the late Hon. Thos. White the balance of his sessional indemnity.....	675 00	
To pay the widow of the late Athanase Gaudet, Esq., M.P., the balance of his sessional indemnity and mileage.....	545 00	
To pay to C. J. Coursol, Esq., M.P., absent through illness, balance of his sessional indemnity and mileage.....	965 40	
Franchise Act:— Printing voters' lists.....	15,500 00	
MISCELLANEOUS.		
Salaries of officers of the Library.....	16,630 00	
Grant to Parliamentary Library.....	10,000 00	
Purchase of works on America.....	1,000 00	
Contingencies of the Library.....	2,500 00	
Binding newspapers, &c.....	2,000 00	
Preparing and reprinting the catalogue of the Library of American History.....	2,500 00	
Printing, binding and distributing the Laws.....	10,000 00	
Printing, printing paper and book-binding.....	80,000 00	
		383,765 90
ARTS, AGRICULTURE AND STATISTICS.		
For care of Archives.....	6,000 00	
For expenses in connection with Patent Record.....	9,500 00	
For expenses in connection with preparation of Criminal Statistics.....	4,000 00	
For expenses in connection with Health Statistics.....	10,000 00	
Outlay towards the establishment and maintenance of Experimental Farms.....	90,000 00	
Aid to Agricultural Societies in the North-West Territories.....	10,000 00	
Census and Statistics.....	7,500 00	
		137,000 00
IMMIGRATION.		
Salaries of Agents and Employees, viz:— Agent, Quebec.....	1,700 00	
Assistant Agent, Quebec.....	1,100 00	
Carried forward.....	2,800 00	2,217,389 62

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	2,800 00	2,217,389 62
IMMIGRATION—Concluded.		
Salaries of Agents, &c.—Concluded.		
Clerk, Quebec.....	1,000 00	
Interpreter, Quebec.....	660 00	
Messenger, Quebec.....	365 00	
Agent, Montreal.....	1,300 00	
do Ottawa.....	1,300 00	
do Kingston.....	1,300 00	
do Toronto.....	1,650 00	
do Hamilton.....	1,250 00	
do London, Ont.....	1,000 00	
do Halifax.....	1,000 00	
do St. John, N.B.....	1,000 00	
do Winnipeg.....	1,400 00	
do Emerson.....	1,000 00	
do Brandon.....	1,400 00	
do Qu'Appelle.....	1,400 00	
do Medicine Hat.....	1,200 00	
do Calgary.....	1,200 00	
do Port Arthur.....	1,000 00	
do Victoria, B.C.....	1,000 00	
Interpreter, Winnipeg.....	800 00	
Salaries, London Office, England.....	7,554 00	
do Agents, Europe.....	6,700 00	
Travelling expenses, Agents, Europe.....	5,110 00	
Contingencies, Canadian Agencies.....	21,000 00	
Aid to Women's Protective Immigration Society, Montreal.....	1,000 00	
Towards Immigration and Immigration expenses.....	50,000 00	
		116,389 00
QUARANTINE.		
Medical inspection, Quebec.....	1,600 00	
Quarantine, Grosse Isle.....	13,564 16	
do St. John, N.B.....	2,600 00	
do Pictou, N.S.....	800 00	
do Halifax, N.S.....	3,400 00	
do Charlottetown, P.E.I.....	1,000 00	
do Victoria, B.C.....	1,900 00	
do Sydney, N.S.....	1,900 00	
do Chatham, Miramichi, N.B.....	600 00	
do Port Hawkesbury, N.S.....	300 00	
Tracadie Lazaretto.....	3,200 00	
To meet expenses of precautionary measures for Public Health.....	15,000 00	
To meet expenses for Cattle Quarantines:—		
Province of Quebec.....	5,000 00	
do Ontario.....	3,000 00	
Maritime Provinces.....	3,000 00	
Province of Manitoba.....	2,000 00	
To meet possible expenses for sheep scab and cattle diseases.....	10,000 00	
For payment for immigrant patients in Winnipeg and St. Boniface Hospitals.....	10,000 00	
Towards acquiring steam tug for the inspection service under the new quarantine regulations at Grosse Isle.....	14,000 00	
		92,864 16
PENSIONS.		
Lady Cartier.....	1,200 00	
Mrs. Delany, wife of Indian Agent killed at Frog Lake.....	400 00	
Pensions payable on account of Fenian Raid.....	3,355 60	
To meet probable amount required for Veterans of War of 1812.....	4,530 00	
Carried forward.....	9,485 60	2,426,642 78

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts
Brought forward.....	9,485 60	2,426,642 78
PENSIONS—Concluded.		
Compensation to Pensioners in lieu of land.....	2,100 00	
Pensions payable on account of Rebellion of 1885, to Militiamen.....	25,000 00	
do do do Mounted Police, Prince Albert Volunteers and Police Scouts.....	4,324 91	
To repay the Government of Prince Edward Island the amount paid by that Province annually on account of pensions, from 1st July, 1873, and interest thereon, from dates of payment to 30th June, 1888—		
Sir Robert Hodgson, pension, \$4,029.87 interest, \$2,094.49.....	6,124 36	
To pay a pension of \$400 per annum to Mrs. Gowanlock, from the date of her husband's death, 1st April, 1885, to 30th June, 1889.....	1,700 00	
		48,734 87
MILITIA.		
Salaries, Military Branch and District Staff.....	14,100 00	
Brigade Majors' salaries, transport expenses, &c.....	15,100 00	
Ammunition, including artillery ammunition, and manu- facture of small arm ammunition at the Cartridge Factory at Quebec.....	\$55,000 00	
Clothing and great coats.....	90,000 00	
Military stores.....	60,000 00	
	205,000 00	
Public armories and care of arms, including pay of Storekeepers, Care- takers, Storemen and Armorers.....	60,000 00	
Drill instruction.....	\$ 40,000 00	
Drill pay and other incidental expenses connected with the drill and training of the Militia.....	250,000 00	
	290,000 00	
Contingencies and general services not otherwise provided for, in- cluding grants to Artillery and Rifle Associations and Bands of efficient corps.....	38,000 00	
Government grant to the Dominion of Canada Rifle Association.....	10,000 00	
Dominion Artillery Association—Government grant towards Artillery competition to be held in Canada, or for sending a team of Dominion Artillerymen to compete at Shoeburyness, England.....	2,000 00	
Improved rifled ordnance.....	59,000 00	
Royal Military College of Canada.....	3,000 00	
Permanent Forces—Pay and maintenance of "A," "B" and "C" Batteries, Schools of Artillery, at Quebec, Kingston and Victoria, B.O.....	\$172,700 00	
Cavalry and Infantry Schools, at Quebec, Fredericton, St. John's P.Q., Toronto, London and Winnipeg.....	350,000 00	
	522,700 00	
Military Properties—Drill sheds and rifle ranges.....	\$ 10,000 00	
Care and maintenance of military properties.....	12,000 00	
Construction and repairs of military properties.....	75,000 00	
	97,000 00	
Barracks in British Columbia.....	4,000 00	
		1,319,900 00
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital.)</i>		
RAILWAYS.		
<i>Canadian Pacific Railway.</i>		
Construction (including the remuneration to be paid to L. K. Jones, a permanent officer of the Department of Railways and Canals, as Secretary of the Commission of Arbitrators, appoint- ed by Order in Council, dated 27th February, 1888, and in addition to his regular salary).....	190,000 00	
Carried forward.....	190,000 00	3,795,277 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	190,000 00	3,795,277 65
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital)—Concluded..</i>		
<i>RAILWAYS—Concluded.</i>		
<i>Canadian Pacific Railway—Concluded.</i>		
To pay L. K. Jones, for services as Private Secretary to the Chief Engineer of the Canadian Pacific Railway, from 1st July, 1888, to 30th June, 1889.....	100 00	
<i>Intercolonial Railway.</i>		
Increased accommodation at St. John	3,500 00	
Increased accommodation at Spring Hill	4,000 00	
Increased accommodation at Maclean Station	3,000 00	
Increased accommodation at Moncton	5,000 00	
St. Charles Branch	188,000 00	
Pictou Town Branch.....	34,000 00	
Dalhousie Branch	17,000 00	
Dartmouth Branch.....	16,000 00	
Indiantown Branch.....	15,000 00	
Construction	7,000 00	
Heating cars by steam and lighting by electricity.....	25,000 00	
Rolling stock.....	32,000 00	
<i>Cape Breton Railway.</i>		
Construction.....	800,000 00	
<i>Oxford and New Glasgow Railway.</i>		
Construction.....	750,000 00	
<i>Eastern Extension Railway.</i>		
Eastern Extension Railway	33,000 00	
CANALS.		
Sault Ste. Marie.....	997,650 00	
Lachine	88,000 00	
Cornwall.....	724,000 00	
Williamsburgh :—		
Towards enlarging the Farran's Point division.....	100,000 00	
For the construction of an entrance and lock at the head of Rapide Plat Canal	73,000 00	
Towards the improvement of the works at the head of the Galops Canal	183,000 00	
St. Lawrence River and Canals—Lake St. Louis and Canal between Lakes St. Louis and St. Francis.....	300,000 00	
St. Lawrence River, Lake St. Louis	30,000 00	
Murray—Towards completing the present works.....	75,000 00	
Welland.....	64,400 00	
do Towards deepening to 14 feet throughout.....	190,000 00	
do Land and damages, Grand River.....	13,500 00	
Trent River Navigation—For construction of locks and the improvement of navigation between Lakefield and Balsam Lake	88,000 00	
Ste. Anne.....	24,640 00	
Grenville.....	7,000 00	
Tay	78,000 00	
Culbute—To remove a shoal above the locks, land damages and works connected with the retaining dams.....	21,000 00	
		5,179,790 00
Carried forward.....		8,975,067 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		8,975,067 65
RAILWAYS AND CANALS.		
<i>(Chargeable to Income.)</i>		
CANALS.		
<i>Beauharnois Canal.</i>		
Cleaning out bottom of Canal	10,150 00	
<i>Welland Canal.</i>		
Weirs and dam at Dunnville.....	13,000 00	
Towards filling a pond at St. Catharines.....	5,000 00	
Bridge over old Lock No. 2 and road.....	6,000 00	
Overhauling the superstructure of the pier at Port Dalhousie.....	15,000 00	
Construction of a new highway bridge over the river at the Town of Chippewa.....	7,500 00	
Reconstructing culvert under feeder above junction.....	12,000 00	
To improve the outlet of Sunfish Creek from the Feeder to Grand River.....	1,200 00	
Construction of a bridge across the Feeder, at the Forks Road.....	4,000 00	
Construction of dams above and below Dunnville weirs.....	13,650 00	
<i>Chambly Canal.</i>		
Raising banks, lowering bottom of canal, rebuilding lock walls, &c.....	39,200 00	
<i>St. Ours Lock.</i>		
Towards overhauling foundation of lock.....	50,000 00	
<i>Ste. Anne's Lock.</i>		
Strengthening old pier below lock.....	10,000 00	
<i>Cornwall Canal.</i>		
To provide for a residence and an office for the Collector at Cornwall.	2,000 00	
<i>Trent River Navigation.</i>		
To settle claim of Thomas Stephenson as per agreement.....	2,000 00	
To build a dam at Bobcaygeon.....	15,000 00	
To build a landing pier at Lakefield and repair the roads at Buckhorn	4,500 00	
Clearing out the channel at several points between Lakefield and Balsam Lake.....	8,500 00	
<i>Rideau Canal.</i>		
For changing the location of the swing bridge over the canal at Smith's Falls.....	6,500 00	
Wharf accommodation near Maria street bridge.....	2,500 00	
For works necessary to complete the supply to the canal and the Gananoque River.....	12,000 00	
Renewal of bridge at Manotick.....	6,000 00	
Carried forward.....	245,700 00	8,975,067 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	245,700 00	8,975,067 65
RAILWAYS AND CANALS.		
<i>(Chargeable to Income)—Concluded.</i>		
CANALS—Concluded.		
<i>Rideau Canal—Concluded.</i>		
Construction of a bridge over the canal between Concessions C and D, Nepean Front.....	7,000 00	
<i>Miscellaneous.</i>		
Miscellaneous works not otherwise provided for.....	15,000 00	
Arbitrations and awards.....	5,000 00	
Surveys and inspections.....	10,000 00	
RAILWAYS.		
Surveys and inspections.....	15,000 00	
Railway statistics.....	2,000 00	
		299,700 00
PUBLIC WORKS.		
<i>(Chargeable to Capital.)</i>		
PUBLIC BUILDINGS.		
<i>Ottawa.</i>		
Additional Public Building, Wellington Street.....	100,000 00	
HARBORS AND RIVERS.		
<i>Ontario.</i>		
Amount required for construction of Port Arthur Harbor and for Kaministiquia River.....	125,700 00	
Kingston Graving Dock.....	75 000 00	
<i>New Brunswick.</i>		
Cape Tormentine Harbor.....	85,000 00	
		385,700 00
PUBLIC WORKS.		
<i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS.		
<i>Nova Scotia.</i>		
Annapolis Post Office, Custom House, &c.....	\$19,500 00	
Halifax Dominion Building—Repairs, &c.....	1,500 00	
Sydney (South) Post Office, Custom House, &c.....	10,000 00	
Antigonish Public Building.....	650 00	
Halifax Examining Warehouse.....	300 00	
Carried forward.....	\$31,950 00	9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts
Brought forward.....	\$31,950 00	9,660,467 65
PUBLIC WORKS.		
(Chargeable to Income)—Continued.		
PUBLIC BUILDINGS—Concluded.		
<i>New Brunswick.</i>		
Bathurst Post Office, Custom House, &c.....	2,000 00	
Dalhousie Post Office.....	12,000 00	
St. John Dominion Buildings—Improvements.....	1,500 00	
Woodstock Post Office—To complete.....	2,400 00	
St. John Post Office—Painting, &c.....	1,000 00	
do Marine Hospital.....	1,000 00	
do Savings Bank—Renewals, &c.....	1,000 00	
Fredericton Post Office, Custom House, &c.....	1,000 00	
St. John Custom House—Improvements, renewals, &c....	2,000 00	
<i>Quebec.</i>		
Aylmer Post Office.....	7,000 00	
Cliff under Citadel, Quebec.—Removing loose rock and making good damages to property by falling rocks, including survey and superintendence.....	1,000 00	
Coaticook Post Office and Inland Revenue Office.....	16,000 00	
Grosse Isle Quarantine Station.....	3,800 00	
Hull Post Office and Inland Revenue Office—To complete.....	900 00	
Joliette Post Office.....	10,000 00	
Montreal Dominion Buildings—Improvements and repairs	1,500 00	
Montreal Post Office.....	5,200 00	
Montreal Post Office—Electric lighting.....	2,000 00	
Quebec Custom House.....	4,000 00	
Quebec Dominion Buildings—Improvements, &c.....	1,600 00	
Quebec Immigration Building.....	5,000 00	
Rivière du Loup (Fraserville) Post Office, Custom House, &c.....	6,000 00	
St. Vincent de Paul Penitentiary.....	25,000 00	
St. Jérôme Public Building.....	6,000 00	
Three Rivers Dominion Buildings—Improvements, &c.....	500 00	
Montreal Inland Revenue Building—Improvements, &c....	700 00	
Lachine Post Office, &c.....	2,500 00	
Queen's Wharf Buildings, Quebec—Fencing, &c.....	1,500 00	
Quebec Examining Warehouse—Furniture, &c.....	300 00	
Quebec Observatory—Improvements, furniture, &c.....	600 00	
Sorel Public Building—Improvements.....	800 00	
St. Hyacinthe Post Office, Custom House, &c.....	4,000 00	
Quebec Immigrant Building on Princess Louise Embankment—To complete.....	1,000 00	
Three Rivers Custom House—Outbuildings, &c.....	600 00	
Sherbrooke Public Building—Repairs, &c.....	500 00	
Laprairie Post Office, &c.—Site to be furnished by local authorities free of cost.....	5,000 00	
Quebec Immigration Building on Princess Louise Embankment—Water supply.....	3,000 00	
<i>Ontario.</i>		
Almonte Post Office, Custom House, &c.....	7,000 00	
Brampton Public Building.....	7,000 00	
Cayuga Post Office.....	7,000 00	
Carried forward.....	\$192,750 00	9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$192,750 00	9,660,467 65
PUBLIC WORKS.		
(Chargeable to Income)—Continued.		
PUBLIC BUILDINGS—Continued.		
<i>Ontario—Concluded.</i>		
Cobourg Post Office, Custom House, &c.....	7,000 00	
Gananoque Post Office, Custom House, &c.....	7,000 00	
Goderich Post Office, Custom House, &c.....	8,000 00	
Government Printing Bureau.....	115,000 00	
Guelph Post Office—Improvements, &c.....	2,000 00	
Hamilton Drill Hall.....	21,000 00	
Kingston Penitentiary.....	20,700 00	
Kingston Examining Warehouse.....	10,000 00	
Lindsay Post Office, Custom House, &c.....	7,000 00	
London Custom House.....	5,000 00	
London Infantry School.....	5,600 00	
Napanee Post Office and Custom House.....	7,000 00	
Ottawa Post Office, Custom House, &c.....	1,000 00	
Pembroke Post Office, Custom House, &c.....	8,000 00	
Port Arthur Post Office, Custom House, &c., on proper site being given.....	7,000 00	
Prescott Post Office, Custom House, &c.....	15,000 00	
Public Buildings, Ottawa—Parliament Buildings—Re-covering, &c. of lean-to roofs, &c.....	5,000 00	
Strathroy Post Office and Custom House.....	7,000 00	
St. Thomas Post Office, Custom House, &c.....	500 00	
Toronto Dominion Buildings—Improvements, &c.....	1,500 00	
Toronto Post Office.....	750 00	
Trenton Public Building.....	7,000 00	
Toronto Examining Warehouse.....	2,500 00	
Toronto Drill Hall—For the construction of, on condition that the City of Toronto provide a plot of land, as agreed upon.....	60,000 00	
Windsor Post Office, Custom House, &c.—Repairs, &c....	2,000 00	
Departmental Buildings, Ottawa—Reconstruction of elevator in Western Block.....	1,275 00	
Toronto Custom House—Improvements.....	1,600 00	
Parliament Building, Ottawa :—		
Covering lean-to roof of library.....	1,000 00	
Re-covering roofs of ventilating shafts with tin.....	1,500 00	
Improving ventilation of House of Commons.....	4,000 00	
Renewing skylight, House of Commons.....	3,250 00	
Brantford Post Office, Custom House, &c—Furniture, fittings, &c.....	350 00	
Belleville Post Office, Custom House, &c.—Repairs.....	400 00	
St. Catharines Post Office, &c.—Improvements.....	500 00	
Kingston Penitentiary—To complete and enlarge gas generator and fittings, &c.....	350 00	
Belleville Post Office, Custom House, &c.—Furniture.....	175 00	
Toronto Examining Warehouse—Improvements.....	725 00	
Barrie, London and Windsor Post Offices—Improvements, repairs, &c.....	800 00	
<i>Manitoba.</i>		
Manitoba Penitentiary.....	75,000 00	
Winnipeg Immigrant Building, including site.....	15,000 00	
Brandon Post Office.....	15,000 00	
Brandon Immigrant Building—Improvements, &c.....	250 00	
Carried forward.....	\$645,475 00	9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$646,475 00	9,660,467 65
PUBLIC WORKS.		
<i>(Chargeable to Income)—Continued.</i>		
PUBLIC BUILDINGS—Concluded.		
<i>Manitoba—Concluded.</i>		
Winnipeg Immigrant Building, including site, &c.— Additional amount required.....	5,000 00	
Manitoba Penitentiary—Additional amount required for residences of Chaplains and Surgeons.....	3,000 00	
<i>North-West Territories.</i>		
Public Buildings, North-West Territories generally.....	5,000 00	
McLeod Custom House.....	1,000 00	
Battleford Land and Registry Office—To complete vault, &c.....	2,500 00	
Residence for Lieutenant-Governor of North-West Terri- tories, Regina.....	15,000 00	
Lieutenant-Governor's residence, Regina—Repairs.....	2,000 00	
Calgary Court House, Jail, Registry Offices, &c.....	10,000 00	
Crown Lands and Timber Agents' Offices at Regina, Prince Albert and Edmonton.....	15,000 00	
North-West Mounted Police Buildings.....	100,000 00	
Court House, Lock-up and Police accommodation at Moo- somin, Wolseley, Maple Creek and Medicine Hat.....	10,000 00	
Fort McLeod—Storehouse for use of Collector of Cus- toms and Inspector of Cattle Ranches.....	1,000 00	
<i>British Columbia.</i>		
General repairs and improvements, Public Buildings, British Columbia.....	3,000 00	
British Columbia Penitentiary.....	25,500 00	
Vancouver Post Office, Custom House, &c.....	10,000 00	
<i>Public Buildings Generally.</i>		
Public Buildings generally.....	15,000 00	
	869,475 00	
REPAIRS, FURNITURE, HEATING, &c.		
Repairs, furniture, heating, &c.....	\$190,000 00	
Grounds, Public Buildings, Ottawa.....	9,500 00	
Removal of snow, Public Buildings, Ottawa.....	2,000 00	
Heating, do do.....	60,000 00	
Gas and electric light do do.....	25,000 00	
Water do do.....	16,000 00	
Allowance for fuel and light, Rideau Hall.....	8,000 00	
Telephonic service, Public Buildings, Ottawa.....	3,000 00	
Major's Hill Park, Ottawa.....	8,500 00	
Salaries of Engineers, Firemen, Caretakers, &c., of Do- minion Public Buildings.....	46,000 00	
Heating Dominion Public Buildings—Fuel, &c.....	50,000 00	
Lighting do do.....	25,000 00	
Water for do do.....	10,000 00	
Carried forward.....	\$453,000 00	9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$453,000 00	869,475 00 9,660,467 65
PUBLIC WORKS.		
(Chargeable to Income)—Continued.		
REPAIRS, FURNITURE, HEATING, &c.—Concluded.		
Materials for repairs, &c., in connection with ventilation and lighting Public Buildings, Ottawa.....	5,000 00	
Sundry supplies for Caretakers, Engineers, Firemen, &c., Dominion Buildings.....	5,000 00	
Commutation of ground rent, payable semi-annually, for site of old Parliament House, Quebec, at the rate of \$4,444.44 per annum.....	74,074 00	
Additional amount required to meet disbursements for petty repairs, &c., in connection with Dominion Public Buildings, hitherto made directly by the various departments occupying the offices.....	5,000 00	
Dominion Immigration Buildings—Repairs, furniture, &c.	2,000 00	
	544,074 00	
HARBORS AND RIVERS.		
<i>Nova Scotia.</i>		
Arisaig, Bayfield and McNair's Cove (Cape George)		
Piers—Repairs.....	\$ 4,500 00	
Bay St. Lawrence.....	2,000 00	
Bayfield Wharf—Repairs, renewals, dredging, &c.....	3,500 00	
Blue Rock—To complete.....	3,000 00	
Broad Cove.....	2,300 00	
Eatonville Pier—To complete.....	3,000 00	
Lismore.....	1,000 00	
Mabou.....	1,000 00	
Sheet Harbor.....	2,000 00	
Spencer's Island Pier—To complete.....	5,000 00	
Yarmouth—Removal of rocks.....	1,000 00	
Gabarus and Belfry Lakes channel.....	800 00	
Noël.....	3,000 00	
Wallace Harbor.....	1,000 00	
Delap's Cove.....	1,000 00	
White Point, Victoria Co.....	2,500 00	
Cow Bay—To complete urgent repairs.....	3,900 00	
Beaver River—Extension of piers.....	1,500 00	
Port Lorne—Repairs.....	200 00	
Parker's Cove—Repairs.....	200 00	
Cheticamp.....	2,000 00	
Port Hood—Repairs.....	3,300 00	
Western Head.....	2,000 00	
Hampton—Repairs.....	750 00	
East River of Pictou—Removing rocks.....	700 00	
Port Greville—Protection work.....	400 00	
Arisaig—Completion of pier.....	4,000 00	
Partridge Island River.....	3,000 00	
Barrington Passage Pier.....	3,000 00	
<i>Prince Edward Island.</i>		
Cascumpec—Removal of rock.....	2,000 00	
Repairs to breakwaters, piers, &c., acquired from Local Government.....	3,000 00	
Souris East—Breakwater at Knight's Point, repairs, &c...	5,000 00	
Repairs to piers.....	3,000 00	
Carried forward.....	\$74,550 00	1,413,549 00 9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
Brought forward.....	\$74,550 00	1,413,549 00	9,660,467 65	
PUBLIC WORKS.				
<i>(Chargeable to Income)—Continued.</i>				
HARBORS AND RIVERS—Continued.				
<i>New Brunswick.</i>				
River St. John—River des Chutes to Woodstock and above Grand Falls; also River Tobique.....	5,000 00			
Rocher Bay, Anderson's Hollow—To complete.....	750 00			
Baie Verte—Ballast pier.....	3,000 00			
Edgett's Landing—Ballast wharf	2,000 00			
Mizonette	2,000 00			
St. Louis	3,800 00			
St. John Harbor—Negro Point Breakwater.....	10,000 00			
Richibucto—Protection works	3,000 00			
River St. John—Removal of obstructions between Fred- erickton and Woodstock	1,000 00			
Campbellton Ballast Wharf.....	1,500 00			
River Kennebecasis.....	2,000 00			
Anderson's Hollow—To complete work.....	450 00			
Grande Anse—Repairs.....	2,000 00			
<i>Maritime Provinces Generally.</i>				
General repairs and improvements, Maritime Provinces...	12,000 00			
<i>Quebec.</i>				
Chenal du Moine—Ice piers at Ste. Anne de Sorel.....	2,500 00			
Chicoutimi, St. Alphonse and Anse St. Jean.....	1,650 00			
Étang du Nord—To complete.....	3,000 00			
Laprairie—Works in connection with ice piers.....	5,000 00			
Percé—To complete.....	5,000 00			
Rivière du Lièvre.....	39,000 00			
River Nicolet.....	11,000 00			
Trois Pistoles—Pier	600 00			
St. Adelaide de Pabos (Little Pabos).....	7,500 00			
River St. Francis	3,000 00			
Rivers Madawaska and Cabaneau.....	1,000 00			
Rivière Ste. Anne de la Pérade.....	1,000 00			
Grand Pabos—Removal of shoal.....	750 00			
Anse à l'Eau or Tadousac—Pier.....	1,000 00			
River Yamachiche.....	1,000 00			
Lake Megantic piers—Repairs.....	700 00			
Grande Décharge, Lake St. John—Pier.....	1,600 00			
Chicoutimi, St. Alphonse, Anse St. Jean and Ste. Anne du Saguenay—Repairs to piers, &c.....	2,000 00			
Murray Bay, Ile aux Coudres, Les Eboulements—Repairs to piers, &c.....	3,700 00			
St. Laurent, Island of Orleans—Repairs.....	400 00			
River Yamaska—Stone protection to dam, &c.....	2,250 00			
Baie St. Paul.....	5,000 00			
Trois Pistoles	1,000 00			
Barachois de Malbaie and mouth of Newport River...	1,500 00			
Piers at Mattawan, Long Sault and Lake Temiscamingue —Upper Ottawa.....	1,500 00			
New Carlisle.....	5,000 00			
Carried forward.....	\$230,700 00	1,413,549 00	9,660,467 65	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$230,700 00	1,413,549 00
PUBLIC WORKS.		
<i>(Chargeable to Income)—Continued.</i>		
HARBORS AND RIVERS—Continued.		
<i>Quebec—Concluded.</i>		
Isle Verte—Pier—To complete.....	4,000 00	
Raising cribwork in front of new immigration building on breakwater, Quebec.....	2,250 00	
Sorel ice piers.....	2,500 00	
Papineauville or Pentecost Bay Channel.....	3,000 00	
Ile Perrot—To complete.....	2,500 00	
River Cap de Chatte.....	2,500 00	
Coteau du Lac—To complete pier.....	2,000 00	
Three Rivers pier.....	10,000 00	
General repairs and improvements, Harbors and Rivers, Quebec.....	10,000 00	
<i>Ontario.</i>		
Belleville Harbor—To complete.....	2,000 00	
Cobourg Harbor—Lake Ontario.....	10,000 00	
Collingwood Harbor—To complete.....	4,000 00	
Goderich.....	10,000 00	
Kincardine—Repairs to complete.....	5,000 00	
Kingston Harbor, Lake Ontario.....	6,000 00	
Kingsville, Lake Erie.....	2,400 00	
Little Nation River—Removal of obstructions.....	5,000 00	
McGregor's Creek and Little Bear's Creek.....	7,750 00	
Owen Sound.....	15,000 00	
Port Elgin.....	5,000 00	
Port Hope—Repairs, to complete.....	2,500 00	
Portsmouth—Repairs to pier.....	4,000 00	
River Ottawa—Improvement of steamboat channel through Narrows of Pétawawa, above Pembroke.....	3,000 00	
Rondeau, Lake Erie—Repairs.....	2,000 00	
Sault Ste. Marie.....	7,000 00	
Tolsma Bay, Cockburn Island—To complete.....	1,000 00	
Little Nation River—To complete removal of obstructions.	2,000 00	
Oakville Harbor.....	2,300 00	
River Thames—Entrance channel.....	4,000 00	
McGregor's Harbor—Protection works.....	2,000 00	
Meaford—The town furnishing \$3,000.....	5,000 00	
Bayfield—Repairs.....	1,500 00	
Belleville—To complete harbor works, the local authorities protecting the Island with cribwork to the amount of \$6,000.....	8,000 00	
Rideau River—Dredging north branch.....	3,500 00	
Rivière aux Puces.....	2,000 00	
Thornbury—Dredging.....	3,000 00	
Improvement of Narrows between Lakes Simcoe and Couchiching.....	500 00	
Collingwood Harbor—To continue works of improvement.	5,000 00	
Toronto Harbor—Works at eastern entrance; the city of Toronto having contributed \$100,000.....	50,000 00	
Penetanguishene Harbor Works; locality having furnished \$10,000.....	10,000 00	
General repairs and improvements, harbors and rivers, Ontario.....	10,000 00	
<i>Manitoba.</i>		
General repairs and improvements, harbors and rivers, Manitoba.....	2,000 00	
Carried forward.....	\$471,900 00	1,413,549 00

9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$471,900 00	1,413,549 00
PUBLIC WORKS.		
<i>(Chargeable to Income)—Continued.</i>		
HARBORS AND RIVERS—Concluded.		
<i>North-West Territories.</i>		
General repairs and improvements to harbors and rivers, North-West Territories.....	4,000 00	
<i>British Columbia.</i>		
Cowichan River.....	1,000 00	
Fraser River.....	10,000 00	
Nanaimo—Removal of Nicol Rock.....	10,000 00	
Nicomeckle and Serpentine Rivers—To complete.....	1,500 00	
River Somass—To complete.....	500 00	
Victoria Harbor—Removal of rocks, &c.....	12,500 00	
Fraser River—Additional grant.....	10,000 00	
Columbia River—Improvements above Golden.....	5,000 00	
Bigg's Portage—Channel.....	1,000 00	
River Coquitlam.....	1,000 00	
General repairs and improvements, harbors and rivers, British Columbia.....	2,000 00	
<i>Harbors and Rivers Generally.</i>		
Harbors and rivers generally.....	6,000 00	
DREDGING.		
New dredging plant.....	\$ 27,250 00	
Dredge vessels—Repairs.....	43,000 00	
Dredging, Nova Scotia.....		
do Prince Edward Island.....	40,000 00	
do New Brunswick.....	40,000 00	
do Quebec.....	40,000 00	
do Ontario.....	40,000 00	
do Manitoba.....	15,000 00	
do British Columbia.....	15,000 00	
do General service.....	5,000 00	
New Dredging Plant—Additional amount required for British Columbia.....	3,000 00	
General service—Additional amount required.....	5,000 00	
		133,250 00
SLIDES AND BOOMS.		
Slides and Booms.....	\$ 15,000 00	
Coulonge River—Dam at Ragged Chûte, repairs.....	800 00	
River St. Maurice—Grand Mère, sorting booms, &c., the Laurentides Pulp Company furnishing an equal amount.....	9,000 00	
		24,800 00
ROADS AND BRIDGES.		
Bridges, Ottawa City, over the River Ottawa, the Slides, the Rideau Canal and approaches thereto.....	\$ 8,300 00	
Aid towards the construction of a free bridge over the Old Man's River, at Fort McLeod, local authorities furnishing \$2,500.....	10,000 00	
Carried forward.....	\$18,300 00	2,167,999 00
		9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$18,300 00	2,167,999 00
PUBLIC WORKS.		
(Chargeable to Income)—Continued.		
ROADS AND BRIDGES—Concluded.		
Bridge across the Battle River, at Battleford.....	10,000 00	
To pay one-half the cost of the construction of a bridge across Grand River at the village of York, the County Council of Haldimand paying the other half.....	10,000 00	
New Iron Truss Bridge, to replace the Union Suspension Bridge, Ottawa.....	45,000 00	
Bridge over the Belly River at Lethbridge, N.W.T.....	15,000 00	
Reconstruction of Bridge over north-east channel, River Ottawa, at Portage du Fort.....	6,000 00	
Bridges on trail between Edmonton and Athabasca Landing.....	2,000 00	
McLaren's Bridge, Ottawa.....	2,000 00	
Paving Wellington Street, Ottawa, in front of Government Grounds and Buildings.....	5,000 00	
		113,300 00
TELEGRAPHS.		
Land and cable telegraph lines for the sea coasts and islands of the Lower Rivers and Gulf of St. Lawrence and Maritime Provinces:—		
Land line on north shore of St. Lawrence—Extension towards Pointe aux Esquimaux.....	\$ 5,000 00	
Land line between North Sydney and Meat Cove—Re-poling—to complete.....	5,000 00	
Land line from Grindstone Island to Allright Island (Magdalen Group).....	750 00	
Line on north shore of St. Lawrence:—Improved repairing facilities between Sault au Cochon and Pointe des Monts.....	2,000 00	
New Station at Big Bras d'Or, on the Meat Cove, Cape Breton, Line.....	150 00	
Submarine cable for connecting Brier and Long Islands with Digby; the Telephone Company of Nova Scotia agreeing to construct and maintain all the land lines required to establish an uninterrupted telegraphic communication between these islands and the Town of Digby.....	2,000 00	
To connect North-East Margaree with the Mabou-Cheticamp Telegraph Line; the inhabitants of the locality furnishing and distributing the poles.....	500 00	
Telegraph Lines, Ontario:—		
Telegraph communication between Pointe Pelée Island, Lake Erie, and the mainland.....	7,500 00	
Telephone connection between Wolfe Island, Lake Ontario, and the mainland—the inhabitants furnishing and distributing the poles and providing an office.....	2,500 00	
Telegraph lines, North-West Territories:—		
Line between Humboldt and Qu'Appelle—Re-poling—to complete.....	7,500 00	
New Station at Saddle Lake on the Qu'Appelle, Edmonton Line <i>via</i> Fort Pitt.....	600 00	
Telephone line to connect the Police Headquarters, &c., with the Banff Telephone Exchange.....	650 00	
Telegraph lines, British Columbia:—		
Telegraphic connection of Bonilla point with Victoria.....	15,000 00	
		49,150 00
Carried forward.....		2,330,449 00
		9,660,467 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	2,330,449 00	9,660,467 65
PUBLIC WORKS.		
(Chargeable to Income)—Concluded.		
EXPERIMENTAL FARMS.		
Experimental Farms, buildings, fencing, &c.....	70,000 00	
MISCELLANEOUS.		
Miscellaneous works not otherwise provided for.....	\$ 10,000 00	
Surveys and inspections.....	20,000 00	
Arbitrations and awards.....	5,000 00	
National Art Gallery.....	1,000 00	
Examination in connection with spring floods at Montreal and vicinity, including \$750 to be paid to H. F. Perley, Chief Engineer, Public Works Department, in full for services as Commissioner notwithstanding the 51st section of the Civil Service Act.....	2,500 00	
Surveys and plans of Government Properties in connection with Public Works.....	3,000 00	
River St. Lawrence, &c., Water levels, &c.....	2,500 00	
To assist in the erection of a monument to Col. Williams	1,000 00	
To pay Eugene Coste, expert fee for work done by him in connection with Rivière du Lièvre Works.....	120 00	
	45,120 00	2,445,569 00
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.		
Steam communication on Lakes Huron and Superior.....	12,000 00	
Steam communication with the Magdalen Islands.....	7,800 00	
Steam communication between Grand Manan, N.B., and mainland.....	4,000 00	
Steam communication between Halifax and St. John, <i>via</i> Yarmouth and Port Medway.....	7,500 00	
Subsidy to a line of steamers to run between France and Quebec.....	50,000 00	
Subsidy to a line of steamers to run between Liverpool or London, or both, and St. John, N.B., and Halifax, N.S., a port in the Dominion to be the terminal port.....	25,000 00	
Subsidy to steamer between Campbellton and Gaspé, and intermediate ports.....	12,500 00	
Steam communication from Port Mulgrave, at the terminus of the Eastern Extension Railway, to East Bay, Cape Breton.....	6,000 00	
Steam communication between Halifax and St. Pierre.....	2,000 00	
Direct steam communication between Canada and Antwerp, or Germany, or both.....	30,000 00	
Steam communication between Port Mulgrave or Pictou Railway terminus and Cheticamp, touching at Port Hood, Mabou, Broad Cove, Margaree and Cheticamp, the Local Government having granted a similar amount conditionally on a Dominion vote for the same service.....	2,000 00	
Steam communication between Prince Edward Island and the mainland.....	10,000 00	
Steam communication between St. John and ports in Basin of Minas, Parrsboro', Maitland, Summerville, Hantsport, Avondale, Windsor, Kingsport, Wolfville, &c.....	4,000 00	
Steam communication between Canso, Arichat, Guysboro', Port Hood and Mabou, and such other places between above limits as may be agreed upon, touching daily at Port Mulgrave, and also to provide for continuance of service during winter, on the Port Mulgrave and Canso Section.....	5,000 00	
Steam communication between Halifax and Newfoundland, <i>via</i> Cape Breton, at \$200 per trip, not to exceed \$2,000 per annum.....	2,000 00	
	179,800 00	
Carried forward.....		12,285,836 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward		12,285,836 65
OCEAN AND RIVER SERVICE.		
Maintenance and repairs of Government steamers.....	130,000 00	
To provide for the examination of Masters and Mates.....	6,000 00	
Rewards for saving life and life-boat service.....	10,000 00	
To provide for investigation into wrecks, and collection of information relating to disasters to shipping.....	1,500 00	
Canadian registration of shipping.....	500 00	
Montreal and Quebec River and Water Police.....	40,000 00	
Removal of obstructions in navigable rivers, including removal of wreck of "Ottawa," in River St. Lawrence.....	14,000 00	
Winter service, Prince Edward Island.....	5,000 00	
To provide a small steam vessel for the use of the Customs, Interior and Fisheries Departments in the waters of the Province of British Columbia.....	10,000 00	
To provide for injuries received by Richard C. Soy from exposure during the wreck of the steamer "Princess Louise".....	200 00	
To provide for a new steamer for the winter service between Prince Edward Island and the mainland.....	150,000 00	
		397,200 00
LIGHTHOUSE AND COAST SERVICE.		
Salaries and allowances, &c., of Lighthouse-keepers, including Cape Race light and fog-whistles.....	184,000 00	
Agencies, rents and contingencies.....	20,360 00	
Maintenance and repairs to lights, fog-whistles, buoys and beacons, and humane establishments.....	329,000 00	
Completion and construction of lighthouses and fog-alarms.....	30,000 00	
Signal service.....	6,000 00	
To provide for the payment to the Harbor Commissioners of the annual cost of maintaining the buoys and beacons in the St. Lawrence River below Montreal.....	7,000 00	
To provide for erection of pier and lighthouse in the Lower Traverse River (on account), estimated cost, \$100,000.....	10,000 00	
		586,360 00
SCIENTIFIC INSTITUTIONS.		
Observatory, Toronto.....	\$ 5,250 00	
do Kingston.....	500 00	
do Montreal.....	500 00	
	6,250 00	
Grant for Meteorological Services, including instruments and cost of telegraphing weather warnings.....	55,000 00	
		61,250 00
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.		
Marine and Immigrant Hospital, Quebec.....	\$ 20,000 00	
St. Catharines Hospital.....	500 00	
Kingston Hospital.....	500 00	
Marine Hospitals in the Provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia.....	35,000 00	
	56,000 00	
Expenses of Shipwrecked and Distressed Seamen.....	6,000 00	
		62,000 00
STEAMBOAT INSPECTION.		
To provide for expenses of Steamboat Inspection.....		25,000 00
Carried forward.....		13,387,646 65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		13,367,646 65
FISHERIES.		
Salaries and Disbursements of Fishery Overseers and Wardens :—		
Ontario.....	18,000 00	
Quebec.....	15,000 00	
Nova Scotia.....	18,000 00	
New Brunswick.....	16,000 00	
Prince Edward Island.....	3,500 00	
British Columbia.....	6,000 00	
Manitoba, Keewatin and North-West Territories.....	3,000 00	
Fish-breeding, building fishways and clearing rivers.....	35,000 00	
To provide for legal and incidental expenses.....	2,000 00	
To provide for the cost, maintenance and repairs of fishery protection steamers and vessels.....	100,000 00	
Canadian Fishery Exhibit.....	1,500 00	
To pay for services performed by persons in the Customs and Fisheries Departments, and other expenses in connection with the distribution of the fishing bounty and collection of statistics.....	6,000 00	
To meet cost of fitting up the lower story of Victoria Hall as a fish hatchery.....	1,500 00	
		225,500 00
SUPERINTENDENCE OF INSURANCE.		
To meet expenses in connection with this service.....		5,500 00
GEOLOGICAL SURVEY.		
Geological Survey.....		60,000 00
DEPARTMENT OF INDIAN AFFAIRS.		
ONTARIO, QUEBEC AND THE MARITIME PROVINCES.		
Province of Quebec, relief of distress.....	\$ 4,200 00	
Purchase of blankets for Indians of Ontario and Quebec...	1,600 00	
For Indian schools in Ontario, Quebec, Nova Scotia and New Brunswick.....	14,287 50	
For payment of annuities under the Robinson Treaty.....	15,588 00	
To provide a salary for Chief Angus Cooke, of the Gibson Reserve, and Chief William McGregor, of Cape Croker Band, \$50 each.....	100 00	
Revote of amount voted last Session, but not expended, for the removal of the residue of the Lake of Two Mountain Indians from Oka to Township of Gibson...	5,000 00	
To provide for the survey of Indian Reserves.....	1,963 22	
To provide travelling allowance for L. F. Boncher, Indian Superintendent, for the north shore of the River St. Lawrence superintendency, not before estimated for, but amounting annually to about.....	400 00	
To aid the Rev. Father Legroff to publish a grammar in the Montagnais Indian dialect.....	300 00	
To provide for the maintenance at the Mount Elgin Institution of five additional pupils, at \$60 each per annum.....	300 00	
		43,738 72
NOVA SCOTIA.		
Salaries.....	\$ 900 00	
Relief and seed grain.....	3,045 00	
Medical attendance and medicine.....	1,012 00	
Miscellaneous.....	75 00	
		5,032 00
Carried forward.....		48,770 72

13,678 646 65

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
Brought forward.....	48,770	72	13,678,646	65
DEPARTMENT OF INDIAN AFFAIRS—Continued.				
NEW BRUNSWICK.				
Salaries.....	\$	2,105 00		
Relief and seed grain.....		2,700 00		
Medical attendance and medicine.....		470 00		
Miscellaneous.....		50 00		
To provide for the payment of rent for the year 1887-88, for the building used as an Indian Office by Agent James Farrell, at Fredericton.....		50 00		
To pay Rev. Mr. Richard for services with the Indians of New Brunswick.....		200 00		
			5,575	00
PRINCE EDWARD ISLAND				
Salaries.....	\$	500 00		
Relief and seed grain.....		1,125 00		
Medical attendance and medicine.....		300 00		
Miscellaneous.....		75 00		
			2,000	00
MANITORA AND NORTH-WEST TERRITORIES.				
Annuities.....	\$	148,865 00		
Agricultural implements.....		26,511 00		
Seed grain.....		3,570 00		
Cattle and pigs.....		6,251 00		
Supplies for destitute, including provisions given at annuity payments and ammunition given to enable Indians to hunt.....		354,319 00		
Clothing—Triennial.....		6,400 00		
Schools—Day.....		42,540 00		
do Industrial.....		81,429 00		
Surveys.....		6,500 00		
Farming Instructors' wages.....		33,122 00		
Maintenance.....		16,443 00		
Sioux.....		3,772 00		
General expenses.....		125,953 00		
Agency buildings.....		21,075 00		
The sum of \$10,000, provided in the main estimates of 1888-89, for the erection of two industrial schools in Manitoba is found to be insufficient for the purpose, the buildings will cost at least \$8,000 each.....	\$	16,000 00		
LESS—Provided.....		10,000 00		
			6,000	00
Required for the equipment of these two schools, \$4,000 each.....			8,000	00
A grant in aid of the hospital at St. Albert's Mission, at which Indians frequently receive treatment.....			200	00
To provide salary for the teacher of an Indian School, at Isle à la Crosse.....			300	00
An additional grant of \$30 per head for each of fifty pupils at the St. Albert's Institution.....			1,500	00
To provide salary for J. A. Macrae, Inspector of Protestant Schools in the North-West Territories, appointed by Order in Council of the 27th October, 1887.....			1,200	00
And for A. Betournay, Inspector of Roman Catholic Schools in the North-West Territories, appointed by Order in Council of 22nd December, 1887.....			1,200	00
And to provide also a sum to cover their expenses while travelling on visits of inspection.....			1,000	00
Carried forward.....	\$	896,150 00	56,345	72
			13,678,646	65

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$396,150 00	56,345 72
DEPARTMENT OF INDIAN AFFAIRS— <i>Concluded</i>		
MANITOBA AND NORTH-WEST TERRITORIES— <i>Concluded</i> .		
To aid in the maintenance of forty pupils, at \$30 each, at the boarding school recently opened under the auspices of the Presbyterian Church, on land adjoining Muscowpetung's Reserve	1,200 00	
A grant of \$50 for each of ten pupils at a boarding school, on Gordon's Reserve	500 00	
And a similar sum for a like number at a boarding school, on Muscowpetung's Reserve	500 00	
The estimated cost of 486 iron posts to mark the boundaries of Indian Reserves in the North-West Territories And for 70 iron posts for a like purpose on the Fort Alexander and Brokenhead Indian Reserves, in Manitoba, giving one post for each mile of boundary.....	1,361 00	
To provide salary for a furnace-man, who will act also as a night-watchman at the Qu'Appelle Industrial School.....	\$500 00	
Less—The wages of a laborer, now employed, whose services will then be dispensed with... ..	200 00	
	300 00	
To provide salary for a teacher of a Roman Catholic school, on Enoch's Reserve, in the Edmonton Agency	300 00	
To provide for payment to H. G. Baldwin, M.D., of his account for medical attendance on pupils in the Battleford Industrial School, from October, 1886, to May, 1887, a period during which the services of no other medical practitioner were available.....	160 00	
A grant to assist the Methodist Missionary Society to build a schoolhouse on the Blood Reserve.....	400 00	
To enable the Department to purchase a mower and horse rake for the Stoney Chief Louis Bull.....	140 00	
To pay for the dwelling and other houses owned by Indian Agent R. J. N. Pitcher, at Fort Frances, which he had to leave for the use of his successor at that Agency when transferred to the Coutcheching Agency.....	3,700 00	
To provide for payment to P. Aylen, M.D., as compensation for six months' attendance on Indians of the Battleford Agency, from September, 1887, to March, 1888.....	175 00	
	905,032 00	
BRITISH COLUMBIA.		
For Indians of British Columbia generally.....	\$ 52,520 00	
For Surveys.....	11,837 00	
For Reserve Commission.....	9,500 00	
To provide for payment to the Lords Commissioners of the Admiralty the sum of £3 12s. 5d. sterling, the cost of victualling a police constable and Indian prisoners on board H.M.S. "Satellite" in 1884.....	17 64	
To assist the Rev. A. J. Hall to print a grammar in the Kwawkewlth Indian dialect.....	200 00	
To provide for building an Indian industrial school at Kootenay.....	4,500 00	
And for the maintenance thereof of 30 pupils, each \$150	4,500 00	
To provide for building an Indian office at Cowichan ..	600 00	
To provide for the maintenance of 25 female Indian pupils at the Mission of All Hallows, Yale, B.C., at \$60 per annum	1,500 00	
	85,174 64	
	1,046,602 36	
Carried forward.....		14,725,249 01

