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LIST OF ~~ACTS.~~ Bills.

FIRST SESSION, FIFTH PARLIAMENT, 45 VICTORIA, 1883.

ASSENTED TO 25TH MAY, 1883.

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2. An Act to amend the Acts respecting procedure in criminal cases, and other matters relating to Criminal Law. (See Bill 6.)

3. An Act for constituting a Court of Railway Commissioners for Canada, and to amend the Consolidated Railway Act, 1879.

4. An Act to amend the law of Evidence in Criminal Cases. (See Bill 6)

5. An Act for the better prevention of fraud in relation to contracts involving the expenditure of public moneys.

* 6. An Act to provide that persons charged with misdemeanour shall be competent as witnesses. (See next Bill, same No.)

** 6. An Act to further amend the law of Evidence and other matters relating to Criminal Law.

7. An Act to amend the Criminal Law, and to extend the provisions of the Act respecting offences against the person.

8. An Act for the Discharge of Past Insolvents.

9. An Act for the Equitable Distribution of Insolvents' Estates.

10. An Act to provide for the amalgamation of the Bank of Nova Scotia with the Union Bank of Prince Edward Island.

11. An Act to amend the Law in reference to trial of cases before the County Judges' Criminal Court.

12. An Act to amend the Law with reference to Procedure in Criminal Cases, and the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences.

13. An Act to provide for the punishment of Adultery, Seduction, and like offences.

14. An Act respecting Arrears by Land.

15. An Act to amend the Ouachita Railway Act, 1899.

16. An Act to incorporate the Central Bank of Canada.

17. An Act further to amend the Act, 37th V. Chap. 50, respecting Permanent Building Societies in Ontario.

18. An Act to incorporate the University of Saskatchewan and to authorize the establishment of Colleges within the limits of the Diocese of Saskatchewan.

19. An Act to incorporate "Les Révérends Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest."

20. An Act to empower the National Insurance Company to wind up its affairs and to relinquish its Charter, and to provide for the dissolution of the said Company.

21. An Act to authorize the raising by way of loan of certain sums of Money required for the Public Service.

22. An Act respecting the "Crédit Foncier Franco-Canadien."

23. An Act further to reduce the Capital Stock of the Quebec Fire Assurance Company.

24. An Act to incorporate "The Manitoba and North Western Fire Insurance Company."

25. An Act to amend the Law respecting Cruelty to Animals.

26. An Act to incorporate a Company under the name of "The Rathbun Company."

27. An Act to amend an Act to incorporate the Ontario and Quebec Railway Company.

28. An Act to continue an Act to incorporate sundry persons by the name of the President, Directors and Company of the Farmers' Bank of Rustico.

29. An Act to incorporate the Bank of London, in Canada.

30. An Act to amend the Criminal Law and to declare it a misdemeanor to leave unguarded ~~holes~~ and Exposed holes, Cut in the Ice on any Navigable or frequented Water.

(See Bill 6.)

31. An Act consolidating and amending the several Acts relating to the Militia and Defence of the Dominion of Canada.

32. An Act to amend "The Consolidated Railway Act, 1879."

33. An Act to provide for the admission of Graduates of the Royal Military College to the profession of Dominion Land Surveyor.

34. An Act to amend and consolidate the Acts respecting the Customs.

35. An Act to incorporate the Federal Life Assurance Company.

36. An Act to amend the Act incorporating the Kingston and Pembroke Railway Company, and the Act amending the same.

37. An Act to incorporate the Royal Society of Canada.

38. An Act to incorporate the Nanny River Improvement Company.

39. An Act to amend the Act of the Dominion of Canada, 45 Vict., chap. 124, respecting the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland.

40. An Act to grant certain powers to the Acadia Powder Company.

41. An Act to incorporate the Dominion Railway Trust and Construction Company of Canada, (Limited).

42. An Act to amend and continue in force the Act incorporating the Grafton Harbor Company and for other purposes.

43. An Act to amend "An Act to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada."

44. An Act to incorporate "The Grange Trust, (Limited)."

45. An Act further to amend and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned.

46. An Act further to amend an Act intituled "An Act relating to Banks and Banking" and the several Acts amending the same.

47. An Act to revive & amend certain Acts respecting the Union Assurance Co. of Canada, and to change the name of the Co. to "The Crown Assurance Co. in Canada"

48. An Act to incorporate the Wood Mountain and Qu'Appelle Railway Company.

49. An Act to incorporate the Dominion Phosphate and Mining Company.

50. An Act to amend an Act respecting the Credit Valley Railway Company.

51. An Act to amend the Act to incorporate the Chignecto Marine Transport Railway Company, (limited.)

52. An Act to incorporate the Brant County Bank of Canada.

53. An Act to declare the meaning and effect of certain provisions of the Act to incorporate the London and Ontario Investment Company, Limited.

54. An Act to incorporate the Quebec and James' Bay Railway Company.

55. An Act to incorporate the Royal Canadian Passenger Steamship Company, (Limited.)

56. An Act to incorporate the Edmonton & Rocc River Railway & Navigation Co.

57. An Act further to amend the Acts relating to the New Brunswick Railway Company.

58. An Act to amend the several Acts incorporating the "Portage, Westbourne and North Western Railway Company," and to change the name thereof to the "Manitoba and North Western Railway Company of Canada."

59. An Act to amend the Act incorporating the Atlantic and North West Railway Company.

60. An Act to facilitate the Naturalization of aliens, 1883.

61. An Act to incorporate the Niagara Railway Bridge Company.

62. An Act to incorporate the Atlantic, Pacific & Rocc River Telegraph Co.

63. An Act to amalgamate the Presbyterian Ministers' Widows' and Orphans' Fund in connection with the Presbyterian Church of the Lower Provinces, and the Widows' and Orphans' Fund of the Presbyterian Church in the Maritime Provinces in connection with the Church of Scotland, and to create a corporation to administer such funds.

64. An Act to incorporate "The Pacific and Peace River Railway Company."

65. An Act to amend the Act to incorporate the Ontario Pacific Railway Company.

66. An Act to incorporate the Quinze Pier, Boom and Improvement Company.

67. An Act respecting the Citizens' Insurance Company of Canada.

68. An Act to incorporate the St Lawrence Barge & Manufacturing Co.

69. An Act further to amend the Consolidated Railway Act, 1879" (Mr. Whitney, Renfrew.) ~~Not printed. See other Bill to amend same Act.~~

70. An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway Company.

71. An Act to incorporate the Cumberland Coal and Railway Company.

72. An Act to incorporate the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.

73. An Act respecting the Montreal, Ottawa and Western Railway Company, and to change the name thereof to the "Montreal and Western Railway Company."

74. An Act to incorporate the Great North Western Railway Company.

75. An Act to incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada, for Manitoba and the North West.

76. An Act to amend the Act to incorporate the Northern, North Western and Sault Ste. Marie Railway Company, and to change the name of the said Company to the Northern and Pacific Junction Railway Company.

77. An Act to fix the rate of interest in Canada.

78. An Act to amend the Act passed in the forty-fifth year of the reign of Her present Majesty, intituled: "*An Act to repeal the duty on promissory notes, drafts and bills of exchange,*" and to declare the law relating to stamps on promissory notes and bills of exchange.

79. An Act to incorporate the Davis and Lawrence Company.

80. An Act to amend the Act incorporating "The Great Eastern Railway Company."

81. An Act to amend the Criminal Law, & to make special provision for the punishment of persons convicted of Wife Beating.

82. An Act to amend the Act to incorporate the North Western Bank. (~~Not printed.~~)

83. An Act to amend the Acts respecting procedure in Criminal cases, and other matters relating to Criminal Law.

84. An Act to amend the Law relating to Bills of Lading.

85. An Act to amend "The Dominion Elections Act 1874."

86. An Act to consolidate & amend the Acts for the more speedy trial of persons charged with felonies & misdemeanours in the Provinces of Ontario, Quebec & Manitoba.

87. An Act to incorporate The Royal Grand Association of British America.

88. An Act to unite the Winnipeg and Hudson's Bay Railway and Steamship Company and the Nelson Valley Railway and Transportation Company into one corporation, under the name of "The Winnipeg and Hudson's Bay Railway and Steamship Company."

89. An Act respecting certificates to Master and Mates of Inland and Coasting Ships.

90. (C.S. Act, from Senate)

91. (Superannuation Act, from Senate)

92. (To amend the N.W. Act, from Senate)

93. (Northern Railway Bill, from Senate)

94. An Act to amend "An Act respecting the Offices of Receiver General and Minister of Public Works," as to the powers of the Minister of Railways and Canals.

95. (Interpretation Amendment Act, from Senate)

96. (Bonus &c. from Senate)

97. An Act for the declaration of Titles to land, and to facilitate its transfer in the Territories of Canada.

98. An Act for the better prevention of Fraud in connection with the Sale of Patent Rights.

99. An Act to provide for the distribution of the Assets of Insolvent Traders.

100. An Act to limit the Appellate Jurisdiction of the Supreme Court of Canada.

101. An Act further to amend "The Fisheries Act."

102. Reading Bill (No. 102) An Act to amend and extend to the Dominion the provisions of the Seventy-first Chapter of the Consolidated Statutes of Canada.—Mr. *Colby*.

103. (Insolvent Banks &c, from Senate) (not printed)

104. An Act further to amend "The General Inspection Act, 1874."

105. An Act for granting certain powers to the Canadian Electric Light Company.

106. An Act to increase the Harbour accommodation of the City of Toronto, to extend the Esplanade, and to provide for the control of the use thereof by Railway Companies.

107. An Act respecting the Electoral Franchise.

108. An Act further to amend the Act respecting the Harbour of Pictou.

109. An Act to amend the Act for the final settlement of claims to lands in Manitoba by occupancy under the Act (33 Vict. C. 3).

110. An Act to amend the Act respecting Roads & Road Allowances in Manitoba.

111. (Penitentiary Act, from Senate)

112. (North Western Railway Incorporation Bill, from Senate)

113. An Act to authorize the Grand Trunk Railway Company of Canada to extend their traffic arrangement with the North Shore Railway Company to fifty years from the date thereof.

114. An Act respecting the Canadian Pacific Railway Company.

115. An Act to consolidate and amend the several Acts respecting the Inland Revenue.

116. An Act further to amend the Act respecting the incorporation of a Company to establish a Marine Telegraph between the Pacific Coast of Canada and Asia.

117. An Act to define certain Offences against Persons employed in Factories.

118. An Act to amend the Act incorporating the European, American, Canadian and Asiatic Cable Company (Limited), and to change the name thereof to "The American, British and Continental Cable Company (Limited."

119. An Act further to amend the Tariff of Duties of Customs.

120. (Canadian Rapid Telegraph Co. Incorporation Bill, from Senate)

121. An Act respecting the Harbour Master of the Harbour of Three Rivers.

122. (Patent Act, from Senate)

123. (Respg. C. C. Judges in Ont., from Senate)

124. (Respg. Higher Court Matters for Ont., from Senate)

125. (Evidence in Criminal matters, from Senate)

126. An Act to make further provision respecting the Regulation and Collection of tolls on Government timber slides and other works constructed to facilitate the transmission of timber, lumber and saw-logs.

127. An Act further to amend the Consolidated Railway Act of 1879, and to declare certain lines of railway to be works for the general advantage of Canada.

128. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1883, and the 30th June, 1884, and for other purposes relating to the Public service.'

129. An Act to amend the Act thirty-eighth Victoria, chapter fifty-six, intituled "An Act respecting the Graving Dock in the Harbour of Quebec, and authorizing the raising of a loan in respect thereof."

130. An Act to amend the Act thirty-sixth Victoria, chapter sixty-two, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbour.

131. An Act to encourage the manufacture of Pig Iron in Canada, from Canadian ore.

132. An Act respecting the sale of intoxicating liquors and the issue of licenses therefor.

133. An Act to continue for a limited time the Acts therein mentioned.

134. An Act to provide for the salaries and superannuation and travelling allowances of certain Judges of certain Provincial Courts.

135. (Bills of Exchange & Promissory Notes, from Senate)

136. (Lotteries Bill, from Senate)

137. An Act for authorizing subsidies for the construction of the lines of Railway therein mentioned.

138. An Act to provide for advances to be made by the Government of Canada to the Saint John Bridge and Railway Extension Company.

139. (Re Sale of Interest Mill Pt & to amend "The Indian Act, 1880", from Senate)

140. (Naturalizing of aliens, Manitoba, from Senate)

141. (From Senate?)

142. An Act to make further provision for deepening the Ship Channel of the River St. Lawrence, between Montreal and Quebec.

143. An Act to extend to British Columbia the Act relating to fishing by Foreign Vessels.

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No. 2.] **BILL.** [1883.

An Act to amend an Act respecting procedure in Criminal cases and other matters relating to Criminal Law.

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

1. Every one accused of any misdemeanour shall be a competent witness for himself or herself upon his or her trial for such offence, and the wife or husband, as the case may be, of every such accused person shall be a competent witness for him or her upon such trial : Defendant or wife or husband to be a competent witness.

Provided, that no such person shall be liable to be called as a witness, by the prosecutor; but every such witness called and giving evidence on behalf of the accused shall be liable to be cross-examined like any other witness on any matter though not arising out of his examination-in-chief : Not to be called as such by prosecutor; but to be liable to cross-examination.

Provided, that so far as the cross-examination relates to the credit of the accused, the Court may limit such cross-examination to such extent as it thinks proper, although the proposed cross-examination might be permissible in the case of any other witness. Court may limit cross-examination as to credit of defendant.

2. In case an accused person tried before a jury does not tender himself or herself as a witness, or become a witness on the trial, no observations shall be allowed to be made at the trial by the prosecutor or by the counsel for the prosecution, as to his or her not so tendering himself or herself as a witness, or not being a witness, nor shall the Judge presiding at the said trial make any observations respecting the same. Observations not allowed as to the non-tendering of such evidence.

3. In the event of the Judge assigned, appointed or commissioned to hold the Assizes or Court of Oyer and Terminer, or the sittings of the High Court of Justice for the Province of Ontario for the trial of criminal cases, not having arrived at the time appointed for the opening or holding of the Court, the opening of the said Court of Assizes, Oyer and Terminer, or High Court of Justice in the said Province, shall *ipso facto* stand adjourned to the ensuing day, and so from day to day until the arrival of the Judge. Certain courts to be adjourned if the judge does not arrive at the time appointed for opening them.

4. The right of peremptory challenge on the part of the Crown in any criminal trial, whether for treason, felony or misdemeanour, is hereby abolished; and section thirty-eight of the Act intituled : "*An Act respecting procedure in Criminal cases and other matters relating to Criminal Law*," is hereby repealed. Rights of peremptory challenge for the Crown, abolished. Sect. 38 of 32, 33, V., c. 29, repealed.

No. 2.

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

BILL.

An Act to amend an Act respecting procedure in Criminal cases and other matters relating to Criminal Law.

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

Second reading, Wednesday, 14th February, 1883.

Mr. McCarthy.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,

1883.

No. 3.] **BILL.** [1883.

An Act for constituting a Court of Railway Commissioners for Canada, and to amend the Consolidated Railway Act, 1879.

(NOTE.—*The clauses in brackets will be moved in Committee of the Whole.*)

Preamble.

WHEREAS disputes frequently arise between municipalities and railway companies, respecting the crossing of roads and streets and the location of roads and streets across the tracks of such railways, and the manner of such crossings, and the terms and conditions applicable thereto; also as to the alignment, arrangement, disposition and limitation of tracks within such municipalities; also as to the compensation payable by railway companies for lands taken or occupied by them, in which lands such municipalities are interested or in respect of which they claim compensation; also respecting by-laws passed by municipalities in aid of railways and agreements made in relation thereto;

And whereas disputes also frequently arise between railway companies themselves as to traffic arrangements, the adjustment of rates for passengers and freight, crossing of tracks and compensation therefor including cost of maintenance, the alignment, arrangement, disposition and location of tracks; rights of way over or through lands owned or occupied by railway companies; running powers; haulage; use of tracks; use of stations and station grounds; adjustment of tables; transhipment and interchange of freight and other matters relating to "powers," "highways and bridges," and "traffic arrangements;" and whereas difficulties have arisen in enforcing the law with reference to the exaction of equal rates; and it is expedient that a Court should be established for the settlement of such matters in a summary manner: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

CONSTITUTION OF THE COURT AND PROCEDURE.

Short title.

1. This Act may be cited as "The Railway Commission Act of 1883."

Interpretation of terms.

2. In this Act the term "Railway Company" includes the lessee of any railway; the term "Provincial Railway" means a railway in any of the Provinces of the Dominion which

does not come within the exceptions contained in the tenth sub-section of the ninety-second section of the British North America Act; the term "The Railway Act," means "*The Consolidated Railway Act*, 1879;" and sub-sections one, two, eight, nine, eleven and fifteen of section five of the said Railway Act are hereby incorporated with and made part of this Act.

42 V., c. 9.

Court constituted.

3. There is hereby constituted a Court to be called the Court of Railway Commissioners, in this Act called "the Court," for the purposes and having the powers in this Act set forth; and such Court shall be a Court of Record of original jurisdiction.

Appointment of Commissioners. Imperial Act s. 4, 26, 27 V., c. 48.

4. It shall be lawful for the Governor in Council to appoint three Railway Commissioners, of whom one shall be of experience in the law, and a barrister or advocate in any of the Provinces of ten years standing at the bar of such Province, and one of experience in railway business, and upon the occurrence of any vacancy in the office of such Commissioner, from time to time in like manner to appoint some fit person to fill the vacancy:

Official name and sittings.

The three Commissioners appointed under this Act shall be styled "The Railway Commissioners of Canada," and shall sit at such times and in such places and conduct their proceedings in such a manner as to them may seem most convenient for the speedy despatch of business; they may in certain cases prescribed by the general orders sit separately; but any complaint made to them shall be heard and determined in open Court.

Tenure of office.

5. The Commissioners shall hold office during good behaviour, but shall be removable on address of the Senate and House of Commons.

Commissioners not to hold any interest in railway stock.

6. Any person appointed a Commissioner under this Act shall within three calendar months after his appointment absolutely sell and dispose of any stock, share, debenture stock, debenture, bond, or other security of any railway company under the control of the Parliament of Canada, or of the Legislature of any of the Provinces, which he shall at the time of his appointment own or be interested in for his own benefit; and it shall not be lawful for any person appointed a Commissioner under this Act, so long as he shall hold office as such Commissioner, to purchase, take, or become interested for his own benefit in any such stock, share, debenture stock, debenture bond, or other security; and if any such stock, share, debenture stock, debenture bond, or other security, or any interest therein, shall come to, or vest in such Commissioner, by will or succession for his own benefit, he shall, within three calendar months after the same shall come to or vest in him, absolutely sell and dispose of the same, or in his interest therein.

To give their whole time to their duties.

2. The Commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall

not accept or hold any office or employment inconsistent with this provision.

Commissioners' Registrar, remuneration and duties. Imperial Act, s. 24.

7. It shall be lawful for the Governor in Council from time to time to appoint a Registrar, to be called "The Registrar of the Court of Railway Commissioners;" the Registrar shall be a barrister or advocate of at least five years standing, and shall hold office during pleasure; he shall reside and keep his office at the city of Ottawa, and shall be paid a salary as hereinafter provided; he shall be subject to the orders of the Commissioners, and shall make such enquiries and reports and shall perform such acts and services as the Commissioners may require.

Powers of Registrar.

2. The Registrar, for the purposes of such enquiries and report shall have and may exercise all powers of entry, inspection, summoning and examining witnesses and requiring the production of documents by this Act conferred upon the Commissioners, and may, in the discharge of such duties, administer oaths.

Clerks and servants of Court.

3. The Governor may, from time to time, appoint such other clerks and servants of the Court as may be found necessary, who shall hold office during pleasure.

Cases in which application may be made to Commissioners. Imperial Act, s. 6.

8. Any municipality or railway company may, with reference to any of the matters set forth in the preamble, or any person complaining of anything done or any omission made in violation or contravention of the sections of the Railway Act relating to traffic arrangements or of this Act, apply to the Court.

Further provision.

2. Any Municipal Corporation, Board of Trade, Chamber of Commerce, Corn Exchange or Agricultural Association, or any number of persons not less than five, being persons whose goods are forwarded or carried by any line of railway against which complaint is made, may be the complainants in respect of any violation or contravention of the Railway Act or of this Act; and the municipal or other bodies corporate or such five persons as aforesaid, shall have a *locus standi* to be complainants without being required to shew any interest in the matter of the said complaint.

Cases of reference to arbitration. Imperial Act, s. 8.

9. When any difference between railway companies is or hereafter may be required or authorized to be referred to arbitration, such difference shall, at the instance of any party thereto, and with the consent of at least one of the Commissioners, be referred to them for their decision in lieu of being referred to arbitration.

Procedure. Commencement of proceedings.

10. Proceedings before the Court shall be commenced by a petition in the form prescribed by general orders made by the Commissioners pursuant to the powers hereinafter conferred.

Petition to be filed and

11. Such petitions shall be filed in the office of the Registrar, who shall, at the petitioner's request, thereupon

summons issued.

by summons call upon the opposite party to show cause before him, why the matters in difference should not be adjudicated upon by the Court.

Powers of Registrar on any petition.

Appeal from his decision to the Court.

12. The Registrar shall have the power to refer the petition to the Commissioners or to refuse to refer the same ; but any party shall be at liberty to appeal frem his decision to the Court, whose decision shall be final ; nor shall it be competent for any of the parties, at any subsequent period, to question the juridiction or authority of the Court to adjudicate upon the said matters ;

Amending pet tion.

What objection only allowed.

the said Registrar in the first instance, and the said Court upon appeal, may order the said petition to be amended in such way as the Registrar or Court may direct ; no question shall be raised or entertained upon such application or appeal except the question whether the matters embraced or complained of in the said petition are within the meaning and scope of this Act.

Powers of Commissioners. Orders by, including injunction. Imperial Act, s. 25.

13. The Court or Commissioner shall, with reference to all the matters mentioned in this Act, have full power and authority : To decide all questions whether of law or of fact, to make such orders, decisions or directions (including injunctions) as to the Court or Commissioner shall seem just, and whether any remedies or juridiction with respect to such matters did or did not theretofore exist.

Powers of Commissioners.

14. The said Commissioners shall also have the following powers, that is to say :

Inspect'on of loca'ity.

a. They may by themselves, or by any person appointed by them, enter and inspect any place or building—being the property or under the control of any railway company, party to the matter pending before them, the entrance or inspection of which appears to them requisite ;

What they may require.

b. They may require answers and returns to such enquiries as they think fit to make ;

c. They may require the production of all books, papers and documents relating to the matters before them.

Case may be stated for Supreme Court. Imperial Act, s. 26.

15. The Commissioners may, of their own motion or at the instance of any party to the proceedings before them, and upon such terms as to them may seem just, state a case in writing for the opinion of the Supreme Court, upon any question which, in the opinion of the Commissioners, is a question of law, including the question of their jurisdiction or authority to adjudicate upon the matters mentioned or complained of in the petition ;

Duty of Superior Court in such case.

the said Supreme Court shall hear and determine the same and shall remit the matter to the Court with the opinion of the Supreme Court thereon ; the Court may make such orders as to the costs thereof as it shall seem fit.

Csots. Imperial Act, s. 28.

16. The costs of and incidental to any proceeding before the Court shall be in the discretion of the Court or Commissioner before whom the matter may be heard.

17. The Commissioners may, at any time after the passing of this Act, and from time to time, make such general rules and orders as may be requisite for declaring the duties and powers of the Registrar; for fixing the costs to be allowed in respect of proceedings before them; for regulating the practice as to the stating of a case under the *fifteenth* section; and also for enabling the Commissioners in certain specified cases to exercise the jurisdiction of the Court by any one or two of their number, and generally for the regulating of proceedings before them, and for enabling them to carry into effect the provisions of this Act; they may, from time to time, revoke or alter any of such general rules and orders; every general rule and order and every revocation or alteration thereof shall be submitted to the Chief Justice of the Supreme Court for approval, and shall not come into force until approved by him.

Commissioners to make general rules and orders for certain purposes. Imperial Act, s. 29.

To be subject to approval of Chief Justice of Supreme Court.

2. Every general order purporting to be made in pursuance of this Act shall immediately after the making thereof be laid before the Senate and House of Commons of Canada, if Parliament be then sitting, or if Parliament be not then sitting, within fourteen days after the next meeting thereof; and if either the Senate or the House of Commons, by a resolution passed within two months after such general order has been so laid before the said House, resolve that the whole or any part of such order should not continue in force, the same shall after the date of such resolution cease to be of any force, without prejudice, nevertheless, to the making of any other general order in its place, as to anything done in pursuance of such general order before the date of such resolution; but subject as aforesaid, every general order, purporting to be made in pursuance of this Act, shall be deemed to have been duly made and to be within the provisions of this Act, and shall have effect as if it had been enacted in this Act.

And of Parliament.

18. Every document purporting to be signed by the Commissioners, or any of them, shall be received in evidence without proof of such signature, and, until the contrary is proved, shall be deemed to have been so signed, and to have been duly executed or issued.

Evidence of acts of Commissioners. Imperial Act, s. 30.

19. All fees payable under the provisions of this Act shall be paid by means of stamps which shall be issued as provided by the seventy-second section of "*The Supreme and Exchequer Court Act*," and the proceeds of the sale of such stamps shall be paid into the Consolidated Revenue Fund of Canada, and shall form part of "The Railway Commissioners Fund" hereinafter referred to.

Fees payable by stamps.

[**20.** There shall be paid to each of the Commissioners such salary, not exceeding dollars a year, and to the Registrar not exceeding dollars a year, as the Governor in Council shall determine.]

Salaries of Commissioners.

21. The costs, charges and expenses of, and incidental to, any proceeding before the Court shall be taxed by the Registrar, subject to an appeal to the Court.

Taxing costs.

Yearly report by Commissioners to Governor. Imperial Act, s. 31.

22. The Commissioners shall, on or before the fifteenth day of January in each year, make a report to the Governor of their proceedings under this Act, during the preceding year, and such report shall be laid before the Senate and House of Commons within fourteen days thereafter if Parliament is then in session, and if not, then within fourteen days after the then next meeting of Parliament.

Decision of majority sufficient.

23. The order, judgment or direction of a majority of the said Commissioners shall in all cases be sufficient.

Powers as to tolls transferred.

24 The powers conferred on the Governor in Council by the Railway Act in relation to tolls are hereby conferred upon and vested in the Commissioners.

Powers of Railway of P. C Committee transferred.

2. The powers, authorities and duties vested in and imposed upon the Railway Committee of the Privy Council, by the 47th, 48th, 67th, 68th and 71st sections of the Railway Act, are also hereby transferred to the said Commissioners.

Commissioners' oath of office.

25. The Commissioners shall, previous to executing the duties of their office, take the following oath in open Court in the presence of a Judge of the Supreme Court:—I do solemnly swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trusts reposed in me as Railway Commissioner for the Dominion of Canada. So help me God.

Applications under s. 7 of Railway Act.

Reference to Commissioners.

26. Nothing in this Act contained shall render unnecessary the application to the Governor in Council required by the 3rd and 4th sub-sections of section 7 of the Railway Act. The Governor in Council may, upon any application to him under the said sub-sections, refer the question of compensation to the said Commissioners.

Part II.

TRAFFIC ARRANGEMENTS.

Power of railway companies to vary tolls.

27. And whereas it is expedient that a railway company should be enabled to vary the tolls upon the railway so as to accommodate them to the circumstances of the traffic, but that such power of varying should not be used for the purpose of prejudicing or favouring particular parties, or for the purpose of collusively and unfairly creating a monopoly, either in the hands of the company or of particular parties; therefore it shall be lawful for the company, subject to the provisions and limitations herein and in their special Act contained, from time to time to alter or vary the tolls by the special Act authorized to be taken, either upon the whole or upon any particular portions of the railway as they shall think fit: Provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per

Proviso: Equal tolls to all without

ton, per mile or otherwise, in respect of all passengers and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing only over the same portion of the line of railway under the same circumstances; 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.

distinction or favor to any company or person.

28. And whereas doubts have arisen as to whether section sixty of the Railway Act empowers the making of an agreement or arrangement whereby a railway company may agree or arrange with another railway company, by means of a joint committee or otherwise, for the joint working of both of their lines of railway under one management or under the management of the directors, or of one of them, or of the superintendent of one of the said railways, and it is expedient to remove such doubts: It is therefore declared and enacted, that the agreement or arrangements therein referred to do *not* authorize the making or entering into of any such agreement or arrangement, or of any agreement or arrangement whereby the said railway companies may temporarily or for any period amalgamate, or whereby the maintenance, or management, or actual control of the working or operating of the railway is vested in the directors of both roads, or in some of them, or in a committee appointed by the directors of both roads, or is taken out of the directors of any such railway, either directly or indirectly: Provided always, that this section shall not apply to any contract, agreement or arrangement, made or entered into prior to the passing of this Act.

Recital of doubts under Railway Act, s. 60.

Such doubts removed.

Proviso.

29. The agreement which a railway company can enter into under the sixtieth section of the Railway Act, shall not become operative until the same, or a true copy thereof, shall have been filed with the Registrar of the Court.

Agreements under s. 60 of Railway Act must be registered.

30. Within one month after the said agreement or copy thereof has been filed, as provided for in the next preceding section, on application or complaint made to the Court, and on hearing the companies interested, the Court or the Commissioner shall determine whether the same ought to be confirmed, and if in the opinion of the Court or Commissioner it is not in the public interest that it should be confirmed, the Court or the Commissioner shall so determine, and thenceforth the agreement shall have no force or effect.

To be submitted to the Court.

31. Forthwith, after the filing of the said agreement it shall be the duty of the Commissioners to examine the same, and if in their opinion it is not in the public interest, they shall, whether any complaint or application has been made concerning it under the last preceding section or not, on notice to the companies interested, and on hearing what the companies or either or any of them have to allege in its favor, determine the question whether the agreement is in the public interest or not, and if their decision is adverse thereto, the agreement shall thereafter cease to have any force or

Duty of Commissioners in such case. Proviso.

Proviso.

effect: Provided it shall be incumbent on the Commissioners to determine the matter within one month from the filing of the agreement as aforesaid.

Railway Co's to afford reasonable facilities of traffic to each other.

32. Every railway company shall, according to its power, afford all reasonable facilities for the receiving, and forwarding and delivery of traffic upon and from the several railways belonging to or worked by such company, 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 any particular description of traffic in any respect whatever, nor shall any such company subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. And any railway company having or working railways which form part of a continuous line or railway, or which intersect any other railway, or which have the terminal station or wharf of the one near the terminal station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding all the traffic arriving by one of such railways by the other, without any unreasonable delay and without any such preference or advantage or precedence or disadvantage as aforesaid. And so that no obstruction may be offered to any person desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation may by means of the railways of the several companies be at all times afforded to the public in that behalf.

Section 60 further explained and amended.

What the facilities thereby required shall include. Imperial Act, s. 11.

33. Subject as hereinafter mentioned, the facilities to be afforded under the last preceding section of this Act and of sub-section two of section sixty of the Railway Act are hereby declared to include and shall include the receiving, forwarding and delivery by every railway company, at the request of any other railway company, of through traffic to and from the railway of such other company at through rates, toll or fares (in this Act referred to as "through rates);"

Provisoes.

Provided as follows:—

Written notice as to through rates.

1. The company requiring the traffic to be forwarded shall give written notice of the proposed through rate to each forwarding company, stating both its amount and its apportionment, and the route by which the traffic is proposed to be forwarded;

Answer by company notified.

2. Each forwarding company shall, within the prescribed period after the receipt of such notice, by written notice inform the company requiring the traffic to be forwarded, whether they agree to the rate and route and, if they object to either, the ground of the objection:

If no objection within time prescribed.

3. If, at the expiration of the prescribed period, no such objection has been sent by any forwarding company, the rate shall come into operation at such expiration:

If objection is made.

4. If any objection to the rate or route has been sent within the prescribed period, the matter shall be referred to the Commissioners for their decision:

Commissioners to decide on reference to them.

5. If any objection be made to the granting of the rate or to the route, the Commissioners shall consider whether the granting of the rate is a due and reasonable facility in the interests of the public, and shall allow or refuse the rate accordingly:

If apportionment only be objected to.

6. If the objection be only to the apportionment of the rate, the rate shall come into operation at the expiration of the prescribed period, but the decision of the Commissioners as to its apportionment shall be retrospective; in any other case the operation of the rate shall be suspended until the decision is given:

Circumstances to be considered by Commissioners.

7. The Commissioners, in apportioning the through rate, shall take into consideration all the circumstances of the case, including any special expense incurred in respect of the construction, maintenance or working of the route, or any part of the route, as well as any special charges which any company may have been entitled to make in respect thereof; and also the competition of foreign railways to which any company may be subject:

Commissioners may fix reduced rates.

8. It shall not be lawful for the Commissioners in any case to compel any company to accept lower mileage rates than the mileage rates which such company may, for the time being, legally be charging for like traffic, carried on by a like mode of transit on any other line of communication between the same points, being the points of departure and arrival by the through route:

Prescribed period—what.

9. The prescribed period mentioned in this section shall be ten days, or such longer period as the Commissioners may from time to time by general order prescribe:

If railway company is to maintain or work steam vessels.

10. Where a railway company is to maintain or work, or is party to an arrangement for using, maintaining or working steam vessels for the purpose of carrying on a communication between any places or ports, the provisions of this section shall extend to such steam vessels and to the traffic carried thereon.

Rates fixed may be less than maximum. Imperial Act, s. 12.

34. Subject to the provisions of the last preceding section, the Commissioners shall have full power to decide that any proposed through rate is due and reasonable, notwithstanding that a less amount may be allotted to any forwarding company out of such through rate than the maximum rates such company is entitled to charge under and in pursuance of its special Act, and of the Railway Act as hereby amended, and to allow and apportion such through rates accordingly.

Railway companies to keep certain books,

35. Every railway company shall keep, at each of their stations, a book, or books, showing every rate for the time

and what they shall show. Imperial Act, s. 14.

being charged for the carriage of traffic—other than passengers and their baggage—from that station to any place to which they book, including any rates charged under any special contract, and stating the distance from that station to every station, siding, or place to which such rate is charged.

To be open to inspection.

2. Every such book shall during all reasonable hours be opened to the inspection of any person without the payment of any fee.

Commissioners may require certain particulars to be entered.

3. The Commissioners may from time to time, on the application of any person interested, make orders with respect to any particular description of traffic, requiring a railway company to distinguish in such book, how much of *each* rate is for the conveyance of the traffic on the railway, including therein tolls for the use of the railway, for the use of carriages, or for locomotive power, and how much is for other expenses, specifying the nature and detail of such other expenses:

Penalty for non-compliance.

4. Any company failing to comply with the provisions of this section, shall for each offence, and in the case of a continuing offence for every day during which the offence continues, be liable to a penalty not exceeding *twenty dollars*, and such penalty shall be recovered in the manner provided by the Railway Act, section *ninety-four*.

Terminal charges to be distinguished.

36. The company shall in the rate-book or tariff of rates taxes or charges in use and published by it at each station distinguish the fixed terminal charge (if any) which the company claims a right to demand in respect of each class, as well as any other terminal charges for services rendered from the mileage or mere conveyance charges.

Notice of increased rates. Proviso.

37. It shall not be lawful for the company to increase their rates, tolls or charges for the carriage of traffic without giving one month's public notice thereof: Provided, always, that this enactment shall not apply to rates or tolls for through rates extending beyond the Dominion of Canada.

Commissioners may determine disputes as to terminal charges. Imperial Act, s. 15.

38. The Commissioners shall have power to hear and determine any question or dispute which may arise with respect to the terminal charges of any railway company, and to decide what is a reasonable sum to be paid to any company, for loading and unloading, covering, collection, delivery, and other services of a like nature; any decision of the Commissioners under this section shall be binding on all courts, and in all legal proceedings whatsoever.

Railway Commissioners Fund.

[**39**. Every railway company in Canada to which this Act applies shall, so soon as any portion thereof is in use, pay into the Consolidated Revenue Fund an annual rate to be fixed by the Governor in Council, not exceeding four dollars per mile of railway constructed and in use, such rates to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of the Act and to be called the "Railway Commissioners' Fund."]

40. Any railway company that violates any provision of this Act, for which no penalty is otherwise provided, or disobeys or neglects to obey the orders or directions of the said Railway Commissioners, shall in addition to all penalties to which they may be liable or subject, incur and be liable to a penalty of *one thousand dollars*, which may be sued for and recovered against them, by any person as an action for debt in any Court of competent jurisdiction.

Penalty on company not obeying the orders of the Commissioners.

Part III.

41. Sub-sections six, seven and eight of section seventeen, and section sixty of the Railway Act as amended by this Act and the provisions of this Act, shall apply to provincial railways.

Application of certain provisions to Provincial railways.

42. This Act shall not apply to any Railway vested in Her Majesty or operated under the authority of "*The Government Railway Act*, 1881."

Act not to apply to Dominion Government Railways.

No. 3.

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

BILL.

An Act for constituting a Court of Railway Commissioners for Canada, and to amend the Consolidated Railway Act, 1879.

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

Second reading, Wednesday, 14th February, 1883.

Mr. McCarthy.

OTTAWA:
Printed by MacLean, Roger & Co.
1883.

No. 4.] **BILL.** [1883.

An Act for the further amendment of the Law of Evidence.

Preamble.

WHEREAS the discovery of truth in Courts of Justice has been signally promoted by the removal of restrictions on the admissibility of witnesses, and it is expedient to amend the law of evidence with the object of still further promoting such discovery: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Witnesses objecting or objected to as incompetent to take an oath, may affirm, &c., and false evidence so given shall be perjury.

1. If any person called to give evidence in any criminal proceeding, or in any civil proceeding, in respect of which the Parliament of Canada has jurisdiction in this behalf, objects to take an oath or is objected to as incompetent to take an oath, such person shall, if the presiding Judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following solemn promise and declaration:

"I solemnly promise, affirm and declare that the evidence "to be given by me shall be the truth, the whole truth, and "nothing but the truth."

And any person who, having made such promise, affirmation and declaration, wilfully and corruptly gives false evidence, may be indicted, tried, convicted and punished for perjury as if he had taken an oath.

False evidence under solemn affirmation in any case to be perjury.

2. If any person, called to give evidence in any civil proceeding, instead of taking an oath, makes under any law in that behalf, a solemn promise, affirmation and declaration to the effect that the evidence to be given by him shall be the truth, the whole truth, and nothing but the truth, and if such person having made such promise, affirmation and declaration, wilfully and corruptly gives false evidence, he may be indicted, tried, convicted and punished for perjury, as if he had taken an oath.

Short title.

3. This Act may be cited for all purposes as the "Evidence Amendment Act, Canada, 1883."

No. 4.

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

BILL.

An Act to amend the Law of Evidence in criminal cases.

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

Second reading, Thursday 15th February, 1883.

Mr. ROBERTSON,
(Hamilton.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 5.] **BILL.** [1883

An Act for the better prevention of fraud in relation to contracts involving the expenditure of public moneys.

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

1. In the case of every contract proposed, entered into, or in course of execution, to which the Government of Canada is a party, the making of any offer, proposal, gift, loan, promise, agreement, compensation or consideration whatsoever, by any person whomsoever, directly or indirectly, to any public officer or person in the employment of the said Government, with a view of obtaining his influence to promote either the obtaining the execution of such contract or the payment of the consideration moneys therefor, is a misdemeanor, and any person convicted thereof shall, at the discretion of the court, be liable to a penalty of not less than *one hundred dollars* and not more than *one thousand dollars*, together with imprisonment for a term not less than one month and not more than twelve months;—and in default of payment of the penalty so incurred, the offender shall be imprisoned for a further term of *six months*, unless such penalty be sooner paid; and the receiver being a party to the offence shall be deemed guilty thereof to the same extent, and shall be liable, on conviction, to the same punishment as the principal offender.

Giving or offering money, &c., for influence respecting a Government contract, to be a misdemeanor.

Punishment for such offence.

Receivers punishable in like manner.

2. Whosoever, in the case of tenders being called for by or on behalf of the Government of Canada for any contract as aforesaid, directly or indirectly, by himself or by the agency of any other person on his behalf, with the view of obtaining such contract either for himself, or for any other person proposes or makes any gift, loan, offer, promise or agreement, or offers or gives any consideration or compensation whatsoever, to any person tendering for such contract, or to any public official or other person with a like view, is guilty of a misdemeanor, and shall on conviction thereof, be liable, at the discretion of the court, to a penalty of not less than *one hundred dollars*, nor more than *one thousand dollars*, together with imprisonment for a term not less than one month and not more than twelve months; and in default of payment of the penalty so incurred the offender shall be imprisoned for a further term of six months, unless such penalty be sooner paid; and the receiver participating in the offence shall be deemed guilty thereof to the same extent, and shall be liable, on conviction, to the same punishment as the principal offender.

Giving or offering money, &c., to any one having made a tender, or other person with a view to obtain such contract to be a misdemeanor.

Punishment for such offence.

Receiver punishable in like manner.

Public officers receiving money, &c., assisting individuals in transaction of business with Government, guilty of misdemeanor.

3. Whosoever, being a public officer or paid employee of the Government of Canada, receives directly, or indirectly, any promise, offer, gift, loan, compensation or consideration whatsoever, either in money or otherwise, from any person whomsoever, for fraudulently assisting or favouring any individual in the transaction of any business whatsoever connected with the said Government, or for doing so contrary to the duties of his special position as an officer or employee of the Government, is guilty of a misdemeanor and shall, on conviction thereof, be liable to a penalty not exceeding *one hundred dollars*, and shall be incapable for the term of one year of holding any public office ; and any person participating in the said offence by making such offer shall be deemed guilty thereof, and shall be liable to the same penalty.

Punishment of such offence.

Making such offer punishable in like manner.

Giving or promising money to promote election, with a view to obtaining influence as to any contract with Government, to be a misdemeanor. Punishment of such offence.

4. Whosoever, for the purpose of assisting in any election to the Parliament of Canada, while performing any such contract or awaiting payment in respect of any such contract, subscribes, furnishes, gives or promises to give or furnish any sum of money or consideration whomsoever, either directly or indirectly by himself or by the agency of another person on his behalf, to any person whatsoever, is guilty of a misdemeanor, and shall, on conviction thereof, be liable, at the discretion of the court, to a penalty of not less than *one thousand dollars*, together with imprisonment for a term of not less than one month and not more than twelve months ; and in default of payment of the penalty so incurred, the offender shall be imprisoned for a further term of *twelve months* unless such penalty be sooner paid.

Further effect of conviction.

5. And any person convicted of any offence under the provisions of this Act, shall be incapacitated from contracting with or holding any contract under the said Government.

No. 5.

1st Session, 5th Parliament, 46 Victoria

BILL.

An Act for the better preventi
fraud in relation to contracts inv
the expenditure of public mone

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

Second reading, Thursday, 15th Fe
1883.

Mr. CASGRA

OTTAWA:

PRINTED BY MACLEAN, ROGER &
1883.

See next Copy Bill - Same No.

No. 6] **BILL.** [1883

An Act to provide that persons charged with misdemeanors shall be competent as witnesses.

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 forty-third Victoria, chaptered thirty-seven, is hereby repealed, and the Act repealed by the said Act shall not be revived. 43 V., c. 37 repealed.

2. On the summary or other trial of any person upon any complaint, information, or indictment for a misdemeanor, the defendant shall be a competent witness on his or her own behalf. Defendant to be a competent witness on his or her own behalf.

3. On any such trial the wife or husband of the defendant shall be a competent witness on behalf of the defendant And the husband or wife for the defendant.

4. Where another crime than that of a misdemeanor is charged, and the court having power to try the same, is of opinion, at the close of the evidence for the prosecution, that the only case made out is one of misdemeanor, the defendant upon application shall be a competent witness on his own behalf, and his wife, or her husband if the defendant be a woman, shall be a competent witness on behalf of the defendant, in respect of the charge of misdemeanor. And so if another crime be charged, but the Court thinks misdemeanor only made out by prosecution.

5. Every such witness called and giving evidence on behalf of the accused shall be liable to be cross-examined like any other witness on any matter though not arising out of examination-in-chief: Provided, that so far as the cross-examination relates to the credit of the accused, the Court may limit such cross-examination to such extent as it thinks proper, although the proposed cross-examination might be permissible in the case of any other witness. Liable to cross-examination. Court may limit cross-examination as to credit of defendant.

6. In case an accused person tried before a jury does not tender himself or herself as a witness, or become a witness on the trial, no observations shall be allowed to be made at the trial by the prosecutor or by the counsel for the prosecution, as to his or her not so tendering himself or herself as a witness, or not being a witness, nor shall the Judge presiding at the said trial make any observations respecting the same. Observations not allowed as to the non-tendering of such evidence.

No. 6.

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

BILL.

An Act to provide that persons charged with misdemeanor shall be competent at witnesses.

Received and read first time, Wednesday, 14th February, 1883.
Second reading, Thursday, 15th February, 1883.

Mr. CAMERON (Huron.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883

No. 6. **BILL.** [1883

An Act for the further amendment of the Law of Evidence and of other matters respecting Criminal Law.

(*Reported by the Select Committee, to whom the Bills Nos.* 6, 2, 4 *and* 30 *of this Session were referred*).

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

Defendant or wife or husband to be competent witness.

1. Every one accused of any misdemeanour shall be a competent witness for himself or herself upon any charge or complaint against him or her, or upon his or her trial for such offence, and the wife or husband, as the case may be, of every such accused person shall be a competent witness for him or her upon such charge or complaint or trial: Provided, that no such person shall be liable to be called as a witness, by the prosecutor; but every such witness called and giving evidence on behalf of the accused shall be liable to be cross-examined like any other witness on any matter though not arising out of his examination-in-chief: Provided, that so far as the cross-examination relates to the credit of the accused, the Justice or Justices, or the Court, may limit such cross examination to such extent as it thinks proper, although the proposed cross-examination might be permissible in the case of any other witness.

Proviso: Not to be called by prosecutor.

Proviso: as to cross-examination.

Observations as to non-tender of such evidence forbidden.

2. In case an accused person tried before a jury does not tender himself or herself as a witness, or become a witness on the trial, no observations shall be allowed to be made at the trial by the prosecutor or by the counsel for the prosecution, as to his or her not so tendering himself or herself as a witness, or not being a witness, nor shall the Judge presiding at the said trial make any observations respecting the same.

If another crime is charged and misdemeanor only made out.

3. Where another crime than that of a misdemeanor is charged, and the court having power to try the same, is of opinion, at the close of the evidence for the prosecution, that the only case made out is one of misdemeanor, the defendant upon application shall be a competent witness on his own behalf, and his wife, or her husband if the defendant be a woman, shall be a competent witness on behalf of the defendant, in respect of the charge of misdemeanor.

Witnesses objecting to take an oath, may affirm, etc.

4. If any person called to give evidence in any criminal proceeding, or in any civil proceeding, in respect of which the Parliament of Canada has jurisdiction in this behalf, objects to take an oath or is objected to as incompetent to take an oath, such person shall, if the presiding Judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following solemn promise, affirmation and declaration :

"I solemnly promise, affirm and declare that the evidence "to be given by me shall be the truth, the whole truth, and "nothing but the truth."

False evidence to be punishable as perjury.

And any person who, having made such promise, affirmation and declaration, wilfully and corruptly gives false evidence, may be indicted, tried, convicted and punished for perjury as if he had taken an oath.

Similar provision in civil cases where Parliament has jurisdiction

5. If any person, called as a witness in any Court of Criminal Jurisdiction or in any civil proceedings, in respect of which the Parliament of Canada has jurisdiction in this behalf, or required or desiring to make an affidavit or deposition in the course of any such proceedings, shall refuse or be unwilling from alleged conscientious motives, to be sworn, or shall declare that an oath is not binding on his conscience, it shall be lawful for the Court or Judge or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, that is to say :—

Form.

"I, A. B., do solemnly, sincerely and truly affirm and declare, that the taking of an oath is" (*according to my religious belief, unlawful, or not binding on my conscience, as the case may be*), "and I do also solemnly, sincerely and truly affirm "and declare that, &c."

Effect.

Which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

Penalty for wilfully false statement.

6. If any person making such solemn affirmation or declaration, shall wilfully, falsely and corruptly affirm or declare any matter or thing, which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury ; every such person so offending shall incur the same penalties as by the laws and Statutes of this Dominion are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

A Statute of any Province in Canada to be judicially noticed in any other, in a criminal case.

7. In any criminal proceeding where it becomes necessary or expedient to prove or give in evidence any Statute of any Province of the Dominion of Canada or of the late Province of Canada, passed either before or after the passing of the "British North America Act, 1867," the Court or Judge before which such proceeding is pending, or being heard or tried shall take judicial notice of any such Provincial Statute, in

like manner and way, as if each Statute was a Statute of the Province where such proceeding is being heard or tried; and any copy of any such Statute purporting to be printed and published by the printer authorized to print and publish the same, by Her Majesty, or by any of Her royal predecessors, shall be receivable and received in evidence to prove the contents thereof in every court having cognizance of any such criminal proceeding.

Proof of such statute.

8. Whosoever shall hereafter cut, make, or cause to be cut or made any hole, opening, aperture, or place, of sufficient size or dimensions to endanger human life, through the ice on any lake, bay, canal, harbour, river, stream or other water open to or frequented by the public, and shall leave the same, while it is in a state dangerous to human life, whether the same may be frozen over or not, unguarded and unenclosed by a guard or fence of sufficient height and strength to prevent any person from accidentally riding, driving, walking, skating, or falling therein, shall be guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment or both.

Cutting holes in ice and leaving them unguarded to be misdemeanor.

Punishment.

9. In all criminal cases, after the jury have retired to consider of their verdict, they shall of right have the use of writing materials, and, if necessary, the benefit of light and fire; they shall also, if, in the opinion of the Court or Judge, there is necessity for it, be allowed meat and drink in moderation, but not spirituous or fermented liquors of any kind, unless in case of sickness, and then only by the advice and prescription of a competent physician.

Jury considering their verdict in a criminal case to be allowed writing materials, etc

10. The oath to be administered to the bailiff or constable who is directed to keep the jury, when they retire to consider of their verdict, shall be in the form following, or to like effect:—

Oath of person in charge of jury retiring to consider such verdict.

"You swear that you will keep the jury without meat or drink unless ordered otherwise by the Court or Judge, and will suffer none to speak to them, neither will you speak to them yourself, but only to ask them whether they are agreed, or by order of the Court or Judge. So help you God."

No. 6.

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

BILL.

An Act to further amend the Law of Evidence and other matters relating to Criminal Law.

Reported by the Select Committee, to whom Bills Nos. 6, 2, 4 and 30 were referred, and ordered by the House to be printed.

MR. CAMERON,

Chairman of Committee.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 7.] **BILL.** [1883.

An Act to amend the Criminal Law, and to extend the provisions of the Act respecting offences against the person.

WHEREAS it is desirable to extend the provisions of the Act respecting offences against the person, in the manner hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. If any parent shall have sexual intercourse with his or her child, knowing him or her to be such, or if any brother and sister, being of the age of fifteen or upwards, shall have sexual intercourse together, having knowledge of their consanguinity, or if any grand parent shall have sexual intercourse with his or her grand child, knowing him or her to be such, and if any person shall have sexual intercourse with his brother's daughter, or with his sister's daughter, or with his father's sister, or with his mother's sister, knowing her to be such, every person so offending shall be deemed guilty of felony, and on conviction thereof shall be imprisoned in the penitentiary for any term not exceeding ten years and not less than two years, or be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without whipping. Sexual intercourse between persons within certain degrees of affinity or consanguinity to be incest and a crime. Punishment for such crime.

2. This Act shall take effect immediately on the passing thereof. Act to have immediate effect.

No. 7.

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

BILL.

An Act to amend the Criminal Law, and to extend the provisions of the Act respecting offences against the person.

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

Second reading, Thursday, 15th February, 1883.

Mr. CAMERON (Huron.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 8] BILL. [1883.

An Act for the Discharge of Past Insolvents.

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

1. This Act shall apply to every trader or person who is insolvent or unable to pay his liabilities in full, and who has made or shall make a voluntary assignment, or is subject to a compulsory assignment of all his estate for the benefit of his creditors, and whether made under any Insolvent Act heretofore in force, or now in force or not, and who has become insolvent or unable to pay his liabilities in full, previous to the passing of this Act. This Act shall not apply to any case of insolvency occurring after the passing thereof. Application of Act.

2. In this Act the word "county" shall mean a county or union of counties, and the word "district" shall mean a district as defined for judicial purposes by the Legislature of the Province wherein the same is situate. "County." "District."

(a.) The "Assignee" or "Trustee" shall mean the person or persons appointed by the Judge or creditors, to act as Assignee or Joint Assignee under any Act now or heretofore in force or the Official Assignee heretofore appointed by the Governor in Council or any Assignee under a voluntary assignment in any County or District "Assignee." "Trustee."

(b.) "Official Gazette" shall mean the Gazette published under the authority of the Government of the Province where the proceedings in Insolvency are carried on, or used as the official means of communication between the Lieutenant-Governor and the people, and if no such Gazette is published, then it shall mean any newspaper published in the County, District or Province, which shall be designated by the Court or Judge for publishing the notices required by this Act. "Official Gazette."

(c.) The word "Court" shall mean the Superior Court in the Provinces of Quebec and Manitoba, and the County Courts in the Provinces of Ontario, New Brunswick, British Columbia, and Prince Edward Island, and also in Nova Scotia whenever County Courts shall have been established in that Province, and until such County Courts are established it shall mean the Supreme Court of that Province. "Court."

"Judge." (*d.*) The word "Judge" shall mean any Judge of the said Courts respectively having jurisdiction in the County or District where proceedings shall be had under this Act.

"Debtor." (*e.*) The word "Debtor" shall mean any person or persons, co-partnership, or unincorporated company having liabilities and being subject to the provisions of this Act or who were within the Act respecting Insolvency not now in force.

"Insolvent." (*f.*) The word "Insolvent" or "Insolvent Debtor" shall mean a debtor unable to meet his engagements, or who shall have made an assignment of his estate for the benefit of his creditors, or against whom proceedings have been adopted under any "Act respecting Insolvency" heretofore in force.

"Notary." (*g*) The words "before Notaries," or "before a Notary," shall mean executed in notarial form, according to the laws of the Province of Quebec.

"Creditor." (*h.*) The word "Creditor" shall mean every person, co-partnership or company to whom the insolvent is liable, whether primarily or secondarily, and whether as principal or surety; —but in reference to proceedings at meetings in insolvency, to the right of voting, to the execution of a deed of composition and discharge, the consent to a discharge of an insolvent, or any other consent or action with regard to the management and disposal of the estate of an insolvent, the word "Creditor" shall mean a person, co-partnership or company whose unsecured claims, to an amount of one hundred dollars or upwards, have been proved in the manner provided by any Act respecting Insolvency aforesaid, and the proportion of claims required to give validity to any such proceeding or action shall be formed of all claims so proved whether above or under one hundred dollars, and of no others; but with regard to any deed of composition and discharge, or the consent to a discharge of the insolvent, no creditor whose claim is not affected by such discharge shall be reckoned as one of the required number of creditors, nor shall his claim be reckoned as forming part of the proportion of claims required to give effect to such composition and discharge. (1875, S. 2.)

COMPOSITION AND DISCHARGE.

Meeting to consider discharge, how and when called.

3. If at any time an insolvent within the meaning of this Act files with the assignee, or any Court referred to in this Act, a consent in writing to his discharge, or a deed of composition and discharge, signed by at least a majority in number of his creditors, or if at any meeting heretofore held or hereafter to be held an offer in writing has been made or shall be made by the insolvent to compound with his creditors, specifying the terms and conditions of the proposed composition, and such offer be approved of by a majority in number of such creditors present at such meeting, the assignee shall call another meeting of the creditors to take such consent or such deed or offer of composition and discharge into consideration, and in every case such deed of

composition or offer of composition shall be on condition, whether the same be expressed or not, that if the same be carried out, the insolvent shall pay the costs incurred in Insolvency, including those for the confirmation of such composition. (1875, S. 49, *altered.*)

Notice of meeting.

4. Such meeting shall be called by letter addressed by mail post paid and registered, to each of the creditors mentioned in the list of creditors furnished by the insolvent, and to all other creditors who may have given notice of their claims, although not mentioned in the said list, indicating in substance, in addition to the time, place, and object of the meeting, the terms and conditions of the proposed composition and discharge, and such meeting shall not take place less then ten days after the delivery of the said letters into the post office. (1875, S. 50, *altered.*)

Discharge may be approved or not.

5. The creditors present at the meeting to take into consideration the proposed discharge, or composition and discharge, may by resolution to that effect express their approval thereof, or dissent therefrom, and any creditor may at any time before or during the said meeting, file with the assignee of the insolvent debtor, or in the Court, his objections in writing to the proposed discharge, or composition and discharge. (1875, S. 51, *altered.*)

Proceedings when assent is obtained.

6. If at the close of the meeting or at any time thereafter the insolvent has obtained the assent to his discharge or to the proposed composition and discharge, of a majority in number of his creditors of one hundred dollars and upwards, and who represent at least three-fourths in value of all the claims of one hundred dollars and upwards of which notice has been given, the assignee or clerk of Court shall annex to the deed or consent to a discharge or to the deed or offer of composition and discharge a certificate to that effect, in which he shall state the total number and total amount of claims of one hundred dollars and upwards of which he has notice aforesaid, the number of creditors who have given their written assent to the discharge or to the proposed composition and discharge of the insolvent. and the amount of claims of one hundred dollars and upwards which they represent, the assignee or clerk of Court shall further annex to such certificate a copy of any resolution adopted at the meetings of creditors in reference to the discharge, or to the proposed composition and discharge; and all the objections which may have been filed with him to such discharge or composition and discharge, together with a certificate as to the amount of claims of the creditors who shall have agreed to or opposed such resolution, or who may have filed objections in writing to such discharge or proposed composition and discharge, indicating the amount of such claims of one hundred dollars and upwards which have been proved, and whether from their nature they will be affected by the proposed discharge or composition and discharge. 1875, s. 32.

Certificate and what it shall contain.

The assignee or clerk of Court shall further state in such certificate that to the best of his knowledge and belief the insolvent has given up all his estate for the benefit of his

creditors and the ratio of dividend actually declared and likely to be realized out of the estate for the unsecured creditors, and that the insolvent has delivered to such assignee a sworn statement of his liabilities and assets at the time of his insolvency, and what had become of such assets to the best of his knowledge and belief, and shall without delay transmit such certificate to the clerk or prothonotary of the Court in the County or District wherein the proceedings are carried on.

Penalty for wilful misstatement in certificate.

The assignee of clerk or Court who in such certificate or in any other certificate required by this Act, shall wilfully misstate or falsely represent any material fact for the purpose of deceiving the Judge, the creditors, or the inspectors, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the Court before which he shall be convicted, to imprisonment for a term not exceeding three years. 1875, s.s. 52 and 55.

Application for confirmation of discharge.

7. An insolvent who has procured a consent to his discharge or the execution of a deed of composition and discharge, and the certificate of the assignee or clerk of the Court, within the meaning of this Act, may file in the office of the Court the consent or deed of composition and discharge, with such certificate annexed, and may then give notice (Form A) of the same being so filed and of his intention to apply by petition to the Court in the Provinces of Quebec, Nova Scotia and Manitoba, or in the Provinces of Ontario, New Brunswick, Prince Edward Island, and British Columbia to the Judge, on a day named in such notice for a confirmation of the discharge effected thereby; and such notice shall be given by advertisement in the *Official Gazette* for one month, and also for the same period, if the application is to be made in the Province of Ontario, Nova Scotia, New Brunswick, Prince Edward Island, or British Columbia, in one newspaper published in English, and if in the Province of Quebec or Manitoba in one newspaper published in English and in one newspaper published in French, in or nearest the place of residence of the insolvent; and upon such application, any creditor of the insolvent or his assignee under the authority of the creditors, may appear and oppose such confirmation. 1875, s. 53.

Notice, how given.

Confirmation of discharge.

8. If it appears that all the notices and formalities required by law have been given and observed, and that no objections have been made to the proposed discharge or composition and discharge, the Court of Judge may, without further notice and on the petition of the insolvent, confirm his discharge or the proposed composition and discharge; but in case it appears that objections have been made to such discharge or composition and discharge, the application of the insolvent shall not be heard until at least three days notice shall have been given of the same by the insolvent to the assignee to the inspectors and to the creditors who shall have objected to the said discharge or proposed composition and discharge. 1875, s. 54.

9. The Court or Judge shall not confirm the discharge or proposed composition and discharge of the insolvent unless he shall have produced with his application an affidavit in the Form B, showing that no one of the creditors who have signed the same has been induced to do so by any payment, promise of payment or advantage whatsoever made, secured or promised to him by or on behalf of the insolvent. 1875, s. 55, *altered*. Affidavit by insolvent to be produced.

10. The insolvent shall not be entitled to a confirmation of his discharge or of a deed of composition and discharge, if it appears to the Court or Judge that he has not obtained the assent of the proportion of his creditors in number and value required by this Act to grant such discharge or enter into such deed of composition and discharge, or if he has been guilty of any fraud or fraudulent preference or of fraud or evil practice in procuring the consent of the creditors to the discharge, or their execution of the deed of composition and discharge, as the case may be, or of the fraudulent retention and concealment by the insolvent of some portion of his estate or effects, or of false swearing of the insolvent upon examination as to his estate or effects, or upon the ground that the insolvent has for fraudulent purposes not kept an account book showing his receipts and disbursements of cash, and such other books of account as are suitable for his trade, or if having at any time kept such book or books, he has refused or refuses to produce or deliver them to the assignee, or is wilfully in default to obey any provision of this Act or any order of the Court or Judge. 1875, s. 56. When insolvent shall not be entitled to confirmation of discharge.

11. The Court or Judge, as the case may be, upon hearing the application for confirmation of such discharge, or deed of composition and discharge, the objections thereto, and any evidence adduced, shall have power to make an order either confirming the discharge or annulling the same, according to the effect of the evidence so adduced.—But if such evidence should be insufficient to sustain any of the grounds hereinbefore detailed as forming valid grounds for contesting such confirmation, but should nevertheless establish that the insolvent has been guilty of misconduct in the management of his business, by extravagance in his expenses, recklessness in endorsing or becoming surety for others, continuing his trade unduly after he believed himself to be insolvent, incurring debts without a reasonable expectation of paying them (of which reasonable expectation the proof shall lie on him, if such debt was contracted within thirty days of the demand made of an assignment or for the issue of a writ of attachment, or within thirty days of the time when he should have been declared an insolvent debtor), or negligence in keeping his books and accounts; or if such facts be alleged by any contestation praying for the suspension of the discharge of the insolvent, or for its classification as second class, the Court or Judge may thereupon order the suspension of the operation of the discharge of the insolvent, for a period not exceeding one year, or *may declare the discharge to be of the* Powers of Court or Judge.

second class, or both, according to the discretion of the Court or Judge. 1875, s. 57.

Deed of composition and discharge may be conditional.

12. A deed of composition and discharge may be made either in consideration of a composition payable in cash, or on terms of credit, or partially for cash and partially on credit; and the payment of such composition may be secured or not, according to the pleasure of the creditors signing it; and the discharge therein contained may be absolute, or may be conditional upon the condition of the composition being satisfied; but if such discharge be conditional upon the composition being paid, and the deed of composition and discharge therein contained should cease to have effect, the assignee shall immediately resume possession of the entire estate and effects of the insolvent in the state and condition in which they shall then be; but the creditors holding claims which were provable before the execution of such deed shall not rank, vote or be computed as creditors concurrently which those who have acquired claims subsequent to the execution thereof, for any greater sum than the balance of composition remaining unpaid; but after such subsequent creditors have received dividends to the amount of their claims, then such original creditors shall have the right to rank for the entire balance of their original claims then remaining unpaid, and shall be computed for all purposes for which the proportion of creditors *in value* require to be ascertained, as creditors for the full amount of such last mentioned balance. 1875, s. 59.

Deed of conveyance by assignee to insolvent.

13. The re-conveyance by the assignee to the insolvent or to any person for him of any part of his estate or effects, whether real or personal, if made in conformity with the terms of a valid deed of composition and discharge, shall have the same effect (except as the same may be otherwise agreed by the conditions of such deed or re-conveyance), as if such property had been sold by the assignee in the ordinary course, and after all the preliminary proceedings, notices and formalities required for such sale; and if such deed of composition and discharge be contested, and pending such contestation any payment or instalment of the composition falls due under the terms of such deed, the payment thereof shall be postponed till after the expiration of ten days after final judgment upon such contestation; and if proceedings for revision or appeal be commenced, then until after the expiration of ten days after the judgment in revision or in appeal, as the case may be; and the deed of re-conveyance need not contain any further or more special description of the effects and property reconveyed, than is required to be inserted in the deed of assignment, and may be enregistered in like manner and with like effect. 1875, s 60.

If deed of composition and discharge be contested.

Effect of confirmation of discharge.

14. The confirmation of the discharge of a debtor in the manner herein provided shall absolutely free and discharge him, after a voluntary assignment, or after his estate has been put in compulsory liquidation by the issue of a writ of attachment, from all liabilities whatsoever (except such as are hereinafter specially excepted) existing against him,

and against his estate, whether the same be secured in part or in whole by any mortgage, hypothec, lien or collateral security of any kind or not, which are mentioned or set forth in the statement of his affairs exhibited by him and filed in Court, or which are shewn by any supplementary list of creditors furnished by the insolvent previous to such discharge, and in time to permit the creditors therein mentioned obtaining the same dividend as other creditors upon his estate, or which appear by any claim subsequently furnished to the assignee or clerk of the Court; whether such debts be exigible or not at the time of his insolvency, or be contested in whole or in part, or be dependent on certain conditions or future contingency, and whether the liability for them be direct or indirect; and if the holder of any negotiable paper is unknown to the insolvent, the insertion of the particulars of such paper in such statement of affairs or supplementary list, with the declaration that the holder thereof is unknown to him, shall bring the debt represented by such paper and the holder thereof within the operation of this section. 1875 s. 61.

Holders of negotiable paper unknown to insolvent.

15. A discharge under this Act, whether consented to by any creditor or not, shall not operate any change in the liability of any person secondarily liable to such creditor for the debts of the insolvent, either as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, nor of any partner or other person liable jointly or severally with the insolvent to such creditor for any debt; nor shall it affect any mortgage, hypothec, lien or collateral security held by any creditor as security for any debt thereby discharged, without the consent of such creditor. 1875, s. 62.

Discharge not to affect secondary liabilities.

Its effect.

16. A discharge under this Act shall not apply, without the express consent of the creditor, to any debt for enforcing the payment of which the imprisonment of the debtor is permitted by this Act, nor to any debt due as damages for assault or wilful injury to the person, seduction, libel, slander, or malicious arrest, nor for the maintenance of a parent, wife or child, or as a penalty for any offence of which the insolvent has been convicted, nor shall any such discharge apply without such consent to any debt due as a balance of account due by the insolvent as assignee, tutor, curator, trustee, executor or administrator under a will or under any order of Court, or as a public officer; nor shall debts to which a discharge under this Act does not apply, nor any privileged debts, nor the creditors thereof, be computed in ascertaining whether a sufficient proportion of the creditors of the insolvent have voted upon, done, or consented to any act, matter or thing under this Act; but the creditor of any such debt may claim and accept a dividend thereon from the estate without being by reason thereof in any respect affected by any discharge obtained by the insolvent. 1875, s. 63.

Discharge under this Act not to apply to certain debts or liabilities.

In certain cases character of discharge may be modified.

17. If, after the expiration of one year from the date of a voluntary assignment or of an assignment made under any

Proceedings on application for dis-

charge and powers of the Court or Judge.

Act respecting Insolvency or the distribution of estates of insolvents, whether now in force or not, or from the date of the issue of a writ of attachment thereunder, as the case may be, the insolvent has not obtained from the required proportion of his creditors a consent to his discharge, or the execution of a deed of composition and discharge, he may apply by petition to the Court or Judge having power hereunder to confirm his discharge, if consented to, to grant him his discharge, first giving notice of such application, (Form C), for one month in the *Official Gazette*, and also by letter addressed by mail, postpaid and registered, to each of his creditors whose claims amount to one hundred dollars or more, and may be affected by a discharge under this Act. 1875, s. 64.

Opposition to discharge.

18. Upon such application, any creditor of the insolvent, or the assignee by authority of the creditors or of the inspectors, may appear and oppose the granting of such discharge upon any ground upon which the confirmation of a discharge may be opposed under this Act, or may claim the suspension or classification of the discharge, or both, and whether such application be contested or not, it shall be incumbent upon the insolvent to prove that he has in all respect conformed himself to the provisions of this Act; and he shall submit himself to any order which the Court or Judge may make, upon or without an application to that effect, to the end that he be examined touching his estate and effects and his conduct and management of his affairs and business generally, and touching each and every detail and particular thereof; and the Court or Judge may also require from the assignee a report in writing upon the conduct of the insolvent and the state of his books and affairs before and at the date of his insolvency; and thereupon the Court or Judge, as the case may be after hearing the insolvent, and the opposant, if any, and any evidence that may be adduced, may make an order either granting the discharge of the insolvent or refusing it; or in like manner and under the like circumstances to those in and upon which the discharge could be suspended or classified as hereinbefore provided, upon an application to confirm it, an order may be made suspending it for a like period or declaring it to be of the second class, or both. 1875, s. 66.

Order for suspending it.

Discharge, &c., obtained by fraud to be void.

19. Every consent to a discharge or composition, and every discharge, or confirmation of any discharge or composition, obtained by fraud or fraudulent preference, or by means of the consent of any creditor procured by the payment or promise of payment to such creditor of any valuable consideration for such consent, or by any fraudulent contrivance or practice whatever tending to defeat the true intent and meaning of the provisions of this Act in that benalf, shall be null and void. 1875, S. 66.

PROCEDURE GENERALLY.

Notice pending delay.

20. Whenever a meeting of creditors cannot be held, or an aplication made, until the expiration of a delay allowed

by this Act, notice of such meeting or application may be given pending such delay. 1875, S. 100.

Notices of meetings, &c., how given.

21. In every case of a meeting of creditors, the assignee or person calling the meeting shall address by mail, notices thereof (postpaid and registered) to the creditors and to all the representatives within the Dominion of foreign creditors; in other cases not provided for notice shall be given as directed by the inspectors or the Judge. 1875, S. 101.

How questions shall be decided.

22. All questions discussed at meetings of creditors shall be decided by the majority in number and in value, of the creditors having a right to vote, present or represented at such meeting, unless herein otherwise specially provided; but if the majority in number do not agree with the majority in value, the views of each section of the creditors shall be embodied in resolutions, and such resolutions, with a statement of the vote taken thereon, shall be referred to the Judge, who shall decide between them. 1875, S, 102.

Affidavits, before whom sworn.

23. Any affidavit required in proceedings under this Act may be made by the party interested, his agent or other party having a personal knowledge of the matters therein stated, and may be sworn in Canada before the assignee or before any official assignee, Judge, Commissioner for taking affidavits, or Justice of the Peace; and out of Canada, before any Judge of a Court of Record, any Commissioner for taking affidavits appointed by any Canadian Court, the chief municipal officer for any town or city, or any British Consul or Vice-Consul, or before any person authorized by any Statute of the Dominion or of any Province thereof, to take affidavits to be used in any Court of Justice *in any part* of the Dominion. 1875, S. 105.

Service of papers under this Act.

24. Except when otherwise provided by this Act, one clear juridical day's notice of any petition, motion, order or rule, shall be sufficient if the party notified resides within fifteen miles of the place where the proceeding is to be taken, and one extra day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding; and service of such notice shall be made in such manner as is *now* prescribed for similar services in the Province within which the service is made. 1875, S. 108.

Commissioners for examination of witnesses.

25. The Judge shall have the same power and authority in respect of the issuing and dealing with commissions for the examination of witnesses, as are possessed by the ordinary Courts of Record in the Province in which the proceedings are being carried on. 1875, S. 109.

Subpœnas to witness.

26. In any proceeding or contestation in insolvency the Court or Judge may order a writ of *subpœna ad testificandum* or of *subpœna duces tecum* to issue commanding the attendance as a witness of any person within the limits of Canada. 1875, S. 110.

Service of process, &c.

27. All rules, writs of subpœna, orders and warrants, issued by any Judge or Court in any matter or proceeding under this Act, may be validly served in any part of Canada upon the party affected or to be affected thereby; and the service of them or any of them, may be validly made in such manner as is *now* prescribed for similar services in the Province within which the service is made; and the person charged with such service shall make his return thereof and on oath, or, if a sheriff or bailiff in the Province of Quebec, may make such return under his oath of office, 1875, S. 111.

Disobedience of writs and process, how punishable.

28. In case any person so served with a writ of *subpœna* or with an order to appear for examination, does not appear according to the exigency of such writ or process, the Court or the Judge on whose order or within the limits of whose territorial jurisdiction the same is issued, may, upon proof made of the service thereof and of such default, if the person served therewith has his domicile within the limits of the Province within which such writ or process issued, constrain such person to appear and testify, and punish him for non-appearance or for not testifying in the same manner as if such person had been summond as a witness before such Court or Judge in an ordinary suit; and if the person so served and making default has his domicile beyond the limits of the Province within which such writ or process issued, such Court or Judge may transmit a certificate of such default to any of Her Majesty's Superior Courts of Law or Equity in that part of Canada in which the person so served resides, and the Court to which such certificate is sent, shall thereupon proceed against and punish such person so having made default, in like manner as it might have done if such person had neglected or refused to appear to a writ of subpœna or other similar process issued out of such last mentioned Court; and such certificate of default attested by the Court or Judge or *assignee* before whom default was made, and copies of such writ, process, and of the return of service thereof certified by the clerk of the Court in which the order for transmission is made, shall be *prima facie* proof of such writ or process, service, return, and of such default. 1875, 112.

Expenses must be tendered to person summond as a witness, &c.

29. No such certificate of default shall be so transmitted, nor shall any person be punished for negleet or refusal to attend for examination in obedience to any subpœna or other similar process, unless it be made to appear to the Court or Judge transmitting, and also to the Court receiving such certificate, that a reasonable and sufficient sum of money, according to the rate *per diem* and per mile allowed to witnesses by the law and practice of the Superior Courts of Law within the jurisdiction of which such person was found, to defray the expenses of coming and attending to give evidence, and of returning from giving evidence, had been tendered to such person at the time when the writ of subpœna, or other similar process, was served upon him. 1875, S. 113.

Forms under this Act.

30. The forms appended to this Act, or other forms in equivalent terms, shall be used in the proceedings for which such forms are provided; and in every application for a discharge, or for confirming or annulling a discharge, the facts upon which the contesting party relies shall be set forth in detail, with particulars of time, place and circumstance, and no evidence shall be received upon any fact not so set forth; but in every petition, application, motion, contestation, or other pleading under this Act, the parties may state the facts upon which they rely, in plain and concise language, to the interpretation of which the rules of construction applicable to such language in the ordinary transactions of life shall apply. 1875, s. 114.

Foreign discharges not to bar debts contracted in Canada.

32. No plea or exception alleging or setting up any discharge or certificate of discharge, granted under the Bankrupt or Insolvent Law of any country whatsoever beyond the limits of this Dominion, shall be a valid defence or bar to any action instituted in any Court of competent jurisdiction in this Dominion, for the recovery of any debt or obligation contracted within such limits. 1875, s. 115.

As to amendment in proceedings under this Act.

33. The rules of procedure as to amendments of pleadings, which may be in force at any place where any proceedings under this Act are being carried on, shall apply to all proceedings under this Act; and any Court or Judge, assignee, guardian or trustee before whom any such proceedings are being carried on, shall have full power and authority to apply the appropriate rules as to amendments, to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended under the rules and practice of the Court. 1875, S. 116.

Povision in case of death of insolvent.

34. The death of the insolvent, pending proceedings in liquidation, or before a discharge has been obtained, shall not affect such proceedings, or impede the winding up of his estate; and his heirs or other legal representatives may continue the proceedings on his behalf to the procuring of a discharge, or of the confirmation thereof, or of both; and the provisions of this Act shall apply to the heirs, administrators or other legal representatives of any deceased person who, if living, would be subject to its provisions, but only in their capacity as such heirs, administrators, or representatives, without their being held to be reliable for the debts of the deceased, to any greater extent than they would have been if this Act had not been passed. 1875, s. 117.

Representatives, how far liable.

Costs: on what property and in what order chargeable.

35. The costs of the proceedings in insolvency up to and inclusive of the notice of the appointment of the assignee, shall be paid by privilege as a first charge upon the assets of the insolvent; the disbursements necessary for winding up the estate shall be the next charge on the property chargeable with any mortgage, hypothec or lien, and upon the unincumbered assets of the estate respectively, in such proportions as may be justified by the nature of such disbursements, and their relation to the property as being encum-

bered or not, as the case may be ; and the remuneration of the assignee and the costs of the judgment of confirmation of the discharge of the insolvent except when such confirmation is upon a deed of eomposition, or of the discharge if obtained direct from the Court, and the costs of the discharge of the assignee, being first taxed by the Judge at the tariff rate, or if there be no tariff, at the same rate as is usual for uncontested proceedings of a similar character, after notice to the inspectors, or to at least three creditors, shall also be paid therefrom as the last privileged charge thereon. But no portion of the assets or property chargeable with any mortgage, hypothec or lien for any claim not provable on the estate shall be liable for any other but their proportion of costs necessarily incurred in realising such assets and property, except what may remain after payment of such mortgage or lien. 1875, s. 118.

Rules of practice and tariff of fees in the Province of Quebec; how to be made.

36. In the Province of Quebec, rules of practice for regulating the due conduct of proceedings under this Act, before the Court or Judge, and tariffs of fees for the officers of the Court and for the advocates and attorneys practising in relation to such proceedings, shall be made forthwith after the *passing* of this Act, and when necessary repealed or amended, and shall be promulgated under or by the same authority and in the same manner as the rules of practice and tariff of fees of the Superior Conrt, and shall apply in the same manner, and have the same effect in respect of the proceedings under this Act, as the rules of practice and tariff of fees of the Superior Court apply to and affect the proceedings before that Court ; and bills of costs upon proceedings under this Act may be taxed and proceeded upon in like manner as bills of costs may now be taxed and proceeded upon in the said Superior Court. 1875, s. 122.

And in the other Provinces.

37. In the Province of Ontario the Judges of the Supreme Court, or any five of them, of whom the Chief Justice of the Province of Ontario, or the President of the Chancery, Queen's Bench or Common Pleas divisions shall be one,—in the Province of New Brunswick, the Judges of the Supreme Court of New Brunswick, or the majority of them, —in the Province of Nova Scotia, the Judges of the Supreme Court of Nova Scotia, or the majority of them, in the Province of British Columbia, the Judges of the Supreme Court, or the majority of them,—and in the Province of Prince Edward Island *or Manitoba*, the Judges of the Supreme Court, or the majority of them,—shall *forthwith* make and frame and settle the forms, rules and regularions to be followed and observed in the said Provinces respectively in the proceedings in insolvency under this Act, and shall fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors, counsel and officers of Courts, whether for the officer, or for the Crown, as a fee for the fee fund or otherwise, and by or to sheriffs, assignees or other persons whom it may be necessary to provide for. 1875, s. 123.

38. Until such rules of practice and tariff of fees have been made, as required by the two preceding sections, the rules of practice and tariff of fees of insolvency, now or heretofore in force in the said Provinces respectively, shall be revived and continue and remain in full force and effect, so far as the same can be made applicable, 1875, S. 124. Present rules, &c., to remain until altered.

IMPRISONMENT FOR DEBT.

39. Any debtor confined in gaol or on the limits, in any civil suit who may come within this Act, may at any time make application to the Judge of the county or district in which his domicile may be or in which the gaol may be in which he is confined, for his discharge from imprisonment or confinement in such suit; and thereupon such Judge may grant an order in writing directing the sheriff or gaoler to bring the debtor before him for examination at such time and place in such county or district as may be thought fit; and the said sheriff or gaoler shall duly obey such order, and shall not be liable to any action for escape in consequence thereof, or to any action for the escape of the said debtor from his custody unless the same shall have happened through his default or negligence; or if a debtor is confined in a county or district in which the Judge does not reside, the Judge, instead of ordering the debtor to be brought before him for examination, may, if he sees fit, make an order authorizing and directing any clerk of Court or person to take such examination, and it shall be the duty of the clerk or person so appointed to take down, or cause to be taken down, such examination fully, in writing, and transmit the same under his hand forthwith to the Judge, and such clerk or person shall be entitled to *ten cents* for each folio of one hundred words of such examination: Insolvent in gaol or on the limits may apply to Judge for discharge. Proceedings thereon.

1. In pursuance of such order the said confined debtor and any witnesses subpœnaed to attend and give invidence at such examination, may be examined on oath at the time and place specified in such order before such Judge or assignee, and if on such examination it appears to the satisfaction of the Judge that the said debtor has *bonâ fide* given up his estate for the benefit of his creditors, and has not been guilty of any fraudulent disposal, concealment or retention of his estate or any part thereof, or of his books and accounts or any material portion thereof, or otherwise in any way contravened the provisions of this Act, such Judge shall, by his order in writing, discharge the debtor from confinement or imprisonment; and on production of the order to the sheriff or gaoler, the debtor shall be forthwith discharged without payment of any gaol fees: Provided always, that no such order shall be made in any case unless it be made to appear to the satisfaction of such Judge, that at least seven days' notice of the time and place of the said examination had been previously given to the plaintiff in the suit in which the debtor was imprisoned, or to his attorney and to the assignee (if any) for the time being. Examination of insolvent and witnesses. Judge may discharge him if the examination be satisfactory. Proviso.

Minutes of examination to be kept.

2. The minutes of the examination herein mentioned shall be filed in the office of the clerk of the Court out of which the process issues, and a copy thereof shall be delivered to the assignee (if any), and if, during the examination, or before any order be made, any one of the creditors or any other person makes affidavit that he has reason to believe that the debtor has not made a full disclosure in the matters under examination, the Judge may grant a postponement of such examination for a period of not less than seven days nor more than fourteen days, unless the parties consent to an earlier day.

Postponement in certain cases.

As to any subsequent arrest.

3. After such examination in case of any subsequent arrest in any civil suit as aforesaid, for cause of action arising previous to the application for discharge, the said debtor may, pending the further proceedidgs against him under this Act, be forthwith discharged from confinement or imprisonment in such suit, on application to any Judge and on producing such previous discharge: Provided that nothing in this section contained, shall interfere with the imprisonment of the said debtor, in pursuance of any of the provisions of this Act. 1875, S. 125.

Proviso.

APPEAL.

Appeal from order of the Judge in Province of Quebec.

40. In the Province of Quebec, all decisions by a Judge in Chamber in matters of insolvency, shall be considered as judgments of the Superior Court, and any final order or judgment rendered by such Judge or Court, may be inscribed for revision, or may be appealed from by the parties aggrieved in the same cases and in the same manner as they might inscribe for revision, or appeal from a final judgment of the Superior Court in ordinary cases, under the laws in force when such decision shall be rendered If any of the parties to any contestation, matter or thing upon which a Judge has made any final order or judgment, are dissatisfied with such order or judgment, they may, in the Province of Ontario, appeal therefrom to any one of the Judges of the Court of Appeal; in the Province of New Brunswick, to the Supreme Court of New Brunswick, or to any one of the Judges of the said Court; in the Province of Nova Scotia, to the Supreme Court of Nova Scotia or wherever County Courts shall have been established in that Province, to any one of the Judges of the said Court; in the Province of Manitoba to the Superior Court of that Province or any Judge of that Court; in the Province of British Columbia to the Supreme Court of that Province, or to any Judge of the said Court; in the Province of Prince Edward Island, to the Supreme Court of Judicature, or to any Judge of the said Court; but any appeal to a single Judge in the Province of Ontario, New Brunswick, Nova Scotia, Bristish Columbia, or Prince Edward Island, may, in his discretion, be referred, on a special case to be settled, to the full Court, and on such terms in the meantime as he may think necessary and just. No such appeal or proceeding in revision shall be entertained unless the appellant or party inscribing

In other Provinces.

Appeal to be prosecuted

for revision shall have, within eight days from the rendering of such final order of judgment, adopted proceedings on the said appeal or revision, or unless he shall, within the said delay have made a deposit or given sufficient sureties before a Judge that he will duly prosecute the said appeal or proceedings in revision, and pay such damages and costs as may be awarded to the respondent. If the party appellant does not proceed with his appeal, or in review, as the case may be, according to the law or the rules of practice, the Court, on application of the respondent, may order the record to be returned to the officer entitled to the custody thereof and condemn the appellant to pay to the respondent the costs by him incurred, and no appeal shall be made unless the Court or Judge appealed from, shall deem the same of sufficient importance in matter of law to be appealed, and shall allow the same. 1875, S 126, (*altered*

within eight days.

If the appellant does not proceed with his appeal.

41. If any creditor of an insolvent, directly or indirectly takes or receives from such insolvent, any payment, gift, gratuity or preference, as a consideration or inducement to consent to the discharge of such insolvent, or to execute a deed of composition and discharge with him, or if any creditor knowingly ranks upon the estate of the insolvent for a sum of money not due to him by the insolvent or by his estate, such creditor shall forfeit and pay a sum equal to treble the value of the payment, gift, gratuity of preference so taken, received or promised, or treble the amount improperly ranked for, as the case may be, and the same shall be recoverable by the assignee for the benefit of the estate, by suit in any competent Court, and when recovered, shall be distributed as part of the ordinary assets of the estate. 1875. S. 139.

Creditors taking consideration for granting discharge, &c.

42 The deeds of assignment and of transfer, or in the Province of Quebec authentic copies thereof, or a duly authenticated copy of the record of the appointment of the assignee, certified by the clerk or prothonotary of the Court in which such record is deposited, under the seal of such Court, shall be *prima facie* evidence in all Courts, whether civil or oriminal, of such appointment and of the regularity of all proceedings at the time thereof and antecedent thereto. 1875, S. 141.

Certain documents to be evidence.

43. This Act shall not repeal nor be held to supersede the Act passed in the forty-fourth year of Her Majesty's reign, chapter twenty-seven, as to the cases to which the said Act applies ; and in regard to cases under the said Act, whether adjudicated upon or not, the application for discharge may be renewed or continued, and no want of compliance with any matter of procedure or neglect to do or omit any act shall operate to prevent the obtaining of a discharge, unless such act was done or omitted, in the opinion of the Judge before whom the said application is brought, for a fraudulent purpose or with a fraudulent intent.

Pending cases under 44 V., c. 27, saved.

Want of form not to prevent discharge, if no fraud is proved.

44. This Act shall be known and may be cited as " *The Insolvents' Discharge Act of* 1883.

Short title.

(FORM A.)

INSOLVENTS' DISCHARGE ACT OF 1883

CANADA, PROVINCE OF District (*or* county, of	In the (*name of Court*) In the matter of A. B. (*or* A. B. & Co.), an Insolvent.

The undersigned has filed in the office of this Court a consent by his creditors to his discharge (*or* a deed of composition and discharge executed by his creditors), and on the day of next, he will apply to the said Court (*or* to the Judge of the said Court, *as the case may be*) for a confirmation of the discharge thereby effected.

(*Place, date.*)

(*Signature of Insolvent, or his Attorney ad litem*)

(FORM B)

INSOLVENTS' DISCHARGE ACT OF 1883.

In the matter of A. B.,

An Insolvent.

I, A. B., of an Insolvent, now making application to the for a confirmation of my discharge (*or* of my deed of composition and disharge) being duly sworn, depose and say:

That no one of my creditors who has signed the said discharge (*or* the said deed of composition and discharge) has been induced so to do any payment, promise of payment, or advantage whatsoever, made, secured, or promised to him by me or, with my knowledge, by any person on my behalf.

And I have signed,

Sworn before me at
this day of
188

(FORM C.)

INSOLVENTS' DISCHARGE ACT OF 1883.

CANADA.
PROVINCE OF
District (*or* County) of

In the (*name of Court*)
In the matter of A. B. (or A. B & Co.) an insolvent.

On the day of next, the undersigned will apply to the said Court (*or* the Judge of the said Court, *as the case may be*) for a discharge under the said Act.

(*Place,* *date.*)

(*Signature of the Insolvent, or his Attorney ad litem.*)

8—5

No. 8.

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

BILL

An Act for the Discharge of Past Insolvents.

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

Second reading, Friday, 16th February 1883.

Mr. BEATY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 9] **BILL.** [1883.

An Act for the equitable distribution of Insolvents' Estates.

WHEREAS it is expedient to provide for the equitable distribution of the aseests of Insolvent Debtors; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

Preliminary.

1. This Act may be cited as "The Insolvents' Estates Act, 1883." Short title.

2. This Act shall apply to all co-parterships and unincorporated companies, and to all traders or other persons who are unable to pay their debts in full, and who come within any one of the classes defined in section five of this Act. Application of Act. Exceptions.

3. This Act, shall come into operation on the first day of , one thousand eight hundred and eighty- , except in respect of the making of rules, orders and forms for proceedings under this Act as to the making of which it shall be in force from the time of its passing. When this Act shall come into force.

4. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter assigned to them; that is to say;— Interpretation clause.

"County" shall mean a county, or union of counties; and shall include any judicial district in Ontario not organized into a county; and for all the purposes of this Act the temporary judicial district of Nipissing, in the Province of Ontario, shall be taken and considered as part of the County of Renfrew, and so much of the territory comprising the territorial district of Parry Sound and the territorial district of Muskoka as is not already included in the judicial county of Simcoe, shall be taken and considered as part of the said judicial county of Simcoe; and all persons and Courts having authority or jurisdiction in the said counties of Renfrew and Simcoe respectively under this Act, shall have like authority and jurisdiction in the said district of Nipissing and the said districts of Parry Sound and Muskoka, respectively. (Act of 1875, s. 2, and Act of 1877, S. 31.) County.

Court. "Court" shall mean the Superior Court in the Province of Quebec, the Court of Queen's Bench in the Province of Manitoba, and the County Courts in the Provinces of Ontario, New Brunswick, British Columbia, and Prince Edward Island, and also in Nova Scotia, whenever County Courts shall have been established in that Province, and until such County Courts are established it shall mean the Court of Probate of that Province. (Act of 1875, s. 2.)

Creditor. "Creditor" shall mean every person, co-partnership or company to whom the insolvent debtor is liable, whether primarily or secondarily, and whether as principal or surety. (Act of 1875, s. 2.)

Debt provable. "Debt provable in insolvency" shall include any debt or liability by this Act made provable.

Debtor. "Debtor" shall mean any person or persons, co-partners or unincorporated company having liabilities, and being subject to the provisions of this Act. (Act of 1875, s. 2.)

Insolvent. "Insolvent debtor" or "insolvent" shall mean the "debtor" declared or otherwise insolvent within the meaning of this Act.

Imprisonment. "Imprisonment" shall mean imprisonment in any gaol or place of confinement other than a penitentiary for any term less than two years, with or without hard labour

Judge. "Judge" shall mean a Judge of the said Courts respectively, having jurisdiction in the county or district where proceedings shall be had under this Act, and shall also include a Junior and Deputy Judge, when such are appointed, (Act of 1875, s. 2.)

Liability. "Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money, or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether such breach does or does not occur, or is or is not likely to occur, or capable of occurring before the winding up of the insolvent's estate; and, generally, it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of money or money's worth, whether such payment be as respects amount fixed or unliquidated, as respects time present or future, certain or dependent on any one contingency, or on two or more contingencies, as to mode of valuation capable of being ascertained by fixed rules, or assessable only by the Court or a jury, or as matter of opinion. (English Bankrupt Act 1869, S. 31.)

Official Gazette. "Official Gazette" shall mean the Gazette published under the authority of the Government of the Province where the proceedings in insolvency are carried on, or used as the official means of communication between the Lieutenant-Governor and the people; and if no such Gazette is published, then it shall mean any newspaper published in the County, District, or Province, with shall be designated by the Court for publishing the notices required by this Act.

Ordinary resolution. "Ordinary Resolution" shall mean a resolution passed by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on such resolution.

"Penal Servitude" shall mean imprisonment in the penitentiary with hard labour for any term not less than two nor more than years. Penal servitude.

"Prescribed" shall mean prescribed by rules of Court to be made as in this Act provided. (English B. Act, s. 5, 1869.) Prescribed.

"Guardian" shall mean the officer appointed by the Governor in Council, or sheriff authorized under this Act to take charge of the property of the insolvent debtor until a trustee is appointed by the creditors. Guardian.

"Property" shall mean and include money, goods, things in action, land, and every description of property, whether real or personal: also obligations, easements, servitudes and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined. (English B. Act, s. 5, 1869.) Property.