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		14,725,249 01
NORTH-WEST MOUNTED POLICE.		
Pay of Force.....	332,176 00	
Subsistence.....	91,250 00	
Forage.....	82,000 00	
Fuel and light.....	35,000 00	
Clothing.....	70,000 00	
Repairs, renewals, replacement of horses, arms and ammunition.....	60,000 00	
Medicines and medical comforts, and hospital expenses.....	5,000 00	
Books and stationery.....	5,000 00	
Scouts, guides, billeting charges, travelling allowances, transport of men and stores.....	60,000 00	
Contingencies.....	8,000 00	
To provide for the payment to Gordon Quick for land required for Mounted Police purposes at Maple Creek.....	1,200 00	
To provide for the payment to ex-Inspector Thomas Dowling of a retiring gratuity equal to seven months' pay.....	583 33	
		750,209 33
MISCELLANEOUS.		
"Canada Gazette".....	6,000 00	
Miscellaneous printing.....	20,000 00	
Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament within the first fifteen days of the next Session.....	25,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the army and navy.....	2,000 00	
For the expenses of Government in the North-West Territories, including printing, roads, bridges, ferries, aid to schools, &c.....	142,889 10	
For the expenses of Government in the District of Keewatin.....	3,500 00	
To meet expenditure in connection with "The Canada Temperance Act".....	10,000 00	
To compensate members of the North-West Mounted Police for injuries received in the discharge of duty.....	2,000 00	
On account of expenditure in connection with surveys of Lakes Superior and Huron.....	18,000 00	
To provide for the payment of Mr. Fabre's salary and contingencies of his office.....	3,500 00	
To meet costs of litigated matters.....	5,000 00	
To cover expenses of taking evidence concerning the Public Accounts, and reporting the same to the Auditor-General of Canada, under authority of section fifty-seven of "The Consolidated Revenue and Audit Act": and to pay for legal advice to the Auditor-General, and assistance to him in estimating the value of printing for Returning Officers and others.....	500 00	
To meet payments to Extra Clerks for services rendered in preparation of Returns ordered by Parliament.....	5,000 00	
Commercial Agencies.....	10,000 00	
Cost of organizing Printing Bureau.....	1,500 00	
Plant required for Government Printing Office and for Government Bindery.....	165,000 00	
Survey, construction of roads, bridges and other necessary works in connection with the Hot Springs Reservation near Banff Station, North-West Territories.....	25,000 00	
Academy of Arts.....	2,000 00	
Collection of Orders in Council, &c.....	9,000 00	
To assist in the publication of the proceedings of the Royal Society....	5,000 00	
Collection and classification of old records of the late Province of Canada.....	2,000 00	
Amount required for lithographing statistical diagrams.....	4,000 00	
Towards aiding in the publication of the fifth volume of "Le Dictionnaire Généalogique des Familles Canadiennes".....	1,000 00	
Carried forward.....	467,889 10	15,475,458 34

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	467,889 10	15,475,458 34
MISCELLANEOUS—Concluded.		
As remuneration for services performed by the late W. F. Whitcher, Commissioner of Fisheries in 1871 and 1877 at Washington and Halifax, in connection with the negotiation of the Treaty of Washington, and the arbitration consequent thereon; to be paid to his widow.....	3,000 00	
To pay a gratuity to the family of the late Hon. Thomas White equal to the amount of the salary he was receiving at the time of his death, from 21st April to 30th June, 1888, and from 1st July, 1888, to 1st January, 1889.....	4,842 66	475,731 76
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and Contingent Expenses of the several Ports :—		
In the Province of Ontario.....	\$270,625 00	
do Quebec.....	223,345 00	
do New Brunswick.....	88,220 00	
do Nova Scotia.....	109,310 00	
do Manitoba.....	20,850 00	
do North-West Territories.....	4,000 00	
do British Columbia.....	41,020 00	
do Prince Edward Island.....	21,060 00	
Provinces generally—To cover any unforeseen changes it may appear necessary to make in Staff.....	5,000 00	
Salaries and travelling expenses of Inspectors of Ports, and travelling expenses of other officers on inspection.....	20,000 00	
Miscellaneous—Contingencies of head office, covering printing, stationery, advertising, telegraphing, &c., for the several Ports of Entry.....	15,000 00	
Board of Customs and Outside Detective Service—To meet expenditure in connection therewith, including \$800 salary of the Commissioner of Customs as Chairman of the Board.....	18,000 00	
Customs Laboratory—To meet expenditure in connection with the testing of sugars, &c., including pay of officers appointed or employed for that purpose.....	5,000 00	
To provide for the administration of the Chinese Immigration Act, including remuneration to Customs Officers.....	3,000 00	
To provide for the purchase of a steam launch to be used at the port of Quebec.....	3,000 00	
	857,430 00	
EXCISE.		
Salaries of Officers and Inspectors of Excise, including \$200 to increase the salary of A. F. McPherson, Accountant, Toronto Division, from \$1,200 to \$1,400, notwithstanding anything to the contrary in the Civil Service Act.....	\$260,477 50	
Preventive service.....	9,000 00	
To provide for increases dependent upon the result of Excise Examinations.....	2,000 00	
To provide for increase of pay of Officers at large distilleries and factories.....	5,000 00	
Travelling expenses, rent, fuel, stationery, &c., also stamps for imported and Canadian tobacco.....	65,000 00	
Carried forward.....	\$341,477 50	15,951,190 10

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$341,477 50	857,430 00
COLLECTION OF REVENUES—Continued.		
Excise—Concluded.		
To pay Collectors of Customs allowance on duties collected by them.....	3,500 00	
Commission to sellers of stamps for Canada twist tobacco.....	250 00	
To provide for the promotion of four additional special class Officers, the number being increased from twenty to twenty-four	1,400 00	
Special.		
To enable the Department to purchase wood naphtha and similar articles for issue to bonded manufacturers, under provisions of R.S.C., chapter 34, section 233, the cost of which will be recouped by the manufacturers to whom they are supplied	5,000 00	
For increase to the salary of the Collector of Inland Revenue at Sorel	15 00	
Further amount required for contingencies.....	10,000 00	
do do preventive service.....	8,000 00	
To pay G. A. Ironsides, Collector of Inland Revenue, Port Arthur, a salary of \$1,000 per annum, such increase to compensate him for additional work performed in inspecting petroleum imported at that port.....	200 00	
	369,842 50	
CULLING TIMBER.		
Montreal.		
Deputy Supervisor.....	\$ 900 00	
Book-keeper and Clerk.....	600 00	
Quebec.		
Supervisor.....	2,200 00	
Deputy Supervisor.....	1,600 00	
Cashier.....	1,500 00	
Specification Clerks.....	1,400 00	
Messenger and Caretaker.....	350 00	
Specification Clerks, &c., 8 months, 1 at \$1,000, 1 at \$700, 1 at \$650, 2 at \$600, 2 at \$550.....	4,650 00	
Assistant Book-keeper.....	1,100 00	
Three Rivers.		
Deputy Supervisor.....	300 00	
Clerk.....	700 00	
Pay of Cullers.....	25,000 00	
Contingencies	8,000 00	
Annuities to Superannuated Cullers	6,600 00	
To pay Jas. Patton, Supervisor of Cullers, Quebec, a salary of \$2,400 per annum, the estimate for this purpose being \$2,200	200 00	
	55,100 00	
Carried forward	1,282,372 50	15,951,190 10

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	1,282,372 50	15,951,190 10
COLLECTION OF REVENUES—Continued.		
WEIGHTS AND MEASURES AND GAS.		
Salaries of Inspectors and Assistant Inspectors of Weights and Measures.....	\$ 47,000 00	
Salaries of Inspectors of Gas.....	12,170 00	
Salary of Commissioner of Standards.....	800 00	
Rent, fuel, travelling expenses, postage, stationery, &c., for Weights and Measures.....	18,000 00	
Rent, fuel, travelling expenses, postage, stationery, &c., for Gas, including equipment of four new offices.....	8,000 00	
Salary of the Chief Inspector of Standards.....	2,000 00	
	87,970 00	
INSPECTION OF STAPLES.		
For the purchase and distribution of standards of flour, &c., and other expenditure under the Act.....	2,500 00	
ADULTERATION OF FOOD.		
To meet expenses under the Act.....	25,000 00	
LIQUOR LICENSE ACT.		
To meet probable amount required for this service.....	4,000 00	
MINOR REVENUES.		
Minor Revenues.....	\$ 1,500 00	
Ordnance Lands.....	2,500 00	
	4,000 00	
RAILWAYS.		
<i>Repairs and Working Expenses.</i>		
Intercolonial Railway.....	\$2,900,000 00	
Eastern Extension Railway.....	94,000 00	
Prince Edward Island Railway.....	205,000 00	
Windsor Branch Railway.....	27,000 00	
	3,226,000 00	
CANALS.		
<i>Maintenance and Repairs.</i>		
Repairs and working expenses.....	\$465,730 00	
Salaries and contingencies of Canal officers.....	37,786 00	
To pay A. Pridham, Collector of Canal Tolls, Grenville, a salary of \$1,000 per annum.....	200 00	
Rideau Canal—Repairs.....	3,000 00	
Canal contingencies.....	1,500 00	
	508,216 00	
PUBLIC WORKS.		
Collection of Slide and Boom Dues.....	\$ 21,700 00	
Repairs and working expenses, Harbors and Slides—including River Yamaska Lock and Esquimalt Graving Dock.....	96,525 00	
Carried forward.....	\$118,225 00	15,951,190 10

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$118,225 00	5,140,058 50
COLLECTION OF REVENUES—Continued.		
<i>PUBLIC WORKS—Concluded.</i>		
Telegraph line between Prince Edward Island and the mainland.....	2,000 00	
Land and cable telegraph lines of the sea coasts and islands of the Lower Rivers and Gulf of St. Lawrence and Maritime Provinces, including cost of working steamer "Newfield" or other vessel when required for cable service.....	28,000 00	
Telegraph Lines, North-West Territories.....	20,000 00	
do British Columbia.....	6,500 00	
Telegraph and Signal Service, generally.....	10,000 00	
Public Works Agencies, British Columbia.....	5,300 00	
To pay H. J. Chaloner, Crown Timber Agent, Quebec, a salary of \$2,400 per annum, the estimate for this purpose being \$2,200.....	200 00	
To pay H. J. Miller, Assistant Crown Timber Agent, Quebec, a salary of \$1,400 per annum, the estimate for this purpose being \$1,200.....	200 00	
Lévis Graving Dock—Working expenses.....	5,000 00	
Telegraph Lines, North-West Territories—Additional amount required.....	1,000 00	
For purchase of horses to replace old worn out animals.....	1,000 00	
		197,425 00
POST OFFICE.		
Ontario.....	\$1,346,170 00	
Quebec.....	648,940 00	
New Brunswick.....	242,540 00	
Nova Scotia.....	257,050 00	
Prince Edward Island.....	43,390 00	
British Columbia.....	151,150 00	
Manitoba and the North-West Territories.....	278,380 00	
To provide for the promotion of a Third Class Clerk in the Charlottetown (P.E.I.) Post Office to a Second Class Clerkship.....	100 00	
To provide for an increase of salary to two First Class Clerks in the Montreal Post Office, one at \$100 and the other at \$50.....	150 00	
To provide for an increase of salary to the Postmaster at Fredericton, N.B.....	100 00	
To add to the sum provided for a now vacant Clerkship in the P. O. Inspector's Office, Halifax, to enable the Inspector to pay Sydenham Howe for services in that office.....	200 00	
To provide for an additional Third Class Clerk in the Hamilton Post Office.....	400 00	
To provide for the payment of a gratuity of two months' salary to Mrs. McLelan, widow of the late D. T. McLelan (killed on duty 6th January, 1888), a Temporary Railway Mail Clerk, in the British Columbia Postal Division.....	80 00	
		2,968,650 00
DOMINION LANDS—OUTSIDE SERVICE.		
<i>Land Board at Winnipeg.</i>		
Commissioner's salary.....	\$5,000 00	
Superintendent of Mines' salary.....	3,200 00	
do do travelling expenses.....	1,500 00	
Carried forward.....	\$9,700 00	8,306,133 50
		15,951,190 10

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	\$9,700 00	8,306,133 50
COLLECTION OF REVENUES—Continued.		
DOMINION LANDS—OUTSIDE SERVICE—Concluded.		
<i>Land Board at Winnipeg—Concluded.</i>		
Superintendent of Mines' contingencies	1,000 00	
do do clerks' salaries	1,825 00	
Inspector of Agencies' salary	2,000 00	
do do travelling expenses.....	1,500 00	
Secretary's salary.....	1,800 00	
Assistant Secretary's salary.....	1,400 00	
Clerks' salaries.....	13,296 00	
Contingencies, light, postage, telegrams, &c.....	2,700 00	
Caretaker and Messenger.....	600 00	
Seven Homestead Inspectors' salaries.....	8,400 00	
do do travelling expenses.....	7,000 00	
Land Guide Service.....	2,000 00	
Special services	5,000 00	
<i>Dominion Lands Agencies.</i>		
Dominion Lands Agents.....	10,200 00	
Clerks.....	18,532 25	
Contingencies, including office rent, fuel, &c.....	9,500 00	
do paid at Head Office for Outside Service.....	2,650 00	
<i>Crown Timber Agencies.</i>		
Crown Timber Agents.....	5,600 00	
Bookkeeper's salary, Winnipeg.....	1,095 00	
Contingencies.....	4,000 00	
Forest Rangers	5,650 00	
Inspector of Ranches' salary.....	600 00	
do contingencies	200 00	
Forestry Commissioner's salary.....	2,000 00	
do travelling expenses.....	1,200 00	
Stationery and Printing for Outside Service.	4,000 00	
To provide for payment to the following members of the Civil Service for services in connection with the Board of Examiners for Dominion Land Surveyors:— Edward Deville, \$80; W. F. King, \$80; William Pearce, \$80; A. H. Whitcher, \$80; P. B. Symes, \$80.....	400 00	
To provide for the payment of members of the Board of Examiners of Dominion Land Surveyors who are not members of the Civil Service, and the expenses of the Board.....	800 00	
<i>Half-Breed Claims.</i>		
Commission expenses.....	3,000 00	
<i>British Columbia.</i>		
Dominion Lands Agent's salary.....	2,800 00	
do contingencies.....	1,000 00	
Clerks.....	3,010 00	
Crown Timber Agent's salary.....	1,600 00	
do contingencies.....	1,200 00	
	146,268 25	
Carried forward	8,452,401 75	15,951,190 10

SCHEDULE B—*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	8,452,401 75	15,951,190 10
COLLECTION OF REVENUES— <i>Concluded.</i>		
DOMINION LANDS—INSIDE SERVICE.		
Extra Clerks at Head Office, Ottawa.....	\$ 28,000 00	
Advertising, copying, &c.....	7,000 00	
	35,000 00	8,487,401 75
DOMINION LANDS.		
(<i>Chargeable to Capital.</i>)		
To provide for the amount required for surveys, examination of survey returns, printing of plans, &c.....		110,000 00
Total.....		24,548,591 85

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51 VICTORIA.

CHAP. 2.

An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.

[Assented to 22nd May, 1888.]

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

1. In addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, the Governor in Council is hereby authorized to raise, by way of loan, such sum or sums of money, not to exceed in the whole the sum of twenty-five million dollars, as may be required for the purpose of paying the floating indebtedness of the Dominion of Canada and for the carrying on of the public works authorized by the Parliament of Canada. Loan of \$25,000,000 authorized.

2. The sums of money hereby authorized to be raised by way of loan shall be so raised in accordance with and under the provisions of that portion of chapter twenty-nine of the Revised Statutes of Canada relating to the public debt and the raising of loans authorized by Parliament; and the sums raised under the authority of this Act shall form part of the Consolidated Revenue Fund of Canada: Provided always, that the rate of interest to be paid on any loan to be raised under this Act shall not exceed four per centum per annum. To be raised under R. S. C., c. 29.
Proceeds to form part of Con. Rev. Fund.

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51 VICTORIA.

CHAP. 3.

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

[Assented to 22nd May, 1888]

Preamble.

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

Subsidies authorized.

1. The Governor in Council may grant the subsidies hereinafter mentioned to the railway companies and towards the construction of the railways also hereinafter mentioned, that is to say :—

To the Ottawa and Parry Sound Railway Company, for 22 miles of their railway from a point on the Canadian Pacific Railway to Eganville, in lieu of the subsidy granted by 49 Victoria, Chapter 10, for a railway from a point on the Canadian Pacific Railway to Eganville, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....\$	70,400 00
To the Nova Scotia Central Railway Company, for 46 miles of their railway, in the Province of Nova Scotia, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	147,200 00
To the Montreal and Champlain Junction Railway Company, for 3 miles of their railway from the end of the present subsidized section, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	9,600 00
To the Massawippi Junction Railway Company, for their railway from a point on the Atlantic and North-West Railway near the Village of Magog, to Ayer's Flat Station on the Massawippi Valley Railway, in lieu of the subsidy granted by 50-51 Victoria, Chapter 24, a subsidy of.....	32,000 00
	To

<p>To the Pontiac Pacific Junction Railway Company, for bridging the several channels of the Ottawa River at Culbute and west thereof, a subsidy of \$31,500, to be paid out monthly as the work progresses, upon the certificate of the Chief Engineer of Government Railways, in the proportion which the value of the work executed bears to the value of the whole work undertaken, and for three miles of their railway extending from a point three miles east of Pembroke to Pembroke in the Province of Ontario, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole \$9,600, provided that the entire work subsidized upon this railway shall be completed within four years from the passing of this Act, the subsidy granted by this Act not to exceed in the whole.....</p>	<p>\$41,100 00</p>
<p>To the Port Arthur, Duluth and Western Railway Company, for 84½ miles of their railway from Port Arthur towards Gun Flint Lake, in lieu of the subsidies granted by 48-49 Victoria, Chapter 59, and 49 Victoria, Chapter 10, for the construction of a railway from Murillo Station to Crooked Lake, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....</p>	<p>271,200 00</p>
<p>To the Quebec and Lake St. John Railway Company, for 30 miles of their railway from Lake St. John towards Chicoutimi, or from Chicoutimi towards Lake St. John, being a transfer made at the request of the Saguenay and Lake St. John Railway Company of the subsidy granted to them by 50-51 Victoria, Chapter 24, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....</p>	<p>96,000 00</p>
<p>To the Temiscouata Railway Company, for 20 miles of their branch railway from Edmonston towards the St. Francis River, in the Province of Quebec, in lieu of the subsidy granted by 50-51 Victoria, Chapter 24, a subsidy of.....</p>	<p>100,000 00</p>
<p>To the Quebec Central Railway Company, for the construction and completion of a line of railway from Saint Francis Station to a point on the Atlantic and North-West Railway near Moose River, 90 miles, in lieu of the balance of the subsidy, unearned, granted by 47 Victoria, Chapter 8, a subsidy not exceeding \$21,191.54 per an-</p>	

	num for twenty years, or a guarantee of a like sum for a like period as interest on the bonds of the Company,—such annual subsidy for twenty years representing a grant in cash of.....	288,000 0
To	the Central Railway Company of New Brunswick, a grant as subsidy (the road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 4,052 tons of used iron rails and fastenings loaned to the St. Martins and Upham Railway Company, now forming part of the Central Railway,—which rails and fastenings stand in the Public Accounts as an asset of.....	.\$83,612 54
To	the Elgin, Peticodiac and Havelock Railway Company of New Brunswick, a grant as subsidy (the road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 2,201 tons of used iron rails and fastenings loaned to the Elgin Branch Railway, now forming part of the Elgin, Peticodiac and Havelock Railway—which rails and fastenings stand in the Public Accounts as an asset for	44,252 82
To	the Kent Northern Railway Company of New Brunswick, a grant as subsidy (the road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 2,549 tons of used iron rails and fastenings loaned to the Company,—which rails and fastenings stand in the Public Accounts as an asset for	58,334 27
To	the Halifax Cotton Company, of Nova Scotia, a grant as subsidy (the road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 233 tons of used iron rails and fastenings loaned to the Company,—which rails and fastenings stand in the Public Accounts as an asset for.....	4,335 00
To	the Steel Company of Canada, in Nova Scotia, a grant as subsidy (the road to be first laid with new steel rails weighing	

not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 597 tons of used iron rails and fastenings loaned to the Company, —which rails and fastenings stand in the Public Accounts as an asset for.....

11,964 66

To the Albert Railway Company of New Brunswick, a grant as subsidy (the section of road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 726 tons of used iron rails and fastenings loaned to the Company, —which rails and fastenings stand in the Public Accounts as an asset for.....

\$14,665 45

To the Chatham Branch Railway of New Brunswick, a grant as subsidy (the road to be first laid with new steel rails weighing not less than 56 pounds per lineal yard, and after an Order in Council has been passed authorizing their transfer to the Company) of 958 tons of used iron rails and fastenings loaned to the Company,—which rails and fastenings stand in the Public Accounts as an asset for

24,439 84

2. All the lines, for the construction of which subsidies are granted, shall be commenced within two years from the first day of August next, and completed within a reasonable time, not to exceed four years, to be fixed by Order in Council, and shall also be constructed according to descriptions and specifications, and upon conditions to be approved by the Governor in Council, on the report of the Minister of Railways and Canals, and specified in an agreement to be made in each case by the Company with the Government, and which the Government is hereby empowered to make; the location also of every such line of railway shall be subject to the approval of the Governor in Council; and all the said subsidies respectively, payable in cash, shall be payable out of the Consolidated Revenue Fund of Canada by instalments, on the completion to the satisfaction of the Minister of Railways and Canals, of each section of the railway of not less than ten miles, proportionate to the value of the portion so completed in comparison with that of the whole work undertaken, to be established by the report of the said Minister, or upon completion of the work subsidized.

On what conditions subsidies may be granted.

How payable.



51 VICTORIA.

CHAP. 4.

An Act to make further provision respecting the granting of a subsidy to the Chignecto Marine Transport Railway Company (Limited).

[Assented to 22nd May, 1888.]

Preamble.

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

Time for completion of works extended.
49 V., c. 18.

1. Notwithstanding anything contained in the Act forty-ninth Victoria, chapter eighteen, or in the indenture set forth in the schedule thereto, the date on or before which the Chignecto Marine Transport Railway Company (Limited) shall, to entitle them to receive the subsidy therein mentioned, be bound to complete the works referred to in the said indenture, shall be the first day of July, one thousand eight hundred and ninety, instead of the first day of July, one thousand eight hundred and eighty-nine, as provided by paragraph six of the said indenture.

Further delay accorded conditionally.

2. If the Company have not completed the said works by the said first day of July, one thousand eight hundred and ninety, they shall be accorded a further delay of twenty-four months from the said day for completing the same, on the condition that the Company pay monthly a penalty of five thousand dollars to the Minister of Finance, for the public uses of Canada, for each month during which the works remain uncompleted.

Section 2 amended.

3. Section two of the Act hereinbefore cited is hereby amended by substituting the words " five millions five hundred thousand dollars " for the words " five millions of dollars " in the last line of the said section.

Powers continued.

4. All powers conferred upon the Company by any Act of the Parliament of Canada are hereby continued and extended for the periods and on the conditions hereinbefore set forth.



51 VICTORIA.

CHAP. 5.

An Act to make further provision respecting the construction of the ship channel between Montreal and Quebec.

[Assented to 22nd May, 1888.]

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

1. The Government of the Dominion of Canada may release and discharge the corporation of the Harbor Commissioners of Montreal from all liability to repay to the said Government the whole or any part of the advances made to the said corporation to enable them to widen and deepen the channel in lake St. Peter and the river St. Lawrence from Montreal to Quebec, or any interest thereon beyond the amount of interest already paid by them to the Government, it being understood that no portion of the amount so paid for interest is to be refunded. Montreal Harbor Commissioners may be released from certain obligations.

2. The Government may pay to the said corporation of the Harbor Commissioners of Montreal a sum not exceeding the sum of thirty-seven thousand four hundred and five dollars, which the said commissioners represent as being the excess of their expenditure (apart from their expenditure on capital account) over their net revenue during the calendar year one thousand eight hundred and eighty-seven. Excess of expenditure may be repaid to them.

3. The Government may, in addition to the said payment specified in the next preceding section, expend, through the medium of the said Harbor Commissioners or otherwise, in the work of completing the said channel, the amount now remaining unexpended of the sums authorized, by any Act heretofore passed, to be advanced to the said Harbor Commissioners of Montreal for the purpose of completing the said channel. Certain moneys may be expended on works.

Tonnage dues
abolished.

4. No tonnage dues heretofore payable to the said Harbor Commissioners shall hereafter be levied on, or collected from, any sailing vessel or steamer at the port of Montreal.

Plant vested
in Govern-
ment.

5. The dredging plant and appliances heretofore used by the said Harbor Commissioners, in connection with the said channel works, shall hereafter belong to the Government of Canada.

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51 VICTORIA.

CHAP. 6.

An Act relating to certain advances made to the Quebec Harbor Commissioners.

[Assented to 22nd May, 1888.]

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

1. The graving dock built at Lévis, opposite Quebec, shall henceforward be and become a public work of Canada, and shall be under the control of the Minister of Public Works of Canada and administered by him; and the Corporation of the Quebec Harbor Commissioners shall cease to have any control over it, and all powers, privileges and authorities in connection therewith now vested in the said Corporation of the Quebec Harbor Commissioners shall cease, and the same shall henceforward be vested in the Government of Canada. Lévis graving dock to belong to Canada.

2. The said Corporation of the Quebec Harbor Commissioners shall be released and discharged from any and all obligation to repay to the Government of Canada the whole or any part of the advances made to them by the said Government under the provisions of any Act heretofore passed for the purpose of defraying the expense of constructing the said graving dock, and from any obligation to pay to the said Government any sums of money to provide for the payment of interest thereon or for the formation of a sinking fund in connection therewith. Quebec Harbor Commissioners released from liability.

3. Out of the bonds of the said Corporation of the Quebec Harbor Commissioners now held by the Minister of Finance and Receiver General, to cover advances made to the said Corporation of the Quebec Harbor Commissioners by the Government of Canada to meet payments on account of improvements in the Harbor of Quebec and in connection with the wet or tidal dock at the mouth of the River Saint Charles, there shall be returned to the said Corporation of A certain amount in bonds to be released to the commissioners. the

the Quebec Harbor Commissioners such amount of bonds as shall be equal, in par value, to the amount which has been paid out of capital by the said Corporation of the Quebec Harbor Commissioners to the said Government for interest and sinking funds on the bonds so deposited as aforesaid with the Minister of Finance and Receiver General, and the said Corporation of the Quebec Harbor Commissioners shall thenceforward be released from any obligation in connection with the bonds so to be returned as aforesaid and the advances represented thereby.

Rate of interest.

4. From and after the first day of January, one thousand eight hundred and eighty-eight, the rate of interest to be paid on all the bonds so deposited as aforesaid and on all bonds thereafter deposited, to cover further advances for the same purpose, shall be four per cent. per annum without sinking fund, and all of the said bonds remaining in the hands of the Minister of Finance and Receiver General, after deducting the amount to be returned as in the next preceding section provided, shall be replaced with bonds of the said Corporation of the Quebec Harbor Commissioners for the same par value, in such form as he approves, bearing interest at four per cent. per annum without sinking fund: Provided always, that all amounts actually paid to the Government of Canada by the said Corporation of the Quebec Harbor Commissioners for sinking fund on their said bonds shall be the property of the Government of Canada and form part of the Consolidated Revenue Fund of Canada.

Bonds now held by Government to be replaced.

Proviso: as to moneys paid as sinking fund.

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51 VICTORIA.

CHAP. 7.

An Act to amend "The Consolidated Revenue and Audit Act," Chapter twenty-nine of the Revised Statutes of Canada.

[Assented to 4th May, 1888.]

WHEREAS it is expedient to amend "*The Consolidated Revenue and Audit Act*" as hereinafter provided: Preamble. R.S.C., c. 29.
Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The salary of the Auditor General of Canada shall be four thousand dollars per annum, and his salary shall be paid to him at such rate as from the first day of July, one thousand eight hundred and eighty-seven. Salary of the Auditor General.

2. The Auditor General shall be subject to the provisions of "*The Civil Service Superannuation Act*" except as regards his tenure of office. R.S.C., c. 18 to apply.

3. Section twenty-six of the Act cited in the preamble is hereby amended by striking out the words "Governor in Council" in the first line, and substituting the words "Treasury Board" in lieu thereof. Section 26 of R.S.C., c. 29 amended.

4. Section thirty-one of the said Act is hereby repealed and the following substituted therefor:— Section 31 repealed; new section.

31. The Auditor General shall see that no cheque issues for the payment of any public money for which there is no direct parliamentary appropriation, or in excess of any portion of such appropriation, the expenditure of which has been authorized by the Governor in Council; and he shall report to the Treasury Board through the Minister of Finance and Receiver General, any case in which a sub-accountant has expended money out of the proceeds of any accountable credit, for any purpose for which there is no legislative authority, or beyond the amount for which there Duty of Auditor as to issue of cheques. Report in case of excess.

is such authority, or for any other appropriation or purpose not connected with such credit."

Section 32 amended.

5. Section thirty-two of the said Act is hereby amended by striking out the words "Minister of Finance and Receiver General" in the ninth line and substituting the words "Treasury Board" in lieu thereof.

Section 35 repealed; new section.

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

Account by Minister of Finance for Auditor General; what to show.

"35. The Minister of Finance and Receiver General shall cause an account to be prepared and transmitted to the Auditor General, on or before the thirtieth day of September in every year, showing the issues made from the Consolidated Revenue Fund in the financial year ended on the thirtieth day of June preceding, for services directly under his control; and such accounts and the reports of the Auditor General thereon shall be laid before the House of Commons by the Minister of Finance and Receiver General, on or before the thirty-first day of January in the following year, if Parliament is then sitting, and if not sitting, then within one week after Parliament is next assembled."

Accounts and report to be laid before Parliament.

7. Section thirty-six of the said Act is hereby amended by striking out all the words after the word "Parliament" in the fourth line to the end of the section.

Section 36 amended.

Sections 38, 39 and 40 repealed; new sections.

8. Sections thirty-eight, thirty-nine and forty of the said Act are hereby repealed and the following substituted therefor:—

Accounts to be prepared and transmitted for examination.

"38. On or before the thirtieth day of September in every year, accounts of the appropriation of the several supply grants comprised in the Appropriation Act for the year ending thirtieth June then last, or in any other Act, shall be prepared by the several departments, and be transmitted for examination to the Auditor General and to the Deputy of the Minister of Finance and Receiver General, and when certified and reported upon, as hereinafter directed, they shall be laid before the House of Commons; and such accounts shall be called the "Appropriation Accounts" of the moneys expended for the services to which they respectively relate; and the Auditor General shall certify and report upon such accounts, as hereinafter directed; and each account shall be examined under the direction of the Auditor General, by such officer or clerk in his office as he directs; and such officer or clerk shall certify to the due examination of such account, and the Auditor General shall certify that the account has been examined under his direction and is correct."

Examination of and report on such accounts.

“**39.** The department charged with the expenditure of any vote under the authority of the Governor in Council, shall prepare the appropriation account thereof.”

Departmental appropriation accounts.

“**40.** The department charged with the duty of preparing the appropriation account of a grant shall transmit to the Auditor General, together with the annual appropriation account of such grant, a balance sheet so prepared as to show the debtor and creditor balances in the ledger of such department on the day when the said appropriation account was closed, and to verify the balances appearing upon the annual appropriation account; and any balances outstanding in the hands of any person or persons unexpended or unaccounted for at such period shall be accounted for and settled as soon thereafter as is practicable, but not later than the termination of the next succeeding fiscal year.”

Duty of department preparing such accounts.

Balances outstanding.

9. Sections forty-three and forty-four of the said Act are hereby repealed and the following substituted therefor :—

Sections 43 and 44 repealed; new sections.

“**43.** Every appropriation account, when rendered to the Auditor General, shall be accompanied by an explanation showing how the balances on the grants included in the previous account have been adjusted, and shall also contain an explanatory statement of any excess of expenditure over the grants included in such account; and such statement, as well as the appropriation account, shall be signed by the deputy head and the accountant or such other duly authorized officer of such department as the Treasury Board determines.”

Explanation as to balances to accompany accounts.

“**44.** Every appropriation account shall be examined by the Auditor General, on behalf of the House of Commons; and in the examination of such accounts, the Auditor General shall ascertain, first, whether the payments which the accounting department has charged to the grant are supported by the vouchers required by this Act and by proofs of payment; and, second, whether the money expended has been applied to the purposes for which such grant was intended to provide: Provided always, that whenever it appears to the Minister of Finance and Receiver General, that the expenditure included, or to be included, in any appropriation account, or any portion of such expenditure, calls for further examination, he may instruct the Auditor General to examine such expenditure and to report to the Minister of Finance and Receiver General thereon; and if the Minister of Finance and Receiver General does not, thereupon, see fit to sanction such expenditure, it shall be regarded as being not properly chargeable to a Parliamentary grant, and shall be reported to the House of Commons, in the manner hereinafter provided.”

Examination of accounts by the Auditor General.

Further examination when required.

Report to House of Commons if not authorized.

Section 48 repealed; new section.

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

In report attention to be called to any excess of expenditure, &c.

“48. In reporting as hereinbefore directed for the information of the House of Commons, the result of the examination of the appropriation accounts, the Auditor General shall call attention to every case in which cheques have been issued without his certificate,—or in which a grant has been exceeded,—or in which money received by a department from other sources than the grants for the year to which the account relates has not been applied or accounted for according to the directions of Parliament,—or in which a sum charged against a grant is not supported by proof of payment,—or in which a payment so charged did not occur within the period of the account, or was, for any other reason, not properly chargeable against the grant or was, in any way, irregular.”

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51 VICTORIA.

CHAP. 8.

An Act relating to the interest payable on deposits in the Post Office and Government Savings Banks.

[Assented to 22nd May, 1888.]

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

1. Section seventy-two of chapter thirty-five of the Revised Statutes of Canada, respecting the Postal Service, is hereby repealed and the following substituted therefor :—

“ **72.** The interest payable to the persons making such deposits shall be at such rate, not exceeding the rate of four per centum per annum, as the Governor in Council from time to time prescribes, but such interest shall not be calculated on any amount less than one dollar or some multiple thereof, and shall not commence until the first day of the month next following the day of deposit, and shall cease on the first day of the month in which such deposit is withdrawn.”

Section 72 of R.S.C., c. 35 repealed; new section.

What interest shall be payable.

Basis of calculation.

2. Section ten of chapter one hundred and twenty-one of the Revised Statutes of Canada, respecting Government Savings Banks, is hereby repealed and the following substituted therefor :—

Section 10 of R.S.C., c. 121 repealed; new section.

“ **10.** The interest payable to the persons making such deposits shall be at such rate, not exceeding the rate of 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.”

What interest shall be payable.

Basis of calculation.

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51 VICTORIA.

CHAP. 9.

An Act further to amend the Revised Statutes, Chapter five, respecting the Electoral Franchise.

[Assented to 22nd May, 1888.]

Preamble.

IN further amendment of "*The Electoral Franchise Act*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Lists of voters
need not be
revised in
1888.

1. It shall not be necessary that any revision of the lists of voters prepared in accordance with the provisions of "*The Electoral Franchise Act*" shall be proceeded with during the present year, one thousand eight hundred and eighty-eight, but the lists of voters in force at the time of the passing of this Act shall continue in force until the same are finally revised, in accordance with the provisions of the said Act, in the year one thousand eight hundred and eighty-nine.

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51 VICTORIA.

CHAP. 10.

An Act to amend "The North-West Territories Representation Act."

[Assented to 22nd May, 1888.]

WHEREAS it is desirable that elections should be held in the North-West Territories on the same day as they are held in other parts of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. Section fifteen of "The North-West Territories Representation Act" is hereby repealed, and the following section substituted in lieu thereof:—

"15. At least eight days before the day fixed in the writ for the nomination of candidates the returning officer shall cause to be posted up in a conspicuous position, in at least ten of the most public places in the electoral district, a proclamation in the form E, in the schedule to this Act, in which proclamation shall be set forth—

"(a.) The place and time fixed for the nomination of candidates;

"(b.) The day on which the poll for taking the votes of the electors is to be held in case a poll is demanded;

"(c.) The several polling stations fixed by him, and the territorial limits to which they respectively apply;

"(d.) The time when and the place where the returning officer will sum up the number of votes given to the several candidates."

2. Sections twenty-five and twenty-six of the said Act are hereby repealed, and the following are substituted in lieu thereof:—

"25. Immediately upon the receipt by the returning officer of the writ for the election, the returning officer shall subdivide the electoral district into as many polling divisions as he deems necessary for the convenience of the electors; and he shall number or otherwise designate them, and fix upon a suitable polling station in each such division."

"26.

When poll shall be held.

“**26.** Whenever a poll has been granted it shall be held on the seventh day next after the expiration of the day fixed for the nomination of candidates, that is on the same or corresponding day of the week next after that on which the nomination has taken place, or if such seventh day is a statutory holiday, then on the next following day not being a Sunday or a statutory holiday.”

Sections 28 and 29 repealed; new sections.

3. Sections twenty-eight and twenty-nine of the said Act are hereby repealed, and the following substituted in lieu thereof:—

Appointment of enumerators.

“**28.** The Governor General may appoint enumerators to make lists of the electors in the electoral district; and if such appointments have not been made before the issue of a writ for the election, the returning officer, immediately upon his receiving such writ, conjointly with any two Justices of the Peace, or with one Justice of the Peace and a Notary Public, or with any one of them, resident in or near the electoral district and two electors of such district, neither of the number being a candidate, shall appoint under their hand a competent and reliable person to be enumerator for any one or more polling divisions of such district; and the returning officer shall see that no polling division is omitted to be included in some one of such appointments:

Oath of office to be taken.

“**2.** The enumerator shall, before acting as such, take the oath of office in the form J, in the schedule to this Act.”

List of voters to be prepared.

“**29.** Each such enumerator, upon his appointment and having first taken the oath of office, shall immediately thereafter compile a list of the persons qualified as electors to vote at the election then pending, for the polling division or each of the polling divisions for which he has been appointed; and he shall make three plainly written copies of the same, with the names of the voters alphabetically arranged, giving the occupation and residence of each voter, in the form K, in the schedule to this Act.”

Form E repealed and new form substituted.

4. The form E in the schedule to the said Act is hereby repealed, and the following substituted in lieu thereof:—

“ E.

Proclamation of the returning officer declaring the time and place fixed for the nomination of candidates, and also the day for opening the poll, and the polling stations and polling districts.

PROCLAMATION.

Electoral District of _____, to wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that, in obedience to Her Majesty's Writ to me directed, and bearing date the

day of 18 , I require the presence of the said electors at (*describe the place where the nomination is to take place*), in the county (*or township, or in the city or town*) of , on the day of the month of , from noon until two of the clock in the afternoon, for the purpose of nominating a person (*or persons, as the case may be*), to represent them in the House of Commons of Canada; and that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be opened on the day of the month of , in the year from the hour of nine in the forenoon till five of the clock in the afternoon in each of the polling districts, that is to say:

For the polling district No. 1, consisting of (*or bounded as follows, or otherwise describing it clearly*) at (*describing the polling station*):—
(*and so continuing for all the other polling districts and stations in the electoral district*).

And further, that on the day of at I shall sum up the votes given for the several candidates and return as elected the one (*or as the case may be*) having the majority of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at , this
day of , in the year 18

(*Signature*), A. B.,
Returning Officer.”

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51 VICTORIA.

CHAP. II.

An Act to amend "The Dominion Elections Act,"
chapter eight of the Revised Statutes of Canada.

[Assented to 22nd May, 1888.]

Preamble.

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

Section 4 of
R.S.C., c. 8
repealed;
new section.

1. Section four of "*The Dominion Elections Act*," being chapter eight of the Revised Statutes of Canada, is hereby repealed and the following substituted therefor:—

Day of nomi-
nation of can-
didates, how
fixed.

"**4.** The Governor General shall, except as hereinafter mentioned, fix the day for the nomination of candidates at the election, and shall, at every general election, fix one and the same day for the nomination of candidates in all the electoral districts, except in the electoral districts of Algoma, in the Province of Ontario, and of Cariboo, in the Province of British Columbia."

Part of section
14 re-
pealed.

2. Sub-sections two and three of section fourteen, of the said Act are hereby repealed, and the following sub-section substituted therefor:—

Exception in
cases speci-
fied.

"**2.** In the electoral districts of Algoma in the Province of Ontario, and of Cariboo, in the Province of British Columbia, the returning officers shall fix the day for the nomination of candidates, and also the day and places for holding the polls; the nomination in the said electoral districts shall take place not less than fifteen days nor more than thirty days after the proclamation hereinafter required has been posted up; and the day for holding the polls shall be not less than fifteen days nor more than thirty days after the day on which the nomination is to take place,—neither the day of nomination nor the day of posting the proclamation being reckoned."

Section 16 re-
pealed; new
section.

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

"16. Within twenty days after the reception of the writ in the electoral districts of Algoma, in the Province of Ontario, and of Cariboo, in the Province of British Columbia, and within eight days after such reception in the other electoral districts of Canada, the returning officer shall, by a proclamation under his hand, issued in the English and French languages in every electoral district in the Province of Quebec and in the Province of Manitoba, and in the English language only in the other electoral districts, indicate,—

Proclamation
by returning
officer.

"(a.) The place and time fixed for the nomination of candidates ;

Nomination.

"(b.) The day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded ;

Day of poll.

"(c.) The several polling stations fixed by him, and the territorial limits to which they respectively apply ;

Polling sta-
tions.

"(d.) The time when and the place where the returning officer will sum up the number of votes given to the several candidates ;

Summing up
votes.

"Such proclamation shall be in the form E, in the first schedule to this Act."

Form.

4. Section twenty-nine of the said Act is hereby amended by adding the following sub-section at the end thereof:—

Section 29
amended.

"2. The ballot and counterfoil shall be printed upon thick writing paper of the following weight: if foolscap paper is used, it shall be of a weight of not less than seventeen pounds to the ream ; if large post paper is used it shall be of a weight of not less than twenty-nine pounds to the ream."

Description of
paper to be
used.

5. Section thirty-four of the said Act is hereby amended by adding at the end thereof the words following: "and a table or desk with a hard and smooth surface shall be provided, upon which the voter may mark his ballot paper."

Section 34
amended ;
table to be
provided.

6. Section forty-four of the said Act is hereby amended by adding at the end thereof the words following: "and no more than two agents of any candidate shall have the right to vote at any one polling place under such certificates."

Section 44
amended as to
right of
agents voting
at polling
places.

7. Sub-section two of section forty-five of the said Act is hereby repealed, and the following substituted therefor:—

Section 45
amended.

"2. Such elector, if required by the deputy returning officer, the poll clerk, one of the candidates or one of their agents, or by any elector present, shall, before receiving his ballot paper, take the oath of qualification in the form S in the first schedule to this Act,—which oath the deputy returning officer and poll-clerk are each hereby authorized to administer."

Oath to be
taken by
voter if re-
quired.

Section 58 repealed; new section.

Statement, &c., to be inclosed in ballot box.

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

“**58.** The deputy returning officer, immediately after the completion of the counting of the votes at the close of the poll shall make out a statement of the accepted ballot papers, of the number of votes given to each candidate, of the ballot papers counted which were deposited by persons whose right to be registered on the list of voters and to vote and by persons the exclusion of whose names from the list of voters, appeared by the said list to be the subjects of undecided appeals, as aforesaid, of the rejected ballot papers, of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and keep a copy of such statement, and inclose in the ballot box the original thereof, together with the list of voters used by him, the poll-book and a certificate in such poll-book immediately following the name of the person last entered on such poll-book, as having voted or applied for a ballot paper, of the total number of persons who voted, and shall inclose in the ballot box such other lists and documents as have been used at such election :

Delivery of ballot boxes &c., to returning officer.

“2. The ballot box shall then be locked and sealed with the seal of the deputy returning officer and the seals of such agents of the candidates as desire to affix their seals, in such manner as to prevent the introduction of additional ballot papers, and shall be delivered to the returning officer or to the election clerk, who shall receive or collect the same, and if both of them are 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 box to the returning officer, take the oath in the form Z, in the first schedule to this Act :

Oath to be taken.

Oath to be attached to statement.

“3. The deputy returning officer and the poll clerk shall respectively take the oaths in the forms AA and BB in the first schedule to this Act, which shall be annexed to the statement above mentioned; the oath may be administered to the deputy returning officer by the poll clerk, and the statement before mentioned, before being inclosed in the ballot box, shall be signed by the deputy returning officer, and by such of the candidates, or their agents, as are present and desire to sign the same.”

Section 63 amended.

Provision in case statements, &c., are not found in ballot box.

9. Section sixty-three of the said Act is hereby amended by adding thereto the following sub-section:—

“2. Whenever by reason of any circumstance the lists or statements or certificates before referred to are not found in the ballot boxes, or any of them, the returning officer may use copies thereof and if copies are not available he may proceed, in the manner hereinbefore directed, to ascertain by the ballots or by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling places, and he shall return the candidate having the

majority of votes, and shall mention specially in his report to be sent with the return, the circumstances accompanying the disappearance of any such list, statement or certificate, and the mode by which he ascertained the number of votes given to each candidate; the returning officer may, for the purpose of fulfilling the requirements of this section, adjourn the proceedings for the period mentioned in the next preceding section, and thereafter from day to day as occasion requires during a period not exceeding one further week.”

Special report.

10. Form O in the first schedule to the said Act is amended by adding after the word “affection” the following words: “and that I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling district, No. , marks his ballot paper in my presence at this election.”

Form O amended.

11. Form S in the said first schedule shall hereafter be the form of oath of qualification of all persons registered on the list of voters, and the forms T, U, V and W in the said first schedule, are hereby repealed.

Form of oath of qualification.

12. Form AA in the said first schedule is hereby amended by adding at the end thereof the words “or I. J., Poll Clerk.”

Form AA amended.

13. No officer, clerk, or agent, or other person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to any voter at a polling station, nor shall attempt to ascertain at the counting of votes the number on the back of any ballot paper:

Certain information not to be communicated.

2. 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 the name of the candidate for or against whom he has so marked his vote:

Ballot paper not to be displayed.

3. Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labor, or to a fine not exceeding five hundred dollars and not less than fifty dollars.

Penalty for contravention.

14. Every person who votes or induces or procures any person to vote at any election, knowing that he or such person is not entitled to vote thereat, is guilty of a corrupt practice within the meaning of the said Act:

Voting or inducing to vote without being entitled a corrupt practice.

2. Any person who before or during any election knowingly publishes a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate, is guilty of a corrupt practice within the meaning of the said Act:

Publication of a certain false statement a corrupt practice.

Exception. 3. Provided, that a candidate shall not be liable, nor shall his election be avoided, for any corrupt practice under this section committed by his agent other than his agent appointed under the provisions of section one hundred and eighteen of the said Act.

Corrupt practices by agents. 15. Where, upon the trial of an election petition, the court reports that a candidate at such election has been guilty by his agent or agents of the offence of treating and undue influence or of either of such offences, in reference to such election, and the court further reports that the candidate has proved to the court,—

Proof that candidate or appointed agent was not cognizant of offence. (a.) That no corrupt or illegal practice was committed at such election by the candidate, or his agent appointed under the provisions of section one hundred and eighteen of the said Act, and that the offences mentioned in the said report were committed contrary to the orders and without the sanction or connivance of such candidate or his said agent; and—

That precautions were taken. (b.) That such candidate and his said agent took all reasonable means for preventing the commission of corrupt and illegal practices at such election; and—

That offence was trivial. (c.) That the offences mentioned in the said report were of a trivial, unimportant, and limited character; and—

As to other matters. (d.) That in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;

Election not void. Then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under the Act hereby amended or under this Act.

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51 VICTORIA.

CHAP. 12.

An Act to amend "The Civil Service Act," chapter seven-
teen of the Revised Statutes of Canada.

[Assented to 22nd May, 1888.]

WHEREAS it is expedient to amend "*The Civil Service Act*," in the manner hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
R.S.C., c. 17.

1. Section seven of the said Act is hereby repealed.

Section 7
repealed.

2. Section nine of the said Act is hereby amended by adding the following sub-sections thereto:—

Section 9
amended.

"2. Whenever the Board are satisfied that any irregularity or fraudulent practice has obtained at any examination held by them or by any person deputed by them to hold the same, they may summon before them by an instrument signed by the chairman or acting chairman of the Board, and may examine under oath or affirmation, any person who, in their opinion, is in a position to give evidence in relation to any such irregularity or fraudulent practice; and if the person so summoned neglects or refuses to appear, or having appeared, refuses to be examined upon oath or affirmation concerning the premises, or refuses to take an oath or affirmation, or having taken the oath or affirmation, refuses to answer such questions concerning the premises as are then put to him, without offering any just and lawful excuse for his refusal, the chairman or acting chairman of the Board shall be vested with all the powers conferred, in like cases, upon a justice of the peace by section thirty-two of "*The Summary Convictions Act*":

Inquiry as to
irregularities
at examina-
tions.

Penalty for
refusing to
appear, &c.

3. Every oath or affirmation required for the purposes of such examination may be administered by any member of the Board:

Administra-
tion of oath.

4. If any person is proved by such inquiry to have been concerned in any fraudulent practice or to have been guilty of any breach of the regulations made in virtue of section thirty-one of this Act, the Board shall report the same to

Name of per-
son implicat-
ed to be re-
moved from
list.

the Secretary of State, who may thereupon cause such person's name to be removed from the list of persons who are found qualified :

Penalty for personation.

" 5. Every person who, at any examination held under this Act, personates any candidate or employs, induces or allows any person to personate him, is guilty of an offence against this Act, and is liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and, if he is employed in the Civil Service, to be dismissed therefrom :

Penalty for wrongfully receiving or furnishing examination papers.