"Secured Creditor" shall mean any creditor holding any mortgage, hypothec, charge or lien on the insolvent debtor's estate, or any part thereof, as security for a debt due to him. (English B. Act, s. 16.) Secured creditor.

"Special Resolution" shall mean a resolution passed by a majority in number and three-fourths in value of the creditors, present personally or by proxy, at a meeting of creditors and voting on such resolution. Special resolution.

PART I.

Adjudication and Vesting of Property.

Adjudication.

5. A single creditor, or two or more creditors, if the debt due to such single creditor, or the aggregate amount of debts due to such several creditors from any debtor, amount to a sum of not less than two hundred dollars, may present a petition to the Court, praying that the debtor be adjudged insolvent, and alleging as the ground of such adjudication any one or more of the following acts or defaults hereinafter mentioned, which shall be deemed to be and included under the expression "Acts of Insolvency." How a debtor may be adjudged an insolvent. Acts of insolvency.

(1.) That the debtor has absconded or is immediately about to abscond from any one Province in Canada to another, or out of Canada, with intent to defeat or delay the remedy of or to defraud any creditor, or to avoid being arrested, or served with legal process; or that being out of any such Province, he so remains with a like intent; or that he conceals himself within the limits of Canada with a like intent. (Act of 1875, s. 3, *b*.) Absconding.

(2.) That the debtor has secreted or is immediately about to secrete any part of his estate and effects with intent to defraud his creditors, or to defeat or delay their demands, or any of them. (Act of 1875, s. 3, *c*.) Secreting effects.

(3.) That the debtor has assigned, removed, or disposed of, or is about or attempts to assign, remove, or dispose of any Fraudlent assigning.

of his property with intent to defraud, defeat or delay his creditors or any of them. (Act of 1875, s. 3, *d.*)

Conniving at seizure.

(4.) That the debtor has with like intent, procured his money, goods, chattels, lands, or property to be seized, levied on, taken under, or by any process or execution having operation where the debtor resides or has property, and that such process is in force and not discharged by payment, or in any manner provided for by law. (Act of 1875, s. 3, *e.*)

Being imprisoned on civil action.

(5.) That the debtor has been actually imprisoned, or upon the gaol limits for more than thirty days, in a civil action founded on contract for the sum of two hundred dollars, or upwards, and still is so imprisoned or on the limits, or that in case of such imprisonment he has escaped out of prison or from custody, or from the limits. (Act of 1875, s. 3, *f.*)

Making default to appear.

(6.) That the debtor wilfully neglects or refuses to appear, on any rule or order requiring his appearance, to be examined as to his debts under any Statute or law on that behalf. (Act of 1875, s. 3, *g.*)

Disobeying order for payment,—

(7.) That the debtor wilfully refuses or neglects to obey or comply with any such rule or order made for payment of his debts, or of any part of them. (Act of 1875, s. 3, *h.*)

Or decree of Court.

(8.) That the debtor wilfully neglects to obey or comply with an order, rule or decree of any Court, or of any Judge for payment of money. (Act of 1875, s. 3, *i.*)

Assignment for creditors.

(9.) That the debtor has, in Canada or elsewhere, made an assignment or conveyance of his property for the benefit of only one or of less than all of his creditors. (Act of 1875, s. 3, *j*; Eng. B. Act, s. 6.)

Fraudulent conveyance, etc.

(10.) That the debtor has, in Canada or elsewhere, made a fraudulent conveyance, gift, delivery or transfer, of his property, or of any part thereof. (Eng. B. Act, s. 6.)

Allowing execution to remain unsatisfied.

(11.) That the debtor permits any execution issued against him under which any of his chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within four days of the time fixed by the Sheriff or officer, for the sale thereof, or for fifteen days after such seizure of such goods or chattels, subject, however, to the privileged claim of the seizing creditor for the costs of such execution, and also to his claim for the costs of the judgment under which such execution has issued, which shall constitute a lien upon the effects seized; but all costs incurred in actions or suits against the debtor after the date of insolvency shall not rank upon the estate, but all the taxable costs incurred in proceedings against him by other creditors also, up to that time, shall be added to the demand, for the recovery of which such proceedings were instituted, and shall rank upon the estate as if they formed parts of the original debts. (Act of 1875, s. 3, *k.*)

(12.) That the debtor has filed in the Court a declaration admitting his inability to pay his debts, and asking for the distribution of his assets under this Act. (Eng. B. Act. s 6.) Declaration of insolvency.

(13.) That the petitioning creditor has served, in the prescribed manner, on the debtor, a debtor's summons requiring the debtor to pay a sum due of an amount of not less than two hundred dollars, and the debtor has, for the space of *three weeks* succeeding the service of such summons, neglected to pay such sum, or to secure or compound for the same. (Eng. B. Act, s. 6.) Service of debtor's summons.

But no person shall be adjudged an insolvent debtor on any of the above grounds unless the act of insolvency on which the adjudication is grounded has occurred within six months before the presentation of the petition for adjudication; moreover, the debt of the petitioning creditor must be a liquidated sum due at law or in equity, and must not be a secured debt, unless the petitioner state in his petition that he will be ready to give up such security for the benefit of the creditors in the event of the debtor being adjudicated insolvent within this Act, or unless the petitioner is willing to give an estimate of the value of his security, in which latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated; but he shall, on an application being made by the guardian or trustee within the prescribed time after the date of adjudication, give up his security to such trustee for the benefit of the creditors upon payment of such estimated value. (Eng. B. Act, s. 6.) Act of insolvency must have occurred within a certain time. Debt to petitioners must be a liquidated sum and unsecured. Proviso: Estimating or giving up security.

6. A debtor's summons may be granted by the Court on a creditor proving to its satisfaction that a debt sufficient to support a petition in insolvency is due to him from the person against whom the summons is sought, and that the creditor has failed to obtain payment of his debt, after using reasonable efforts to do so. The summons shall be in the prescribed form, resembling as nearly as circumstances admit a writ issued by one of Her Majesty's Superior Courts. It shall state that in the event of the debtor failing to pay the sum specified in the summons, or to compound for the same to the satisfaction of the creditor, a petition may be presented against him, praying that he may be adjudged an insolvent. The summons shall have an endorsement thereon to the like effect, or such other prescribed endorsement as may be best calculated to indicate to the debtor the nature of the document served upon him, and the consequences of inattention to the requisitions therein made. On what proof a debtor's summons may be granted. Form. What it must show. Endorsement.

Any debtor served with a debtor's summons may oppose the same or apply to the Court in the prescribed manner, and within the prescribed time, to dismiss such summons on the ground that he does not come under the operation of this Act, or that he is not indebted to the creditor serving such summons, or that he is not indebted to such amount as will justify such creditor in presenting an insolvency petition against him, and the Court may dismiss the summons with Debtor may apply for dismissal of summons:

Power of the Court to dismiss or stay.

or without costs, if satisfied with the allegations made by the debtor, or it may upon such security (if any) being given as the Court may require for payment to the creditor of the debt alleged by him to be due, and the costs of establishing such debt—stay all proceedings on the summons for such time as will be required for the trial of the question relating to such debt. (Eng. B. Act, s. 7.)

Service of petition for debtor's summons.

Hearing and proof.

Judgment

7. A petition praying that a debtor may be adjudged an insolvent shall be served in the prescribed manner. At the hearing, the Court shall require proof of the debt of the petitioning creditor, and of the act of insolvency, or, if more than one act of insolvency is alleged in the petition, of some one of the alleged acts of insolvency, and if satisfied with such proof, shall adjudge the debtor to be an insolvent debtor.

Adjournment or dismissal.

The Court may adjourn the petition, either conditionally or unconditionally, for the procurement of further evidence, or for any other just cause, or may dismiss the petition with or without costs, as the Court thinks just. (Eng. B. Act, s. 8.)

If debtor appears and denies debt, etc.

8. When the debtor appears on the petition and denies that he is indebted to the petitioner, or that he is indebted to such amount as would justify the petitioner in presenting a petition for declaration of insolvency against him, the Court upon such security (if any) being given as the Court may require, for payment to the petitioner of any debt which may be established against him in due course of law and of the costs of establishing such debt, may stay all proceedings on the petition for such time as may be required for the trial of the question relating to such debt, and such trial shall be had as the Court may direct.

Stay of proceedings on security given.

Trial of the question. Insolvency may be adjudged on petition of another creditor.

Where proceedings are stayed, the Court may, if by reason of the delay caused by such stay of proceedings or for any other cause it thinks just, adjudge the debtor an insolvent debtor on the petition of some other creditor, and shall thereupon dismiss, upon such terms as it thinks just, the petition, proceedings in which have been stayed as aforesaid.

Publication of copy of order adjudging insolvency.

9. A copy of an order of the Court adjudging the debtor to be an insolvent debtor shall be forthwith forwarded by post (prepaid and registered) to the address and post office of the debtor, and to each of his creditors, so far as can be ascertained, by the guardian or trustee; and the date of such order shall be the date of the adjudication for the purposes of this Act, and the production of a certified copy of such order as aforesaid, under the seal of the Court and signed by the Clerk of the Court, shall be *primâ facie* evidence in all legal proceedings of the debtor having been adjudged an insolvent and the date of the adjudication.

When the insolvency shall be held to commence.

10. The insolvency of a debtor shall be deemed to have relation back to, and to commence at the date to be stated in the order of the Court adjudging the debtor to be insolvent, or if no such date be stated therein at the date of such order.

11. Where a debtor shall be adjudicated an insolvent, no creditor to whom the insolvent is indebted in respect of any debt provable shall have any remedy against the property or person of the insolvent in respect of such debt, except in the manner directed by this Act. But this section shall not affect the power of any creditor holding a security upon the property of the insolvent to realize or otherwise deal with such security in the same manner as he would have been entitled to realise or deal with the same if this section had not been passed.

No suit on debts provable in insolvency.

Proviso: as to holder of security.

12. The Court may, at any time after the presentation of a petition under this Act against the debtor, restrain further proceedings in any action, suit, execution or other legal process against the debtor in respect of any debt provable; or it may allow such proceedings, whether in progress at the commencement of the insolvency or commenced during its continuance, to proceed upon such terms as the Court may think just. The Court may also at any time after the presentation of such petition, appoint a guardian of the property or business of the debtor against whom the petition is presented, or of any part thereof, and may direct immediate possession to be taken of such property or business or any part thereof.

Court may stay proceedings on debts provable in insolvency.

And may appoint a receiver, etc.

Appointment of Trustee.

13. When an order has been made adjudging a debtor insolvent, herein referred to as an order of adjudication, the property of the insolvent shall become divisible among his creditors in proportion to the debts proved by them in the insolvency; and for the purpose of effecting such division the Court shall either direct a writ of attachment for the seizure of all the property of the insolvent debtor to the guardian or the sheriff of the county, which guardian or sheriff shall be trustee under this Act until the appointment of a trustee or trustees by the creditors; or direct that a trustee shall be appointed by the creditors at a general meeting of the creditors to be held in the prescribed manner and subject to the prescribed regulations as to the quorum, adjournment of meeting and all other matters relating to the conduct of the meeting and the proceedings thereat; and failing such direction by the Court, the creditors may at any time at a general meeting before the property is all sold or a dividend declared, appoint a trustee under this Act. (English B. Act, ss. 14, 16.)

Property of insolvent to be divisible among his creditors.

Appointment of trustee by Court or creditors.

14. The property of the insolvent, divisible amongst his creditors, and in this Act referred to as the property of the insolvent, shall not comprise the following particulars:

Property not so divisible.

1. Property held by the insolvent on trust for any other person;

Held in trust.

2. Such property as is exempt from seizure and sale under execution, by virtue of the several Statutes in that behalf made in the several Provinces of Canada respectively: But it shall comprise the following particulars;

Or exempt from seizure

But certain property to be so dvisible.

All acquired, &c., during insolvency.

3. All such property as may belong to, or be vested in the insolvent after the commencement of the insolvency, or may be acquired by, or devolved on him during its continuance;

Powers of insolvent respecting property.

4. The capacity to exercise and to take proceedings for exercising all such powers in, or over, or in respect of property as might have been exercised by the insolvent for his own benefit after the commencement of his insolvency, or during its continuance;

Goods held by him with consent of owner.

5. All goods and chattels being at the commencement of the insolvency in the possession, order, or disposition of the insolvent by the consent and permission of the true owner, of which goods and chattels the insolvent is reputed owner, or of which he has taken upon himself the sale or disposition, as owner: Provided that things in action, other than debts due to him in the course of his trade or business, shall not be deemed goods and chattels within the meaning of this section. (English B. Act, s. 15.)

Proviso.

Who to act until trustee appointed.

15. Until a trustee is appointed, the guardian appointed, or the sheriff of the county in which the principal business of the insolvent was carried on, as the case may be, shall be trustee for the purposes of this Act, and immediately upon the order of adjudication being made, the property of the insolvent shall vest in the guardian or sheriff. On the appointment of a trustee the property shall pass to and vest in the trustee appointed. (English B. Act, s. 17.)

Property to pass to trustee.

Term "Trustee" whom to include.

16. The expression "Trustee," when used in this Act, shall include the person for the time being filling the office of trustee, whether he be the trustee appointed by the creditors or not; but when the guardian or sheriff holds the office of trustee he shall, unless the court otherwise orders, in the administration of the property of the insolvent, apply to the Court for directions, as to the mode of administering such property, unless the creditors shall have appointed inspectors with instructions how to administer or dispose of the property; and shall take possession thereof when directed by the Court.

Appointment to be reported to Court; action of Court thereupon.

17. The appointment of a trustee when made by the creditors, shall be reported to the Court, and the Court upon being satisfied that the security (if any) required by the creditors, has been entered into by him, shall give a certificare declaring him to be trustee of the insolvent debtor's property named in the certificate, and such certificate shall be conclusive evidence of the appointment of the trustee, and such appointment shall date from the date of the certificate. When the guardian or sheriff holds the office of trustee and when the trustee is changed, a like certificate of the Court may be made declaring the person therein named to be trustee, and such certificate shall be conclusive evidence of the person therein named being trustee.

When the prescribed officer acts as trustee.

PART II.

ADMINISTRATION OF PROPERTY.

General Provisions affecting Administration of Property.

Duties of insolvent in respect of his affairs. Statement. Inventory. Attendance on guardian or trustee, etc. General duties.

18. The insolvent debtor shall to the uttmost of his power aid in the realization of his property and the distribution of the proceeds amongst his creditors. He shall produce a statement of his affairs in the manner and at the time prescribed, and shall be publicly examined thereon on a day to be named by the Court or guardian or trustee, and subject to such adjourned public examination as the Court or guardian or trustee may direct. He shall give such inventory of his property, such list of his creditors and debtors and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such meetings of his creditors, wait at such times on the guardian or trustee, execute such powers of attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property, and the distribution of the proceeds amongst his creditors as may be reasonably required by the guardian or trustee, or may be prescribed by rules of Court or be directed by the Court or Judge by any special order or orders made in reference to any particular insolvency and made on the occasion of any special application by the guardian, trustee or any creditor.

Insolvent failing in such duties guilty of contempt of Court.

If the insolvent wilfully fails to perform the duties imposed on him by this section, or if he fails to deliver up possession to the guardian or trustee of any part of his property which is divisible amongst his creditors under this Act, and which may for the time being be in the possession or under the control of such insolvent, he shall in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly. (Eng. B. Act, s. 19.)

Guardian or Trustee to be guided by creditors.

19. The guardian or trustee shall, in the administration of the property of the insolvent, and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting.

Sale of real estate.

Real estate, in so far as practicable, shall be sold subject to the mortgages, hypothecs, liens or charges affecting the same.

Further powers and duties of guardian or trustee. Calling meetings.

Subject to the provisions of this Act, and to such directions as aforesaid, the guardian or trustee shall exercise his own discretion in the management of the estate, and its distribution amongst the creditors. The guardian or trustee may, from time to time, summon general meetings of the creditors for the purpose of ascertaining their wishes; he may also apply to the Court, in manner prescribed, for directions in relation to any particular matter arising under the insolvency.

Asking direction of Court.

The insolvent, or any creditor, debtor, or other person aggrieved by any act or refusal to act of the guardian or trustee, or wishing to expedite proceedings, may apply to the Court or Judge and the Court or Judge may confirm,

Right of parties aggrieved by acts of guardian or trustee.

reverse or modify the act complained of, or order expedition in the sale or realisation of assets or declaration and payment of dividends, and make such order in the premises as it or he thinks fit. The Court may, from time to time, during the continuance of an insolvency, summon general meetings of the creditors for the purpose of ascertaining their wishes, and may, if the Court thinks fit, direct the guardian or trustee to preside at such meetings. (Eng. B. Act, s. 20.)

Court may call meeting, etc.

Costs of application.

Costs of such application shall be payable by the applicant or applicants, or by the guardian or trustee or person in default, in the discretion of the Court or Judge. In no case shall such costs be charged to the estate.

Dealings with Insolvent's Property.

As to stock, shares, etc., belonging to insolvent.

20. Where any portion of the property of the insolvent consists of stock, shares in ships, or any other property transferable in the books of any company, office or person, the right to transfer such property shall be absolutely vested in the guardian or trustee to the same extent as the insolvent might have exercised the same if he had not become insolvent.

Things in action.

Where any portion of the property of the insolvent consists of things in action, any action, suit, or other proceeding for the recovery of such things instituted by the guardian or trustee shall be instituted in his official name, as in this Act provided; and such things shall, for the purpose of such action, suit or other proceeding, be deemed to be assignable in law, and to have been duly assigned to the guardian or trustee, in his official capacity; and any general or specific assignment of a debt or debts or *choses in action* shall enable the assignee to sue in his own name, as effectually as the guardian or trustee himself could have done under this Act; and a bill of sale thereof, under the signature of the guardian or trustee, shall be *primâ facie* evidence of such sale or assignment; such debts shall, however, be subject to all set-offs and other rights and equities between parties as they subsisted at the time of the insolvency, or as they *bonâ fide* subsist at the time of action or suit.

Deeds, books and documents.

The guardian or trustee shall, as soon as may be, take possession of the deeds, books and documents of the insolvent, and all other property capable of manual delivery.

Books to be kept by trustee.

The guardian or trustee shall keep, in which manner as rules of Court shall direct, proper books, in which he shall, from time to time, make or cause to be made entries, or minutes of proceedings at meetings, and of all receipts and disbursements of cash, and of such other matters as rules of Court shall direct, and any creditor of the insolvent may, subject to the control of the Court, personally or by his agent, inspect such books. (Eng. B. Act, s. 22.)

Powers of guardian or trustee.

21. Subject to the provisions of this Act, the guardian or trustee shall have power to do the following things:—

Proof of debts.

1. To receive and decide upon proof of debts in the prescribed manner, and for such purposes to administer oaths or affirmations;

2. To carry on the business of the insolvent so far as may be necessary for the beneficial winding up of the same, without personal liability, except for wilful neglect or default; Carrying on business.

3. To bring or defend any action, suit or other legal proceeding relating to the property of the insolvent; Actions, etc

4. To deal with any property to which the insolvent is beneficially entitled in the same manner as the insolvent might have dealt with the same; Dealing with certain property.

5. To exercise any powers, the capacity to exercise which is vested in him under this Act, and to execute all powers of attorney, deeds and other instruments expedient or necessary for the purpose of carrying into effect the provisions of this Act, and to register the same; Powers of attorney, etc.

6. To sell all the property of the insolvent (including the good will of the business, if any, and the book debts due or growing due to the insolvent) in the prescribed manner; Selling insolvent's property.

7. To give receipts for any money received by him, which receipts shall effectually discharge the person paying such moneys from all responsibility in respect of the application thereof; Receipts.

8. To prove rank, claim, and draw a dividend in the matter of the insolvency or sequestration of any debtor of the insolvent. (Eng. B. Act, s. 25.) Proving debts due to insolvent, etc.

22. The guardian or trustee may, with the sanction of the Court or Judge, or consent of the creditors, evidenced by a special resolution, appoint the insolvent himself to superintend the management of the property, or of any part thereof, or to carry on the trade of the insolvent for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms, and at such salary or wages, as the creditors direct. (Eng. B. Act, s. 26.) Appointment of insolvent to manage his estate.

23. The guardian or trustee may, with the sanction of the Court or the consent of the creditors, evidenced by special resolution, do all or any of the following things:— Further powers given by Court or creditors.

(1.) Mortgage, hypothecate or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts; Charging property.

(2.) Refer any dispute to arbitration, compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the insolvent and any debtor or person who may have incurred any liability to the insolvent, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon; Reference to arbitration.

Compromise as to debts provable.

(3.) Make such compromise or other arrangement as may be thought expedient, with creditors, or persons claiming to be creditors, in respect of any debts provable under the insolvency;

As to other claims.

(4.) Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the insolvent, made or capable of being made on the guardian or trustee by any person or by the guardian or trustee on any person;

Dividing property amongst creditors.

(5.) Divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot advantageously be realized by sale.

How such powers may be granted.

The sanction given for the purposes of this section may be a general permission to do all or any of theabove mentioned things, or a permission to do all or any of them in any specified case or cases. (Eng. B. Act, s. 27.)

Restriction as to employment of agents by guardian or trustee.

24. A guardian or trustee shall not, without the consent of the Court or Judge, or without an ordinary resolution of creditors, employ a solicitor or other agent; but where the trustee is himself a solicitor he may contract to be paid a certain sum by way of percentage or otherwise as remuneration for his services as guardian or trustee, including all professional services, and any such contract shall, notwithstanding any law to the contrary, be lawful.

Trustee to deposit monies received in bank.

Penalty for default.

25. The guardian or trustee shall pay all sums, from time to time, received by him, into such bank as the majority of the creditors in value at any general meeting shall appoint, and failing such appointment, into any chartered bank; and if he at any time keeps in his hands any sum exceeding one hundred dollars, for more than ten days, he shall be subject to the following liabilities, that is to say:

Interest.

(1.) He shall pay interest at the rate of forty dollars per centum per annum on the excess of such sum above one hundred dollars as he may retain in his hands;

Further punishment by order of Court.

(2.) Unless he can prove to the satisfaction of the Court or Judge, that his reason for retaining the money was sufficient, he shall, on the application of any creditor, be dismissed from his office as guardian or trustee, by the Court, and shall have no claim for remuneration, and be liable to any expenses to which the creditors may be put by or in consequence of his dismissal. (Eng. B. Act, s. 30.)

Payment of Debts and Distribution of Assets.

Demands not provable in insolvency.

26. Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or promise, shall not be provable in insolvency, and no person having any notice of any act of insolvency available for adjudication against the insolvent, shall prove for any debt or liability contracted by the insolvent subsequently to the date of his

so having notice. Save, as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the insolvent is subject at the date of the order of adjudication, or to which he may become subject during the continuance of the insolvency, by reason of any obligation incurred previously to the date of the order of adjudication, shall be deemed to be debts provable in insolvency, and may be proved in the prescribed manner before the guardian or trustee in the insolvency. Exceptions as to certain contingent liabilities.

An estimate shall be made in the prescribed manner, or if no manner be prescribed, at the discretion of the guardian or trustee, of the value of any debt or liability provable as aforesaid, which, by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value. Estimate of value of such liabilities.

Any person aggrieved by any estimate made by the guardian or trustee as aforesaid may apply to the Court, and the Court may, if it think the value of the debt or liability incapable of being fairly estimated, make an order to that effect, and upon such order being made, such debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in insolvency; but if the Court think that the value of the debt or liability is capable of being fairly estimated, it may direct such value to be assessed before the Court itself or a jury, and the amount of such value when assessed, shall be provable as a debt under the insolvency. (Eng. B. Act, s. 31.) Appeal to parties aggrieved by such estimate.

27. The rank and privilege of debts, upon whatever the same may be legally founded, shall not be disturbed by this Act, except as follows: Rank of debts not disturbed.

1. In the Province of Quebec, the privileges of the unpaid vendor shall cease from the delivery of the goods sold; Except: unpaid vendor in Quebec.

2. Clerks and other persons in the employ of the insolvent in and about his business or trade, at the date of the order of adjudictation, shall be paid by special privilege, salary or wages not exceeding four months, and not exceeding two hundred dollars; Wages of clerks, etc.

3. Save, as aforesaid, all debts provable under the insolvency shall be paid *pari passu*. (Act of 1875, s. 82; Eng. Act, s. 32.) All others *pari passu*.

28. When any rent or other payment falls due at stated periods, and the order of adjudication is made at any time other than one of such periods, the person entitled to such rent or payment may prove for a proportionate part thereof up to the day of the adjudication as if such rent or payment grew due from day to day. (Eng. Act, s. 35.) As to rent due at stated periods.

29. Interest on any debt provable in insolvency may be allowed by the guardian or trustee under the same circumstances in which interest would have been allowable if an action had been brought for such debt. (Eng. Act, s 36.) Interest on debts.

Debts due by insolvent under distinct contracts.

30. If any insolvent is at the date of the order of adjudication liable in respect of distinct contracts as member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is one of the joint contractors, shall not prevent proof in respect of such contracts, against the properties respectively liable upon such contracts. (Eng. Act, s. 37.)

Allowance to insolvent by consent of Court or creditors.

31. The guardian or trustee with the consent of the Court or of the creditors, testified by a special resolution, may, from time to time, during the continuance of the insolvency, make such allowance, as may be approved by the creditors, to the insolvent out of his property for the support of the insolvent and his family, or in consideration of his services if he is engaged in winding up his estate. (Eng Act, s. 38.)

Set-off or compensation how allowed.

32. The law of set-off or compensation, as administered by the Courts, whether of law or equity, shall apply to all debts provable in insolvency, and also to all suits instituted by guardian or trustee for the recovery of debts due to the insolvent, in the same manner and to the same extent as if the insolvent were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this Act respecting frauds or fraudulent preferences. (Act of 1875, s. 107.)

Secured creditor giving up security.

33. A creditor holding a specific security on the property of the insolvent, or any part thereof, may, on giving up his security, prove for his whole debt.

Or claiming for balance.

34. He shall also be entitled to a dividend in respect of the balance due to him after realizing or giving credit for the value of his security, in manner and at the time prescribed.

Exclusion in other cases.

35. A creditor holding such security as aforesaid, and not complying with the foregoing conditions, shall be excluded from all share in any dividend.

Dividends.

When to be prepared.

36. The guardian or trustee shall prepare dividends of the estate of the insolvent, whenever the amount of money in his hands shall, in his opinion, justify a division thereof, or when he can declare a dividend equal to ten per cent., and also whenever he is ordered by the Court to do so.

What claims shall rank on the estate.

37. All debts due and payable by the insolvent at the date of the adjudication in insolvency, and all debts due but not then actually payable, subject to rebate of interest, shall have the right to rank upon the estate of the insolvent, and any person then being, as surety or otherwise, liable for any debt of the insolvent, and who subsequently pays such debt, shall thereafter stand in the place of the original credi

tor, if such creditor has proved his claim on such debt; or if he has not proved, such person shall be entitled to prove against and rank upon the estate for such debt to the same extent and with the same effect as the creditor might have done. (Act of 1875, s. 80.)

Non-effect of seizure in execution of insolvent's property.

38. No lien or privilege upon either the personal or real estate of the insolvent shall be created for the amount of any judgment, debt, or of the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the insolvent, if before the payment over to the plaintiff of the moneys actually levied under such writ, the debtor has been adjudicated insolvent, or a petition in insolvency for such adjudication is pending. But this provision shall not affect any lien or privilege for costs which the plaintiff possesses under the law of the Province in which such writ shall have been issued. (Act of 1875, s. 83.)

Proviso: as to lien, etc.

Insolvent indebted as a partner.

39. If the insolvent owes debts, both individually and as a member of a co-partnership, or as a member of two different co-partnerships, the claims against him shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other after all the creditors of that other have been paid in full. (Act of 1875, s. 88.)

As to costs in suits against insolvent after notice under this Act.

40. No costs incurred in suits or legal proceedings against the insolvent after notice has been given or knowledge acquired of the order of adjudication, shall rank upon the estate of the insolvent, but all taxable costs incurred in proceedings against him, up to that time, shall be added to the demand for the recovery of which such proceedings were instituted, and shall rank upon the estate as if they formed part of the original debt, except as herein otherwise provided. (Act of 1875, s. 90.)

Notice of dividend.

41. Notice of the declaration of any dividend shall be given by letter or circular, post-paid and registered, sent to the address and post office of all known creditors, or in the prescribed manner.

Objections to dividend.

42. Any claim or dividend may be objected to in the manner prescribed.

Court or creditors may order contestation of claims.

43. The Court, or the creditors by special resolution, may order the costs of the contestation of any claim or dividend to be paid out of the estate, whether such costs were incurred by the guardian or trustee or any individual creditor. (Act of 1875, s. 96.)

If there is real property of insolvent under seizure at date of order of adjudication.

Proceedings.

44. If at the date of the order of adjudication any immovable property or real estate of the insolvent be under seizure or in process of sale, under any writ of execution or other order of any competent Court, such sale shall be proceeded with by the guardian or officer charged with the same unless stayed by order of the Judge upon application by the guardian or trustee, upon special cause shown, and

after notice to the plaintiff,—reserving to the party prosecuting the sale, his privileged claim on the proceeds of any subsequent sale, for such costs as he would have been entitled to out of the proceeds of the sale of such property, if made under such writ or order; but if such sale be proceeded with, the moneys levied therefrom shall be returned into the Court on whose order the sale has been made, to be distributed and paid over to the creditors who shall have any privilege, mortgage or hypothecary claims thereon, according to the rank or priority of such claims; and the balance of such moneys, after the payment of such claims shall be ordered to be paid to the guardian or trustee to be distributed with the other assets of the estate. (Act of 1875, s. 97.)

How unclaimed dividends shall be dealt with.

45. All dividends remaining unclaimed at the time of the discharge of the trustee, shall be left in the bank where they are deposited, for three years, and, if still unclaimed, shall then be paid over by such bank with interest accrued thereon, to the Government of Canada, and if afterwards duly claimed shall be paid over to the parties entitled thereto, with interest at the rate of four per centum per annum from the time of the reception thereof by the Government.

Insolvent to have surplus if any.

46. The insolvent shall be entitled to any surplus remaining after payment of his creditors, and of the costs, charges and expenses of the insolvency.

Close of Insolvency.

Report by guardian or trustee to the Court, and order for closing insolvency.

47. When the whole property of the insolvent has been realized for the benefit of his creditors, or so much thereof as can, in the opinion of the guardian or trustee, be realized without needlessly protracting the insolvency, the guardian or trustee shall make a report accordingly to the Court, and the Court, if satisfied that the whole of the property of the insolvent has been realized for the benefit of his creditors, or so much thereof as can be realized without needlessly protracting the insolvency, shall make an order that the insolvency has closed, and the insolvency shall be deemed to have closed at and after the date of such order.

Publication a proof of order.

A copy of the order closing the insolvency shall be sent (post-paid and registered) to the address and post office of all known creditors and parties interested. The production of the order or a duplicate thereof, shall be *primâ facie* evidence of the order having been made, and of the date and contents thereof.

Release of Trustee.

Meeting of creditors.

Account by guardian or trustee.

48. When the insolvency is closed, the guardian or trustee shall call a meeting of the creditors, and after notice to the insolvent, if practicable, to consider an application to be made to the Court for his release. At the meeting the guardian or trustee shall lay before the assembled creditors and insolvent, if present, an account showing the manner in which the insolvency has been conducted, with a list of the unclaimed dividends, if any, and of the property, if any, outstanding,

and shall inform the meeting that he proposes to apply to the Court for a release.

Creditors may oppose release of guardian.

The creditors assembled at the meeting may express their opinion as to the conduct of the guardian or trustee, and they, or any of them, or the insolvent may appear before the Court and oppose the release of the guardian or trustee.

Court may grant or withhold the release.

The Court, after hearing what, if anything, can be urged against the release of the guardian or trustee, shall grant or withhold the release accordingly, and if it withhold the release shall make such order as it thinks just, charging the guardian or trustee with the consequences of any act or default he may have done or made contrary to his duty, and shall suspend his release until such charging order has been complied with, and the Court thinks just to grant the release of the guardian or trustee.

Or suspend it.

Effect of order of release.

49. The order of the Court releasing the guardian or trustee of an insolvency shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the insolvent, or otherwise in relation to his conduct as guardian or trustee of such insolvent; but such order may be revoked by the Court on proof that it was obtained by fraud.

PART III.

POWERS OF THE COURT AND JUDGE

General Rules.

General rules may be made for giving effect to this Act.

50. General rules, in this Act described as rules of Court, may from time to time be made, revoked and altered in the manner hereinafter provided for the execution of this Act and of the objects thereof, and the regulation of the practice and procedure of insolvency petitions, and the proceedings thereon:

What may be provided for by such rules.

Any general rules so made may prescribe regulations as to the service of insolvency petitions, including provisions for substituted service, as to fees and costs upon insolvency proceedings; as to the valuing of any debts provable in insolvency; as to the valuation of securities held by creditors; as to proving debt; as to the giving or withholding interest or discount on or in respect of debts or dividends; as to the funds out of which costs are to be paid, the order of payment, and the amount and taxation thereof; the sale of real estate and the costs and charges of such sale; as to the right to vote at meetings of creditors: and as to any other matter or thing, whether similar or not to those above enumerated, in respect to which it may be expedient to make rules for carrying into effect the objects of this Act: and any rules so made shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

To have force of law.

To be laid before Parliament.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting within three weeks after the beginning of the then

And judicially noticed.

next session of Parliament; and any rules so made shall be judicially noticed.

How made in Quebec.

51. In the Province of Quebec such general rules shall be made, and be promulgated in the same manner as the rules of practice and tariff of fees of the Superior Court.

And in Ontario.

In other Provinces.

52. In the Province of Ontario such general rules shall be made by the Judges of the Court of Appeal or any two of them; in the Province of New Brunswick, the Judges of the Supreme Court of New Brunswick, or the majority of them; in the Province of Nova Scotia, the Judges of the Supreme Court of Nova Scotia, or the majority of them; in the Province of British Columbia, the Judges of the Supreme Court, or the majority of them; in the Province of Prince Edward Island, the Judges of the Supreme Court, or the majority of them; and in the Province of Manitoba, the Judges of the Court of Queen's Bench, or the majority of them. (Act of 1875, s. 123.)

Present rules are to be used until others are made.

53. Until such rules of practice and tariff of fees have been made, as required by the two next preceding sections, the rules of practice and tariff of fees of insolvency last heretofore in force in the said Provinces respectively, shall be and they are hereby revived and shall continue and remain in full force and effect so far as they can be made reasonably and practically applicable under the provisions of this Act, and in case of difference or disputes or where there is no provision or fee or allowance for services applicable, the Judge shall direct what shall be done, and determine the fee or allowance to be made in all cases; giving reasonable effect to all recommendations, if any, of creditors. (Act of 1875, s. 124.)

Guardians or trustees to be subject to summary jurisdiction of the court or judge.

54. Every guardian or trustee shall be subject to the summary jurisdiction of the Court or Judge in the same manner and to the same extent as the ordinary officers of the Court are so subject; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, hypothec, lien or right of property upon, in or to any effects or property in the hands, possession or custody of any guardian or trustee, may be obtained by an order of the Judge on summary petition in vacation, or of the Court on a rule in term, and not by any suit, attachment, opposition, seizure or other proceeding of any kind whatever; and obedience by the guardian or trustee to such order may be enforced by such Court or Judge, under the penalty of imprisonment, as for contempt of Court or disobedience thereto, or he may be removed in the discretion of the Court or Judge. (Act of 1875, s 125)

Powers of Single Judge.

Judges to have in vacation powers of the court.

55. Any Judge in vacation shall and may exercise all the powers of the Court in term, and any proceeding at whatever time commenced, may be continued either in term or vacation.

Appeals.

Appeals from orders of Court or judge, in the several Provinces.

56. Any party to any contestation, matter or thing, upon which the Court or Judge has made any final order or judgment, and which involves a question of law of sufficient importance in the opinion of the Judge appealed from, (except in the Province of Quebec), to be allowed to be appealed, upon application made to such Judge for that purpose, and in case such contestation, matter or thing involves a value or sum of more than five hundred dollars, may, in the Province of Ontario, appeal therefrom to the Court of Error and Appeal, or to any Judge of that Court; in the Province of New Brunswick, to the Supreme Court of New Brunswick, or to any one of the Judges of the said Court; in the Province of Nova Scotia, to the Supreme Court of Nova Scotia, or to any one of the Judges of the said Court; in the Province of Prince Edward Island, to the Supreme Court of Judicature, or to any Judge of the said Court; in the Province of Manitoba, to the Court of Queen's Bench, or to any Judge of the said Court; in the Province of British Columbia, to the Supreme Court, or to any one of the Judges of the said Court; but any appeal to a single Judge in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island, or Manitoba, may, in his discretion, be referred, on a special case to be settled, to the full Court, and on such terms in the meantime as he may think necessary and just. (Act of 1875, s. 128.)

Inscription for revision in Quebec.

57. Any party to any contestation matter or thing upon which the Court or Judge has made any final order or judgment, may, in the Province of Quebec, inscribe for revision of, or appeal from the same, in the same manner (except as hereinafter provided) as from a final judgment of the Superior Court in ordinary cases under the laws in force when such order or judgment shall be made or rendered. (Act of 1875, s. 128.)

Appeal to be prosecuted within 8 days.

58. No appeal or proceeding in revision under the foregoing provisions shall be entertained unless the appellant or party inscribing for revision shall have, within eight days from the rendering of such final order or judgment, adopted proceedings on the said appeal or revision, nor unless he shall within the said delay have made a deposit or given sufficient security before a Judge, that he will duly prosecute the said appeal or proceedings in revision and pay such damages and costs as may be awarded to the respondent. In the Province of Quebec the inscription for review must be sanctioned by a Judge of the Superior Court, and the writ of appeal must be allowed by a Judge of the Superior Court or of the Court of Queen's Bench. (Act of 1875, s. 128.)

Special provision in Quebec.

If the appellant fails to proceed.

59. If the party complaining of such order or judgment does not proceed with his appeal or in review, as the case may be, according to law and the rules of practice, the Court, on application of the respondent, may order the record to be returned to the officer entitled to the custody thereof,

and condemn the appellant to pay the respondent the costs by him incurred. (Act of 1875, s. 128.)

Reservation of dividends contested.

60. Pending the contestation of any claim or of a dividend sheet, and pending any appeal or proceeding in revision, the trustee shall reserve a dividend equal to the amount of the dividends claimed or contested. (Act of 1875, s. 129.)

PART IV.

FRAUDS AND FRAUDULENT PREFERENCES.

Certain Acts of insolvent to be misdemeanors. Punishment.

61. Any person adjudged insolvent, pursuant to this Act, shall, in each of the cases following, be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to *penal servitude or imprisonment*, that is to say :—

Not fully discovering his property, and the disposal thereof.

1. If he does not, to the best of his knowledge and belief, fully and truly discover to the guardian or trustee administering his estate for the benefit of his creditors, all his property real and personal, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade, or laid out in the ordinary expense of his family, unless the jury is satisfied that he had no intent to defraud ;

Not delivering all to the guardian or trustee.

2. If he does not deliver up to such guardian or trustee, or as he directs, all such part of his real and personal property as is in his custody, or under his control, and which he is required by law to deliver up, unless the jury is satisfied that he had no intent to defraud ;

Not delivering books, papers, etc.

3. If he does not deliver up to such guardian or trustee, or as he directs, all books, documents, papers and writings in his custody or under his control, relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud ;

Concealing property worth $50.

4. If, after the presentation of an insolvency petition against him, or within four months next before such presentation, he conceals any part of his property, to the value of fifty dollars or upwards, or conceals any debt due to or from him, unless the jury is satisfied that he had no intent to defraud ;

Removing such property.

5. If, after the presentation of an insolvency petition against him, or within four months next before such presentation, he fraudulently removes any part of his property of the value of fifty dollars or upwards ;

Making omissions in statements.

6. If he makes any material omission in any statement relating to his affairs, unless the jury is satisfied that he had no intent to defraud ;

Conniving at false debt.

7. If, knowing or believing that a false debt has been proved by any person under the insolvency, he fails for the period of a month to inform such trustee as aforesaid thereof, unless the jury is satisfied that he had no intent to connive at a fraud ;

Preventing production of books, &c.

8. If after the presentation of an insolvency petition against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs, or to defeat the law;

Mutilating or falsifying books, etc.

9. If after the presentation of an insolvency petition against him, or within four months next before such presentation, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;

Making or being privy to false entry in books, etc.

10. If after the presentation of an insolvency petition against him or within four months next before such presentation, he makes, or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;

Parting with or altering any book or conniving at the same.

11. If after the presentation of an insolvency petition against him, or within four months next before such presentation, he fraudently parts with, alters, or makes any omission, or is privy to the fraudulently parting with, altering or making any omission in any document affecting or relating to his property or affairs;

Alleging fictitious losses.

12. If after the presentation of an insolvency petition against him, or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses;

Obtaining property by fraud.

13. If within four months next before the presentation of an insolvency petition against him, he, by any false representation or other fraud, has obtained any property on credit, and has not paid for the same;

Obtaining property on false pretences.

14. If within four months next before the presentation of an insolvency petition against him, he obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the jury is satisfied that he had no intent to defraud;

Pledging property not paid for.

15. If within four months next before the presentation of an insolvency petition against him, he pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, any property which he has obtained on credit and has not paid for, unless the jury is satisfied that he had no intention to defraud;

False representation to obtain consent of creditors to agreement.

16. If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors, or any of them, to any agreement with reference to his affairs or his solvency. (Act of 1875, s. 140).

Taking property out of Canada, etc.

62. If any person who is adjudged an insolvent after the presentation of an insolvency petition against him, or within four months before such presentation, quits Canada, and takes with him, or attempts or makes preparation for quitting Canada, and for taking with him any part of his property to the amount of one hundred dollars or upwards, which ought by law to be divided amongst his creditors, he shall, unless the jury is satisfied that he had no intent to defraud, be guilty of felony, punishable with penal servitude or imprisonment.

Felony and how punishable.

Certain acts to be misdemeanors.

63. Any person shall, in each of the cases following, be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to imprisonment for a term not exceeding one year; that is to say:

Falsely obtaining credit.

1. If in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud;

Putting away property fraudulently.

2. If he has, with intent to defraud his creditors or any of them, made or caused to be made, delivery or transfer of, or any charge on his property;

Concealing with like intent.

3. If he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him;

False claim as creditor to be misdemeanor. Punishment.

64. If any creditor in any insolvency in pursuance of this Act, wilfully and with intent to defraud, makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be guilty of a misdemeanor punishable with imprisonment for any term not exceeding one year.

Guardian or trustee may be ordered to prosecute.

65. Where a guardian or trustee in any insolvency reports to any Court exercising jurisdiction in insolvency, that in his opinion an insolvent has been guilty of any offence under this Act, or where the Court is satisfied upon the representation of any creditor that there is ground to believe that the insolvent has been guilty of any offence under this Act, the Court shall, if it appears to the Court that there is a reasonable probability that the insolvent may be convicted, order the guardian or trustee to prosecute the insolvent for such offence.

How misdemeanors shall be tried.

66. Every misdemeanor under the *fourth* part of this Act shall be deemed to be an offence within, and subject to the provisions of the twenty-eighth section of an Act of the Session of the thirty-second and thirty-third years of the reign of Her present Majesty, chapter twenty-nine, intituled "*An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law;*" and when any person is charged with any such offence before any justice or justices, such justice or justices shall take into consideration any evidence adduced before him or them tending to show that the act charged was not committed with a guilty intent.

Evidence of innocent intent.

Allegations in indictment for offences under this Act.

67. In an indictment for an offence under this Act, it shall be sufficient to set forth the substance of the offence charged in the words of this Act, specifying the offence, or as near thereto as circumstances will admit, without alleging or setting forth any debt, act of insolvency, trading, adjudication, or any other proceedings in, or order, warrant, or document of any Court acting under this Act.

Offences may be tried under any other act.

Proviso.

68. Where any person is liable under any other Act of Parliament, or at common law to any punishment, or penalty for any offence made punishable by this Act, such person may be proceeded against under such other Act of Parliament or at common law, or under this Act, so that he be not tried or punished twice for the same offence.

In what courts offences may be tried.

69. Every offence punishable under this Act shall be tried as other offences of the same degree are triable in the Province where such offence is committed, but no such offence shall be tried before any General or Quarter Sessions of the Peace. (Act of 1875, s. 141.)

Penalty on creditors taking consideration for granting discharge etc.

Recovery and application.

70. If any creditor of an insolvent directly, or indirectly, takes or receives from such insolvent any payment, gift, gratuity, or preference, or any promise of payment, gift, gratuity or preference, as a consideration or inducement to consent to the discharge of such insolvent, or if any creditor knowingly ranks upon the estate of the insolvent for a sum of money not due to him by the insolvent, or by his estate, such creditor shall forfeit, and pay a sum equal to treble the value of the payment, gift, gratuity or preference so taken, received or promised, or treble the amount improperly ranked for, as the case may be: and the same shall be recoverable by the guardian or trustee for the benefit of the estate by suit or action in any competent court, and when recovered shall be distributed as part of the ordinary assets of the estate. (Act of 1875, s. 142.)

Guardian or trustees making false certificate, guilty of misdemeanor.

71. Any guardian or trustee who, in any certificate required by this Act, shall wilfully mis-state or falsely represent any material fact for the purpose of deceiving the Court or Judge, or the creditors, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the Court before which he shall be convicted, to penal servitude or imprisonment. (Act of 1875, s. 139.)

Guardians or trustees to be deemed agents in cases under 32, 33 V., c. 21.

Indictment in such cases.

72. Every guardian or trustee oppointed under this Act is an agent within the meaning of the seventy-sixth and following sections of the "*Act respecting Larceny and other similar Offences*," and every provision of this Act or resolution of the creditors, relating to the duties of a guardian or trustee, shall be held to be a direction in writing, within the meaning of the said seventy-sixth section, and in an indictment against a guardian or trustee under any of the said sections, the right of property in any moneys, security, matter or thing, may be laid in the creditors of the insolvent (naming him) under "*The Insolvent's Estate Act*, 1883," or in the name of any trustee subsequently appointed, in his quality of such trustee. (Act of 1875, s. 138.)

Conveyances of or charges on property, and proceedings for favoring creditors, by persons afterwards becoming insolvent to be deemed fraudulent.

73. Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judical proceeding taken or suffered by any person unable to pay his debts when they become due from his own moneys, in favor of any creditor, or any person in trust for any creditor, with the view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same be declared an insolvent debtor within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the guardian or trustee of the insolvent appointed under this Act; but this section shall not affect the rights of a purchaser, or payee, or incumbrancer in good faith and for valuable consideration.

Proviso.

Imprisonment for Debt.

Insolvent in gaol or on the limits in civil suit, may apply to judge for discharge.

74. Any debtor confined in gaol or on the limits in any civil suit, and who shall have been adjudged insolvent, may at any time after such adjudication make application to the Judge of the county or district in which he is confined, for his discharge from imprisonment or confinement in such suit; and thereupon such Judge may grant an order in writing directing the sheriff or gaoler to bring the debtor before him for examination, at such time and place, in such county or district as may be thought fit; and the said sheriff or gaoler shall duly obey such order, and shall not be liable to any action for escape in consequence thereof, or to any action for the escape of the said debtor from his custody, unless the same shall have happened through his default or negligence; or if the debtor is confined in the county or district in which the Judge does not reside, the Judge instead of ordering the debtor to be brought before him for examination, may, if he sees fit, make an order authorizing and directing the trustee for the county or district in which the debtor is confined, to take such examination, and it shall be the duty of the trustee to take down such examination fully in writing, and transmit the same under his hand forthwith to the Judge; and the trustee shall be entitled to ten cents for each folio of one hundred words for such examination.

Proceedings thereon.

Examination of insolvent and witnesses

1. In pursuance of such order, the said confined debtor, and any witnesses subpœnaed to attend and give evidence at such examination may be examined on oath at the time and place specified in such order before such Judge, guardian or trustee, and if on such examination it appears to the satisfaction of the Judge that the said debtor has not committed any fraudulent act of insolvency under the provisions of this Act, such Judge shall, by his order in writing, discharge the debtor from confinement or imprisonment, and on production of the order to the sheriff or gaoler, the debtor shall be forthwith discharged without payment of any gaol fees:

Judge may grant discharge if examination be satisfactory.

Proviso.

Provided always, that no such order shall be made in any case, unless it be made to appear to the satisfaction of such Judge that at least seven days' notice of the time and place of the said examination had been previously given to the

plaintiff in the suit in which the debtor was imprisoned, or to his attorney, and to the guardian or trustee for the time being;

Minutes of examination to be kept.

2. The minutes of the examination herein mentioned shall be filed in the office of the Clerk of the Court, out of which the process issues, and a copy thereof shall be delivered to the guardian or trustee; and if, during the examination or before any order be made, the guardian or trustee, or the appointed trustee, or the creditor, or any one of the creditors, at whose suit or suits the debtor is in custody, makes affidavit that he has reason to believe that the debtor has not made a full disclosure in the matters under examination, the Judge may grant a postponement of such examination for a period of not less than seven days, nor more than fourteen days, unless the parties consent to an earlier day;

Postponement in certain cases.

As to any subsequent arrest of insolvent.

3. After such examination, in case of any subsequent arrest in any civil suit, as aforesaid, for causes of action arising previous to the adjudication in insolvency, the said debtor may, pending further proceedings against him under this Act, be forthwith discharged from confinement or imprisonment in such suit, on application to any Judge, and on producing such previous discharge: Provided, that nothing in this section contained shall interfere with the imprisonment of the said debtor in pursuance of any of the provisions of this Act. (Act of 1875, s. 127)

PART V.

SUPPLEMENTARY PROVISIONS.

Procedure.

Regulations in insolvency.

75. The following regulations are made with respect to proceedings in insolvency, namely:

Verification of petitions.

1. Every insolvency petition shall be accompanied by an affidavit in the prescribed form, verifying the statements contained in such petition;

Consolidating petitions.

2. Where two or more insolvency petitions are presented against the same debtor, or against debtors being members of the same partnership, the Court may consolidate the proceedings, or any of them, upon such terms as the Court think fit;

Substituting a petitioner.

3. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor;

Corporations.

4. A corporation may prove a debt, vote and otherwise act in insolvency, by an agent duly authorized;

Proxies of creditors.

5. A creditor may, in the prescribed manner, by instrument in writing, appoint a person to represent him in all matters relating to any debtor or his affairs in which a creditor is concerned in pursuance of this Act, and such representative shall thereupon, for all the purposes of this Act, stand in the same position as the creditor who appointed him;

Insolvent dying.

6. When a debtor who has been adjudicated an insolvent debtor dies, the Court may order that the proceedings in the matter be continued as if he were alive;

Staying proceedings in insolvency.

7. The Court may, at any time, on proof to its satisfaction of any sufficient reason for staying the proceedings in insolvency, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think just.

Consequences of the annulling of an adjudication in insolvency.

76. Whenever any adjudication in insolvency is annulled all sales and dispositions of property and payments duly made, and all acts theretofore done by the guardian or trustee or any person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged an insolvent, shall in such case vest in such person as the Court may appoint, or in default of any such appointment revert to the insolvent for all his estate or interest therein upon such terms, and subject to such conditions, if any, as the Court may declare by order. A copy of the order of the Court annulling the adjudication of a debtor as an insolvent, shall be forthwith forwarded by letters or circulars (post paid and registered) to all creditors and persons interested, and a certified copy as aforesaid, shall be *primâ facie* evidence of the fact of the adjudication having been annulled, and of the terms of the order annulling the same

Publication of the annulling order and proof thereof.

Formal defects will not invalidate unless they occasion injustice.

77. No proceeding in insolvency shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to such proceeding is of opinion that substantial injustice has been caused by such defect or irregularity, and that such injustice cannot be remedied by any order of such Court.

As to Guardians or Trustees.

Respecting guardians or trustees.

78. The following regulations are made with respect to the guardian or trustee.

More than one may be appointed.

Provision in such case.

1. The creditors may, if they think fit, appoint more persons than one to the office of trustee, and where more than one are appointed they shall declare where any act required or authorized to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint tenants of the property of the bankrupt.

Succession of trustees.

The creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first

named declining to accept or otherwise vacating the office of trustee;

Banks or Loan Companies may be.

2. An incorporated bank, loan or trust company may be appointed trustee, and may act through one or more of its officers in the prescribed manner;

Vacancies in the office, how filled.

3. If any vacancy occur in the office of trustee by death, resignation, or otherwise, the creditors in general meeting shall fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing trustee, if there be more than one, or in the prescribed manner on the requisition of any creditor;

When there is no trustee.

4. If through any cause whatever, there is no trustee acting during the continuance of an insolvency, the guardian shall act as such trustee;

Court may remove for cause.

5. The Court may, upon cases shown, remove any guardian or trustee. The creditors may, by special resolution at a meeting specially called for the purpose, of which reasonable notice has been given, remove the trustee and appoint another person to fill his office, and the Court shall give a certificate declaring him to be the trustee;

If trustee becomes insolvent.

6. If a trustee be adjudged insolvent, he shall cease to be trustee, and the guardian shall, if there be no other trustee, call a meeting of creditors for the appointment of another trustee in his place;

Property to pass from trustee to successor.

7. The property of the insolvent shall pass from trustee to trustee, including under that term the guardian when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment, or transfer whatever;

May sue and be sued.

Hold property, etc.

8. The guardian or trustee of an insolvent may sue and be sued by the official name of "the trustee of the property of A B, the insolvent debtor, naming him or her," and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagement binding upon himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office;

Registration of certificate of appointment.

9. The certificate or certificates of appointment of the guardian or a trustee shall, for all purposes of any law in force in any part of Canada requiring registration, enrollment, recording of conveyance or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled, or recorded accordingly;

Notice annexed.

10. Upon such registration being effected there shall be a notice annexed specifying the property conveyed or intended to be effected.

As to defect in appointment.

11. No defect or irregularity in the election of a trustee shall vitiate any act *bonâ fide* done by him.

Adjournment of first meeting of creditors by prescribed officer.

79. The guardian may adjourn the first meeting of creditors from time to time, and from place to place, subject to the directions of the Court, but if, at such first meeting of creditors, or at some adjournment thereof, no trustee is appointed by reason of a majority of the creditors in value, or the prescribed quorum not being present, or for any other reason whatever, the Court may annul the adjudication, unless it deems it expedient to carry on the insolvency with the aid of the guardian as trustee. Moreover, if at any time during the insolvency no new trustee is appointed to fill a vacancy in that office, the Court may either carry on the insolvency with the aid of the guardian, or annul the order of adjudication as it thinks just.

If vacancy of trustee is not filled up.

As to Power over Insolvent.

Provision as to letters addressed to insolvent by post.

80. The Court shall have the power, upon special cause being shown under oath for so doing, to order any postmaster at the place of residence, or at the place of business of the insolvent, to deliver letters addressed to him at such post office to the guardian or trustee, and to authorize the guardian or trustee to open such letters in the presence of the prothonotary or clerk of the Court, and in the presence of the insolvent, or after notice given to him by letter through the post, if he be within the Province; and if such letters be upon the business of the estate, the trustee shall retain them, giving communication of them, however, to the insolvent on request; and if they be not on the business of the estate, they shall be re-sealed, endorsed as having been opened by the guardian or trustee, and given to the insolvent or returned to the post office; and a memorandum in writing of the doings of the guardian or trustee in respect of such letters, shall be made and signed by him and by the prothonotary or clerk, and deposited in the Court. (Act of 1875, s. 119.)

Warrant for arrest of insolvent, etc., in certain cases.

81. The Court may, by warrant addressed to any guardian cause a debtor to be arrested, and any books, papers, moneys, goods, and chattels in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:—

Insolvent about to leave Canada.

1. If, after the service of a debtor's summons, or after a petition of insolvency is presented against such debtor, it appears to the Court that there is probable reason for believing that he is about to leave Canada or to quit his place of residence with a view of avoiding payment of the debt or service of the petition, or of avoiding appearing to the petition, or of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in insolvency;

Or to remove his goods, etc.

2. If, after the service of a debtor's summons or after a petition in insolvency has been presented against such debtor, it appears to the Court that there is probable cause for believing that he is about to remove his goods or chattels with a fraudulent intent or with a view of preventing

or delaying such goods or chattels being taken possession of by the guardian or trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his goods or chattels, or any books, documents or writings which might be of use to his creditors in the course of his insolvency;

Removing goods over $20 in value.

3. If, after the service of the petition on such debtor, or after an adjudication in insolvency against him, he removes any goods or chattels in his possession above the value of twenty dollars, without the leave of the guardian or trustee, or if without good cause shown, he fails to attend any examination ordered by the Court.

Non-attendance for examination.

Marriage Settlements.

Registration of contracts of marriage of traders and others in Quebec.

82. In the Province of Quebec every trader or other person having a marriage contract with his wife, by which he gives or promises to give or pay or cause to be paid any right, thing, or sum of money, shall register the same (if it be not already registered) within three months from the execution thereof; and in default of such registration the wife shall not be permitted to avail herself of its provisions in any claim upon the estate of such insolvent for any advantage or right upon the estate of her husband, to which, in the absence of any such contract she would have been entitled by law; but this section shall be held to be only a continuance of the second sub-section of section twelve of "*The Insolvent Act of* 1864," and of section one hundred and forty of "*The Insolvent Act of* 1869," and of section one hundred and twenty-six of "*The Insolvent Act of* 1875," and shall not relieve any person from the consequence of any negligence in the observance of the provisions of the said sub-section or sections. (1875, s. 126.)

Leases.

Lease of property more valuable than rent reserved may be sold.

83. If the insolvent holds under a lease, property having a value above and beyond the amount of any rent payable under such lease, the trustee shall make a report thereon to the Court, containing his estimate of the value to the estate of the leased property in excess of the rent; and thereupon the Court may order the rights of the insolvent in such leased premises to be sold separately, or to be included in the sale of the whole or part of the estate of the insolvent after such notice of such sale as the Court shall see fit to order; and at the time and place appointed such lease shall be sold upon such conditions, as to the giving of security to the lessor, as the Court may order; and such sale shall be so made subject to the payment of the rent, to all the covenants and conditions contained in the lease, and to all legal obligations resulting from the lease; and all such covenants, conditions and obligations shall be binding upon the lessor and upon the purchaser, as if he had been himself lessee and a party with the lessor to the lease. (1875, s. 70.)

Conditions of sale of lease.

Other cases how dealt with.

84. If the insolvent holds, under a lease extending beyond the year current under its terms at the time of his insolvency, property which is not subject to the provisions of the last preceding section, or respecting which the Court does not make an order of sale, as therein provided, or which is not sold under such order, the creditors shall decide, at any meeting which may be held more than three months before the termination of the yearly term of the lease current at the time of such meeting, whether the property so leased should be retained for the use of the estate, only up to the end of the then current yearly term; or, if the conditions of the lease permit of further extension, also up to the end of the next following year thereof; and their decision shall be final. (1875, s. 71.)

Case of lessor claiming damages for termination of lease.

85. From and after the time fixed for the retention of the leased property for the use of the estate, the lease shall be cancelled, and shall from thenceforth be inoperative and null; and so soon as the resolution of the creditors as to such retention has been passed, such resolution shall be notified to the lessor, and if he contends that he will sustain any damage by the termination of the lease under such decision, he may make a claim for such damage, specifying the amount thereof under oath, in the same manner as in ordinary claims upon the estate; and such claim may be contested in the prescribed manner. (1875, s. 72.)

How damages shall be estimated.

86. In making such claim, and in any adjudication thereupon, the measure of damages shall be the difference between the value of the premises leased when the lease terminates under the resolution of the creditors, and the rent which the insolvent had agreed by the lease to pay during its continuance; and the chance of leasing or not leasing the premises again for a like rent shall not enter into the computation of such damages; and if the claim is not contested, or if, being contested, the damages are finally awarded to the lessor, he shall rank for the amount upon the estate as an ordinary creditor. (1875, s. 73.)

Preferential claim of landlord limited in the several Provinces.

87. The preferential lien of the landlord for rent in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island or Manitoba, is restricted to the arrears of rent due during the period of three months last previous to the adjudication in insolvency, and from thence so long as the guardian or trustee shall retain the premises leased. In case the rent is payable half yearly or yearly only, then the preferential lien shall be held for the amount due for one gale of rent, and not longer thereafter than three months, unless in cases where the premises are retained as aforesaid.

Quebec.

In the Province of Quebec the preferential lien or privilege of the lessor shall be governed by the provisions of the civil code, (1875, s. 74.)

Appointment of official guardians.

88. One or more officers or guardians may be appointed in each county or district in Canada by the Governor in Council, for the purpose of performing the duties imposed upon guardians by this Act; every such guardian, before

To give security.

entering upon any duty, shall give such security and for such amount as the Judge of the county or Court herein referred to may determine: in the meantime, and until an officer or guardian shall be appointed as aforesaid, the Sheriff of the county or district shall be the guardian under this Act, and shall perform all the duties imposed on guardians herein, but shall not be required to give further security.

Sheriff to act where no guardian appointed.

MISCELLANEOUS.

89. The person who purchases a debt from the guardian or trustee may sue for it in his own name as effectually as the insolvent might have done, and as the guardian or trustee is hereby authorized to do; and a bill of sale, signed and delivered to him by the guardian or trustee shall be *primâ facie* evidence of such purchase, without proof of the handwriting of the guardian or trustee; and the debt sold shall, in the Province of Quebec, vest in the purchaser without signification to the debtor; and no warranty, except as to the good faith of the guardian or trustee, shall be created by such sale and conveyance, not even that the debt is due. 1875, s. 69.

Rights of purchasers of debts due to insolvent.

90. If a partner in an unincorporated trading company or co-partnership becomes insolvent within the meaning of this Act, and the guardian or trustee is appointed to the charge of the estate of such insolvent, such partnership shall thereby be held to be dissolved; and the guardian or trustee shall have all the rights of action and remedies against the other partners in such company or co-partnership, which the said insolvent partner could have or exercise by law, or in equity against his co-partners after the dissolution of the firm, and may avail himself of such rights of action and remedies, as if such co-partnership or company had expired by eflux of time. 1875, S. 40.

Partnership dissolved by insolvency of partner.

91. The Court may, on the application of the guardian or trustee, at any time after an order of adjudication has been made against an insolvent, summon before it the insolvent or his wife, or any person whatever, known or suspected to have in his possession any of the estate or effects belonging to the insolvent or supposed to be indebted to the insolvent, or any person whom the Court may deem capable of giving information respecting the insolvent, his trade, dealings or property, and the Court may require any such person to produce any documents in his custody or power relating to the insolvent, his dealings or property; and if any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce such documents, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant addressed as aforesaid, cause such person to be apprehended and brought up for examination. 1875, S. 26.

Examination of insolvent or his wife.

Punishment for refusing to appear, or produce documents, etc.

92. The Court may examine upon oath, either by word of mouth or written interrogatories, any person so brought

Examination *vivâ voce* or in writing.

before it in manner aforesaid, concerning the insolvent, his dealings or property.

If any person examined admits indebtedness to insolvent.

93. If any person, on examination before the Court, admits that he is indebted to the insolvent, the Court may, on the application of the guardian or trustee, order him to pay to the guardian or trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

Persons acting under warrant of court may seize property of insolvent, break open doors, etc.

94. Any person acting under warrant of the Court may seize any property of the insolvent, divisible amongst his creditors under this Act, and in the insolvent's custody or possession or in that of any other person, and with a view to such seizure may break open any house, building or room of the insolvent where the insolvent is supposed to be, or any building or receptacle of the insolvent where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the insolvent is concealed in a house or place belonging to him, the Court may, if it thinks fit, grant a search warrant to any constable or prescribed officer of the Court, who may execute the same according to the tenor thereof. 1875, S. 13.

Search warrant may be granted.

Where the insolvent is a joint contractor.

95. Where an insolvent is a contractor in respect of any contract jointly with any other person or persons, such person or persons may sue or be sued in respect of such contract, without the joinder of the insolvent.

Voluntary assignment.

96. Any voluntary assignment of the property of a debtor for the general benefit of his creditors *pari passu*, shall be valid as heretofore, and notwithstanding anything contained in this Act, and debtors having so assigned or so assigning may be declared insolvent debtors within the meaning of this Act.

Qualification of voting creditors.

97. At all meetings of creditors the majority of creditors present having unsecured claims of one hundred dollars and upwards, and also representing one-half in value of the claims of the creditors present, shall decide all appointments and questions, except as herein otherwise provided.

No. 9.

1st Session, 5th Parliament, 46 Victo

BILL.

An Act for the Equitable Distr
of Insolvents' Estates.

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

Second reading, Friday, 16th Februa

Mr. E

OTTAWA:
Printed by MacLean, Roger &
1883.

No. 10] **BILL.** [1883.

An Act to provide for the amalgamation of the Bank of Nova Scotia with the Union Bank of Prince Edward Island.

Preamble.

WHEREAS the Bank of Nova Scotia and the Union Bank of Prince Edward Island have, by their petitions, represented that the said Banks are desirous of entering into an agreement for the amalgamation of the said Union Bank of Prince Edward Island with the said Bank of Nova Scotia, and that the basis of such amalgamation has been settled and agreed upon and has been assented to by the shareholders of the said Banks respectively, at special general meetings of the shareholders of the said Banks respectively, and that it would be for the interests of the said Banks that such an amalgamation should be effected, and have prayed that an Act of the Parliament of Canada may be passed for the purpose; and whereas it is expedient that the prayer of the petitioners be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement for amalgamation may be entered into.

1. The Directors of the said Bank of Nova Scotia and the Directors of the said Union Bank of Prince Edward Island may enter into an agreement for the amalgamation of the said Union Bank of Prince Edward Island with the said Bank of Nova Scotia upon the basis already settled and agreed upon and assented to as aforesaid, and may determine upon the terms of such amalgamation and the relative value of the stocks of the said Banks and such other terms and conditions as they shall beem fit: Provided always, that nothing in such agreement contained shall give any other or greater powers to the said Bank of Nova Scotia than are conferred by its Act of incorporation, or this Act, or the "*Act respecting Banks and Banking*" and any amendments thereto;

Proviso: no extra powers to be conferred.

Confirmation of agreement by Union Bank of P.E.I.

such agreement however shall not be binding on the shareholders of the Union Bank of Prince Edward Island until confirmed by a majority of votes of the shareholders of the last mentioned Bank, present in person or represented by proxy, at a special general meeting of shareholders called for the purpose by the Directors of the said Union Bank of Prince Edward Island, and held at their banking house in Charlottetown, of which meeting four weeks' previous notice shall be given the *Provincial Gazette* and in one or more other newspapers published in Prince Edward Island, or at any adjournment of such special meeting; but such agreement shall be binding on the Bank of Nova Scotia and on the shareholders thereof, without any further confirmation by the shareholders of the said Bank of Nova Scotia.

Agreement binding on Bank of N.S.

Indenture of union and proceedings thereon.

2. The terms of the agreement of amalgamation shall, after confirmation by the shareholders of the Union Bank of Prince Edward Island, as aforesaid, be set forth in a formal indenture of union, executed by the said respective Banks, and upon the filing of a duplicate thereof in the office of the Secretary of State of Canada, such amalgamation shall be taken to be fully complete, and the said Union Bank of Prince Edward Island shall thereupon be merged into the said Bank of Nova Scotia, and thereafter be deemed to be one corporation therewith, and the corporate powers of the said Union Bank of Prince Edward Island shall thereafter cease and be determined, except for the purpose of taking any proceedings requisite for the recovery of the outstanding and reserved assets hereinafter mentioned; and the liabilities of the Union Bank of Prince Edward Island and of the shareholders as such shall also cease and be determined and thereupon shall be and become the liabilities of the Bank of Nova Scotia; and thereupon a notice of such filing shall be published by the said Bank of Nova Scotia, in four consecutive numbers of the *Canada Gazette*, and in four consecutive numbers of a newspaper published in the City of Halifax, in the Province of Nova Scotia, and in four consecutive numbers of a newspaper published in the City of Charlottetown, in the Province of Prince Edward Island.

Effect of indenture.

Notice.

Indenture or copy to be evidence.

3. The production of the said indenture of union or amalgamation, with the certificate thereon indorsed by the Secretary of State of Canada, of the filing of the duplicate thereof in his office, or the production of a copy of such duplicate indenture, certified by the said Secretary of State, shall be conclusive evidence in all courts and proceedings of the execution and confirmation by the shareholders and filing of the said indenture, without further or other proof, and shall also be conclusive evidence in all courts and proceedings of the complete union and incorporation of the said Union Bank of Prince Edward Island with the said Bank of Nova Scotia.

All shareholders to be shareholders of Bank of N.S.

4. Immediately upon such union or amalgamation taking place the shareholders of the said Union Bank of Prince Edward Island shall become, *ipso facto*, shareholders of the said Bank of Nova Scotia in the amount and according to relative value of the stocks of the said Banks as provided for, agreed and set forth, in and by the said indenture of union;

Allotment of stock.

and the said Bank of Nova Scotia shall, within thirty days after the filing as aforesaid of the said indenture of union, allot to the shareholders of the said Union Bank of Prince Edward Island in proportion to the amount of stock in the said Union Bank of Prince Edward Island held by them respectively (which stock shall be, and shall be deemed to be extinguished by the said amalgamation), and in lieu and stead of such extinguished stock held by them respectively, paid up capital stock in the said Bank of Nova Scotia to the amount of the value in Bank of Nova Scotia stock of the stock so held by them respectively in the said Union Bank of Prince Edward Island, as provided, agreed upon and set forth in the said indenture of union: Provided, that the

Proviso: as

said Bank of Nova Scotia shall adjust any difference less than the value of a share of Bank of Nova Scotia stock by allotment of a share of stock paid up to the amount of such difference, or any fractional sum less than a share shall be allowed to such shareholder towards the payment of a share of such stock at such rate per share as may be specified in the deed of amalgamation; and if any shareholder of the Union Bank of Prince Edward Island refuses or declines to pay into the Bank of Nova Scotia the difference between such fractional share and the full value of a share as agreed upon, then the Bank of Nova Scotia shall pay such shareholder such fractional part in money. As to adjustment of difference.

2. And thereupon also, all the estate and effects, real and personal, rights, property, credits, choses in action, claims and demands of whatsoever nature or quality or wherever situate of the Union Bank of Prince Edward Island, save and except any such assets or claims of the said Union Bank of Prince Edward Island as may be otherwise disposed of or reserved by the provisions and terms of the said inde nture of union, shall forthwith become vested in the said Bank of Nova Scotia its successors and assigns, as and for its own use and benefit absolutely; and it may in its own name sue for, collect and get in all and every part of the said estate, rights and effects, and generally do all acts and take all proceedings necessary therefor, either at law or in equity, as fully and effectually as the said Union Bank of Prince Edward Island could have done; and the said Bank of Nova Scotia shall have such powers as may be set forth in the said indenture of union, to Act for and on behalf of the said Union Bank of Prince Edward Island or the shareholders thereof in respect to such assets as may be reserved as aforesaid: Transfer of property and assets.

3. And thereupon also, the said Bank of Nova Scotia shall forthwith become subject and liable to pay and discharge all the debts, obligations, bills, promissory notes or other liabilities of the said Union Bank of Prince Edward Island, and may be directly sued and proceeded against in respect thereof, as fully and effectually as if the same were originally the debts, obligations, bills, promissory notes and liabilities of the said Bank of Nova Scotia: And of liabilities.

4. And thereupon also, all actions or proceedings in any court in which suits, actions or proceedings the Union Bank of Prince Edward Island is plaintiff or defendant, whether in its own name or as assignee or trustee or otherwise, may be continued to judgment and execution in the name of and by or against the said Bank of Nova Scotia upon a suggestion being entered at any stage in the pleadings or on the record at any time before judgment, or upon the judgment roll after judgment, by virtue of this Act, that the Union Bank of Prince Edward Island became by virtue of this Act on the day of filing such indenture of union amalgamated with the same. Provision as to suits.

Presentation of cheques, &c.

5. The Bank of Nova Scotia shall in all respects stand and be in the place and stead of the said Union Bank of Prince Edward Island, and all bills of exchange, promissory notes or cheques, made payable at, or drawn upon the said Union Bank of Prince Edward Island, or any of its branches or agencies, shall, after the amalgamation is completed, be deemed to be payable at the Bank of Nova Scotia, or any of its branches or agencies in the same city, town or place, and presentment and notice thereof, of such bill, note, cheque or draft at the said Bank of Nova Scotia, or any of its branches or agencies, shall be as good and valid, to all intents and purposes, to charge all the parties to such bill, note, cheque, or draft, as if such presentment had been made at the Union Bank of Prince Edward Island, or any of its branches or agencies in the same city, town or place, and notice had been given thereof.

No surety released.

6. The amalgamation taking effect as hereinbefore provided for, shall in no way affect, release or discharge the liability or obligation of any surety to the said Union Bank of Prince Edward Island, for or in respect of any bill, note, debt, claim, service, or employment, or matter, or thing whatsoever, but the said liability and obligation shall continue in full force and effect, and shall be taken and construed to be a liability or obligation in favor of the said Bank of Nova Scotia as if the same had been originally and directly given or entered into with the said Bank of Nova Scotia.

Head office.

7. The head office and chief place of business of the Bank of Nova Scotia shall continue to be in the City of Halifax.

Powers of Bank of N.S, defined.

8. The Bank of Nova Scotia, after the amalgamation therewith of the said Union Bank of Prince Edward Island as hereinbefore provided, shall, in addition to the rights, powers, obligations and liabilities conferred or imposed upon it by this Act, have, possess and enjoy all the rights and powers which it now has, and may also, as respects a sum of its capital equal to the capital stock of the Union Bank of Prince Edward Island, exercise all the privileges, franchises and powers that the Union Bank of Prince Edward Island had or possessed under its Act of incorporation, as regards the issue of notes and bills and the contracting of debts: Provided, that such last-mentioned privileges, franchises and powers shall be exercised only in Prince Edward Island; and the Bank of Nova Scotia shall also be subject to the same liabilities and obligations to which it is now subject, whether under or by virtue of its Act of incorporation, or the "*Act respecting Banks and Banking*," or any other Act whatsoever; and the said amalgamation shall in no respect affect or impair the corporate rights, powers or privileges of the said Bank of Nova Scotia.

Proviso: certain powers to be exercised in P.E. I. only.

As to liabilities.

Share of Bank of N.S. reduced in amount.

9. The present shares of the said Bank of Nova Scotia are hereby reduced from two hundred dollars each to one hundred dollars each, and are increased in number from five

thousand to ten thousand; and each present shareholder in the said Bank shall be entitled to have allotted to him and there shall be allotted to him two shares of one hundred dollars each, for every share of two hundred dollars each which he now holds or is entitled to in the said Bank of Nova Scotia; and the said Bank of Nova Scotia shall have power to call in its present stock certificates and issue new stock certificates to the shareholders in the said Bank for the purpose of carrying into effect the provisions of this section; and this section shall not in any respect affect or take away the liability of any shareholder in the said Bank of Nova Scotia upon any call or calls made or to be made upon him on account of the shares or stock held by him, or the liability of any person or persons who may have become or who shall hereafter become surety for such shareholder therefor.

Liability of shareholder not affected.

No. 10.

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

BILL.

An Act to provide for the amalgamation of the Bank of Nova Scotia with the Union Bank of Prince Edward Island.

Received and read, first time, Friday, 16th February, 1883.

Second reading, Monday, 19th February, 1883.

PRIVATE BILL.

Mr. TUPPER
(Pictou).

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No.11.] **BILL.** [1883.

An Act to amend the Law in reference to trial of cases before the County Judges' Criminal Courts.

Preamble.

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

Section 1 of 32, 33 V., c. 35 amended, by addition of a sub-section

1. Section one of chapter 35 of the Act passed in the Session held in the 32nd and 33rd years of the Reign of Her Majesty, intituled : "*An Act for the more speedy trial in "certain cases of persons charged with felonies and misdemeanors "in the Provinces of Ontario and Quebec*" is hereby amended and extended by adding thereto the following sub-section :—

Offender bound over for trial may notify Crown Attorney that he wishes to be tried under the Act.

"[2.] And any person who may be bound over to appear and take his trial before any Court of competent jurisdiction, on any such charge, may give notice in writing to the Crown Attorney that he is desirous of and consents to being tried by the Judge, without a jury, out of Sessions ; whereupon it shall be the duty of the Crown Attorney, within twenty-four hours after receiving such notice, to notify the Judge in writing, that such person so charged, and bound over as aforesaid, has given such notice as aforesaid, stating his name and the nature of the charge on which he is so bound over as aforesaid ; whereupon with as little delay as possible such Judge shall appoint an early day, or the same day, for the trial, an entry ot such consent having been first made of record."

Duty of Crown Attorney in such case.

Provisions of this act to apply to such case.

2. All the provisions as to procedure and otherwise, of the said Act, and all other Acts amending the same,or applicable thereto, shall apply to, and be observed in such case in the same manner, to the same extent, and with the same effect, as if such person had been committed to jail for trial on such charge, and had been brought up before the Judge under the second section of the said recited Act.

No. 11.

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

BILL.

An Act to amend the Law in reference to trial of cases before the County Judges' Criminal Court.

Received and read, first time, Friday, 16th February, 1883.

Second reading, Monday, 19th February, 1883.

Mr. ROBERTSON,
(Hamilton.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 12. **BILL.** 1883.

An Act to amend the Law with reference to Procedure in Criminal Cases, and the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences.

Preamble.

Imperial Act, 30, 31 V., c. 35, s. 3.

WHEREAS complaint is frequently made by persons charged with indictable offences, upon their trial, that they are unable by reason of poverty to call witnesses on their behalf, and that injustice is thereby occasioned to them; and it is expedient to remove so far as practicable all just grounds for such complaints: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Accused person to be asked by Justice, if he desires to call witnesses.

Imperial Act, 30, 31 V., c. 35, s. 3.

1. In all cases where any person shall appear or be brought before any Justice or Justices of the Peace, charged with any indictable offence, whether committed in Canada or on the high seas, or on land beyond the sea, and whether such person appears voluntarily upon summons, or has been apprehended with or without warrant, or is in custody for the same or any other offence, such Justice or Justices before he or they shall commit such accused person for trial or admit him to bail, shall immediately after obeying the directions of the thirty-first and thirty-second sections of the Act thirty-second and thirty-third Victoria, chapter thirty, demand and require of the accused person whether he desires to call any witness; and if the accused person shall, in answer to such demand, call or desire to call any witness or witnesses, such Justice or Justices shall, in the presence of such accused person, take the statement on oath or affirmation both in examination or cross-examination of those who shall be so called as witnesses by such accused person, and who shall know anything relating to the facts and circumstances of the case, or any thing leading to prove the innocence of such accused person, and shall put the same into writing; and such depositions of such witnesses shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same, and transmitted in due course of law to the court of trial, and such witnesses not being witnesses merely to the character of the accused, as shall in the opinion of the Justice or Justices give evidence in any way material to the case or tending to prove the innocence of the accused person, shall be bound by recognizance to appear and give evidence at the said trial; and afterwards upon the trial of such accused person, all the laws now in force relating to the depositions of witnesses

Their depositions to be taken and returned to Court of Trial, if accused person calls any.

for the prosecution shall extend and be applicable to the depositions of witnesses hereby directed to be taken.

Provisions of 32 and 33 V., c. 30, extended to this Act. Imperial Act, 30 and 31 V., c. c. 35, 54.

2. All the provisions of the said Act thirty-second and thirty-third Victoria, chapter thirty, relating to the summoning and enforcing the attendance and committal of witnesses and binding them by recognizance and committal in default, and for giving the accused persons copies of examinations and giving jurisdiction to certain persons to act alone, shall be read and shall have operation as part of this Act.

Section 35, amended. Proviso: the accused to be allowed counsel to cross-examine witnesses, &c.

3. The thirty-fifth section of the Act, in the next preceding section mentioned, is hereby amended, by adding thereto: "Provided always, that nothing herein contained shall be "construed to empower the Justice or Justices to exclude "from such room or building any counsel or attorney, who is "employed by or appears for, or asks permission to appear "for or on behalf of the person accused; and the accused "person shall as of right, be allowed to retain one or more "counsel learned in the law, or attorney or attorneys, to be "present at such examination, to watch the case on his or "her behalf, to cross-examine the witnesses adduced on behalf "of the prosecution and to examine and re-examine the witnesses called on behalf of the accused."

Witnesses may be removed out of court.

4. The Judge, at any trial on which any person is charged with felony or misdemeanour, shall, at the request of either the counsel for the prosecution or the person accused or his counsel, cause the witnesses to be removed from the court-house during such trial, and any such witness who returns to the court-room during the progress of the trial without leave, shall be liable to be punished in such manner as to the said Judge may seem proper.

Sub-section 2 of s. 45 of 32, 33 V., c. 29, repealed, and a new section substituted therefor.

5. Sub-section two of section forty-five of chapter twenty-nine of thirty-second and thirty-third Victoria, is hereby repealed and the following substituted therefor:—

Addresses of the counsel regulated.

"2. And upon any trial the addresses to the jury, or in "case the trial is before the County Judge's Criminal Court "in Ontario, to the Court, shall be regulated as follows: "The counsel for the prosecution, in the event of the defendant or his counsel not announcing at the close of the case "for the prosecution, his intention to adduce evidence, shall "be allowed to address the jury or Court a second time at "the close of such case for the purpose of summing up the "evidence; and the accused or his counsel shall then be "allowed to open his case and also to sum up the evidence "if any be adduced for the defence, and the right of reply "shall be according to the practice of the Courts of England:

Proviso.

"Provided always, that the right of reply shall be allowed "to the Attorney or Solicitor-General in person, but not "otherwise."

No. 12.

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

BILL.

An Act to amend the Law with reference to Procedure in Criminal Cases, and the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences.

Received and read first time, Friday 16th February, 1883.

Second reading, Monday, 19th February, 1883.

Mr. ROBERTSON,
(Hamilton.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 13] **BILL.** [1883.

An Act to provide for the punishment of Adultery, Seduction and like offenses.

WHEREAS it is expedient to provide for the punishment of offences against chastity; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

Punishment for adultery.

1. Any married man who shall have carnal connection with any woman not his lawful wife, or any unmarried man who shall have carnal connection with any married woman knowing her to be a married woman; or any married woman who shall have carnal connection with any man not her lawful husband, or any unmarried woman who shall have carnal connection with any married man, knowing him to be a married man, shall be guilty of a misdemeanor and shall be punishable as hereinafter provided.

For seduction under promise of marriage.

Proviso.

2 Any man who shall under promise, or pretence of promise, of marriage, seduce and have illicit connection with any unmarried female of previous chaste character, shall be guilty of a misdemeanor, and shall be punishable as hereinafter mentioned: Provided that subsequent marriage of the parties or a *bonâ fide* offer of marriage on the part of the defendant, may be pleaded in bar of a conviction.

For seduction of pupil by teacher.

3. Any person who is a superintendent, tutor or teacher in a private or public school or other public institution of learning attended by females, or who is instructor of any female in music or any branch of learning of art, who has illicit intercourse at any time or place with any female under his instruction or attending such school or institution during the term of his engagement as superintendent, tutor, instructor or teacher, shall be guilty of a misdemeanour, and shall be punishable as hereinafter provided.

For inveigling female into house of ill-fame or concealing one so inveigled.

4. Any person who shall inveigle or entice any female theretofore reputed of virtuous and chaste character, to a house of ill-fame, assignation, or elsewhere, for the purpose of illicit intercourse or prostitution, or shall knowingly conceal, or inveigle, or aid or abet in concealing any such female so enveigled or enticed for the purpose of prostitution or lewdness, shall be guilty of a misdemeanor, and shall be punishable as hereinafter provided

As to prosecution for adultery.

5. No prosecution for adultery under section one of this Act shall be commenced except upon the complaint of the

Evidence.

husband or the wife of one of the offending parties ; and the evidence of the complainant shall be admissible, but shall not be deemed sufficient to sustain a conviction unless the same is corroborated by other material evidence.

Testimony of female under ss. 2, 3, 4, to require corroboration.

6. In any case arising under section two, three or four of this Act, the testimony of the female in respect of whom the offence is alleged to have been commiited, shall not be deemed sufficient to sustain a conviction unless the same is corroborated by other material evidence.

Defendant may be witness.

7. In every case arising under this Act the Defendant shall be a competent witness in his or her own behalf.

Limitation of time for prosecution.

8. No prosecution under this Act shall be commenced after the expiration of one year from the time of committing the offence.

Punishments for offence against this Act.

9. Any person who shall be convicted of any offence declared to be a misdemeanor under this Act, shall be imprisoned for two years in a penitentiary, or for a less term in any other prison or place of confinement, or shall be subject to a fine not exceeding *one thousand dollars*, or shall suffer both fine and imprisonement within the above defined limits, as the Court may order.

Condition of presentment or finding of indictments for offences against this Act.

10. No bill of indictment for any of the offences hereinbefore mentioned shall be presented to or found by any Grand Jury, unless the prosecutor or other person presenting such indictment has been bound by recognizance to prosecute or give evidence against the person accused of such offence, or unless the person accused has been committed to or detained in custody, or has been bound by recognizance to appear to answer to an indictment to be preferred against him or her for such offence, or unless the indictment for such offence is preferred by the direction of the Attorney-General or Solicitor-General for the Province in which the offence was committed or of a Judge of a court having jurisdiction to give such direction or to try the offence.

Power to search for female inveigled into house of ill-fame.

11. Wherever there is reason to believe that any female has been inveigled or enticed to a house of ill-fame, assignation or other place as aforesaid, then upon complaint thereof being made under oath by the parent, master or guardian of such female, or in the event of such female having neither parent, master or guardian in the Province in which the offence was committed, then by any other person, to any Justice of the Peace, or to a Judge of any Court authorised to issue warrants in case of alleged offences against the Criminal Law, such Justice of the Peace or Court may issue a warrant to enter, by day or night, such house or houses of ill-fame, house of assignation, or any other place, and to search for such female, and bring her,

And deliver her to

and the person or persons in whose keeping and possession she may be, before such Justice or Court, who may, on examination, order her to be delivered to her parent, master or guardian, or to be discharged, as law and justice may require,

parents, &c., or discharge her.

No. 13.

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

BILL.

An Act to provide for the punishment of Adultery, Seduction, and like offences.

Received and read first time, Friday 16th February, 1883.

Second reading, Monday 19th February, 1883.

Mr. CHARLTON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883

An Act to provide for the punishment of Seduction and like offenses.

WHEREAS it is expedient to provide for the punishment of offences against chastity; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Any man who shall under promise of marriage, seduce and have illicit connection with any unmarried female of previously chaste character, shall be guilty of a misdemeanor, and shall be punishable as hereinafter mentioned.

2. Any person who is a superintendent, tutor or teacher in a private or public school or other public institution of learning attended by females, or who is instructor of any female in music or any branch of learning or art, who has illicit intercourse at any time or place with any female under his instruction or attending such school or institution during the term of his engagement as superintendent, tutor, instructor or teacher, shall be guilty of a misdemeanor, and shall be punishable as hereinafter provided.

3. Any person who shall inveigle or entice any female of virtuous and chaste character, to a house of ill-fame, or assignation, for the purpose of illicit intercourse or prostitution, or shall knowingly conceal, or aid or abet in concealing any such female so inveigled or enticed for the purpose of prostitution or lewdness, shall be guilty of a misdemeanor, and shall be punishable as hereinafter provided

4. Provided that the evidence of the female in respect of whom the offence is alleged to have been committed shall be corroborated, as to the first section hereof, as to both the promise of marriage and the seduction; and as to the second section hereof, as to the seduction; and as to the third section hereof, as to the inveiglement or enticement,—by some other material evidence.

5. In every case arising under this Act the defendant shall be a competent witness in his own behalf upon any charge or complaint against him, and upon his trial for such offence, and may on such charge or complaint insist that his evidence be taken.

6. No prosecution under this Act shall be commenced after the expiration of one year from the time of committing the offence.

7. Any person who shall be convicted of any offence declared to be a misdemeanor under this Act, shall be imprisoned for two years in a penitentiary, or for a less term in any other prison or place of confinement.

8. No bill of indictment for any of the offences hereinbefore mentioned shall be presented to or found by any Grand Jury, unless the prosecutor or other person presenting such indictment has been bound by recognizance to prosecute or give evidence against the person accused of such offence, or unless the person accused has been committed to or detained in custody, or has been bound by recognizance to appear to answer to an indictment to be preferred against him for such offence, or unless the indictment for such offence is preferred by the direction of the Attorney-General or Solicitor-General for the Province in which the offence was committed or of a Judge of a court having jurisdiction to give such direction or to try the offence.

9. Wherever there is reason to believe that any female has been inveigled or enticed to a house of ill-fame or assignation as aforesaid, then upon complaint thereof being made under oath by the parent, master or guardian of such female, or in the event of such female having neither parent, master nor guardian in the Province in which the offence was committed, then by any other person, to any Justice of the Peace, or to a Judge of any Court authorized to issue warrants in case of alleged offences against the Criminal Law, such Justice of the Peace or Court may issue a warrant to enter, by day or night, such house or houses of ill-fame, or house of assignation, and to search for such female, and bring her, and the person or persons in whose keeping and possession she may be, before such Justice or Court, who may, on examination, order her to be delivered to her parent, master or guardian, or to be discharged, as law and justice may require.

No. 14.] **BILL.** [1883.

An Act respecting Carriers by Land.

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

1. In citing this Act it shall be sufficient to use the expression "*The Carriers by Land Act*, 1883." Short title.

2. In this Act the word "Carrier" shall have the meaning hereby assigned to it,—unless there is something in the subject or context repugnant to such construction, that is to say:—It shall include railway companies, express companies, and large coach proprietors, and every person or corporation who carries on the business of a common carrier on land for hire. Word "carrier" defined.

3. From and after the passing of this Act, no carrier shall be liable for the loss of or injury to any article or articles or property of the descriptions following (that is to say): gold or silver coin of this Dominion or of the United Kingdom of Great Britain and Ireland, or of any foreign State, or any gold or silver in a manufactured or unmanufactured state, or any precious stones, jewellery, watches, clocks, or timepieces of any description, trinkets, bills, notes of any of the chartered banks of the Dominion of Canada, orders, notes or securities for payment of money Canadian, British or foreign, stamps, maps, writings, title-deeds, paintings, engravings, pictures, gold or silver, plate or plated articles, glass, china, silks in a manufactured or unmanufactured state and whether wrought up or not wrought up with other materials, furs or lace, (not however including machine-made lace), or any of them, contained in any parcel or package which shall have been delivered, to be carried for hire, when the value of such article or articles or property aforesaid contained in such parcel or package shall exceed the sum of fifty dollars, unless at the time of the delivery thereof at the station, office, warehouse, or receiving-house of such carrier, or to the agent, book-keeper, driver, or other servant of such carrier, for the purpose of being carried, the value and nature of such article or articles, or property shall have been declared by the person sending or delivering the same, and such increased charge as hereinafter mentioned, or an engagement to pay the same, be accepted by the carrier or the agent or servant of such carrier receiving such parcel or package. Conditions on which only a carrier shall be liable for the loss of or injury to certain articles delivered to him for carriage and over $50 in value.

4. When any parcel or package containing any of the articles above specified shall be so delivered, and its value Increased rates of

charge allowed in such cases and on certain conditions.

and contents declared as aforesaid, and such value shall exceed the sum of fifty dollars, it shall be lawful for such carrier to demand and receive an increased rate of charge, to be notified by some notice affixed in legible characters in some public and conspicuous part of the station office, warehouse, or other receiving house, where such parcels or packages are received by such carrier for the purpose of conveyance, stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles; and all persons sending or delivering parcels or packages containing such valuable articles, as aforesaid, at such office, shall be bound by such notice, without further proof of the same having come to their knowledge.

What notice of such charge shall be sufficient.

Obligation of carrier receiving increased charge: and his liability if it be not observed.

5. Provided always, that when the value shall have been so declared, and the increased rate of charge paid, or an engagement to pay the same shall have been accepted as hereinbefore mentioned, the carrier receiving such increased rate of charge, or accepting such agreement shall, if thereto required, sign a receipt for the package or parcel, acknowledging the same to have been insured; and if such receipt shall not be given when required, or such notice as aforesaid shall not have been affixed, the carrier shall not have or be entitled to any benefit or advantage under this Act, but shall be liable and responsible as at the Common Law, and be liable to refund the increased rate of charge.

After 1st July, 1883, no public notice or declaration only shall limit the liability of a carrier.

6. Provided further, that from and after the first day of July now next ensuing, no public notice or declaration thereafter to be made, shall be deemed or construed to limit or in anywise affect the liability, at Common Law, of any such carrier as aforesaid, for or in respect of any articles or goods to be carried and conveyed by such carrier, but every such carrier shall, from and after the said first day of July, be liable, as at the Common Law, to answer for the loss or any injury to any articles and goods in respect whereof they may not be entitled to the benefit of this Act, any public notice or declaration by them made and given contrary thereto, or in anywise limiting such liability, notwithstanding.

What shall be deemed the carrier's receiving office.

7. For the purposes of this Act, every station office, warehouse, or receiving-house, which shall be used or appointed by any carrier for the receiving of parcels to be conveyed as aforesaid, shall be deemed and taken to be the receiving-house, warehouse or office of such carrier.

Increased charges to be repaid in case of loss.

8. Provided that where any parcel, or package shall have been delivered at any such office, and the value and contents declared as aforesaid, and the increased rate of charges been paid, and such parcels or packages shall have been lost or damaged, the party entitled to recover damages in respect of such loss or damage shall also be entitled to recover back such increased charges so paid as aforesaid in addition to the value of such parcel or package.

Act not to affect liability for neglect or misconduct.

9. Provided also, that nothing in this Act shall be deemed to protect any carrier from liability to answer for loss or injury to any goods or articles whatsoever, arising from the felonious acts of any agent or servant in his employ, nor to protect any such agent or servant from liability for any loss or injury occasioned by his or their own personal neglect or misconduct.

Declared value not to conclude the carrier.

10. Provided also, that such carriers, shall not be concluded as to the value of any such parcel or package by the value so declared as aforesaid, but that the carriers shall be liable to such damages only as shall be proved, not exceeding the declared value, together with the increased charges as before mentioned.

Except as aforesaid no special contract shall limit the carrier's liability unless signed by the owner of the goods.

11. Except as hereinbefore provided, no carrier shall limit the Common Law liability of such carrier, for the loss of or any injury done to any horses, cattle or other animals, or to any articles, goods or things, whether contained in packages or parcels, or not, in the receiving, forwarding or delivering thereof occasioned by the neglect or default of such carrier, or his or its servants, by any special contract, unless the same shall be signed by the owner or by the person delivering such animals, articles, goods or things respecting for carriage.

Such special contract must be just and reasonable.

12. No such special contract in the last preceding section mentioned shall have any force or effect, unless the same shall be adjudged by the Court or Judge before whom any question relating thereto shall be tried, to be just and reasonable.

Provisions of 42 V., c. 9 not affected.

13. Nothing in this Act contained shall be held or taken to limit or affect the provisions of "*The Consolidated Railway Act*, 1879," respecting the liability of railway companies as carriers or otherwise.

No. 14.

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

BILL.

An Act respecting Carriers by Land.

Received and read, first time, Friday, 16th February, 1883.

Second reading, Monday, 19th February, 1883.

Mr. McCarthy.

OTTAWA:

Printed by MacLean, Roger & Co.,

1883.

No. 15.] **BILL.** [1883.

An Act to amend the Consolidated Railway Act, 1879.

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

1. The provisions of this Act shall apply to every railway under the legislative control of the Parliament of Canada. Application of this Act.

2. Section Sixty of the Act, passed in the Forty-second year of Her Majesty's reign, and entituled "*An Act to Amend and Consolidate The Railway Act*, 1868, *and the Acts Amending it*," is hereby amended by adding at the end of the first sub-section of the said section, after the word "proxy," the words "and also to the consent of the Governor in Council." Section 60 of 42 V., c. 9 amended. Words added to sub-section 1 of s. 60.

No. 15.

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

BILL.

An Act to amend "The Consolidated Railway Act, 1879."

Received and read first time, Friday, 16th February, 1883.

Second reading, Monday, 19th February, 1883.

Mr. MULOCK.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 16.] **BILL.** [1883.

An Act to incorporate "The Central Bank of Canada."

WHEREAS David Blain, Henry O'Brien, C. Blackett Robinson, Robert Hay, H. P. Dwight, Samuel Trees, A. McLean Howard and John Ginty, have, by their petition, prayed that they and their legal representatives may be incorporated for the purpose of establishing a bank in the city of Toronto, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The several persons hereinbefore named, and such other persons as may be shareholders in the Corporation to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Central Bank of Canada." Certain persons incorporated. Corporate name.

2. The capital stock of the said bank shall be one million of dollars of lawful money of Canada, divided into ten thousand shares of one hundred dollars of lawful money aforesaid each; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns; and the chief office of the bank shall be at the city of Toronto Capital stock and shares.

3. For the purpose of organizing the said bank, the persons hereinbefore mentioned by name shall be Provisional Directors thereof; and they or a majority of them may cause stock books to be opened after giving due public notice thereof, upon which stock books may be recorded the subscriptions of such persons as desire to become shareholders in the said bank; and such books shall be opened at the city of Toronto, and elsewhere, at the discretion of the said Provisional Directors, and remain open so long as they deem necessary; and as soon as the sum of five hundred thousand dollars of the said capital stock has been subscribed, and one hundred thousand dollars actually paid into some one of the present chartered banks in Canada, thereupon it shall and may be lawful for the said Provisional Directors to call a meeting of subscribers by notice published in the *Canada Gazette*, and in one newspaper in the city of Toronto during at least two weeks, such meeting to be held at the city of Toronto at such time as such notice shall indicate and specify; and at such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualification, who shall, from thenceforth, direct the affairs of the said corporation, shall assume the charge of the stock books here- Provisional directors and their powers. First meeting of shareholders. Election of directors

Term of office.

inbefore referred to, and shall remain in office until the third Monday in June, which shall be in the year next after the year in which they are so elected, and until such time as their successors in office shall be duly and regularly elected in the manner provided by law in respect of the annual election of Directors; and upon such election being held the functions of the said Provisional Directors shall cease.

Number of directors.

4. The number of Directors of the said bank shall be seven, subject to be diminished or increased from time to time, by by-law of the bank.

General Acts to apply.

5. The Act passed in the thirty-fourth year of Her Majesty's reign, intituled: "*An Act relating to Banks and Banking*," and all Acts amending the same, and all the provisions thereof shall apply to the bank hereby incorporated, excepting so far as such provisions relate only to banks already in existence or to banks *en commandite*.

Certificate from Treasury Board to be obtained.

$200,000 to be paid up within a fixed time.

Forfeiture of charter in case of default.

6. The said bank shall obtain from the Treasury Board, within two years after the passing of this Act the certificate required by section seven of the said "*Act relating to Banks and Banking*," passed in the thirty-fourth year of the reign of Her Majesty, chaptered five; and if at least two hundred thousand dollars of the subscribed capital of such bank has not been paid up before it shall have commenced business, such further amount as shall be required to complete the said sum shall be called in and paid up within one year thereafter; and in the event of failure to comply with any of the provisions in this section contained, this Act shall become and be null and void and of no effect, and the charter hereby granted and all and every the rights and privileges hereby conferred shall be forfeited.

Duration of Act.

7. This Act shall remain in force until the first day of July in the year of Our Lord one thousand eight hundred and ninety-one.

No. 16.

1st Session, 5th Parliament, 46 Vic

BILL.

An Act to incorporate the Bank of Canada.

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

Second reading, Tuesday, 20th 1883.

(PRIVATE BILL.)

MR.

OTTAWA:

PRINTED BY MACLEAN, ROGE

1883.

No. 17] **BILL.** [1883

An Act further to amend the Act thirty-seventh Victoria, Chapter Fifty, respecting Permanent Building Societies in Ontario.

Preamble. 37 V., c. 50.

IN amendment of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario*, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 4, amended.

Section Four of the said Act is hereby amended by adding, after the word "corporations," in the sixth line of said Section, the words following, "and other corporations constituted under or in pursuance of any statutory authority or"

No. 17.

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

BILL.

An Act further to amend the Act, thirty-seventh Victoria, chapter fifty, respecting Permanent Building Societies in Ontario.

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

Second reading, Tuesday, 20th February, 1883.

Mr. WILLIAMS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 17.] **BILL.** [1888

An Act further to amend the Act thirty-seventh Victoria, Chapter fifty, respecting Permanent Building Societies in Ontario.

(*Reprinted as proposed to be amended in the Committee on Banking and Commerce.*)

Preamble. 37 V, c. 50.

IN amendment of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario*, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Section 4 amended.

1. The section, substituted by section four of the Act cited in the preamble for section twenty-two of chapter fifty-three of the Consolidated Statutes for Upper Canada, is hereby repealed, and the following substituted in lieu thereof :—

Society may purchase and sell certain securities.

"22. Any such society may purchase mortgages upon real estate, debentures of municipal corporations, school sections and school corporations, Dominion or Provincial stock or securities, and the *stock or debentures of Building Societies and Real Estate and Loan Companies, whose powers of investing money or securities are limited by law in the same manner as are those of Building Societies in the Province of Ontario*, and they may re-sell any such securities as to them shall seem advisable ; and for that purpose they may execute such assignments or other instruments as may be necessary for carrying the same into effect ; they may also make advances to any person or persons, or body corporate, upon any of the above mentioned securities, at such rates of discounts or interest as may be agreed upon."

No. 17.

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

BILL.

An Act further to amend the Act, thirty-seventh Victoria, chapter fifty, respecting Permanent Building Societies in Ontario

(Reprinted as proposed to be amended in the Select Committee on Banking and Commerce).

Mr. WILLIAMS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 18] **BILL.** [1883.

An Act to incorporate the University of Saskatchewan, and to authorize the establishment of Colleges within the limits of the Diocese of Saskatchewan.

(*Sections* 2 *and* 14, *as proposed to be amended in the Committee on Miscellaneous Private Bills*).

2. The said University, by its said corporate name, is hereby authorized and empowered to "acquire as purchasers and to take by gift, devise or bequest," and to hold to it and its successors, lands and tenements, and any and all interests whatsoever therein, and "also" goods and chattels for the purposes, objects and endowment of the said University and the Colleges in connection therewith and for the advancement of learning in connection therewith (the Statutes of mortmain to the contrary notwithstanding), and " also " from time to time as it shall deem fit, to "lease, mortgage," alienate or otherwise dispose of all or any of the property, real or personal, "at any time," vested in it : " Provided always, how-"ever, that no lands or tenements or any interest therein, " not required for the actual use and occupation of the said " University and Colleges, or some one or more of them shall " be held for a longer period than seven years after the "acquisition thereof, and that within such period they " respectively shall be absolutely disposed of by the said " University, so that it no longer retain any interest therein ; "and that in default of such disposition as aforesaid, all "such lands and tenements and interests therein shall revert "to the person or persons, corporation or corporations, from " whom the same were respectively acquired or taken, his or " her or their executors, administrators, successors or assigns, " as the case may be."

14. The said University and Colleges shall have power to acquire, " take " and hold lands and tenements, " and any and all interests whatsoever therein," and " also " goods and chattels within any part of the Dominion of Canada, in the manner and subject always to the limitations and restrictions laid down in the second section of this Act; " and shall have power " also to invest, from time to time, their funds and moneys within any part of the said Dominion.

No. 18.

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

BILL.

An Act to incorporate the University of Saskatchewan, and to authorize the establishment of Colleges within the limits of the Diocese of Saskatchewan.

(*Sections* 2 *and* 14, *as proposed to be amended in the Committee on Miscellaneous Private Bills.*)

(PRIVATE BILL.)

Mr. WILLIAMS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No 19.] **BILL.** [1883

An Act to incorporate "Les Révérends Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest."

Preamble.

WHEREAS the Right Reverend Vital Grandin, Roman Catholic Bishop of the Diocese of St. Albert, in the North West Territories, on behalf of the Association of Ecclesiastics known as "Les Révérends Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest," has by his petition represented that the said Association, of which he is a member, has existed for several years in the said North-West Territories, having for its object the establishing and carrying on of missions, the erection and conduct of schools, colleges, churches, orphanages and hospitals for the benefit of Indians and others, and that the said Association now has in operation in the said North-West Territories several schools, missions, colleges, churches, orphanages and hospitals, and proposes to establish and carry on others; and whereas the members of the said Association have by the said petition, presented in their name, prayed that their said Association may be invested with corporate powers, and it is expedient to grant their prayer; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The said Right Reverend Vital Grandin, Roman Catholic Bishop of St. Albert, Albert Lacombe, Joseph Jean Lestang, Hypolyte Leduc and such other persons as now are members of the said Association of Ecclesiastics in the North West Territories, or shall hereafter become members thereof, shall be and they are hereby constituted and declared to be a body politic and corporate by the style and title of "Les Révérends Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest," hereinafter called the Corporation.

Corporate name.

Certain property vested in the corporation.

2. All lands, tenements and hereditaments and property, real and personal, and all schools, colleges, churches, orphanages and hospitals, now belonging to and used, held, occupied and possessed or enjoyed by the said Association, shall be and the same are hereby declared to be vested in the Corporation for the purposes thereof.

Real estate.

3. The Corporation may, from time to time, and at all times hereafter, acquire and hold as purchasers for the general purposes of the Corporation any lands, tenements or hereditaments and personal property in the North-West Territories, and the same or any part thereof from time to time may sell or exchange, mortgage, lease, let, or otherwise dispose of, and

with the proceeds arising therefrom from time to time acquire other lands, tenements and hereditaments and other property, real or personal, for the use and purposes of the Corporation:

Proviso. Provided, that the annual revenue of the real estate held by the Corporation shall not at any one time exceed forty thousand dollars

Application of revenue.

4. The revenues, issues and profits of all property, real or personal, held by the Corporation shall be appropriated and applied solely to the maintenance of the members of the Corporation and of the institutions carried on by the Corporation, and the construction and repair of buildings and the acquisition of property, real and personal, requisite for the purposes of the Corporation, and to the advancement of education and religion, and for the purposes of charity and benevolence.

By-laws may be made.

5. It shall be lawful for the Corporation to make by-laws, rules, orders and regulations, not contrary to the laws of Canada, for the government and proper administration of the affairs and property of the Corporation, and to repeal and amend the same from time to time.

Head office and domicile.

6. The domicile and head office of the Corporation shall be at St. Albert or such other place in the North-West Territories as may from time to time be determined by the by-laws of the Corporation.

Officers and agents.

7. The Corporation shall have power to appoint such officers, agents, attorneys, and administrators of the Corporation as may from time to time be deemed necessary, and also to remove such officers, agents, attorneys and administrators at pleasure: Provided, that until others shall be elected, the present officers of the Association aforesaid shall be those of the Corporation constituted by this Act.

Proviso: as to present officers.

Deeds, how executed.

8. All deeds signed by the Superior, Treasurer and Secretary of the Corporation and sealed with the seal of the Corporation, and none others, shall be held to be valid and binding on the Corporation, but the Treasurer of the Corporation, or any person duly authorized to act in such behalf, may receive all moneys payable to the Corporation and grant valid receipts therefor.

Liability of members defined.

9. Nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the several persons hereinbefore mentioned, or all or any of the said members of the Corporation, or any other person whatsoever, individually liable or accountable for or by reason of any debt or obligation incurred or entered into for or on account of the Corporation, or for or on account or in respect of any matter or thing whatsoever relating to the Corporation.

Certain rights saved.

10. Nothing herein contained shall affect or be construed to affect the rights of Her Majesty, her heirs or successors,

or any other person or persons or of any body politic or corporate.

11. The Corporation shall at all times, when required, make a full return of all property, real and personal, held by it, with such details and information as may be demanded by the Governor or either House of Parliament. Returns.

No. 19.

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

BILL.

An Act to incorporate "Les Réverénds Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest."

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

Second reading, Wednesday, 21st February, 1883.

(PRIVATE BILL.)

MR. ROYAL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 20] **BILL.** [1883.

An Act to empower the National Insurance Company to wind up its affairs and to relinquish its Charter, and to provide for the dissolution of the said Company.

Preamble.

WHEREAS the National Insurance Company has, by its petition, represented that at the annual general meeting of the shareholders of the said Company held at Montreal, on the fourth day of March, Anno Domini one thousand eight hundred and eighty, it was resolved unanimously by the shareholders then present, that the business of the said Company be closed, its affairs wound up with all convenient despatch, and its charter relinquished: and whereas the said Company has, in pursuance of the said resolution, closed its business and proceeded with the winding up of its affairs, and has discharged all its liabilities: and whereas statutory provision is considered necessary to enable it to so close its business and relinquish its charter, and the said Company has, by its said petition, prayed that an Act may be passed to empower it to do so and to prescribe the manner in which the same shall be done in conformity with the terms of the said resolution; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Company incorporated by 38 V., c. 84 may be dissolved.

1. Notwithstanding anything contained in the Act incorporating the said Company passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and intituled: "*An Act to Incorporate the National Insurance Company*," the said Company may and is hereby authorized and empowered to close its business and wind up its affairs and to relinquish its Act of incorporation and be dissolved, in accordance with the resolution passed at the meeting of the shareholders in the preamble to this Act mentioned.

No. 20.

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

BILL.

An Act to empower the National Insurance Company to wind up its affairs and to relinquish its Charter, and to provide for the dissolution of the said Company.

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

Second reading, Wednesday, 21st February, 1883.

(PRIVATE BILL.)

Mr. COURSOL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 21] **BILL.** [1883.

An Act to authorize the raising by way of Loan of certain sums of Money required for the Public Service.

Preamble.

WHEREAS it appears that the Consolidated five per cent. loan raised by the Government of the late Province of Canada, under the fourteenth chapter of the Consolidated Statutes of Canada, intituled: "*An Act respecting the public moneys, debt and accounts*," will mature in London on the first day of January in the year of Our Lord one thousand eight hundred and eighty-five, and it is desirable to make provision for the same; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain sums may be raised by way of loan.

1. In addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, as set forth in the fourth section of the Act of Supply passed in the forty-fifth year of Her Majesty's Reign, and chaptered two, the Governor in Council is hereby authorized and empowered to raise by way of loan such sum or sums of money, as may be required to pay and discharge the Canadian consolidated five per cent. loan hereinbefore mentioned, after deducting therefrom the amount held as a sinking fund for paying off the same; such additional sum or sums of money hereby authorized to be raised by way of loan to be so raised in accordance with and under the provisions of the Act passed in the thirty-fifth year of Her Majesty's Reign, chaptered six, and intituled: "*An Act respecting the Public Debt, and the raising of Loans authorized by Parliament*," as amended by the Act passed in the thirty-eighth year of Her Majesty's Reign, chaptered four, and intituled: "*An Act to amend the Act respecting the Public Debt and the raising of Loans authorized by Parliament*," and the sums raised by virtue hereof shall form part of the Consolidated Revenue Fund of Canada: Provided always, that the rate of interest on any loan to be raised by virtue hereof shall not exceed four per centum per annum.

35 V., c. 6, and 38 V., c. 4, to apply.

Proviso: Interest not to exceed four per cent.

No. 21.

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

BILL.

An Act to authorize the raising by way of loan of certain sums of Money required for the Public Service.

Received and read, first time, Tuesday, 20th February, 1882.

Second reading, Wednesday, 21st February, 1883.

Sir LEONARD TILLEY

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 22.] **BILL.** [1883.

An Act respecting the "Crédit Foncier Franco-Canadien."

WHEREAS the shareholders of the "Crédit Foncier Franco-Canadien" have renounced the privilege granted it by section one hundred and twenty-seven of the Act of the Province of Quebec, incorporating the said Company; and whereas proclamation thereof has been duly made, and whereas it is expedient to assimilate the charter and powers of the said Company to those of other loan companies of a similar character, doing business in the Dominion of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The Act of the Parliament of Canada, forty-fourth Victoria, chapter fifty-eight, intituled: "*An Act to enlarge and extend the powers of the 'Crédit Foncier Franco-Canadien,'*" is hereby repealed. Act 44 V., c. 58 repealed.

2. It shall be lawful for the said Corporation (Crédit Foncier Franco-Canadien) at all times, in exercising the powers of lending and advancing money at any time given it by any Act of any one of the Legislatures of the Provinces composing the Dominion of Canada, to receive and take any such rate of interest whatever, for the money to be lent or advanced, as may be lawfully taken by individuals, or in the Province of Quebec by incorporated companies under like circumstances, not exceeding eight per cent. per annum. What rate of interest may be taken.

No. 22.

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

BILL.

An Act respecting the "Crédit Foncier Franco-Canadien."

Received and read first time, Wednesday, 21st February, 1883.

Second reading, Thursday, 22nd February, 1883.

(PRIVATE BILL)

Mr. DESJARDINS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 23.] **BILL.** [1883

An Act further to reduce the Capital Stock of the Quebec Fire Assurance Company.

Preamble.

WHEREAS the capital stock of the Quebec Fire Assurance Company is five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, upon every share of which it has been shown that the sum of seventy-five dollars has been paid, making in the whole three hundred and seventy-five thousand dollars paid on the said capital; and whereas the said Quebec Fire Assurance Company have, by their petition, prayed that their capital stock may be reduced from five hundred thousand dollars to two hundred and fifty thousand dollars, that is to say, five thousand shares of fifty dollars each, of which twenty-five dollars per share will represent the paid up capital, and twenty-five dollars per share will be subject to calls in the manner provided for in and by their Act of incorporation; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 2 of 42 V., c. 69, repealed.

1. The second section of the Act passed in the forty-second year of Her Majesty's reign, chapter sixty-nine, intituled: "*An Act to reduce the Capital Stock of the Quebec Fire Assurance Company*," whereby the capital of the Company is fixed at five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, is hereby repealed

Capital stock declared to be $250,000.

2. The capital stock of the said Company shall be and is hereby declared to be two hundred and fifty thousand dollars, divided into five thousand shares of fifty dollars each, of which twenty-five dollars per share shall represent the paid up capital, and twenty-five dollars per share shall be payable according to the provisions of the Act respecting the the said Company, passed in the forty-first year of Her Majesty's reign, chapter thirty-one, and intituled: "*An Act to amend and to consolidate as amended the several Acts relating to the Quebec Fire Assurance Company*," which said shares shall be and are hereby vested in the holders of shares in the capital stock of the said Company, seized and possessed of the same at the time of the passing of this Act: Provided always, that the liabilities of the said Company or the shareholders thereof for and in respect of any now existing policy of insurance or otherwise, shall in no way be affected by this Act; but with respect to such policies or claims, such liabilities shall be the same as if the amount of each share were one hundred dollars.

Proviso: certain rights saved.

No. 23.

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

BILL.

An Act further to reduce the Capital Stock of the Quebec Fire Assurance Company.

Received and read first time, Wednesday, 21st February, 1883.

Second reading, Thursday, 22nd February, 1883.

(PRIVATE BILL.)

Mr. Bossé.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

[No. 24.] **BILL.** [1883.

An Act to incorporate "The Manitoba and North Western Fire Insurance Company."

WHEREAS James Henry Ashdown, Hugh Sutherland, the Honorable Gilbert McMicken, Robert Gerrie, Richard H. Hunter, Samuel W. Farrell, Robert A. Ruttan, William Nassau Kennedy, and Louis William Coutlée, have by their petition prayed that they may be incorporated, with others, as a Company for the purpose of carrying on the business of fire insurance, and it is expedient to grant the prayer of their said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

Certain persons incorporated.

1. The persons named in the preamble to this Act, with such persons as may become shareholders in the Company to be incorporated by this Act, shall be and they are hereby created, constituted, and declared to be a body corporate and politic, under the name of "The Manitoba and North Western Fire Insurance Company," hereinafter called the Company. Corporate name.

Head office.

2. The chief place of business of the Company shall be in the city of Winnipeg, in the county of Selkirk and Province of Manitoba.

Business of the company.

3. The Company shall have power and authority to make and effect contracts of insurance with any person or persons, firm, body corporate or politic, against loss or damage by fire or lightning, on any house, dwelling, store or any other building whatsoever, and in like manner upon any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations, and under such modifications and restrictions, and upon such conditions as may be bargained or agreed upon or set forth by and between the Company and the insured, and to cause themselves to be re-insured, when deemed expedient, against any loss or risk upon which they may have made or may make insurance, and generally to do and perform all other matters and things necessary to such object. Re-insurance.

Capital stock and shares.

4. The capital stock of the Company shall be one million dollars, and shall be divided into ten thousand shares of one hundred dollars each, which shares shall be and are hereby vested in the several persons who shall subscribe for the same: Provided always, that it shall and may be lawful for the Company to increase its capital to a sum not exceeding two million dollars, as shall be agreed on by a majority of Increase.

the shareholders at a special general meeting to be expressly convened for that purpose.

Equal rights of shareholders.

5. Aliens may become shareholders in the Company, and as such have equal rights with British subjects: Provided however, that the majority of the Directors of the Company shall be residents of Canada.

Transfer of stock.

6. The stock of the Company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions and restrictions as may be prescribed by the by-laws of the Company; but no transfer of any share of the said stock shall be valid until entered on the books of the Company: Provided always, that no transfer of shares whereof the full amount has not been paid up shall be made without the consent of the Directors: Provided also, that no shareholder indebted to the Company shall be permitted to make a transfer, or to receive a dividend, until such debt is paid or secured to the satisfaction of the Directors

Proviso.

Proviso.

Liability of shareholders defined.

7. The shareholders of the Company shall not as such be held responsible or liable for any debts, liabilities or engagements of the Company beyond the amount of the balance remaining unpaid upon their respective shares in the capital stock, and no shareholder shall be liable to an action for the amount of such liability by a creditor before an execution against the Company has been returned unsatisfied in whole or in part; and to any such action any shareholder may plead by way of defence, in whole or in part, any set-off which he could set up against the Company, except claims for unpaid dividends, or salary or allowance as President or Director.

Company not bound to see to trusts.

8. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, affecting any share or shares of its stock; and notwithstanding any such trust or any notice thereof to the Company, the receipt of the person in whose name any share stands shall be a sufficient discharge to the Company for any money paid in respect of such share or shares.

Provisional directors and their powers.

9. The persons named in the preamble to this Act shall be provisional Directors for the purpose of organizing the Company, and they or a majority of them may cause a stock book or books to be opened, upon which stock book or books may be recorded the subscriptions of such persons as desire to become shareholders in the Company; and such book or books shall be opened in the city of Winnipeg and elsewhere at the discretion of such Directors, and shall remain open as long as they shall deem necessary.

First meeting of shareholders.

10. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and not less than ten per cent. of the amount so subscribed paid in, the said provisional Directors may call a general meeting of the shareholders at some place to be mentioned

in the city of Winnipeg, giving at least fifteen days' continuous notice thereof in two daily newspapers in the said city, at which general meeting the shareholders present or represented by proxy shall elect nine Directors in the manner and qualified as hereinafter provided. No person shall be eligible to be or continue a Director unless he shall hold in his own name and for his own use at least twenty shares of the capital stock of the Company, and shall have paid all calls due thereon, and all liabilities incurred and actually due by him to the Company; and the shareholders shall have power at the first or any general meeting to increase the number of Directors to any number not exceeding thirteen, or to reduce them to any number not less than five.

Qualification of directors.

Number may be changed.

11. The shares of the capital stock subscribed for shall be paid in by such instalments and at such times and places as the said Directors may appoint. No instalment shall exceed ten per cent, and not less than thirty days' notice thereof shall be given: Provided always, that the Company shall not commence the business of insurance until at least two hundred thousand dollars of the capital stock shall have been subscribed, and not less than forty thousand dollars shall have been actually paid in.

Calls on stock.

Proviso: as to commencement of business.

12. The Directors of the Company shall have full power in all things to administer the affairs of the Company and to make or cause to be made for the Company all contracts into which by law the Company can enter, and may from time to time make by-laws regulating the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of stock certificates, the forfeiture of stock for non payment, the disposal of such forfeited stock and the proceeds thereof, the transfer of stock, the declaring and payment of dividends, the term of service of Directors, the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them, their renumeration, and that (if any) of the Directors, the time and place of annual meetings of the Company, the calling of meetings of the Board of Directors, and of the Company, the quorum, the requirements as to proxies, the proceedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct and management in all other particulars of the affairs of the Company, and may from time to time repeal, amend or re-enact the same; but every such by-law repeal, amendment, or re-enactment, unless in the meantime confirmed at a general meeting of the Company duly called for the purpose, shall only remain in force until the next annual meeting of the Company, and in default of confirmation thereat, shall from that time cease to have effect: Provided, that one-fourth part in value of the shareholders of the Company may call a special meeting for the transaction of any business specified in a written requisition and notice of such meeting: Provided also, that no by-law for the issue, allotment or sale of any portion of the unissued stock, at any greater discount or less premium than that authorized at a general meeting,

Powers of directors.

By-laws may be made.

To be confirmed at a general meeting.

Proviso: special meetings may be called.

Proviso: certain by-laws not

valid till confirmed.

shall be valid or acted upon until the same has been confirmed at a general meeting.

Votes on shares.

13. At all meetings of the Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due shall have been paid up; votes may be given either in person or by proxy, the holder of such proxy being a shareholder duly qualified to vote upon his stock; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the Chairman presiding at such meeting having a casting vote in case of an equality of votes.

Board of directors.

14. The stock, property, business, affairs and concerns of the Company shall be managed and conducted by the said Directors, (one of whom shall be by them chosen President, and two, Vice-Presidents,) who shall hold office for one year

Election.

excepting as hereinbefore provided; all elections of Directors shall take place at the annual meeting of the shareholders of the Company, which shall be holden on the second Monday in January in each year, or such other day as may be appointed by by-law, at the head office of the Company, or

Notice.

elsewhere, in the said city of Winnipeg, provided that at least fifteen days' continuous notice of the time and place of such meeting shall be given in the manner provided for in

Re-election.

section ten of this Act; all the retiring Directors shall, if afterwards qualified, be eligible for re-election; elections of

Ballot.

Directors shall be by ballot; vacancies occurring in the

Vacancies.

Board of Directors may be filled up for the unexpired remainder of the term by the Board from among the qualified shareholders of the Company, and the Directors shall

Officers.

from time to time elect from amongst themselves a President and two Vice-Presidents of the Company.

Failure of election not dissolve the company.

15. If at any time an election of Directors shall not be made, or does not take effect at the proper time, the Company shall not thereby become dissolved, but such election may take place at any general meeting of the Company duly called for that purpose, and of which notice shall be given as provided in section fourteen, and the retiring Directors shall continue in office until their successors are elected.

Application of capital.

16. The Company shall have power to lay out and invest its capital in the first place in discharging all costs, charges and expenses incurred in applying for, and obtaining this Act, and all other expenses preparatory or relating thereto;

Powers as to real estate.

and shall have power to acquire and hold such real estate as may be requisite for the purposes of its business in the Dominion of Canada and elsewhere, and to sell or dispose of the same, and to take, hold, or acquire other property in its place as may be deemed expedient, and to take, hold, and acquire all such lands and tenements, real and immovable estate as shall have been *bonâ fide* mortgaged to it by way of security for loans or debts, or conveyed to it in satisfaction of debts previously contracted in the course of business, or

Proviso.

otherwise obtained: Provided, that the Company shall not

retain such real estate so acquired in satisfaction of debts for a period exceeding five years; and the Company may invest the capital stock, funds and moneys of the Company, temporarily or otherwise, in Dominion, Provincial, Municipal, and foreign securities, in bonds, in mortgages, and in the stocks of the incorporated moneyed institutions of the Dominion of Canada, or in such other securities of like character as the Directors may elect, and may vary, change, dispose of, pledge, and re-invest the same as occasion may from time to time require.

Investment of funds.

17. All calls upon the subscribed stock of the Company shall be payable at the head office of the Company on the dates fixed in the by-law making such call; and if any shareholder refuses or neglects to make such payment of any instalment due upon any share or shares held by him, the Directors may forthwith declare such share or shares forfeited, together with the amount previously paid thereon to the Company, whereupon the same shall become vested absolutely in the Company, to be disposed of as the Directors may deem proper; or the Directors may cause a suit to be instituted against such shareholder for the recovery of the amount of such instalment so due upon such share or shares.

Payment of calls.

Forfeiture for non-payment.

Recovery by suit.

18. In actions or suits for the recovery of arrears of calls on stock, it shall be sufficient for the Company to allege that the defendant being the owner of so many shares, is indebted to the Company in such sum of money as the calls in arrear amount to for such and so many shares; and on the trial it shall not be necessary to prove the appointment of the Directors who made such calls or any other matter than in this section has been mentioned.

What only need be alleged and proved.

19 A copy of any by-law, regulation or minute or of any entry in any book of the Company certified to be a true copy or extract under the hand of the President, a Vice-President, Managing Director, Manager or Secretary of the Company, and sealed with its corporate seal, shall be received in all courts and proceedings as *primâ facie* evidence of such by-law, regulation, minute or entry without further proof thereof, and without proof of the official character or signature of the offiecr signing the same or of the corporate sale.

Copy of by-law, &c., to be evidence.

20. The Company shall not make any dividend whereby their capital will be in any degree reduced.

Dividend not to impair capital.

21. The Company may with the consent of the majority of the shareholders present at a special meeting called for that purpose, and of which notice has been given as provided in section ten, establish agencies and transact business in any part of the United Kingdom of Great Britain and Ireland, and in any part of the United States of America; and may in the event of such agencies being established make deposits of money or securities there in compliance with the laws of the country, State or States wherein it is deemed desirable to carry on such business of insurance.

Branch offices elsewhere than in Canada.

Amalgamation with another company.

22. The Company shall have power to amalgamate with or to purchase the business of any other insurance company, or to sell or dispose of the business of the Company to any other such company, upon such terms and conditions as may be agreed upon, without, however, impairing the recourse of any creditor of either Company: Provided always, that any such amalgamation, purchase or sale, shall not be completed until the consent of two-thirds of the votes of the shareholders shall have been obtained at an annual general meeting or at a special meeting of the shareholders called for that purpose.

Proviso: as to approval.

General Acts to apply.

23. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in "*The Insurance Acts of* 1875 *and* 1877," and to all other general laws in force, or that may hereafter be in force, respecting Fire Insurance Companies, in virtue of any Act passed or which may hereafter be enacted by the Parliament of Canada.

No. 24.

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

BILL.

An Act to incorporate the Manitoba and North-Western Fire Insurance Company.

Received and read, first time, Wednesday, 21st February, 1883.

Second reading, Thursday, 22nd Feb., 1883.

PRIVATE BILL.

Mr. SUTHERLAND,
(Selkirk.)

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

No. 25] **BILL.** [1883.

An Act to amend the Law respecting Cruelty to Animals.

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

1. The second section of the Act made and passed in the session held in the forty-third year of Her Majesty's reign, chaptered thirty-eight and intituled "*An Act further to amend the Act respecting Cruelty to Animals*," is hereby repealed, and the following section substituted therefor:— Repeal of section 2, of 43 V., c. 38.

"2. Whosoever wantonly, cruelly, or unnecessarily neglects, abandons, binds, abuses, or twists or cuts off the tail of, hopples, overstocks, marks, brands, wounds or cuts the ears for identification, overdrives, overloads, drives when overloaded, travels when lame, works in an unfit state, torments, tortures, beats, kicks, stabs, gingers, spurs unnecessarily, gags the mouth, wounds with improper bit the mouth of, incites dogs to worry, tail-pipes, incites to fight, stones, burns, scalds, deprives of necessary sustenance, plucks alive, mutilates, kills by bleeding slowly, starves by withholding food, buries alive, or cruelly kills or otherwise treats with cruelty any animal, or causes to be procured any of the aforesaid acts; or New section substituted. Acts of cruelty to animals forbidden.

2. Whosoever unlawfully or maliciously kills, maims, wounds or injures, or attempts to kill, maim, wound or injure any animal, or whosoever unlawfully and maliciously administers any poison to any animal, or maliciously exposes any poisonous substance, with intent that the same shall be taken or swallowed by any animal; or, Maliciously wounding, poisoning or killing.

3. Whosoever, having the charge or custody of any animal, either as owner thereof or otherwise, inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter and protection from the weather; or, Failing to provide food, &c.

4. Whosoever, being the owner, driver, or person having the charge or custody of any animal, leaves disabled, or abandons such animal; or, Abandoning.

5. Whosoever carries or causes to be carried in or upon any vehicle, or otherwise, any animal in a cruel or inhuman manner; or, Carrying in a cruel manner.

Injuring while driving.

6. Whosoever driving any animal is, by negligence or ill-usage in the driving thereof, the means whereby any mischief, damage or injury is done to any such animal; or,

Fighting or baiting.

7. Whosoever in any manner encourages, aids or assists at the fighting or baiting of any animal, whether of domestic, tame, or wild nature; or,

Shooting at for amusement, &c.

8. Whosoever keeps or uses any live animal for the purpose of being a target or to be shot at, either for amusement or as a test of skill in marksmanship, and whosoever shoots at such animal, or is present as a party, umpire or judge at any such shooting of any animal, or whosoever keeps or rents any building, shed, room, yard, field or premises, or knowingly suffers or permits the use of any building, shed, room, yard, field or premises for the purpose of shooting any animal as aforesaid; or,

Using dogs for draught.

9. Whosoever, in either of the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick uses any dog or dogs for the purpose of carrying or drawing or helping to draw any cart, carriage, truck, barrow, sleigh, sled or other vehicle, shall, upon being convicted on summary conviction, of any of the offences aforesaid, before a Stipendiary Magistrate or Police Magistrate, or any two Justices having jurisdiction in the district, county or place in which the offence has been committed, for every such offence, be punished by imprisonment in any gaol or place of confinement other than a penitentiary, for a term not exceeding three months, and with or without hard labor, or by a fine not exceeding fifty dollars, or by both, such fine and imprisonment being in the discretion of the convicting Magistrate or Justices: Provided always, that any Justice of the Peace may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for, appearing in the judgment of two reputable persons, called by him to view the same in his presence, to be glandered, injured, or diseased past recovery for any useful purpose."

Penalty for contravention.

Proviso: as to destruction of abandoned animals.

Interpretation.

2. In this Act and the Acts amended by it, the word "animal" shall be held to include every living creature, and the words "torture," "torment," or "cruelty" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted.

No revival of repealed provisions.

3. No repealed provision of any Act, shall be revived by the passing of this Act.

No. 25

1st Session, 5th Parliament, 46 Victor

BILL

An Act to amend the Acts res
Cruelty to Animals.

Received and read first time, We
21st February, 1883.

Second reading, Thursday, 22nd F
1883.

Mr. RICH

OTTAWA:

PRINTED BY MACLEAN ROGER &

1883.

No. 26] **BILL.** [1883

An Act to incorporate a Company under the name of "H. B. Rathbun and Sons."

Preamble.

WHEREAS Hugo B Rathbun, Edward Wilkes Rathbun and Frederick S. Rathbun have, by their petition, represented that they are now carrying on business as lumber manufacturers, lumber, timber and general merchants, millers, common carriers, ship and vessel owners, ship and vessel builders, also general manufacturers and general dealers; and whereas the said Hugo B. Rathbun and Edward Wilkes Rathbun are the principal partners in the said business; and whereas the death of either the said Hugo B. Rathbun or Edward Wilkes Rathbun would cause great embarassment to the said business, and therefore the said parties desire to become incorporated, with power to extend the said business and to increase the capital invested therein; and whereas they have prayed that an Act may be passed for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Hugo B. Rathbun, Edward W. Rathbun, Frederick Sherwood Rathbun, Herbert Burt Rathbun, Louise Rathbun, and such other persons as may hereafter become shareholders in the Company to be hereby constituted, are hereby incorporated under the name of "H. B. Rathbun and Sons," hereinafter called the Company.

Corporate name.

Capital stock and shares.

2. The capital stock of the Company shall be one million of dollars, divided into one thousand shares of one thousand dollars each, with power, by resolution of the shareholders, to increase the said capital stock to two millions of dollars, the shares in all cases to be one thousand dollars each.

Powers of the Company.

3. The Company shall have power to carry on in Canada, Great Britain and the United States of America and elsewhere, the business of general merchants, including the purchase and sale of timber and lumber, general manufacturers, millers, common carriers, wharfingers, warehousemen, ship and vessel builders and owners; also to hold shares in any navigation company, railway company, or other corporation and to sell or dispose thereof in the usual course of business; also to own and run steam and other vessels between any part or place in Canada and any other part or place in Canada or the United States of America or

elsewhere; also to hold licenses from the Crown to cut timber and to acquire and sell any such as they, in the course of their business, may think expedient; also to buy, hold or sell lands or any interest therein, as may be requisite for the carrying on of their business and for the purposes of the Company; and generally shall have all the powers of general merchants and dealers, general manufacturers, carriers, warehousemen, and ship and vessel builders and owners, and such as are necessary to enable them properly and conveniently to carry on their said business..

Directors.

4. The Company shall be managed by three directors, and the first directors of the shall be Hugo B. Rathbun, Edward W. Rathbun and Frederick S. Rathbun.

A certain business may be purchased.

5. The Company may purchase and take over and carry on, all the business now carried on by the co-partnership carried on under the name of "H. B. Rathbun and Sons," in all its branches, and may pay therefor in paid up shares in the capital stock of the Company, such price as they may deem best; and they may purchase and take over the whole of the estate, real and personal, stock, plant and property whatsoever and wheresoever situate, of the said firm and subject to all the rights and obligations now upon or pertaining thereto, and may pay the members of the said firm therefor in paid up shares in the capital stock of the Company; and on so acquiring the said business and property, the Company shall have all the rights and remedies and be subject to all the obligations in respect thereof, that the said firm have or are liable to in respect of the said business and property at the time of the said purchase and the transfer to the Company.

Head office.

6. The principal place of business of the Company shall be at Deseronto, in the Province of Ontario.

Agencies in Canada and elsewhere.

7. The Company may transact business, have agencies and establishments for the purposes of their business in any part of Canada, in Great Britain, in the United States of America, and in such other places as they may, in the course of their business, find expedient.

General business.

8. The Company may, in the course of buying and selling, take or give mortgages for purchase money, or take mortgages on real or personal property in the course of their business and as circumstances may require, and generally may do all things requisite for the proper and efficient management of the said business, as if their business was carried on by private individuals.

Application of 32, 33 V., c. 12.

9. Sections thirty-nine and forty-two of the "*Canada Joint Stock Companies Clauses Act*, 1869," shall not be incorporated with this Act, but the remainder of such "*Joint Stock Companies Clauses Act*, 1869." shall, except so far as inconsistent with the express provisions of this Act, be incorporated herewith.

No. 26.

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

BILL.

An Act to incorporate a Company under the name of "H. B. Rathbun and Sons."

Received and read first time, Friday, 23rd February, 1883.

Second reading, Monday, 26th February, 1883.

(PRIVATE BILL.)

Mr. WHITE,
(Hastings, E.R.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 27. **BILL.** [1883.

An Act to amend an Act to incorporate the Ontario and Quebec Railway Company.

WHEREAS the Ontario and Quebec Railway Company have, by their petition, prayed for certain amendments to their Act of incorporation, forty-fourth Victoria, chapter forty-four, as hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 44 V., c. 44.

1. The Ontario and Quebec Railway Company (hereinafter called "the Company") are hereby declared to have, under their said Act of incorporation, full power and authority to join and unite their railway with the railway of the Credit Valley Railway Company (hereinafter called the "Credit Valley Company") at any point on the route of the Credit Valley Railway in the County of York. Junction with Credit Valley Railway authorized.

2. The Company may contract and agree with the Credit Valley Company, and with the Toronto, Grey and Bruce Railway Company, or either of the said companies, for the use of or for running powers over the track of either or both of the said companies, from the point of junction with the line or lines thereof, into the city of Toronto; Provided always, that the making of any such agreement, or the use of any such powers by the Company, shall not impair or affect the right which the Company are hereby declared to have under their Act of incorporation, of constructing at any time hereafter, an independent line from any point on their line now located into and through the said city, to any terminus or station in the said city, or to make connection with any other railway therein, or to any point on the water frontage of the said city. Running arrangements may be made. Proviso: existing rights not affected.

3. The nineteenth section of the said Act is hereby repealed and the following substituted therefor: Section 19, repealed.

"19. The Company are also authorized and empowered to make the necessary arrangements and to contract and agree with the Credit Valley Railway Company, the Canada Southern Railway Company, the Toronto, Grey and Bruce Railway Company, the Canadian Pacific Railway Company, and the Atlantic and North-West Railway Company, or any of them, for an amalgamation with the said companies, or any of them, or for the acquisition or leasing of the lines thereof, New section.

or any of them, or such parts of the Canadian Pacific Railway and of the Atlantic and North-West Railway, as may, in the opinion of the directors of the Company, be made available to establish early and advantageous through connection between Toronto and Ottawa and Montreal, and may also make traffic and running arrangements, or may arrange for the exercise of mutual running powers with any of the said companies: Provided, that the terms of such amalgamation, acquisition or lease shall be approved of by two-thirds of the shareholders of the Company, present in person or represented by proxy, at a special general meeting to be held for that purpose."

Section 31, amended.

4. The thirty-first section of the said Act is hereby amended by substituting for the words "Great Western Railway Company, the Quebec, Montreal, Ottawa and Occidental Railway Company," the words "Canada Southern Railway Company, the Canadian Pacific Railway Company, the Atlantic and North-West Railway Company, the Toronto, Grey and Bruce Railway Company," wherever the said words occur in the said section.

Extension authorized.

5. It shall be lawful for the Company to lay out, construct, finish and operate a double or single line of railway, as an extension of the line of railway, authorized by their Act of incorporation, from any point on such line at or near the village of Smith's Falls to any point on the Canadian Pacific Railway or on the Atlantic and North-West Railway, which will give them connection with and access to any bridge now built or to be built across the river St. Lawrence near the city of Montreal.

Debenture stock may be issued.

6. The Directors of the Company may, with the consent of a majority of two-thirds in value of the shareholders represented at an annual general meeting or a meeting specially called for the purpose, and voting in person or by proxy, make and issue debenture stock in substitution, wholly or partially, for the bonds authorized by their Act of incorporation.

Nature and form of debenture stock.

7. The said debenture stock may be made either perpetual or terminable and may be executed in such form and with such provisions as to transfer, registration and *otherwise*, and with such rights and privileges, including the right of voting, as may be determined by the by-laws of the Company.

No. 27.

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

BILL.

An Act to amend an Act to incorpor
the Ontario and Quebec Railway C
pany.

Received and read, first time, Friday, 2
February, 1883.

Second reading, Monday, 26th February, 18

(PRIVATE BILL.)

Mr. WELLS

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,
1883.

No.28.] **BILL.** [1883.

An Act to continue an Act to incorporate sundry persons by the name of the President, Directors and Company of the Farmers' Bank of Rustico.

WHEREAS the Farmers' Bank of Rustico have prayed for the passing of an Act to continue their Act of incorporation, being an Act passed by the Legislature of Prince Edward Island in the twenty-sixth year of Her Majesty's reign, chapter sixteen, intituled: "*An Act to incorporate sundry persons by the name of the President, Directors and Company of the Farmers' Bank of Rustico,*" and it is expedient to continue such Act of incorporation until the period hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble. 26 V. (P.E.I.) c. 16.