" 6. Every person who surreptitiously procures from any printer or other person, and every person who, without authority, furnishes to any other person any examination question paper or any other paper relating to any such examination as aforesaid, is guilty of an offence against this Act, and liable, on summary conviction, to imprisonment, with or without hard labor, for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and if he is employed in the Civil Service, to be dismissed therefrom ; and no such person shall be allowed to present himself at any subsequent examination."

Section 11 amended.

3. The following sub-section is hereby added to section eleven of the said Act :—

Deputy heads.

" 2. There shall be a deputy-head for each department ; and no officer shall hereafter be raised to the rank of deputy-head except in the case of a vacancy occurring, or when a new department is created by Act of Parliament ; but nothing herein shall affect persons who have been heretofore promoted to the rank of deputy-head.

Section 24 repealed ; new section.

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

Scale of salaries.

" **24.** The salary of a clerk on appointment or promotion to any class shall begin at the minimum of such class, except in the case of third-class clerks, who may receive, in addition, fifty dollars for each optional subject (not to exceed four) in which they have passed before their appointment, and except in the case of lower grade permanent employees who, upon passing the qualifying examination, may be appointed third-class clerks, at the salary they were receiving at the time of such appointment, when such salary exceeds four hundred dollars :

Optional subjects.

" 2. The optional subjects in the next preceding sub-section mentioned shall be book-keeping, short-hand, translation and type-writing, composition in French by English candidates, composition in English by French candidates, and précis-writing."

Section 31 repealed ; new section.

5. Section thirty-one of the said Act is hereby repealed and the following substituted therefor :—

"**31.** The preliminary and qualifying examinations shall be held only once a year and during the month of November, under such regulations, not inconsistent with this Act, as are, from time to time, made by the Governor in Council and published in the English and French languages in the *Canada Gazette* :"

Holding of examination.

"**2.** Graduates of the Royal Military College, and of any University in Canada, shall be exempt from the qualifying examination."

Exemption.

6. Section thirty-two of the said Act is hereby amended by striking out the words "or in both" in the last line thereof.

Section 32 amended.

7. Section thirty-three of the said Act is hereby amended by striking out all the words after "examination" in the fourth line thereof.

Section 33 amended.

8. Sub-section two of section thirty-nine is hereby repealed and the following substituted therefor :—

Section 39 amended.

"**2.** Except as herein otherwise provided, such examination shall be held only once a year in the month of May, and shall be in such subjects as are determined, from time to time, for each department, by the Governor in Council, and in such subjects as, by report of the deputy head of the department in which the promotion is to be made, concurred in by the head of the department, are submitted to the board as best adapted to test the fitness of the candidates for the vacant office :"

Subjects for examination.

2. Sub-section four of the said section thirty-nine is hereby repealed and the following substituted therefor :—

Further amendment.

"**4.** In the case of barristers, attorneys, military or civil engineers, officers of the artillery in the militia department, and architects, draughtsmen and land surveyors, when employed or when seeking promotion in the line of their profession, and in the case of special class excisemen seeking promotion in the Department of Inland Revenue, the examination may be dispensed with on a report from the deputy head, concurred in by the head of the department, that such examination is not necessary."

Examination may be dispensed with in certain cases.

9. Sub-section one of section forty of the said Act is hereby repealed and the following substituted therefor :—

Section 40 amended.

"**40.** Once in each year, and not later than the fifteenth day of March, the deputy head of each department shall make and lay before the Board, through the Department of the Secretary of State, an estimate of the number of vacancies likely to occur therein during the ensuing year, in the first division, in the classes of—

Estimate to be prepared.

- (a.) Chief clerks ;
- (b.) First-class clerks ;
- (c.) Second-class clerks."

Section 42 amended. **10.** Section forty-two of the said Act is hereby amended by striking out all the words after "service" in the ninth line of the said section.

Section 47 amended. **11.** Sub-section two of section forty-seven is hereby repealed, and the following substituted therefor :—

Rate of remuneration. "2. The rate of remuneration to be paid for temporary service shall not exceed the minimum salary of a third-class clerk, unless the service to be performed is technical and requires special qualifications; and such temporary employment shall not be considered as giving any claim to permanent appointment."

Further amendment. 2. The said section forty-seven is hereby further amended by adding the following sub-section thereto :—

Permanent appointment of temporary clerks. "4. Temporary clerks employed continuously since the first day of July, one thousand eight hundred and eighty-two, may be appointed permanently, if otherwise qualified; at a salary equal to their average pay during the two years previous to such permanent appointment, but in no case exceeding the maximum salary of a third-class clerk."

Section 51 amended. **12.** Sub-sections one and two of section fifty-one of the said Act are hereby repealed and the following substituted therefor :—

No extra remuneration. "51. No extra salary or additional remuneration of any kind whatsoever shall be paid to any deputy-head, officer or employee in the Civil Service of Canada, or to any other person permanently employed in the public service."

Section 58 repealed. **13.** Sub-section two of section fifty-eight of the said Act is hereby repealed.

Schedule B amended. **14.** So much of schedule B of the said Act as is included under the heading "CUSTOMS" is hereby repealed and the following substituted therefor :—

"CUSTOMS.

	Scale of Salaries.
Inspectors - - - - -	salary from \$1,600 to 2,500
Collectors - - - - -	" 300 to 4,000
Surveyors - - - - -	" 1,200 to 2,500
Chief clerks - - - - -	" 1,200 to 2,000
Clerks - - - - -	" 400 to 1,200
Chief Landing Waiters - - - - -	" 800 to 1,200
Landing Waiters - - - - -	" 400 to 1,000
Gaugers - - - - -	" 600 to 1,200
Chief Lockers - - - - -	" 800 to 1,200
Lockers - - - - -	" 400 to 800
Tide Surveyors - - - - -	" 800 to 1,000
Tide Waiters - - - - -	" 400 to 600
Chief Packer - - - - -	" 500 to 600

	Scale of Salaries.
Packers - - - - salary from	\$300 to 500
Messengers - - - - "	200 to 500
Appraisers - - - - "	800 to 2,000
Assistant Appraisers - - - - "	600 to 1,500

2. So much of the said schedule B as relates to Marine Mail Clerks, and to the Department of Justice, is hereby repealed. Further amendment.

15. The provisions of "*The Civil Service Act*" so far as they render promotion in the Civil Service contingent in any degree upon examination as provided in the said Act, shall not apply to any civil servant who entered the Civil Service before the first day of July, one thousand eight hundred and eighty-two, except in so far as regards the duties of the office to which such civil servant may desire to be promoted. As to civil servants appointed before July 1, 1882.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 13.

An Act to amend Chapter sixteen of the Revised Statutes, respecting the High Commissioner for Canada in the United Kingdom.

[Assented to 22nd May, 1888.]

Preamble.

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

R.S.C., c. 16
amended.

1. The Act respecting the High Commissioner for Canada in the United Kingdom is hereby amended by adding the following sections thereto :—

Officers and
clerks may be
appointed.

“**4.** The Governor in Council may appoint such officers and clerks in the office of the High Commissioner as he deems necessary, with such grade in the Civil Service of Canada as he prescribes :

No examina-
tion.

“**2.** Such officers and clerks shall not be subject to examination under “*The Civil Service Act.*”

R.S.C., cc. 17
and 18 to ap-
ply.

“**5.** The provisions of “*The Civil Service Act*” and of “*The Civil Service Superannuation Act*” shall, subject to the foregoing provisions of this Act, apply to the officers and clerks employed in the office of the High Commissioner.”

No diminu-
tion of salary.

2. Nothing in this Act contained shall operate to diminish the salary of any officer or clerk now employed in the office of the High Commissioner.

Date of taking
effect.

3. The foregoing provisions of this Act shall be deemed to have taken effect, and to have been in force from and after the first day of July, one thousand eight hundred and eighty-seven.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 14.

An Act to amend chapter thirty-two of the Revised Statutes, respecting the Customs.

[Assented to 22nd May, 1888.]

IN amendment of "*The Customs Act*" 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 Customs Amendment Act*, Short title. 1888."

2. Section two of "*The Customs Act*" is hereby amended by inserting the following after the word "imposed" in the fifty-second line:— R.S.C., c. 32
section 2
amended.

"(n.) The expression "value" in respect of any penalty or forfeiture imposed by this Act and based upon the value of any goods or articles, means the duty-paid value of such goods or articles at the time of the commission of the offence by which such penalty or forfeiture is incurred; "Value."

"(o.) Except in section four, the expression "Commissioner of Customs" includes the Assistant Commissioner of Customs; "Commissioner of Customs."

"(p.) The expression "frontier port" means the first port at which the vehicle carrying the goods to be entered arrives by land in Canada after crossing the frontier, and the sea, lake or river port at which the vessel in which the goods are carried arrives direct from a port or place out of Canada; "Frontier port."

"(q.) The expression "court" means the Exchequer Court of Canada, or any superior court, or Court of Vice Admiralty. "Court."

3. Section four of the said Act is hereby amended by adding the following thereto as sub-section two:— Section 4
amended.

"2. There shall be a Board of Customs, which shall consist of the Commissioner of Customs, the Assistant Commissioner of Customs and the Dominion Customs Appraisers and Board of Customs.

Assistant Dominion Customs Appraisers hereinafter mentioned, and the said board shall have such powers and perform such duties, respectively, as are assigned to it by this Act, by the Governor in Council or by the Minister of Customs."

Section 8 repealed; new section.
Additional duty in cases of undervaluation.

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

"8. If in any case the true value for duty of any goods, as finally determined under this Act or as determined in any action or proceeding to recover unpaid duties, exceeds by fifteen per centum, or more, the value for duty as it appears by the bill of entry thereof, there shall be levied and collected upon the same, in addition to the *ad valorem* duty payable on such goods, when properly valued, a sum equal to the same percentage of the whole *ad valorem* duty so payable as the percentage of undervaluation in the original bill of entry; and if the owner, importer or consignee refuses or neglects to pay the said duty and additional sum within six days after notice so to do has been served upon him personally or by leaving the same at his domicile or place of business, the goods shall be seized and forfeited."

Section 9 repealed; new section.
Board of Customs may, in doubtful cases, declare the duty, or that goods are free.

5. Section nine of the said Act is hereby repealed and the following substituted therefor:—

"9. Whenever any difference arises as to whether any or what rate of duty is payable on particular goods, and there is no previous decision in the matter by any competent tribunal, or there are decisions inconsistent with each other, the Board of Customs may declare the rate of duty payable on the kind of goods in question, or that such goods are exempt from duty, subject in each case to an appeal, by any person interested, to the Governor in Council; and any decision of the Board of Customs when approved by the Minister of Customs, or any Order in Council made upon appeal, containing such declaration and fixing such rate of duty, if any, shall have the same force and effect as if such rate of duty had been fixed and declared by statute; and every Order in Council made under this section shall be published in the *Canada Gazette*."

Effect of order.

Section 12 repealed; new section.
Allowance for tare and draft.

6. Section twelve of the said Act is hereby repealed and the following substituted therefor:—

"12. Whenever duties are charged according to the weight, tale, gauge or measure, such allowances shall be made for tare and draft upon the packages as are prescribed by regulations made by the Governor in Council."

Section 19 repealed; new section.
Sale if duty is not paid with-

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

"19. If the duties on goods referred to in the next preceding section are not paid within eighteen months from

the time when the same were delivered to the proper officer, as hereinafter mentioned, the same may be sold in like manner and for the same purposes as goods imported may, in such default, be sold; and if they are sold for more than enough to pay the duty and charges thereon, the surplus shall be paid over to the person entitled to receive it.”

in eighteen months.

8. Section twenty-eight of the said Act is hereby amended by adding the following at the end thereof: “and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in detaining, keeping and selling such vessel.”

Section 28 amended.

Sale of vessel to pay penalty.

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

Section 41 repealed; new section.

“41. No entry shall, except in cases in which it is otherwise provided herein, or by regulation of the Governor in Council, be deemed perfect unless a sufficient invoice of the goods to be entered, duly certified in writing thereon as correct by the person, firm or corporation from whom the said goods were purchased, has been produced to the collector, and duly attested as required by this Act, and in the case of consigned goods, verified by the oath of the consignor.”

Entry not perfect without invoice, unless otherwise ordered by O.C.

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

Section 52 repealed; new section.

“52. The collector or appraiser shall not regard as evidence of the existence or amount of damage any price realized at an auction or forced sale of the goods,—nor shall he estimate nor shall any damage be allowed which has originated from decay, dampness or other cause existing before the voyage commenced and which has rendered the goods unfit to withstand the ordinary risks of the voyage of importation,—nor shall he estimate nor shall any allowance be made for or duty refunded for rust on iron or steel or any manufacture thereof, except manufactured articles composed in whole or in part of polished steel, and on polished Russia iron and Canada plates, and on such only to the extent of fifty per cent.,—nor shall any allowance be made for stains or injury to any packages holding liquids, or the labels thereon, unless the contents of such packages have, at the same time, received actual specific damage by the admixture therewith of water or other foreign substance,—nor shall any allowance be made for damage to sugar or any other saccharine product on which the duty is to be computed according to the polariscopic test; but the Minister of Customs may make a deduction from the percentage of saccharine matter shown by the polariscope to be contained in such sugar or other saccharine product, whenever the same has been damaged by salt water during the voyage of importation,

Evidence of, and allowance for damage.

As to sugar.

importation, equal to five times the percentage of salt actually present in the excess of water found in such damaged sugar or other saccharine product, over and above that found in samples of the same which have not been so damaged, as established by a certificate from the Customs experts employed by him to make such test."

Section 54 repealed; new section.

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

Return of goods lost before : n

"**54.** Whenever any vessel has reported at the custom house at any port in Canada, on board of which there are any goods on which any duty has been levied or collected or on which any duty has been deposited, and thereafter the said goods are lost or destroyed before the same are landed from such vessel, or from any vessel or craft employed to lighten such vessel,—then, on proof being made on the oath of one or more credible witness or witnesses, before and to the satisfaction of the collector or proper officer of the Customs at the place, who shall administer the oath, that such goods, or any part thereof, specifying the same, have been so lost or destroyed before the landing of the same, the duties on the whole or the part thereof so proved to be lost or destroyed shall, if the same have been paid or deposited, be returned to the owner or his agent."

On what conditions.

Section 56 repealed; new section.

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

Appointment of appraisers and assistant appraisers.

"**56.** The Governor in Council may appoint appraisers to be called Dominion Customs appraisers and assistant Dominion Customs appraisers with jurisdiction at all ports and places in Canada; and may also appoint Customs appraisers and assistant Customs appraisers with jurisdiction at such ports and places in Canada as are designated in the Order in Council in that behalf; and every such appraiser and assistant appraiser shall, before acting as such, take and subscribe the following oath of office before any collector or other person duly authorized to administer such oath:—

To be sworn.

Form of oath of office.

"I, A. B., having been appointed an appraiser of goods, wares and merchandise, and to act as such at the port of
 " (or as the case may be) do solemnly
 " swear (or affirm) that I will faithfully perform the duties
 " of the said office without partiality, fear, favor or affection,
 " and that I will appraise the value of all goods submitted
 " to my appraisement, according to the true intent and
 " meaning of the laws imposing duties of Customs in
 " Canada; and that I will use my best endeavors to prevent
 " all fraud, subterfuge or evasion of the said laws, and
 " more especially to detect, expose and frustrate all attempts

“ to undervalue any goods, wares or merchandise on which
 “ any duty is chargeable. So help me God.

“ A. B.,

“ Appraiser for

(as the case may be).

“ Sworn before me, this _____ day of _____

“ 18 .
 (as the case may be.)”

13. Sub-section two of section sixty-one of the said Act is hereby repealed and the following substituted therefor:—

Section 61 amended.

“ 2. When parts of any manufactured article are imported into Canada, each such part shall be charged with the same rate of duty as the finished article, on a proportionate valuation, and when the duty chargeable thereon is specific, or specific and *ad valorem*, an average rate of *ad valorem* duty, equal to the specific or specific and *ad valorem* duty so chargeable, shall be ascertained and charged upon such parts of the manufactured article.”

Duty on articles imported in parts.

14. Section sixty-four of the said Act is hereby repealed and the following substituted therefor:—

Section 64 repealed; new section

“ **64.** The fair market value of goods shall be taken to include the amount of any drawback which has been allowed by the Government of any other country; and in cases where the amount of such drawback has been deducted from the value of such goods, upon the face of the invoice, under which entry is to be made, or is not shown thereupon, the Collector of Customs or proper officer, shall add the amount of such deduction or drawback, and collect, and cause to be paid the lawful duty thereon.”

Value to include drawback in another country.

15. The following is hereby added to section sixty-five of the said Act as sub-section two:—

Section 65 amended.

“ 2. Whenever goods are imported into Canada under such circumstances or conditions as to render it difficult to determine the value thereof for duty, either because such goods are not sold for use or consumption in the country of production,—or because a lease of such goods or the right of using the same is sold or given, but not the right of property therein,—or because such goods having a royalty imposed thereon, the royalty is uncertain or is not from other causes a reliable means of estimating the value of the goods,—or because such goods are usually or exclusively sold by or to agents or by subscription, or are sold or imported in or under any other unusual or peculiar manner or conditions,—of all which matters the Minister of Customs shall be sole judge,—the Minister of Customs may determine the value for duty of such goods; and the value so determined shall, until otherwise provided, be the value upon which the duty on such goods shall be computed and levied.”

Minister of Customs may fix value in certain cases

Section 74 repealed ; new section.

Importer, &c., dissatisfied may appeal in certain cases.

Revision of appraisement.

Application of decision.

Persons acting as appraisers to be sworn.

Sections 78, 79 and 80 repealed ; new sections.

Goods may be entered for exportation or warehoused without payment of duty.

Penalty of double duty for infringement of Act.

16. Section seventy-four of the said Act is hereby repealed, and the following substituted therefor :—

“**74.** Except as herein otherwise provided, if the importer, owner, consignee or agent, having complied with the requirements of this Act, is dissatisfied with the appraisement made by the appraiser, hereinbefore mentioned, of any such goods, he may, within three days, give notice in writing to the collector, of such dissatisfaction ; on the receipt of which notice the collector shall at once notify such importer, owner, consignee or agent, to select one disinterested and experienced person familiar with the character and value of the goods in question, and shall select a second person of similar knowledge, and notify such importer, owner, consignee or agent of such appointment :

“**2.** The persons so selected, together with a third selected by the Minister of Customs from among the members of the Board of Customs, shall examine and appraise the goods in accordance with the provisions of this Act, and the decision of such persons, or of a majority of them if they are not unanimous, shall be reported to the collector and shall be final and conclusive, and the duty shall be levied and collected accordingly :

“**3.** Such decision shall in no way apply to any case, except that submitted for the consideration of such appraisers :

“**4.** Every person who acts as an appraiser under this section, except a member of the Board of Customs selected by the Minister of Customs as aforesaid, shall take an oath before a collector of customs or a justice of the peace to act without fear, favor or partiality, and to appraise the goods with reference to which he is called on to act, in accordance with the laws imposing duties of Customs in Canada.”

17. Sections seventy-eight, seventy-nine and eighty of the said Act are hereby repealed and the following substituted therefor :—

“**78.** The importer of any goods imported into Canada may, subject to such rules and regulations as are, from time to time, prescribed by the Governor in Council in that behalf, enter the goods for exportation or for warehouse, and shall, by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the performance of all of the requirements of this Act, and of such rules and regulations with regard to such exportation or warehousing, under a penalty equal to double the amount of the duty to which such goods are at the time subject,—which penalty shall accrue on the commission of any act contrary to this Act or to any rule or regulation, or on the omission to perform any act required in respect to such goods by this Act or by such rules or regulations, in addition to any other penalties and forfeitures provided for by this Act ; and in the case of any goods so entered for

exportation or for warehouse, the above liability shall attach until such exportation is completed, or while such goods remain in warehouse. If they are unlawfully taken from such warehouse, wherever or in whosoever possession found, the same shall be seized and detained until the Customs claim for the payment of such double duty has been liquidated,—which claim shall have precedence over the claims of all other persons thereon, of whatever nature, and may be enforced by sale or other proceedings.”

Penalty for unlawful removal.

“79. The owner of any warehoused goods may remove the goods, under the authority of the collector or other proper officer, from any warehousing port to any other warehousing port in Canada, or from one warehouse to another in the same port, upon passing a removal entry thereof in the usual form, and shall, by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the performance of all the requirements of this Act and of any rules and regulations made under the authority of this Act in respect to such removals, under a penalty equal to double the amount of the duty to which such goods are subject under the tariff in force at the time,—which penalty shall accrue on the commission of any act contrary to this Act or to any such rules or regulations, or on the omission to perform any act required to be performed in respect to such goods, in addition to any other penalties and forfeitures provided for by this Act. To any goods so entered for removal there shall, until such removal is completed or while in warehouse, or if unlawfully taken from warehouse, wherever or in whosoever possession found, attach the Customs claim for the payment of such double duty,—which claim shall have precedence of the claims of all other persons thereon, of whatever nature, and may be enforced by sale or other proceedings.”

Warehoused goods may be removed in bond.

Penalty of double duty for infringement of Act.

Enforcement of payment.

“80. Upon the entry at any frontier Customs port, under the authority and with the sanction of the Collector or other proper officer of Customs at such port and subject to such rules and regulations as are or may be made in that behalf under the authority of this Act, the importer may pass the goods on to any Customs port in any other part of Canada, or in transit through Canada by way of any Customs port of exit in Canada, and he shall, by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the performance of all the requirements of this Act, and of any rules and regulations, under a penalty equal to double the amount of the duty to which such goods are at the time subject,—which penalty shall accrue on the commission of any act contrary to this Act or to any rules or regulations, or on the omission to perform any act required to be performed in respect to such goods,—in addition to any other penalties and forfeitures provided for by this Act, irrespective of the

Goods may be passed in bond from port of entry to another port or in transit through Canada.

Penalty of double duty for infringement of Act.

Enforcement
of payment.

liability of the carrier under any bond or otherwise. To any goods so entered for transportation there shall, until such transportation is completed, or while such goods are in Canada, or upon such goods being diverted from the designated route of transportation or transit, wherever or in whosoever possession found, attach the Customs claim for the payment of such double duty,—which claim shall have precedence of the claims of all other persons thereon, of whatever nature, and may be enforced by sale or other proceedings.”

Section 82 re-
pealed; new
section.
Effect of legal
transfer.

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

“**82.** Upon any transfer of goods in warehouse being lawfully effected as before provided, the new owner or transferee of any such goods shall, by the act of accepting such transfer, become thereafter subject to all the conditions, liabilities and penalties to which the person making the transfer was theretofore liable in respect to such goods, and shall be bound to the performance of all the requirements of this Act, or of any rules or regulations respecting the warehousing of goods; and to the goods there shall continue to attach the Customs claim for the payment of the double duty provided for by section seventy-eight of this Act,—which said claim shall continue to have precedence of the claims of all other persons thereon, of whatever nature, and may be so enforced as aforesaid.”

Section 86 re-
pealed; new
section.
Unshipping
and landing
goods.

19. Section eighty-six of the said Act is hereby repealed and the following substituted therefor:—

“**86.** The unshipping, carrying and landing of all goods, and the taking of the same to and from a Customs warehouse or proper place after landing, shall be done in such manner, and at such places, as is appointed by the collector or other proper officer of Customs, and the collector or other proper officer of Customs shall, at all times, have free access to any warehouse wherein are stored goods subject to duty.

Access by
officers.

No lock or other fastening placed upon any such warehouse or upon, on or in any premises necessary to be passed through in order to obtain access to such warehouse shall constitute a bar to the entrance of such collector or other proper officer of Customs in the performance of his duty.”

Section 97 re-
pealed; new
section.
Entry of ves-
sel outwards.

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

“**97.** The master of every vessel bound outwards from any port in Canada to any port or place out of Canada, or on any voyage to any place within or without the limits of Canada, coastwise or by inland navigation, shall deliver to the collector or other proper officer a report outwards under his hand, of the destination of such vessel, stating her name, country and tonnage, the port of registry, the name of the

Particulars of
entry.

master, the country of the owners and the number of the crew; and before any goods or ballast are taken on board such vessel the master shall show that all goods therein imported, except such as were reported for exportation in the same vessel, have been duly entered; except that the proper officer may issue a stiffening order that such goods or ballast as are specified therein may be laden before the former cargo is discharged: and before such vessel departs, the master shall bring and deliver to the collector or other proper officer, a content in writing under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him."

Proof that goods imported have been discharged.

Stiffening order.

Content to be delivered.

Particulars and declaration.

21. Section ninety-nine of the said Act is hereby amended by adding the following at the end thereof:—

Section 99 amended.

"And unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling such vessel."

Sale of vessel.

22. Sections one hundred and two, one hundred and three and one hundred and four of the said Act are hereby repealed and the following substituted therefor:—

Sections 102, 103 and 104 repealed; new sections.

"**102.** All goods or merchandise exported by sea, by land or by inland navigation, shall be reported and entered outwards at the nearest Custom house, and a certified copy of the export entry shall be attached to and accompany the way bill of goods; or, if exported from any place where no Custom house is established, they shall be reported either in like manner at such nearest Custom house or at the port of exit from Canada, according to such regulations as are established by the Governor in Council from time to time."

Export entry.

"**103.** Upon the entry outwards of any goods to be exported from a Customs warehouse, either by sea or by land, or by inland navigation, as the case may be, the person entering the same for such purpose shall by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound, when the entry aforesaid is for exportation by sea, to the actual exportation thereof, and when the entry aforesaid is for exportation by land or inland navigation, to the actual landing or delivering at the place for which they are entered outwards, or in either case to the otherwise accounting for the same to the satisfaction of the collector or other proper officer of Customs, and to the production within a period to be named in such entry of such proof or certificate that such goods have been so exported, landed or delivered, or otherwise lawfully disposed of, as the case may be, as shall be re-

Exportation of goods from warehouse.

Penalty of double duty for contravening conditions, or re-landing goods, &c.

quired by any regulation of the Governor in Council, or by the collector or other proper officer of Customs,—and shall by and upon the making of such entry become thereby holden to the payment of a sum equal to double the duties of importation on such goods in case of the non-performance of the obligation to so export, land or deliver, and to produce such proof thereof as is hereinabove provided; and if any such goods are not exported, landed or delivered, or otherwise lawfully disposed of, or are fraudulently re-landed in or brought into Canada in violation of the Customs law and regulations, they shall be seized and forfeited, together with any vessel or vehicle from or in which they have been so landed or brought into Canada, or in which they may be found; and the person entering the same for exportation shall, whether such goods were seized or not, thereupon be held to the payment of such double duty in addition to any other penalties or forfeitures to which he may be liable under this Act,—which payment may be thereupon enforced.”

Upon what evidence liability for double duty on exports ceases.

“**104.** If, within the period appointed in the entry for exportation, as provided for in the next preceding section of this Act, there is produced to the collector or other proper officer of Customs the written certificate of some principal officer of Customs or of Colonial Revenue at the place to which the goods were exported, or if such place is in a foreign country, of any proper officer of Customs therein or of any British or foreign Consul or Vice-Consul resident there, showing that the goods named in the said entry were actually landed and left at some place, naming it, out of Canada, as provided for in the said entry, or if it is proved to the satisfaction of the collector or other proper officer of Customs that the said goods were, after leaving Canada, lost and destroyed, the obligation of the person making such export entry to the payment of the double duty on such goods shall terminate and he shall thereby be released from such obligation.”

Sections 115, 116 and 117 repealed; new sections. Vessel forfeited, &c., in certain cases, if worth less than \$800.

23. Sections one hundred and fifteen, one hundred and sixteen and one hundred and seventeen of the said Act are hereby repealed and the following substituted therefor:—

“**115.** If any vessel enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof, except those of an innocent owner, shall be seized and forfeited, and the vessel, if of less value than eight hundred dollars, may be seized; and the master or person in charge thereof shall incur a penalty not exceeding four hundred dollars, and the vessel may be detained until such penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in making the seizure and in the safe keeping and sale of such vessel.”

Sale of vessel.

"**116.** If any vessel worth more than eight hundred dollars enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof, except those of an innocent owner, shall be seized and forfeited, and the vessel may be seized; and the master or person in charge thereof shall incur a penalty of eight hundred dollars; and the vessel may be detained until such penalty is paid, and, unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in making the seizure and in the safe keeping and sale of such vessel."

If vessel is worth more than \$800.

Sale of vessel

"**117.** If any goods are unlawfully imported on the person or as luggage or among the luggage of any one arriving in Canada on foot or otherwise, such goods shall be seized and forfeited."

Goods unlawfully imported by land.

24. Sections one hundred and twenty-four and one hundred and twenty-five of the said Act are hereby repealed and the following substituted therefor:—

Sections 124 and 125 repealed; new sections.

"**124.** All the packages mentioned in any one entry, although some of such packages have been delivered to the importer, or some one on his behalf, shall be subject to the control of the Customs authorities of the port at which they are entered, until such of the packages as have been sent to the examining warehouse for examination have been duly opened and the contents examined and approved; and the packages so delivered shall not be opened or unpacked before the goods contained in the package or packages sent to the examining warehouse have been examined and passed as aforesaid, under a penalty equal to the value of the contents of the packages so delivered or the seizure and forfeiture of the goods: Provided always, that this prohibition shall not extend beyond a period of three days after the goods designated for examination have been actually delivered at the examining warehouse.

As to packages delivered to importer before examination.

Penalty.

Proviso: as to time.

"**125.** Any package delivered without examination, or the goods, if lawfully unpacked, shall, if required by the collector of Customs of the port at which they are entered, be returned to the Customs or examining warehouse within ten days of delivery under a penalty equal to the value thereof; and the collector shall use due diligence in causing a proper examination thereof to be made, and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as the contents of those sent to the Customs or examining warehouse have been examined and approved."

Return of packages and provision for avoiding delay.

25. Section one hundred and thirty-three of the said Act is hereby repealed and the following substituted therefor:—

"**133.** Every officer and person who is employed under the authority of any Act relating to the collection of the revenue,

Section 133 repealed; new section. Certain officers to be deemed em-

ployed for prevention of smuggling, &c.

enue, or under the direction of any officer of Customs shall be deemed and taken to be duly employed for the prevention of smuggling and for the enforcement of this Act in every respect, whether such officer or person is or is not the holder of a writ of assistance; and in any suit or information, the averment that such person was so duly employed shall be *prima facie* proof thereof."

Section 137 repealed; new section.

26. Section one hundred and thirty-seven of the said Act is hereby repealed and the following substituted therefor:—

Power to enter buildings, &c., in the day time.

"**137.** Any officer of Customs having first made oath before a justice of the peace that he has reasonable cause to suspect that goods liable to forfeiture are in any particular building, or in any yard or other place, open or inclosed, may, with such assistance as is necessary, enter therein at any time between sunrise and sunset; but if the doors are fastened admission shall be first demanded, and the purpose for which entry is required declared, when, if admission is not given, he may forcibly enter; and after in either case entry is made, the officer may search the premises and seize all goods which he has reasonable grounds to believe are subject to forfeiture; and such acts may be done by an officer of Customs without oath or the assistance of a justice of the peace, in places where no justice of the peace resides, or where no justice of the peace can be found within five miles at the time of search."

Without application to a justice of the peace in certain cases.

Section 139 amended.

27. Sub-section two of section one hundred and thirty-nine of the said Act is hereby repealed and the following substituted therefor:—

Penalty if concealed goods are found on board vessel.

"2. If any goods are found concealed on board they shall be seized and forfeited, and if any mark, lock or seal upon any goods on board is wilfully altered, opened or broken before the delivery of the goods, or if any goods are secretly conveyed away, or if hatchways fastened down by the officer are opened by the master, or with his assent, the master shall incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid, or satisfactory security is given for the payment thereof; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling the same."

Section 141 amended.

28. Sub-section two of section one hundred and forty-one of the said Act is hereby repealed and the following substituted therefor:—

As to district of Keewatin.

"2. For the purposes of this section, any judge of the Court of Queen's Bench, in the Province of Manitoba, shall have jurisdiction over the district of Keewatin, and shall grant a writ of assistance for use therein, in like manner

and with like effect as he might grant such writ for use in the Province of Manitoba."

29. Section one hundred and forty-three of the said Act is hereby repealed and the following substituted therefor:—

"**143.** Under the authority of a writ of assistance any officer of the Customs, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, may enter, at any time in the day or night, into any building or other place within the jurisdiction of the court from which such writ issues, and may search for and seize and secure any goods which he has reasonable grounds to believe are liable to forfeiture under this Act, and in case of necessity may break open any doors and any chests or other packages for that purpose."

Section 143
repealed;
new section.
Searching for
smuggled
goods.

30. Section one hundred and forty-five of the said Act is hereby repealed and the following substituted therefor:—

"**145.** No action, suit or proceeding shall be commenced, and no writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling for anything done in the exercise of his office, or against any person in possession of goods under authority of any officer of the Customs, so long as any proceeding for the enforcement of this Act in relation to the matter forming the ground of such action, suit, proceeding, writ or process, is pending, nor until one month after notice in writing has been delivered to him, or left at his usual place of abode, by the attorney or agent of the person who intends to sue out such writ or process:

Section 145
repealed;
new section.
Action for
things done
under this
Act, &c.

Notice there-
of.

"2. In such notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall be produced except of such as is contained in such notice, and no verdict or judgment shall be given for the plaintiff, unless he proves on the trial that such notice was given; and in default of such proof, the defendant shall receive a verdict or judgment and costs."

What the
notice shall
contain.

Evidence on
trial.

31. Section one hundred and forty-eight of the said Act is hereby amended by adding the following sub-sections thereto:—

Section 148
amended.

"2. No action, suit or proceeding shall be commenced against the Crown or against any officer of Customs or person employed for the prevention of smuggling, or against any person in possession of goods under authority of an officer of Customs, for the recovery of the thing seized, until a decision has been first given either by the Minister of Customs or by a court of competent jurisdiction in relation to the condemnation of the thing seized:

When action
for recovery
of thing seized
may be
commenced.

Limitation. “3. Every such action, suit or proceeding shall be brought within three months after such decision has been given.”

Section 149 repealed ; new section. Report inwards or outwards may be made by purser of steamer.

32. Section one hundred and forty-nine of the said Act is hereby repealed and the following substituted therefor :—

But master may be called to answer questions.

“**149.** The report, inwards or outwards, required by this Act, may, in the case of any steam vessel carrying a purser, be made by such purser with the like effect in all respects, and subject to the like penalty on the purser and on the vessel, and the like forfeiture of the goods in case of any untrue report, as if the report was made by the master ; - and the word “master,” for the purposes of this section, shall be construed as including the purser of any steam vessel ; but nothing herein contained shall preclude the collector or other proper officer of Customs from calling upon the master of any steam vessel to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him if the report had been made by him, or to exempt the master or the vessel from the penalties imposed by this Act for failure to answer any such question, or for answering untruly, or to prevent the master from making such report if he sees fit so to do.”

Section 153 repealed ; new section. Who may administer oaths.

33. Section one hundred and fifty-three of the said Act is hereby repealed and the following substituted therefor :—

Power of Governor in Council in relation to oaths.

“**153.** The Commissioner of Customs or other person acting as deputy head of the department, and all officers holding, under Order in Council, the rank of chief clerk of the inside service in the said department, and all duly appointed Inspectors of Customs ports, shall, by virtue of their office, have full authority to administer all oaths and receive all affirmations and declarations required or authorized by this Act, and also to administer all oaths of allegiance and of office required by “*The Civil Service Act*” to be taken by Customs officers ; and the Governor in Council may, from time to time, by regulation, appoint or designate such other and additional persons, officers or functionaries, as he sees fit, by name, or by their name of office, in Canada or out of it, as those before whom such oaths may be validly taken, and may, by any Order in Council, relax or dispense with the provisions of this Act touching oaths, affirmations and declarations required or authorized by this Act, with regard to goods imported by land or inland navigation, or to any other class of cases designated in such regulation.”

Sections 180 to 187 repealed ; new sections.

Action of minister.

34. Sections one hundred and eighty to one hundred and eighty-seven, both inclusive, of the said Act are hereby repealed and the following substituted therefor :—

“**180.** The Minister may thereupon either give his decision in the matter respecting the seizure, detention, penalty or forfeiture, and the terms, if any, upon which the thing

seized or detained may be released or the penalty or forfeiture remitted, or may refer the same to the court for decision."

"**181.** If the owner or claimant of the thing seized or detained or the person alleged to have incurred the penalty does not, within thirty days after being notified of the Minister's decision, give him notice in writing that such decision will not be accepted, the decision shall be final."

Minister's decision final in default of notice.

"**182.** If the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, within thirty days after being notified of the Minister's decision, gives him notice in writing that such decision will not be accepted, the Minister may refer the matter to the court."

Reference to the court.

"**183.** On any reference of any matter by the Minister to the court—the court shall hear and consider such matter upon the papers and evidence referred and upon any further evidence which the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, or the Crown, produces, under the direction of the court, and shall decide according to the right of the matter; and judgment may be entered upon any such decision, and the same shall be enforceable and enforced in like manner as other judgments of the court."

Proceedings in court.

"**184.** The service of notice to produce evidence referred to in section one hundred and seventy-eight, and of the Minister's decision referred to in sections one hundred and eighty-one and one hundred and eighty-two, shall be sufficient if it is effected by sending such notice by mail in a registered letter addressed to the owner or claimant at his address, as stated in the report of the seizure; and the thirty days mentioned in the two sections last cited shall be computed from the date of the mailing of such notification."

Service of notice.

"**185.** Whenever information has been given under oath to any officer of customs that goods or things have been unlawfully imported or entered, or whenever any goods have been seized or detained under any of the provisions of this Act, or of any law relating to the Customs, the importer or exporter thereof, or the owner or claimant thereof, shall immediately upon being required so to do by a collector or other proper officer of Customs, produce and hand over all invoices, bills, accounts and statements of the goods so imported, entered, seized or detained, and of all other goods imported into Canada by him at any time within six years preceding such request, seizure or detention; and shall also produce for the inspection of such collector or other officer, and allow him to make copies of, or extracts from, all books of account, ledgers, day-books, cash-books, letter-books, invoice-books, or other books wherein any entry or memorandum appears respecting the purchase, importation, cost, value or payment of the goods so seized or detained, and of all other goods as aforesaid."

Production of books and papers in case of seizure of goods, &c.

Copies or extracts may be made.

Penalty for withholding such books or papers.

“**186.** If any person required under the next preceding section to produce and hand over invoices, bills, accounts and statements, or to produce for inspection books of account, ledgers, day-books, cash-books, letter-books, invoice-books and other books, or to allow copies or extracts to be made therefrom, neglects or refuses so to do, he shall incur a penalty not exceeding five thousand dollars :

In such case allegations to be deemed proved in case of non-production.

“2. Whenever any suit is instituted under the provisions of this Act or an order of the court is obtained, all invoices, accounts, books and papers relating to any imported goods, to which such suit or order relates, shall be produced in court or to any person whom the court directs, and if the same are not so produced within such time as the court prescribes, the allegations on the part of the Crown shall be deemed to be proved, and judgment shall be given as in a case by default ; but this provision shall not relieve the person disobeying any such order from any other penalty or punishment which he may have incurred by disobedience of any such order.”

Release of things seized on deposit of a sum equal to value and costs.

“**187.** Any collector or other proper officer of customs may, as may also the court with the consent of the collector or other proper officer of customs at the place where the things seized are, order the delivery thereof to the owner, on the deposit with the collector or other proper officer of customs, in money, of a sum equal at least to the full duty-paid value (to be determined by the collector or other proper officer of customs) of the things seized and the estimated costs of the proceedings in the case ; and any collector or other proper officer of customs may receive from any person charged with any contravention of this Act, although no seizure of goods has taken place, a sum in money equal to the full amount of the penalty or forfeiture to which he may be liable for such contravention (to be determined by the collector or other proper officer of customs) together with the estimated costs of the proceedings in the case :

Amount of penalty may be deposited.

“2. Any sum or sums of money so deposited shall be immediately deposited in some bank appointed for that purpose by competent authority, to the credit of the Minister of Finance and Receiver General, there to remain until forfeited in due course of law or released by order of the Minister of Customs ; and if such seized articles are condemned, or such penalty or forfeiture accrues to the Crown, either by suit in a court or by a decision of the Minister of Customs under this Act, the money deposited shall be forfeited.”

Disposal of such sum.

Its forfeiture.

Section 192 repealed ; new section.

35. Section one hundred and ninety-two of the said Act is hereby repealed and the following substituted therefor :—

Penalty and forfeiture for smuggling, using false invoices, &c.

“**192.** If any person smuggles or clandestinely introduces into Canada any goods subject to duty, or makes out or passes or attempts to pass through the Custom house any

false, forged or fraudulent invoice, or in any way attempts to defraud the revenue by evading the payment of the duty, or of any part of the duty on any goods, such goods, if found, may be seized and forfeited; or if not found, but the value thereof has been ascertained, the person so offending shall forfeit the value thereof as so ascertained; and every such person, his aiders and abettors shall, in addition to any other penalty to which he and they are subject for such offence, forfeit a sum equal to the value of such goods,—which sum may be recovered in any court of competent jurisdiction,—and shall further be liable on summary conviction before two justices of the peace, or any other magistrate having the powers of two justices of the peace, to a penalty not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding one year, and not less than one month, or to both fine and imprisonment.”

Additional penalty.

36. Section one hundred and ninety-three of the said Act is hereby repealed and the following substituted therefor :—

Section 193 repealed; new section.

“**193.** If any goods are unladen from any vessel or vehicle or put out of the custody of the master or person in charge of the same, before report is made as required by this Act, or if such master or person fails to make such report, or to produce such goods, or makes an untrue report or does not truly answer the questions demanded of him, he shall for each such offence incur a penalty of four hundred dollars; and if any such goods are not so reported and produced, or if the marks and numbers or other description of any package do not agree with the report made, such goods or package shall be seized and forfeited, and the vessel or vehicle and the animals drawing the same shall be detained until such amount is paid; and unless payment is made within thirty days, such vessel or vehicle and any animals drawing the same may, after the expiration of such delay, be sold to pay such penalty.”

Penalty for not reporting goods.

Forfeiture of goods and detention of vessel or vehicle.

37. Section one hundred and ninety-five of the said Act is hereby repealed and the following substituted therefor :—

Section 195 repealed; new section.

“**195.** All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation made by the Governor in Council, and all goods or vehicles and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulation have not been complied with, shall be forfeited and may be seized; and if such vessel is of or over the value of four hundred dollars, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty

Penalties and forfeitures for contravention of regulations.

Recovery. and any expenses incurred in making the seizure and keeping and selling such vessel ; and any such forfeitures and penalties shall be recoverable and may be enforced in the same manner, and before the same court and tribunal, as if incurred by the violation of any provision of this Act."

Section 197 repealed ; new section.

38. Section one hundred and ninety-seven of the said Act is hereby repealed and the following substituted therefor :—

Forfeiture of smuggled goods.

"**197.** If any person knowingly harbors, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into Canada, (whether such goods are dutiable or not,) or whereon the duties lawfully payable have not been paid,—such goods, if found, shall be forfeited and may be seized. If such goods are not found, the person so offending shall forfeit the value thereof ; and every such person, his aiders and abettors shall, in addition to any other penalty, forfeit a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction, and shall further be liable, on summary conviction before two justices of the peace or any magistrate having the powers of two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment."

Penalty if goods are not found.

Sections 201 and 202 repealed ; new sections.

39. Sections two hundred and one and two hundred and two of the said Act are hereby repealed and the following substituted therefor :—

Person making or authorizing false invoice not to recover any part or price of goods.

"**201.** If any person makes, or sends, or brings into Canada, or causes or authorizes the making, sending or bringing into Canada, any invoice or paper, used or intended to be used as an invoice for Customs purposes, in which any goods are entered or charged at a less price or value than that actually charged, or intended to be charged for them, or in which the goods are falsely described, no sum of money shall be recoverable by such person, his assigns or representatives, for the price of such goods or any part thereof, or on any bill of exchange, note or other security, unless in the hands of an innocent holder for value without notice, made, given or executed for the price of such goods or any part of such price."

What shall be evidence of fraud.

"**202.** The production or proof of the existence of any other invoice, account, document or paper made or sent by any person, or by his authority, wherein goods or any of them are charged or entered at or mentioned as bearing a greater price than that set upon them in any such invoice as in the next preceding section mentioned or in which the goods are falsely described, shall be *prima facie* evidence that such invoice was intended to be fraudulently used for Customs purposes ; but such intention, or the actual fraud-

dule use of such invoice, may be proved by any other legal evidence."

40. Section two hundred and four of the said Act is hereby repealed and the following substituted therefor:—

"**204.** If any entry passed at any Custom house is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be forfeited."

Section 204
repealed;
new section.

Forfeiture of
goods falsely
entered.

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

Section 222
repealed;
new section.

"**222.** All penalties and forfeitures incurred under this Act or any other law relating to the Customs or to trade or navigation, may, in addition to any other remedy provided by this Act or by law, be prosecuted, sued for and recovered with full costs of suit, in the Exchequer Court of Canada or in any superior court or Court of Vice-Admiralty, having jurisdiction in that Province in Canada where the cause of prosecution arises, or wherein the defendant is served with process; and if the amount of any such penalty or forfeiture does not exceed two hundred dollars, the same may also be prosecuted, sued for and recovered in any court having jurisdiction to that amount in the place where the cause of prosecution arises, or where the defendant is served with process.

In what
courts pen-
alties and for-
feitures are
recoverable.

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

Section 228
repealed;
new section.

"**228.** In any declaration, information, statement of claim or proceeding in any such prosecution or suit, it shall be sufficient to state the penalty or forfeiture incurred, and the Act and section of the Act, or the rule or regulation under which it is alleged to have been incurred, without further particulars; and the averment that the person seizing or suing was and is an officer of the Customs, shall be sufficient *prima facie* evidence of the fact alleged; and no person shall be disqualified as a witness by reason of interest."

What shall be
sufficient
averment.

43. Section two hundred and thirty-three of the said Act is hereby repealed and the following substituted therefor:—

Section 233
repealed;
new section.

"**233.** If any prosecution or suit is brought for any penalty or forfeiture under this Act or any other law relating to the Customs or to trade or navigation, and any question arises as to the identity or origin of the goods seized, or as to the payment of the duties on any goods, or as to the lawful importation thereof, or as to the lawful lading or exportation

Burden of
proof on
owner or
claimant of
goods.

exportation of the same, or as to the doing or omission of any other thing by which such penalty or forfeiture would be incurred or avoided,—the burden of proof shall lie on the owner or claimant of the goods, and not on the Crown, or on the person bringing such prosecution or suit.”

Section 236 repealed ; new section. What shall be deemed a commencement of suit.

44. Section two hundred and thirty-six of the said Act is hereby repealed and the following substituted therefor:—
“236. Whenever, under any provision of this Act, any penalty may be recovered or any forfeiture may be enforced by action, suit or proceeding, the seizure by an officer of Customs or person acting in his aid of the goods in respect of which the penalty has been incurred or the forfeiture has accrued, shall be deemed to be a commencement of such action, suit or proceeding.”

Section 240 repealed ; new section. Limitation of time for bringing suits.

45. Section two hundred and forty of the said Act is hereby repealed and the following substituted therefor:—
“240. All seizures, prosecutions or suits for the recovery or enforcement of any of the penalties or forfeitures imposed by this Act, or any other law relating to the Customs, may be made or commenced at any time within three years after the offence was committed, or the cause of prosecution or suit arose, but not afterwards.”

Section 245 amended.

46. Section two hundred and forty-five of the said Act is hereby amended by striking out the paragraph thereof lettered (b), and substituting the following therefor:—

As to tare.

(b) “For regulating and declaring what allowances shall be made for tare on the gross weight of goods.”

Section 246 repealed ; new section. Regulations as to passing of goods through Canadian canals, &c.

47. Section two hundred and forty-six of the said Act is hereby repealed and the following substituted therefor:—
“246. The Governor in Council may, from time to time, and as occasion requires, make such regulations as to him seem meet, with respect to goods conveyed directly through the Canadian canals or otherwise by land or inland navigation, or in or on railway cars, from one part of the frontier line between Canada and the United States to another, without any intention of unloading such goods in Canada ; and he may cause such bonds or security to be given, or such precautions to be taken at the expense of the importer, whether by placing officers of the Customs on board any such vessel, railway car or carriage, or otherwise, as to him seem meet ; and on the refusal of the importer to comply with the regulations so made, the duty on the goods so imported shall forthwith become payable :

Security.

Regulations as to travellers.

“2. The Minister of Customs may, from time to time, and as occasion requires, make such regulations as to him seem meet, with respect to travellers passing through a portion of Canada, or coming into it with their carriages, horses or other cattle drawing the

same, and personal baggage, with the intention of forthwith returning to the United States, or having gone to the United States from Canada, returning to it with such articles, and may direct under what circumstances duty shall or shall not be paid, and on what conditions it shall be remitted or returned. Every animal or vehicle and goods of any kind, brought into Canada by any traveller, and which have been exempted from duty under such regulations or otherwise, may, if sold or offered for sale in Canada, without payment of the duties thereon, be seized and forfeited, together with the harness or tackle employed therewith or in the conveyance thereof." Forfeiture for sale of animals, &c., without payment of duty.