1. The Act of incorporation of the said Farmers' Bank of Rustico is hereby continued and shall remain in force until the first day of July in the year of Our Lord one thousand eight hundred and ninety-one, and thence until the end of the Session of the Parliament of Canada, commencing next after the said day. Incorporation continued.

No. 28.

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

BILL.

An Act to continue an Act to incorporate sundry persons by the name of the President, Directors and Company of the Farmers' Bank of Rustico.

Received and read, first time, Friday, 23rd February, 1883.

Second reading, Monday, 26th February, 1883.

(PRIVATE BILL.)

Mr. DAVIES.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 29] **BILL.** [1883.

An Act to incorporate the Bank of London, in Canada.

WHEREAS William Woodruff, John Graham Haggart, George K. Atkinson, Hugh Sutherland, George Turner Orton, Peter Johnston Brown and Duncan Macmillan have, by their petition, prayed that they may be incorporated for the purpose of establishing a bank in the city of London, in the Province of Ontario; and whereas it is expected to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. William Woodruff, John Graham Haggart, George K Atkinson, Hugh Sutherland, George Turner Orton, Peter Johnston Brown and Duncan Macmillan, and such other persons as may become shareholders in the corporation to be by this Act created, and their assigns, shall be until they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Bank of London, in Canada." Certain persons incorporated. Corporate name.

2. The capital stock of the said Bank shall be one million dollars, divided into ten thousand shares of one hundred dollars each, which shares shall be and are hereby vested in the several persons who shall subscribe for the same, their egal representatives and assigns. Capital stock and shares.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the said William Woodruff, John Graham Haggart, George K. Atkinson, Hugh Sutherland, George Turner Orton, Peter Johnston Brown and Duncan Macmillan, shall be the provisional directors thereof, and they or a majority of them may cause stock books to be opened, after giving two weeks' notice thereof in the *Canada Gazette*, and also two weeks' notice in a newspaper published in the locality where the chief place of business is to be established, upon which shall and may be received and inscribed the signatures and subscriptions of such parties and persons as desire to become shareholders in the said Bank; and such stock books shall be opened at the City of London and elsewhere at the discretion of the provisional Directors, and shall be kept open so long as they shall deem necessary; and so soon as five hundred thousand dollars of the said capital stock shall have been subscribed upon the said stock books and one hundred thousand dollars thereof actually paid into some one of the present chartered Provisional directors and their powers. First meeting of shareholders

banks in Canada, a public meeting may be called of the subscribers thereof, by notice to be inserted for at least two weeks in two newspapers published in the said city of London, such meeting to be held at the said city of London, at such time and place as such notice shall indicate ; and at such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualification, who shall thenceforward direct the affairs of the said Bank, take charge of the stock books hereinbefore referred to, and continue in office until the econd Tuesday in the month of April which shall be in the year next after the year in which they shall have been so elected, and until their successors in office shall be duly elected ; and immediately after such election shall be had, the functions of the said provisional Directors shall cease.

Election of directors.

Term of office.

Head office.

4. The chief place of business of the said Bank shall be at the city of London, in the Province of Ontario.

Number of directors.

5. The number of Directors of the said Bank shall be seven subject to be increased or diminished by by-law, to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, intituled : "*An Act relating to Banks and Banking.*"

General Acts to apply

6. The said Act, passed in the thirty-fourth year of Her Majesty's reign, intituled : "*An Act relating to Banks and Banking*," and all Acts amending the same and all the provisions thereof, shall apply to the Bank hereby incorporated in the same manner as if they were expressly incorporated with this Act, excepting so far as such provisions relate only to banks already in existence or to banks *en commandite*.

Certificate from Treasury Board to be obtained.

7. The said Bank shall obtain from the Treasury Board within two years from and after the passing of this Act, the certificate mentioned and required by section seven of the "*Act relating to Banks and Banking*," passed in the thirty-fourth year of Her Majesty's reign, chapter five ; and if at least two hundred thousand dollars of the subscribed capital of such Bank has not been paid up before it shall have commenced business, such further amount as shall be required to complete the said sum shall be called in and paid up within one year thereafter, and in the event of failure to comply with any of the provisions in this section contained, this Act shall be and become null and void and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred, shall be forfeited.

$200,000 to be paid up within a fixed time.

Forfeiture of charter in case of default.

Duration of Act.

8. This Act shall remain in force until the first day of July, one thousand eight hundred and ninety-one.

No. 29.

1st Session, 5th Parliament, 46 Victori

BILL.

An Act to incorporate the Bank o don, in Canada.

Received and read first time, Friday February, 1883.

Second reading, Monday, 26th Fe 1883.

(PRIVATE BILL.)

Mr. DAWSC

OTTAWA:

PRINTED BY MACLEAN, ROGER &

1883.

No. 30.] **BILL.** [1883.

An Act to amend the Criminal Law, and to declare it a Misdemeanor to leave unguarded and exposed Holes, Openings, etc., in the Ice on any Navigable or Frequented Water.

Preamble.

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

Cutting and leaving unguarded holes in any navigable or frequented water declared a misdemeanor.

1. Any person or persons who shall hereafter cut or make any hole, opening, aperture, or place, of sufficient size or area to endanger human life, through the ice on any navigable or other water open to or frequented by the public, and shall leave the same, while it is in a state dangerous to human life, whether the same may be frozen over or not, unguarded and unenclosed by a guard or fence of sufficient height and strength to prevent any person from accidentally riding, driving, walking, skating, or falling therein, shall be guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment before any Justice of the Peace having jurisdiction in any city or county within which, or on the borders of which, such navigable or other water is wholly or partly situate.

Prosecution and punishment.

Offence to be manslaughter if causing loss of life.

2. In case any person loses his or her life by accidentally riding, driving, walking, skating, or falling into any such hole, opening, aperture or place unguarded as hereinbefore provided, the person or persons whose duty it was to guard such hole, opening, aperture, or place, in manner aforesaid, shall, on conviction thereof, be deemed guilty of manslaughter.

No. 30.

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

BILL.

An Act to amend the Criminal Law and to declare it a Misdemeanor to leave unguarded and exposed Holes, cut in the Ice on any Navigable or Frequented Water.

Received and read first time, Friday, 23rd February, 1883.

Second Reading, Monday, 26th February, 1883.

Mr. Robertson
(Hamilton).

OTTAWA:

Printed by MacLean, Roger & Co.,

1883.

No. 31. **BILL.** [1883.

An Act Consolidating and Amending the several Acts relating to the Militia and Defence of the Dominion of Canada.

1. Command in Chief.
2. Minister of Militia and Defence.
3. Deputy Minister of Militia.
4, 5. Militiamen.
6. Division of Militia.
7–9. Period of Service.
10–17. Military Divisions.
13, 14. Enrolment.
15. Exemptions.
16–21. Active Militia.
22–26. Balloting.
27. In aid of the Civil Power.
28, 29. Officer Commanding the Militia.
30. District Staff.
31–36. Officers.
37–43. Clothing, and Arms and Accoutrements.
44–51. Drill and Training.
52. Inspections.
53, 54. Rifle Ranges and Drill Sheds.
55–57. Schools of Military Instruction.
58. Rifle and Drill Associations.
59. Military Instruction in Schools and Colleges.
60–68. Calling out the Militia.
69–71. Regulations for Billeting, &c.
72–74. Courts of Enquiry and Courts Martial
75–84. Offences and Penalties.
85. Recovery of Penalties.
86–90. Prosecutions.
91–94. Notices, Orders, &c.
95. Expenditure.
96. General Power to make Regulations.
97. Regulations.
98. Interpretation.
99. Repeal of Acts.
100. When Act shall come into force.

The portions of this Bill printed in Italics are new. Those printed in Roman type are taken wholly or chiefly from the Acts now in force. Those at the end of which no other Act is referred to are from the Act 31 V., c. 40, and if they have no figure at the end they bear the same No. in that Act.

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

COMMAND IN CHIEF.

Command-in-Chief vested in H.M.; how exercised.

1. As provided by the fifteenth section of "The British North America Act, 1867," the Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is vested in the Queen, and shall be exercised and administered by Her Majesty personally or by the Governor as Her Representative. [1.]

DEPARTMENT OF MILITIA AND DEFENCE.

Minister of Militia and Defence; his duties.

2. There shall be a Minister of Militia and Defence who shall be charged with and be responsible for the administration of Militia Affairs, including all matters involving expenditure, and of the fortifications, gunboats, ordnance, ammunition, arms, armories, stores, munitions and habiliments of war belonging to Canada:

Initiative in money matters.

2. The Minister of Militia and Defence shall have the initiative in all Militia affairs involving the expenditure of money :

Further duties.

3. The Governor in Council shall, from time to time, make such orders as may be necessary respecting the duties to be performed by the Minister of Militia and Defence.

Deputy and officers, their duties and salaries.

3. The Governor may appoint a Deputy of the Minister of Militia and Defence, and such other Officers as may be necessary for carrying on the business of the Department; and the duties of such officers shall be prescribed, and their salaries fixed by the Governor in Council.

MILITIAMEN.

Militia, of whom composed.

4. The Militia shall consist of all the male inhabitants of Canada, of the age of eighteen years and upwards, and under sixty—not exempted or disqualified by law, and being British subjects by birth or naturalization ; but Her Majesty may require all the male inhabitants of the Dominion, capable of bearing arms, to serve in case of a *Levée en Masse* :

Proviso.

Classes of militia men.

5. The male population so liable to serve in the Militia shall be divided into four classes :

First class.

The *first* Class shall comprise those of the age of eighteen years and upwards, but under thirty years, who are unmarried, or widowers without children ;

Second.

The *second* Class shall comprise those of the age of thirty years and upwards, but under forty-five years, who are unmarried or widowers without children ;

Third.

The *third* Class shall comprise those of the age of eighteen years and upwards, but under forty-five years, who are married or widowers with children ;

Fourth.

The *fourth* Class shall comprise those of the age of forty-five years and upwards, but under sixty years ;

Order for service.

And the above shall be the order in which the male population shall be called upon to serve. [5.]

DIVISION OF MILITIA.

Divisions of the force.

6. *The Militia shall be divided into Active and Reserve Militia—Land Force,—and Active and Reserve Militia—Marine Force.*

Active.

The Active Militia—Land Force—shall be composed of :

(*a*) *Corps raised by voluntary enlistment ;*

(*b*) *Corps raised by ballot ;*

(*c*) *Corps composed of men raised by voluntary enlistment and men balloted to serve ;*

Marine active.

The Active Militia—Marine Force—to be raised similarly, shall be composed of seamen, sailors, and persons whose usual occupation is upon any steam or sailing craft, navigating the waters of the Dominion ;

Reserve and Marine.

The Reserve Militia—Land and Marine—shall consist of the whole of the men who are not serving in the Active Militia of the time being.

PERIOD OF SERVICE.

7. Hereafter the period of service in the Active Militia in time of peace shall be three years. [9.] Period of service.

8. Every Corps of Active Militia duly authorized previously to and existing on the day on which this Act shall come into force, including the officers commissioned thereto, shall for the purposes of this Act be held to be existing and shall be continued as such, subject to the provisions of this Act; and thereafter, such men of any Corps of Active Militia, in any Regimental Division, as complete three years continuous service in such Corps, or complete three years including any previous continuous service in the same corps immediately before the date this Act shall come into force, or had served three years continuously in such corps immediately before such date, and are discharged, shall not be liable to be balloted for any period of drill or training of the Active Militia, until all the other men in the first, second and third classes of Militiamen in the Company Division within which they reside, have volunteered or been balloted to serve. [7, amended] Present action corps continued. Exemption in favour of three years service men. Until others have been ballotted or volunteered.

9. No officer or man of an Active Militia Corps, raised and maintained by voluntary enlistments, shall be permitted to retire therefrom in time of peace, without giving to his Commanding Officer six months' notice of his intention. [8.] Notice by volunteers before retiring.

MILITARY DIVISIONS.

10. Her Majesty may divide Canada into twelve Military Districts, viz: one comprising the Province of Nova Scotia, one comprising the Province of New Brunswick, one comprising the Province of Prince Edward Island, one comprising the Province of Manitoba, the North-West Territories and the District of Keewatin, one comprising the Province of British Columbia, three in the Province of Quebec, and four in the Province of Ontario. [12 amended by 34 Vic., Cap. 17 and 37 Vic., Cap. 35.] Military districts to be constituted by H. M.

11. Her Majesty may alter the Districts specified in the next preceding section, and increase or diminish the number thereof as may be deemed necessary; and may name the territorial divisions which shall form each of the three Military Districts of Quebec, and each of the four Military Districts of Ontario, and may alter the same from time to time. [13.] Power to alter such districts.

12. Her Majesty may, from time to time, divide each Military District into such number of Regimental and Brigade Divisions as may be deemed expedient, and may subdivide such Regimental Divisions into Company Divisions;—and may, from time to time, alter such Divisions or increase or diminish the number thereof; but all Military Districts and Divisions existing on the day on which this Act shall come into force shall be continued as such, until altered under the provisions of this Act. [14] Regimental and brigade and company divisions. Power to alter. Proviso: as to existing divisions.

ENROLMENT.

Resident officers.

Exception.

13. For each Regimental Division there shall be appointed from the residents therein, one Lieutenant-Colonel and two Majors of Reserve Militia; but such officers may be appointed from among non-residents in the Regimental Division in exceptional cases in which it shall appear to Her Majesty that such appointments will be more conducive to the interest of the Militia service; all orders and reports relating to the enrolment at any time of Militiamen within the Regimental Division, shall be sent to, and received through and be acted on by the Lieutenant-Colonel, or in his absence through the senior Major of the Division, for the time being, who shall act instead of the Lieutenant-Colonel during such absence: [15.]

Orders and reports, as to enrolment.

Officers of company divisions.

2. And for each Company Division there shall be appointed from the residents therein, one Captain and two Lieutenants of Reserve Militia; and all orders and reports relating to the enrolment at any time of Militiamen within the Company Division shall be sent to, and acted on by the Captain; or in his absence they shall be sent to the next senior Officer of the Company Division, for the time being, who shall act instead of the Captain during such absence:

Officers in cities or towns.

3. Notwithstanding anything contained in the preceding sub-section, appointments for Company Divisions in any city or town may be made from the residents of the Regimental Division within such city or town. (37 Vic., chap. 35.)

How and by whom enrolment shall be made in company divisions.

14. The enrolment of the Militia shall be made in each Company Division by the Captain thereof, with the assistance of the Officers and non-commissioned officers of the Company Division;—and it shall be the duty of the Captain and under his orders, of the other Officers and non-commissioned officers of the Company Division, by actual enquiry at each house therein, and by every other means in their power, to make and complete, from time to time,

At times fixed by Gov. in Council. What they must show.

and at such times as may be fixed by order of the Governor in Council, a corrected roll, in duplicate, of the names of all the men in the different classes resident within the Company Division, specifying separately those who are seamen or sailors, or persons engaged in or upon any steam or sailing craft upon the lakes or waters of the Dominion, those who are *bonâ fide* enrolled members of any Company of Active Militia, and those who, after the day on which this Act shall come into force, shall have completed such a term of service in the Militia as will by law exempt them until they are again required in their turn to serve:

Roll to be in duplicate; to whom to be sent.

2. One copy of such roll is to be retained by the Captain, and the other to be forwarded, on or before such day as may be fixed by order of the Governor in Council, to the Lieutenant-Colonel of the Regimental Division, which last-named Officer shall cause a copy of all the rolls of Militiamen in the several Company Divisions within the Regi-

mental Division to be forwarded without delay to the Officer for the time being commanding the Militia ; but if from any cause the duties prescribed by this section cannot in any particular case be carried into effect within the time appointed a special Report of the facts relating to the delay shall be made to the Officer for the time being commanding the Militia, who shall without delay fix another period within which the enrolment shall be completed and the rolls be forwarded ; Special reports.

3. The enrolment shall be held to be an embodiment of all the militiamen enrolled, and shall render them liable to serve under the provisions of this Act, unless exempt by law. [As amended by 45 Vic , chap. 10.] Effect of enrolment.

EXEMPTIONS.

15. The following persons only, between the ages of eighteen and sixty years, shall be exempt from enrolment, and from actual service at any time : Persons always exempted.

The Judges of all the Courts of Law or Equity in the Dominion of Canada ;

The Clergy and Ministers of all Religious denominations ;

The Professors in any College or University and all Teachers in religious orders ;

The Warden, Keepers and Guards of the Penitentiaries, and the Officers, Keepers and Guards of all public Lunatic Asylums ;

Persons disabled by bodily infirmity ;

The only son of a widow, being her only support ;

2. And the following, though enrolled, shall be exempt from actual service at any time except in case of war, invasion or insurrection : Exempted except in case of war, &c.

Half-pay and Retired Officers of Her Majesty's Army or Navy ;

Seafaring Men and Sailors actually employed in their calling ;

Pilots and Apprentice Pilots during the season of navigation ;

Masters of Public and Common Schools actually engaged in teaching ;

Any person bearing a certificate from the Society of Quakers Menonists or Tunkers, or any inhabitant of Canada, of any Religious denomination, otherwise subject to Military duty, but who, from the doctrines of his Religion, is averse to bearing arms and refuses personal Military Service, shall be exempt from such service when balloted in time of peace, or war, upon such conditions and under such regulations as the Governor in Council may, from time to time, prescribe ; Quakers, &c. Conditions.

3. No person shall have the benefit of exemption, unless he has, at least one month before he claims such benefit, filed with the Captain of the Company Division within the limits whereof he resides, his *affidavit* made before some Magistrate (or affirmation in cases where persons are allowed to affirm) of the facts on which he rests his claim ; Exemption must be claimed.

Aud proved.

4. Whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall be upon the claimant ;

Not to prevent volunteering.

5. Exemption shall not prevent any person from serving, if he desires it and is not disabled by bodily infirmity. [17]

ACTIVE MILITIA.

Of what corps the active militia shall consist.

16. The Active Militia Force shall consist of Regiments and Troops of Cavalry, Regiments and Field Batteries of Artillery, Companies of Mounted Infantry, Companies of Engineers, Regiments and Batteries of Garrison Artillery, Battalions and Companies of Infantry, and Naval and Marine Corps, in such proportions as Her Majesty shall appoint ; and the strength of each such Regiment, Troop, Battery, Battalion, Company or Corps, shall be regulated, and officers appointed thereto, from time to time, by Her Majesty :

Enrolment of horses.

17. Her Majesty may make regulations for the enrolment of such horses as may be necessary for the purposes of Field Batteries of Artillery and Troops of Cavalry ;

Other corps when required.

2. A military train, and a medical staff, as well as commissariat, transport, hospital and ambulance Corps, may be formed whenever the exigencies of the service may require the same, at such places and in such manner, and of such strength, including the proper Officers, as Her Majesty may direct. [18]

H. M. may raise a torpedo corps.

3. *Whenever the exigencies of the service require it, Her Majesty may raise and maintain a Torpedo Corps of such strength and under such conditions as the Governor in Council may consider necessary for the protection of harbours and other places on the seaboard, and inland waters of the Dominion.*

Signing roll, and taking oath of allegiance.

18. Every Active Militiaman shall sign a service Roll in which the conditions of his service shall be stated ; and every Officer of Militia, on appointment, and every man, on enlistment, or re-enlistment, shall take the oath following :

"I, A. B., do sincrely promise and swear (*or* solemnly declare) that I will be faithful and bear true allegiance to Her Majesty."]19]

How administered.

Which oath or declaration may be administered by the Commanding Officer of the Company or Battalion, as the case may be, he having previously taken the oath before a Justice of the Peace. [19.]

Disbanding corps.

2. *Her Majesty may at any time disband any Corps of Active Militia if considered necessary to do so.*

Accepting corps of volunteers.

19. Her Majesty may accept the services of Corps of Volunteers, under such regulations as may from time to time be made. [20.]

Articles of engagement of volunteer corps.

20. Any Volunteer Corps may enter into articles of engagement and make Regulations not inconsistent with this Act, to be approved by Her Majesty; but the Commanding Officers of all Corps of Volunteer Militia shall be responsible that their Corps respectively are kept up to the full strength; and in the event of failure of any Corps to maintain such complement of men for each respectively as Her Majesty may consider necessary for its efficiency or of any Corps becoming inefficient, or if necessary to do so from any other cause, Her Majesty may disband such Corps. [21.]

Conditions.

Disbandment.

Provision for military schools based on corps enlisted for continuous service.

21. *It being necessary in consequence of the withdrawal of Imperial Regular Troops, to provide for the care and protection of Forts, Magazines, Armaments, Warlike Stores and such like service, also to secure the establishment of Schools of Military Instruction in connection with Corps enlisted for continuous service, it shall be lawful for Her Majesty to raise, station, and maintain, in addition to the ordinary Active Militia Force, one Troop of Cavalry, three Batteries of Artillery, (of which two shall be the "A" and "B" Batteries of Artillery now embodied), and not more than three Companies of Infantry, the whole strength of which several Corps shall not exceed seven hundred and fifty men. The officers shall be appointed during pleasure, and the men shall be enlisted under regulations to be made by the Governor in Council, for periods of three years continuous service.*

Purposes and duties of such corps.

2. *These Corps, in addition to performing Garrison and other duties, shall serve as practical Schools of Military Instruction, by affording officers, non-commissioned officers, and men of the Militia, opportunities of joining for courses of study and training.*

To be deemed called out for active service.

3. *The officers, non-commissioned officers and men of these Corps, as well as the officers, non-commissioned officers and men attached from time to time for instruction, shall for purposes of discipline be held to be called out for active service, and be subject to the laws and regulations which under the provisions of this Act apply to officers, non-commissioned officers and men called out for such service.*

BALLOTING.

Each company to furnish its quota of men drafted.

22. At any time when Militiamen are required to be drafted in any Regimental Division, each Company Division therein shall, subject to the provisions of the two sections immediately following the present section, contribute its quota according to the number of Militiamen on the rolls and liable to serve, of the class, or classes, from which the men are to be taken; and when Militiamen, are accepted or taken or balloted to serve in any quota, the Company Division or Divisions furnishing the men shall receive credit therefor; and the Active Militiamen taken, or accepted, and enrolled for service, from time to time, in any Company or Regimental Division, shall be attached or appointed to such Companies, Corps, or Battalions of the Active Militia as Her Majesty may order:

And be credited therefor.

Men drafted to be appointed to corps.

If a volunteer corps is disbanded.

2. When a Corps raised by voluntary enlistment in any Regimental Division for any cause ceases to exist, Her Majesty may make good the quota of that Division by the organization of Militiamen from the Reserve Militia to replace such Corps;

Filling vacancies in service companies.

3. When by reason of death or removal, vacancies occur in any Corps of Active Militia organized under this Act, such vacancies shall be filled by other men to be drawn from the Reserve Militia, either by voluntary enlistment or by ballot as circumstances may require.

Ballot when sufficient men do not volunteer.

23. When Active Militiamen are required to be organized at any time, either for drill or for actual service, and enough men do not volunteer in any Company Division to complete the quota required from that division, the men enrolled in the first class and liable to serve shall be first balloted, and if the number of men required to be balloted, is greater than the whole number of men in the first class, then the number requisite to make up the deficiency shall be taken from those in the second class, and if more men than the whole number in the first and second classes are still required, then the number requisite to make up the deficiency shall be taken from the third class, and in like manner, if more men than are in the first, second, and third classes, are still required, then the number requisite to make up the deficiency shall be taken from the fourth class; but at no time shall more than one son belonging to the same family residing in the same house, if there be more than one inscribed on the Militia Roll, be drawn, unless the number of names so inscribed be insufficient to complete the required proportion of service men:

Proviso: as to sons of one family

Men not taken may volunteer into another regimental division.

2. Any man not taken for service for the time being in any Corps organized in the Regimental Division in which he resides, may volunteer to serve in any Corps in any Regimental Division contiguous thereto, and in such case the Company Division in which he resides, shall have credit for such volunteer; and the man shall, on completing his full period of service, be entitled to the same exemption in his Company Division, as though he had served with men raised therein for the same period.

When a company furnishes more than its quota.

24. When any Company Division shall have furnished more men than its quota, as compared with other Company Divisions in the same Regimental Division, such Company Division shall not again be called upon in time of peace for more men, until the other Company Divisions have supplied men to equalize the proportion for each, according to the number of names inscribed on the Militia Rolls thereof respectively.

Governor in Council may make regulations respecting ballot, enrolment, &c.

25. The Governor in Council, may from time to time, make regulations for taking the enrolment and ballot; for fixing the day on which the taking of the enrolment shall be commenced in each of the several Military Districts respectively; for notifying the men liable to be taken, or those balloted in

any Company Division for service in any quota; for finally deciding claims of applicants for exemption, and for the administration of Oaths before Justices of the Peace or the Commanding Officer of a Corps, to ascertain any facts in reference to such claim of exemption; for medical examinations; and for the discharge of such men as are unfit to serve; and relating to every other matter and thing not inconsistent with this Act, and necessary to be done, in the enrolling, balloting, warning and bringing into service, of such numbers of the Reserve Militiamen in any Company Division as are required at any time; but any Militiaman balloted and notified for service may, at any time, be exempt, until again required in his turn to serve, by furnishing an acceptable substitute, on or before the day fixed for his appearance; but, if during any period of service, any man who is serving in the Active Militia as a substitute for another, shall become liable to service in his own person, he shall be taken for such service, and his place as substitute shall be supplied by the Militiaman in whose stead he was serving.

As to substitutes for men balloted.

26. Any Active Militiaman who may, during any period of service, attain the age of thirty years or forty-five years, according to his class, shall notwithstanding be required to complete the full period for which he volunteered or was balloted to serve.

Service man attaining 45 years of age.

IN AID OF THE CIVIL POWER.

27. The Active Militia, or any corps thereof, shall be liable to be called out for active service with their arms and ammunition, in aid of the civil power in any case in which a riot, disturbance of the peace or other emergency requiring such service occurs, or is, in the opinion of the civil authorities hereinafter mentioned, anticipated as likely to occur, and, (in either case) to be beyond the powers of the civil authorities to suppress, or to prevent or deal with,—whether such riot, disturbance or other emergency occurs, or is so anticipated within or without the Municipality in which such corps is raised or organized: and it shall be the duty of the senior officer of the Active Militia present at any locality to call out the same or any portion thereof as he considers necessary for the purpose of preventing or suppressing any such actual or anticipated riot or disturbance, or for the purpose of meeting and dealing with any such emergency as aforesaid, when thereunto required in writing by the Chairman or Custos of the Quarter Sessions of the Peace, or by any three magistrates, of whom the Warden, Mayor or other head of the Municipality or County in which such riot, disturbance or other emergency occurs, or is anticipated as aforesaid, may be one; and to obey such instructions as may be lawfully given to him by any magistrate in regard to the suppression of any such actual riot or disturbance, or in regard to the anticipation of such riot or disturbance, or other emergency, or to the suppression of the same, or to the aid to be given to the civil power in case of any such riot, disturbance or other emergency; and every such requisition in writing as aforesaid shall express on the face thereof, the

How and in what cases active militia may be so called out.

Duty of senior officer present in the locality, on requisition of the proper civil authorities.

What the requisition must show.

actual occurrence of a riot, disturbance or emergency, or the anticipation thereof, requiring such service of the Active Militia in aid of the civil power for the suppression thereof: and every officer and man of such Active Militia or any portion thereof shall, on every such occasion, obey the orders of his commanding officer; and the officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of special office, be Special Constables, and shall be considered to act as such as long as they remain so called out; but they shall act only as a military body, and shall be individually liable to obey the orders of their Military Commanding Officer only. And when the Active Militia, or any corps thereof, are so called out in aid of the civil power, the municipality in which their services are required shall pay them when so employed, the rates authorized to be paid for actual service to officers and men, and one dollar per diem for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer, fifty cents to each man per diem in lieu of subsistence, and fifty cents per diem in lieu of forage for each horse,—and, in addition, shall provide them with proper lodging, and with stabling for their horses: and the said pay and allowances for subsistence and forage, as also the value of lodging and stabling, unless furnished in kind by the Municipality, may be recovered from it by the officer commanding the corps, in his own name, and, when so recovered, shall be paid over to the persons entitled thereto: Provided that the said pay and allowances of the force called out, together with the reasonable cost of transport may, pending payment by the Municipality, be advanced in the first instance by Order of the Governor in Council, out of the Consolidated Revenue Fund of Canada; but such advance shall not interfere with the liability of the Municipality, and the Commanding Officer shall at once, in his own name, proceed against the Municipality for the recovery of such pay, allowances and cost of transport, and shall on receipt thereof pay over the amount to Her Majesty. (27 amended by 36 V., c. 46 and 42 V., c. 35.)

Duty of officers and men, who shall be special constable.

Payment by municipality for such service.

Providing stabling and forage.

Recovery of pay, &c., if not so furnished.

Proviso: as to advancement by Government.

2. And whereas in the case of a Municipality within which passes a railway whereon Her Majesty's mails are conveyed, the conveyance of such mails may be obstructed by a riot or disturbance of the peace beyond the power of the civil authorities to deal with, and not local or provincial in its origin, it may be unjust that the municipality should bear the whole expense of preventing or repressing such a riot or disturbance of the peace, and whereas the circumstance that the whole of such expense must be borne by the Municipality is calculated to hinder the local civil authorities from taking the proper action, and it may be just and expedient that some part of such expense should be borne by Canada, therefore,—

Case of riot obstructing conveyance of mails by railway.

In any such case, it shall be lawful for the Governor in Council to pay or reimburse out of any moneys which may be provided by Parliament for the purpose, such part as may seem just of the proper expenses incurred by any Municipality, by reason of any part of the Active Militia being called out in aid of the civil power.

Part of expenses may be paid by Gov't.

An account of any expenditure made under this sub-section shall be laid before Parliament as soon as may be thereafter. [40 Vic., Cap. 40.] Accounts in such case.

3. In case it is made to appear to the satisfaction of the Lieutenant-Governor or person administering the Government of the Province of Manitoba, that a riot disturbance of the peace, or other emergency, requiring the services of the Active Militia in aid of the civil power, has occurred in the North-West Territories or in the District of Keewatin, or that such riot, disturbance or other emergency is anticipated as likely to occur, and (in either case) to be beyond the powers of the civil authorities to suppress, or to prevent or deal with, the said Lieutenant-Governor, or person administering the Government, may, by a writing, expressing on the face thereof the actual occurrence of such riot, disturbance or emergency, or the anticipation thereof, require the senior Officer of the Active Militia present in the Province of Manitoba to call out the same, or such portion thereof as he may consider necessary for the purpose of preventing or suppressing any such actual or anticipated riot or disturbance, or for the purpose of meeting and dealing with any such emergency as aforesaid; and it shall be the duty of such officer to comply with such requisition and to obey such instructions as may be lawfully given him by the said Lieutenant-Governor or person administering the Government, or by such Magistrate as may be designated for the duty by the Lieutenant-Governor or person administering the Government, in regard to the suppression of any such actual riot or disturbance, or in regard to the anticipation of such riot or disturbance or other emergency, or to the suppression of the same, or to the aid to be given to the civil powers in case of any such riot, disturbance or other emergency; and every officer and man of such Active Militia, or any portion thereof, shall, on every such occasion, obey the orders of his Commanding Officer; and the officers and men, when so called out, shall without any further or other appointment, and without taking any oath of office, be Special Constables, and shall be considered to act as such so long as they remain so called out, but they shall act only as a military body, and shall be individually liable to obey the orders of their Military Commanding Officer only. They shall be paid when so employed the rates authorized to be paid for actual service to officers and men, and one dollar per day for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer, and fifty cents to each man per day, in lieu of subsistence, and fifty cents per day in lieu of forage for each horse.

In case of emergency in N.W.T. or Keewatin, the Lt. Governor of Manitoba may call out the active militia by requisition to senior officer.

Duty and powers of officers and men in such case.

To be special constables.

Their pay and allowances.

The said pay and allowances and the reasonable cost of transport to and from the place where the service of the force are required, may be paid by Order of the Governor in Council out of the Consolidated Revenue Fund of Canada. [31 Vic. c. 40, 36 Vic., Cap. 46, and 42 Vic., Cap. 35.]

Out of Con. Rev. Fund.

OFFICERS COMMANDING THE MILITIA.

Qualification and appointment of commanding officer.

28. There shall be appointed an officer who holds the rank of Colonel or superior rank thereto in Her Majesty's Regular Army, who shall be charged, under the orders of Her Majesty, with the military command and discipline of the Militia, and who, while holding such appointment, shall have the rank of Major-General in the Militia, and shall be paid at the rate of *four thousand* dollars per annum in full of all pay and allowances. [35 Vic., chap. 5.]

Rank and pay.

Adjutant-General at headquarters.

29. There shall be an Adjutant-General of Militia at Headquarters who shall have the rank of Colonel in the Militia, and shall be paid at the rate of *twenty-six hundred* dollars per annum.

Quartermaster-General.

2. *There may be a Quartermaster-General at Headquarters who shall have the rank of Colonel in the Militia, and shall be paid at the rate of dollars per annum.*

Duties, how assigned.

3. The Governor in Council shall, from time to time, make such orders as may be necessary respecting the duties to be performed by the Officer commanding the Militia, by the Adjutant-General, *by the Quartermaster-General*, and by the Officers of the Militia generally. [38 Vic., chap. 8.]

DISTRICT STAFF.

Deputy Adjutant General.

30. In and for each of the twelve Military Districts mentioned in section *ten* of this Act, there shall be appointed one Deputy Adjutant General of Militia, who shall have the rank of Lieutenant Colonel, and who shall command the Militia in his District; and he shall be paid at the rate of *one thousand two hundred* dollars per annum. [30 and 37 Vic., chap. 35.]

Staff and other officers.

2. There shall also be appointed in each of the Military Districts aforesaid such Staff Officers and such other Officers as may be necessary; and the salaries of such Staff Officers shall be fixed by the Governor in Council. [31 Vic., chap. 40.]

Proviso: as to amalgamated districts.

3. *Provided always if any two or more districts are amalgamated for administrative purposes, only one Deputy Adjutant General shall be appointed for the districts so amalgamated.*

Change of designation.

4. *Her Majesty may, whenever considered expedient, change the designation or name of office of the Officer who shall command the Militia in any District.*

OFFICERS.

Commissioned and non-commissioned officers.

31. Commissions of Officers in the Militia shall be granted by Her Majesty during pleasure, and all non-commissioned officers in the Militia shall be appointed by the Officer com-

manding the Corps or Battalion to which they belong, and shall hold their rank during pleasure: [31,]

Registration of commissions.

2. Commissions of Officers in the Militia, except the Officer commanding the Militia, the Adjutant General and Deputy Adjutants General, need not be enregistered at full length, but a record of them shall be kept in the Office of the Adjutant General. [38 Vic., chap. 8.]

The Governor's signature to any such commission may be affixed by a stamp.

3. The Governor may cause his signature to be affixed to any commission in the Militia, to be granted or issued under this Act, by stamping the same on such commission with a stamp approved by him, and used for the purpose by his authority, and the signature so affixed shall be, to all intents and purposes, as valid and effectual as if in the handwriting of the Governor; and neither the authenticity of any such stamped signature, nor the authority of the person by whom it has been affixed to any commission, shall be called in question except on behalf of the Crown; and the forging or counterfeiting of any such stamped signature or the uttering thereof, knowing it to be forged or counterfeited, shall be felony, punishable in like manner as the forgery of the Governor's Privy Seal or Seal-at-arms. [33 V., c 22.]

Officers on the retired list.

32. Officers holding commissions in the Militia, may be placed on the retired list, *under regulations to be approved by the Governor in Council;* and Her Majesty may appoint Officers from the retired list to Commissions in the Militia; but no Officer from the retired list shall be bound to serve in the Militia in a lower grade than that of his retired rank.

Conditions of qualification of officers.

33. No person shall be appointed an Officer in the Active Militia, except provisionally, until he has obtained a certificate of fitness from one of the Military Schools of the Dominion or a Board of Officers of the Active Militia, to be constituted as Her Majesty may appoint; or unless he had obtained a certificate from one of the Schools of Military Instruction, heretofore established in the late Province of Canada, or from any Board of Officers which had been appointed for that purpose in any of the Provinces of the Dominion; and Her Majesty may prescribe conditions as to the qualification of Officers of different grades, by General Order; and may order the assembling of such Boards as often as may be expedient; and may dispense with the conditions of this section in the case of men who have served as Officers or non-commissioned Officers in Her Majesty's regular army:

Certificates from military schools.

Board for examination.

Rank in time of peace.

2. In time of peace no person except the Officer commanding the Militia, the Adjutant General and the Quartermaster-General, shall hold higher rank in the Militia than that of Lieutenant Colonel, but Officers at the time when this Act shall come into force, holding the rank of Colonel, shall retain the same;

And when called out.

3. Her Majesty may, however, whenever the Militia is called out for active service in the field, appoint therein Colonels and other Officers of superior rank, in no case to exceed that of Major-General. [31 Vic., chap. 40—34 Vic., chap. 17—37 Vic., chap 36.]

Staff officers.

34. Her Majesty may appoint Staff Officers of the Militia with such rank as from time to time may be found requisite or necessary for the efficiency of the Militia service; and such Staff Officers shall have such rank and authority in the Militia as are held relatively in Her Majesty's service, and their duties shall be such as may from time to time be prescribed.

Relative rank of officers.

35. The relative rank and authority of Officers in the Militia of Canada, shall be the same as the relative rank and authority of Officers in Her Majesty's regular army; and any Body of Militia assembled on parade, shall be commanded by the Officer highest in rank then present, on duty and in uniform, or the senior of two or more Officers of equal rank;

Proviso.

provided that no Officer whose rank is provisional only shall under any circumstances command an Officer of the same grade whose rank is substantive.

officers of H. M's army to be senior.

36. Officers of Her Majesty's Regular Army shall always be reckoned senior to Militia Officers of the same rank, whatever be the dates of their respective Commissions;—and Colonels appointed by Commission signed by the Commander of Her Majesty's Regular Forces in Canada, shall command Colonels of Militia, whatever be the dates of their respective Commissions.

CLOTHING, AND ARMS AND ACCOUTREMENTS.

Officers to furnish their own.

37. Officers shall provide their own uniforms, arms and accoutrements; and the arms and accoutrements of all Officers on the Militia Staff, and of the Officers and men of the Active Militia, and the horses used by them as such, shall be exempt from seizure in execution, and from distress and assessment; and the Officers, non-commissioned officers and men of the Active Militia, shall be exempt from serving as Jurors or Constables; and a certificate under the hand of the Commanding Officer of any such Corps shall be sufficient evidence of the service in his Corps of any Officer, non-commissioned officer or man.

Exemption from seizure.

Exemptions when on active service.

Quality of arms, &c.

38. The arms and accoutrements of the Officers and men of the Active Militia shall be such as Her Majesty shall from time to time direct; and no such arms and accoutrements of the men shall be left in their possession except by special authority.

Responsibility for damages.

39. The value of all such articles of public property as may have become deficient or damaged, while in possession of any Corps, otherwise than through fair wear and tear or unavoidable accident, may be recovered by the Minister of Militia and Defence or by any other person authorized by

him, from the Officer in command of such Corps ; and the Officer commanding any Corps shall have power to recover the value of such articles of public property as have become deficient or damaged while in possession of his Corps, otherwise than through fair wear and tear or unavoidable accident, from the officer, man or men who may be responsible for the same. Recovery thereof.

40. Such of the several Corps of Active Militia heretofore organized or hereafter to be organized, as may, for that purpose, be named and specified, shall be supplied with uniform clothing of such one and similar colour, pattern and design, as may be ordered for each arm of the service designated in this Act ; and, if necessary, such uniform clothing may be replaced in every successive five years from the original issue ; and the said uniform clothing shall be delivered to the Officer Commanding the Corps, to be by him delivered to the men, upon such conditions and upon such security as may be directed ; and Her Majesty may from time to time, make such regulations in respect to the uniform clothing, and may prescribe penalties for any infraction of such regulations as may be deemed necessary or expedient ; but nothing herein contained shall prevent the re-supplying of clothing within the period aforesaid in special cases. Uniform clothing. Renewal. Conditions of delivery. Regulations. Proviso.

41. The several Corps of Militia shall be furnished with arms, accoutrements and equipment, and the same shall be kept in public armories whenever there are such ; and where there are no such public armories, and until the same are provided, the Officer commanding each Corps shall himself actually keep the arms, accoutrements and equipment in a good and sufficient building, provided with suitable arm racks and provision for the care thereof, and shall be personally responsible for such arms, accoutrements and equipment ; and the Officer commanding any such Corps may, in the discretion of the Governor in Council be allowed annually such sum for the care of such arms, accoutrements and equipment as may appear proper for the same ; and no arms, accoutrements, or articles of equipment, shall be taken or removed from any such public armory, or from the care of such Commanding Officer, except under such regulations as may be made in respect to the same by Her Majesty. Arms and accoutrements. Safe keeping. Allowance for care of. As to removal.

42. Any man serving in the Active Militia who may require to leave Canada shall first return to the Captain of his Company all articles of public property which he may have had in his possession, and shall obtain a written discharge from the Captain of his Company or other Commanding Officer of his Corps ; and any Militiaman who may leave Canada with any articles of public clothing or other public property in his possession shall be guilty of embezzlement, and may be tried for the same at any subsequent time ; and a record in the books of his Corps of his having so received and not having returned any articles of public clothing or other public property, shall be evidence of possession ; and he shall be entitled to quittance by certificate and to see it recorded in the books of his Corps on returning such articles. Men leaving Canada to return clothing, &c. Penalty for default. Proof. Receipt for.

When only to appear in uniform.

43. No Corps of the Active Militia, and no non-commissioned officer or man shall at any time appear in uniform or armed or accoutred, except when on duty or *bona fide* at parade or drill or at target practice, or at Reviews or on Field-days or Inspections, or by order of the Commanding Officer.

DRILL AND TRAINING.

Number of men to be trained and drilled yearly in time of peace.

44. In time of peace there shall be trained and drilled annually, for such periods as are authorized by this Act, and under such regulations as Her Majesty may, from time to time prescribe, the Officers of Militia mentioned in the three following sections, and forty-five thousand active militiamen, but any increase above the number of forty thousand shall be authorized and regulated, from time to time, by order of the Governor in Council; and Her Majesty shall, from time to time by General Orders, designate the Regimental Divisions required to furnish the men for purposes of such training and drill. [As amended by 34 Vic., chap. 17.]

Active Militia, Land Force.

Periods of drill and pay during term.

45. Her Majesty may order the Officers and men of the several Corps of the Active Militia or any portion thereof to drill for a period not exceeding sixteen days nor less than eight days in each year: and for each day's drill of three hours, every officer, non-commissioned officer and man *shall receive the pay of their respective ranks*, according to the following schedule, that is to say:

This Schedule is intended to be proposed in Committee.

and the officers and men of mounted Corps, shall receive for each day's drill of three hours, for each horse that has taken part in such drill. [46 amended.]

Provisions respecting attending for drill and training.

[2. *When Corps of the Militia are ordered to assemble in a Camp of exercise for drill and training, they shall be considered to be on service during the whole of the period for which they have been called out, and when so assembled all ranks shall receive rations and shelter at the public expense in addition to their daily pay; in such cases the daily pay will be for each day of twenty-four hours, and the drill and duty to be performed in Camp, or in going to and from the Camp, shall be as ordered by the Commanding Officer for the time being*].

Active Militia, Marine Force.

Drill of marine militia.

46. Her Majesty may order the Officers and men of the Marine Militia, or any portion thereof, to be trained and drilled for a period not exceeding sixteen days, nor less than eight days in each year, at such time and places, and in such manner, as may be thought proper ; and for each day's drill every Officer and man *shall receive the pay of his rank*, according to the said schedule. (47.)

Reserve Militia.

Drill of reserve militia.

47 Her Majesty may order to assemble, for a period not exceeding sixteen nor less than eight days in each year, the officers of the Reserve Militia, or any portion thereof, at such times and places as may be thought proper, for drill and exercise : and for each day's drill of three hours every Officer *shall receive the pay of his rank*, according to the said schedule. (46)

Conditions of payment.

48. Payments for drill, shall be made only upon proof of compliance with such regulations touching such drill, and the efficiency of the several Corps, as Her Majesty may order ; and any Officer or man, absent from drill, shall forfeit his pay therefor.

Drill instructors.

49. Her Majesty may, from time to time, appoint competent persons to instruct and drill the Militia, and may award such remuneration therefor as the Governor in Council may order.

Occasional drill without pay.

50. Such of the Officers and men of any Corps of the Active Militia as reside within two miles of the place appointed for drill, may assemble or be ordered out by the Officer commanding it for drill or exercise, at other times than when performing the annual drills, under regulations to be approved by Her Majesty, and without receiving any pay therefor.

Power to dispense with drill and training in any year.

51. Her Majesty may, by any General Order, dispense with the drill or training of any Corps or part of a Corps of the Active Militia, either in any particular year or until further order, and may, in like manner, again direct such drill and training, or either of them, to be resumed if it may seem fit, and any such order shall have the force of law according to the terms thereof.

INSPECTIONS.

Inspection.

52. The several Corps of the Active Militia shall be subject to such inspections, from time to time, as Her Majesty may direct.

RIFLE RANGES AND DRILL SHEDS.

Rifle ranges.

53. At, or as near as may be to the head-quarters of every Regimental Division, there may be provided a Rifle Range with suitable butts, targets, and other necessary appliances ;

Land for.

and Her Majesty may order the appropriation of such land as may be necessary for the same at a proper valuation, and may stop, at such time as may be necessary during the target practice of the Active Militia, the traffic on any roads not being Mail Roads that may cross the line of fire, and may

Practice at.

make such other regulations, for conducting target practice and registering the results thereof, and for the safety of the

Penalties for damages.

public, as may be necessary, and may impose penalties for wilful damage to any such butts, targets and appliances; and

Inspection.

all such Ranges shall be subject to inspection and approval before being used, and the owners of private property shall

Compensation to owners of property.

be compensated for any damage that may accrue to their respective properties from the use of any such Rifle Range.

Aid to local authorities for drill sheds &c.

54. The Governor in Council may, from time to time, make regulations relating to the conditions upon which Government aid shall be granted towards the construction, by the local authorities, of Drill Sheds and Armouries, in any Regimental Division, and the use thereof by the Militia.

Militia grounds not required may be disposed of.

2. Any land now held or hereafter acquired by Her Majesty for Militia purposes in connection with drill sheds, rifle ranges, armouries or such like uses, and found unnecessary to be retained for the same, may be sold or disposed of under Order of the Governor in Council; and if any portion of the cost of such lands, or of any building thereon has been defrayed by the Municipality in which the land is situate, a

Application of proceeds.

fair proportion of the proceeds, to be determined by the Governor in Council, may be returned to such Municipality or expended therein for other Militia uses of a permanent nature. [42 Vict., Chap. 35.]

SCHOOLS OF MILITARY INSTRUCTION.

May be established in each province.

55. For the purpose of enabling Officers of the Militia, or candidates for Commissions or promotion in the Militia, to perfect themselves in a knowledge of their military duties, drill and discipline, there may be established Schools of Military Instruction in each Province of the Dominion, and for that purpose arrangements may be entered into with the Officer Commanding Her Majesty's Regular Forces in Canada, for the best means of effecting the same in connection with any Regiment or Regiments of Her Majesty's Regular

Regulations by Governor in Council.

Forces or otherwise; and all necessary Rules and Regulations, as to the terms upon which such instruction may be compensated for, and generally for the advancement of Military Education amongst the Officers and Candidates for Commissions as aforesaid, may be made by the Governor in Council.

Arms, &c. for men attending school.

2. *In cases where schools are established either in connection with Imperial Troops or corps of militia, arms, accoutrements, uniform clothing and books of instruction, may be issued, under regulations to be made by the Governor in Council, for use by pupils attending any such school during the period they remain in attendance thereat.*

Selection of pupils.

56. Her Majesty may, from time to time, from among the applicants for such purpose, select such persons in each

Province of the Dominion as may be fit to attend such schools of Military Instruction, and if necessary remove them; and the allowances to be paid to such persons during their stay at the school, and the period for which they shall undergo such instruction, shall be regulated by the Governor in Council; and every person who shall enter upon the course of Military Instruction as hereinbefore provided, shall thereupon and thenceforth, and for the period prescribed in such regulations, upon his signing a Roll of Entry for such instruction, be subject to the Queen's Rules and Regulations, the Army Act passed by the Imperial Parliament, and to such other Orders, Rules and Regulations, of whatever nature or kind *not inconsistent with the provisions of this Act or of any regulation made under authority of it*, to which Her Majesty's Troops are subject.

Allowances.

Obligations of pupils signing the roll.

57. Her Majesty may, from time to time, order any persons who have obtained final certificates in any School of Military Instruction and whether the same be Commissioned Officers or not, to attend a Camp or Camps of Instruction at such time and place in Canada, and for such period as may for such purpose be prescribed; and Her Majesty may make all necessary rules and regulations for the command, and discipline and good management of such Camp or Camps and for the mode of instruction thereat; and the allowances to be paid to such persons during their stay at the same shall be fixed by the Governor in Council; and every person who shall report himself at such Camp or Camps, and shall sign a Roll of Entry thereat, shall thereupon and thenceforth and for the duration of such Camp or Camps, be subject to the Queen's Rules and Regulations, the Army Act, passed by the Imperial Parliament, and to such other Orders, Rules and Regulations, of whatever nature or kind *not inconsistent with the provisions of this Act or of any regulation made under authority of it*, to which Her Majesty's Troops are subject.

Camps of instruction.

Regulations.

Allowances.

Signing roll.

To be subject to Army Act, &c.

RIFLE AND DRILL ASSOCIATIONS.

58. Her Majesty may sanction the organization of Rifle Associations, and of associations for purposes of Drill, to be composed of Militia Officers, or of men on the Militia Rolls, and of independent Companies of Infantry composed of professors, masters or pupils of Universities, Schools or other public Institutions, or of persons engaged in or about the same, under such regulations as may, from time to time, be approved by Her Majesty; but such Associations or Companies shall not be provided with any clothing or allowance therefor.

Such associations may be sanctioned.

Proviso.

MILITARY INSTRUCTION IN SCHOOLS AND COLLEGES.

59. There shall be furnished to every Normal School, University, College or School in Canada, in which there shall be instituted classes of instruction in Military Drill and Exercises under regulations prescribed by Her Majesty, arms and accoutrements necessary for the instruction of the pupils thereof over the age of twelve years.

Arms for public schools.

CALLING OUT THE MILITIA.

Commanding officer may call out militia on sudden emergencies.

60. The Officer commanding any Military District or Division, or the Officer commanding any Corps of Active Militia, may, upon any sudden emergency of invasion or insurrection, or imminent danger of either, call out the whole or any part of the Militia within his command, until the pleasure of Her Majesty is known, and the Militia so called out by their Commanding Officer shall immediately obey all such orders as he may give, and march to such place within or without the District or Division as he may direct

Calling out in time of war, &c., or danger thereof.

61. Her Majesty may call out the Militia or any part thereof, for active service either within or without the Dominion, at any time, when it appears advisable so to do by reason of war, invasion or insurrection, or danger of any of them; and the Militiamen, when so called out for actual service, shall continue to serve for at least one year from the date of their being called out for actual service, if required to do so, or for any longer period which Her Majesty may appoint:

Term of service.

Reliefs.

2. Her Majesty may, from time to time, direct the furnishing by any Regimental Division, of such number of Militiamen as may be required either for reliefs, or to fill vacancies in Corps on active service;

Command of militia so called out.

3. Whenever the Militia or any part thereof are called out for actual service by reason of war, invasion, or insurrection, Her Majesty may place them under the orders of the Commander of Her Regular Forces in Canada. [61.]

Guards of honor on certain occasions

4. The Active Militia or any Corps thereof, or any part of a Corps, shall also be liable to be called out for active service with their arms and ammunition under special or general regulations to be made by the Governor-General in Council, to act as guards of honor, escorts, or as guards and sentries, or to fire salutes in any of the following cases:—

Opening or closing session.

(*a*). The opening or closing of any session of the Parliament of Canada or of the Legislature of any Province of Canada;

Attending Governor, &c.

(*b*). For the purpose of attending the Governor-General of Canada, or any member of the Royal Family while in Canada;

Guarding armouries, &c.

(*c*). For the purpose of guarding any armoury or other place where arms, guns, ammunition, or other military stores are kept.

Guards at Gov't house, &c.

5. The Governor in Council may make regulations for calling out for active service as guards or sentries at the residence of the Governor-General, or of any member of the Royal Family while in Canada, any Corps or part of a Corps of the Active Militia. (43 Vic., c 2.)

Period of service in time of war.

62. In time of war no man shall be required to serve in the field continuously for a longer period than one year; but any man who volunteers to serve for the war or for any longer period than one year shall be compelled to fulfil his engagement; and Her Majesty may, in cases of unavoidable necessity (of which necessity Her Majesty shall be the sole judge), call upon any Militiaman to continue to serve beyond his one year's service in the field, for any period not exceeding six months.

Proviso.

Pay of militia when called out.

63. Whenever the Militia or any part, or Corps thereof, shall be called out for active service, the Officers and men so called out shall be paid at such rates of daily pay as are paid to Officers and men of the relative and corresponding grade in Her Majesty's Service, or such other rates as may for the time being be fixed by the Governor in Council.

To what laws Active Militia shall be subject when called out.

64. The Active Militia shall be subject to the Queen's Regulations and Orders for the army; and every Officer and man of the Militia shall from the time of being called out for active service, and also during the period of annual drill or training under the provisions of this Act, and also during any drill or parade of his corps at which he may be present in the ranks or as a spectator, be subject to the Army Act passed by the Imperial Parliament, and all other laws then applicable to Her Majesty's troops in Canada, and not inconsistent with this Act; except that no man shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws; and except also that Her Majesty may direct that any provisions of the said laws or regulations shall not apply to the Militia force; but any officer or man charged with any offence committed while serving in the Militia, shall be held liable to be tried by Court Martial, and if convicted to be punished therefor, within six months after his discharge from the Militia or after the Corps to which he belongs or belonged is relieved from active service, notwithstanding that he shall have been so discharged from the Active Militia, or that the Corps to which he belonged shall have been so relieved from active service; and any Officer, or man of the Militia may be tried for the crime of desertion at any time, without reference to the length of time which may have elapsed since his desertion.

Exceptions.

Exception.

Trial by Court Martial after discharge or relief.

Trial for desertion.

Roll to be kept of each company.

65. It shall be the duty of the captain or other Officer commanding any Company of Active Militia, with the assistance of the Officers and non-commissioned officers of his Company, to make and keep at all times a correct Roll of the Company in such form as Her Majesty may direct; and it shall be the duty of the Lieutenant-Colonel or other Officer commanding any Battalion of Active Militia, and under him especially of the Adjutant, to see that the Company Rolls above referred to are properly made out, and corrected from time to time by the Captains or others Officers commanding Companies in such Battalion, and to report such Officers as fail to perform their duty in this respect.

Duty of commanding officer and adjutant.

Attendance at rendezvous.

66. Each Militiaman called out for active service shall attend at such time and place as may be required by the Officer commanding him, with any arms, accoutrements, ammunition and equipment he has received, and with such provisions as such Officer may direct

Absence over 7 days; trial as deserter.

67. Any Militiaman who when called out for active service, shall without leave absent himself from his Corps, for a longer period than seven days, may be tried by Court Martial as a deserter.

Provision for men killed, &c.

68. When any Officer or man is killed in active service, or dies from wounds or disease contracted on actual service, provision shall be made for his wife and family out of the public funds:

And for men permanently disabled.

2. And all cases of permanent disability, arising from injuries received or illness contracted on active service, shall be reported on by a Medical Board, and compensation awarded, under such regulations as may be made from time to time by the Governor in Council; and any medical practitioner who shall sign a false certificate in any such case shall incur a penalty of four hundred dollars.

REGULATIONS FOR BILLETING AND CANTONING TROOPS AND MILITIA WHEN ON ACTUAL SERVICE, AND FURNISHING CARRIAGES, HORSES, &C., FOR THEIR TRANSPORT AND USE.

Regulations by Governor in Council.

69. The Governor in Council may make regulations for the billeting and cantoning of Troops and Militia when on active service, for the furnishing of carriages, horses and other conveyance for their transport and use, and for adequate compensation therefor; and may by such regulations impose fines not exceeding *twenty dollars* and imprisonment in cases of default of payment of such fines.

Penalty for refusing conveyance.

70. Any person lawfully required under this Act, or by any regulation made under the authority thereof, to furnish any railway car or engine, boat or other craft, for the conveyance or use of any Troops or Militia, who neglects or refuses to furnish the same, shall thereby incur a penalty not exceeding *four hundred dollars* for each such offence.

Not to be quartered in convents, &c.

71. Nothing in this Act contained or in any regulations made under the authority thereof, shall be construed to authorize the quartering or billeting of any Troops or Militia, either on a march or in cantonment, in any Convent or Nunnery of any Religious Order of Females, or to oblige any such Religious Order to receive such Troops or Militia, or to furnish them with lodging or house room.

COURTS OF ENQUIRY AND COURTS MARTIAL.

H.M. may convene courts of enquiry and courts martial.

72. Her Majesty may convene Courts of Enquiry and appoint Officers of the Militia to constitue such Courts, for the purpose of investigating and reporting on any matter connected with the Government or discipline of the Militia,

and with the conduct of any Officer, or man of the force; and shall have power at any time to convene Courts Martial, and to delegate power to convene such Courts, and to appoint officers to constitute the same, for the purpose of trying any officer, or man of the Militia, for any offence under this Act, and to delegate also power to approve, confirm, mitigate or remit any sentence of any such Court; but no Officer of Her Majesty's regular army on full pay shall sit on any such Court Martial. [36 Vict., Cap. 46.]

Composition and powers of courts martial.

73. The regulations for the composition of Militia Courts of Enquiry and Courts Martial, and the modes of procedure and powers thereof, shall be the same as the regulations which may at the time be in force for the composition, modes of procedure and powers, of Courts of Enquiry and Courts Martial for Her Majesty's regular army, and which are not inconsistent with this Act; and the pay and allowances of Officers and others attending such Courts may be fixed by the Governor in Council. [73.]

Attendance of witnesses.

2. *Every person required to give evidence before a court-martial may be summoned, or ordered to attend.*

Refusing to attend or give evidence &c.

3. *If any person who is not enrolled in the active Militia is summoned as a witness before a court-martial, and after payment or tender of the reasonable expenses of his attendance makes default in attending; or being in attendance as a witness,—*

a. Refuses to take an oath or affirmation legally required by a court martial to be taken; or

b. Refuses to produce any document in his power or control legally required by a court-martial to be produced by him; or

c. Refuses to answer any question to which a court-martial may legally require an answer; or

d. Is guilty of any contempt towards the court-martial by causing any interruption or disturbance in its proceedings;

Offence to be certified to court of law and punished.

The president of the court-martial may certify the offence of such person under his hand to any court of law in the locality which has power to punish persons guilty of like offences in that court, and that court may thereupon inquire into such alleged offence, and if the person be found guilty, punish him in like manner as if he had committed such offence in a proceeding in that court.

Sentence of death in certain cases only.

74. No Militia Officer or Militiaman shall be sentenced to death by any Court Martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post or guard, or traitorous correspondence with the enemy;—and no sentence of any General Court Martial shall be carried into effect until approved by Her Majesty.

OFFENCES AND PENALTIES.

Claiming for drills not performed.

75. Any Officer commanding a Corps of Militia, who shall knowingly claim pay on account of any drills performed with his Corps, for any man belonging to any other Corps of Militia, shall be guilty of a misdemeanor, and shall likewise be liable to be tried and punished by Court Martial;

Returning men not duly enrolled.

and any Officer commanding a Corps of Militia, who shall include in any parade state or other Return, any man not duly enrolled and attested as a Militiaman, shall be guilty of a misdemeanor, and shall be likewise liable to be tried and punished by Court Martial;

Claiming for drill performed with another corps

and any non-commissioned officer or man of the Militia who may claim or receive pay on account of any drill performed in the ranks of any other than his own proper Corps, *or in more than one Corps during the annual drill in any year*, shall be guilty of a misdemeanor, and shall likewise be liable to be tried and punished by Court Martial.

Fraudulently retaining pay of the corps.

76. Any Officer or non-commissioned officer of the Militia who obtains, under false pretences, or who retains or keeps in his own possession, with intent to apply to his own use or benefit, any of the pay or moneys belonging to any Officer or man of any Corps, shall be guilty of a misdemeanor, and shall be dismissed the service;

Signing false parade roll.

and any Officer or non-commissioned officer who may sign a false parade state, roll, or pay-list, or any false return whatever, shall be guilty of a misdemeanor, and shall be likewise liable to be tried by Court Martial for the offence; and any person making an Affidavit or Declaration required in and by this Act, or by any regulation made under the authority thereof, and swearing or declaring falsely therein, shall be guilty of perjury.

Refusing required information, or giving false.

77. Any person of whom information is required by any Officer, or non-commissioned officer, making any Militia Roll, in order to enable him to comply with the provisions of this Act, refusing to give such information or giving false information, shall forfeit and pay a penalty not exceeding twenty dollars for each item of information demanded of him and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated, and every person refusing to give his own name and proper information, when applied to as aforesaid, or giving a false name or information, shall forfeit and pay a penalty not exceeding *twenty* dollars.

Refusing to make enrolment, ballot, &c.

2. And any Officer or non-commissioned officer of the Militia, refusing or neglecting to make any enrollment or ballot, or to make or transmit, as herein prescribed, any roll or return, or copy thereof, required by this Act or by any regulation made under the authority thereof, shall incur a penalty, if an Officer, not exceeding *fifty* dollars, if a non-commissioned officer, not exceeding *twenty-five* dollars for each offence.

Men drafted refusing to be sworn, &c.

78. Any Militiaman, drafted or liable to be drafted for service, who shall refuse or neglect to take the oath or to

make the declaration hereinbefore prescribed, when tendered to him by a Justice of the Peace or by any Commissioned Officer in command of the Corps to which such Militiaman belongs, or in whose District he resides, shall be subject to imprisonment for a period not exceeding six months, and for every subsequent neglect or refusal to take such oath shall be subjected to a further imprisonment not exceeding twelve months ; and he may on due proof in either case be summarily committed upon the warrant of any two Justices of the Peace. Punishment.

79. Any Officer or man of the Militia, or any person whatsoever, who shall falsely personate another at any parade of the Militia, or on any other occasion, for any of the purposes required by this Act, shall be liable to a fine not exceeding *one hundred* dollars and shall be guilty of a misdeameanor : and any Officer or non-commissioned officer of the Militia refusing or neglecting to assist his Commanding Officer in making any roll or return, or refusing or neglecting to obtain or to assist him in obtaining any information which he may require in order to make or correct any roll or return, shall incur a penalty, if an Officer, not exceeding *fifty* dollars ; if a non-commissioned officer, not exceeding *twenty-five* dollars for each offence ; and any person refusing or neglecting to give any notice or information necessary for making or correcting the Roll of any Company, which he is required by this Act to give to the Commanding Officer of such Company or to any Officer or non-commissioned officer thereof demanding the same at any reasonable hour and place, shall incur a penalty of *ten* dollars for each offence. [79, amended by 43 Vic., chap. 2.] Personates others on parade. Refusing to assist in making rolls. Or to give information for making them.

80. Any Officer or man of the Militia who, without lawful excuse, neglects or refuses to attend any parade or drill or training at the place and hour appointed therefor, or who refuses or neglects to obey any lawful order at or concerning such parade, drill or training, shall incur a penalty, if an Officer, of *ten dollars*, if a man of *five dollars*, for each offence ; and absence for each day shall be held to be a separate offence ; and any person who interrupts or hinders any Militia at drill, or trespasses on the bounds set out by the proper Officer for such drill, shall incur a penalty of *five dollars* for each offence, and may be taken into custody and detained by any person by the order of the Commanding Officer until such drill be over for the day ; and any Officer or man disobeying any lawful order of his superior Officer, or being guilty of any insolent or disorderly behaviour towards such Officer, shall incur a penalty, if an Officer, of twenty dollars ; if a man, of ten dollars for each offence. Refusing to attend drill. Hindering militia at drill. Insolent or disorderly behaviour.

81. Any Militiaman who fails to keep in proper order any arms or accoutrements delivered or intrusted to him, or who appears at drill, parade or on any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of *four* dollars for each such offence ; and any person who unlawfully disposes of or removes any arms, accoutrements or other Not keeping arms in proper order.

Unlawfully disposing of them.

articles belonging to the Crown, or who refuses to deliver up the same when lawfully required, or has the same in his possession, except for lawful cause (the proof of which shall lie upon him) shall incur a penalty of *twenty* dollars for each offence;—but this shall not prevent such offender from being indicted and punished for any greater offence if the facts amount to such, instead of being subjected to the penalty aforesaid;—and any person charged with any act subjecting him to the penalty imposed by this section may be arrested by order of the Magistrate before whom the complaint is made, upon affidavit shewing that there is reason to believe that such person is about to leave Canada, carrying with him any such arms, accoutrements or articles.

Proviso.

Arrest for such offences.

Refusing to aid the civil power.

82. Any Officer or man of the Militia who, when his Corps is lawfully called upon to act in aid of the civil power, refuses or neglects to go out with such Corps, or to obey any lawful order of his superior Officer, shall incur a penalty, if an Officer, not exceeding *one hundred* dollars, if a man of the Militia, not exceeding *twenty* dollars for each offence.

Resisting draft, &c.

83. Any person who resists any draft of men enrolled under this Act, or counsels or aids any person to resist any such draft, or in the performance of any service in relation thereto, or counsels any drafted man not to appear at the place of rendezvous, or wilfully dissuades him from the performance of any duty required by law of Militiamen, shall upon conviction thereof, be subject to a fine of not exceeding *one hundred* dollars, or to imprisonment not exceeding six months, or to both of the said punishments. [83.]

Offences connected with desertion.

2. *Any person who persuades any man, who has been enlisted to serve in any Corps of Militia to desert, or attempts to procure or persuade any such man to desert; or*

Knowing that any such man is about to desert, aids or assists him in deserting; or

Knowing any such man to be a deserter, conceals such man, or aids or assists him in concealing himself, or aids or assists in his rescue;

Punishment.

Shall be liable on summary conviction to be imprisoned, with or without hard labour, for a term not exceeding six months.

Contravening this Act in any way.

84. Any person who wilfully contravenes any enactment of this Act, shall, when no other penalty is imposed for such contravention, incur a penalty not exceeding *twenty* dollars for each offence; but this shall not prevent his being indicted and punished for any greater offence if the facts amount to such.

RECOVERY OF PENALTIES.

How recoverable.

85. All penalties incurred under this Act shall be recoverable, with costs, by summary conviction on the evidence of one credible witness, on complaint or information before one Justice of the Peace; and in case of non-payment of the penalty immediately after conviction, the convicting Justice may commit the person so convicted and making default in payment of such penalty and costs, to the common jail

Imprisonment if not paid.

of the territorial division for which the said Justice is then acting, or to some house of correction or lock-up house situate therein, for a period of not more than forty days when the penalty does not exceed *twenty* dollars, and for a period of not more than sixty days when it exceeds the last mentioned sum.

PROSECUTIONS.

On whose complaint only prosecution shall be brought.

86. No prosecution against an Officer of the Militia for any penalty under this Act or under any regulation made under the authority thereof, shall be brought except on the complaint of the officer for the time being commanding the Militia; and no such prosecution against any man of the Militia, shall be brought except on the complaint of the Commanding Officer or Adjutant of the Battalion or Corps, or Captain of the Company or Corps to which such man belongs;—but the officer for the time being commanding the Militia may authorize any Officer of Militia to make such complaint in his name, and the authority of any such Officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the Officer for the time being commanding the Militia; and no such prosecution shall be commenced after the expiration of six monthe from the commission of the offence charged, unless it be for unlawfully buying, selling or having in possession arms, accoutrements or other articles delivered to the Militia, or for desertion. [86 as amended by 38 Vic, Chap. 8.]

And within what time.

Bonds under this Act valid.

87. Every bond to the Crown entered into before any Judge or Justice of the Peace, or officer authorized to take the same, by any person under the authority of this Act, or according to any General Order or Regulations made under it, for the purpose of securing the payment of any sum of money, or the performance of any duty or act hereby required or authorized, shall be valid and may be enforced accordingly.

Recovery of sums payable to H.M.

88. Every sum of money which any person or corporation is under this Act liable to pay or repay to the Crown, or which is equivalent to the damages done to any arms or other property of the Crown used for Militia purposes, shall be a debt due to the Crown, and may be recovered as such.

In what local jurisdiction actions, &c. shall be brought.

General issue.

Tender of amends.

89. Every action and prosecution against any Officer or person, for anything done in contravention to this Act, or to any regulation made under the authority thereof, shall be laid and tried in Quebec in the district, and in Ontario, New Brunswick, Nova Scotia, *and other Provinces*, in the county, where the act complained of was done, and shall not be commenced after the end of six months from the contravention, except as hereinbefore provided;—and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at the trial; and no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into Court by the defendant after the action was brought:

Notice of action for things done under this Act.

2. But no action or prosecution shall be brought against any Officer or person, for anything purporting to be done under the authority of this Act, until at least one month after notice in writing of such action or prosecution has been served upon him, or left at his usual place of abode; in which notice the cause of action, and the Court in which it is to be brought, shall be stated, and the name and place of abode of the Attorney endorsed thereon.

Remission of penalties

90. Every penalty when recovered shall be paid over to the Receiver General: but Her Majesty may remit any penalty incurred under the provisions of this Act.

NOTICES, ORDERS, &c.

Need not be in writing unless so required.

91. It shall not be necessary that any order or notice under this Act be in writing, unless herein required to be so, provided it be communicated to the person who is to obey or be bound by it, either directly by the Officer or person making or giving it, or by some other person by his order.

92. All General Orders of Militia, or other Militia Orders issued through or by the Adjutant General, shall be held sufficiently notified to all persons whom they may concern, by their insertion in the *Canada Gazette*;—and a copy of the said Gazette purporting to contain them shall be evidence of such orders.

Notifying order.

93. Every Order made by the Commanding Officer of any Corps of Militia shall be held to be sufficiently notified, to all persons whom it may concern by insertion in some newspaper published in the Regimental Division in which such Corps is situated, or, if there be no such newspaper, then by posting a copy thereof on the door of every place of public worship or of some other public place, in each Company Division affected by such orders.

Proof of commissions, &c.

94. The production of a Commission or appointment, warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be *primâ facie* evidence of such Commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making such Commission, appointment, warrant or order.

EXPENDITURE.

Payments to be made by warrant of the Governor.

95. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund, upon warrant directed by the Governor to the Receiver General; but no sum of money shall be so paid unless it be included in some appropriation made by Parliament; and a detailed account of moneys so expended shall ba laid before Parliament during the then next session thereof.

Accounts to Parliament.

GENERAL POWER TO MAKE REGULATIONS.

96. The Governor in Council may make regulations relating to anything necessary to be done for the carrying into effect of this Act, and may by such regulations impose fines not exceeding *twenty* dollars each and imprisonment in case of default of payment of such fine. Power to impose fines.

REGULATIONS.

97. All regulations made under the authority of this Act shall be published in the *Canada Gazette*; and when so published, they shall have the force of Law as fully as if they were contained in this Act, of which they shall be deemed to form a part: Regulations to be published.

2. All copies of such Regulations printed by the Queen's Printer, shall be evidence of such regulations and of their contents, and every copy purporting to be printed by the Queen's Printer shall be deemed to be so printed, unless the contrary be shown, and shall be judicially noticed by all Judges, Justices of the Peace and others without being specially pleaded; Certified copies to be evidence.

3. All regulations made under this Act, and an annual report of the state of the Militia, shall be laid before Parliament by the Minister of Militia and Defence, within the first thirty days of the then next session thereof. To be laid before Parliament.

INTERPRETATION.

98. The Interpretation Act shall apply to all regulations, orders and articles of engagement lawfully made or entered into by this Act: 31 V., c. 1, to apply.

2. The word "Corps" shall, for the purposes of this Act, include any Field Battery, Brigade, or Battery of Artillery, Troop of Cavalry, or any Company, Battalion, or Regiment, and in any case in which a person might otherwise be sworn under this Act, a solemn affirmation or solemn declaration, may be substituted (under like penalty for wilful falsehood), if such person would be entitled to a like substitution in a civil case. Word "corps" explained.

REPEAL OF FORMER ACTS.

99. *The Acts of the Parliament of Canada mentioned in Schedule A hereunto annexed are hereby repealed, as are also all other Acts or parts of Acts relating to or affecting the Militia, in so far as they are repugnant to or inconsistent with the provisions of this Act, or provide for matters provided for by it: Provided always, that all Acts or parts of Acts repealed by the said Acts or any of them, shall remain repealed; and this Act shall not be construed as a new law, but as consolidation of so much of the said Acts as is hereby re-enacted, subject to the amendments hereby made; and all commissions and appointments and all Orders in Council, and all regulations or things lawfully made or done under the said Acts, or any of them, shall in so far as they are not repugnant to or inconsistent with this Act, remain in force until revoked or altered by competent* Repeal and effect thereof.

authority ; and all fines and penalties, or punishments, incurred under the said Acts or any of them or under any such Order in Council, before the coming into force of this Act, may be recovered and enforced, and all suits or prosecutions under them may be continued and completed, under the same, as if this Act had not been passed. New.

WHEN THIS ACT SHALL COME INTO FORCE.

100. This Act shall come into force on the

and shall be known as "*The Consolidated Militia Act of* 1883."

SCHEDULE A.

ACTS REPEALED SUBJECT TO THE PROVISIONS IN SECTION 99.

Year of H.M. Reign and Chapter.	TITLE.
31 V., c. 40.....	An Act respecting the Militia and Defence of Canada.
33 V., c. 22.....	An Act to facilitate the signing of Militia Commissions.
34 V., c. 17....	An Act to extend the Act respecting the Militia and Defence of the Dominion of Canada.
36 V., c. 46.....	An Act to amend "An Act respecting the Militia and Defence of the Dominion of Canada."
37 V., c. 35....	An Act to amend the Acts respecting the Militia and Defence of the Dominion of Canada, and to extend the same to the Province of Prince Edward Island.
38 V., c. 8.....	An Act to amend the Dominion Militia and Defence Acts.
40 V., c. 40.. ...	An Act to make further provision for the payment of the Active Militia when called out in certain cases in aid of the Civil Power.
42 V., c. 35 ...	An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.
43 V., c. 2.....	An Act fnrther to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.
45 V., c. 10.....	An Act to amend the Acts respecting the Militia and Defence of the Dominion of Canada.

No. 31.

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

BILL.

An Act Consolidating and Amending the several Acts relating to the Militia and Defence of the Dominion of Canada.

Received and read first time, Friday, 23rd February, 1883.

Second reading, Monday, 26th Feby, 1883.

Mr. CARON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883

No. 32.] **BILL.** [1883.

An Act to amend "The Consolidated Railway Act, 1879."

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

1. Section sixty of the Act forty-two Victoria, chapter nine, intituled: "*An Act to amend and consolidate the Railway Act*, 1868, *and the Acts amending it*," is hereby amended by substituting the words "fifty years," for the words "twenty-one years," in the first paragraph of the third section. Sec. 60, of 42 V., c. 9, amended.

No. 32.

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

BILL.

An Act to amend "The Consolidated Railway Act, 1879."

Received and read first time, Monday, 26th February, 1883.

Second reading, Tuesday, 27th February, 1883.

Mr. RIOPEL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 33.] **BILL.** [1883.

An Act to provide for the admission of Graduates of the Royal Military College to the profession of Dominion Land Surveyors.

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

Cadets of the said College duly certified to be admitted as pupils to Dominion Land Surveyors without further examination and after one year's service as such pupils to be admitted as Dominion Land Surveyors.

1. Every cadet of the Royal Military College, constituted by the Act thirty-seventh Victoria, chapter thirty-six, who shall have duly graduated on completion of the full course of instruction required by the regulations relating to the said College, and who shall, upon such completion and after final examination, have also received a certificate of proficiency in surveying from the proper College authority, shall be entitled, without further examination, to serve as a pupil of a Dominion Land Surveyor; and shall, upon production of the said Royal Military College certificate of proficiency in surveying and of graduation, and also of a certificate of his having satisfactorily served for one year as such pupil of a Dominion Land Surveyor, be entitled to claim and to receive, without fee, and without further examination, a commission as a Dominion Land Surveyor from the Board of Examiners constituted under the "*Dominion Lands Act*, 1879," or any Act relating to the same subject, passed during the present Session of Parliament, and shall thereupon be invested with all such rights, powers and privileges as are vested in and conferred upon Dominion Land Surveyors, who have received commissions after examination as provided, or as may be provided in such Acts or either of them.

No. 33.

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

BILL.

An Act to provide for the admission of Graduates of the Royal Military College to the profession of Dominion Land Surveyors.

Received and read, first time, Monday, 26th February, 1883.

Second reading, Tuesday, 27th February, 1883.

Mr. CASGRAIN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 34. **BILL.** 1883

An Act to amend and consolidate the Acts respecting the Customs.

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

1. This Act may be cited as "The Customs Act, 1883." Short title.

2. This Act shall be construed as being passed in amendment and consolidation of the Act passed in the fortieth year of Her Majesty's Reign (A.D. 1877), intituled: "An Act to amend and consolidate the Acts respecting the Customs," and of the Acts amending the same. Amendment of 40 V., c. 10, and its amendments.

3. This Act shall come into force upon, from and after the day of the passing thereof, and upon from and after the said day the Acts and part of Acts mentioned in Schedule A hereto, and all Acts, enactments or provisions of law inconsistent with this Act or making any provision for any matter provided for by this Act, are hereby repealed, and this Act is substituted for them; provided always that all Acts or enactments repealed by any of said Acts shall remain repealed, and that all Orders in Council and regulations made under the Acts hereby repealed, shall remain in force until revoked or altered by competent authority; and all things lawfully done, and all obligations incurred, bonds given, duties accrued and rights acquired under the said Acts or any of them shall remain valid and may be enforced, and all offences committed, penalties, forfeitures or liabilities incurred under them or any of them, may be prosecuted, punished and enforced, and all proceedings and things lawfully commenced under them or any of them, may be continued and completed under the said Acts, or under corresponding provisions of this Act, which shall not be construed as new law, but as a consolidation and continuation of the said repealed Acts, subject to the amendments and new provisions hereby made. Anything heretofore done, or any offence committed or liability incurred under any provisions of any of the said repealed Acts, which is repeated without material alteration in this Act, may be alleged or referred to as having been done, committed or incurred under the repealed Act in which such provision was made or under this Act—and every such provision shall be construed as having had and as having the same effect, and from the same time, as under such repealed Act, and any reference in any former Act or document to any such provision

Repeal of former Acts and effect thereof.

Proviso: as to acts already repealed and as to orders in council.

As to things lawfully done, rights acquired, etc.

As to former provisions repealed in this Act.

in any of the said repealed Acts, may hereafter be construed as a reference to the corresponding provision of this Act.

Interpretation clause.

4. The following terms and expressions whenever used in this Act, or in any other laws relating to the Customs shall, unless it be otherwise specially provided, or there be something in the context repugnant to or inconsistent with such construction, be construed and interpreted as follows: The

Port.

word "Port" means a place where vessels or vehicles may

Collector.

discharge or load cargo; the word "Collector" means the Collector of the Customs at the port or place intended in the sentence, or any person lawfully deputed, appointed, or authorized to do the duty of Collector thereat; the word

Officer.

"Officer" means an officer of the Customs; the word "Ves-

Vessel.

sel" means any ship, vessel, or boat of any kind whatever, whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only, unless the context be manifestly such as to distinguish one kind or class of vessel from another, and the word "Vessel" includes

Vehicle.

"Vehicle;" the word "Vehicle" means any cart, car, waggon, carriage, barrow, sleigh, or other conveyance of what kind soever, whether drawn or propelled by steam, by animals, by hand, or other power, and includes the harness or tackle of the animals, and includes also the fittings, furnishings, and appurtenances of the vehicle; the word "Master" means the person having or taking charge of any vessel

Conductor.

or vehicle; the word "Conductor" means the person in charge, or having the chief direction of any railway train;

Owner, etc.

the words "Owner," "Importer," or "Exporter" mean the owners, importers, or exporters, if there be more than one in any case, and include persons lawfully acting on their behalf; the word "Goods" means goods, wares, and merchandize, or moveable effects of any kind, including carriages, horses, cattle, and other animals, except where these latter are manifestly not intended to be included by the said

Warehouse.

word; the word "Warehouse" means any place, whether house, shed, yard, dock, pond, or other place in which goods imported may be lodged, kept, and secured without pay-

Customs warehouse.

ment of duty; "Customs Warehouse" includes sufferance warehouse, bonding warehouse, and examining ware-

Oath.

house; the word "Oath" includes declaration and affirma-

General provisions.

tion. All the terms and provisions of this Act or of any such law as aforesaid, shall receive such fair and liberal construction and interpretation as will best ensure the protection of the Revenue and the attainment of the purpose for which this Act or such law was made, according to its true intent, meaning and spirit.

To what duties this Act applies.

5. The following provisions of this Act shall apply to all duties of Customs imposed by any Act of the Parliament of the Dominion of Canada, whether now in force or passed in the present Session, or in any future Session of the said Parliament.

Duties on non-enumerated articles resembling enumerated.

6. On each and every non-enumerated article which bears a similitude, either in material, quality or the use to which it may be applied, to any enumerated article chargeabl

with duty, the same rate of duty shall be payable which is charged on the enumerated article which it most resembles in any of the particulars before mentioned.

On articles resembling more than one enumerated.

7. If any non-enumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, the duty on such non-enumerated article shall be the same as that on the enumerated article which it resembles, paying the highest duty.

Made of more than material.

8. On all articles manufactured from two or more materials, the duty shall be that charged on the article (if there be a difference of duty) which is charged with the highest duty.

Enumerated under more than one name.

9. If an article be enumerated in the tariff under two or more names or descriptions, and there be a difference of duty, the highest duty provided shall be charged and collected thereon.

Spirits and strong waters.

10. Spirits and strong waters, from whatever substance distilled or prepared, having the flavor of any kind of spirits or strong waters subject to a higher duty than whiskey, shall be liable to the duty imposed on spirits or strong waters of which they have the flavor.

Governor in Council may in doubtful cases declare the duty, or that the goods are free.

Effect and proof of order.

11. Inasmuch as disputes may arise as to whether any or what duty is payable on particular goods, therefore when there is no decision in the matter by any competent tribunal, or there are decisions inconsistent with each other, the Governor in Council may declare the duty payable on the kind of goods in question, or that such goods are exempt from duty; and any Order in Council containing such declaration and fixing such duty (if any) and published in the *Canada Gazette*, shall, until otherwise ordered by Parliament, have the same force and effect as if such duty had been fixed and declared by law; and a copy of the said *Gazette* containing a copy of any such order shall be evidence thereof.

Currency as respects duties.

Weights and measures.

12. All duties, penalties or forfeitures imposed by any Act relating to the Customs, shall be payable in money being a legal tender, at such rate as that four dollars and eighty-six cents and two-thirds of a cent of such money, shall be of equal value with the British sovereign or pound sterling; and all such duties shall be paid and received according to the weights and measures established by Statute in that behalf.

Greater or less quantities.

13. In all cases wherein the duties are imposed according to any specific quantity or to any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value, and to any fractional part of such specific quantity.

Duties to be within the

14. The duties imposed by any Act relating to the Customs shall be held to be duties within the meaning of the Act of

purview of 41 V., c. 7, and orders under it.

the Parliament of Canada, intituled: "*An Act to provide for the better Auditing of Public Accounts*," and of any Act of the said Parliament amending the same, and shall, with all matters and things thereunto relating, be subject to the provisions of the said Act or Acts, and to the regulations and orders of the Governor in Council, made or to be made under the authority thereof, in so far as the same are not inconsistent with this Act; and all moneys arising from such duties, or from any penalties hereby imposed, and belonging to Her Majesty, shall be paid over by the officer receiving the same to the Receiver-General, and shall form part of the Consolidated Revenue Fund of Canada.

Duties and penalties (if any) under s. 102, to be a debt to Her Majesty and how recoverable.

15. The true amount of Customs Duties payable to Her Majesty with respect to any goods imported into Canada or exported therefrom, and the additional sum (if any) payable under section *one hundred and two* (102) of this Act, shall, from and after the time when such duties should have been paid or accounted for, constitute a debt due and payable to Her Majesty, jointly and severally, from the owner of the goods at the time of the importation or exportation thereof, and from the importer or exporter thereof, as the case may be; and such debt may at any time be recovered with full costs of suit, in the Exchequer Court of Canada, or in any Provincial Court having jurisdiction in cases of debt to the amount claimed.

Goods not to be unladen except after due entry.

16. No goods shall be unladen from any vessel arriving at any port or place in Canada, from any place out of Canada, nor from any vessel having dutiable goods on board brought coastwise; nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods; and warrant granted for the unlading of the same; and no goods shall be so unladen (unless for the purpose of lightening the ship or vessel in crossing over a shoal or bar, or sand-bank) except between sunrise and sunset, and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer of the Customs is appointed to attend the unlading of goods, or at some place for which a sufferance has been granted by the Collector or other proper officer, for the unlading of such goods: and if, after the arrival of the vessel within three leagues of the coast, any alteration be made in the stowage of the cargo so as to facilitate the unlawful unlading of any part thereof; or if any part thereof be fraudulently staved, destroyed or thrown overboard, or any package be opened, it shall be deemed a breaking of bulk; and all goods unladen contrary to this Act shall be forfeited; and if bulk be broken contrary to this Act, the master shall forfeit *two hundred dollars*, and the vessel shall be detained until the said fine is paid.

Exception.

And at the hours and places appointed for the purpose.

Stowage of cargo not to be altered.

Forfeiture for contravention.

Governor in Council may appoint places of entry.

17. The Governor in Council may, by regulation from time to time, appoint the ports and places of entry for the purposes of this Act, and may in like manner increase or diminish the number, or alter the position or limits thereof.

18. All goods imported into Canada, whether by sea, land, coastwise, or by inland navigation, whether dutiable or not, must be brought in at a port of entry where a Custom House is lawfully established. All goods imported must be brought in at a place of entry.

19. All goods or merchandize exported by sea, land, or by inland navigation, must be reported at the nearest Custom House, or, if exported from any place where no Custom House is established, they must be reported within twenty-four hours of the time of such export, at the nearest Custom House, according to such regulations as may be established by the Governor in Council from time to time. As to goods exported.

20. If any goods are imported into Canada at any other place, than at some Port or Place of Entry at which a Custom House is then lawfully established, or being brought into such port or place of entry by land or inland navigation, are carried past such Custom House, or removed from the place appointed for the examination of such goods by the Collector or other officer of the Customs at such port or place, before the same have been examined by the proper officer, and all duties thereon paid and a permit given accordingly, such goods shall be seized and forfeited, and each and every person concerned in such unlawful importation or removal shall be subject to a penalty equal to the value of such goods. Forfeiture of goods carried past Custom House on importation. Further penalty.

21. If any vessel with dutiable goods on board, enters any place other than a Port of Entry (unless from stress of weather or other unavoidable cause), such goods (except those of an innocent owner) shall be forfeited, together with the vessel in which the same were imported,—if such vessel is of less value than eight hundred dollars. Vessel forfeited in certain cases if worth less than $800.

22. If any vessel worth more than eight hundred dollars, with dutiable goods on board, enters any place other than a Port of Entry (unless from stress of weather or other unavoidable cause) such goods (except those of an innocent owner) shall be 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 shall be detained until such penalty be paid or security given for the payment thereof; and unless payment be made or satisfactory security be given, within thirty days, such vessel may, at the expiration thereof, be sold to pay the said penalty. And if the vessel be worth more than $800. Sale of vessel.

23. If any goods are unlawfully imported by land, they shall be seized and forfeited, together with the vehicle in or by which such goods are so imported or removed, and the horses or other cattle employed in drawing such carriage, or in importing or removing such goods. As to goods unlawfully imported by land.

24. If any goods are unlawfully imported on any railway, they shall in like manner be seized and forfeited, and the car in which such goods were so imported shall be seized and detached from the train and forfeited; and any conductor, baggage-master, or any officer or servant employed on any Forfeiture of cars for unlawful importation by railway.

railway, and any officer or servant employed by any express company, who is privy to or aids or abets in such unlawful importations, shall, upon summary conviction thereof, be liable to a fine of not less than fifty dollars nor more than two hundred dollars, or to imprisonment for not less than three months nor more than twelve months, or to both fine and imprisonment within the said limits.

Penalty on conductor, etc., in such case.

Report to be made by master of vessel arriving from sea or coastwise.

25. The master of every vessel coming from any port or place out of the Dominion of Canada, or coastwise and entering any port in Canada, whether laden or in ballast, shall go without delay, when such vessel is anchored or moored, to the Custom House for the Port or Place of Entry where he arrives, and there make a report in writing to the Collector or other proper officer, of the arrival and voyage of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners, the number and names of the passengers (if any), the number of the crew, and whether she is laden or in ballast, and if laden, the marks and numbers of every package and parcel of goods on board, and where the same was laden, and the particulars of any goods stowed loose, and where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, what part of the cargo and the number and names of the passengers which are intended to be landed at that Port, and what and whom at any other Port in Canada, and what part of the cargo (if any) is intended to be exported in the same vessel, and what surplus stores remain on board,—as far as any of such particulars can be known to him.

Contents of such report.

Vessels may be boarded within 3 miles of anchorage and report demanded.

26. In the case of every vessel bound for any sea-port in Canada, from any port out of Canada, the Collector or proper officer of such Canadian port may cause such vessel to be boarded by an officer of Customs detailed by him for such service, at any place within three marine miles of the anchorage ground, and such officer may demand from the master or purser of such vessel a correct copy of the report inwards intended by him to be presented at Custom House on arrival. Such boarding officer may remain on board the vessel until she anchors, and the copy of the report so received by him shall be deposited by him at the Custom House as the vessel's report inwards, for comparison with that to be presented by the master in person.

Officer may remain on board.

Duty of master of a vessel arriving by inland navigation.

27. The master or person in charge of any vessel, whether laden or in ballast, arriving by inland navigation in any port or place of entry in Canada, from any place beyond the limits of Canada, and having any goods therein (whether any duty be payable on such goods or not) shall go without delay, when such vessel is anchored or moored, directly to the Custom House for such port or place of entry, and make a report in writing (in such form as may be appointed for that purpose by competent authority) to the Collector or other proper officer, of the arrival of such vessel, stating in such report the marks and numbers of every package and

Report for entry.

parcel of goods in such vessel, or in the charge and custody of such person, from what place the same are respectively brought, and to what place and to whom consigned or belonging, as far as such particulars are known to him; and he shall then and there produce such goods to the Collector or other proper officer, and shall declare that no goods have been unladen from such vessel or have been put out of his possession, between the time of his coming within the limits of Canada and of his making such report and affidavit, and shall further answer all such questions concerning such vessel or goods as are demanded of him by such Collector or officer.

Production of goods and declaration by master.

28. The master shall at the time of making his report, if required by the officer of Customs, produce to him the bills of lading of the cargo, or true copies thereof, and shall make and subscribe an affidavit referring to his report and declaring that all the statements made in the report are true; and shall further answer all such questions concerning the vessel and cargo, and the crew, and the voyage, as shall be demanded of him by such officer, and shall, if required, make the substance of any such answer part of his report.

Production of bills of lading.

Answering questions, etc.

29. If any goods are unladen from any vessel before such report be made, or if the master fails to make such report, or makes an untrue report, or does not truly answer the questions demanded of him, as provided in the next preceding section, he shall forfeit the sum of *four hundred dollars*, and the vessel shall be detained until the said fine be paid.

Penalty for contravention: requirements as to report.

30. Any goods not reported, found on board of any vessel or landed, shall be seized and forfeited, unless it appears that there was no fraudulent intention,—in which case the master shall be allowed to amend his report; but the necessary discharging of any goods for the purpose of lightening the vessel in order to pass any shoal, or otherwise for the safety of such vessel, shall not be deemed an unlawful landing or breaking of bulk.

Goods not reported liable to forfeiture.

Proviso.

31. If the contents of any package intended for importation into another port, or for exportation, be unknown to the master, the officer may open and examine it, and cause it for that purpose to be landed if he sees fit; and if any prohibited goods be found therein, all the goods in such package shall be forfeited.

As to goods intended for another port.