48. The said Act is hereby further amended by adding the following thereto as section two hundred and fifty-five:— New section added.

"**255.** The surplus, if any, of the proceeds of the sale of any vessel sold for any penalty over and above the amount of the penalty, and expenses incurred, shall be paid to the owner of the vessel so sold, or to his lawful agent or other persons entitled thereto." Disposal of proceeds of sale of vessel.

49. Sections seventy, ninety-two, one hundred and twenty-six, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, two hundred and ten, two hundred and eighteen, and two hundred and thirty-seven of the said Act are hereby repealed. Certain other sections repealed.

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51 VICTORIA.

CHAP. 15.

An Act to amend chapter thirty-three of the Revised Statutes of Canada, respecting the duties of Customs.

[Assented to 22nd May, 1883.]

Preamble.
R.S.C., c. 33.

IN further amendment of the Act respecting the duties of Customs, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain export duties may be reduced or removed.

1. The Governor General may, by proclamation, whenever it appears to his satisfaction to be desirable in the public interest so to do, either reduce or remove entirely or in part, the export duties provided for by section six of the said Act and schedule E thereto, or by any Act in amendment thereof.

Section 9 repealed; new section.

2. Section nine of the said Act is hereby repealed and the following substituted therefor:—

Certain articles to be free in Canada, when free in United States.

“9. Any or all of the following things, that is to say: animals of all kinds, hay, straw, vegetables (including potatoes and other roots) salt, peas, beans, barley, malt, rye, oats, buckwheat, flour of rye, oatmeal, buckwheat flour, butter, cheese, fish of all kinds, fish oil, products of fish and of all other creatures living in the water, fresh meats, poultry, stone or marble in its crude or unwrought state, lime, gypsum or plaster of Paris (ground, unground or calcined), hewn or wrought or unwrought burr and grindstones, and timber and lumber of all kinds unmanufactured in whole or in part, including shingles, clapboards and wood pulp, may be imported into Canada free of duty, or at a less rate of duty than is provided for by any Act at the time in force, upon proclamation of the Governor General, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of duty, or at a rate of duty not exceeding that payable on the same under such proclamation when imported into Canada.”

3. Section ten of the said Act is hereby repealed.

Section 10 re-
pealed.

4. Items 592 and 781 in Schedule C to the said Act are hereby repealed, and the following substituted therefor :—

Schedule C
amended.

“ 592. Coffee, green, except as hereinbefore provided.”

“ 781. Tea, except as hereinbefore provided.”

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51 VICTORIA.

CHAP. 16.

An Act to amend Chapter thirty-four of the Revised Statutes, respecting the Inland Revenue.

[Assented to 22nd May, 1888.]

Preamble.
R.S.C., c. 34.

IN amendment of "*The Inland Revenue Act*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 130
amended.

1. The paragraph of section one hundred and thirty of the said Act, lettered (*b.*), is hereby repealed and the following substituted therefor:—

Duty on
spirits speci-
fied.

"(*b.*) When manufactured exclusively from malted barley, taken to the distillery in bond and on which no duty of customs or excise has been paid, or when manufactured from raw or unmalted grain, used in combination, in such proportions as the Department of Inland Revenue prescribes, with malted barley taken to the distillery in bond and on which no duty of customs or of excise has been paid—on every gallon of the strength of proof by Sikes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, one dollar and thirty-two cents."

Section 131
amended.

2. Section one hundred and thirty-one of the said Act is hereby amended by striking out the words "date of their manufacture" in the twenty-second and twenty-third lines, and substituting the words "date when warehoused" in lieu thereof.

Section 146
amended.

3. The paragraphs of section one hundred and forty-six of the said Act, lettered (*i.*) and (*j.*), are hereby repealed and the following substituted therefor:—

"(*i.*) The quantity of spirits entered for warehouse and ex-warehouse."

Section 147
amended.

4. Section one hundred and forty-seven of the said Act is hereby amended by adding, at the end thereof, the words "and their products."

Section 148
amended.

5. Sub-section four of section one hundred and forty-eight of the said Act is hereby repealed and the following sub-sections substituted therefor:—

"4. No spirits subject to excise which have not been warehoused for at least twelve months shall be entered for consumption; and after the first day of July, one thousand eight hundred and ninety, no such spirits which have not been warehoused for at least two years shall be entered for consumption: Provided always, that spirits may, under regulations made by the Department of Inland Revenue, be removed in bond at any date after being warehoused, from any duly licensed distillery to the premises of any duly licensed bonded manufacturer for manufacturing purposes only, but not for sale:

When spirits may be entered for consumption.

Removal in bond.

"5. Provided always, that the holder of a license for a distillery who was not the holder of a license on the twentieth day of July, one thousand eight hundred and eighty-five, but who was such holder on the twentieth day of March, one thousand eight hundred and eighty-eight, may be allowed by the Department, under such regulations and restrictions as the Governor in Council prescribes, to enter and remove for consumption, for any purpose, one-third part of the yearly product of such distillery at any time after being warehoused, during the two years next following the issuing of the original license relating to such distillery; and during the three years next following the expiry of the said two years, to enter and remove for consumption for any purpose, one-third part of the yearly product of such distillery, —which third part has been warehoused for at least twelve months:

Exception in certain cases.

"6. The expression "yearly product of such distillery" means for the purpose of the next preceding sub-section, a quantity not in excess of the estimated annual production upon which the amount of the license bond given by the distiller, for the current fiscal year, was determined by the department."

Interpretation.

6. The paragraphs of section two hundred and five of the said Act lettered (a) and (b) are hereby repealed and the following substituted therefor:—

Section 205 amended.

"(a.) One hundred malt measures by gauge of dry barley or other grain shall be held to be equivalent to one hundred and seven malt measures by gauge of dry malt:

Basis of comparative calculation.

"(b.) One hundred malt measures by gauge of barley or other grain properly saturated with water for the purpose of malting, or in the couch, shall be deemed to be equivalent to eighty-one and one-half malt measures by gauge of dry barley or other grain, or to eighty-seven and one-fifth malt measures by gauge of dry malt."

7. Section two hundred and thirty-three of the said Act is hereby repealed and the following substituted therefor:—

Section 233 repealed;

"233. When wood naphtha, wood alcohol, or any similar or equivalent substitute for methylated spirit is to be used for manufacturing purposes in Canada, it shall be supplied

new section. Certain articles to be supplied by the department.

to the manufacturer by the Department of Inland Revenue, or by such agency and on such conditions as are determined by departmental regulations in that behalf, and the price thereof shall not exceed the actual cost with the addition of fifteen per cent."

Section 234
amended.

S. From and after the first day of July, one thousand eight hundred and eighty-eight all the words in section two hundred and thirty-four from the word "therefrom" in line twenty to the end of the section shall be repealed and the following substituted therefor:—"Provided always, that the undermentioned article, when manufactured in bond, shall, when entered for consumption in Canada, be subject to the following duty of excise, and to no other, that is to say—

Duty of excise
on vinegar.

"Vinegar containing six per cent. of acetic acid, the strength to be determined by such tests as are established by Order in Council,—and so in proportion for any greater or less strength—on every gallon or less quantity than a gallon, four cents."

Section 258
amended.

¶. The first twenty-four lines of section two hundred and fifty-eight of the said Act are hereby repealed and the following substituted therefor:—

Duties of ex-
cise;

"**258.** There shall be imposed, levied and collected on tobacco and cigars manufactured in Canada, the following duties of excise, which shall be paid to the collector of Inland Revenue as by this Act provided, that is to say:—

On tobacco;

"On all chewing and smoking tobacco, fine-cut, cavendish, plug or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed or, in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument and without being pressed or sweetened, and on all fine-cut shorts and refuse scraps, cuttings and sweepings of tobacco; and—

On snuff;

"On all snuff, manufactured of tobacco, or any substitute for tobacco, ground, dry, scented or otherwise, of all descriptions, when prepared for use and containing not more than forty per cent. of moisture—

"Made in whole or in part from foreign or imported raw leaf tobacco, or the product in any form, in whole or in part, of foreign raw leaf tobacco;

Duty.

"On every pound, actual weight, twenty cents—except that cut tobacco, when put up in packages containing one-twentieth of a pound or less, each, shall pay a duty of thirty-five cents per pound; and—

On cigarettes.

"On cigarettes, whether the product of foreign or of domestic leaf tobacco, weighing not more than three pounds per thousand, on every pound, actual weight, sixty cents; and—

“ On cigarettes, whether the product of foreign or of domestic leaf tobacco, weighing more than three pounds per thousand, on every pound, actual weight, one dollar: and—”

2. The last six lines of the said section two hundred and fifty-eight are hereby repealed and the following substituted therefor:—

Further amendment.

“ On all cigars, whether the product of foreign or of domestic raw leaf tobacco, when put up in packages containing less than ten cigars each, seven dollars per thousand; ”

Duty on cigars ;

“ On manufactured tobacco of all kinds, except cigarettes, (including common Canada twist) when made solely from tobacco grown in Canada, and on the farm or premises where grown, by the cultivator thereof, or in a manufactory where no imported or foreign leaf is used or kept, on every pound, actual weight, five cents.”

On manufactured Canadian tobacco.

10. The paragraph of sub-section one of section two hundred and sixty of the said Act, lettered (a.), is hereby repealed and the following substituted therefor:—

Section 260 amended.

“ (a.) All cavendish, plug and twist tobacco, in rectangular wooden boxes, except as hereinafter provided, containing from five to twenty-five pounds inclusive, from thirty-five to forty-five pounds inclusive, from sixty to eighty pounds inclusive, or from one hundred to one hundred and ten pounds inclusive; ”

Packages of tobacco.

2. The paragraph of the said sub-section one of section two hundred and sixty of the said Act, lettered (h.), is hereby repealed and the following substituted therefor:—

Further amendment.

“ (h.) All cigars shall be packed in wooden boxes (except as hereinafter provided) not before used for that purpose, containing respectively three, six, ten, twenty-five, fifty, one hundred or two hundred cigars each; except that Manilla cigars and cheroots, but not imitations thereof, may, when imported from abroad, be contained, in addition to the above-named quantities, in boxes of five hundred each.”

Packages of cigars.

11. Sub-section one of section two hundred and sixty-six of the said Act is hereby repealed and the following substituted therefor:—

Section 266 amended.

“ 266. All cavendish, plug and twist tobacco shall be considered as completely manufactured as soon as it has been put up in packages, except that when a manufacturer sweats his tobacco after it has been put into caddies, boxes or other packages, the manufacture shall be considered completed only when the tobacco is moved from the sweat room.”

When manufacture deemed complete.

12. Section two hundred and ninety-six of the said Act is hereby repealed and the following substituted therefor:—

Section 296 repealed ; new section.

“ 296. No tobacco of any description put up in packages containing one pound or under, nor tobacco in any sized packages

Limitation of size of pack-

age as to re-
moval in
bond.

packages whatever containing less than ten pounds, if the product of raw leaf tobacco of Canadian growth, and no cigars when put up in packages containing less than twenty-five cigars each, shall be removed in bond from one warehouse to another warehouse, whether within the same or any other Inland Revenue division."

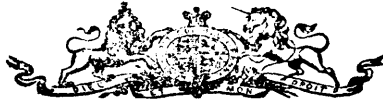
Section 303
amended.

13. Sub-section two of section three hundred and three of the said Act is hereby repealed and the following substituted therefor:—

Tobacco
grown for
private use.

"2. Provided always, that any person who grows tobacco on his own land or property, and manufactures the same into common Canada twist solely for the use of himself and such members of his family as are resident with him on the farm or premises on which the tobacco was grown, and not for sale, shall not require a license for so doing; nor shall the tobacco so manufactured be subject to excise duty; but the quantity so manufactured in any one year shall not exceed thirty pounds for each adult male member of the family resident on the farm or premises as aforesaid."

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51 VICTORIA.

CHAP. 17.

An Act to amend Chapter twenty-seven of the Revised Statutes, respecting the Department of Public Printing and Stationery.

[Assented to 22nd May, 1888.]

WHEREAS it is expedient to amend the Revised Statutes of Canada, chapter twenty-seven, intituled "*An Act respecting the Department of Public Printing and Stationery*:" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.
R.S. C., c. 27

1. In all cases in which any duty is assigned by the Act hereby amended to the clerk of either House of Parliament, the same shall be performed by the clerk of the Joint Committee of the two Houses on printing, or other officer specially designated by that Committee, in respect of all matters within the jurisdiction and under the superintendence of that Committee and its officers.

Duties assigned to clerk of Printing Committee.

2. Section three of the said Act is hereby repealed and the following substituted therefor :—

Section 3 repealed; new section.
Certain work to be done and articles supplied by department.

3. All printing, stereotyping or electrotyping, lithography or binding work, or work of a like nature, and paper and other material therefor, required for the use of the Senate and the House of Commons, and of the several departments of the Government of Canada—whether for the inside service or the outside service—shall be executed and shall be procured subject to the superintendence and audit of the proper officer of the department: the proper officer of the department shall also superintend and execute the purchase and distribution of all paper, books and all other articles of stationery of whatsoever kind, and the distribution and sale of all books or publications issued by order of either House or both Houses of Parliament, or any department of the Government of Canada, and also the audit of all accounts for the advertising

Advertising.

Exception.	tising required for the public service; and all work and supplies in this section before mentioned shall be done purchased and distributed through the department exclusively, except that books, which are procured for addition to the Library of Parliament, and printed books required for the use of the chaplains, libraries or schools in the penitentiaries, may be procured as before the second day of June, in the year one thousand eight hundred and eighty-six."
Section 4 repealed; new section. Appointment of Queen's Printer.	3. Section four of the said Act is hereby repealed and the following substituted therefor:—
His duties.	"4. The Governor in Council may, by commission under the Great Seal, appoint an officer who shall be called the Queen's Printer and Controller of Stationery, shall hold office during pleasure, and shall be the deputy head of the department; he shall, under the Minister, have the management and control of the several services to which this Act relates, and shall have such powers and shall perform such duties as are conferred upon and assigned to him by this Act or by any other Act of the Parliament of Canada, or by any Order in Council made thereunder; but all such powers shall be exercised and such duties be performed subject to the control of the Minister and as he directs; and wherever, in any Act of the Parliament of Canada any power is conferred upon or any duty is assigned to the Queen's Printer, such power may be exercised and such duty shall be performed by the Queen's Printer appointed under this Act:
How to be performed.	"2. No person shall be appointed Queen's Printer unless he has been actively engaged for at least ten years in the business of printing or publishing or in the superintendence of the printing and cognate services of the Parliament or Government of Canada:
Qualification of Queen's Printer.	"3. The Governor in Council may also appoint a Superintendent of Printing, a Superintendent of Stationery and an Accountant, who shall respectively have the rank in the Civil Service of Canada which is from time to time assigned to them respectively by the Governor in Council; the Governor in Council may also appoint such officers, clerks and servants as are necessary for the proper conduct of the business of the department; and the said superintendents, accountant, officers, clerks and servants shall hold office during pleasure, and shall perform such services as are, from time to time, assigned to them by the Governor in Council or by the Minister:
Appointment of officers.	"4. No person shall be appointed Superintendent of Printing unless he has had at least five years' experience in the business or trade of a printer, or in the management of a printing house; no person shall be appointed Superintendent of Stationery unless he has had at least five years' experience in the business of a stationery establishment in
Qualification of Superintendent of Printing, And of Superintendent of Stationery,	Canada

Canada, or in the management and superintendence of similar work for the Parliament or Government of Canada; and no person shall be appointed Accountant unless he has a competent knowledge of book-keeping and accounts, and has had at least five years' experience in the measuring and auditing of printing and binding work, either in a printing or publishing establishment, or in the service of the Parliament or Government of Canada:

And of Accountant.

"5. The Superintendent of Printing, the Superintendent of Stationery and the Accountant, being appointed as experts in the work to be performed by them, shall not be subject to the ordinary Civil Service examinations."

Exemption from examination.

4. Sub-sections two and three of section five are hereby repealed and the following substituted therefor:—

Section 5 amended.

"2. The Superintendent of Printing may, with the approval of the Minister, employ such apprentices, journeymen, workmen, skilled hands or others, as are necessary to perform the work of the establishment and may remove the same,—and shall, with like approval, purchase such material, other than printing and other paper, as is necessary for such service. The provisions of "*The Civil Service Act*" shall not apply to the persons so employed by him:

Employment of workmen.

"3. All persons employed under the provisions of the next preceding sub-section shall be paid in accordance with weekly, fortnightly or monthly pay-rolls audited by the Accountant."

Their payment.

5. Section six of the said Act is hereby amended by adding the following sub-section thereto:—

Section 6 amended.

"5. The Superintendent of Stationery may, with the approval of the Minister, employ such persons skilled in the stationery business, apprentices, workmen and others as are necessary for the efficient working of the stationery office, and may remove the same. Such skilled persons and others shall be paid in accordance with weekly, fortnightly or monthly pay rolls audited by the Accountant. The provisions of "*The Civil Service Act*" shall not apply to the persons so employed by him."

Persons may be employed for the stationery office.

Their payment.

6. Section twelve of the said Act is hereby repealed and the following substituted therefor:—

Section 12 repealed; new section.

"12. The deputy head of each department shall furnish to the Minister, when required, an estimate of the probable quantity, quality and variety, as well as the probable amount in value, of all articles commonly known as "*stationery*," and of the probable amount, in value, of printing and binding required for the purposes of each such department for the then ensuing financial year:

Estimates to be furnished by deputy heads of departments,

"2. The clerk of each House of Parliament shall furnish to the Minister, when required, an estimate of the probable quantity, quality and variety, as well as the probable amount

And by the clerk of each House,

amount in value, of all articles commonly known as "stationery," required for the purposes of each such House of Parliament for the then ensuing financial year:

And by the clerk of the Printing Committee.

"3. The clerk of the joint Committee on the Printing of Parliament or other officer specially designated by that Committee, shall furnish to the Minister, when required, an estimate of the probable amount, in value, of printing and binding required by the two Houses of Parliament, and also the probable quantity, quality and variety, as well as the probable amount in value, of the printing paper required for the use of Parliament for the then ensuing financial year."

Section 14 repealed; new section.
Statement for Auditor General.

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

"14. The Queen's Printer shall furnish a statement monthly to the Auditor General, with the accounts and vouchers therefor, of all stationery and articles purchased and supplied to each department and each House of Parliament, and also of all printing and binding executed for each department and for the two Houses of Parliament, during the preceding month, certified as correct by the deputy head of such department, or by the clerk of either House of Parliament, or by the clerk of the joint Committee on the printing of Parliament, as the case may be, in the manner provided with respect to contingencies by "*The Contingencies Act*"; and the Auditor General shall, annually or more frequently at his discretion, cause the stock of stationery in store to be checked with the quantities purchased and supplied:

R.S.C., c. 20.
Stock to be taken.

Audit Act to apply.
R.S.C., c. 29.

"2. The provisions of "*The Consolidated Revenue and Audit Act*" shall, so far as applicable, extend to the accounts and charges incurred under this Act."

Regulations may be made as to discipline, &c.

8. The Minister may, from time to time, with the approval of the Governor in Council, make such regulations as he thinks fit respecting the discipline of the printing and stationery offices and of the persons employed therein, regulating their hours of attendance and rate of salary or wages, and the times and method of payment thereof, and may, from time to time, amend, alter or repeal the same and make others in their place; and such regulations shall be enforced by the Queen's Printer and Controller of Stationery, the Superintendent of Printing and Superintendent of Stationery; and by such regulations fines may be imposed upon such employees for non-attendance during working hours, or misconduct tending to prevent efficient work, or to cause damage to Government property therein.



51 VICTORIA.

CHAP. 18.

An Act to amend the Act respecting Patents of Invention.

[Assented to 22nd May, 1888.]

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

1. Section five of "*The Patent Act*," chapter sixty-one of the Revised Statutes of Canada, is hereby repealed and the following substituted therefor:—

Section 5 of R.S.C., c. 61 repealed; new section.

"5. The Governor in Council may appoint a Deputy Commissioner of Patents whose salary shall be two thousand eight hundred dollars per annum, and may, from time to time, appoint such officers and clerks under such Deputy Commissioner as are necessary for the purposes of this Act, and such Deputy Commissioner, officers and clerks shall hold office during pleasure."

Deputy commissioner and officers may be appointed.

2. The Deputy Commissioner of Patents shall, subject to the head of the Department to which the Patent Office may be, at any time, attached, oversee and direct the officers, clerks and employees in the Patent Office and shall have general control of the business thereof, and shall perform such other duties as are assigned to him by the Governor in Council.

Duties of deputy commissioner

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51 VICTORIA.

CHAP. 19.

An Act to amend the Revised Statutes of Canada, chapter fifty, respecting the North-West Territories.

[Assented to 22nd May, 1888]

Preamble.
R.S.C., c. 60.

WHEREAS it is expedient to amend "*The North-West Territories Act*" as hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain sections repealed.

1. Sections seven, eight and ten and sections eighteen to twenty-five, both inclusive, of the Act cited in the preamble are hereby repealed

Legislative Assembly, its powers and duties.

2. There shall be a Legislative Assembly for the North-West Territories which shall have the powers and shall perform the duties heretofore vested in and performed by the Council of the North-West Territories, and shall be composed of twenty-two members elected to represent the electoral districts set forth in the schedule to this Act, and of legal experts, not exceeding three in number, appointed by the Governor in Council:

Legal experts.

2. Such legal experts shall retain their seats for the whole term of the Legislative Assembly in the course of which they are appointed; they may take part in the debates and shall have the like privileges as the elected members of the Legislative Assembly, except that they shall not be entitled to vote:

Judges may be appointed as such.

3. Any judge of the Supreme Court of the North-West Territories may be appointed as such legal expert and may receive the sessional allowance hereinafter mentioned, notwithstanding anything contained in section forty-four of the Act above cited:

Compensation of members.

4. In each session of the Legislative Assembly there shall be allowed to each member attending such session the sum of five hundred dollars, and to each legal expert likewise attending the same two hundred and fifty dollars, together with his actual travelling expenses, payable out of the Consolidated

solidated Revenue Fund of Canada; but such sessional allowance shall be subject to a proportionate reduction for any days on which any such member or legal expert does not attend a sitting of the Legislative Assembly during the session thereof; and the amount of such reduction and also of the travelling expenses above mentioned shall be ascertained in such manner as the Governor in Council prescribes.

3. Every Legislative Assembly shall continue for three years from the date of the return of the writs for choosing the same and no longer; and the first session thereof shall be called at such time as the Lieutenant Governor appoints.

Duration of
Assembly.

4. There shall be a session of the Legislative Assembly at least once in every year, so that twelve months shall not intervene between the last sitting of the Assembly in one session and its first sitting in another session; and such Assembly shall sit separately from the Lieutenant Governor, and shall present Bills passed by it to the Lieutenant Governor for his assent, who may approve or reserve the same for the assent of the Governor General.

Limit of time
for session.

Proceedings
on bills.

5. Until the Legislature of the North-West Territories otherwise provides, as it may do, the law in force therein at the time of the passing of this Act relating to the election of members of the Council of the North-West Territories shall, subject to the provisions of this Act, apply to the election of members of the Legislative Assembly.

Proceedings
at elections.

6. The Lieutenant Governor shall, when occasion requires, cause writs to be issued by the Clerk of the Legislative Assembly, in such form and addressed to such returning officers as he thinks fit.

Issue of writs.

7. The persons qualified to vote at an election for the Legislative Assembly, shall be the male British subjects, by birth or naturalization (other than unenfranchised Indians), who have attained the full age of twenty-one years, who have resided in the North-West Territories for at least the twelve months, and in the electoral district for at least the three months, respectively, immediately preceding the time of voting.

Who may
vote.

8. Any British subject by birth or naturalization shall be eligible for nomination and election.

Who eligible?
for election.

2. No nomination at any election shall be valid and acted upon unless at or before the time of nomination a sum of one hundred dollars is deposited in the hands of the Returning Officer; and the receipt of the Returning Officer shall in every case, be sufficient evidence of the payment herein mentioned:

Deposit at
nomination.

How applied.

3. The sum so deposited shall be returned to the person by whom the deposit was made in the event of the candidate, by or on whose behalf it was so deposited, being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favor of the candidate elected.—otherwise it shall belong to Her Majesty for the public uses of the Territories ; and the sum so paid and not returned as herein provided, shall be applied by the returning officer towards the payment of the election expenses, and an account thereof shall be rendered by him to the Lieutenant Governor.

Oath to be taken by members.

9. Elected members of the Legislative Assembly shall take and subscribe, before the Lieutenant Governor, or before such person as is designated by the Governor in Council, the following oath of allegiance:—

“ I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors.”

Quorum.

10. A majority of the members of the Legislative Assembly, including the members appointed by the Governor in Council, shall form a quorum for the transaction of business.

Election of Speaker.

11. The Legislative Assembly, on its first assembling after a general election, shall proceed with all practicable speed to elect one of its elected members to be Speaker :

Vacancy in office of Speaker.

2. In case of a vacancy happening in the office of Speaker, by death, resignation or otherwise, the Legislative Assembly shall proceed, with all practicable speed, to elect another of its elected members to be Speaker :

Speaker to preside.

3. The Speaker shall preside at all meetings of the Legislative Assembly :

Case of absence provided for.

4. Until the Legislative Assembly otherwise provides, in case of the absence for any reason of the Speaker from the chair of the Assembly for forty-eight consecutive hours, the Assembly may elect another of its members to act as Speaker, and the member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges and duties of Speaker.

Majority to decide.

12. Questions arising in the Legislative Assembly shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

Advisory Council to be appointed.

13. The Lieutenant Governor shall select from among the elected members of the Legislative Assembly four persons to act as an advisory council on matters of finance, who shall severally hold office during pleasure ; and the Lieutenant Governor shall preside at all sittings of such advisory council and have a right to vote as a member thereof, and shall also have a casting vote in case of a tie.

14. The Legislative Assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to the Assembly by message of the Lieutenant Governor in the session in which such vote, resolution, address or bill is proposed.

Money votes
to be first re-
commended.

15. The Speaker of the Legislative Assembly shall receive a salary of five hundred dollars per annum, payable out of the Consolidated Revenue Fund of Canada.

Salary of
Speaker.

16. The Governor in Council may appoint a Clerk of the Legislative Assembly, who shall act as and perform the duties of secretary to the Lieutenant Governor, and who shall take before the Lieutenant Governor the oath of allegiance, and such oath of office as the Governor in Council prescribes, and who shall receive a salary of two thousand dollars per annum; and such salary shall be paid out of the Consolidated Revenue Fund of Canada.

Clerk of As-
sembly; his
duties and
salary.

17. So much of section one hundred and six of the Act hereby amended as provides for the payment of any sum to the members or to the clerk of the Council of the North-West Territories is hereby repealed.

Section 106 of
Act amended.

18. Section ninety-four of the Act hereinbefore cited is hereby amended by adding the following sub-section there-
to:—

Section 94
amended.

2. Every vehicle on which any such intoxicating liquor or intoxicant is imported or conveyed into or through or over any portion of the Territories, contrary to the provisions of this Act, shall, together with the horses or other cattle employed in drawing any such vehicle as aforesaid, be forfeited to Her Majesty and may be seized and dealt with accordingly.

Vehicles con-
veying liquor
may be
seized.

19. This Act shall be construed as one Act with the Act hereby amended.

Construction.

SCHEDULE.

1. The electoral district of Moosomin shall consist of that portion of the provisional district of Assiniboia bounded on the east by the western boundary of the Province of Manitoba, on the north by the sixth base line, being the line between townships twenty and twenty-one in the Dominion lands system of survey, on the south by the line between townships nine and ten, and on the west by the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

Moosomin.

Wallace. 2. The electoral district of Wallace shall consist of that portion of the provisional district of Assiniboia bounded on the east by the western boundary of the Province of Manitoba, on the north by the ninth correction line, in the Dominion lands system of survey, being the northern boundary of the provisional district of Assiniboia, on the south by the line between townships twenty and twenty-one, being the sixth base line, and on the west by the line between ranges seven and eight, west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

Whitewood. 3. The electoral district of Whitewood shall consist of that portion of the provisional district of Assiniboia bounded on the north by the sixth base line, on the south by the line between townships nine and ten, on the east by the second initial meridian, and on the west by the line between ranges six and seven, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

Souris. 4. The electoral district of Souris shall consist of that portion of the provisional district of Assiniboia bounded on the south by the forty-ninth parallel of latitude, being the international boundary line, on the east by the western boundary of the Province of Manitoba, on the west by the line between ranges ten and eleven, and on the north by the line between townships nine and ten, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

Wolseley. 5. The electoral district of Wolseley shall consist of the territory bounded as follows:—Commencing at the point where the line between townships nine and ten is intersected by the line between ranges six and seven in the Dominion lands system of survey, thence due north along the line between ranges six and seven to its intersection with the sixth base line, thence due west following the sixth base line to its intersection with the line between ranges seven and eight, thence due north along the line between ranges seven and eight to its intersection with the northern boundary of the provisional district of Assiniboia, being the ninth correction line in the Dominion lands system of survey, thence due west along the said ninth correction line to its intersection with the line between ranges ten and eleven, thence due south along the line between ranges ten and eleven to its intersection with the line forming the north boundary of township nine, in the Dominion lands system of survey, thence due east following the north boundary of the said township nine to the place of beginning, being the line between ranges six and seven, west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

South Qu'Appelle. 6. The electoral district of South Qu'Appelle shall consist of that portion of the provisional district of Assiniboia

bounded on the south by the international boundary line, on the east by the line between ranges ten and eleven, on the north by the line between townships nineteen and twenty, and on the west by the line between ranges sixteen and seventeen, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

7. The electoral district of North Qu'Appelle shall consist of that portion of the provisional district of Assiniboia bounded on the south by the line between townships nineteen and twenty, on the east by the line between ranges ten and eleven, on the north by the ninth correction line, being the northern boundary of the provisional district of Assiniboia, and on the west by the line between ranges sixteen and seventeen, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

8. The electoral district of North Regina shall consist of that portion of the provisional district of Assiniboia bounded on the east by the line between ranges sixteen and seventeen, on the south by a line drawn through the centre of the track of the main line of the Canadian Pacific Railway, on the north by the ninth correction line, being the northern boundary of the provisional district of Assiniboia, and on the west by the line between ranges twenty-three and twenty-four, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

9. The electoral district of South Regina shall consist of that portion of the provisional district of Assiniboia bounded on the south by the forty-ninth parallel of latitude or the international boundary line, on the east by the line between ranges sixteen and seventeen, on the north by a line drawn through the centre of the track of the main line of the Canadian Pacific Railway, and on the west by the line between ranges twenty-three and twenty-four, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

10. The electoral district of Moose Jaw shall consist of that portion of the provisional district of Assiniboia bounded on the east by the line between ranges twenty-three and twenty-four, west of the second initial meridian, on the west by the line between ranges six and seven, west of the third initial meridian, on the south by the international boundary line or forty-ninth parallel of latitude, and on the north by the ninth correction line, all in the Dominion lands system of survey; and such electoral district shall return one member.

11. The electoral district of Medicine Hat shall consist of that portion of the provisional district of Assiniboia lying to the west of the line between ranges six and seven, west of

the third initial meridian in the Dominion lands system of survey ; and such electoral district shall return one member.

McLeod.

12. The electoral district of McLeod shall consist of that portion of the provisional district of Alberta bounded on the east by the western boundary of the provisional district of Assiniboia, on the west by the eastern boundary of the Province of British Columbia, on the south by the international boundary line, and on the north by the fifth base line in the Dominion lands system of survey ; and such electoral district shall return one member.

Calgary.

13. The electoral district of Calgary shall consist of that portion of the provisional district of Alberta bounded on the south by the fifth base line, and on the north, commencing at the point where the eastern boundary of the district of Alberta intersects the seventh correction line, being the northern boundary of township twenty-six, range eleven, west of the fourth meridian, in the Dominion lands system of survey, thence due west along the seventh correction line to its intersection with the line between ranges four and five, west of the fifth meridian, thence south along the line between ranges four and five, west of the fifth meridian, to its intersection with the line between townships twenty-three and twenty-four, thence following the line between townships twenty-three and twenty-four due west to the western boundary of the provisional district of Alberta ; and such electoral district shall return two members.

Red Deer.

14. The electoral district of Red Deer shall consist of that portion of the provisional district of Alberta bounded on the south by the electoral district of Calgary before described, and on the north by the twelfth correction line, in the Dominion lands system of survey ; and such electoral district shall return one member.

Edmonton.

15. The electoral district of Edmonton shall consist of that portion of the provisional district of Alberta bounded on the north by the northern boundary of the said provisional district, and on the south by the twelfth correction line in the Dominion lands system of survey ; and such electoral district shall return two members.

Battleford.

16. The electoral district of Battleford shall consist of that portion of the provisional district of Saskatchewan lying west of the line between ranges eleven and twelve, west of the third meridian in the Dominion lands system of survey ; and such electoral district shall return one member.

Prince
Albert.

17. The electoral district of Prince Albert shall consist of that portion of the provisional district of Saskatchewan bounded on the west by the line between ranges eleven and twelve, west of the third initial meridian in the Dominion lands system of survey, on the north by the northern boundary of the provisional district of Saskatchewan, and on the south by a line described as follows : commencing at the point where the north boundary of township forty-seven intersects the line between ranges eleven

and twelve west of the third meridian, thence due east following the north boundary of township forty-seven to its intersection with the line between ranges one and two, west of the third initial meridian, thence following a line drawn easterly to the point where the north boundary of township forty-seven, range twenty-three, west of the second initial meridian intersects the line between ranges twenty-three and twenty-four, west of the second initial meridian, thence due east following the northern boundary of township forty-seven, to its intersection with the eastern boundary of the provisional district of Saskatchewan; and such electoral district shall return two members.

18. The electoral district of Batoche shall consist of that portion of the provisional district of Saskatchewan lying to the south of the line between townships forty-seven and forty-eight and bounded on the west by the line between ranges eleven and twelve, west of the third initial meridian, and on the east by the third initial meridian in the Dominion lands system of survey; and such electoral district shall return one member. Batoche.

19. The electoral district of Kinistino shall consist of all that portion of the provisional district of Saskatchewan lying to the east of the third initial meridian in the Dominion lands system of survey, and bounded on the north by the southern boundary of the electoral district of Prince Albert before described; and such electoral district shall return one member. Kinistino.

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51 VICTORIA.

CHAP. 20.

An Act further to amend Chapter fifty-one of the Revised Statutes of Canada, "The Territories Real Property Act."

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS it is expedient further to amend chapter fifty-one of the Revised Statutes of Canada, respecting real property in the Territories: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Interpretation.

1. In this Act the expression "the said Act" means "*The Territories Real Property Act*," chapter fifty-one of the Revised Statutes.

Section 3 amended.

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

"Land."

"(a.) The expression "land" means lands, messuages, tenements and hereditaments, corporeal and incorporeal, of every nature and description, whatever the estate or interest therein is, and whether such estate or interest is legal or equitable, together with all paths, passages, ways, water courses, liberties, privileges, easements, mines, minerals and quarries appertaining thereto, and all trees and timber thereon and thereunder lying or being, unless any such are specially excepted."

Section 5 repealed; new section.
Descent of land.

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

"**5.** Land in the Territories shall go to the personal representatives of the deceased owner thereof in the same manner as personal estate now goes."

Application of sections 5 to 17.

4. It is hereby declared that sections five to seventeen of the said Act, both inclusive, were intended to extend and the provisions of the said sections shall be held to have extended

from the date upon which the said Act came into force to all land in the Territories and to every estate and interest therein.

5. The Governor in Council may, from time to time, appoint an Inspector of Land Titles Offices, whose duty shall be, under instructions from the Minister of the Interior, to inspect the books and records of the several Land Titles Offices, and to perform such other duties as are directed by the Minister of the Interior to be done from time to time; and the said Inspector may, in the discretion of such Minister, be directed to perform any duty which any Registrar is empowered by the said Act to perform; but no person shall be appointed Inspector of Land Titles Offices unless he is a barrister or advocate of at least three years standing in one of the Provinces or Territories of Canada.

Inspector of land titles offices.

His qualification.

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

Section 24 repealed; new section.

“**24.** The salaries of the Inspector of Land Titles Offices, and of registrars, deputy registrars, and other necessary officers, and such incidental expenses of carrying this Act into effect as are sanctioned by the Governor in Council, shall be paid out of moneys provided by Parliament for that purpose.”

Salaries.

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

Section 25 repealed; new section.

“**25.** Every Inspector of Land Titles Offices, registrar and deputy registrar, before he enters upon the execution of his office, shall take, before some judge or stipendiary magistrate in the Territories, the oath of office in the form A in the schedule to this Act.”

Oath of office.

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

Section 38 repealed; new section.

“**38.** The registrar shall keep a book or books, which shall be called “The Register,” and shall enter therein duplicates of all certificates of titles, to be issued as hereinafter provided for; and each certificate of title shall constitute a separate folio of such book, and the registrar shall record therein the particulars of all instruments, dealings and other matters by this Act required to be registered or entered in the register, and affecting the land included under such certificate of title.”

Register to be kept and certain entries made therein.

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

Section 44 repealed; new section.

“**44.** Whenever any land is granted in the Territories by the Crown, the letters patent therefor, when issued, shall be forwarded from the office whence the same are issued to the registrar of the registration district in which the land

Registration of letters patent.

so granted is situated, and the registrar shall retain the letters patent in his office and bind the same; and a certificate of title, with any necessary qualifications, shall be granted to the patentee:

Certificate of title free of charge.

"2. Such certificate shall be issued to the patentee free of all the fees and charges herein provided to be paid, if at the time of the issue of such certificate there are no registered encumbrances affecting such land:

Notification to Hudson's Bay Company, how dealt with by registrar.

"3. The notification to the Hudson's Bay Company by the Minister of the Interior, under the provisions of subsection seven of section twenty-two of '*The Dominion Lands Act*,' of the survey and confirmation of the survey of any township or part of a township, shall be accepted by the registrar as equivalent to, and dealt with by him in all respects in the same manner as if the said notification were letters patent in favor of the said company, granting to the said company in fee simple the sections or three-quarter parts of sections to which they are entitled in such townships or parts of townships under the provisions of '*The Dominion Lands Act*:'

Filing and future issue of notification.

"4. Any such notifications which have already been issued may be filed by the Company with the registrar of the district within which the lands affected thereby are situated, and, for the future, such notifications shall be issued in duplicate, one to be sent to the said Company and one to the registrar of the proper district:

In the case of Canadian Pacific and other railway lands.

"5. A notification to the registrar from the Minister of the Interior, that the lands described therein have been granted to the Canadian Pacific Railway Company or to any railway company entitled to Dominion Lands under the authority of an Act of the Parliament of Canada, shall be accepted by the registrar, and dealt with by him in all respects as if the same were letters patent in favor of such company; the notification shall state whether the grant be in fee simple or for years, and shall also specify any mines, minerals, rights or easements which are excepted from the grant."

What the notification shall specify.

Section 45 amended.

10. Section forty-five of the said Act is hereby amended by adding thereto the following sub-section:—

What fees may be charged.

2. If, at the time of the issue of the certificate of title, there are no registered encumbrances or conveyances affecting such land, the certificate may be issued to the patentee upon the payment of such fees as are fixed in that behalf by tariff made from time to time by the Governor in Council; but no fees shall be payable therefor under the provisions of subsection two of section one hundred and thirty-three of this Act.

Exception.

Section 46 further amended.

11. Section forty-six of the said Act is hereby further amended by adding the following paragraph thereto after the paragraph lettered (c.)

(d.) A certificate from the treasurer of the municipality wherein the lands lie, or other proper officer, showing that, at the date of the filing of the application, such lands are not chargeable with any arrears of municipal charges, rates or assessments.

Proof of payment of municipal charges.

12. Section forty-seven of the said Act is hereby amended by adding the following sub-sections thereto :—

Section 47 amended.

2. If there is any mortgage or encumbrance outstanding against the land at the date of the said application, the filing with the registrar of the original mortgage or instrument creating the encumbrance, or a copy thereof having indorsed thereon or attached thereto a receipt or acknowledgment of the amount thereby secured, signed by the mortgagee or encumbrancee and proved by the affidavit of an attesting witness, shall operate as a discharge of such mortgage or encumbrance, and as a reconveyance of the land to the mortgagor or encumbrancer or the person claiming the land through such mortgagor or encumbrancer.

Effect of filing original mortgage with receipt of mortgagee thereon.

3. Such receipt or acknowledgment may be in the form M. 1, appended to this Act.

Form of receipt.

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

Section 56 repealed ;

“**56.** Every registered owner or mortgagee of any land or interest therein shall deliver to the registrar a memorandum in writing of some post office address within the Territories, to which it shall be sufficient to mail all notices that under this Act are required to be sent to such registered owner or mortgagee and every registered owner and mortgagee shall, from time to time, in like manner, notify the registrar of any change in his post office address ; and every registered owner or transferee of any registered interest shall, if required by the registrar so to do, before the delivery of any certificate of title, sign a receipt therefor in his own handwriting, or otherwise furnish the registrar with his signature, so as to prevent personation as far as possible : Provided, that the registrar may proceed without such memorandum of address.”

new section. Owner or mortgagee to give post office address and receipt for certificate.

Proviso.

14. Section sixty-eight of the said Act is hereby amended by striking out all the words after the word “transfer” in the fifth line thereof, down to and including the word “transfer” in the seventh line thereof.

Section 68 amended.

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

Section 82 repealed ; new section.

“**82.** Upon the production of any memorandum of mortgage or encumbrance, having indorsed thereon or attached thereto a receipt or acknowledgment signed by the mortgagee or encumbrancee, and proved by the affidavit of an attesting witness, discharging the land specified or any part

Registration of discharge of mortgage, &c.

of the land comprised in such instrument, from the whole or any part of the principal sum or annuity secured thereby, or upon proof being made to the satisfaction of a judge of the payment of all moneys due on any mortgage or encumbrance and the production to the registrar of a certificate signed by the judge to that effect, the registrar shall thereupon make an entry in the register, noting that such mortgage or encumbrance is discharged, wholly or partially, or that part of the land is discharged, as aforesaid, as the case requires; and upon such entry being so made, the land, or the estate or interest in the land, or the portion of the land mentioned or referred to in such indorsement as aforesaid, shall cease to be subject to or liable for such principal sum or annuity, or, as the case may be, for the part thereof noted in such entry as discharged."

Entry by registrar.

Effect of entry.

Section 94 repealed; new section.

Duty of sheriff, &c., receiving process against land.

Entry by registrar in such case.

Effect of entry.

16. Section ninety-four of the said Act is hereby repealed and the following substituted therefor:—

"**94.** Every sheriff or other officer charged with the execution thereof, shall, after the delivery to him of any writ or process affecting land, or lien, mortgage or encumbrance, or other interest therein, deliver a copy of every such writ or process so in his hands or that may thereafter be delivered to him, certified under his hand, together with a memorandum in writing of the lands intended to be charged thereby, to the registrar within whose district such lands are situate, and no land shall be bound by any such writ or other process, until such copy and memorandum have been so delivered; and the registrar shall thereupon, if the title has been registered, or so soon as the title has been registered under the provisions of this Act, enter a memorandum thereof in the register; and from and after the delivery of a copy of any such writ or other process and memorandum to the registrar, the same shall operate as a caveat against the transfer by the owner of the land mentioned in such memorandum, or of any interest he has therein; and no transfer shall be made by him of such land or interest therein except subject to such writ or other process."

Section 101 amended.

17. Section one hundred and one of the said Act is hereby amended by striking out the words "instruments under the seal of any corporation" in the third and fourth lines of the said section.

Section 102 amended.

18. The first paragraph of section one hundred and two of the said Act is hereby repealed and the following substituted therefor:—

As to instruments executed out of Territories.

"**102.** Instruments requiring to be registered under the provisions of this Act, executed without the limits of the Territories, other than the instruments excepted under the provisions of the next preceding section, shall be witnessed

by some person who can write, and who shall make an affidavit in the form R in the schedule to this Act before one of the following persons :—”

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

“**120.** Any owner subdividing land for the purpose of selling the same in allotments, as a town plot, shall deposit with the registrar a map of such town plot,—which map shall be on a scale of not less than one inch to four chains, and shall show the number of the section, township and range, or the number of the river lot, or the name of the district or reservation, as the case may be, in which the land lies; also the number of the meridian west of which the said range, river lot, district or reservation is situated, as well as all boundary lines of the section or sections, river lot, district or reservation, within the limits of the land shown on the said map, and shall also exhibit distinctly all roads, streets, passages, thoroughfares, squares or reservations, appropriated or set apart for public use, with the courses and widths thereof respectively, the length and width of all lots, and the courses of all division lines between the respective lots within the same; and such lots shall be marked with distinct numbers or symbols; and such map shall further show the courses of all streams or waters within the limits of the land included in such map; and every such map shall be signed by the owner or his agent, and certified, in the form T in the schedule to this Act by a Dominion land surveyor, under and in accordance with the provisions of sections one hundred and one and one hundred and two of this Act.”

Section 120 repealed; new section. Map to be filed by owners subdividing land.

What the map shall show.

Map to be signed and certified.

20. Section one hundred and thirty-three of the said Act is hereby repealed and the following substituted therefor:—

Section 133 repealed; new section.

“**133.** The Governor in Council may, from time to time, settle by tariff the fees to be paid under the provisions of this Act, or in connection therewith:

Governor in Council to establish fees.

“2. Except as herein otherwise provided, there shall be paid, together with the fees under this Act which are, from time to time, fixed by the Governor in Council, one-fifth of one per cent. on the value of the real property registered, if such value amounts to or is less than five thousand dollars, and one-tenth of one per cent. on the additional value, when such value exceeds five thousand dollars:

Additional fees on value of real property.

“3. The value shall be ascertained by the oath or solemn affirmation of the applicant, owner or person acquiring such land; and if the registrar is not satisfied as to the correctness of the value so affirmed or sworn to, he may require such applicant, owner or person acquiring such land to produce a certificate of such value, under the hand of a sworn valuator, appointed by a judge,—which certificate

How value is to be ascertained.

ificate shall be received as conclusive evidence of such value for the purpose aforesaid."

Substituted section 138 repealed; new section.

21. The section substituted for section one hundred and thirty-eight of the said Act by section six of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter thirty, is hereby repealed and the following substituted therefor:—

Appeal.
Composition of Court of Appeal.

"**138.** Any person who feels aggrieved by any judgment or decision of the court or judge and also the Inspector of Land Titles Offices and any Registrar or Deputy Registrar, may appeal from any judgment or decision to the Court of Appeal; and for the purposes of this Act the several judges of the Supreme Court of the North-West Territories sitting together are hereby constituted the Court of Appeal, and a majority of such judges shall form a quorum. Such Court of Appeal shall be presided over by the senior judge present, and shall sit at least once in each year at the seat of government of the North-West Territories for the purpose of hearing appeals from any such judgment or decision as aforesaid; and such court shall have power, by rules and orders, to regulate the sittings of the court, the practice and proceedings on appeal and before it, including costs and payment thereof, and the enforcement of judgments of such court; and such judgment shall be certified by the presiding judge, and shall be final in all cases."

Sittings.

Powers to make rules

Judgment final.

Form of certificate of ownership may be varied.

50-51 V., c. 30, s. 7.

22. The Governor in Council may, from time to time, vary the form of the certificate of ownership provided for by section seven of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter thirty, and provide that the same shall specially mention any subsisting reservations contained in the original grant from the Crown.

Form F further amended.

23. The form F in the schedule to the said Act as amended by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter thirty, is hereby amended by striking out the word "declaration" in the last line but one, and substituting the word "certificate" therefor.

Schedule amended; forms added.

24. The schedule to the said Act is hereby amended by adding the following forms thereto:—

"FORM M 1.

Receipt or acknowledgment of payment of mortgage or other encumbrance.

"I, C. D., the mortgagee, (encumbrancee or assignee as the case may be) do acknowledge to have received all the moneys



51 VICTORIA.

CHAP. 21.

An Act further to amend "The Dominion Lands Act."

[Assented to 22nd May, 1888.]

Preamble

WHEREAS a fund is in course of being raised to enable a scheme to be inaugurated for the colonization of crofters and cotters from the West Highlands and islands of Scotland, in Canada; and whereas it is proposed to establish a board for the administration of such fund, consisting of commissioners representing the private subscribers to the said fund and any land company which may co-operate in and give its assistance to the said scheme: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Board for administration of colonization fund.

Board vested with certain powers.

1. The board constituted in the manner and for the purposes set forth in the preamble to this Act shall be vested with all the powers conferred upon persons or companies by section forty-four of chapter fifty-four of the Revised Statutes of Canada, as amended by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign and chaptered thirty-one, and such board and any persons who accept the assistance of the said board for the purpose of placing themselves on homestead lands shall be subject to all the provisions of the said before cited section as so amended.

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51 VICTORIA.

CHAP. 22.

An Act further to amend "The Indian Act," Chapter forty-three of the Revised Statutes.

[Assented to 22nd May, 1888.]

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

1. Sub-section one of section thirteen of "*The Indian Act*" is hereby repealed and the following substituted Section 13 of R.S.G., c. 43 amended.
therefor:—

"**13.** No half-breed in Manitoba who has shared in the distribution of half-breed lands shall be accounted an Indian; and no half-breed head of a family, except the widow of an Indian or a half-breed who has already been admitted into a treaty, shall, unless under very special circumstances, which shall be determined by the Superintendent General or his agent, be accounted an Indian or entitled to be admitted into any Indian treaty; and any half-breed who has been admitted into a treaty shall, on obtaining the consent in writing of the Indian Commissioner or in his absence the Assistant Indian Commissioner, be allowed to withdraw therefrom on signifying in writing his desire so to do,—which signification in writing shall be signed by him in the presence of two witnesses, who shall certify the same on oath before some person authorized by law to administer the same; and such withdrawal shall include the minor unmarried children of such half-breed." As to half breeds in Manitoba and elsewhere. Withdrawal from treaty.

2. Section forty-three of the said Act is hereby amended by adding the following sub-sections thereto:— Section 43 amended.

"**4.** Whenever the proper municipal officer having, by the law of the Province in which the land affected is situate, authority to make or execute deeds or conveyances of lands sold for taxes, makes or executes any deed or conveyance purporting to convey any land, or portion of land, the fee of which is vested in the Crown or any person in trust for or for the use of any Indian or non-treaty Indian or band or irregular

irregular band of Indians or non-treaty Indians, but which has been surrendered under the provisions of this Act, or purporting to grant or convey the interest of any locatee or purchaser from the Crown, and such deed or conveyance recites or purports to be based upon a sale of such land or such interest for taxes, the Superintendent General may act upon and treat such deed or conveyance as a valid transfer of all the right and interest of the original locatee or purchaser from the Crown, and of every person claiming under him, in or to such land to the grantee named in such deed or conveyance :

Superintendent General may take action.

Effect of such action.

"5. So soon as the Superintendent General has signified his approval of such deed or conveyance by endorsement thereon, the grantee shall be substituted in all respects, in relation to the land so conveyed, for the original locatee or purchaser from the Crown, but no such deed or conveyance shall be deemed to confer upon the grantee any greater right or interest in the land than that possessed by the original locatee or purchaser from the Crown :

Issue of patent.

"6. The Superintendent General may cause a patent to be issued to the grantee named in such deed or conveyance on the completion of the original conditions of the location or sale, unless such deed or conveyance is declared invalid by a court of competent jurisdiction in a suit or action instituted by some person interested in such land within two years of the date of such sale for taxes, and unless within such delay notice of such contestation has been given to the Superintendent General :

Time for registration.

"7. Every such deed or conveyance shall be registered in the office of the Superintendent General within two years from the date of the sale for taxes ; and unless the same is so registered, it shall not be deemed to have preserved its priority, as against a purchaser in good faith from the original locatee or purchaser from the Crown, in virtue of an assignment registered in like manner previously to the date of the registration of the deed or conveyance based upon a sale for taxes as aforesaid."

Section 77 amended.

3. Sub-section three of section seventy-seven is hereby repealed and the following substituted therefor:—

Exemption from taxation.

"3. All land vested in the Crown or in any person, in trust for or for the use of any Indian or non-treaty Indian, or any band or irregular band of Indians or non-treaty Indians, shall be exempt from taxation, except those lands which, having been surrendered by the bands owning them, though unpatented, have been located by or sold or agreed to be sold to any person, and, except as against the Crown and any Indian located on the land, the same shall be liable to taxation in like manner as other lands in the same locality ; but nothing herein contained shall interfere with the right of the Superintendent General to cancel the original

Exception.

Rights saved.

sale

sale or location of any land, or shall render such land liable to taxation until it is again sold or located."

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

Section 94 repealed; new section.
Punishment for furnishing intoxicants to Indians.

"94. Every one, who by himself, his clerk, servant or agent, and every one who in the employment or on the premises of another directly or indirectly on any pretence or by any device sells, barter, supplies or gives to any Indian or non-treaty Indian any intoxicant, or causes or procures the same to be done or attempts the same or connives thereat, or opens or keeps, or causes to be opened or kept on any reserve or special reserve, a tavern, house or building in which any intoxicant is sold, bartered, supplied or given, or who is found in possession of any intoxicant in the house, tent, wigwam or place of abode of any Indian or non-treaty Indian or of any person, or upon any other part of the reserve or special reserve, or who sells, barter, supplies or gives to any person on any reserve or special reserve any intoxicant, shall, on summary conviction before any judge, police magistrate, stipendiary magistrate or two justices of the peace or Indian agent, upon the evidence of one credible witness other than the informer or prosecutor—or in the Province of Manitoba, the Province of British Columbia, the North-West Territories or the District of Keewatin, upon the evidence of the informer alone if he is a credible person—be liable to imprisonment for a term not exceeding six months and not less than one month, with or without hard labor, or to a penalty not exceeding three hundred dollars and not less than fifty dollars with costs of prosecution, or he shall be liable to both penalty and imprisonment in the discretion of the convicting judge, magistrate, stipendiary magistrate, justices of the peace or Indian agent; and a moiety of every such penalty shall belong to the informer or prosecutor, and the other moiety thereof shall belong to Her Majesty to form part of the fund for the benefit of that body of Indians or non-treaty Indians with respect to one or more members of which the offence was committed."

Penalties.

Application of fines.

5. The said Act is hereby amended by adding the following section thereto:—

New section added.

"132. Notwithstanding anything contained in this Act, 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, or be paid to the Minister of Finance and Receiver General for the use of any band of Indians, or which would belong to Her Majesty to form part of the fund for any body of Indians or non-treaty Indians, or which

Application of penalties may be varied.

is ordered to be disposed of in any particular manner, be paid to any Provincial, municipal or local authority."

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51 VICTORIA.

CHAP. 23.

An Act to amend the Revised Statutes of Canada, chapter ninety-seven, respecting Ferries.

[Assented to 22nd May, 1888.]

WHEREAS it is expedient to make further provision, as hereinafter set forth, respecting the licensing and control of ferries to which chapter ninety-seven of the Revised Statutes of Canada applies: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
R.S.C., c. 97.

1. Section two of the "*Act respecting Ferries*" is hereby amended by striking out all the words therein after the word "Council" in the second line thereof.

Section 2
amended.

2. Section three of the said Act is hereby amended by inserting after the word "ferry" in the first line of the said section the words, "other than a ferry between Canada and any other country."

Section 3
amended.

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

Section 4 re-
pealed; new
section.

4. In the case of a ferry between Canada and any other country, the Governor in Council may authorize a ferry license to be granted, or to be renewed, for any period not exceeding ten years, as the exigencies of the case require; but every such license shall be liable to cancellation for any violation of the customs laws of Canada, or of the country between which and Canada the ferry is established, and for any violation of the regulations made by the Governor in Council, as hereinafter provided:

Conditions as
to licenses for
international
ferries.

2. In the case of a ferry between any two Provinces, a ferry license may be granted, after public competition as hereinbefore provided, for any period not exceeding five years; but the Governor in Council, if he is satisfied that the regulations hereinafter mentioned have been complied with and the public requirements met, may in any case, without calling for tenders as aforesaid, authorize the

And as to
licenses for in-
terprovincial
ferries.

Renewal of
existing licen-
ses.

extension of the license for an additional period of five years, upon such terms as are set forth in the Order in Council; and any license existing at the time of the passing of this Act may, in like manner, be renewed for a term of five years by the Governor in Council."

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51 VICTORIA.

CHAP. 24.

An Act to amend "The Adulteration Act," chapter one hundred and seven of the Revised Statutes of Canada.

[Assented to 4th May, 1888.]

IN amendment of "*The Adulteration Act*," Her Majesty, by Preamble. and with the advice and consent of the Senate and R.S.C., c. 107 House of Commons of Canada, enacts as follows:—

1. The paragraph of section two of the said Act lettered **Section 2** (a) is hereby repealed and the following substituted in lieu amended. thereof:—

"(a.) The expression "food" includes every article used Interpretation; for food or drink by man or cattle, and every ingredient "Food." intended for mixing with the food or drink of man or cattle for any purpose whatsoever:—"

2. The said section two is hereby further amended by adding the following at the end thereof:—

"(i.) The expression "analyst" includes any member of the "Analyst." examining board appointed under the authority of paragraph two of section three of this Act, and any assistant analyst to the chief analyst at Ottawa."

2. Section five of the said Act is hereby amended by **Section 5** adding the following sub-section thereto:— amended.

"**2.** The prohibition contained in the first sub-section of **Civil Service** section fifty-one of "*The Civil Service Act*," shall not extend **Act not to apply.** to officers rendering service under this section."

3. Section nine of the said Act is hereby amended by **Section 9** adding the following at the end thereof as sub-section amended. three:—

"**3.** The Minister of Inland Revenue, or the Commissioner of Inland Revenue, or any person duly authorized in that behalf, may, however, cause the part intended to be analyzed, as in the next preceding sub-section mentioned, to be submitted to the chief analyst, or to any other of the analysts appointed under this Act, who is deemed by him **Special analysis in certain cases.**

Effect of certificate.

to have special skill and experience in the examination of particular substances, and such analyst shall report to the Minister of Inland Revenue; and in every such case the certificate of the analyst employed under this sub-section shall have the like force and effect as the certificate of the analyst hereinafter mentioned."

Section 10 amended.

4. Section ten of the said Act is hereby amended by inserting after the words "certificate of the chief analyst," in the tenth and eleventh lines, the words "or of his assistant analyst."

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 25.

An Act to amend the Weights and Measures Act as respects the contents of packages of salt.

[Assented to 22nd May, 1888.]

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

1. Every barrel of salt packed in bulk, sold or offered for sale, shall contain two hundred and eighty pounds of salt, and every such barrel of salt, sold or offered for sale, shall have the correct gross and net weight thereof marked upon it in a permanent manner. Contents and marking of barrels of salt.

2. When bags of salt are packed in barrels, the number of bags contained in the barrel and the weight of the aggregate amount of salt shall be marked, stamped or branded on one head of the barrel. As to bags of salt in barrels

3. The name or the registered trade mark of the packer of the salt, if it is packed in Canada, or the name and address of the importer, if it is packed elsewhere than in Canada, shall be marked, stamped or branded on every barrel of salt sold or offered for sale in Canada. Name to be marked on barrel.

4. Every person who neglects to comply with any provision of this Act, and every person who sells or offers for sale any salt in contravention of the foregoing provisions of this Act, shall be liable, on summary conviction, to a penalty of not less than ten dollars for each offence; but no deficiency in the weight of the salt contained in any package shall be deemed a contravention of this Act unless such deficiency exceeds five per cent., nor shall any penalty be recoverable under this Act unless proceedings for the recovery of the same are instituted within twenty days after delivery of the package of salt in respect of which it is claimed that a contravention of this Act has been committed. Penalty for contravention.
Exception.
Limitation of time.



51 VICTORIA.

CHAP. 26.

An Act to amend the Steamboat Inspection Act, chapter seventy-eight of the Revised Statutes.

[Assented to 22nd May, 1888.]

Preamble.

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

Interpretation.
“Minor waters of Canada.”

1. In this Act the expression “minor waters of Canada” means all inland waters of Canada (including the River Saint Lawrence as far seaward as a line drawn from Father Point, on the south shore, to Point Orient on the north shore) with the exception of Lakes Erie, Ontario, Huron, Superior and Winnipeg, and the waters of Georgian Bay.

Section 4 of R.S.C., c. 79 amended.

2. Section four of “*The Steamboat Inspection Act*,” is hereby amended by adding the following words at the end of the said section:—“and all steam yachts of three tons, gross tonnage, and under, used exclusively for pleasure or private use without hire or remuneration of any kind, shall be exempt from all the requirements of this Act.”

Section 36 amended.

3. The first sub-section of section thirty-six of the said Act is hereby amended by striking out the words “hay or other” in the fifteenth line of the said sub-section, and inserting in lieu thereof the word “any.”

Permits to act as engineers may be granted.

4. The Minister of Marine and Fisheries, upon the report of the inspector of boilers and machinery, in whose district the steamboat is to run, may grant a permit to a fourth class engineer or other applicant, sufficiently qualified by his knowledge of steam machinery and his experience as engineer, authorizing him to act as engineer on a steamboat carrying passengers, and not exceeding twenty tons gross tonnage, and within specified limits in the minor waters of Canada—which steamboat and limits shall be designated in the permit:

2. Such permit may be issued and be in force for a term Duration. not exceeding one year, but may be suspended or cancelled for cause by the Minister, who may also renew the same from time to time for any term not exceeding one year :

3. For every such permit and for every renewal thereof Fee to be paid. the applicant shall pay the sum of two dollars, which shall be paid over to the Minister of Finance and Receiver General to form part of the Consolidated Revenue Fund of Canada.

5. No person who holds a permit issued under this Act, Exemption from penalty in such case. and no person who employs him as holding such permit, shall be liable to the penalty provided by section forty-three of the Act hereinbefore cited, if he is acting on the vessel and within the limits specified in the said permit.

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51 VICTORIA.

CHAP. 27.

An Act to amend "The Bank Act," Chapter one hundred and twenty of the Revised Statutes of Canada.

[Assented to 22nd May, 1888.]

Preamble.

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

R.S.C., c. 120,
s. 54 repealed;
new section.

1. Section fifty-four of chapter one hundred and twenty of the Revised Statutes of Canada is hereby repealed and the following is substituted in lieu thereof:

When warehouseman, &c., is also owner of the goods.

"**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, distiller, 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, manufacturer or dealer in wool or cotton, 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."

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 28.

An Act to amend Chapter one hundred and twenty-four of the Revised Statutes, respecting Insurance.

[Assented to 22nd May, 1888.]

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

1. The paragraph of section three of "*The Insurance Act*" lettered (c.) is hereby repealed and the following substituted therefor :—

"(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 may, by leave of the Governor in Council, on complying with the provisions of this Act, 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."

Preamble.
Section 3 of R.S.C., c. 124 amended.

As to certain companies under Provincial Acts.

Proviso : how such company may avail itself of this Act.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 29.

An Act respecting Railways.

[Assented to 22nd May, 1888.]

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

SHORT TITLE.

Short title. **1.** This Act may be cited as "*The Railway Act.*"

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,—

"Company." (a.) The expression "company" means a railway company, and includes any person having authority to construct or operate a railway;

"County." (b.) 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;

"Court." (c.) The expression "court" means a superior court of the Province or district;

"Department." (d.) The expression "department" means the Department of Railways and Canals;

"Deputy." (e.) The expression "deputy" means the Deputy of the Minister of Railways and Canals;

"Goods." (f.) The expression "goods" includes things of every kind that may be conveyed upon the railway, or upon steam vessels or other vessels connected with the railway;

"Highway." (g.) The expression "highway" includes any public road, street, lane or other public way or communication;

"Inspecting Engineer." (h.) The expression "inspecting engineer" means an engineer who is directed by the Railway Committee or by the Minister to examine any railway or works, and includes two or more engineers when two or more are so directed;

(i.) The expression "judge" means a judge of a superior "Judge." court ;

(j.) The expression "justice" means a justice of the "Justice." 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 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 ;

(k.) The expression "lands" means the lands, the ac- "Lands." quiring, taking or using of which is incident to the exercise of the powers given by this or the special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure ;

(l.) The expression "lease" includes an agreement for a "Lease." lease ;

(m.) The expression "map or plan" means a ground plan "Map or plan." of the lands and property taken or intended to be taken ;

(n.) The expression "Minister" means the Minister of "Minister." Railways and Canals ;

(o.) A railway shall be deemed to come "near." "near" to another when some part of the one is within one mile of some part of the other ;

(p.) The expression "owner," when, under the provisions "Owner." 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, means 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 ;

(q.) The expression "railway" means any railway which "Railway." the company has authority to construct or operate, and includes all stations, depots, wharves, property, and works connected therewith, and also any railway bridge or other structure which any company is authorized to construct under a special Act ;

(r.) The expression "the Railway Committee" means the "Railway Committee." Railway Committee of the Privy Council ;

(s.) The expression "sheriff" means the sheriff of the "Sheriff." district, county, riding, division, city or place within which are situated any lands in relation to which any matter is required to be done by a sheriff, and includes an under-sheriff or other lawful deputy of the sheriff ;

(t.) The expression "Special Act" means any Act "Special Act." under which the company has authority to construct or operate a railway, or which is enacted with special reference to such railway, and includes all such Acts ;

(u.) The expression "toll" includes any rate or charge "Toll." made for the conveyance of any passenger, goods, or carriage, or for the collection, loading, unloading, cording or delivery of goods, or for warehousing or wharfage, or other services incidental to the business of a carrier ;

- "Traffic." (v.) The expression "traffic" includes not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway ;
- "The undertaking." (w.) The expression "the undertaking" means the railways and works, of whatsoever description, which the company has authority to construct or operate ;
- "Working expenditure ." (x.) 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 waggons 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 ;
- When lands are not situate wholly in one district. (y.) When any matter arises in respect of any lands which are the property of one and the same person, and which are not situate wholly in any one district, county, riding, division, city or place, the expressions "clerk of the peace," "justice" and "sheriff" respectively, mean any clerk of the peace, justice or sheriff for any district, county, riding, division, city or place within which any portion of such lands is situate ; and the expressions "clerk of the peace" and "sheriff" respectively include the like persons as in other cases.

APPLICATION OF THE ACT.

Application of Act,

3. This Act, subject to any express provisions of the special Act, and to the exception hereinafter mentioned, applies to all persons, companies and railways within the legislative authority of the Parliament of Canada, except Government railways.

And of certain provisions thereof.

4. In addition, all the provisions of this Act relating to any subject or matter within the legislative authority of the Parliament of Canada, and for greater certainty but not so as to restrict the generality of the foregoing terms, all provisions

visions relating to railway crossings and junctions, offences and penalties and statistics apply to all persons, companies and railways whether otherwise within the legislative authority of Parliament or not.

5. The provisions of this Act, from section thirty-two to section eighty-nine, both inclusive, do not apply to every company and railway within the legislative authority of the Parliament of Canada, but apply to —

Application of sections 32 to 89.

(a.) Every company whose authority to construct or operate any railway is derived from the Parliament of Canada, and to every railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada ;

(b.) Every company and railway to which such provisions are made applicable, as hereinafter provided :

2. Such provisions 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 :

To form part of special Act.

3. Any of such provisions 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 numbers which they bear respectively, shall not be incorporated with such special Act, which shall thereupon be construed accordingly.

Exception of certain provisions.

6. If in any special Act it is provided that any provisions of any general Railway Act in force at the time of the passing of the special Act is excepted from incorporation therewith, or if the application of any such provision is extended, limited or qualified, the corresponding provision of this Act shall be excepted, extended, limited or qualified in like manner.

As to exceptions now in force.

SECTIONS WHICH MAY BE MADE APPLICABLE TO ANY RAILWAY WITHIN THE LEGISLATIVE AUTHORITY OF PARLIAMENT.

7. Any company within the legislative authority of the Parliament of Canada, to which the provisions of sections thirty-two to eighty-nine both inclusive of this Act are not, or are not clearly and without question, applicable, may apply to the Governor in Council for an order to make the same with or without exceptions or qualifications applicable to such company ; and the Governor in Council, upon proof that notice of such application has been inserted for four weeks in the *Canada Gazette*, may order and declare that the provisions of sections thirty-two to eighty-nine both inclusive of this Act, with such exceptions and qualifications as to the Governor in Council appear just, shall thereafter apply to such company and its railway ; and

How certain provisions may be made applicable to companies not subject to them.

such order shall be published in the *Canada Gazette* and a copy thereof laid before Parliament within fourteen days after the next meeting thereof.

THE RAILWAY COMMITTEE.

Constitution
of Railway
Committee.

8. The Railway Committee of the Privy Council shall consist of the Minister of Railways and Canals, who shall be chairman thereof, of the Minister of Justice and of two or more of the other members of the Queen's Privy Council for Canada to be from time to time appointed by the Governor in Council, three of whom shall form a quorum ; and such committee shall have the powers and perform the duties assigned to it by this Act.

Secretary.

9. The deputy of the Minister of Railways and Canals, or some other fit person appointed by the Committee, shall be secretary of the Committee.

Powers.

Rate of speed
in cities, &c.

10. 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 ;

Steam whis-
tle.

(b.) Make regulations with respect to the use of the steam whistle within any city, town or village, or any portion thereof ;

Safety of em-
ployees, &c.

(c.) Make regulations with respect to the method of passing from one car to another either inside or overhead, and for the safety of railway employees while passing from one car to another and for the coupling of cars ;

Penalties.

(d.) 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 :

Other liability
not affected.

2. The imposition of any such penalties shall not lessen or affect any other liability which any person may have incurred.

What matters
Railway
Committee
may hear and
determine.
Right of way.

11. The Railway Committee shall have power to enquire into, hear and determine any application, complaint or dispute respecting,—

(a.) Any right of way over or through lands owned or occupied by any company ;

Change of
line.

(b.) Changes in location for lessening a curve, reducing a gradient, or benefiting the railway, or for other purposes of public advantage ;

(c.) The construction of branch lines exceeding one quarter of a mile in length, but not exceeding six miles ; Branch lines.

(d.) The crossing of the tracks of one company by the tracks of another company ; Crossing tracks.

(e.) The alignment, arrangement, disposition or location of tracks ; Location of track.

(f.) The use by one company of the tracks, stations or station grounds of another company ; Use of tracks.

(g.) The construction of works in navigable waters ; Works in waters.

(h.) The construction of railways upon, along and across highways ; Highways.

(i.) The proportion in which the cost of fencing the approaches to crossings on railways constructed or under construction on the nineteenth of April, one thousand eight hundred and eighty-four, shall be borne by the company and the municipality or person interested ; Cost of fencing.

(j.) The compensation to be made to any person or company in respect of any work or measure directed to be made or taken, or the cost thereof, or the proportion of such cost to be borne by any person or company ; Compensation for work ordered.

(k.) Tolls and rates for the transportation of passengers and freight ; Tolls.

(l.) The adjustment of such tolls and rates between companies ; Adjustment of tolls.

(m.) Running powers or haulage ; Running powers.

(n.) Traffic arrangements ; Traffic.

(o.) Transshipment or interchange of freight ; Transshipment.

(p.) Unjust preferences, discrimination or extortion ; Preferences.

(q.) Any highway or street, ditch or sewer, water, gas or other pipes or mains over or through lands owned or occupied by the company ; or— Streets, sewers, &c.

(r.) Any matter, act or thing, which by this or the special Act is sanctioned, required to be done, or prohibited. General matters.

12. The Railway Committee or the Minister may appoint or direct any person to make an enquiry and report upon any application, complaint or dispute pending before such committee, or any matter or thing connected therewith or incident thereto. Report may be ordered to be made.

13. The Railway Committee, the Minister, inspecting engineer, commissioner for enquiry into any accident or casualty, or person appointed to make any enquiry or report, may— Powers as to inquiry into accident or casualty.

(a.) Enter into and inspect any place or building being the property or under the control of any company, the entry or inspection of which appears to it or him requisite ; Entry.

(b.) Inspect any works, engines, cars, carriages or property of the company ; Inspection.

(c.) Require the attendance of all such persons as it or he thinks fit to call before it or him and examine, and require Witnesses.

answers or returns to such enquiries as it or he thinks fit to make ;

Books, papers,
&c.

(*d.*) Require the production of all books, papers, plans, specifications, drawings and documents relating to the matter before it or him ;

Oaths.

(*e.*) Administer oaths, affirmations or declarations.

Drains, water
and other
pipes on pro-
perty of com-
pany.

14. Whenever, after due notice of application therefor, the Railway Committee decides that it is necessary in the interest of any municipality that means of drainage should be provided, or lines of water pipes or other pipes should be laid, or streets made through, along, across or under any works or lands of the company, it may, after hearing the parties, direct how and on what terms such drainage may be effected, or water pipes or other pipes laid or streets made ; and thereupon such municipality may construct the works necessary to carry out such direction, but only under the supervision of such official as the Railway Committee appoints,—or at its option the Company may construct such works under the like supervision ; and the cost of constructing such works, the cost of supervision, and the continued maintenance of the same shall be paid by such municipality, unless the Railway Committee direct that the company bear some proportion thereof,—in which case the company shall bear such proportion as the Railway Committee decides.

Expense, by
whom borne.

Compelling
attendance of
witnesses, &c.

15. The Railway Committee, the Minister and every such engineer, commissioner or person, 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 to produce, as is vested in any court in civil cases.

Payment of
witnesses.

16. Every person summoned to attend before the Railway Committee, or the Minister, or before any such engineer, commissioner, or person, 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 he is required to appear.

Decision may
be made order
of court.

17. Any decision or order made by the Railway Committee under this Act may be made an order of the Exchequer Court of Canada, or of any superior court of any Province of Canada, and shall be enforced in like manner as any rule or order of such court.

Review of de-
cision.

18. The Railway Committee may review and rescind or vary any decision or order previously made by it.

Case may be
stated for
opinion.

19. The Railway Committee may, if it thinks fit, at the instance of any party to the proceedings before it, and upon

upon such security being given as it directs, state a case in writing for the opinion of the Supreme Court of Canada upon any question which in the opinion of the Committee is a question of law.

20. The Supreme Court of Canada shall hear and determine the question or questions of law arising thereon and remit the matter to the Railway Committee, with the opinion of the court thereon. Opinion to be delivered.

21. Subject to the provisions of section eighteen, every decision and order of the Railway Committee shall be final: Provided always, that either party may petition the Governor in Council, and the Governor in Council may, in his discretion, rescind, change or vary such order as he deems just and proper. Decision final. Appeal to Governor in Council.

22. The costs of and incidental to any proceeding before the Railway Committee shall be in the discretion of the Committee. Costs.

23. Every document purporting to be signed by the chairman and secretary of the Railway Committee, or by either of them, or by the Minister, shall be received in evidence without proof of any such signature, and until the contrary is proved shall be deemed to have been so signed and to have been duly executed or issued by such committee or by the Minister as the case may be. Certain documents to be evidence.

24. Every decision and order of the Railway Committee shall be considered as made known to the company by a notice thereof, signed by the chairman and the secretary of the committee or by either of them 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 Minister or of the inspecting engineer shall be deemed to be made known to the company by a notice thereof, signed respectively by the Minister or the engineer, and delivered as above mentioned. Promulgation of order of committee. And of minister or inspecting engineer.

25. Every company shall, as soon as possible after the receipt of any order or notice of the Railway Committee or the Minister or the inspecting engineer, give cognizance thereof to each of its officers and servants, by delivering a copy to him, or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed. Publication by the company.

INSPECTING ENGINEERS.

26. Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information Information to be afforded to inspecting engineer.

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 the railway or any portion thereof.

Engineer to be conveyed by company, &c.

27. Every such inspecting engineer shall have the right, while 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.

Telegraph operators to obey his orders.

28. 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, be liable, on summary conviction, to a penalty of forty dollars.

Proof of his authority.

29. The production of instructions in writing, signed by the chairman of the Railway Committee and the secretary thereof or by either of them, or by the Minister, shall be sufficient evidence of the authority of such inspecting engineer.

Penalty for obstructing inspecting engineer.

30. Every person who wilfully obstructs any inspecting engineer in the execution of his duty is liable, on summary conviction, to a penalty not exceeding forty dollars; and in default of payment thereof forthwith, or within such time as the convicting justice or justices of the peace appoint, to imprisonment with or without hard labor for any term not exceeding three months.

INCORPORATION.

Companies to have corporate powers.

31. Every company incorporated under a special Act shall be a body corporate, under the name declared in the special 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.*"

OFFICES OF COMPANY.

Offices of the company.

32. The head office of the company shall be in the place designated in the special Act; but the board of directors may establish one or more offices in other places in Canada or elsewhere.

PROVISIONAL DIRECTORS AND THEIR POWERS.

33. The persons mentioned by name as such in the special Act are hereby constituted provisional directors of the company, and of such provisional directors a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any chartered bank of Canada moneys received by them on account of stock subscribed,—which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Provisional directors and their powers.

Moneys deposited to be withdrawn for certain purposes only.

34. If more than the whole stock has been subscribed the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking.

Allocation of stock.

CAPITAL.

35. The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of the special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of the undertaking.

Capital stock and shares.

Application thereof.

36. So soon as twenty-five per cent., of the capital has been subscribed, and ten per cent. of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company at the place where the head office is situate, at such time as they think proper,—giving the notice prescribed by section forty-one of this Act,—at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the special Act.

First meeting of shareholders.

Notice thereof.

Election of directors.

37. The original capital stock of any company may, with the approval of the Governor in Council, 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

How capital stock may be increased.

Entry on minutes.

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 such 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, with such approval, be increased to the amount sanctioned by such vote.

When and how municipal corporations may take stock.

38. 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, unless in such special Act provision is made for the representation of such corporation on the board thereof.

Representation of corporations.

Paid up stock may be issued in certain cases.

39. The directors of the company elected by the shareholders may make and issue, as paid up stock, shares in the company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the company, and such stock shall not be assessable for calls.

MEETINGS OF SHAREHOLDERS.

Annual meetings.

40. A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act; and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting:

Special meetings.

Where to be held.

2. All general meetings whether annual or special shall be held at the head office of the company.

Notice of meetings.

41. At least four weeks' public notice of any meeting shall be given by advertisement published in the *Canada Gazette*, and in at least one newspaper published in the place where

where the head office is situate,—in which notice shall be specified the place and the day and the hour of meeting ; all such notices shall be published weekly, and a copy of such *Gazette* containing such notice shall, on production thereof, be evidence of the sufficiency of such notice. Evidence.

42. Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act or the Special Act is required to be transacted at a special meeting ; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened. What business may be transacted.

43. 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, and on which all calls due have been paid. Votes on shares.

44. 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 :— Shareholders may vote by proxy.

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 _____ Form of proxy.

45. 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.

PRESIDENT AND DIRECTORS.

46. A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting ; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a delay as possible after the day so appointed. Election of board of directors.

As to votes at adjourned meeting.

47. 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.

48. Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.

Qualification of director.

49. No person shall be a director unless he is a shareholder, owning twenty shares of stock absolutely in his own right, and has paid all calls due thereon, and is qualified to vote for directors at the election at which he is chosen.

Term of office.

50. 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.

Vacancies by death, &c., how filled.

51. In case of the death, absence or resignation of any of the directors, others may, unless otherwise prescribed by the by-laws, 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.

President.

52. 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.

Vice-president.

Quorum.

53. The directors, at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors.

Acts of majority binding.

54. 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.

Votes of directors.

55. 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.

Directors subject to shareholders and by-laws.

56. 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.

57. No person who holds any office, place or employment in, or who is concerned or interested in any contract under or with the company, or is surety for any contractor, 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 or surety for any contractor with the company.

Disability of officers, contractors and sureties.

58. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs 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.

By-laws to be made.

59. 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.

Appointment of officers and security to be given by them.

60. 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.

When vice-president shall act.

61. 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 *primâ 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.

Absence of president may be entered on minutes, &c.

62. The directors shall cause to be kept and, annually, on the thirtieth day of June, 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

Annual statement to be prepared.

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.

CALLS.

Calls and notice thereof.

63. 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 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 and given.

More than one call by one resolution.
Proviso.

Publication of notice of call.

64. All notices of calls upon the shareholders of the company shall be published as provided by section forty-one of this Act, and a copy of the *Gazette* therein mentioned shall, on production thereof, be evidence of the sufficiency of such notice.

Payment of calls.

65. Every shareholder shall be liable to pay the amount of the calls 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.

Interest on overdue calls.

66. 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.

Recovery by suit.

67. 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.

What allegations only necessary in suits for calls.

68. 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.

DIVIDENDS AND INTEREST.

69. At the annual meeting of the shareholders of the company, a dividend may be declared out of the net profits of the undertaking. Declaration of dividend.

70. 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. Rate of dividend.

71. 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; but 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 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. Dividend not to impair capital, &c.
But interest may be paid on certain sums.

72. 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. No interest on share in arrear.

SHARES.

73. 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 whereof 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. Shares may be transferred.

74. Transfers, except in the case of fully paid up shares, shall be in the form following or to the like effect, varying the names and descriptions of the contracting parties as the case requires, that is to say:— Form of transfer.

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 .

As to paid-up shares.

2. In the case of fully paid shares the transfer may be in such form as is prescribed by by-law of the company.

Shares personal property, &c.

75. 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.

Transmission otherwise than by transfer.

76. 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.

Company not bound to see to trusts, &c.

77. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share 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.

Certificate of proprietorship to be evidence.

78. The certificate of proprietorship of any share shall be admitted in all courts as *prima 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.

Sale without certificate.

79. The want of such certificate shall not prevent the holder of any share from disposing thereof.

80. 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.

81. 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.

82. 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.

83. 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, or any unissued shares, or may pledge such 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: Provided that authority for such purpose and for the issue of the stock be first given at a special general meeting of the shareholders called for the purpose.

Forfeited shares may be sold.

Proviso: authority to be obtained.

84. 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.

Certificate of treasurer to be evidence of forfeiture and of title of purchaser.

85. 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 on sums paid in advance.

Proviso. 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.

Liability of shareholders. **86.** 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.

Aliens to have equal rights. **87.** All shareholders in the company, whether British subjects or aliens, or resident in Canada or elsewhere, shall have equal rights to hold stock in the company and to vote on the same and shall be eligible to office in the company.

Record of shareholders. **88.** 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, and which shall be open to the inspection of the shareholders.

LIMITATION OF TIME.

Time for construction limited. **89.** If the construction of the railway is not commenced, and fifteen per cent. on the amount of the capital stock is not expended thereon within two years after the passing of the Act authorizing the construction of the railway, or if the railway is not finished and put in operation in seven years from the passing of such Act, then the powers granted by such Act or by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

GENERAL POWERS.

Powers. **90.** The company may, subject to the provisions in this and the special Act contained:—

To enter lands for surveys, &c. (a.) 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 receive grants of land, &c. (b.) Receive, take and hold all voluntary grants and donations of lands or other property or any bonus of money or debenture, or other benefit of any sort, 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;

(c.) Purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance, accommodation and use of the railway, and also alienate, sell or dispose of so much thereof as is not necessary for the purposes of the railway ;

To purchase and sell land.

(d.) Make, carry or place the railway across or upon the lands of any person on the located line of the railway, or within one mile thereof, or within such further distance from such line as is prescribed in the special Act ;

To carry railway across lands.

(e.) Fell or remove any trees which stand within six rods from either side of the railway or which are liable to fall across the railway track ;

To fell trees.

(f.) 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 ;

To cross, &c., other railways.

(g.) Make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal or highway which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences ;

To make bridges, tunnels, &c.

(h.) Divert or alter, as well temporarily as permanently, the course of any such river, stream, watercourse or highway, or raise or sink the level thereof in order the more conveniently to carry the same over, under or by the side of the railway ;

To divert streams, &c.

(i.) Make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway ;

To make drains or conduits.

(j.) Divert or alter the position of any water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric light wire or pole ;

To alter position of gas or water pipe, &c.

(k.) 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 electricity or of the atmosphere, or of animals, or by mechanical power, or by any combination of them ;

To make and maintain railway.

(l.) Erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and construct, purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passengers, freight and business of the railway ;

To erect buildings, &c.

(m.) Construct or acquire electric telegraph and telephone lines for the purposes of its undertaking ;

Telegraph and telephone lines.

(n.) Make branch railways, if required and provided for by this or 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 make branch railways.

To convey persons and goods.

(o.) 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 alter works.

(p) From time to time alter, repair or discontinue the before mentioned works or any of them, and substitute others in their stead ;

To do all things necessary.

(q.) Do all other acts necessary for making, maintaining, altering or repairing, and using the railway.

Company to restore stream, &c., to former state.

91. The company shall restore as nearly as possible to its former state any river, stream, watercourse, highway, water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric light wire or pole which it diverts or alters, or it shall put the same in such a state as not materially to impair its usefulness.

Compensation for damage done.

92. The company shall, in the exercise of the powers by this or the special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein and in the special Act provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.

POWER TO BORROW MONEY.

Issue of bonds, &c., authorized.

93. The directors of the company, under the authority of the shareholders, to them given at any special general meeting, called for the purpose in the manner provided by section forty-one of this Act, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary, which counter-signature and the signature to the coupons attached to the same may be engraved ; and such bonds, debentures or other securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum, as the directors think proper :

When they may be made payable.

Disposal of bonds, &c.

2. The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking :

Amount of bond, &c.

3. No such bond, debenture or other security shall be for a less sum than one hundred dollars :

4. The power of issuing bonds conferred upon the company hereby 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 no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work ; and the limit to the amount of bonds, debentures or other securities fixed in the special Act shall not be exceeded.

Extent of borrowing power.

94. The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed ; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made to the Minister, and next to the payment of the working expenditure of the railway :

Mortgage deed to secure bonds, &c.

Penalties and working expenditure to be a first charge.

2. By the said deed the company may grant to the holders of such bonds, debentures, or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided :

Powers which may be granted by deed.

Validity of deed.

3. Every such mortgage deed shall be deposited in the office of the Secretary of State of Canada—of which deposit notice shall be given by the company in the *Canada Gazette*.

Deposit of deed.

95. The bonds, debentures, or other securities, hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :

Bonds, &c., to be a preferential claim on the undertaking.

2. Each holder of the said bonds, debentures, or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures, or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Holder to be a mortgagee.

Powers of holders in case of non-payment.

96. If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities, hereby authorized, at the time when the same, by the terms of the bond, debenture, or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities, so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the company to a corresponding amount :

Rights of holders defined.

2. The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares :

Registration.

Certain rights not affected.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

Transfer of bonds, &c.

97. All bonds debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Promissory notes may be issued.

98. The company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the company, or other officer authorized by the by-laws of the company, and counter-signed by the secretary, shall be binding on the company ; and every such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown ; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or other officer so authorized be individually responsible for the same, unless such promissory note or bill has been issued without proper authority ; but nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or

No seal required.

Notes not to be payable to bearer.

intended to be circulated as money or as the note or bill of a bank.

POWER TO TAKE OR USE LAND AND MATERIALS DEFINED AND LIMITED.

99. 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, upon such terms as the Governor in Council prescribes, take and appropriate, for the use of its railway and works, but not alienate, so much of the 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; and whenever any such lands are vested in Her Majesty for any special purpose, or subject to any trust, the compensation money which the company pays therefor shall be held or applied by the Governor in Council for the like purpose or trust.

As to lands vested in Her Majesty.

Lands vested in Her Majesty for special purposes.

100. 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 of such license and consent being so given.

As to lands reserved for military or naval purposes.

Consent of proper authority.

101. No company shall take possession of or occupy any portion of any Indian reserve or lands without the consent of the Governor in Council; and when, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor, as in other cases.

As to Indian lands.

102. A company may, for the purpose of obtaining a right of way over or through lands owned or occupied by any other company, and for obtaining the use of the tracks, stations or station grounds of another company, or for the purpose of constructing and operating its railway, take possession of, use or occupy any lands belonging to any other

As to lands of other companies, &c.

Orders may be made in such case.

Certain provisions to apply.

other railway company, with the approval of the Railway Committee, which approval such committee may give on any application of which such other company has, in the opinion of the committee, had reasonable notice. On any such application, the Railway Committee may make such orders and give such directions as to it appears just or in the public interest; and all the provisions of the law at any time applicable to the taking of lands and their valuation and the compensation therefor, and appeals from awards thereon, shall apply to such lands.

Extent of land that may be taken.

103. The lands which may be taken without the consent of the owner 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, depots 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 where more ample space for the accommodation of the public, or of the traffic on the railway, or for protection against snow drifts is required—in which cases such greater quantity of land or land covered with water may be taken, as the Minister authorizes.

Exception.

Extra land to be shown on map or plan.

104. The places at which such extra breadth is to be taken shall be shown on the map or plan, 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 one mile thereof, or within such further distance from such line as is prescribed in the special Act.

Public beach, &c.

105. 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 hereinbefore limited.

Proceedings for obtaining extra land for certain purposes.

106. Whenever any company requires, at any place on the line of its railway, more ample space for the convenient accommodation of the public or of the traffic on the railway, or for protection against snow drifts, than it then possesses or can take without the consent of the owners thereof, the company may cause a map or plan and book of reference to be made of the additional lands required at such place for the purposes aforesaid.

Application to the Minister.

107. The company may transmit the map or plan and the book of reference to the Minister with an application, on behalf of the company, supported by affidavit, referring to such map or plan and book of reference and stating that

certain lands shown therein are 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.

108. At least ten days' notice of such application shall be given to the owner or possessor of such property; and the correctness of the map or plan and book of reference, 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 map or plan and book of reference and statement shall be made and transmitted to the Minister in duplicate.

Notice to owner and certificate to be transmitted to Minister.

109. The Minister shall inquire into the correctness of the map or plan and book of reference 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 map or plan and book of reference or any less quantity, should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said map or plan and book of reference and statement, and the other duplicate shall remain at the department.

Minister may grant the application after inquiry.

110. A copy of the duplicate of such map or plan and book of reference and statement and of such certificate shall be deposited in the office of the registrar of deeds for the county or district in which the lands lie.

Deposit of copy of plan, &c.

111. Upon the granting of such certificate, and by virtue thereof, the company may, without the consent of the owners, take the land shown on such map or plan and book of reference as required for such purposes; 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 by this Act to companies and persons who could not otherwise convey the same, with respect to lands which may be taken without the consent of the owners thereof; and all the provisions of law at any time applicable to the taking of land by the company and its valuation and the compensation therefor shall apply to the lands mentioned in such certificate.

Powers of company on the granting of certificate.

112. 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

Lands may be acquired for constructing or repairing railway.

the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of land by the 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 land is 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.

Deposit in such case.

Power to take materials for construction.

113. 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 land on which the same are situated, for the purchase thereof, cause a land surveyor, duly licensed to act as such in the Province, district, or county or an engineer 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 respecting expropriation of lands 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.

Notice in case of arbitration.

Power to make sidings, conduits, &c.

114. Whenever any stone, gravel, earth, sand or water is so taken 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 land 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.

Maintenance and repair of railway.

If the whole parcel of land can be pur-

115. Whenever, for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, main-

taining and using the railway, any land may be taken under the compulsory provisions 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.

chased with
advantage.

Compulsory
provisions not
to apply.

116. 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 its railway, and may 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.

Erection of
snow fences,

And removal
thereof.

POWERS RESPECTING LOCATION OF LINE, DEVIATIONS AND CHANGES DEFINED AND LIMITED.

117. No lateral deviation of more than one mile shall be made from the located line of the railway or from the places assigned thereto in the map or plan and book of reference, or profiles, except in such instances as are provided for in the special Act.

What deviation
shall be
allowed.

118. The railway may be made, carried or placed across or upon the lands of any person on the located 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.

As to error in
name entered
in book.

119. No company shall, without the authority of the Railway Committee, 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.

Mines to be
protected.

120. Any company, which desires at any time to change the location of its line of railway in any particular part, for

Change in
line of railway
may be made.

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 with the approval of the Railway Committee 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.

No change of terminus.

POWER TO CONSTRUCT BRANCH LINES DEFINED AND LIMITED.

Power to construct branch lines for certain purposes.

121. 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 Railway Committee to sanction the building of such branch line, and the appropriation of 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, a map or plan and book of reference indicating the location of the line; nor until the company has submitted the same to, and such map or plan and book of reference have been approved of by the Railway Committee, after the expiration of the said notice; and the order of the Railway Committee, approving such map or plan and book of reference 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.

Map or plan, &c.

Approval of Railway Committee.

Limitation of time.

Powers as to such branch lines.

122. Every such company may, for any such purpose, exercise all the powers given to it with respect to its main line, under this and the special Act; and each and every provision of such Acts which is applicable to such extension shall extend and apply to every such siding, switch or branch line of railway.

PLANS AND SURVEYS.

123. Surveys and levels shall be made and taken of the lands through which the railway is to pass, together with a map or plan and profile 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 and profile.

124. The map or plan and book of reference and profile may be made of sections of the railway, and shall be deposited at the department.

May be in sections, and to be deposited.

125. The map or plan and book of reference and profile 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 and profile, or of such parts thereof as relate to each district or county through which the railway is to pass, in the offices of the registrars of deeds for such districts or counties respectively.

To be examined and certified and copies deposited.

126. Any person may resort to such copies, and make extracts therefrom or copies thereof, as occasion requires, paying to the registrar of deeds at the rate of ten cents for every hundred words.

Access to copies.

127. Such map or plan and book of reference and profile so certified, or a true copy thereof, or an extract therefrom, certified by the Minister or his deputy, or by any registrar of deeds, shall be evidence in any court of justice or elsewhere.

Certified copies to be evidence.

128. 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.

129. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the registrars of deeds of the districts or counties, respectively,

Certificate relating thereto.

spectively, in which such lands are situate, and shall be kept by them together with the other documents to which it relates; 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.

Alterations from original survey.

130. If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a map or plan and profile of such alterations on the same scale, and containing the same particulars as the original map or plan and profile, shall be deposited in the same manner as the original map or plan and profile, and copies of or extracts from such map or plan and profile, so far as they relate to the several districts or counties in or through which such alterations are intended to be made, shall be deposited with the registrars of deeds of such districts and counties.

Works not to be proceeded with until map, &c., are deposited.

131. Until such original map or plan and book of reference, and profile or the map or plan and profile 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 registrars of deeds.

132. The registrars of deeds shall receive and retain the copies of the original maps or plans and books of reference and profiles, and copies of the maps or plans and profiles of alterations, 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 registrar of deeds who refuses so to do is liable, on summary conviction, for each offence to a penalty of four dollars.

Copies certified by registrar to be evidence.

133. The copies of the maps or plans and books of reference and profiles, or of any alterations or corrections thereof, or extracts therefrom, certified by the registrar of deeds, shall be received in all courts of justice and elsewhere as evidence of the contents thereof, and the registrar of deeds shall, when required so to do, give such certificate to any person interested.

Map of the completed railway to be filed at the department.

134. A map or plan 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 maps or plans 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 file such maps or plans and profiles at the department or to file such maps or plans

Penalty for neglect.

in such registry offices 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.

135. Every map or plan and profile 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.

LANDS AND THEIR VALUATION.

136. 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 themselves, 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 and sell and convey to the company all or any part thereof.

Conveyance to the company.

137. In all cases in which such persons have no right in law to sell or convey the rights of property of the said land, such 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.

Order of judge required in certain cases.

138. The powers herein 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, 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.

Limitation of powers in certain cases.

139. Any contract, agreement, sale, conveyance and assurance so made hereunder 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.

Effect of sale under preceding sections.

Seller indemnified.

140. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes,

Responsibility as to purchase money.

purposes, if paid to the owner of the land or into court for his benefit.

Effect of contracts made before deposit of map, &c.

141. 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 upon in certain cases.

142. 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.

Lien for the payment thereof.

143. For the payment of such 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, except as to the charges created by section ninety-four of this Act, upon the deed creating such charge and liability being duly registered in the registry office of the proper district, county or registration division.

After ten days from deposit, application to owner.

144. After the expiration of ten days from the deposit of the map or plan and book of reference in the office of the registrar of deeds, 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

Arbitration in default of agreement.

questions which arise between them shall be settled as hereinafter provided.

145. 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 such compensation or damages shall be ascertained.

Deposit to be general notice.

146. The notice served upon the party 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 ;

Notice to the party and what it shall contain.

(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.

147. Such notice shall be accompanied by the certificate of a sworn surveyor for the Province in which the lands are situated, or an engineer, who is a disinterested person and is not the arbitrator named in the notice, which certificate shall state,—

Certificate of surveyor and what it shall state.

(a.) 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 ;

(b.) That he knows the land, or the amount of damage likely to arise from the exercise of the powers ; and—

(c.) That the sum so offered is, in his opinion, a fair compensation for the land and damage aforesaid.

148. 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.

Application for service by advertisement.

149. 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 such 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.

Certificate and affidavit to accompany application.

Notice.

150. 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

Party not accepting offer and not appointing arbitrator.

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 person to be sole arbitrator for determining the compensation to be paid as aforesaid.

Appointment of arbitrator by party and of third arbitrator.

151. 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.

152. 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 or his office, and shall proceed to ascertain such 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 except as hereinafter provided; but no such award shall be made nor 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 lands to be considered.

153. The arbitrators, in deciding on such value or compensation, shall take into consideration the increased value that will 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.

Costs, by whom payable.

154. 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.

Witnesses.

155. The arbitrators, or a majority of them, or the sole arbitrator, shall examine on oath or solemn affirmation the parties,

parties, or such witnesses as appear before them or him, and shall administer such oath or affirmation :

2. The arbitrators shall take down the depositions of witnesses in writing, and after making their award shall forthwith deliver or transmit by registered letter, at the request of either party in writing the depositions, together with the exhibits referred to therein and all papers connected with the reference, except the award, to the clerk of a superior court in the province in which the lands are situated, to be filed with the records of the said court.

Evidence to be taken down in writing.

Transmission of record.

156. 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 is to be made.

157. 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 section one hundred and fifty-one shall apply ; but no recommencement or repetition of the previous proceedings shall be required in any case.

Vacancy in the office of arbitrator, how filled.

No re-commencement of proceedings.

158. In any case where the notice given improperly describes the land or material intended to be taken, or if the company decides not to take the land or material mentioned in the notice, it may abandon the notice and all proceedings thereunder, but shall be liable to the person notified for all damages or costs incurred by him in consequence of such notice and abandonment—such costs to be taxed in the same manner as costs after an award ; and the company may give to the same or any other person notice for other land or material or for land or material otherwise described, notwithstanding the abandonment of the former notice.

Company may desist on payment of costs.

New notice may be given.

159. The 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

Valuator or arbitrator not disqualified unless per-

sonally inter-
ested.

expressed an opinion as to the amount of compensation, 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 dis-
qualification
must be
urged.

160. 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.

161. No award shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been substantially 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:

Appeal to a
superior
court.

2. Whenever the award exceeds four hundred dollars, any party to the arbitration may within one month after receiving a written notice from any one of the arbitrators or the sole arbitrator, as the case may be, of the making of the award, appeal therefrom upon any question of law or fact to a superior court of the Province in which such lands are situate; and upon the hearing of the appeal the court shall, if the same is a question of fact, decide the same upon the evidence taken before the arbitrators, as in a case of original jurisdiction:

Practice and
proceedings
in such case.

3. Upon such appeal the practice and proceedings shall be as nearly as may be the same as upon an appeal from the decision of an inferior court to the said court, subject to any general rules or orders from time to time made by the judges of the said superior court in respect to such appeals, which orders may, amongst other things, provide that any such appeal may be heard and determined by a single judge:

Other reme-
dies not
affected.

4. The right of appeal hereby given shall not affect the existing law or practice in any Province as to setting aside awards.

Upon pay-
ment or ten-
der of sum

162. Upon payment or legal tender of the compensation or annual rent, so awarded or agreed upon, to the person entitled

entitled to receive the same, or upon the payment into court of the amount of such compensation, in the manner herein-after 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.

awarded possession may be taken.

Warrant of possession.

163. 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.

Warrant of possession before award.

164. The judge shall not grant any warrant under the next preceding 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 fifty per cent. above the amount mentioned in the notice served under section one hundred and forty-six.

On what conditions such warrant may be granted.

Security to be given.

165. The costs of any such application to, and of any such 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.

166. 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

Compensation to stand in the place of the land.

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.

Payment of compensation into court in certain cases.

167. 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.

Notice to be published.

168. 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 county in which the lands are situated, or if there is no newspaper published in the county, then in the official *Gazette* of the Province, if any, and also in a newspaper published in the nearest county thereto in which a newspaper is published, 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 lands, 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 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 appertains.

Claims to be adjudicated upon.

Distribution of compensation.

Costs.

169. The costs of the proceedings, in whole or in part, including the proper allowance to witnesses, shall be paid by the company, or by any other person, as the court orders; and 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

Interest.

shall order the company to pay to the proper claimants the interest for such further period as is right.

170. 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 lands are 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 lands 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.

Proceedings in a like case in the Province of Quebec.

Confirmation of title.

Special notice in such case.

171. 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 appertains.

Effect of confirmation.

Distribution of compensation.

172. 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.

Costs.

Interest.

RAILWAY CROSSINGS AND JUNCTIONS.

173. No company shall cross, intersect, join or unite its railway with any other railway without application to the

Crossings, &c., subject to approval of

Railway
Committee.

Railway Committee for approval of the place and mode of crossing, intersection, junction or union proposed,—of which application ten days' 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, superintendent, general manager, managing director or secretary of such other company.

Railway
Committee
may make
regulations.

174. The Railway Committee may make such orders and give such directions respecting the proposed crossing, intersection, junction or union, and the works to be executed and the measures to be taken by the respective companies, as to it appear necessary or expedient to secure the public safety.

Necessary ap-
paratus may
be ordered to
be adopted.

175. The Railway Committee may, on the application of any company whose railway, at rail level, crosses or is crossed by the railway of any other company, direct such companies to adopt and put in use at such crossing, within a reasonable time, to be fixed by such committee, such an interlocking switch and signal system or device, as in the opinion of such committee renders it safe to permit engines and trains to pass over such crossing without being brought to a stop.

Proportion of
expenses to be
paid by each
company.

176. The companies may agree with each other as to the compensation to be paid by one to the other in respect of any crossing, intersection, junction or union, or the proportion to be borne by each of the costs of executing any work or taking any measure, or the carrying out of any order of the Railway Committee; but if they fail so to agree, the amount of such compensation, or the proportion of such costs so to be borne by each, shall be determined by the Railway Committee.

Intersection
of railways
under provin-
cial charters.

177. Every railway company incorporated by any Act of the Legislature of any Province which crosses, intersects, joins or unites with any railway within the legislative authority of the Parliament of Canada, or which is crossed, or intersected by, or joined or united with any such railway shall, in respect of such crossing, intersection, junction and union, and all matters preliminary or incident thereto, be deemed to be, and be, within the legislative authority of the Parliament of Canada, and subject in respect thereof to the provisions of this Act.

NAVIGABLE WATERS.

Navigation
not to be im-
peded.

178. 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.

179. 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 such bridge or viaduct of such clear height above the surface of the water, or shall construct such drawbridge or swing bridge 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 swing bridge or draw bridge as the Governor in Council, from time to time, directs or makes.

Bridges over navigable rivers, &c.

180. No company shall 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.

Bridges to be floored.

181. 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.

Plans of bridges, &c., to be approved.

182. The Governor in Council may, upon the report of the Railway Committee, authorize or require any company to construct fixed and permanent bridges or swing, draw or movable bridges, or to substitute any of such bridges for existing bridges on the line of its railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the company fails to comply with the directions of the Governor in Council, it shall forfeit and pay to Her Majesty the sum of two hundred dollars; and no company shall substitute any swing, draw or movable bridge for any fixed or permanent bridge already built and constructed, without the previous consent of the Railway Committee.

Substitution of one form of bridge for another.

Penalty for non-compliance.

No swing bridge to be substituted without permission.

HIGHWAY CROSSINGS.

183. The railway shall not be carried along an existing highway, but shall merely cross the same in the line of the railway, unless leave therefor has been obtained from the Railway Committee, 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 ;

Railway not to be carried along highway without permission of proper authority.

Penalty for
contraven-
tion.

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, when the works are completed, 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.

184. Whenever any railway crosses any highway, without being carried over it by a bridge, or under it by a tunnel or bridge, whether the level of the highway remains undisturbed or is raised or lowered to conform to the grade of the railway, the top of the rails shall not, when the crossing is completed, rise above or sink below the level of the highway more than one inch.

Dimensions of
bridges over
highways, and
inclination.

185. 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 of the highway passing under any such bridge shall not exceed one foot in twenty feet.

Inclination of
highway at
crossings.

186. The inclination of the ascent or descent, as the case may be, of any approach by which any roadway is carried over or under any railway or across it at rail level shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach unless the Railway Committee directs otherwise; 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 or municipality or person interested.

Fences.

Cost thereof
in certain
cases.

Plan of cross-
ing of high-
way on the
level to be
submitted.

187. 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 at rail 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

Powers of
Railway Com-
mittee in such
case.

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 at rail 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.

As to land required.

188. The Railway Committee may make such orders, and give such directions 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.

Railway Committee may make regulations.

189. 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: Provided however, that the Railway Committee may extend the time for the completion of the said work upon proper cause shown.

Penalty for non-compliance.

Time may be extended.

190. Signboards at every highway crossed at rail level by any railway, shall be erected and kept up at each crossing, and shall have the words "railway crossing" painted on each side of the signboard, in letters at least six inches in length, and in the Province of Quebec such words shall be painted in both the English and the French languages; and every company which neglects to comply with the requirements of this section, shall incur a penalty not exceeding forty dollars.

Signboards over railway crossings.

FARM CROSSINGS.

191. Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway by farmers' implements, carts and other vehicles.

Farm crossings.

BRIDGES—TUNNELS.

As to height of overhead bridges.

192. Every bridge or other erection or structure or tunnel 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 :

No higher cars to be used till bridge is raised.

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 :

Bridge, &c., to be raised when re-constructed,

3. Whenever any bridge, erection, structure or tunnel is constructed over or on the line of a railway, or whenever it becomes necessary to reconstruct any bridge, erection, structure or tunnel already built over or on the line of a railway, or to make large repairs to the same, such bridge, erection, structure or tunnel, and the approaches thereto, if necessary, shall be constructed, reconstructed or repaired 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 be so constructed and at all times maintained as 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 bottom of the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway :

And clear headway maintained thereafter.

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 top of the highest freight car then about to be used on the railway :

Exception.

5. The Governor in Council may exempt from the operation of this section any bridge, erection, structure or tunnel which is upon any portion of any line of railway on all the cars of the trains running upon which air-brakes are used or otherwise :

Penalty for non-compliance.

6. 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.

193. No company shall run its trains on any bridge unless such bridge is constructed and maintained with safeguards approved by the Minister. This section shall not apply to any bridge already constructed, until six months after the passing of this Act.

When only trains may be run over a bridge.

FENCES AND CATTLE-GUARDS.

194. When a municipal corporation for any township has been organized and the whole or any portion of such township has been surveyed and subdivided into lots for settlement, fences shall be erected and maintained on each side of the railway through such township, of the height and strength of an ordinary division fence, with openings or gates or bars or sliding or hurdle gates of sufficient width for the purposes thereof, with proper fastenings at farm crossings of the railway, and also cattle-guards at all highway crossings suitable and sufficient to prevent cattle and other animals from getting on the railway: Provided always, that in New Brunswick, Nova Scotia and Prince Edward Island, wherever a county municipality has not been subdivided into local municipalities, each improved or occupied lot of land shall be protected by fences, gates and cattle-guards, as in this section provided:

Fences, cattle guards, &c., to be erected and maintained.

As to N.B., N.S., and P.E.I.

2. A hurdle gate has proper fastenings if it is fifteen inches longer than the opening and is supported at each end by two upright posts:

Fastenings at hurdle gates.

3. Until such fences and cattle-guards are duly made and completed, and if after they are so made and completed they are not duly maintained, the company shall be liable for all damages done by its trains and engines to cattle, horses and other animals, not wrongfully on the railway, and having got there in consequence of the omission to make, complete and maintain such fences and cattle-guards as aforesaid.

Liability of company in default.

195. If the land through or by which the railway passes is occupied at the time of the construction of the railway opposite thereto, the company shall make such fences, gates and cattle-guards as they lay their rails.

Time for construction if land is occupied.

196. 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 company is exempted from liability.

197. At every public road crossing at rail level of the railway, the crossing shall be sufficiently fenced on both sides so as to allow the safe passage of the trains.

Crossings to be fenced.

198. The persons for whose use farm crossings are furnished, shall keep the gates at each side of the railway closed

Gates at farm crossings to be kept closed.

closed when not in use ; 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.

Penalty for leaving gates open.

199. Every person who wilfully leaves any such gate open without some person being at or near it to prevent animals from passing through it on to the railway, or who takes down any part of a railway fence, or turns any horse, cattle or other animal upon or within the enclosure of such railway, is liable, on summary conviction, to a penalty of twenty dollars for each offence, and is also 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 being so left open, or by reason of such fence being so taken down, or by the turning upon or within the enclosure of such railway of any horse, cattle or other animal ; 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.

Company not liable in such case.

INSPECTION OF RAILWAY BEFORE OPENING.

Notice to Railway Committee before railway is opened.

200. 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 Minister by the company to which the railway belongs, and until ten days after notice in writing is given to the Minister 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.

Penalty for non-compliance.

201. 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.

Railway to be inspected.

202. The Minister, upon receiving such notification, shall direct one or more engineers 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 Minister 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

Postponement of opening if report is unfavorable.

of such opinion, the Minister, 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 Minister that such opening may take place without danger to the public.

203. If any railway or any portion thereof is opened contrary to such order or direction of the Minister, 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. Penalty for opening contrary to order.

204. 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. Order not binding without copy of report.

INSPECTION OF RAILWAY OUT OF REPAIR.—REPAIRS.

205. Whenever the Minister 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 his opinion, render it expedient, he may direct one or more engineers 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 inspecting engineer, 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, 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 as has been required by the Minister. Proceedings if part of railway is out of repair.

206. Whenever that portion of any railway which crosses or is constructed upon or along any turnpike road, street or other public highway at rail level is out of repair, the chief officer of the municipality, or other local division, Defects to be made good. If railway is out of repair at a crossing, notice to be given.

Proceedings
thereafter.

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 Minister; and thereupon the Minister 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 proceed-
ings there-
upon.

207. Upon the day so named the said portion of the railway shall be examined by the engineer directed by the Minister to make such examination, and any certificate under his hand shall be final on the subject so in dispute between the parties; and, if the inspecting 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 de-
fault.

208. 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.

Regulation of
speed of
trains, &c.

209. The Minister, or any 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 time as he thinks prudent; and the company owning, running or using such railway shall forthwith comply with any such order of the Minister or an inspecting engineer, upon notice thereof as aforesaid; and for every act of non-compliance therewith, such company shall forfeit to Her Majesty the sum of two thousand dollars.

Penalty.

Running of
trains may be
prohibited in
case of dan-
ger.

210. If, in the opinion of any inspecting engineer, it is dangerous for trains or vehicles to pass over any railway, or any portion 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 the 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; and for every act of non-compliance therewith such company shall forfeit to Her Majesty the sum of two thousand dollars. Penalty.

211. The inspecting engineer shall forthwith report the same to the Minister who, with the sanction of the Governor in Council, may either confirm, modify or disallow 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. Report and action thereon.

PROOF OF PROCEEDINGS AT MEETINGS—NOTICES.

212. Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual 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.

213. 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.

BY-LAWS, RULES AND REGULATIONS.

214. The company may, subject to the provisions and restrictions in this and in the special Act contained, make by-laws, rules or regulations for the following purposes, that is to say:— Company may make by-laws for certain purposes.

(a.) For regulating the mode by which, and the speed at which carriages using the railway are to be moved or propelled; Speed, &c.

(b.) For regulating the hours of the arrival and departure of any such carriages; Time.

(c.) For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry; Loads.

(d.) For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages; Goods.

(e.) For preventing the smoking of tobacco, and the commission of any other nuisance in or upon such carriages, or in any of the stations or premises occupied by the company; Nuisances.

Use of rail-
way.

(f.) For regulating the travelling upon, or the using or working of the railway ;

Conduct of
officers, &c.

(g.) For regulating the conduct of the officers, servants and employees of the company ; and—

Management.

(h.) For providing for the due management of the affairs of the company in all respects whatsoever.

Penalty for
violation of
by-laws.

215. The company may, for the better enforcing the observance of any such by-law, rule or regulation, thereby prescribe a penalty not exceeding forty dollars for any violation thereof.

Form of by-
laws.

216. All by-laws, rules and regulations of the company shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company.

Sanction.

217. All such by-laws, rules and regulations shall be submitted from time to time to the Governor in Council for approval, and no such by-law, rule or regulation shall have any force or effect until it is approved by the Governor in Council.

Publication.

218. A printed copy of so much of any by-law, rule or regulation as affects any person other than the shareholders, or the officers, servants or employees of the company, shall be openly affixed and kept affixed to a conspicuous part of every station belonging to the company, and so as to give public notice thereof to the persons interested therein or affected thereby ; and in the Province of Quebec such notice shall be published both in the English and French languages.

Publication
of by-laws
affecting em-
ployees.

219. A printed copy of so much of any by-law, rule or order as relates to the conduct of or affects the officers, servants or employees of the company, shall be given to every officer, servant and employee of the company thereby affected ; and in the Province of Quebec such notice shall be published both in the English and French languages.

Who shall be
bound by such
by-laws.

220. Such by-laws, rules and regulations, when so confirmed, shall be binding upon and observed by all persons, and shall be sufficient to justify all persons acting thereunder.

Summary in-
terference in
certain cases

221. If the violation or non-observance of any such by-law, rule or regulation 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, to obviate or remove such danger, annoyance or hindrance,

hindrance, and without prejudice to any penalty incurred by the violation of such by-law, rule or regulation.

222. A copy of any by-law, rule or regulation certified as correct by the president or secretary of the company, shall be evidence thereof in any court. Certified copy to be evidence.

TOLLS.

223. Subject to the provisions and restrictions in this and in the special Act contained, the company may, by by-laws, or the directors, if thereunto authorized by the by-laws, may, from time to time, fix and regulate the tolls to be demanded and taken for all passengers and goods transported upon the railway, or in steam vessels belonging to the company. Tolls, how fixed.

224. Such tolls may be fixed either for the whole or for any particular portions of the railway; but 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. No discrimination to be made.

225. The tolls fixed for large quantities or long distances may be proportionately less than the tolls fixed for small quantities or short distances, if such tolls are, under the same circumstances, charged equally to all persons; but in respect of quantity no special toll or rate shall be given or fixed for any quantity less than one car load of at least ten tons. Special rates.

226. The company, in fixing or regulating the tolls to be demanded and taken for the transportation of goods, shall, except in respect to through traffic to or from the United States, adopt and conform to any uniform classification of freight which the Governor in Council on the report of the Minister, from time to time, prescribes. Classification of freight.

227. No tolls shall be levied or taken until the by-law fixing such tolls has been approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of such by-law and of the Order in Council approving thereof; nor shall any company levy or collect any money for services as a common carrier except subject to the provisions of this Act. Tolls to be approved by Governor in Council. Tolls for service as common carrier.

Revision of
by-law fixing
tolls.

228. 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 altering 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.

Fractions,
how esti-
mated.

229. 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.

Tariff to be
posted up.

230. 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 position, 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.

Tolls, to
whom pay-
able.

231. Such tolls 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.

Discrimina-
tion.

When allow-
able.

232. No company, in fixing any toll or rate, shall, under like conditions and circumstances, make any unjust or partial discrimination between different localities; but no discrimination between localities, which, by reason of competition by water or railway, it is necessary to make to secure traffic, shall be deemed to be unjust or partial.

No secret
special rates
to be given.

233. No company shall make or give any secret special toll, rate, rebate, drawback or concession to any person; and every company shall, on the demand of any person, make known to him any special rate, rebate, drawback or concession given to any one.

Enforcement
of payment of
tolls.

234. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, 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.

235. 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 reasonable charges and expenses of such seizure, 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 goods in default of payment.

236. 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.

Sale of unclaimed goods.

Application of proceeds.

237. 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.

Disposal of unclaimed balance.

TRAFFIC ARRANGEMENTS.

238. 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.

Arrangements for interchange of traffic.

Proviso: as to approval.

239. 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

Notice of application for approval.

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.

No undue advantage.

As to continuous lines of railway.

Agreements in violation void.

Penalty for refusal by officer to receive and convey goods.

Recovery and application.

240. Every company shall, according to its power, afford all reasonable facilities to any other railway company 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 which has or works a railway which forms part of a continuous line of railway, or which intersects any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for receiving and forwarding by its railway all the traffic arriving by such other railway, 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 using such railway 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 section shall be unlawful, and null and void.

241. Every officer, servant or agent of any company, having the superintendence of the traffic at any station or depot thereof, who 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 being near to such first mentioned railway, or who in any way wilfully violates the provisions of the next preceding section, and the company first mentioned are, for each such refusal, neglect or offence severally 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.

242. Every company which grants any facilities to any incorporated express company or person shall grant equal facilities on equal terms and conditions to any other incorporated express company which demands the same.

Equal facilities to express companies, &c.

WORKING OF THE RAILWAY.

243. 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 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, and shall, as well, be liable to pay to all such persons as are injured by reason of non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person.

Best appliances for communication and for stopping trains to be used.

Penalty for non-compliance.

Liability for damages.

244. Every locomotive engine shall be furnished with a bell, of at least thirty pounds weight, and with a steam whistle.

Bells and whistles.

245. No baggage, freight, merchandise or lumber cars shall be placed in rear of the passenger cars.

Position of passenger cars.

246. All regular trains shall be started and run as near as practicable 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.

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.

Right of action in case of neglect.

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 servant.

Servants to wear badges.

247. 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.

Expulsion of passengers refusing to pay.

248. 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 platform, &c.

249. 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, 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.

Checks to be affixed to baggage.

250. 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 transport, and a duplicate of such check shall be given to the passenger delivering the same.

Penalty for refusing to affix check.

251. 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.

252. 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.

As to dangerous goods.

253. No passenger shall carry, or require the company to carry upon its railway, aquafortis or 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, or who carries or takes upon any railway train such material as is mentioned above, for the purpose of having the same carried by the said railway train, shall forfeit to the company the sum of five hundred dollars for every such offence.

To be plainly marked.

Penalty for contravention.

254. 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 plainly appear, in large letters, the words "dangerous explosives;" and for each neglect to comply with the provisions of this section, the company shall incur a penalty of five hundred dollars.

Dangerous goods may be refused.

Carriage of such goods.

Penalty for contravention.

255. 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 one minute, 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 one minute, the company shall incur a penalty of four hundred dollars.

Train to stop before passing a swing bridge.

256. The bell, with which the engine is furnished, 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.

Bell to be rung or whistle sounded at crossings.

Penalty for non-compliance.

257. An officer shall be stationed at every point where two railways cross each other at rail level, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.

Officer to be stationed at crossing.

258. Every locomotive or railway engine, or train of cars, on any railway, shall, before it crosses the track of any other railway at rail level, be stopped for the space of at least

Trains to stop at level crossings.

- Exception.** one minute; but whenever there is adopted or in use on any railway at any crossing thereof at rail level by any other railway, an interlocking switch and signal system, or other device, which, in the opinion of the Railway Committee, renders it safe to permit engines and trains to pass over such crossing without being brought to a stop, such Committee may, by an order in writing, give permission for engines and train to pass without stopping, under such regulations as to speed and other matters, as the said Committee deems proper, and may, at any time, modify or revoke such order.
- Rate of speed in cities, &c.** **259.** 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.
- As to train moving reversely.** **260.** 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.
- Penalty.**
- Cars not to stand on railway crossing.** **261.** Whenever any railway crosses any public highway at rail 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:
- Penalty for violation.** 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, is, and such company is also for each such violation, liable on summary conviction to a penalty not exceeding fifty dollars: 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.
- Proviso.**
- Application.** **262.** This section shall apply to every railway and railway company within the legislative authority or jurisdiction of the Parliament of Canada:
- Interpretation of terms.** 2. In this section the expression "packing" means a packing of wood or metal, or some other equally substantial and solid material, of not less than two inches in thickness, and which, where by this section any space is required to be filled in, shall extend to within one and a-half inches of the crown of the rails in use on any such railway, shall be

neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid :

3. The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch where such spaces are less than five inches in width, shall be filled with packing up to the under side of the head of the rail : Packing of frogs, &c.

4. The spaces between any wing rail and any railway frog, and between any guard rail and the track rail along side of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than five inches ; such packing not to reach higher than to the under side of the head of the rail : And of wing and guard rails. Provided however, that the Railway Committee may allow such filling to be left out, from the month of December to the month of April in each year, both months included : Proviso.

5. The oil cups or other appliances used for oiling the valves of every locomotive in use upon any railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves Oil cups.

TRAINS OVERDUE.

263. 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, is, on summary conviction, liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to obey the provisions of this section : Penalty for non-compliance.

3. 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. Copy of this section to be posted up.

CARRIAGE OF MAILS, NAVAL AND MILITARY FORCES, ETC.

Carriage of
Her Majesty's
mails, &c.

264. 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.

TELEGRAPH LINES.

Government
to have use of
telegraph if
required.

265. The company shall, when required so to do by the Governor in Council, or any person authorized by him, place any electric telegraph and telephone lines, and the apparatus and operators it has, at the exclusive use of the Government of Canada, receiving thereafter reasonable compensation for such service.

Telegraph
lines may be
constructed
by Govern-
ment.

266. The Governor in Council may, at any time, cause a line or lines of electric telegraph or telephone 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.

ACCIDENTS, COMMISSIONS TO INVESTIGATE.

Notice of ac-
cidents to be
given.

267. 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 Minister; 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.

Penalty for
non-compli-
ance.

Commission-
ers to inquire
into acci-
dents.

268. The Governor in Council, on the recommendation of the Minister, 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 shall receive such remuneration for his or their services as the Governor in Council determines.

Remunera-
tion.

269. The commissioner or commissioners shall report Report. fully, in writing, to the Minister, his or their doings and opinions on the matters respecting which he or they are appointed to inquire.

270. The remuneration of the commissioners and the Payment of fees and allowances to the witnesses shall be paid out of commissioners and witnesses. any moneys provided by Parliament for unforeseen expenses.

CATTLE AT LARGE.

271. No horses, sheep, swine or other cattle shall be Cattle not to be at large near railway. permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail level, unless such cattle are in charge of some person or persons, to prevent their loitering or stopping on such highway at such intersection :

2. All cattle found at large contrary to the provisions of Such cattle may be impounded. 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 :

3. If the cattle of any person, which are at large contrary No right of action in such case. 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.

CATTLE NOT ALLOWED WITHIN FENCES—EXCEPTIONS.

272. Every person who rides, leads or drives any horse No cattle to be taken on line. 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, on summary conviction, be liable to a penalty not exceeding forty dollars, and shall Penalty. also pay to any person aggrieved all damages sustained thereby.

NO PERSON TO WALK ON TRACK, ETC.—EXCEPTIONS.

273. Every person, not connected with the railway, or No person to walk on the line. employed by the company, who walks along the track thereof, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not Penalty. exceeding ten dollars :

2. Every person who enters upon any railway train with- Wrongfully entering train. out the knowledge or consent of an officer or servant of the company with intent fraudulently to be carried upon the said

said railway without paying fare thereon, is liable on summary conviction to a penalty not exceeding ten dollars, or in default of payment to imprisonment for a term not exceeding ten days :

Penalty.

Person charged a competent witness.

Foot passengers to use foot bridge if provided.

3. Any person charged with an offence under this section shall be a competent witness on his own behalf.

274. 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 :

Penalty for contravention.

2. Every person who offends against the provisions of this section is liable, on summary conviction, to a penalty not exceeding ten dollars.

WEEDS ON COMPANY'S LAND TO BE CUT DOWN.

Weeds to be cut down.

275. Every company shall cause all thistles and other noxious weeds growing on the clear land or ground adjoining the railway and belonging to such company to be cut down early in July in each year, or to be rooted out :

Penalty for non-compliance.

2. Every company which fails to comply with this section shall incur a penalty of two dollars for every day during which such company neglects to do anything which it is so required to do ; and the mayor, reeve or chief officer of the municipality of the township, county or district in which the land or ground lies, or any justice of the peace therein, may cause all things to be done which the said company is so required to do, 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, and such penalty shall be paid to the proper officer of the municipality.

Mayor, &c., may cause work to be done.

Application of penalty.

COMPANY MAY NOT PURCHASE RAILWAY SECURITIES.

Certain shares and securities not to be dealt in.

Exceptions.

276. 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 this shall not affect the powers or rights which any company

in Canada now has or possesses by virtue of any special Act to acquire, have or hold the shares, bonds or other securities of any railway company in the United States of America or Canada; 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.

277. Every director of a railway company, who knowingly permits the funds of any such company to be applied in violation of the next preceding 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.

Penalty for violation.

Application thereof.

SALE OF RAILWAY TO PURCHASER NOT HAVING CORPORATE POWERS.

278. 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.

Sale of railway to a purchaser not having necessary corporate powers.

Notice to the Minister.

And copy of deed of conveyance.

279. 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 purchased, or take, exact or receive any tolls whatsoever in respect

Until such transmission trains not to be run.

Provisional operation of the railway.

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.

License from Minister.

Application for necessary powers.

Extension of license.

Final action.

280. 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.

RAILWAY CONSTABLES.

Appointment of railway constables.

Oath to be taken.

Form of oath.

281. 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, in the North-West Territories, and any Commissioner of Parish Court in the Province of New Brunswick, on the application of the directors of any company whose railway passes within the local jurisdiction of such justices of the peace, magistrate, commissioner, 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 :—

“ 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.”

282. 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 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 pre-
 mises belonging to such company, whether the same are in
 the county, city, town, parish, district or other local juris-
 diction 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 a 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 constablewick.

By whom to
 be adminis-
 tered.

Powers of
 such con-
 stable.

General
 powers.

283. 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 persons taken within
 the limits of his own local jurisdiction.

Arrest of
 offenders.

284. Any two justices of the peace, or a stipendiary of
 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

Dismissal of
 constable.

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, 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.

Record of appointment to be kept.

285. 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 Minister, from time to time, directs, in a book which shall be open to public inspection, charging such fee as the Minister, from time to time, authorizes.

Punishment of constable guilty of neglect of duty.

286. 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, or to imprisonment, with or without hard labor, for a term not exceeding two months. Such penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the company.

LIMITATION OF ACTIONS FOR DAMAGES—GENERAL ISSUE.

Limitation of actions for damages.

287. All actions or suits for indemnity for any damages or injury sustained by reason of the railway, shall be commenced within one year next after the time when such supposed damage is sustained, or if there is continuation of damage, within one year 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 or of the special Act.

What may be pleaded.

COMPANY NOT RELIEVED FROM LEGAL LIABILITY BY INSPECTION OR ANYTHING DONE HEREUNDER.

288. 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.

Inspection, &c., not to relieve company from liability.

OFFENCES AND PENALTIES.

289. Every company, director or officer doing, causing or permitting to be done, any matter, act or thing contrary to the provisions of this or the special Act, or to the orders or directions of the Governor in Council, or of the Railway Committee or Minister made hereunder, or omitting to do any matter, act or thing required to be done on the part of any such company, director or officer, is liable to any person injured thereby for the full amount of damages sustained by such act or omission; and if no other penalty is in this or the special Act provided for any such act or omission, is liable, for each offence, to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the court before which the same is recoverable:

Liability of company, &c., in cases specified.

Penalty.

2. This section shall only apply to companies and directors and officers of companies within the legislative authority of the Parliament of Canada.

Application of this section.

290. Every person from whom any company exacts any unjust or extortionate toll, rate or charge shall, in addition to the amount so unjustly exacted, be entitled to recover from the company as damages an amount equal to three times the amount so unjustly exacted.

Damages for extortionate toll.

291. Every officer or servant of any company or any person employed by it who directs or knowingly permits any baggage, freight, merchandise or lumber car to be placed in the rear of the passenger cars is guilty of a misdemeanor.

Penalty for placing baggage cars in rear of passenger cars.

292. 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.

Intoxication a misdemeanor.

Penalty for selling liquor to employees.

293. Every person who sells, gives or barterers any spirituous or intoxicating liquor to or with any servant or employee of any company, while on duty, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment with or without hard labor for a period not exceeding one month, or to both.

Punishment for violation of certain by-laws.

294. Every officer or servant of, and every person employed by the company, who wilfully or negligently violates any by-law, rule or regulation of the company lawfully made and enforced, or any order or notice of the Railway Committee, or of the Minister or of an 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.

If injury is caused or risk of injury is increased.

Penalty limited.

Deduction of penalty from wages or recovery.

295. The company may, in all cases under the next preceding section, pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay.

Penalty for violation of by-laws, &c., generally.

296. Every person who wilfully or negligently violates any by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed to a penalty not exceeding twenty dollars; but no such person shall be convicted of any such offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was openly affixed to a conspicuous part of the station at which the offender entered the train or at or near which the offence was committed.

Exception.

Punishment of persons cutting or boring casks or packages.

297. Every person who,—
 (a.) 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, waggon, boat, vessel, warehouse, station house, wharf, quay or premises of, or which belong to any company, with intent feloniously to steal or otherwise

otherwise unlawfully to obtain or to injure the contents, or any part thereof, or,—

(b.) Unlawfully drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof,—

Drinking or
wasting
liquor.
Penalty.

Is liable, on summary conviction, 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, or to both.

STATISTICS.

298. In the following sections of this Act down to section three hundred and five inclusive, unless the context otherwise requires, 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.

Interpreta-
tion; "com-
pany."

299. 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 re-
turns to be
prepared.

How attested.

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 includ-
ed.

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 Minister:

Further re-
turns 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-compli-
ance.

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.

Returns to be
submitted to
Parliament.

Weekly returns to be prepared and transmitted.

300. 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 returns, 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 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:

Copy to be posted up.

Penalty for non-compliance.

2. Every company which makes default in forwarding the said weekly returns 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.

Penalty for signing false return.

301. Every person who, knowing the same to be false in any particular, signs any return required by the two sections next preceding, is guilty of a misdemeanor.

Return of accidents to be made.

302. 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.

Form of return may be prescribed.

303. The Minister 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 Minister, 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 Minister deems necessary and requires for his information with a view to the public safety.

304. 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 Minister, 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. Penalty for not transmitting return.

305. All returns made in pursuance of any of the provisions of the seven sections of this Act next preceding shall be privileged communications and shall not be evidence in any court whatsoever. Returns privileged communications.

CERTAIN RAILWAYS DECLARED WORKS FOR GENERAL ADVANTAGE OF CANADA.

306. 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. Certain railways declared to be works for advantage of Canada.

307. 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. To be subject to legislative authority of Parliament.

308. The Governor General may, at any time and from time to time, by proclamation or proclamations, confirm any one or more of the Acts of the Legislature of any Province of Canada, passed before the passing of this Act, relating to any railway which, by any Act of the Parliament of Canada, has been declared to be a work for the general advantage of Canada, and from and after the date of any such proclamation the Act or Acts thereby declared to be confirmed shall be confirmed, ratified and made as valid and effectual as if Certain Acts of Provincial Legislatures may be confirmed.

the same had been duly enacted by the Parliament of Canada. All acts, matters and things which have been or may hereafter be done under any Act which may be so confirmed by proclamation and which might lawfully have been done if such Act or Acts which shall be so confirmed by proclamation had been within the competence of the respective legislatures by which the same were adopted, shall be ratified and confirmed and made as good and valid as if such Act or Acts had, at the several dates at which the same purport respectively to have come into force, been enacted by the Parliament of Canada.

Effect of such confirmation.

REPEAL.

Repeal, R.S. C., c. 109; 50-51 V., c. 19.

309. This Act shall be substituted for the Revised Statutes, chapter one hundred and nine, which with the Act fifty and fifty-one Victoria, Chapter nineteen, intituled "*An Act to amend the Railway Act,*" is hereby repealed.

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.

RETURNS of the Capital Account of the said Railway, and the Revenue and Expenditure, &c.

No. 1.—CAPITAL ACCOUNT.

	Autho- rized.	Sub- scribed.	Paid up.	*Rate of Interest or Dividend.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Total amount of ordinary share capital.....				
do of preference share capital....				
do do do				
do do do				
do do do				
do of ordinary bonds				
do do				
do do				
do do				
do do				
do of Government loans				
do do bonuses				
do do subscription to shares				
do do subscription to bonds				
do of municipal loans				
do do bonuses				
do do subscription to shares				
do do subscription 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. 2.—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 Repay- ment.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Governments						
Total.....						
Municipalities						
Total.....						

No. 3.—BONDS OR OTHER SECURITIES NEGOTIATED BY THE COMPANY.

Amounts.	Rate of Interest.	Date of Sale.	Prices Realized.
\$ cts.	\$ cts.	\$ cts.	\$ cts.

No. 4.—SALES OF LAND MADE BY THE COMPANY.

Acres Sold.	Price per Acre.	Amount.
	\$ cts.	\$ cts.

No. 5.—FLOATING DEBT.

Amount.	Rate of Interest.	Remarks.
\$ cts.	\$ cts.	

NO. 6.—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 of baggage, mail and express cars owned by Company.....		
do do do hired.....		
Number of cattle and box freight cars owned by Company		
do do do hired		
do of platform cars owned by Company		
do do do hired.....		
do of coal cars owned by Company		
do do do hired		
do of ties to mile, main line		
do do do branches.....		
Nature of fastenings used to secure joint.....		
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 of overhead bridges		
Height of do above rail level.....		
Number of level crossings of other railways		
do of junctions with other railways		
do do branch lines		
Radius of sharpest curve		
Number of feet per mile of heaviest gradient.....		
Gauge of railway		

NO. 7.—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.

* 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.—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. 9.—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. 10.—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. 11.—GENERAL TARIFF OF TOLLS ESTABLISHED BY THE COMPANY.

No. 12.—SPECIAL RATES OF TOLLS ESTABLISHED BY THE COMPANY.

No. 13, 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. do steel do	
4. Ballasting	
5. Repairs of bridges and culverts	
6. do and renewals of buildings	
7. do of fencing.....	
8. Clearing snow	
9. Engineering superintendence	
Total.....	

No. 13, B.—OPERATING EXPENSES—WORKING AND REPAIRS OF ENGINES.

—	\$ cts.
1. Wages of engineers, firemen and cleaners.....	
2. Cost of coal for fuel	
do wood do	
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. 13, 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. 13, 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. 14.—SUMMARY OF OPERATING EXPENSES.

	\$ cts.
A. Maintenance of line, buildings, &c.....	
B. Cost of working and repairs to engines.....	
C. do do cars.....	
D. do 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. 15.—ACCIDENTS.

Cause of Accident.	Passengers.		Employees.		Others.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Fell from cars or engines.....								
Jumping on or off trains or engines 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.....								
Collisions, or by trains thrown from track.....								
Explosions.....								
Striking bridges.....								
Total.....								

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.

Date.	Name and Place.	Nature of Accident or Cause.

No 16.—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 :—

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

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51 VICTORIA.

CHAP. 30.

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

[Assented to 4th May, 1888.]

WHEREAS the treaty set forth in Schedule A to this Act, Preamble.
has been agreed upon between plenipotentiaries appointed by Her Majesty and by the President of the United States, and it is expedient that provision should be made by legislative enactment for giving effect to the same: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as "*The Treaty of Washington Act, 1888.*" Short title.

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

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

4. United States fishing vessels entering the bays or harbors on the Atlantic coasts of Canada as to which the privilege of entering for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water was reserved to American fishermen under the convention between His late Majesty King George the Third and the United States of America, dated the twentieth day of October, one thousand eight hundred and eighteen, shall conform to harbor regulations common to them and to fishing vessels of Canada, but shall not be United States vessels to conform to certain regulations.

required to report, enter or clear at the Customs when putting into such bays or harbors for shelter or for repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or obtaining water; except that any United States fishing vessel entering the said bays or harbors for any of the purposes aforesaid and remaining more than But exempt from certain other requirements.

Exception.

Information to be given.

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

To be exempt from certain dues.

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

Proviso: liberties specified not affected.

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

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

Licenses to be granted.

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

Proviso.

Form.

What vessels only entitled to license.

8. No United States fishing vessel shall be entitled to receive any such license as in the next preceding section, mentioned

mentioned, unless such vessel has conformed to the provisions of article thirteen of the treaty.

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

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

As to other violations.

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

Proceedings to be summary.

Venue.

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

Security for costs, and bail.

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

Appeal.

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

Review by Governor in Council.

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

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

Other privileges in such case.

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

Provisions, &c.

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

Transhipment.

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

Crews.

(c.) Shipping of crews :

No barter.

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

When Act shall come into force.

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

Privileges accorded for a limited time.

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

Licenses.

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

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

Provision in case of reciprocal trade.

2. If during the continuance of such arrangement the United States remove the duties on fish, fish oil, whale oil and seal oil, as well as on the necessary casks, barrels, kegs, cans and other usual and necessary coverings containing them, as in section twelve of this Act set forth, such licenses

shall be issued free of charge by such officers and in such form as the Governor in Council may determine :

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

As to entering or clearing at custom house.

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

Forfeiture for certain offences only.

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

When this section shall cease to have effect.

SCHEDULE A.

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

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

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

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

ARTICLE I.

The High Contracting Parties agree to appoint a Mixed Commission to delimit, in the manner provided in this treaty,

treaty, the British waters, bays, creeks and harbors of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the Convention of October 20, 1818, between Great Britain and the United States, renounced for ever any liberty to take, dry or cure fish.

ARTICLE II.

The Commission shall consist of two Commissioners to be named by Her Britannic Majesty, and of two Commissioners to be named by the President of the United States, without delay, after the exchange of ratifications of this treaty.

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

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

ARTICLE III.

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

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

ARTICLE IV.

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

At the Baie des Chaleurs the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; at the Bay of Miramichi, the line from the Light at Point Escum-

inac to the Light on the Eastern Point of Tabusintac Gully; at Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the Light at Point Aconi.

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

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

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

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

ARTICLE V.

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

ARTICLE VI.

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

ARTICLE VII.

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

ARTICLE VIII.

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

ARTICLE IX.

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

ARTICLE X.

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

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

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

ARTICLE XI.

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

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the

homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports promptly upon application and without charge, and such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for re-sale or traffic.

ARTICLE XII.

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

ARTICLE XIII.

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

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

ARTICLE XIV.

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

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

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

ARTICLE XV.

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and of Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

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

1. The purchase of provisions, bait, ice, seines, lines and all other supplies and outfits ;
2. Transhipment of catch, for transport by any means of conveyance ;
3. Shipping of crews.

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

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

ARTICLE XVI.

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

In faith whereof, We, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals. Done in duplicate at Washington, this fifteenth day of February, in the year of Our Lord one thousand eight hundred and eighty-eight.

SCHEDULE B.

PROTOCOL.

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

In the absence of such ratification the old conditions which have given rise to so much friction and irritation might be revived, and might interfere with the unprejudiced consideration of the treaty by the legislative bodies concerned.

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

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

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

Transhipment of catch and shipping of crews.

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

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

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

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

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

WASHINGTON, 15th February, 1888.



51 VICTORIA.

CHAP. 31.

An Act respecting the International Convention for the Preservation of Submarine Telegraph Cables.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS on the fourteenth day of March, one thousand eight hundred and eighty-four, a Convention, in relation to the preservation of submarine telegraph cables, was entered into by the several Powers in the said Convention mentioned; and whereas by the said Convention it is provided that the same shall not be applicable, among other colonies and possessions of Her Majesty, to the Dominion of Canada until the same has been acceded to and confirmed by Canada; and whereas it is expedient to make provision for that purpose: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as "*The Submarine Telegraph Act, 1888.*"

Interpretation.

"Vessel."

2. In this Act, unless the context otherwise requires,—
(a.) The expression "vessel" means every description of vessel used in navigation, in whatever way it is propelled; and every reference to a vessel includes a reference to any boat belonging to such vessel;

"Master."

(b.) The expression "master" includes every person having command or charge of a vessel;

"Convention."

(c.) The expression "Convention" means the Convention set forth in Schedule A to this Act.

Convention ratified.

3. The Convention of the fourteenth day of March, one thousand eight hundred and eighty-four, which is set forth in the Schedule A to this Act, is hereby acceded to and confirmed, and subject to the provisions of this Act the articles of the said Convention shall be of the like force and effect as if they were herein enacted, in so far as it is competent for the Parliament of Canada to enact the same.

4. Every person who wilfully and wrongfully, or by culpable negligence, breaks or injures, or wilfully and wrongfully attempts to break or injure, any submarine cable to which the Convention for the time being applies, in such manner as might interrupt or obstruct telegraphic communication in whole or in part, is guilty of a misdemeanor ; and—

(a.) If he acted wilfully and wrongfully, is liable to imprisonment for any term not exceeding five years or to a penalty not exceeding five hundred dollars, or to both ; and—

(b.) If he acted with culpable negligence, is liable to imprisonment for any term not exceeding three months or to a penalty not exceeding two hundred dollars, or to both :

2. If any person does any act with the object of preserving the life or limb of himself or of any other person, or of preserving the vessel to which he belongs or any other vessel, and takes all reasonable precautions to avoid injury to a submarine cable, such person shall not be deemed to have acted wilfully and wrongfully within the meaning of this section :

3. A person shall not be deemed to have wilfully and wrongfully broken or injured any submarine cable when, in a *bonâ fide* attempt to repair another submarine cable, injury has been done to such first mentioned cable, or the same has been broken ; but this provision shall not apply to exempt such person from any liability to which he may be subject, to pay the cost of repairing such breakage or injury.

5. The Governor General may, by proclamation, declare any regulations made by Her Majesty for the carrying into effect of articles five and six of the Convention, under the authority of section five of the Act of the Parliament of the United Kingdom known as "*The Submarine Telegraph Act, 1885,*" to be in force in Canada ; and such regulations being published in the *Canada Gazette* shall have force and effect as if herein enacted :

2. If any vessel engaged in the laying or repairing of a submarine cable to which the Convention for the time being applies, interferes, contrary to any such regulation or the said articles, with any vessel engaged in fishing, or if the operations of any vessel in connection with any such submarine cable are wilfully delayed so as to interfere with sea-fishing, the master of the vessel or the owner thereof, if it appears that he was in fault, shall, on summary conviction before two justices of the peace, for each contravention incur a penalty not exceeding two hundred dollars and not less than twenty dollars.

6. For the purpose of carrying the Convention into effect any officer commanding any vessel belonging to or in the service of the Government of Canada, or a ship of war of Her Majesty or of any foreign State for the time being bound

bound by the convention, or a ship specially commissioned for the purposes of the Convention by Her Majesty or by the Government of such foreign State, may exercise and perform the powers and duties vested in and imposed on such officer by any article of the Convention :

Penalty for obstructing or disobeying such officers.

2. Every person who obstructs any such officer in such exercise or performance, or who refuses or neglects to comply with any demand or direction lawfully made or given by him in pursuance of this Act, is liable, on summary conviction before two justices of the peace, to imprisonment for a term not exceeding two months, with or without hard labor, or a penalty not exceeding two hundred and fifty dollars :

Limitation of actions against such officers.

3. No action, prosecution or proceeding against any officer for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall lie or be instituted unless it is commenced within twelve months after the act, neglect or default complained of.

Certain documents made evidence.

7. Any document drawn up in pursuance of article seven or article ten of the Convention shall be admissible in any proceeding as *primâ facie* evidence of the facts or matters therein stated :

Facts which may be certified in such documents.

2. If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the officer drawing up such document may certify the said facts, or any of them :

Presumption as to signature.

3. Any document or certificate in this section mentioned purporting to be signed by an officer authorized to act under the Convention for carrying the same into effect, shall be admissible in evidence without proof of such signature, and, if purporting to be signed by any other person, shall, if certified by any such officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

Master's responsibility for vessel or boat.

8. If any offence against this Act has been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, until some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

Actions to be brought in name of Crown.

9. Every prosecution, suit or action for the recovery or the enforcement of any penalty under this Act, shall be instituted in the name of Her Majesty.

Provision as to cumulation of punish-

10. The provisions of this Act shall, apply to all infractions of the terms thereof committed, whether on land or at

sea, within the jurisdiction of any court of Canada, and shall be in addition to and not in derogation of any other provisions existing at common law or under any Act of the Parliament of Canada for the protection of submarine cables; and nothing in this Act shall prevent any person from being liable under any Act of Parliament, or otherwise, to any indictment, proceeding, punishment, or penalty other than is provided for any offence against this Act, so that no person shall be punished twice for the same offence; and nothing in this Act, nor any proceedings with respect to any matter, shall exempt a person from any liability in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

ments or remedies.

As to other recourse.

11. The Governor in Council may at any time order that the declaration set forth in Schedule B to this Act shall be of the same force, and the same shall be accordingly of the same force as the articles of the Convention.

Schedule B may be proclaimed in force.

12. The foregoing provisions of this Act shall not have force or effect until a day to be named by the Governor General by his proclamation; and if the convention ceases to be binding on Canada, this Act shall cease to be of any effect.

Commencement and duration of Act.

SCHEDULE A.

SUBMARINE TELEGRAPHS CONVENTION.

Convention for the preservation of telegraphic communications by means of submarine telegraphs, made on the 14th of March, 1884, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the German Emperor, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of America, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His Majesty

the Emperor of all the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and of Norway, and His Excellency the President of the Oriental Republic of the Uruguay.

[The following is an English translation of the Convention, with the omission of the formal beginning and end]:—

ARTICLE I.

The present Convention applies outside territorial waters to all legally established submarine cables landed on the territories, colonies or possessions of one or more of the high contracting parties.

ARTICLE II.

It is a punishable offence to break or injure a submarine cable, wilfully or by culpable negligence, in such manner as might interrupt or obstruct telegraphic communication, either wholly or partially, such punishment being without prejudice to any civil action for damages.

This provision does not apply to cases where those who break or injure a cable do so with the lawful object of saving their lives or their ship, after they have taken every necessary precaution to avoid so breaking or injuring the cable.

ARTICLE III.

The high contracting parties undertake that, on granting a concession for landing a submarine cable, they will insist, so far as possible, upon proper measures of safety being taken, both as regards the track of the cable and its dimensions.

ARTICLE IV.

The owner of a cable who, on laying or repairing his own cable, breaks or injures another cable, must bear the cost of repairing the breakage or injury, without prejudice to the application, if need be, of Article II of the present Convention.

ARTICLE V.

Vessels engaged in laying or repairing submarine cables shall conform to the regulations as to signals which have been, or may be, adopted by mutual agreement among the high contracting parties, with the view of preventing collisions at sea.

When a ship engaged in repairing a cable exhibits the said signals, other vessels which see them, or are able to see them, shall withdraw to or keep beyond a distance of one

nautical mile at least from the ship in question, so as not to interfere with her operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, fishing vessels which see or are able to see a telegraph ship exhibiting the said signals shall be allowed a period of twenty-four hours at most within which to obey the notice so given, during which time they shall not be interfered with in any way.

The operations of the telegraph ships shall be completed as quickly as possible.

ARTICLE VI.

Vessels which see, or are able to see, the buoys showing the position of a cable when the latter is being laid, is out of order, or is broken, shall keep beyond a distance of one quarter of a nautical mile at least from the said buoys.

Fishing nets and gear shall be kept at the same distance.

ARTICLE VII.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or other fishing gear in order to avoid injuring a submarine cable shall receive compensation from the owner of the cable.

In order to establish a claim to such compensation, a statement, supported by the evidence of the crew, should, whenever possible, be drawn up immediately after the occurrence ; and the master must within twenty-four hours after his return to, or next putting into port, make a declaration to the proper authorities.

The latter shall communicate the information to the consular authorities of the country to which the owner of the cable belongs.

ARTICLE VIII.

The tribunals competent to take cognizance of infractions of the present Convention are those of the country to which the vessel on board of which the offence was committed belongs.

It is, moreover, understood that, in cases where the provisions in the previous paragraph cannot apply, offences against the present Convention will be dealt with in each of the contracting States, in accordance, so far as the subjects and citizens of those states respectively are concerned, with the general rules of criminal jurisdiction prescribed by the laws of that particular State, or by international treaties.

ARTICLE IX.

Prosecutions for infractions provided against by Articles II, V and VI of the present Convention shall be instituted by the state, or in its name.

ARTICLE X.

Offences against the present Convention may be verified by all means of proof allowed by the legislation of the country of the court. When the officers commanding the ships of war, or ships specially commissioned for the purpose by one of the high contracting parties, have reason to believe that an infraction of the measures provided for in the present Convention has been committed by a vessel other than a vessel of war, they may demand from the captain or master the production of the official documents proving the nationality of the said vessel. The fact of such document having been exhibited shall then be indorsed upon it immediately. Further formal statements of the facts may be prepared by the said officers, whatever may be the nationality of the vessel incriminated. These formal statements shall be drawn up in the form and in the language used in the country to which the officer making them belongs; they may be considered in the country where they are adduced, as evidence in accordance with the laws of that country. The accused and the witnesses shall have the right to add, or to have added thereto, in their own language, any explanations they may consider useful. These declarations shall be duly signed.

ARTICLE XI.

The proceedings and trial in cases of infraction of the provisions of the present Convention shall always take place as summarily as the laws and regulations in force will permit.

ARTICLE XII.

The high contracting parties engage to take or to propose to their respective legislatures the necessary measures for insuring the execution of the present Convention, and especially for punishing, by either fine or imprisonment, or both, those who contravene the provisions of Articles II, V and VI.

ARTICLE XIII.

The high contracting parties will communicate to each other laws already made, or which may hereafter be made, in their respective countries relating to the object of the present Convention.

ARTICLE XIV.

States which have not signed the present Convention may adhere to it on making a request to that effect. This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by the latter to the other signatory powers.

ARTICLE XV.

It is understood that the stipulations of the present Convention do not in any way restrict the freedom of action of belligerents.

ARTICLE XVI.

The present Convention shall be brought into force on a day to be agreed upon by the high contracting powers.

It shall remain in force for five years from that day, and unless any of the high contracting parties have announced, twelve months before the expiration of the said period of five years, its intention to terminate its operation, it shall continue in force for a period of one year, and so on from year to year.

If one of the signatory powers denounce the Convention, such denunciation shall have effect only as regards that Power.

ARTICLE XVII.

The present Convention shall be ratified and the ratifications exchanged at Paris with as little delay as possible, and, at the latest, at the expiration of a year.

ADDITIONAL ARTICLE.

The stipulations of the Convention concluded under to-day's date for the protection of submarine cables shall be applicable in conformity with Article I, to the colonies and possessions of Her Britannic Majesty, with the exception of those hereinafter mentioned, namely:—

Canada,	Victoria,
Newfoundland,	Queensland,
The Cape,	Tasmania,
Natal,	South Australia,
New South Wales,	Western Australia,
	New Zealand :

Provided always, that the stipulations of the said Convention shall be applicable to any of the above named colonies or possessions, on whose behalf notice to that effect shall have been given by Her Britannic Majesty's representative at Paris to the French Minister for Foreign Affairs.

Each of the above named colonies or possessions which may have acceded to the said Convention shall be at liberty to withdraw from it in the same manner as the powers, parties to it. In the event of any of the said colonies or possessions desiring to withdraw from the Convention, a notification to that effect shall be made by Her Britannic Majesty's representative at Paris to the French Minister for Foreign Affairs.

SCHEDULE B.

SUBMARINE TELEGRAPH DECLARATION.

Certain doubts having been raised as to the meaning of the word "wilfully" used in article two of the Convention of the fourteenth of March, one thousand eight hundred and eighty-four, it is understood that the provision in respect of penal responsibility contained in the said article does not apply to cases of breakage or injury caused accidentally or of necessity in the repair of a cable when all precautions have been taken to avoid such breakage or injury.

It is equally understood that article four of the Convention had no other object and is to have no other effect, than to empower the competent tribunals of each country to decide in conformity with their laws and according to the circumstances the question of the civil responsibility of the owner of a cable who, in laying or repairing his own cable, breaks or injures another cable, as well as the consequences of such responsibility, if it is recognized as existing.

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51 VICTORIA.

CHAP. 32.

An Act respecting a certain agreement between the Government of Canada and the Canadian Pacific Railway Company.

[Assented to 22nd May, 1888.]

WHEREAS the Canadian Pacific Railway Company have Preamble,
agreed with the Government of Canada, by and under
the agreement in the schedule to this Act set forth, to
relinquish, for the consideration and upon the conditions
herein and in the said schedule set forth, the exclusive
privilege possessed by it in virtue of article fifteen of the
agreement between Her Majesty and the Company, con-
tained in the schedule to the Act forty-fourth Victoria,
chapter one; and it is expedient to provide by legislative
enactment for carrying the said agreement into effect:
Therefore Her Majesty, by and with the advice and consent
of the Senate and House of Commons of Canada, enacts as
follows:—

1. The agreement set forth in the schedule to this Act is Agreement
hereby approved and ratified, and the Government is hereby ratified.
authorized to perform and carry out the conditions thereof
according to their purport.

2. Article fifteen of the agreement between Her Majesty Article 15 of
and the corporators of the Canadian Pacific Railway Com- agreement of
pany set forth in the schedule to the Act forty-fourth Vic- 1880 repealed.
toria, chapter one, is hereby repealed and shall henceforth
cease to have force or effect.

3. The Government of Canada may guarantee the pay- Interest on
ment of interest, until maturity, at three and one-half per bonds of the
cent. per annum on bonds of the Company issued to an company may
amount not exceeding fifteen millions of dollars, or its equi- be guaran-
valent in sterling money, which bonds the Company is teed.
hereby empowered to issue; the principal of such bonds to
be payable not later than fifty years from their date, and the
principal and interest to be secured as set forth in the agree-

Company empowered to create a mortgage.

ment in the schedule to this Act, the Company being hereby empowered to create the mortgage referred to in such agreement, the form of it to be first approved by the Governor in Council, and the guarantee may be evidenced in such manner as the Government and the Company may agree upon.

Interest on moneys paid in may be paid to the company.

4. Upon the conditions and subject to the terms in such last mentioned agreement contained, the Government may pay to the Company interest at the rate of three and one-half per cent. per annum on the moneys paid in from time to time to form a fund for the redemption of the said bonds.

Discharge of the mortgage in case specified.

5. So soon as the aggregate amount of the said fund, in the hands of the Government, equals the principal of all the bonds of the said issue then outstanding, the Company may pay in a further sum to cover any interest up to date, and thereupon the mortgage in the schedule mentioned shall be discharged, and thereafter all interest on such bonds shall be paid by the Government, as also the principal at maturity, but the Government shall be in no way liable for the payment of any part of the principal except so far as the Company shall have provided it with a fund for the purpose.

As to liability for principal.

Interpretation of "bond."

6. The expression "bond" in this Act and the schedule thereto includes such form of undertaking as the Company, with the approval of the Governor in Council, shall adopt, either in the shape of registered bond, bond transferable by delivery, debenture stock, inscribed stock or otherwise: Provided, that whatever the form may be, the principal and interest shall be payable and be secured as above mentioned, the interest being guaranteed for the period and upon the terms and conditions above specified.

Proviso.

Certain rights saved.

7. Nothing herein contained shall affect or diminish the rights or remedies of any holder of any of the land grant bonds outstanding in the hands of the public mentioned in article eight of the agreement contained in the schedule to this Act.

A certain branch railway may be leased or sold.

8. The Company, if it should deem it for its advantage so to do, may, subject to the approval of the Governor in Council, lease the branch of its railway east of Red River, between St. Boniface and the American boundary, or any part thereof, on such terms as the board of directors of the Company may decide, or it may sell the same, or any part thereof, at such price and on such terms as shall be approved of at a special general meeting of its shareholders called for that purpose, and subject also to approval by the Governor in Council; and any incorporated railway company leasing or purchasing the said branch, or any part thereof,

shall be empowered to hold and operate it as fully as if such railway company had been duly incorporated for that purpose: Provided always, that the rental under such lease or the proceeds of such sale, as the case may be, shall be applied (to the satisfaction of the Governor in Council, and with the assent of the trustees appointed under the deed of mortgage securing the bonds issued upon the said railway) either towards payment of the said last mentioned bonds or towards increasing the security for such bonds by expending the same on the Company's railway, or partly in one way and partly in the other.

Application
of proceeds.

9. If the Parliament of Canada shall hereafter authorize the construction of a railway from Winnipeg to the American boundary, or from St. Boniface to the American boundary, and following the general direction of the Red River, the Company shall thereafter be obliged to maintain and operate only such one of its two branches now existing between those points as it shall think fit.

Operation of
branches to
American
boundary.

10. Whenever a railway company which has leased its line to the Canadian Pacific Railway Company for more than sixty years has power by law to make any arrangement concerning its line, or any branch thereof, with another company, then the Canadian Pacific Railway Company shall, during the currency of the lease, have power to make the same arrangement and to do whatever is necessary to carry it out, but always at its own costs and charges, and also subject to all conditions and restrictions which, in such a case, would be binding on the railway company which has leased its line as aforesaid.

Powers conferred as to
railways
leased by the
company.

11. The Supreme Court of Canada shall have jurisdiction to decide any question which may arise concerning the rights or liabilities of the said parties, or either of them, under the said agreement, and to enforce the provisions thereof in such manner and by such proceedings as to said court may seem proper.

Questions in
dispute may
be decided by
Supreme
Court.

SCHEDULE.

THIS AGREEMENT made at Ottawa (subject to the approval of the Parliament of Canada), between Her Majesty the Queen, acting in respect of the Dominion of Canada and represented herein by the Honorable John Henry Pope, Minister of Railways and Canals, hereinafter called "the Government," of the one part, and the Canadian Pacific Railway Company, represented herein by Sir George Stephen, Baronet, its president, hereinafter called "the Company," of the other part

WHEREAS it has been agreed between the Government and the Company, amongst other things, that the restrictions contained in clause fifteen of the contract dated the twenty-first day of October, A.D. 1880, and executed between the Government and the said Sir George Stephen and others, on behalf of the Company, shall be removed, and that in order to enable the Company, notwithstanding such removal, to preserve to Canada and its seaports the carrying trade for which the Canadian Pacific Railway was designed and constructed, the Government shall assist the Company in the manner and upon the conditions hereinafter described in obtaining funds wherewith to perfect its connections, increase its rolling stock and otherwise improve its position, and that the said agreement shall be evidenced by the execution of these presents ;

NOW THESE PRESENTS WITNESS that the said parties have mutually agreed each with the other as follows, that is to say :—

1. The Company agrees that all restrictions imposed upon the action of the Dominion Parliament by the terms of the said clause fifteen of the said contract, as set out in the schedule to the Act forty-fourth Victoria, chapter one, shall now cease to exist, and they are accordingly hereby removed forever.

2. The Government agrees to guarantee the payment of interest up to the time of maturity on bonds of the Company, to be hereafter issued to an amount not exceeding in the aggregate fifteen million dollars (or its equivalent in sterling money), the principal to be payable not later than fifty years from their date, and the interest thereon to be payable half yearly at the rate of three and one-half per centum per annum, such bonds to be secured as hereinafter specified on the unsold lands to which the Company is still entitled out of the subsidy of twenty-five million acres mentioned in the said contract, and which unsold lands are now estimated at fourteen million nine hundred and thirty-four thousand two hundred and thirty-eight acres.

3. The security shall be by deed of bargain and sale by way of mortgage to three trustees of all the Company's title to the said unsold lands, which mortgage shall contain such conditions for securing the said bonds, such remedies for enforcing the payment thereof with interest, and such provisions (consistent with the terms of this agreement) respecting the sale of the said lands and the disposition of their proceeds, as are authorized by the charter of the Company and its amendments, and as shall be approved by the Governor in Council.

4. It shall be a condition of the said mortgage that the net proceeds of the sales of the said lands shall, from time to time, be paid over to the Government, and the Company may at its option also pay over other moneys to the

Government, the whole to constitute a fund to be set apart and held by the Government exclusively for the purpose of satisfying the principal of the said bonds.

5. On the money thus set apart which is not to exceed an amount sufficient to redeem the outstanding bonds of the said issue, the Government shall pay to the Company half yearly, on the first day of the months of July and January in each year, interest at the same rate as that carried by the said bonds, namely three and one-half per centum per annum, the same to be applied towards satisfying interest as it shall mature on the said bonds. But if the Company should, at any time, make default in the payment of any interest which may become due on any of the said bonds, then, if required by the Government, the Company shall thereafter pay over to the Government all interest which it may collect, under uncompleted sales, upon the price of lands sold as well as the principal realized from the sales thereof, and the Government shall allow on the amount of such payments interest at the said rate, and shall apply all of such additional payments and the interest thereon as well as all interest accrued on the said principal fund towards satisfaction of the interest on the said bonds.

6. As soon as the aggregate amount of the said fund in the hands of the Government shall equal the principal of all bonds of the said issue then outstanding, then the Company may pay in to the said fund also a sum sufficient to cover the interest, if any, up to that time; and thereupon the said mortgage shall be discharged and the Government shall assume and pay all interest which shall thereafter become due on the said bonds as well as the principal of the said bonds at maturity; and the Company shall be thereafter forever freed from any liability in respect of such principal or interest,—nothing herein contained to be construed as making the Government liable at any time to pay any part of the principal of the said bonds except in so far as the Company shall have provided it with a fund for that purpose in the manner hereinbefore specified.

7. The Minister of the Interior for the time being, or such other Minister as the Government shall name, shall be one of the trustees under the said mortgage and the appointment of any other trustee or trustees shall be subject to the approval of the Government.

8. All the land grant bonds forming part of the former issue by the Company and now held by the Company (amounting to four million dollars) shall be cancelled and destroyed, and the said mortgage shall be subject to the payment of such of the said land grant bonds as are now outstanding in the hands of the public, amounting to about (\$3,463,000) three million four hundred and sixty-three thousand dollars, but the sums due or to become due to the Company for unpaid purchase money of lands heretofore sold, amounting to about (\$1,200,000) one million two hundred

dred thousand dollars, shall be applied towards the payment of the said land grant bonds now outstanding according to the provisions of the mortgage securing the same.

9. The Company, if it should deem it for its advantage so to do, may, subject to the approval of the Governor in Council, lease the branch of its railway east of Red River, between St. Boniface and the American boundary, or any part thereof, on such terms as the board of directors of the Company may decide, or it may sell the same or any part thereof at such price and on such terms as shall be approved of at a special general meeting of its shareholders called for that purpose and subject also to approval by the Governor in Council; and any incorporated railway company leasing or purchasing the said branch or any part thereof shall be empowered to hold and operate it as fully as if such railway company had been duly incorporated for that purpose; provided always, that the rental under such lease or the proceeds of such sale, as the case may be, shall be applied (to the satisfaction of the Governor in Council, and with the assent of the trustees appointed under the deed of mortgage securing the bonds issued upon the said railway) either towards payment of the said last mentioned bonds or towards increasing the security for such bonds by expending the same on the Company's railway or partly in one way and partly in the other.

10. If the Dominion Parliament shall hereafter authorize the construction of a railway from Winnipeg to the American boundary or from St. Boniface to the American boundary and following the general direction of the Red River, the Company shall thereafter be obliged to maintain and operate only such one of its two branches now existing between those points as it shall think fit.

11. Whenever a railway company which has leased its line to the Canadian Pacific Railway Company for more than sixty years has power by law to make any arrangement concerning its line or any branch thereof with another company, then the Canadian Pacific Railway Company shall, during the currency of the lease, have power to make the same arrangement and to do whatever is necessary to carry it out, but always at its own costs and charges, and also subject to all conditions and restrictions which in such a case would be binding on the railway company which has leased its line as aforesaid.

12. The Company will expend the proceeds of the sale of said bonds, so to be issued as aforesaid, as stated in the schedule hereto marked "A."

13. The rights and liabilities of the respective parties hereto shall be determined and this agreement shall be construed as binding on them according to the law of the place where it is executed.

14. The Supreme Court of Canada shall have jurisdiction to decide any question which may arise concerning the

rights or liabilities of the said parties, or either of them, under this agreement, and to enforce the provisions thereof in such manner and by such proceedings as to said court may seem proper.

15. The legislation necessary to give effect to this agreement, and to enable its provisions to be carried out, shall be asked for from Parliament at its present session.

Witness our hands and seals at the city of Ottawa, this eighteenth day of April, A.D. 1888.

Signed, sealed and delivered in }
the presence of, as to the exe- }
cution by the Hon. J. H. Pope, }

ROBT. SEDGEWICK,

J. H. POPE.

As to the execution by Sir }
George Stephen, }

A. PIERS.

GEO. STEPHEN.

SCHEDULE A.

Showing how the Company will expend the proceeds of the sale of the bonds referred to in the annexed agreement :

1. On account of capital expenditure on main line between Quebec and Vancouver in buildings of various kinds, snowsheds, sidings, permanent bridges, filling trestles, reducing grades and curves, and other improvements and facilities, and on vouchers and pay rolls.	\$ 5,498,000
2. For required rolling stock, locomotives, box cars, passenger cars, flat cars, tool cars, snow ploughs, &c.....	5,250,000
3. For required improvements on the said main line, elevators, bridges, locomotive shops, filling trestles, sidings, docks, lake and coast steamers—the residue, whatever it may be, estimated at.....	4,252,000
	<u>\$15,000,000</u>

NOTE.—The expenditure on Item 3 may be increased, and for that purpose the expenditure on either of the other items may be diminished.

GEORGE STEPHEN.



51 VICTORIA.

CHAP. 33.

An Act respecting the application of certain laws therein mentioned to the Province of Manitoba.

[Assented to 22nd May, 1888.]

Preamble.

FOR the removal of doubts, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

Certain laws declared in force in Manitoba.

1. Subject to the provisions of the next following section the laws of England relating to matters within the jurisdiction of the Parliament of Canada, as the same existed on the fifteenth day of July, one thousand eight hundred and seventy, were from the said day and are in force in the Province of Manitoba, in so far as the same are applicable to the said Province and in so far as the same have not been or are not hereafter repealed, altered, varied, modified or affected by any Act of the Parliament of the United Kingdom applicable to the said Province, or of the Parliament of Canada.

Rate of interest.

2. Whenever, between the said day and the first day of March, one thousand eight hundred and eighty-seven, interest was payable in the said Province by the agreement of parties or by law and no rate was fixed by such agreement or by such law, the rate of interest was six per centum per annum.

Rights saved.

3. Nothing in the first section of this Act contained shall affect any action, suit, judgment, process or proceeding pending, existing or in force at the time of the passing of this Act.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 34.

An Act to amend "The Canada Temperance Act."

[Assented to 22nd May, 1888.]

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

1. In any city, county or district where there is more than one office of registrar of deeds, it shall be sufficient to deposit the notice referred to in section six of "*The Canada Temperance Act*," in any one of such offices; and whenever, in any city, county or district, a poll has been held under the said Act, which has resulted in the adoption of the petition, and the Governor General in Council has, by Order in Council, declared the second part of the said Act to be in force and to take effect in such city, county or district, the said Act shall be held and is hereby declared to be in full force and effect therein, from and after the passing of this Act, notwithstanding that such notice has not been deposited in each registrar's office. Notice to be deposited in any one of the registrars' offices in the county, &c.

2. Wherever in the said Act the word "county" is used, such word shall, when applied to the Province of British Columbia, be regarded as meaning an electoral district therein, in accordance with the divisions of the said Province for elections of members of the House of Commons of Canada; and, for the purposes of the said "*Canada Temperance Act*," each electoral district within the said Province of British Columbia shall include every town, township, parish and other division or municipality within the territorial limits of such electoral district, and also within a union of electoral districts, where united for municipal purposes: Provided always, that whenever the said Province shall have been divided into counties, and a regular municipal organization established in each of such counties, the said Act, as amended, shall apply to the said counties. Interpretation of word "county" in B.C.
What electoral district includes in B.C.
Proviso.

3. The notice referred to in section six of the said Act shall, so far as it relates to British Columbia, be deposited in the respective electoral districts as follows :— Deposit of notice in B.C.

- In Cariboo. (a.) Cariboo electoral district, in the office of the registrar of voters, village of Barkerville ;
- In Yale. (b.) Yale electoral district, in the office of the registrar of voters, village of Kamloops ;
- In New Westminster. (c.) New Westminster electoral district, in the office of the registrar of voters, city of New Westminster ;
- In Victoria. (d.) Victoria electoral district, in the office of the registrar of voters, city of Victoria ;
- In Vancouver. (e.) Vancouver electoral district, in the office of the registrar of voters, city of Nanaimo.

4. Whenever in the said Act the word "county" is used, it shall, when applied to the Province of Ontario, or to any other province in which provisional or temporary judicial districts exist, be held to include such provisional or temporary judicial districts ; and the notice referred to in section six of the said Act, shall, so far as relates to such provisional or temporary judicial districts, be deposited in the registry office, or one of the registry offices if more than one, for the respective provisional or temporary judicial district.

5. Sub-section four of section ninety-nine of the said Act is hereby repealed and the following substituted therefor :—

4. Provided also, that the sale of intoxicating liquor for exclusively medicinal purposes or for *bona fide* use in some art, trade or manufacture, may be made by any person duly authorized to sell the same ; but such intoxicating liquor when sold for medicinal purposes, shall be removed from the premises, and such sale 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 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 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 ; and any medical man who gives such a certificate for any other than strictly medicinal purposes, shall, for the first offence, be liable, on summary conviction, to a penalty of twenty dollars, and for a second or any subsequent offence, shall be liable, on summary conviction, to a penalty of forty dollars : Provided, that section one hundred and nineteen of this Act, taking away an appeal, shall not apply to any such conviction of any medical man."

6. Section one hundred and three of the said Act is hereby repealed and the following substituted therefor :—

"**103.** Such prosecution may be brought before any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, sitting magistrate, commissioner of a parish court, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace, having jurisdiction where the offence was committed."

Before whom prosecution may be brought.

7. Section one hundred and four of said Act is hereby repealed and the following substituted therefor :—

Section 104 repealed ; new section.

"**104.** If any prosecution is brought before any such judge of the sessions of the peace, recorder, police, stipendiary or sitting magistrate, commissioner of a parish court, or magistrate having the power or authority of two or more justices of the peace, no other justice shall sit or take part therein."

If before certain magistrates no other justices to sit.

8. Section one hundred and five of the said Act is hereby repealed and the following substituted therefor :—

Section 105 repealed ; new section.

"**105.** If such prosecution is brought before any two other justices of the peace, all acts and proceedings prior to the hearing and trial may be done and taken by 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 former case except with the assent of the prosecutor, nor in the latter except with the assent of such justice who is present."

When prosecution is brought before two justices.

9. Section one hundred and seven of the said Act is hereby amended by inserting after the word " prosecuted " in the second line thereof, the following words : " and the penalties and punishments therefor enforced."

Section 107 amended.

10. Section one hundred and eight of the said Act is hereby repealed and the following substituted therefor :—

Section 108 repealed ; new section.

"**108.** If a credible witness proves upon oath before any one of the officers named in section one hundred and three of this Act that there is reasonable cause to suspect that any intoxicating liquor is kept for sale in violation of the second part of this Act, or of "*The Temperance Act of 1864,*" in any dwelling-house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or other place or places, such officer may grant a warrant to search in the daytime such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel 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."

Warrant may be granted to search for liquor on receipt of certain information on oath.

Form of information and warrant.

Section 109
repealed ;
new section.

Liquor seized
under war-
rant may be
ordered to be
destroyed.

11. Section one hundred and nine of said Act is hereby repealed and the following substituted therefor:—

“**109.** When any person is convicted of any offence against any of the provisions of the second part of this Act, or “*The Temperance Act of 1864*,” the officer or officers so convicting 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 seized under a search warrant as aforesaid, and all kegs, barrels, cases, boxes, bottles, packages and other receptacles of any kind whatsoever found containing the same be forfeited and destroyed, and such order shall thereupon be carried out by the constable or peace officer who executed the said search warrant or by such other person as may be thereto authorized by the officer or officers who have made such conviction.”

Sub-section 2
of section 119
amended.

12. Sub-section two of section one hundred and nineteen of the said Act is hereby amended by striking out the words “sheriff” and “or” in the fifth line thereof, and by adding at the end thereof “or any magistrate or officer having the power and authority of two or more justices of the peace.”

Section 114
amended.

13. Section one hundred and fourteen of the said Act is hereby amended by striking out the words “and compellable” in the sixth line thereof.

Forms to be
used.

14. The forms given in the schedule to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for, and where no forms are prescribed by the said schedule, new ones may be framed in accordance with “*The Canada Temperance Act*,” or with “*The Summary Convictions Act*.”

Forms M and
N repealed ;
new forms.

15. Forms M and N in the schedule to this Act are hereby substituted for forms M and N in the schedule to “*The Canada Temperance Act*.”

SCHEDULE.

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, &c, yeoman), taken this _____ day of
_____ in the year of Our Lord _____ before me
W.S., Esq., one of Her Majesty's Justices of the Peace, in
_____ and

and for the District (or, County, or, United Counties, or as the case may be) of _____, who saith that he hath just and reasonable cause to suspect and doth suspect, that intoxicating liquor is kept for sale in violation of the second part of "*The Canada Temperance Act*," in the (*dwelling house, &c.*) of P.Q., of _____ in the said District (or County, &c.) (*here add the causes of suspicion and the particulars of the offence whatever they may be.*)

Wherefore he prays that a Search Warrant may be granted him to search the (*dwelling house, &c.*) of the said P.Q. as aforesaid for the said intoxicating liquor.

Sworn (or affirmed) on the day and year first above mentioned, at _____ in the said District (or County, &c.) of _____, before me.

(Signature) W.S.,
J.P.

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 _____ of _____ in the said District (or County, &c.) hath this day made oath before me the undersigned, one of Her Majesty's Justices of the Peace in and for the said District (or County, &c.) of _____ that he hath just and reasonable cause to suspect, and doth suspect, that intoxicating liquor is kept for sale in violation of the second part of "*The Canada Temperance Act*," in the (*dwelling-house, &c.*) of one P.Q., of _____ in the said District (or County, &c.) of _____: These are therefore, in the name of Our Sovereign Lady the Queen, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day-time into the said (*dwelling-house, &c.*) of the said P.Q., and there diligently search for the said intoxicating liquor; and if the same, or any part thereof, shall be found upon such search, that you bring the intoxicating liquor so found, and also all barrels, kegs, cases, boxes, packages and other receptacles of any kind whatever containing the same before me to be disposed of and dealt with according to law.

Given under my hand and seal at _____ in the said District (or County, &c.) this _____ day of _____ in the year of Our Lord

(Seal) W.S.,
J.P.

FORM R.

1. GENERAL FORM OF INFORMATION.

CANADA,) The information of A.B., of the
of ,) of in the
To wit :) of , collector of Inland Revenue
(or as the case may be), laid before me, C.D., police magis-
trate (or as the case may be) in and for the city of
(or one of Her Majesty's justices of the peace in and for the
of), this day of
in the year of Our Lord one thousand eight hundred and
The said informant says he is informed and believes that
X.Y., on or about the day of , in the
year of Our Lord one thousand eight hundred and
, at the of , in the of ,
unlawfully did sell intoxicating liquor, contrary to the pro-
visions of the second part of "The Canada Temperance Act,"
then in force in the said county (or city, as the case may be).
N.B.—For an information for a second or third offence add the
appropriate clauses from forms U and V.

A.B

Laid and signed before me, the day }
and year, and at the place first }
above mentioned.

C.D.
P. M. or J. P.

FORMS FOR DESCRIBING OFFENCES.

2. Unlawfully keeping intoxicating liquor for sale :

"That X. Y, on at unlawfully did keep intoxicating liquor for sale, contrary to, &c." (as above).

3. Unlawful sale by a distiller or brewer in small quantities :

"That X.Y., being a licensed distiller (or brewer) having his distillery (or brewery) within the county (or city, or as the case may be), of , on , at unlawfully did sell whiskey (or other liquor manufactured in his distillery) in a quantity of less than ten gallons (or ale or beer in a quantity of less than eight gallons) at one time (or unlawfully did sell whiskey to be removed and taken away in quantities of less than ten gallons, or unlawfully did sell beer to be removed and taken away in quantities of less than eight gallons), contrary to, &c," (as above).

4. Unlawful sale by a vine-growing company in small quantities :

"That the company, being an 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 the county (or city) of , on , at unlawfully did sell intoxicating liquor in a quantity

of less than ten gallons at one time (or unlawfully did sell intoxicating liquor to be removed and taken away in quantities of less than ten gallons at one time) contrary to, &c." (as above).

5. *Unlawful sale by a manufacturer of native wines :*

"That X. Y., being a manufacturer of pure native wines made from grapes grown and produced by him in the Dominion of Canada, and being duly licensed to sell the same, on _____, at _____, unlawfully did sell such wines in a quantity of less than ten gallons (or unlawfully did sell such wine for sacramental or medicinal purposes in a quantity of less than one gallon) contrary to, &c." (as above.)

6. *Unlawful sale by a wholesale merchant in small quantities :*

"That X. Y., having a license to sell intoxicating liquor by wholesale, on _____, at _____, unlawfully did sell intoxicating liquor in a quantity of less than ten gallons (or unlawfully did sell intoxicating liquor to be removed and taken away in quantities of less than ten gallons at one time) contrary to, &c." (as above).

7. *Medical man unlawfully giving certificate :*

"That X. Y., being a medical man, on _____, at _____, unlawfully did give a certificate to obtain intoxicating liquor for other than strictly medicinal purposes, contrary to, &c." (as above).

8. *Tampering with a witness :*

"That X. Y., on a certain prosecution under 'The Canada Temperance Act,' on _____ at _____ unlawfully did tamper with O. P., a witness in such prosecution, before (or after) he was summoned (or appeared) as a witness in such case (or by an offer of money, or by threat or otherwise) unlawfully did induce (or attempt to induce) such witness to absent himself (or herself) (or to swear falsely) contrary to, &c." (as above).

9. *Compromising or compounding a prosecution :*

"That X. Y., having violated a provision of 'The Canada Temperance Act,' on _____, at _____, unlawfully did compromise (or compound, or settle, or offer, or attempt to compromise, compound or settle) the offence with E. F., with the view of preventing any complaint being made in respect thereof (or with the view of getting rid of, or of stopping, or of having the complaint made in respect thereof dismissed) (as the case may be) contrary to the provisions of 'The Canada Temperance Act.' "

10. *Being a party to compromise a prosecution :*

"That X. Y., on _____, at _____, unlawfully was concerned in (or party to) a compromise (or a composition or a settlement) of an offence committed by O. P. against a provision of 'The Canada Temperance Act.' "

FORM S.

Summons to Witness.

CANADA, }
of , } To J. K., of the of , in the of
To Wit : }

Whereas information has been laid before me, C.D., one of Her Majesty's justices of the peace, in and for the of , (or police magistrate for the city of ,) that X. Y., being a druggist, on the of , A.D. 188 , at the of , in the of , unlawfully did sell intoxicating liquor contrary to the provisions of the second part of "*The Canada Temperance Act*" (or *as the case may be*) and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecution in this matter :

These are to require you, under pain of imprisonment in the common gaol, personally to be and appear on the day of , A.D. 188 , at o'clock in the (fore)noon, at the , in the of , before me or such justice or justices of the peace as may then be there, to testify what you shall know in the premises, and also to bring with you, and there and then to produce all and every invoices, day-books, cash-books, or ledgers and receipts, promissory notes or other security relating to the purchase or sale of liquor by the said X. Y., and all other books and papers, accounts, deeds and other documents in your possession, custody or control, relating to any matter connected with the said prosecution.

Given under my hand and seal, this day of
A.D. 188 , at the of , in the of

C. D.,
J. P. (L.S.)

FORM T.

Form of Conviction for first offence.

CANADA, }
of , } BE IT remembered that on the
To Wit : } day of , in the year of Our Lord
at the of , in the of , X. Y. is
convicted before me, C. D., police magistrate in and for the
city of (or before us, E. F. and G. H., two of Her
Majesty's justices of the peace, in and for the),
of having unlawfully sold intoxicating liquor on the
day of , in the year of Our Lord one thousand
eight hundred and , at the of
 , in the , in his premises,
(or of having unlawfully kept intoxicating liquor for sale, or
as the case may be) contrary to the provisions of the second

part of "The Canada Temperance Act," then in force in the said _____, A.B. being the informant; and I (or we) adjudge the said X.Y., for his said offence, to forfeit and pay the sum of fifty dollars, to be paid and applied according to law, and also to pay to the said A. B. the sum of _____ dollars for his costs in this behalf, and if the said several sums be not paid forthwith, then* I (or we) order the said sums to be levied by distress and sale of the goods and chattels of the said X.Y., and in default of sufficient distress in that behalf* [or where 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 has now been made to appear to me (or us) that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y. and his family," or "that the said X. Y. has no goods or chattels whereon to levy the said several sums by distress,") I (or we) adjudge the said X. Y. to be imprisoned in the common gaol for the _____ of _____, at _____ in the said _____, and there to be kept for the space of _____, unless the said sums and the costs and charges of conveying the said X. Y. to the said common gaol, shall be sooner paid.

Given under my hand and seal (or our hands and seals) the day and year first above mentioned, at the _____ of _____ in the _____ aforesaid.

C. D., (L.S.)
Police Magistrate,
 or E. F., (L.S.)
J. P.,
 G. H., (L.S.)
J. P.

FORM U.

Form of Conviction for a second offence.

CANADA } BE IT remembered that on the
 of } day of _____, in the year of Our Lord
 To Wit : } one thousand eight hundred and _____,
 at the } of _____, in the _____ of _____, X. Y. is
 convicted before me, C. D., police magistrate in and for the
 city of _____ (or before us, E. F. and G. H., two of Her
 Majesty's justices of the peace, in and for the _____),
 of having unlawfully sold intoxicating liquor on the
 day of _____, in the year of Our Lord one thousand
 eight hundred and _____, at the
 of _____, in the _____, in his premises,
 (or of having unlawfully kept intoxicating liquor for sale,
 or as the case may be) contrary to the provisions of the second
 part of "The Canada Temperance Act," then in force in the
 said _____, A. B., being the informant, and it appearing

ing to me (or us) that the said X. Y. was previously, to wit, on the day of , A.D. 18 , at the of , before, &c., duly convicted of having unlawfully sold intoxicating liquor, contrary to the provisions of the second part of "*The Canada Temperance Act*," then in force in the said , on the day of , A.D. 18 , at the of : I (or we) adjudge the offence of the said X. Y., hereinbefore first mentioned, to be his second offence against "*The Canada Temperance Act*," then in force in the said , and I (or we) adjudge the said X. Y., for his second offence, to forfeit and pay the sum of one hundred dollars, to be paid and applied according to law, and also to pay to the said A.B. the sum of dollars for his costs in this behalf; and if the said several sums be not paid forthwith, then* I (or we) order the said sums to be levied by distress and sale of the goods and chattels of the said X. Y., and in default of sufficient distress in that behalf,* [or, where the issuing 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 has now been made to appear to me (or us) that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y. and his family," or "that the said X. Y. has no goods or chattels whereon to levy the said several sums by distress,] I (or we) adjudge the said X. Y. to be imprisoned in the common gaol for the of , at in the said , and there to be kept for the space of , unless the said sums and the costs and charges of conveying the said X. Y. to the said common gaol, shall be sooner paid.

Given under my hand and seal (or our hands and seals) the day and year first above mentioned, at the of in the aforesaid.

C D., (L.S.)
Police Magistrate,
 or E.F., (L.S.)
J.P.,
 G.H., (L.S.)
J.P.

FORM V

Form of Conviction for a third offence.

CANADA, } BE IT remembered that on the
 of , } day of , in the year of
 To Wit : } Our Lord one thousand eight hundred
 and , in the of , in the
 X.Y. is convicted before the undersigned, C.D., police magis-
 trate in and for the city of , in the said

(or E. F. and G. H., two of Her Majesty's justices of the peace in and for the said _____), for that he, the said X.Y., on the _____ day of _____, in the year of Our Lord one thousand eight hundred and _____, at the city of _____ (or _____ of _____) in the said _____ (as the case may be) of having unlawfully sold intoxicating liquor (or of having unlawfully kept intoxicating liquor for sale, or as the case may be) contrary to the provisions of the second part of "The Canada Temperance Act," then in force in the said _____. And it also appearing to me (or us) that the said X.Y. was previously, to wit, on the _____ day of _____, A.D., 18 _____, at the _____ of _____, before, &c., duly convicted of having unlawfully sold intoxicating liquor contrary to the provisions of the second part of "The Canada Temperance Act," then in force in the said _____, on the _____ day of _____, A. D. 18 _____, at the _____ of _____. And it also appearing to me (or us) that the said X.Y. was previously, to wit, on the _____ day of _____, A.D. 18 _____, at the _____ of _____, before, &c. (see above) again duly convicted of having unlawfully sold intoxicating liquor contrary to the provisions of the second part of "The Canada Temperance Act," then in force in the said _____, on the _____ day of _____, A. D. 18 _____, at the _____ (or as the case may be).

I (or we) adjudge the offence of the said X. Y. hereinbefore firstly mentioned, to be his third offence against "The Canada Temperance Act," then in force in the said _____ (A.B. being the informant), and I (or we) adjudge the said X. Y. for his said third offence to be imprisoned in the common gaol of the said _____ of _____ at _____, in the said _____ of _____, there to be kept at hard labor for the space of _____ calendar months (or as the case may be).

Given under my hand and seal (or our hands and seals) the day and year first above mentioned, at the _____ of _____, in the _____ aforesaid.

C. D., (L. S.)
Police Magistrate,
 or E. F., (L. S.)
J. P.,
 G. H., (L. S.)
J. P.,

FORM W.

Warrant of Commitment for first offence where a penalty is imposed.

CANADA, }
 of } To ALL or any of the constables and other
 To Wit: } peace officers in the
 of the said } and to the keeper of the common gaol
 at _____, in the _____ of _____ :
 VOL. I—17½ 259 Whereas

Whereas X. Y., late of the _____ of _____, in the said _____, was this day convicted before the undersigned, C. D., police magistrate in and for the city of _____ (or E. F., and G. H., two of Her Majesty's justices of the peace in and for the _____ of _____, (or _____ of _____, or as the case may be), for that he, the said X. Y., on _____ at _____ unlawfully did sell intoxicating liquor (*state offence as in the conviction*), contrary to the provisions of the second part of "*The Canada Temperance Act,*" then in force in the said _____ (A. B. being the informant), and it was thereby adjudged that the said X. Y., for his said offence, should forfeit and pay the sum of _____ (*as in the conviction*), and should pay to the said A. B. the sum of _____ for his costs in that behalf:

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said X. Y. should be imprisoned in the common gaol of the said _____ at _____, in the said _____ of _____, there to be kept at hard labor for the space of _____ unless the said several sums and the costs and charges of conveying the said X. Y. to the said common gaol should be sooner paid:

And whereas the said X. Y. has not paid the said several sums, or any part thereof, although the time for payment thereof has elapsed:

[*If a distress warrant issued and was returned "no goods," or "not sufficient goods." say*] "And whereas afterwards on the _____ day of _____, A.D. 18 _____, I, the said police magistrate (or we, the said justices) issued a warrant to the said constables or peace officers, or any of them, to levy the said several sums of _____ and _____ by distress and sale of the goods and chattels of the said X. Y.:

"And whereas it appears to me (or us), as well by the return of the said warrant of distress by the constable who had the execution of the same as otherwise, that the said constable has made diligent search for the goods and chattels of the said X. Y., but that no sufficient distress whereon to levy the said sums could be found;"]

[*Or where the issuing of a distress warrant would be ruinous to the defendant and his family, or if it appears that he has no goods whereon to levy a distress, then instead of the foregoing recitals of the issue and return of the distress warrant, &c., say—*

"And whereas it has been made to appear to me (or us), that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y., and his family," or "that the said X. Y. has no goods or chattels whereon to levy the said sums by distress" *as the case may be*:]

These are therefore to command you, the said constables or peace officers, or any of you, to take the said X. Y., and him safely convey to the common gaol aforesaid at _____, in the _____ of _____, and there deliver him to the said keeper thereof, together with this precept.

And I (or we) do hereby command you the said keeper of the said common gaol to receive the said X. Y. into your custody in the said common gaol, there to imprison him and keep him for the space of _____ unless the said several sums and all the costs and charges of the said distress, amounting to the sum of _____, and of the commitment and conveying of the said X. Y. to the said common gaol, amounting to the further sum of _____, shall be sooner paid unto you, the said keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (or our hands and seals), this _____ day of _____, A.D. 18 _____, at _____ in the said _____ of _____

C. D., (L.S.)
Police Magistrate,
 or E. F., (L.S.)
J. P.,
 G. H., (L.S.)
J. P.

FORM X.

Warrant of Commitment for third offence, where punishment is by imprisonment only.

CANADA, }
 of }
 To Wit : } To ALL or any of the constables and other
 said at in the of } peace officers in the of _____, and
 } to the keeper of the common gaol of the
 Whereas X. Y., late of the _____ of _____, in the said _____ was on this day convicted before the undersigned C.D., (or E. F. and G.H., &c., as in preceding form) for that he, the said X. Y., on _____, at _____ (state offence, with previous convictions, as set forth in the conviction for the third offence, or as the case may be, and then proceed thus) : " and it was thereby adjudged that the offence of the said X. Y., hereinbefore firstly mentioned, was his third offence against the second part of " *The Canada Temperance Act,*" then in force in the said _____, (A. B. being the informant) ; And it was thereby further adjudged that the said X.Y., for his said third offence, should be imprisoned in the common gaol of the said _____ of _____, at _____ in the said _____ of _____, and there be kept at hard labor for the space of _____ calendar months :

These are therefore to command you, the said constables, or any one of you, to take the said X. Y., and him safely convey to the said common gaol at _____, aforesaid, and there deliver him to the keeper thereof, with this precept. And I (or we) do hereby command you, the said keeper of the said common gaol, to receive the said X.Y. into your custody in the said common gaol, there to imprison him and

Given under our hands and seals (or my hand and seal)
 this day of , at the of in the
 said

E.F. (L.S.)

J.P.

G.H. (L.S.)

J.P.

or

C.D. (L.S.)

Police Magistrate.

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 Excellent Majesty.



51 VICTORIA.

CHAP. 35.

An Act in amendment of "The Canada Temperance Act."

[Assented to 22nd May, 1888.]

- Preamble.** HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—
- Short title.** 1. This Act may be cited as "*The Canada Temperance Amendment Act, 1888.*"
- Declaratory.** 2. This Act shall be read and taken as if embodied in and forming part of "*The Canada Temperance Act.*"
- Section 96 of Act repealed ; new section.** 3. Section ninety-six of "*The Canada Temperance Act*" is hereby repealed and the following substituted in lieu thereof :—
- As to revocation of Order in Council.** "96. No Order in Council issued under this Act shall be revoked until after the expiration of three years from the date of the coming into force under it of the second part of this Act."
- When petition for revocation may be submitted to vote.** 2. No petition for the revocation of the Order in Council which declares "*The Canada Temperance Act*" in force shall be submitted to the vote of the electors more than thirty days before the expiration of three years from the coming into force of the second part of the said Act in any county or city.
- Application of certain sections.** 4. Sections five, six, seven and eight following and the forms in the schedule to this Act shall be read as if embodied in the first part of the said Act, but shall relate to proceedings for revoking the Order in Council which has brought the second part of the said Act into force.
- Form of petition for revocation.** 5. A petition to the Governor in Council praying for the revocation of any Order in Council, passed for bringing the second part of the said Act into force, may be in the form O of the schedule hereto or to the like effect.

6. Such petition may be embodied, as in form O in the schedule to this Act, in the notice in writing addressed to the Secretary of State of Canada and signed by electors qualified to vote at the election of a member of the House of Commons in a county or city, to the effect that the signers desire that the votes of such electors as, under the provisions of the said Act, are entitled to vote for the bringing into force of the second part of the said Act, be taken for and against the revocation of the Order in Council bringing the second part of the said Act into force.

Petition may form part of notice to Secretary of State.

7. The provisions of sections six to seventeen, both inclusive, and from twenty to ninety-three, both inclusive, shall apply *mutatis mutandis* to every case of a petition and notice for revocation of an Order in Council under this Act, and all the proceedings to be had and taken thereon, and in respect of the powers to be exercised, and the offences which may be committed, and the penalties that may be incurred in the course of, and in connection with such proceedings.

Application of certain provisions as respects revocation.

8. For the voting for the revocation of any such Order in Council 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 form P in the schedule to this Act, and in such ballot paper the words "against the Act" shall be printed in red ink and the words "for the Act" in black ink; and the printed directions to be furnished to the deputy returning officers shall be according to form Q in the schedule to this Act.

Form of ballot paper.

9. When any petition for the revocation of an Order in Council for the bringing into operation the second part of "The Canada Temperance Act" has been heretofore or is hereafter 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 thirty days from the day on which the same was so adopted, by Order in Council published in the *Canada Gazette* declare, that the second part of the said Act shall no longer be in force; and section ninety-five of the said Act so far as inconsistent with the provisions of this section is hereby repealed.

When second part of Act may be declared to be no longer in force.

10. The provisions of section ninety-seven of "The Canada Temperance Act" shall be applicable to counties which have been divided for municipal purposes after the adoption of "The Temperance Act of 1864."

Application of section 97 in cases specified.

11. Nothing in "The Canada Temperance Act" shall be held to interfere with the purchase or sale, by legally qualified physicians, chemists or druggists, of the following articles, that is to say:—

Sale of certain articles not prohibited.

- Official preparations. (a.) The officinal preparations of the authorized Pharmacopœas when made of full medicinal strength, and sold only for medicinal purposes ;
- Prescriptions. (b.) Physicians' prescriptions containing spirituous liquors if sold in quantities of not more than ten ounces at any one time ;
- Patent medicines. (c.) Any patent medicine, unless such patent medicine is known to the vendor to be capable of being used as a beverage, the sale of which is a violation of "*The Canada Temperance Act* ;"
- Perfumery, &c. (d.) Eau de Cologne, bay rum, or other articles of perfumery, lotions, extracts, varnishes, tinctures, or other pharmaceutical preparations containing alcohol, but not intended for use as beverages ;
- Methylated spirits, &c. (e.) Alcohol or methylated spirits, for pharmaceutical, chemical or mechanical uses :
- Record of sales to be kept. 2. Each such sale shall be recorded in a book kept for the purpose giving the name and address of the purchaser, quantity and name of liquor, medical man prescribing the same, and the purpose for which it is required ; and the said book shall be kept open for inspection by the proper county Inspector at all times.

SCHEDULE.

FORM O.

Form of notice and petition for revocation of an Order in Council passed for bringing the second part of "The Canada Temperance Act" into force.

To the Hon. 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 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 Order in Council passed for bringing into force within the said county (or city), the second part of "*The Canada Temperance Act*," should be revoked ; wherefore your petitioners humbly pray that your Excellency will be pleased by an Order in Council under section nine of "*The Canada Temperance Amendment Act, 1888*" to declare that the said Order in Council which brought into force and effect the said second part of the said "*The Canada Temperance Act*," in the said county (or city) shall no longer be in force.

And your petitioners will ever pray, &c.

And that we desire that the votes of the electors of the said county (or city) be taken for and against the revocation of the said Order in Council.

FORM P.

Form of Ballot Paper.

18 .

Voting on the petition to the Governor General for the revocation of the Order in Council which brought into force the second part of " *The Canada Temperance Act* " in the county (or city) of

N B.—The crosses are for illustration.

Against the Act + (*)	+ For the Act. (**)
--------------------------	------------------------

(* These words are to be printed in red ink.)
(** These words are to be printed in black ink.)

.....
(The dotted line will be a line of perforations for easily detaching the counterfoil.)

Counterfoil.

FORM Q.

Directions for guidance of Electors in voting.

The voter will go into one of the compartments, and with the pencil there provided place a cross thus + in the upper space if he votes against the Act and in the lower space if he votes for the Act.

The voter will then fold the ballot so as to show a portion of the back only with the number and 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 marks 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.

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51 VICTORIA.

CHAP. 36.

An Act to amend the Act respecting Defective Letters Patent and the discharge of securities to the Crown.

[Assented to 22nd May, 1888.]

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

Preamble.

1. The Act chapter one hundred and seventeen of the Revised Statutes intituled "*An Act respecting Defective Letters Patent and the discharge of securities to the Crown*" is hereby amended by adding the following section thereto :—

R.S.C., c. 117 amended.

3. From and after the first day of July in the year one thousand eight hundred and eighty-eight, any lands in the Province of Ontario theretofore bound by the registration in the office of the clerk of the former court of Queen's Bench in Toronto, of any deed, bond, contract or other instrument whereby any debt, obligation or duty is incurred or created to Her Majesty, or any of Her Royal predecessors, in respect of any matter within the authority of the Government of Canada, shall be released from the charge created by such registration, so far as the same is within the authority of the Government of Canada; but nothing herein contained shall be construed to affect the obligations of parties to any such deed, bond, contract, or other instrument, to Her Majesty or to each other, or to release any charge which may have been, previous to the said date, obtained against any such lands by virtue of any writ or other proceeding."

Lands released from certain charges.

Certain obligations not affected.

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51 VICTORIA.

CHAP. 37.

An Act further to amend "The Supreme and Exchequer Courts Act," chapter one hundred and thirty-five of the Revised Statutes of Canada.

[Assented to 22nd May, 1888.]

Preamble.

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

Section 19 of R.S.C., c. 135 repealed ; new section.

1. Section nineteen of "*The Supreme and Exchequer Courts Act*," as amended by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, and chaptered sixteen, is hereby repealed and the following substituted therefor :—

Quorum of judges.

"**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 in such case it shall not be necessary for five judges to be present at the delivery of such judgment ; 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."

Proviso : as to delivery of judgments.

Opinion of absent judge may be read.

Section 24 further amended.

2. The paragraph lettered (*h.*) added to section twenty-four of the Act first above cited by section fifty-seven and schedule A of the Act secondly above cited, is hereby amended by inserting the words "British Columbia" after the words "New Brunswick" in the first line of the said paragraph.

Further amendment.

3. The said section twenty-four is hereby further amended by adding the following at the end thereof :—

“(i.) And also by leave of the court or a judge thereof ^{Appeals from} from the decision of the Supreme Court of the North-West ^{N. W. T.} Territories, although the matter may not have originated in a superior court.”

4. The Registrar shall, under the supervision of the ^{Library of the} Minister of Justice, have the management and control of ^{Court.} the library of the court and the purchase of all books therefor.

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51 VICTORIA.

CHAP. 38.

An Act to amend the Act respecting the Judges of Provincial Courts, chapter one hundred and thirty-eight of the Revised Statutes.

[Assented to 22nd May, 1888.]

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

Section 4 of
R.S.C., c. 138
amended.

1. Section four of the said Act is amended by striking out therefrom the words “eleven puisné judges of the said Court whose residences are fixed at Montreal or Quebec, each \$5,000 per annum” and inserting instead thereof the words following:—“twelve puisné judges of the said Court whose residences are fixed at Montreal or Quebec, each \$5,000 per annum.”

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51 VICTORIA.

CHAP. 39.

An Act to extend the jurisdiction of the Maritime Court of Ontario.

[Assented to 22nd May, 1888.]

WHEREAS it is expedient to extend the powers and jurisdiction of the Maritime Court of Ontario: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Maritime Court of Ontario shall have jurisdiction over any claim in respect of any mortgage upon any ship or vessel now or hereafter duly registered in the Province of Ontario, whether the ship or vessel or the proceeds thereof be under arrest of the court or not. Jurisdiction as to mortgages.

2. The jurisdiction conferred by this Act may be exercised by proceedings *in rem* or *in personam*. Exercise of jurisdiction.

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51 VICTORIA.

CHAP. 40.

An Act respecting the advertising of Counterfeit Money.

[Assented to 22nd May, 1888.]

Preamble.

WHEREAS attempts have been made in Canada to obtain money by offering to give in exchange spurious or counterfeit money or tokens or evidences of value under various names, and it is expedient to provide a remedy: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Interpretation.

“Counterfeit token of value.”

1. In this Act the expression “counterfeit token of value” means any spurious or counterfeit coin, paper money, inland revenue stamp, postage stamp, or other evidence of value, by whatever technical, trivial or deceptive designation the same may be described.

Advertising counterfeit token of value.

2. Every one who prints, writes, utters, publishes, sells, lends, gives away, circulates or distributes any letter, writing, circular, paper, pamphlet, handbill or any written or printed matter advertising or offering or purporting to advertise or offer for sale, loan, exchange, gift or distribution, or to furnish, procure or distribute any counterfeit token of value, or what purports to be a counterfeit token of value, or giving or purporting to give, either directly or indirectly, information, where, how, of whom, or by what means any counterfeit token of value, or what purports to be a counterfeit token of value, may be procured or had—and every one who aids or assists in any manner in any scheme or device whatsoever, offering or purporting to offer for sale, loan, gift, exchange or distribution, any counterfeit

Accessories.

Purchasers.

token of value—and every one who purchases, exchanges, accepts, takes possession of, or in any way uses, or offers to purchase, exchange, accept, take possession of, or in any way use any such counterfeit token of value, or what purports so to be, is guilty of felony, and liable to five years' imprisonment.

Punishment.

3. Every one who, in executing, operating, promoting, carrying on, or in the aiding, assisting or abetting in the promoting, operating, carrying on or executing of any scheme or device whatsoever to defraud, by the use or by means of any papers, writings, letters, circulars or written or printed matters concerning the offering for sale, loan, gift, distribution or exchange of counterfeit tokens of value, uses any fictitious, false or assumed name or address, or name or address other than his own right, proper and lawful name,— and every one who, in the executing, operating, promoting, carrying on, aiding, assisting or abetting in the execution, promoting or carrying on of any scheme or device, offering for sale, loan, gift or distribution, or purporting to offer for sale, loan, gift or distribution, or giving or purporting to give information, directly or indirectly, where, how, of whom or by what means any counterfeit token of value may be obtained or had, knowingly receives or takes from the mails, or from the post office, any letter or package addressed to any such fictitious, false or assumed name or address, or name other than his own right, proper or lawful name, is guilty of felony and liable to five years' imprisonment.

Assuming false name in connection with any such offence.

Receiving letters addressed to false name.

Punishment.

4. Any letter, circular, writing or paper offering or purporting to offer for sale, loan, gift or distribution, or giving or purporting to give information, directly or indirectly, where, how, of whom or by what means any counterfeit token of value may be obtained or had, or concerning any similar scheme or device to defraud the public, shall be *prima facie* evidence of the fraudulent character of such scheme or device.

What shall be evidence.

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51 VICTORIA.

CHAP. 41.

An Act to amend the law relating to fraudulent marks on Merchandise.

[Assented to 22nd May, 1888.]

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

Short title. **1.** This Act may be cited as "*The Merchandise Marks Offences Act, 1888.*"

Interpretation. **2.** In this Act, unless the context otherwise requires,—
"Trade mark." (a.) The expression "trade mark" means a trade mark or industrial design registered in accordance with "*The Trade Mark and Design Act*" and the registration whereof is in force under the provisions of the said Act, and includes any trade mark which, either with or without registration, is protected by law in any British possession or foreign State to which the provisions of section one hundred and three of the Act of the United Kingdom, known as "*The Patents, Designs, and Trade Marks Act, 1883,*" are, in accordance with the provisions of the said Act, for the time being applicable;

"Trade description" (b.) The expression "trade description" means any description, statement, or other indication, direct or indirect,—

(1.) As to the number, quantity, measure, gauge, or weight of any goods; or—

(2.) As to the place or country in which any goods were made or produced; or—

(3.) As to the mode of manufacturing or producing any goods; or—

(4.) As to the material of which any goods are composed, or—

(5.) As to any goods being the subject of an existing patent, privilege, or copyright;

And the use of any figure, word, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Act;

(c.) The expression "false trade description" means a "False trade description." trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect; and the fact that a trade description is a trade mark, or part of a trade mark, shall not prevent such trade description being deemed to be a false trade description within the meaning of this Act;

(d.) The expression "goods" means anything which is "Goods." merchandise or the subject of trade or manufacture;

(e.) The expression "covering" includes any stopper, "Covering." cask, bottle, vessel, box, cover, capsule, case, frame or wrapper; and the expression "label" includes any band or ticket;

(f.) The expressions "person, manufacturer, dealer, or trader," and "proprietor" include any body of persons "Person, &c." "Proprietor." corporate or unincorporate;

(g.) The expression "name" includes any abbreviation of "Name." a name:

2. The provisions of this Act respecting the application of a false trade description to goods extend to the application to goods of any such figures, words or marks, or arrangement or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are: Use of false trade description.

3. The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression "false name or initials" means as "False name or initials." applied to any goods, any name or initials of a person which— And as to name, &c.

(a.) Are not a trade mark, or part of a trade mark, and—

(b.) Are identical with, or a colorable imitation of the name or initials of a person carrying on business in connection with goods of the same description, and not having authorized the use of such name or initials, or—

(c.) Are either those of a fictitious person or of some person not *bonâ fide* carrying on business in connection with such goods.

3. A person shall be deemed to forge a trade mark who either— Forgery of a trade mark.

(a.) Without the assent of the proprietor of the trade mark makes that trade mark or a mark so nearly resembling that trade mark as to be calculated to deceive; or—

(b.)

¶ (b.) Falsifies any genuine trade mark, whether by alteration, addition, effacement, or otherwise;

And any trade mark or mark so made or falsified is, in this Act, referred to as a forged trade mark:

Proviso.

Provided, that in any prosecution for forging a trade mark the burden of proving the assent of the proprietor shall lie on the defendant.

Application of trade mark or trade description.

4. A person shall be deemed to apply a trade mark, or mark, or trade description to goods who—

(a.) Applies it to the goods themselves; or—

(b.) Applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade, or manufacture; or—

(c.) Places, encloses, or annexes any goods which are sold or exposed or had in possession for any purpose of sale, trade, or manufacture, in, with or to any covering, label, reel, or other thing to which a trade mark or trade description has been applied; or—

(d.) Uses a trade mark or mark or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade mark or mark or trade description:

Manner of application.

2. A trade mark or mark or trade description, shall be deemed to be applied whether it is woven, impressed or otherwise worked into, or annexed or affixed to the goods, or to any covering, label, reel or other thing:

What shall be false application.

3. A person shall be deemed to falsely apply to goods a trade mark or mark, who, without the assent of the proprietor of a trade mark, applies such trade mark, or a mark so nearly resembling it as to be calculated to deceive; but in any prosecution for falsely applying a trade mark or mark to goods, the burden of proving the assent of the proprietor shall lie on the defendant.

What defence may be pleaded in case specified.

5. Whenever a defendant is charged with making any die, block, machine or other instrument for the purpose of forging, or being used for forging a trade mark, or with falsely applying to goods any trade mark, or any mark so nearly resembling a trade mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done, and proves—

Ordinary business.

(a.) That in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines or other instruments for making, or being used in making, trade marks, or, as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in Canada, and was not interested in the goods by way of profit or commission dependent on the sale of such goods; and—

(b.) That he took reasonable precautions against committing the offence charged; and—

Precautions.

(c.) That he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark or trade description; and—

Supposed genuineness.

(d.) That he gave to the prosecutor all the information in his power with respect to the person by or on whose behalf the trade mark, mark or description was applied,—

Information communicated.

He shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence.

Discharge in such case.

6. Every person who—

(a.) Forges any trade mark; or—

(b.) Falsely applies to goods any trade mark, or any mark so nearly resembling a trade mark as to be calculated to deceive; or—

What shall be deemed offences against this Act.

(c.) Makes any die, block, machine or other instrument, for the purpose of forging, or of being used for forging, a trade mark; or—

(d.) Applies any false trade description to goods; or—

(e.) Disposes of, or has in his possession, any die, block, machine or other instrument, for the purpose of forging a trade mark; or—

(f.) Causes any of the things in this section above mentioned to be done,—

Is, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, guilty of an offence against this Act.

2. Every person who sells, or exposes for, or has in his possession for sale, or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark, or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, unless he proves—

The same as to sale, &c., of goods falsely marked.

Defence.

(a.) That having taken all reasonable precautions against committing an offence against this Act, he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark or trade description; and—

Precautions.

(b.) That on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or—

Information communicated.

(c.) That otherwise he had acted innocently,—
Is guilty of an offence against this Act.

Good faith.

7. Every person, other than the lawful owner of the bottles and proprietor of the trade mark hereinafter referred to, who sells, or exposes or offers for sale, or traffics in bottles marked

Offence in relation to bottles marked with trade mark.

marked with the trade mark of the owner thereof, and without the assent of such owner, is guilty of an offence against this Act.

Punishment. 8. Every person guilty of an offence against this Act is liable—

On indictment. (a.) On conviction on indictment, to imprisonment, with or without hard labor, for a term not exceeding two years, or to fine, or to both imprisonment and fine; and—

On summary conviction. (b.) On summary conviction, to imprisonment, with or without hard labor, for a term not exceeding four months, or to a fine not exceeding one hundred dollars; and in case of a second or subsequent conviction to imprisonment, with or without hard labor, for a term not exceeding six months, or to a fine not exceeding two hundred and fifty dollars:

Forfeiture. 2. In any case every chattel, article, instrument, or thing, by means of, or in relation to which the offence has been committed shall be forfeited.

Appeal. 9. If any person feels aggrieved by any conviction made by a court of summary jurisdiction, he may appeal therefrom in accordance with the provisions of "*The Summary Convictions Act.*"

R.S.C., c. 178 to apply. 10. Any offence for which a person is, under this Act, liable to punishment on summary conviction, may be prosecuted, and any articles forfeited under this Act may be declared forfeited under the provisions of "*The Summary Convictions Act.*"

As to words or marks on watch cases. 11. Where a watch case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall *prima facie* be deemed to be a description of that country within the meaning of this Act, and the provisions of this Act with respect to goods to which a false description has been applied, and with respect to selling or exposing for, or having in possession for sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly; and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch case.

Interpretation "watch."

What only need be alleged in proceedings. 12. In any indictment, pleading, proceeding, or document, in which any trade mark, or forged trade mark, is intended to be mentioned, it shall be sufficient, without further description and without any copy or fac-simile, to state that trade mark, or forged trade mark, to be a trade mark, or forged trade mark.

13. In any prosecution for an offence against this Act,— Evidence.

(a.) A defendant, and his wife or her husband, as the case Of wife or husband. may be, may, if the defendant thinks fit, be called as a witness, and, if called, shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness ;

(b.) In the case of imported goods, evidence of the port of Of port of shipment. shipment shall be *primâ facie* evidence of the place or country in which the goods were made or produced.

14. Whenever upon information of an offence against Search warrant may be issued. this Act, a justice has issued either a summons requiring the defendant charged by such information to appear to answer to the same, or a warrant for the arrest of such defendant, and either the said justice, on or after issuing the summons or warrant, or any other justice, is satisfied, by information on oath, that there is reasonable cause to suspect that any goods or things, by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such justice may issue a warrant under his hand by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter such house, premises or place at any reasonable time by day, and to search there for and seize and take away those goods or things ; and any goods or things seized under any such warrant shall be brought before a court of summary jurisdiction for the purpose of its being determined whether the same are or are not forfeited under this Act:

Proceedings thereunder.

2. If the owner of any goods or things which, if the owner thereof had been convicted, would be forfeited under this Act, is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and a court of summary jurisdiction may cause notice to be advertised stating that, unless cause is shown to the contrary at the time and place named in the notice, such goods or things will be declared forfeited ; and at such time and place the court, unless the owner, or any person on his behalf, or other person interested in the goods or things, shows cause to the contrary, may declare such goods or things, or any of them, forfeited.

Service of notice by advertisement.

15. Any goods or things forfeited under any provision of this Act, may be destroyed or otherwise disposed of in such a manner as the court, by which the same are declared forfeited, directs ; and the court may, out of any proceeds realized by the disposition of such goods (all trade marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

Disposal of forfeited articles.

Costs.

16. On any prosecution under this Act the court may order costs to be paid to the defendant by the prosecutor, or to the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

Limitation.

17. No prosecution for an offence against this Act shall be commenced after the expiration of three years next after the commission of the offence, or of one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

Warranty of trade marks, &c.

18. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade mark and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the vendee.

Existing rights saved.

19. Where, at the passing of this Act, a trade description is lawfully and generally applied to goods of a particular class, or manufactured by a particular method, to indicate the particular class or method of manufacture of such goods, the provisions of this Act with respect to false trade descriptions shall not apply to such trade descriptions when so applied: Provided, that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply, unless there is added to the trade description, immediately before or after the name of that place or country, in an equally conspicuous manner, with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

When name of country is calculated to deceive.

Rights of action saved.

20. This Act shall not exempt any person from any civil action, suit or other proceeding which might, but for the provisions of this Act, be brought against him:

Discovery to be made and questions answered.

2. Nothing in this Act shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Act:

Liability of servants.

3. Nothing in this Act shall be construed so as to render liable to any prosecution or punishment any servant of a master, resident in Canada, who *bonâ fide* acts in obedience to the instructions of such master, and, on demand made by

or on behalf of the prosecutor, has given full information as to his master.

21. Every person who falsely represents that any goods are made by a person holding a Royal Warrant, or for the service of Her Majesty, or any of the Royal Family, or any Government Department of the United Kingdom or of Canada is liable, on summary conviction, to a penalty not exceeding one hundred dollars.

As to use of royal title, &c.

22. The importation of any goods which, if sold, would be forfeited under the foregoing provisions of this Act, and of goods manufactured in any foreign state or country which bear any name or trade mark which is or purports to be the name or trade mark of any manufacturer, dealer or trader in the United Kingdom or in Canada is hereby prohibited, unless such name or trade mark is accompanied by a definite indication of the foreign state or country in which the goods were made or produced; and any person who imports or attempts to import any such goods shall be liable to a penalty of not more than five hundred dollars, nor less than two hundred dollars, recoverable on summary conviction, and the goods so imported or attempted to be imported shall be forfeited and may be seized by any officer of the Customs and dealt with in like manner as any goods or things forfeited under this Act:

Importation of goods specified prohibited.

Penalty and forfeiture.

2. Whenever there is on any goods a name which is identical with or a colorable imitation of the name of a place in the United Kingdom or in Canada, such name, unless it is accompanied by the name of the state or country in which it is situate, shall, unless the Minister of Customs decides that the attaching of such name is not calculated to deceive (of which matter the said Minister shall be the sole judge) be treated, for the purposes of this section, as if it was the name of a place in the United Kingdom or in Canada:

Name of country to be given in certain cases.

3. The Governor in Council may, whenever he deems it expedient in the public interest, declare that the provisions of the two sub-sections next preceding shall apply to any city or place in any foreign state or country, and after the publication in the *Canada Gazette* of the Order in Council made in that behalf, such provisions shall apply to such city or place in like manner as they apply to any place in the United Kingdom or in Canada, and may be enforced accordingly:

Application of section to other places than those

4. The Governor in Council may, from time to time, make regulations, either general or special, respecting the detention and seizure of goods, the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and seizure, and may, by such regulations, determine the information, notices and security to be given, and the evidence necessary for any of

Regulations may be made.

the purposes of this section, and the mode of verification of such evidence :

Reimburse-
ment of ex-
penses.

5. The regulations may provide for the reimbursing by the informant to the Minister of Customs of all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent upon such detention :

Application
of regula-
tions.

6. Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods :

Publication
and taking
effect.

7. All such regulations shall be published in the *Canada Gazette* and shall have force and effect from the date of such publication.

R.S.C., c. 166
repealed.

23. This Act shall be substituted for chapter one hundred and sixty-six of the Revised Statutes, respecting the fraudulent marking of merchandise, which is hereby repealed.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 42.

An Act respecting Gaming in Stocks and Merchandise.

[Assented to 22nd May, 1888.]

WHEREAS gaming and wagering on the rise and fall in value of stocks and merchandise are detrimental to commercial and public morality, and places affording facilities for such gaming and wagering, commonly called *bucket shops*, are being established; and it is expedient to prevent such gaming and wagering, to punish the persons engaged in them, and to prohibit and punish the opening and maintaining of places therefor, and the frequenting thereof: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

I. Every one who,—

(a.) With the intent to make gain or profit by the rise or fall in price of any stock of any incorporated or unincorporated company or undertaking, either in Canada or elsewhere, or of any goods, wares or merchandise, and without the *bonâ fide* intention of acquiring any such shares, goods, wares or merchandise, or of selling the same, as the case may be, makes or signs, or authorizes to be made or signed, any contract or agreement, oral or written, purporting to be for the sale or purchase of any such shares of stock, goods, wares or merchandise; and every one who acts, aids or abets in the making or signing of any such contract or agreement; or—

Making pretended contracts of sale or purchase of stocks, goods, &c., or abetting the same.

(b.) With the intent to make gain or profit by the rise or fall in price of any stock of any incorporated or unincorporated company or undertaking, either in Canada or elsewhere, or of any goods, wares or merchandise, makes or signs, or authorizes to be made or signed, any contract or agreement, oral or written, purporting to be for the sale or purchase of any such shares of stock, goods, wares or merchandise, in respect of which no delivery of the thing sold or purchased is made or received, and without the *bonâ fide* intention to make or receive such delivery; and every one who acts, aids or abets in the making or signing of any such contract or agreement;

Making such contracts without intent to execute, or abetting the same.

Penalty.

Is guilty of a misdemeanor and liable to imprisonment for any term not exceeding five years, and to a fine not exceeding five hundred dollars; but the foregoing provisions shall not apply to cases where the broker of the purchaser receives delivery, on his behalf, of the article sold, notwithstanding that such broker retains or pledges the same as security for the advance of the purchase money or any part thereof;

Punishment of frequenters of places where such pretended contracts are used to be made.

2. Every one who habitually frequents any office or place wherein the making or signing, or procuring to be made or signed, or the negotiating or bargaining for the making or signing, of such contracts of sale or purchase, as aforesaid, is carried on, is guilty of a misdemeanor and liable to one year's imprisonment.

Burden of proof of intention.

2. Whenever it is established that any person has made or signed any such contract or agreement of sale or purchase, as aforesaid, or has acted, aided or abetted in the making or signing of the same, the burden of proof of the *bonâ fide* intention to acquire or to sell such shares, goods, wares or merchandise, or to deliver or to receive delivery of the same, as the case may be, shall rest upon the person charged with an offence under this Act.

Keepers of places where such business is carried on, deemed keepers of gaming houses.

3. Every one who, either as principal or agent, occupies, uses, manages or maintains any office or place of business wherein he carries on, or aids in carrying on, the business of making or signing, or procuring to be made or signed, or negotiating or bargaining for the making or signing of such contracts of sale or purchase, as aforesaid, shall be held to be the keeper of a common gaming house, and such office or place of business shall be held to be a common gaming-house, and the instruments used in such office or place of business for the conveyance of messages in respect of the purchase or sale, or pretended purchase or sale, of any such shares, goods, wares or merchandise, and the tablets, blackboards, slates or other implements used in registering or recording the prices of such shares of stock, goods, wares or merchandise, or the fluctuations therein, shall be held to be implements of gaming, the whole within the meaning of chapter one hundred and fifty-eight of the Revised Statutes of Canada, intituled "*An Act respecting Gaming Houses,*" and shall be subject to all the provisions of the said Act.

Instruments, &c., deemed implements of gaming.

R S.C., c. 158.

Accused may be witness in his own behalf.

4. In any prosecution under this Act the person accused shall be a competent witness on his own behalf.



51 VICTORIA.

CHAP. 43.

An Act further to amend the law respecting Procedure
in Criminal Cases.

[Assented to 4th May, 1888.]

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

1. The fifth sub-section of the section substituted by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter fifty, for section two hundred and sixty-eight of "*The Criminal Procedure Act*" is hereby repealed and the following sub-section enacted in lieu thereof :—

Sub-section 5 of s. 268 of R.S.C., c. 174 repealed; new sub-section.

"5. Notwithstanding any royal prerogative, or anything contained in "*The Interpretation Act*" or in "*The Supreme and Exchequer Courts Act*," no appeal shall be brought in any criminal case from any judgment or order of any court in Canada to any court of appeal or authority, by which in the United Kingdom appeals or petitions to Her Majesty in Council may be heard."

No appeal to any court in the United Kingdom.

2. Section two hundred and sixty-seven of "*The Criminal Procedure Act*" is hereby amended by striking out in the second and third lines thereof the words " or any indictment, information, presentment or inquisition."

Section 267 amended.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 44.

An Act further to amend "The Criminal Procedure Act."

[Assented to 22nd May 1888.]

Preamble.

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

Section 2 of R.S.C., c. 174 amended.

1. Section two of chapter one hundred and seventy-four of the Revised Statutes of Canada, "*The Criminal Procedure Act*," is hereby amended by adding the following paragraph thereto:—

Interpretation.

"Newspaper."

"(i.) The expression "newspaper" means any paper containing public news, intelligence or occurrences, or any remarks or observations therein, printed for sale and published periodically or in any parts or numbers at intervals not exceeding twenty-six days between the publication of any two such papers, parts or numbers, and also any paper printed in order to be distributed and made public weekly or oftener, or at intervals not exceeding twenty-six days, and containing only or principally advertisements."

Venue in case of libel in a newspaper.

2. Every proprietor, publisher, editor or other person charged with the publication in a newspaper of any defamatory libel shall be dealt with, indicted, tried and punished in the Province in which he resides, or in which such newspaper is printed.

Section 140 amended.

3. Section one hundred and forty of the said Act is hereby amended by adding to the list of offences therein mentioned the offence of libel.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 45.

An Act to amend chapter one hundred and seventy-eight of the Revised Statutes of Canada, "The Summary Convictions Act."

[Assented to 22nd May, 1888.]

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

1. Sections twenty-nine and thirty of "*The Summary Convictions Act*" are hereby repealed and the following substituted in lieu thereof:—

R.S.C., c.178 ss. 29 and 30 repealed; new sections

WITNESSES.

"29. If it is made to appear to any justice, by the oath or affirmation of any credible person, that any person 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; and such summons may be served by the constable, police officer or other person to whom the same is delivered as well beyond as within the territorial division of the justice who issued the same."

Summons to person likely to give material evidence.

Service of summons.

"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, by his warrant, cause such person

Warrant if such person fails to appear.

- to be apprehended and forthwith brought before him to give evidence as required by such summons, and to answer for his disregard of the same; and such person may be detained on such warrant before the justice who issued the summons, or before any other justice in and for the same territorial division who shall then be there, or in the common gaol, or in any other place of confinement, or in the custody of the person having him in charge, with a view to secure his presence as a witness on the day fixed for the trial; or in the discretion of the justice such person may be released on recognizances, 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 summons as for contempt; and the justice may, in a summary manner, examine into and dispose of the charge of contempt against such person, who, if found guilty thereof, may be ordered to pay the costs incident to the service of the said summons and warrant and of his detention in custody:
- Detention.**
- Release on bail.**
- Charge of contempt may be inquired into.**
- Execution of warrant.**
- Form E 2 repealed; new forms.**
- Section 31 amended; execution of warrant.**
- Section 32 amended.**
- Section 37 repealed; new section. Prosecutor and complainant, competent witnesses.**
- “2. The said warrant may be executed by the constable, police officer or other person to whom the same is delivered, or by any other person, as well beyond as within the territorial division of the justice who issued the same.”
- 2.** The form (E 2) in the said Act is hereby repealed, and the form of such warrant under the provisions of section thirty of the said Act as hereby amended, and any conviction made thereunder, shall be in the forms A and B, respectively, 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.
- 3.** Section thirty-one of the said Act is amended by striking out the words in the last two lines thereof as follows:—“and the warrant may, if necessary, be backed as aforesaid,” and inserting in lieu thereof the words:—“and such warrant may be executed by the person to whom the same is delivered as well beyond as within the territorial division of the justice issuing the same.”
- 4.** Section thirty-two of the said Act is amended by striking out the word “ten” in the thirteenth line thereof and inserting in lieu thereof the word “thirty.”
- 5.** Section thirty-seven of the said Act is hereby repealed, and the following substituted therefor:—
- “**37.** Every prosecutor of any information and every complainant in any complaint shall be a competent witness to support such information or complaint, notwithstanding that such prosecutor or complainant may have a pecuniary interest in the result, and unless otherwise provided by statute a conviction may be had upon the evidence of such person alone.”

6. Section fifty-nine of the said Act is hereby amended by adding thereto the following sub-section :—

Section 59 amended.

"2. The costs to be awarded under this and the next preceding section shall be such as are payable according to the tariff or tariffs of fees prescribed by the law of the Province in which the prosecution takes place upon similar proceedings by and before justices for offences against the law of that Province; and if no such fees are prescribed, then the tariff applicable shall be the tariff of fees prescribed as to civil cases."

Provision as to costs.

7. Section seventy-six of the said Act is hereby repealed and the following substituted therefor :

Section 76 repealed; new section.

"**76.** Unless it is otherwise provided in any special Act under which a conviction takes place or an order is made by a justice for the payment of money or dismissing an information or complaint, any person who thinks himself aggrieved by any such conviction or order, the prosecutor or complainant, as well as the defendant, 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, at the place where the cause of the information or complaint arose, or the nearest place thereto where a court is appointed to be held :

Appeal by persons aggrieved.

To what court in each province.

"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 Muskoka and Parry Sound; 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; and in the District of Nipissing, to the Court of General Sessions of the Peace for the County of Renfrew."

In certain districts and provisional counties in Ontario.

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

Section 77 repealed; new section.

"**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 :—

Conditions of appeal.

"(a.) If the conviction or order is made more than fourteen days before the sittings of the court to which the appeal is given,

To what sittings appeal shall be made.

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.

“ (b.) The appellant shall give to the respondent, or to the convicting justice, for him, a notice in writing (R) of such appeal, within ten days after such conviction or order ;

Appellant to remain in custody or give security.

“ (c.) The appellant 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 appellant (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 ;

Or make deposit in certain cases.

Proceedings on 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 appellant to be punished according to the conviction, or 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 any, to be repaid to the appellant ; and whenever, after any such deposit, the conviction or order is quashed, the court shall order the money to be repaid to the appellant ;

If the conviction or order is affirmed.

If quashed.

Proceedings may be adjourned.

“ (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 ;

Memorandum of quashing.

“ (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 when-

ever 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." Its effect.

9. Section eighty-five of the said Act is hereby repealed and the following substituted therefor :— Section 85 repealed; new section.

"85. Every justice before whom any person is summarily tried, shall transmit the conviction or order to the court to which the appeal is herein given, in and for the district, county or place wherein the offence is alleged to have been committed, before the time when an appeal from such conviction or order may be heard, there to be kept by the proper officer among the records of the court; and if such conviction or order has been appealed against, and a deposit of money made, such justice shall return the deposit into the said court; and the conviction or order shall be presumed not to have been appealed against, until the contrary is shown." Justice convicting to transmit the conviction or order, And the deposit money, if any.

10. Section ninety-two of the said Act is hereby repealed and the following substituted therefor :— Section 92 repealed; new section.

"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, or of the publication of such proclamation or order in the *Canada Gazette*; but such proclamation or order and the publication thereof shall be judicially noticed." Court to take judicial notice of proclamations and publication thereof.

SCHEDULE.

FORM A.

FORM OF WARRANT TO APPREHEND A WITNESS WHERE HE 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 _____

said district (or county, united counties, or as the case may 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 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 said 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), and also to answer his contempt for such neglect.

Given under (my) hand and seal _____ day of _____ in the year _____, at _____ in the district (or county, united counties, or as the case may be), aforesaid.

J. S. [L. s.]

FORM B.

FORM OF CONVICTION FOR CONTEMPT.

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), E. F. 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 on the _____ day of _____ A. D. 18 _____, complaint (or information) having been laid before (me) that A. B. (*stating the offence and time when and place where it was alleged to have been committed*) and the said

E. F. having been duly summoned to attend before (me) to testify what he knew concerning the said A. B. in the matter of the said information (or complaint) the said E. F. did not attend before (me) on the trial, but made default therein and has not shown any sufficient excuse for such default; and I adjudge the said E. F. for his said offence to pay to (*either the prosecutor or the defendant*) the sum of _____ for his costs in this behalf sustained, and I do also adjudge that the said E. F. be imprisoned in the common gaol of the said district (or county, united counties, or as the case may be) for the space of _____ there to be kept at hard labor; (*and in case of fine*) and I do also further adjudge that the said E. F. do forthwith pay to and for the use of Her Majesty a fine of _____ and in default of payment of the said fine and costs that the same 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 imprisonment is to be omitted.*)

Given under (my) hand and seal, the day and year first above mentioned at _____, in the district (or county, united counties, or as case may be), aforesaid.

J. S. [L.S.]



51 VICTORIA.

CHAP. 46.

An Act further to amend "The Speedy Trials Act," Chapter one hundred and seventy-five of the Revised Statutes.

[Assented to 22nd May, 1888.]

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

Section 2 of R.S.O., c. 175 amended. 1. The first seven lines of section two of "*The Speedy Trials Act*," chapter one hundred and seventy-five of the Revised Statutes, are hereby repealed, and the following substituted therefor :—

Interpretation. "Judge." In Ontario. "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 judges of the provisional districts of Algoma and Thunder Bay, and the judge of the district court of Muskoka and Parry Sound, authorized respectively to act as chairman of the General Sessions of the Peace."

Further amendment. 2. The sub-section lettered (a.) of the said section is hereby further amended by adding the following thereto as paragraph (4.) :—

" (4.) In the Province of British Columbia, the Chief Justice or a puisné judge of the Supreme Court, or a judge of a county court."

Further amendment. 3. The sub-section lettered (b.) of the said section is hereby amended by adding the following thereto as paragraph (3.) :—

" (3.) In the Province of British Columbia, the Supreme Court and the County Court Judges' Criminal Courts."

Section 3 repealed; new section. 2. Section three of the said Act is hereby repealed and the following substituted therefor :—

Application of Act. "3. This Act shall apply to the Provinces of Quebec, Ontario, Manitoba and British Columbia only."

3. Sub-section one of section four of the said Act is hereby repealed and the following substituted therefor:—

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, Manitoba and British Columbia such court shall be called "The County Court Judge's Criminal Court" of the county or union of counties or judicial district in which the same is held."

Section 4
amended.

Court to be a
court of re-
cord.

How styled.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



51 VICTORIA.

CHAP. 47.

An Act to amend the Revised Statutes of Canada, Chapter one hundred and eighty-one, respecting Punishments, Pardons and the Commutation of Sentences.

[Assented to 4th May, 1888.]

Preamble.

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

Section 28 of R.S.C., c. 181 amended.

1. Sub-section five of section twenty-eight of the "*Act respecting Punishments, Pardons and the Commutation of Sentences*," is hereby repealed and the following substituted therefor:—

Imprisonment.

"5. Imprisonment in a common gaol or a public prison other than those last mentioned,—

Hard labor in certain cases.

(a.) May 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*," or before a Judge of the Supreme Court of the North-West Territories ;

And in other cases.

(b.) May in other cases be with hard labor if hard labor is part of the punishment for the offence of which such offender is convicted ;

Sentence to direct.

And if such imprisonment is to be with hard labor the sentence shall so direct.

Section 32 repealed ; new section.

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

Notice to be given to a judge.

"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, 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, and in the cities of Montreal and Quebec to a judge of the sessions of the peace for the district, and such judge may order,

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 bound and the length of time for which such person may be bound.”

Discharge
may be order-
ed.

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TABLE OF CONTENTS.

ACTS OF CANADA.

SECOND SESSION, SIXTH PARLIAMENT, 51 VICTORIA, 1888.

PUBLIC GENERAL ACTS.

[The figures denote the numbers at the bottom of the pages.]

CHAP	PAGE
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, 1888, and the 30th June, 1889, and for other purposes relating to the Public Service - - - - -	3
2. An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service - - - - -	47
3. An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned - - -	48
4. An Act to make further provision respecting the granting of a subsidy to the Chignecto Marine Transport Railway Company (limited) - - - - -	52
5. An Act to make further provision respecting the construction of the ship channel between Montreal and Quebec - - -	53
6. An Act relating to certain advances made to the Quebec Harbor Commissioners - - - - -	55
7. An Act to amend "The Consolidated Revenue and Audit Act," chapter twenty-nine of the Revised Statutes of Canada -	57
8. An Act relating to the interest payable on deposits in the Post Office and Government Savings Banks - - - - -	61
9. An Act further to amend the Revised Statutes, chapter five, respecting the Electoral Franchise - - - - -	62

CHAP.	PAGE
10. An Act to amend "The North-West Territories Representation Act"	63
11. An Act to amend "The Dominion Elections Act," chapter eight of the Revised Statutes of Canada	66
12. An Act to amend "The Civil Service Act," chapter seventeen of the Revised Statutes of Canada	71
13. An Act to amend chapter sixteen of the Revised Statutes, respecting the High Commissioner for Canada in the United Kingdom	76
14. An Act to amend chapter thirty-two of the Revised Statutes, respecting the Customs	77
15. An Act to amend chapter thirty-three of the Revised Statutes of Canada, respecting the duties of Customs	98
16. An Act to amend chapter thirty-four of the Revised Statutes, respecting the Inland Revenue	100
17. An Act to amend chapter twenty-seven of the Revised Statutes, respecting the Department of Public Printing and Stationery	105
18. An Act to amend the Act respecting Patents of Invention	109
19. An Act to amend the Revised Statutes of Canada, chapter fifty, respecting the North-West Territories	110
20. An Act further to amend chapter fifty-one of the Revised Statutes of Canada, "The Territories Real Property Act"	118
21. An Act further to amend "The Dominion Lands Act"	126
22. An Act further to amend "The Indian Act," chapter forty-three of the Revised Statutes	127
23. An Act to amend the Revised Statutes of Canada, chapter ninety-seven, respecting Ferries	131
24. An Act to amend "The Adulteration Act," chapter one hundred and seven of the Revised Statutes of Canada	133
25. An Act to amend the Weights and Measures Act as respects the contents of packages of salt	135
26. An Act to amend the Steamboat Inspection Act, chapter seventy-eight of the Revised Statutes	136

TABLE OF CONTENTS.

£08

CHAP.	PAGE
27. An Act to amend "The Bank Act," chapter one hundred and twenty of the Revised Statutes of Canada - - - -	138
28. An Act to amend chapter one hundred and twenty-four of the Revised Statutes, respecting Insurance - - - -	139
29. An Act respecting Railways - - - -	140
30. An Act respecting a certain Treaty between Her Britannic Majesty and the President of the United States - - -	221
31. An Act respecting the International Convention for the Preservation of Submarine Telegraph Cables - - - -	232
32. An Act respecting a certain agreement between the Government of Canada and the Canadian Pacific Railway Company -	241
33. An Act respecting the application of certain laws therein mentioned to the Province of Manitoba - - - -	248
34. An Act to amend "The Canada Temperance Act" - - -	249
35. An Act in amendment of "The Canada Temperance Act" -	264
36. An Act to amend the Act respecting Defective Letters Patent and the discharge of securities to the Crown - - -	269
37. An Act further to amend "The Supreme and Exchequer Courts Act," chapter one hundred and thirty-five of the Revised Statutes of Canada - - - -	270
38. An Act to amend the Act respecting the Judges of Provincial Courts, chapter one hundred and thirty-eight of the Revised Statutes - - - -	272
39. An Act to extend the jurisdiction of the Maritime Court of Ontario - - - -	273
40. An Act respecting the advertising of Counterfeit Money - -	274
41. An Act to amend the law relating to fraudulent marks on Merchandise - - - -	276
42. An Act respecting Gaming in Stocks and Merchandise - -	285
43. An Act further to amend the law respecting Procedure in Criminal Cases - - - -	287
44. An Act further to amend "The Criminal Procedure Act" -	288
45. An Act to amend chapter one hundred and seventy-eight of the Revised Statutes of Canada, "The Summary Convictions Act" - - - -	289

TABLE OF CONTENTS.

CHAP.	PAGE
46. An Act further to amend "The Speedy Trials Act," chapter one hundred and seventy-five of the Revised Statutes -	296
47. An Act to amend the Revised Statutes of Canada, chapter one hundred and eighty-one, respecting Punishments, Pardons and the Commutation of Sentences - - - - -	298

INDEX

TO

ACTS OF CANADA,

SECOND SESSION, SIXTH PARLIAMENT, 51 VICTORIA, 1888.

PUBLIC GENERAL ACTS.

[The figures denote the numbers at the bottom of the pages.]

	PAGE
ADULTERATION Act amended.....	133
Interpretation, "Food," "Analyst"	133
Civil Service Act not to apply.....	133
Special analysis	133
Assistant analyst may grant certificate	134
Advertising of counterfeit money.....	274
BANK Act amended	138
When warehouseman is also owner of the goods	138
CABLES. See Submarine Telegraph Act	232
Canada Temperance Act amended	249
Deposit of notice.	249
Interpretation, "county" in British Columbia.....	249
Deposit of notice in British Columbia	249
Interpretation, "county" in provisional districts.....	250
Sale for medicinal or manufacturing purposes	250
Prosecutions	251
Search warrants.....	251
Destruction of liquor seized.....	251
Forms	252
Canada Temperance Amendment Act	264
Proceedings for revocation of Order in Council.....	264
Application of section 97 of Act.....	265
Sale of certain articles.....	265
Forms	266
Canadian Pacific Railway Company, agreement with.....	241
Chignecto Marine Transport Railway Company.....	52
Time for completing works extended	52
Section 2 of Act 49 V., c. 18, amended.....	52

	PAGE
Civil Service Act amended.....	71
Section 7 of Act repealed.....	71
Irregularities at examinations.....	71
Deputy heads.....	72
Scale of salaries.....	72
Optional subjects.....	72
Examinations.....	73
Estimates of vacancies.....	73
Supernumerary and temporary clerks.....	74
No extra remuneration.....	74
Sub-section 2 of section 58 of Act repealed.....	74
Schedule of salaries amended.....	74
Appointments made before 1st July, 1892.....	75
Counterfeit money, advertising of.....	274
Criminal Procedure.....	287
No appeal to Court in United Kingdom.....	287
Criminal Procedure Act amended.....	288
Interpretation, "newspaper".....	288
Venue in case of libel in newspaper.....	288
Preliminary requirement as to indictment for libel.....	288
Customs Act amended.....	77
Interpretation.....	77
Board of Customs.....	77
Decision of Board of Customs.....	78
Certain sections amended.....	78
Action for recovery of thing seized.....	89
Other sections amended.....	90
Disposal of proceeds of sale of vessel.....	97
Certain sections repealed.....	97
Customs Duties. <i>See</i> Duties of Customs.....	98
DEFECTIVE Letters Patent, Act respecting, amended.....	269
Department of Public Printing and Stationery, Act respecting, amended.....	105
Duties of clerk of Printing Committee.....	105
Work to be done and articles supplied.....	106
Queen's Printer.....	106
Other officers.....	106
Workmen.....	107
Estimates to be furnished to Department.....	107
Statement for Auditor General.....	108
Stock-taking.....	108
Audit Act to apply.....	108
Regulations as to discipline.....	108
Discharge of securities to the Crown. <i>See</i> Defective Letters Patent.....	269
Dominion Elections Act amended.....	66
Nomination day.....	66
Proclamation by returning officer.....	67
What paper to be used for ballots.....	67
Table to be provided in polling place.....	67

	PAGE
Votes of agents.....	67
Oath of voter.....	67
Proceedings after close of poll.....	68
Disappearance of papers	68
Schedules amended or repealed	69
Maintenance of secrecy.....	69
Corrupt practices, certain acts to be.....	69
Corrupt practices by agents.....	70
Dominion Lands Act amended.....	126
ELECTIONS. <i>See</i> Dominion Elections Act	66
Electoral Franchise Act amended.....	62
No revision necessary in 1888.....	62
FERRIES, Act respecting, amended	131
Fraudulent marks on merchandise	276
Interpretation	276
Offences defined.....	277
Punishment	280
As to marks on watch cases.....	280
Evidence	281
Search for goods.....	281
Limitation of prosecution.....	282
Warranty of trade marks	282
As to use of royal title, &c.....	283
Importation of goods specified prohibited	283
Repeal of R.S.C, c. 166	284
GAMING in stocks and merchandise	285
HIGH Commissioner, Act respecting, amended	76
Officers and clerks in office of.....	76
INDIAN Act amended.....	127
Membership of band.....	127
Conveyance of land sold for taxes	127
Exemption from taxation	128
Offences and penalties	129
Inland Revenue Act amended.....	100
Duty on spirits specified	100
Section 131 of Act amended	100
Entry of spirits for consumption	101
Basis of comparative calculation... ..	101
Wood naphtha, &c, supply of.....	101
Vinegar, duties of excise on.....	102
Tobacco, special provisions as to.....	102
Inspection of Steamboats. <i>See</i> Steamboat Inspection Act	136
Insurance Act amended.....	139
JUDGES of Provincial Courts, Act respecting, amended.....	272
Salary of additional judge	272

	PAGE
LETTERS Patent, Defective, Act respecting, amended.....	269
Loan, Public, authorized.....	47
MANITOBA, application of certain laws to.....	248
Rate of interest in	248
Maritime Court of Ontario, jurisdiction extended.....	273
Montreal and Quebec, ship channel between	53
As to repayment of advances to Montreal Harbor Commis- sioners	53
As to certain expenditures.....	53
Tonnage dues at Montreal abolished.....	54
Dredging plant vested in Government.....	54
NORTH-West Territories Act amended.....	110
Certain sections repealed.....	110
Legislative Assembly constituted.....	110
Elections	111
Procedure in Assembly.....	112
Advisory Council	112
Salary of Speaker.....	113
Clerk of Assembly.....	113
Seizure of vehicle conveying liquor.....	113
Schedule of electoral districts	113
North-West Territories Representation Act amended.....	63
PATENTS of Invention, Act respecting, amended.....	109
Deputy commissioner and other officers.....	109
Procedure. <i>See</i> Criminal Procedure.	
Public Printing and Stationery. <i>See</i> Department of.....	105
Punishments, pardons and the commutation of sentences, Act re- specting, amended.....	298
QUEBEC Harbor Commissioners, Act relating to advances made to.	55
Lévis Graving Dock transferred to Canada	55
Consideration for transfer	55
RAILWAY Act.....	140
Interpretation	140
Application of the Act.....	142
The Railway Committee	144
Inspecting engineers	147
Incorporation of company.....	148
Officers of company.....	148
Provisional directors and their powers.....	149
Capital stock and shares.....	149
Meetings of shareholders	150
President and directors.....	151
Calls	154
Dividends and interest.....	155
Shares.....	155

	PAGE
Limitation of time for construction.....	158
General powers	158
Power to borrow money.....	160
Power to take or use land and materials	163
Powers respecting location of line.....	167
Power to construct branch lines	168
Plans and surveys.....	169
Lands and their valuation	171
Railway crossings and junctions.....	179
Navigable waters.....	180
Highway crossings.....	181
Farm crossings.....	183
Bridges and tunnels.....	184
Fences and cattle-guards.....	185
Inspection of railway before opening.....	186
Inspection of railway out of repair.....	187
Proof of proceedings at meetings	189
By-laws, rules and regulations	189
Tolls	191
Traffic arrangements	193
Working of the railway	195
Trains over-due	199
Carriage of mails, military forces, &c.....	200
Telegraph lines.....	200
Accidents.....	200
Cattle at large.....	201
Walking on track	201
Weeds to be cut down.....	202
Certain securities not to be dealt in	202
Sale of railway to purchaser not having corporate powers.....	203
Railway constables.....	204
Actions for damages, limitation, &c.....	206
Liability of company.....	207
Offences and penalties	207
Statistics.....	209
What railways are for general advantage of Canada.....	211
Repeal of R S.C., c. 109.....	212
Schedules	212
Railways, subsidies in aid of, authorized.....	48
Revenue and Audit Act amended.....	57
Auditor General's salary, &c.....	57
Certain sections amended.....	57
SAVINGS Banks, Post Office and Government, interest on deposits in	61
Securities to the Crown, discharge of.....	269
Speedy Trials Act amended.....	296
Steamboat Inspection Act amended.....	136
Interpretation, "minor waters of Canada".....	136
Steam yachts, when exempted.....	136
Permits to act as engineer.....	136

	PAGE
Submarine Telegraph Act.....	232
Subsidies to Railways authorized.....	48
Summary Convictions Act amended	289
Witnesses.....	289
Appeal.....	291
Supplies for 1887-83 and 1888-89.....	3
Supreme and Exchequer Courts Act amended.....	270
Quorum of Supreme Court.....	270
Section 24 of Act amended	270
Control of library	271
TELEGRAPH Cable Convention. <i>See</i> Submarine Telegraph Act ..	232
Temperance. <i>See</i> Canada Temperance.	
Territories Real Property Act amended.....	118
Interpretation, "land".....	118
Descent of land	118
Application of certain sections	118
Inspector of land titles offices	119
Fees for certificate of title.....	120
Proof of payment of municipal charges.....	121
Provisions as to mortgages.....	121
Certain sections amended	121
Form of certificate of ownership.....	124
Forms amended.....	124
Treaty of Washington Act, 1883	221
WASHINGTON, Treaty of, Act.....	221
Weights and Measures Act amended	135
As to packages of salt.....	135