32. In order to avoid injurious delay to steamers and other vessels under certain circumstances, the Governor in Council may make such regulations as may be considered advisable, for the appointment of Sufferance Wharves and Warehouses, at which, goods arriving by vessels in transit to other ports or confined to certain days of departure, may be landed and afterward stored before entry—such vessels being duly reported to the Custom House, and having obtained the Collector's warrant for the purpose; provided such landing be effected between sunrise and sunset, on a

Governor in Council may make regulations for the appointment of sufferance wharves and warehouses.

Proviso.

day not being Sunday or a statutory holiday; and provided the goods on being so landed, are immediately stored in some such approved Sufferance Warehouse; and such goods shall be thereafter dealt with by the Customs as prescribed by law; but nothing in this section shall affect any contract express, or implied, between the master or owner of any such vessel and the owner, shipper or consignee of any such goods as aforesaid, or the rights or liability of any party under such contract; and provided, further, that the Governor in Council may make similar regulations for the appointment of Sufferance Warehouses, in which goods arriving by railway may be stored before entry,—such goods having been duly reported to the Collector or proper officer of Customs.

Proviso: sufferance warehouses for goods by railway.

Report to be made by conductor on importation by railway.

33. The conductor of every railway train carrying freight arriving at any port in Canada, from any foreign port, shall come directly, and before bulk is broken, to the Custom House at such port, and report all merchandize on board his train or in any particular car belonging to such train, stating the marks and numbers of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and what part thereof, if any, is intended to pass *in transitu* through Canada to some port or place in the United States, or to be transhipped at some other port in Canada, to be exported to a port or place out of Canada; and if any goods are unladen before such report is made, except by written permission of the Collector, or proper officer of Customs, or if the conductor fails to make such report, or makes an untrue report, or does not truly answer any questions put to him respecting the same, he shall forfeit the sum of *four hundred dollars*.

Penalty for contravention.

Entry to be made by any person bringing goods by land.

34. The person in charge of any vehicle, arriving by land in any place in Canada, and containing goods, whether any duty be payable on such goods or not, and the person in charge of any vehicle so arriving, if the vehicles or its fittings, furnishings or appurtenances, or the animals drawing the same or their tackle, is or are liable to duty, and any person whosoever so arriving in Canada from any port or place out of Canada, on foot or otherwise, and having with him or in his charge or custody, any goods, whether such goods be dutiable or not, shall come to the nearest Custom House or to the station of the nearest officer of Customs, before unlading or in any manner disposing of the same, and make a report in writing to the Collector or proper officer of Customs, stating the contents of each and every package and parcel of goods, and the quantities and values of the same; and shall also then answer all questions respecting such goods or packages, and the vehicle, fittings, furnishings and appurtenances, and animals, and the tackle appertaining thereto, as the said Collector, or proper officer of Customs, may require of him, and shall then and there make due entry of the same, in accordance with the law on that behalf.

Report and what it must show.

Questions concerning goods, etc., to be answered.

And entry made.

35. Fresh fish, coin or bullion may be landed without entry or warrant, as may also goods in any stranded or

wrecked vessel; provided they be duly reported and entered as soon as possible after being safely deposited on shore, and that the landing be in presence of an officer of the Customs or Receiver of Wreck, or other person authorized to do the acts of such Receiver under the Wreck and Salvage Act 1873, or any act amending the same. 36 V., c. 55.

Or live stock or perishable goods.

36. If a vessel having live stock or perishable articles on board arrives after business hours, the Collector or any officer at the port may permit the master to unlade the same before report; but report shall in such case be made as soon as may be after the next opening of the Customs office.

Governor in Council may declare what shall be a coasting voyage.

What shall be inland navigation.

May relieve coasters in certain cases.

Penalty for contravention.

37. The Governor in Council may, by regulation, declare any trade or voyage on the seas, rivers, lakes or waters, within or adjacent to Canada, whether to or from any place within or without Canada, to be a coasting trade or a coasting voyage within the meaning of this Act, whether such seas, rivers, lakes or waters are or are not, geographically or for the purposes of other Acts or laws, inland waters; and all carrying by water which is not a carrying by sea or coastwise, shall be deemed to be a carrying by inland navigation; and the Governor in Council may, from time to time, with regard to any such coasting trade, dispense with such of the requirements of this Act as he deems it inexpedient to enforce in any case or class of cases, or make such further regulations as he may think expedient; and any goods carried coastwise, or laden, water—borne or unladen, contrary to such regulations or to any provision of this Act not dispensed with by such regulations shall be seized and forfeited.

Importing vessel must be registered.

38. It shall not be lawful, unless otherwise authorized by the Governor in Council, to import any goods, wares or merchandize from any port or place out of Canada in any vessel which has not been duly registered and has not a certificate of such registry on board.

Forfeiture of goods, etc., not reported, and penalty for untrue report.

Forfeiture of vessel or vehicle.

39. If any goods are unladen from any vessel or vehicle, or put out of the custody of the master or person in charge of the same, before report is made as required by this Act, or if such person or master fails to make such report, or to produce such goods, or makes an untrue report, or does not truly answer the questions demanded of him, he shall for each such offence forfeit the sum of *four hundred* dollars; and if any such goods are not so reported and produced, or if the marks and numbers or other description of any package do not agree with the report made, such goods or package shall be seized and forfeited, and the vessel or vehicle and the animals drawing the same shall be detained until such amount be paid.

Within what time entries shall be made.

If imported by sea or

40. Every importer of any goods by sea or from any place out of Canada shall, within three days after the arrival of the importing vessel, make due entry inwards of such goods, and land the same: and every importer of any goods imported by inland navigation in a decked vessel of one

from place out of Canada.

If by inland navigation or by land.

hundred tons burthen or more, shall, within twenty-four hours of the arrival of the importing vessel, make due entry inwards of such goods, and land the same : and every importer of any goods imported by inland navigation in any undecked vessel, or in any vessel less than one hundred tons burthen, or by land, shall, forthwith, after the importation of such goods, produce the same to the proper officer and make due entry thereof.

Bills of entry inwards : what to show.

41. The person entering any goods inwards shall deliver to the Collector or other proper officer, an invoice of such goods shewing the place and date of purchase and the name or style of the firm or person from whom the goods were purchased, and a full description thereof in detail, giving the quantity and value of each kind of goods so imported, and a bill of the entry thereof, in such form as shall be appointed by competent authority, fairly written or printed, or partly written and partly printed, and in duplicate, containing the name of the importer,—and, if imported by water, the name of the vessel and of the master, and of the place to which bound, and of the place, within the port, where the goods are to be unladen,—and the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce or manufacture.

Duplicate.

If importation is by water.

Duties to be paid down unless goods are warehoused.

Warrant and permit.

42. Unless goods are to be warehoused in the manner by this Act provided, the importer shall, at the same time, pay down, or cause to be so paid, all duties upon all goods entered inwards ; and the Collector or other proper officer shall, immediately thereupon, grant his warrant for the unlading of such goods, and grant a permit for the conveyance of the same goods further into Canada, if so required by the importer.

In default of entry, goods may be taken to warehouse and sold if duties are not paid within a certain time.

43. In default of such entry and landing, or production of the goods, or payment of duty, the officer of Customs may convey the goods to a Customs Warehouse, or some secure place appointed by the Collector for such purpose, there to be kept at the risk and charge of the owner ;—and if such goods be not duly entered within one month from the date of their being so conveyed to the Custom Warehouse, or other appointed place, and all charges of removal and warehouse rent duly paid at the time of such entry, the goods shall be sold by public auction to the highest bidder, and the proceeds thereof shall be applied first to the payment of duties and charges, and the overplus, if any, after discharging the vessel's lien, or other charges for transportation, shall be paid to the owner of the goods or to his lawful agent ; Provided always, that in case the same cannot be sold for a sum sufficient to pay the duties and charges if offered for sale for home consumption, or the charges if offered for sale for exportation, such goods shall uot be sold, but be destroyed.

Proviso : as to goods not worth the charges on them.

Forfeiture of goods landed without due entry.

44. Any goods unladen or landed before due entry thereof and warrant for landing shall be seized and forfeited,

and any person concerned in landing or receiving or concealing goods so landed, shall, for each offence, forfeit four hundred dollars.

Provision as to goods not intended to be landed at the first port.

45. If any goods are brought in any decked vessel, from any place out of Canada to any port of entry therein, and not landed, but it is intended to convey such goods to some other port in Canada in the same vessel, there to be landed, then the duty shall not be paid nor the entry completed at the first port, but at the port where the goods are to be landed, and to which they shall be conveyed accordingly, under such regulations and with such security or precautions for compliance with the requirements of this Act, as the Governor in Council may from time to time appoint.

Where the entry shall be completed.

Collector may require further proof of proper entry, etc.

46. The Collector may require from the importer (or from his agent) of any goods charged with duty, or conditionally exempted from duty, or exempt therefrom, before admitting the said goods to entry, such further proof as he deems necessary, by oath or declaration, production of invoice or invoices, or bills of lading or otherwise, that such goods are properly described and rated for duty or come properly within the meaning of such exemptions.

Packages of which contents are unknown.

47. Any package of which the importer or his agent declares the contents to be unknown to him, may be opened and examined by the Collector or other proper officer, in the presence of such importer or agent, and at the expense of the importer, who shall also bear the expense of re-packing.

Entry void unless goods correspond with report.

48. No entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse (as hereinafter provided) shall be deemed valid, unless the particulars of the goods and packages in such entry or warrant correspond with the particulars of the goods and packages purporting to be the same in the report of the vessel, or other report (where any is required) by which the importation or entry thereof is authorized, nor unless the goods have been properly described in such entry by the denominations, and with the characters and circumstances according to which such goods are charged with duty or may be imported: and any goods taken or delivered out of any vessel, or out of any warehouse, or conveyed into Canada beyond the port or place of entry, by virtue of any entry or warrant not corresponding with the facts in all such respects, or not properly describing the goods, shall be deemed to be goods landed or taken without due entry thereof, and shall be seized and forfeited: and the Collector or proper officer, after the entry of any goods, may, on suspicion of fraud, open and examine any package of such goods, in presence of two or more credible witnesses, and if, upon examination, the same are found to agree with the entries, they shall be re-packed by such Collector or proper officer, at the public cost, but otherwise they shall be seized and forfeited.

Goods not so corresponding to be forfeited.

Suspected packages may be opened.

Conditions.

Quantity and value required in entry.

49. The quantity and value of any goods shall always be stated in the bill of entry thereof, although such goods are not subject to duty; and the invoice thereof shall be produced to the Collector.

Surplus stores of vessels to be dutiable.

Proviso.

50. The surplus stores of vessels arriving in Canada shall be subject to the same duties and regulations as if imported as merchandise; but if the owner or master desires to warehouse the same for reshipment for the future use of the vessel the Collector may permit him so to do.

Vessels entering the Gut of Annapolis.

51. Vessels entering the Gut of Annapolis may be reported and entered, and the duties on goods therein imported, paid either at the Port of Digby or Annapolis.

Or the Great Bras d'Or.

52. Vessels entering the Great Bras d'Or shall be reported and entered at such place as the Minister of Customs may, from time to time direct.

Abatement of duties on goods imported and damaged.

Time for making claim limited.

53. If any goods imported by water, or partly by water and partly by land, on which duties (*ad valorem* or specific, or both,) are payable, receive damage during the voyage of importation between the actual departure of the vessel in which they are laden from the foreign port of exportation and the actual arrival of the goods at the port of destination in Canada, whereby such goods have become lessened in value, an abatement may be made in the manner hereinafter provided in the duty payable upon such goods, or in case duty has been paid thereon a refund of a part of such duty may be made proportionate to the damage sustained, provided the claim therefor is made in due form and properly substantiated at the first landing from such vessel of the said goods, and while they are in the custody of the Crown, or as soon after such first landing as they can be examined; provided such examination be completed and certified by the Collector of Customs, Customs Appraiser or other proper officer, whose duty it shall be to assess such damage, within ten days of such landing.

If imported by railway or other land conveyance.

Fine for claim.

54. If any goods imported by railway, or by any other land vehicle, on which duties (*ad valorem* or specific, or both,) are payable, receive damage during the course of transportation, after they are laden on such railway or other vehicle, and before they arrive at the Canadian port of destination, whereby they become lessened in value, an abatement may be made in the manner hereinafter provided in the duty payable upon such goods, provided the claim for such abatement is made in due form within ten days of the arrival of such goods at the Canadian port of destination, and substantiated in the same manner as provided in the next preceding section.

Duty of Collector or Appraiser.

55. The Collector of Customs or Appraiser or other proper officer whose duty it may be to examine and assess the amount of damage sustained on voyage or course of importation, shall do so with all possible despatch on being notified to that effect, and shall certify to the exact cause and

extent of such damage with reference to the value of the goods in the principal markets of the country whence imported, and not according to the value in Canada. As to value of goods.

56. The Collector or Appraiser shall not regard as evidence of the existence or amount of damage any price realized at an auction or forced sale thereof, nor shall he estimate nor shall any damage be allowed which may have originated from decay, dampness or other cause existing before the voyage commenced and which may have rendered the goods unfit to withstand the ordinary risks of the voyage of importation, nor shall he estimate nor shall any allowance be made for or duty refunded for rust on iron or steel or any manufacture thereof, except on polished Russia iron and Canada plates, and on such only to the extent of fifty per cent., nor shall any allowance be made for stains or injury to any packages holding liquids, or the labels thereon, unless the contents of such packages have at the same time received actual specific damage by the admixture therewith of water or other foreign substance. What shall not be regarded as evidence of damage. No allowance in certain cases.

57. Upon the Collector or Appraiser ascertaining the percentage of damage, such percentage shall be deducted from the original value thereof and duty shall then be levied and collected on such reduced value at an *ad volorem* rate which shall be equivalent to the rate of specific or specific and *ad valorem* duty which should have been collected upon such goods if they had not been so damaged. Per centage of damage to be deducted for duty.

58. When any vessel is entered at the Custom House at any port in Canada, on board of which there are any goods on which any duty has been levied or collected or on which any duty has been deposited, and thereafter the said goods are lost or destroyed before the same are landed from such vessel, or from any vessel or craft employed to lighten such vessel, then, on proof being made on the oath of one or more credible witness or witnesses, before and to the satisfaction of the Collector or proper officer of the Customs at the place (who shall administer the oath), that such goods, or any part thereof (specifying the same) have been so lost or destroyed before the landing of the same, the duties on the whole or the part thereof so proved to be lost or destroyed, shall, if the same have been paid or deposited, be returned to the owner or his agent. Return of duty on goods lost before landing: and on what conditions.

59. If any vessel having received damage puts into a port in Canada to which she is not bound, having dutiable goods on board, which it may be necessary to land for the purpose of repairing the vessel in order to enable her to proceed on her voyage, the Collector, upon application of the master or agent, may permit such goods to be unladen and deposited in a warehouse in the custody of the Collector; and the Collector shall cause to be taken an exact account of the packages and contents; and entry of the goods shall then be made by the master or agent as hereinbefore directed, and they shall remain in the custody of the Collector until the vessel is ready for sea, when, upon As to duty on goods in vessels unladen for the purpose of repairing damages.

payment of storage and the reasonable charges of unlading and storing, the Collector shall deliver up the same to the master or agent to be exported or carried coastwise as the case may be, under the same security and regulations as if such goods had been imported in the usual manner, and without payment of duty: no person shall be entitled to the benefit of this section who shall have sold any of such goods, except such as it may have been necessary to sell to defray the expense of repairs and charges of the vessel, or as may have been authorized by the Collector of Customs; and if goods are sold for payment of repairs and charges they shall be subject to duty, and shall be warehoused, or the duties thereon paid by the purchaser.

Proviso: as to such goods if sold.

Goods wrecked or derelict.

60. Goods derelict, flotsam, jetsam, or wreck, or landed or saved from any vessel wrecked, stranded, or lost, brought or coming into Canada, shall be subject to the same duties and regulations as goods of the like kind imported are subject to.

Penalty for having such such goods without reporting them.

61. If any person has in his possession, in port or on land, any goods, derelict, flotsam, jetsam or wreck, the same being dutiable, and does not give notice thereof to the nearest officer of Customs without unnecessary delay, or does not, on demand, pay the duties thereon or deliver the same to the proper officer, he shall forfeit *two hundred* dollars, in addition to all other liabilities and penalties incurred by him, and the goods shall be seized and forfeited: and if any person removes or alters in quantity or quality, any such goods, or unnecessarily opens or alters any package thereof, or abets any such act before the goods are deposited in a warehouse under the custody of the Customs officers, he shall, in addition to all other liabilities and penalties incurred by him, forfeit *two hundred* dollars.

And for removing or altering them.

Sale if duty is not paid within 18 months.

62. If the duties on such goods are not paid within eighteen months from the time when the same were so delivered as aforesaid the same may be sold in like manner and for the same purposes as goods imported may in such default be sold; if they are sold for more than enough to pay the duty, and charges thereon the surplus shall be paid over to the person entitled to receive it.

Crown goods or goods exempted from duty to be liable thereto if sold.

63. All goods exempt from duty as being imported or taken out of warehouse for the use of Her Majesty's troops, or for any purpose for which such goods may be imported free of duty, shall, in case of the sale thereof after importation, become liable to and be charged with the duties payable on like goods on their importation for other purposes: and if such duties be not paid, such goods shall be forfeited and may be seized and dealt with accordingly.

Allowance for tare or draft to be regulated by O. C.

64. In all cases where duties are charged according to the weight, tale, gauge or measure, such allowances shall be made for tare and draft upon the packages as may be appointed by regulation made by the Governor in Council; but when the original invoice of any goods is produced, and

a declaration of the correctness thereof made as hereinafter provided, the tare according to such invoice shall be deducted from the gross weight of the goods instead of the allowances aforesaid ; subject, however, to such further regulation as the Governor in Council may from time to time make.

Proviso : if true tare is known.

65. The collector or any appraiser under this Act, may take samples of any goods imported, for the purpose of ascertaining whether any and what duties are payable on such goods, and such samples shall be disposed of as the Minister of Customs may direct

Collector, etc., may take samples.

66. The Governor in Council may appoint one or more Appraisers to be called Dominion Customs Appraisers, with jurisdiction at all ports and places in Canada ; and may also appoint Customs Appraisers with jurisdiction at such ports and places in Canada as may be designated in the Order in Council in that behalf : and each such Appraiser shall, before acting as such, take and subscribe the following oath of office before any Collector or other person duly authorized to administer such oath :—

Appointment of appraisers: local or for all Canada.

"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, favour or affec- "tion, and that I will appraise the value of all goods sub- "mitted to my appraisement, according to the true intent "and meaning of the laws imposing duties of Customs in "this Dominion ; and that I will use my best endeavours 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."

Oath of office.

A. B,
Appraiser for
(*as the case may be*).

"Sworn before me, this day of
" 18 ."
(*as the case may be*),

67. If no appraiser is appointed in any port of entry, the Collector there shall act as appraiser, but without taking any special oath of office as such ; and the Minister of Customs may at any time direct any appraiser to attend at any port or place for the purpose of valuing any goods, or of acting as appraiser there during any time, which such appraiser shall accordingly do without taking any new oath of office ; and every appraiser shall be deemed an officer of the Customs.

Appraiser may be sent to any port to appraise goods.

68. Where any duty *ad valorem* is imposed on any goods imported into Canada, the value for duty shall be the fair market value thereof when sold for home consumption in

Calculation of value for duty.

the principal markets of the country, whence and at the time when the same were exported directly to Canada.

What shall be deemed the fair market value for duty *ad valorem*.

69. Such market value shall be the fair market value of such goods in the usual and ordinary commercial acceptation of the term, at the usual and ordinary credit, and not the cash value of such goods, except in cases in which the article imported is, by universal usage, considered and known to be a cash article, and so *bonâ fide* paid for in all transactions in relation to such article; and all invoices representing cash values, except in the special cases hereinbefore referred to, shall be subject to such additions as to the Collector or appraiser of the port at which they are presented may appear just and reasonable, to bring up the amount to the true and fair market value, as required by this section.

Proviso: as to cash articles.

Drawback in country of manufactures to form part of value.

70. Where a drawback of duties has been allowed by the Government of the country where the goods were manufactured, the amount of such drawback shall be taken and considered to be a part of the fair market value of such goods, and in cases where the amount of such drawback has been deducted from the value of such goods upon the face of the invoice under which entry is to be made or is not shewn thereupon, the Collector of Customs, or proper officer, shall add the amount of such deduction or drawback and collect and cause to be paid the lawful duty thereon.

No deduction from value by reason of drawback, etc.

71. No deduction of any kind shall be allowed from the value of any goods imported into Canada, because of any drawback paid or to be paid thereon, or because of any special arrangement between the seller and purchaser having reference to the exportation of such goods, or the exclusive right to territorial limits for the sale thereof, or because of any royalty payable upon patent rights but not payable when goods are purchased for exportation, or on account of any other consideration by which a special reduction in price might or could be obtained: provided that nothing herein shall be understood to apply to general fluctuations of market values.

Proviso.

As to deduction for value of packages.

72. No deduction from the value of goods contained in any invoice shall be allowed on account of the assumed value of a package or packages, where no charge for such package or packages has been made in such invoice; and where such charge is made it shall be the duty of the Customs officer to see that the charge is fair and reasonable, and represents no more than the original cost thereof.

None for packing, straw, cording, etc.

73. No deduction from the value of goods in any invoice shall be made on account of charges for packing, or for straw, twine, cord, paper, cording, wiring or cutting, or for any expense incurred or said to have been incurred in the preparation and packing of goods for shipment, and all such charges and expenses shall, in all cases, be included as part of the value for duty.

As to goods passing through any country.

74. The Governor in Council may provide that in the cases and on the conditions to be mentioned in the order, goods *bonâ fide* exported to Canada from any country, but passing *in transitu* through another country, shall be valued for duty as if they were imported directly from such first mentioned country.

Standards for qualities of sugar.

75. The standards or instruments by which the colors and grades of sugar are to be regulated, and the class to which sugars shall be held to belong, with reference to duty chargeable thereon, shall be selected and furnished from time to time to the Collectors of such ports of entry as may be necessary, by the Minister of Customs, in such manner as he may deem expedient; and the decision of the appraiser, or of the Collector of a port where there is no appraiser, as to the class to which any sugar belongs, and the duties to which it is subject, shall be final and conclusive, unless upon appeal to the Commissioner of Customs, within thirty days, such decision be with the approval of the Minister changed, the decision of the Commissioner with such approval shall then be final.

Forfeiture for entry of syrups under wrong name.

76. All cane juice, syrup of sugar or of sugar cane, melado, concentrated melado or concentrated molasses, entered as molasses, or under any other name than cane juice, syrup of sugar or of sugar cane, melado, concentrated melado, or concentrated molasses, shall be seized and forfeited.

Value of sugar for duty, how ascertained.

77. The value for duty on which any *ad valorem* duties on sugar, molasses, melado, syrup of sugar, or sugar cane, syrup of molasses or of sorghum, concentrated melado or concentrated molasses, and sugar candy, shall, unless otherwise provided, be calculated, taken, and include the value of the packages containing the same, and the shipping and other charges on such articles; and the value for duty shall be the value of the goods "free on board," at the place or port whence last exported direct to Canada; and the Governor in Council shall have power to declare what charges shall be included in such value so defined.

Powers of Governor in Council as to conditions on which any article may be imported.

78. The Governor in Council shall have power to interpret, limit or extend the meaning of the conditions upon which it is provided in any Act imposing duties of Customs, that any article may be imported free of duty for special purposes, or for particular objects or interests; and to make regulations either for declaring or defining what cases shall come within the conditions of such Act, and to what objects or interests of an analogous nature, the same shall apply and extend, and to direct the payment or non-payment of duty in any such case, or the remission thereof by way of drawback if such duty has been paid.

Entries by bill of light, how and in what cases made.

79. If the importer of any goods whereon a duty *ad valorem* is imposed, or the person authorized to make the declaration required with regard to such goods, makes and subscribes a declaration before the Collector or other proper officer, that he cannot, for want of full information, make perfect entry

thereof, and takes the oath in such cases provided then the Collector or officer may cause such goods to be landed on a bill of sight for the packages and parcels thereof, by the best description that can be given, and to be seen and examined by such person and at his expense, in the presence of the Collector or principal officer, or of such other officer of the Customs as shall be appointed by the said Collector or other proper officer, and to be delivered to such person, on his depositing in the hands of the Collector or officer a sum of money sufficient in the judgment of the Collector or officer to pay the duties thereon ; and if the importer does not complete a perfect entry within the time appointed by the Collector, the money so deposited shall be taken and held to be the duty accruing on such goods, and shall be dealt with and accounted for accordingly.

Deposit of money for duty.

Provisions if perfect entry be not made as stipulated.

If importer swears that no invoice has been or can be received.

80. Such sight entry may be made as aforesaid and the goods may be delivered if such importer or person as aforesaid makes oath or affirms that the invoice has not been and cannot be produced, and pays to the Collector or proper officer aforesaid a sum of money sufficient in the judgment of such Collector or officer to pay the duties on such goods, and such sum shall then be held to be the amount of the said duties.

In other cases entry not perfect without invoice.

81. Except only in cases where it is otherwise provided herein or by regulation of the Governor in Council, no entry shall be deemed perfect unless a sufficient invoice of the the goods to be entered certified in writing thereon as correct by the person, firm and corporation from whom the said goods were purchased, and attested by or in pursuance of this Act is required, has been produced to the Collector.

Invoice to be attested on oath by owner of the goods.

82. With the bill of entry of any goods, there shall be produced and delivered to and left with the Collector an invoice of the goods, as provided in the next preceding section, attested by the oath of the owner, and if the owner be not the person entering such goods, then verified by the oath of the importer or consignee, or (subject to the provision hereinafter made) other person who may lawfully make such entry and verify such invoice in the form or to the effect of the oath or oaths provided or to be provided by Order in Council in that behalf, which oath or oaths shall be written or printed, or partly written and partly printed on such invoice, or on the bill of entry (as the case may be), or shall be annexed thereto, and shall in either case distinctly refer to such invoice so that there can be no doubt as to its being the invoice to which such oath is intended to apply, and shall be subscribed by the party making it and certified by the signature of the person before whom it is made; and the bill of entry shall also contain a statement of the quantity and value for duty of the goods therein mentioned, and shall be signed by the person making the entry, and shall be verified in the form or to the effect of the oath provided or to be provided by Order in Council in that behalf.

Form of oath.

Contents and attestation of bill of entry.

As to cases where there may be more than one owner of the goods.

83. If there be more than one owner, importer, or consignee of any goods, any one of them cognizant of the facts may take the oath required by this Act; and such oath shall be sufficient unless the goods have not been obtained by purchase in the ordinary way, and some owner resident out of Canada is the manufacturer or producer of the goods, or concerned in the manufacture or production thereof,—in which case the oath of such non-resident owner (or one of them, if there be more than one), cognizant of the facts shall be requisite to the due attestation of the invoice.

Invoice to be attested by one owner of the goods, and by importer or consignee.

And by non-resident owner, etc.

84. The invoice of any goods produced and delivered to the Collector with the bill of entry thereof, must, if required by the Collector, be attested by the oath of the owner or one of the owners of such goods, and must be verified also by the oath of the importer, or consignee, or other person who may, under this Act, lawfully make entry of such goods and verify such invoice, if the owner or one of the owners is not the person entering such goods—and must also, if required by the Collector, be attested by the oath of the non-resident owner being the manufacturer or producer of such goods, in the case mentioned in the next preceding section, although one of the owners be the person entering the goods and verifying the invoice on oath.

Provision in case of death, etc., of owner, etc.

85. If the owner, importer, or consignee of any goods be dead, or a bankrupt, or insolvent, or if for any cause his personal estate be administered by another person, then his executor, curator, administrator or assignee, or person administering as aforesaid, may, if cognizant of the facts, take any oath and make any entry which such owner, importer, or consignee might otherwise have taken or made.

No evidence contradictory to invoice to be received except on part of the Crown.

86. No evidence of the value of any goods imported into Canada, or taken out of warehouse for consumption therein, at the place whence and the time when they are to be deemed to have been exported to Canada, contradictory to or at variance with the value stated in the invoice produced to the Collector, with the additions (if any) made to such value by the bill of entry, shall be received in any court in Canada, on the part of any party except the Crown.

Before whom attestations of invoice or bill of entry may be made.

87. Any oath required under the provisions of this Act connected with the entry of goods may be made in Canada before the collector, sub-collector, surveyor or chief clerk at the port where the goods are entered, or if the person making such oath is not resident there, then before the collector of some other port; and when such oath is required to be made out of the limits of Canada, it may be made at any place within the United Kingdom or at any place in Her Majesty's possessions abroad, before the collector or before the mayor or other chief municipal officer of the place where the goods are shipped or before a Notary Public, and at any other place before a British or foreign Consul at such place.

Certain departmental

88. The Commissioner of Customs or other person acting as Deputy Head of the Department, and all officers holding

officers and other persons authorized by Governor may administer oaths required by this Act.

under Order in Council, the rank of chief clerk of the Inside Service in the said Department, and all duly appointed Inspectors of Customs Ports, shall, by virtue of their office, have full authority to administer all oaths and receive all affirmations and declarations required or authorized by this Act, and the Governor in Council may, from time to time, by regulation, appoint or designate such other and additional persons, officers or functionaries, as he sees fit, by name, or by their name of office, and in Canada or out of it, as those before whom such oaths may be validly taken, and may, by any Order in Council relax or dispense with the provisions of this Act touching such oaths, in or with regard to goods imported by land or inland navigation, or to any other class of cases to be designated in such regulation.

No person but the owner, etc, to take the oath: except a certain declaration be attached to bill of entry.

89. No person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath connected with the entry, unless there be attached to the bill of entry therein referred to, a declaration by the owner, consignee or importer of the said goods, or his attorney and agent duly appointed to transact business with the Collector, pursuant to the provisions in that behalf of this Act, to the same effect as the oath distinctly referring to the invoice presented with such bill of entry, and signed by such owner, importer or consignee, or by his attorney and agent appointed as aforesaid, either in presence of the agent making the enquiry, who shall attest the signature, or of some Justice of the Peace or Notary Public, who shall attest the same.

Declaration to be kept by collector: penalty for false statement in it.

90. Such declaration shall be kept by the Collector; and if there be any wilfully false statement in such declaration, the goods shall be liable to seizure and forfeiture in the same manner and with the same effect as if such false statement were contained in the oath, and the person making such false statement shall be subject to the same penalties, forfeitures and criminal punishments as if he had himself taken the oath and had made such false statement therein; but such written declaration may be dispensed with under the order of the Governor in Council, where it may be deemed advisable, in the interests of commerce, to dispense therewith.

Governor in Council may prescribe and alter the form of oaths under this Act.

91. The Governor in Council may prescribe the forms of oaths required under this Act; such forms may from time to time, be repealed or amended: and the forms of oaths authorized by statute or by the Governor in Council at the time of the passing of this Act shall continue to be the authorized forms until altered or dispensed with by the Governor in Council.

No person making or authorizing any false invoice shall recover any part of the price of the goods.

92. If any person makes, or sends, or brings into Canada, or causes or authorizes the making, sending or bringing into Canada, of any invoice or paper, used or intended to be used as an invoice for Customs purposes, wherein any goods are entered or charged at a less price or value than that actually charged, or intended to be charged for them, no price or sum

of money shall be recoverable by such person, his assigns or representatives, for the price or on account of the purchase of such goods or any part of them, or on any bill of exchange, note or other security (unless in the hands of an innocent holder for value without notice), made, given or executed for the price of or on account of the purchase of such goods or any part of such price.

Evidence of fraud in such invoice

93. The production or proof of the existence of any other invoice, account, document or paper made or sent by any person, or by his authority, wherein goods or any of them are charged or entered at or mentioned as bearing a greater price than that set upon them in any such invoice as in the next preceding section mentioned shall be *primâ facie* evidence that such invoice was intended to be fraudulently used for Customs purposes ; but such intention, or the actual fraudulent use of such invoice, may be proved by any other legal evidence.

Penalty on importer presenting such false invoice.

94. Any importer of goods into Canada, or any person on his behalf, who shall present or cause to be presented, with intent to make entry thereunder, any false or fraudulent invoice, such as described in the two next preceding sections shall be subject to a penalty equal in amount to the value of the goods represented in such invoice, and the goods shall also be seized and forfeited.

Collector to retain and file invoices.

95. The Collectors of Customs at all Ports in Canada, shall retain and put on file, after duly stamping the same, all invoices of goods imported at such ports respectively—of which invoices they shall give certified copies or extracts, whenever called upon so to do by the importers,—and such copies or extracts so duly certified by the Collector or other proper officer and bearing the stamp of the Custom House at which they are filed, shall be considered and received as authentic ; and the Collector shall be entitled to demand for each certificate a fee of fifty cents before delivering the same, but in no case shall an invoice be shown to or a copy thereof given to any person other than the said importer, or an officer of Customs, except upon the order or subpœna of a proper court.

Certified copies to be evidence.

Fee.

Proviso.

Power of appraiser or collector to examine parties on oath, etc.

96. Any Appraiser, or any Collector acting as such, or the merchants to be selected as hereinafter mentioned, to examine and appraise any goods, if the importer, owner, consignee or agent is dissatisfied with the first appraisement, may call before him or them and examine upon oath any owner, importer, consignee or other person, touching any matter or thing which such Appraiser or Collector deems material in ascertaining the true value of any goods imported, and may require the production on oath of any letters, accounts, invoices or other papers or account books in his possession relating to the same.

Penalty for refusing to attend or answer.

97. If any person called, as provided in the next preceding section, neglects or refuses to attend, or declines to answer, or refuses to answer in writing (if required) to any

interrogatories, or to subscribe his name to his deposition or answer, or to produce any such papers or account books, as provided by the next preceding section, when required so to do, he shall thereby incur a penalty of fifty dollars; and if such person is the owner, importer or consignee of the goods in question, the appraisement which the Appraiser or Collector acting as such shall make thereof, shall be final and conclusive.

Penalty for wilfully false answers. Depositions to be filed.

98. If any person wilfully swears falsely in any such examination, and he is the owner, importer or consignee of the goods in question, they shall be seized and forfeited; and all depositions or testimony in writing taken under this section, shall be filed in the office of the Collector at the place where the same are made or taken—there to remain for future use or reference.

Importer, dissatisfied may appeal in certain cases. Revision of appraisement. Report to Commissioner of Customs: his decision to be final.

99. If the importer, owner, consignee or agent, having complied with the requirements of this Act, is dissatisfied with the appraisement made, as aforesaid, of any such goods, he may forthwith give notice in writing to the Collector, of such dissatisfaction, on the receipt of which notice the Collector shall select two discreet and experienced persons, familiar with the character and value of the goods in question, to examine and appraise the same, agreeably to the foregoing provisions, and all invoices, entries and other papers connected with the appraisement, and all evidence taken by or before the appraiser, or Collector of Customs acting as such, and by or before the said persons, shall be transmitted without delay to the Commissioner of Customs, who, after due examination of the same, shall decide and determine the proper rate and amount of duty to be collected and paid, and his decision shall be final and conclusive, and the duty shall be levied and collected accordingly.

Remuneration of persons called in, and by whom to be paid.

100. The said persons appointed to appraise shall each be entitled to the sum of five dollars—to be paid by the party dissatisfied with the first appraisement, if the value ascertained by the second appraisement is equal to or greater than that ascertained by such first appraisement or if the value ascertained by such second appraisement exceeds by ten per cent., or more, the value of the goods for duty, as it would appear by the invoice and bill of entry thereof: otherwise the same shall be paid by the Collector out of any public moneys in his hands, and charged in his accounts.

Penalty for refusing to act.

101. Any person chosen to make an appraisement required under this Act, who, after due notice of such choice has been given to him in writing, declines or neglects to make such appraisement, shall, for so refusing or neglecting, without good and sufficient cause, incur a penalty of forty dollars and costs.

Additional duty in cases of under-value.

102. If in any case the true value for duty of any goods, as finally determined under this Act or as determined in any action or proceeding to recover unpaid duties, exceeds by

twenty per centum, or more, the value for duty as it would appear by the bill of entry thereof, then in addition to the duty payable on such goods, when properly valued, there shall be levied and collected upon the same a sum equal to one-half of the duty so payable, and in case the owner or importer refuses or neglects to pay the said duty and additional sum, the goods may be seized and forfeited.

Collector may take goods on paying value in the invoice and ten per cent. in addition.

103. The Collector may, when he deems it expedient for the protection of the revenue and the fair trader, subject always to any regulations to be made by the Governor in Council in that behalf, detain and cause to be properly secured, and may at any time, within fifteen days, declare his option to take, and may take for the Crown, any whole package or packages, or separate and distinct parcel or parcels, or the whole of the goods mentioned in any bill of entry, and may pay, when thereunto requested, to the owner or person entering the same, and out of any public moneys in the hands of such Collector, the sum at which such goods, packages or parcels are respectively valued for duty in the bill of entry, and ten per cent. thereon, and also the fair freight and charges thereon to the port of entry, and may take a receipt for such sum and addition when paid.

How goods so taken shall be dealt with.

104. The goods taken as provided in the next preceding section, shall (whether payment be requested by the owner or person entering the same, or not) belong to the Crown from the time they are so taken as aforesaid, and shall be sold or otherwise dealt with in such manner as shall be provided by any regulation in that behalf, or as the Minister of Customs shall direct; and the net proceeds of the sale of any such goods shall be applied first to the repayment to the Consolidated Revenue Fund of the sum so paid to the owner or person entering such goods, and the remainder to or towards the payment of the lawful duty on the same.

Bonus to collector, appraiser, etc., for his diligence.

105. If the net proceeds of any such sale exceeds the amount paid as aforesaid for the goods, and the amount of duty legally accruing thereon, then any part of the surplus, not exceeding fifty per centum of such surplus, may under any regulation or order of the Governor in Council be paid to the Collector, Appraiser or other officer concerned in the taking thereof, as a reward for his diligence.

Collector to cause one package in ten to be opened.

106. The Collector shall cause at least one package in every invoice or entry and at least one package in ten if there be more than ten in any invoice or entry, and so many more as he or any appraiser deems it expedient to examine for the protection of the revenue, to be sent to the examining warehouse, and there to be opened, examined and appraised, the packages to be so opened being designated by the Collector.

Forfeiture if fraud discovered.

107. If any goods are found in any package which are not mentioned in the invoice or entry, such goods shall be seized and absolutely forfeited.

Forfeiture of goods for non-correspondence with invoice, etc.

108. If any goods are found which do not correspond with the goods described in the invoice or entry, and if the description in the invoice or entry has been made for the purpose of avoiding payment of the duty or of any part of the duty on such goods, or if in any entry any goods have been undervalued for such purpose as aforesaid, such goods shall be seized and forfeited.

Or for false oath respecting them.

109. If the oath made with regard to any entry is wilfully false in any particular—all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be forfeited.

Provision as to packages delivered to importer before examination.

Bonds to be given.

110. All the packages mentioned in any one entry, although some of such packages may have been delivered to the importer or anyone on his behalf, shall be subject to the control of the Customs authorities of the port at which they are entered, until such of the packages as have been sent for examination to the examining warehouse shall have been duly examined and approved,—and a bond shall be given by the importer conditioned that the packages so delivered shall not be opened or unpacked before the package or packages sent to the examining warehouse shall have been examined and passed as aforesaid.

Return of packages and provision for avoiding delay.

111. Any package delivered without examination, or the goods, if lawfully unpacked, shall if required by the Collector of Customs be returned to the Custom House within such time as may be mentioned in the bond, under the forfeiture of the penalty of such bond; provided that the Collector shall use due diligence in causing such examination to be made, and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as those sent to the warehouse have been examined and approved.

Nature and amount of bond.

112. The bond mentioned in the two next preceding sections may be a general bond covering the entries to be made by the imported for a period of twelve months from its date, and the penal sum shall be equal to the value of the largest importation made by the importer in question at any one time during the twelve months next immediately preceding; or if such importer has made no importations by which, in the opinion of the Collector such penal sum can be properly fixed, the Collector shall fix the amount thereof at such sum as he deems equitable.

Onus of proof of due entry on whom to lie.

113. The burden of proof that the proper duties payable with respect to any goods have been paid, and that all the requirements of this Act with regard to the entry of any goods, have been complied with and fulfilled, shall, in all cases lie upon the party whose duty it was to comply with and fulfil the same.

Duty paid goods to be branded or marked under regulations.

114. The Governor in Council may, by regulation, direct that after any goods have been entered at the Custom House, and before the same are discharged by the officers and delivered into the custody of the importer or his agent, such

goods shall be marked or stamped in such a manner or form as may be directed by such regulation for the security of the revenue, and by such officer as may be directed or appointed for that purpose.

Permit certifying that duties have been paid to be granted on request of owner.

115. When any person has occasion to remove from any port of entry to any other port or place, any goods duly entered, and on which the duties imposed by law have been paid, the Collector or principal officer of the Customs at such port on the requisition in writing of such person, within thirty days after the entry of such goods, specifying the particular goods to be removed, and the packages in which such goods are contained with their marks and numbers, shall give a permit or certificate in writing, signed by him, bearing date of the day it is made, and containing the like particulars and certifying that such goods have been duly entered at such port and the duties paid thereon, and stating the port or place at which the same were paid, and the port or place to which it is intended to convey them, and the mode of conveyance, and the period within which they are intended to be so conveyed.

Particulars in permit.

Warehousing Ports.

116. The warehousing ports already established and such ports of entry as the Governor in Council may, from time to time appoint, shall be warehousing ports.

Goods may be entered for exportation or warehoused without payment of duty, subject to regulations.

117. The importer of any goods into Canada may enter the same for exportation, on giving security by his own bond with one sufficient surety, for the exportation of the same goods, or may warehouse the same on giving such security by his own bond for the payment of the amount of all duties on such goods, and the performance of all the requirements of this Act with regard to the same at such ports or places as aforesaid, and in such warehouses, and subject to such rules and regulations, as may be from time to time appointed by the Governor in Council in that behalf, the penalty of said bond to be double the amount of the duty to which such goods are subject.

Owner may sort or repack goods and take samples.

118. During the regular warehouse hours, and subject to such regulations as the Collector or proper officer of Customs at any warehousing port sees fit to adopt, the owner of any warehoused goods may sort, pack, re-pack, or make any lawful arrangements respecting the goods warehoused, in order to the preservation or legal disposal thereof, and may take therefrom moderate samples, without present payment of duty or entry.

And remove them under bond.

119. The owner of any warehoused goods may remove the goods under the authority of the Collector or proper officer from any warehousing port to any other warehousing port in Canada, or from one warehouse to another in the same port, under good and sufficient bonds to the satisfaction of such officer.

And pass them on to another ware-

120. Upon entry of goods at any frontier port or Custom House, under the authority and with the sanction of the

housing port in bond, etc.

Collector or proper officer of Customs at such port or Custom House, and under bonds to his satisfaction, and subject to such regulations as may be made in that behalf by the Governor in Council, the importer may pass the goods on to any port in any other part of Canada.

Requirements as to transfer of goods in bond.

121. No transfer of the property in goods warehoused shall be valid for the purposes of this Act unless the transfer be in writing signed by the importer or his duly authorized agent, or be made by process of law, and unless such transfer be produced to the Collector or other proper officer of the proper port and be recorded by him in a book to be kept for that purpose in the Custom House. No such transfer of less than a whole package shall be valid, and no more than three transfers of the same goods shall be allowed before entry thereof for duty or for exportation.

Proviso: for whole packages, etc.

Effect of legal transfer.

122. Upon any such transfer being made, of goods in warehouse legally *affected* as before provided, the proper officer may admit new security to be given by the bond of the new owner of the goods, and may cancel the bond given by the original bonder of such goods, or may exonerate him to the extent of the new security so given; and the new owner of any such goods shall then be deemed to be the importer thereof for the purposes of this Act

Goods to be finally cleared within three years.

123. All warehoused goods shall be finally cleared, either for exportation or home consumption, within two years from the date of the first entry and warehousing thereof; and, in default thereof, the Collector or proper officer may sell such goods for the payment, first of the duties, and secondly of the warehouse rent and other charges; and the surplus, if any, shall be paid to the owner or his lawful agent; and the Collector or proper officer may charge or authorize the occupier of the warehouse to charge a fair warehouse rent, subject to any regulation made by the Governor in Council in that behalf.

Payment of charges.

Owner may be allowed to abandon packages without payment of duty.

124. The Collector may, if he sees no reason to refuse such permission, permit an importer to abandon to the Crown any whole package or packages of warehoused goods, without being liable to pay any duty on the same; and the same shall then be sold and the proceeds shall belong to the Crown: provided, that if such goods cannot be sold for a sum sufficient to pay the duties and charges, such goods shall not be sold but shall be destroyed.

Proviso.

How bonds for goods in warehouse be disposed with.

125. The Governor in Council may, by regulation, dispense with or provide for the cancelling of bonds for the payment of duties on goods actually deposited in Customs warehouse, on such terms and conditions and in such cases as he thinks proper.

Proviso: conditions to be observed.

126. It shall not be lawful for any person to make, or any officer of Customs to accept, any bond, note or other document for the purpose of avoiding or deferring the actual payment of duties legally accruing on goods imported into

Canada, nor to arrange for deferring payment of such duties in any way, unless such goods are entered for warehouse and duly deposited therein according to the laws and regulations governing the warehousing of such goods.

Penalty on collector allowing payment to be avoided or deferred.

127. Any Collector or other officer of Customs who shall allow the payment of duties of Customs to be avoided or deferred for any cause or consideration whatever, except by regular entry for warehouse, shall be and become liable to forfeit a sum equal to the full value of such goods, and in addition thereto the amount of duty accruing thereon, which shall be recoverable from him or his sureties, or either of them, in the Exchequer Court or any court of competent jurisdiction in Canada; and any goods on which payment of duty may have been so avoided or deferred, shall be liable to seizure and be dealt with as goods unlawfully imported into Canada.

Liability of goods.

Goods taken out of for exportation and re-landed etc., to be forfeited.

128. If any goods entered to be warehoused are not duly carried into and deposited in the warehouse, or, having been so deposited are afterwards taken out of the warehouse, without lawful permit, or, having been entered and cleared for exportation from the warehouse are not duly carried and shipped, or otherwise conveyed out of Canada, or are afterwards re-landed, sold, used or brought into Canada, without the lawful permission of the proper officer of the Customs, such goods shall be seized and forfeited.

Duty on warehoused goods.

129. All goods taken out of warehouse shall be subject to the duties to which they would be subject if then imported into Canada, and not to any other.

Cattle and swine may be slaughtered and grain ground in bond under regulations.

Extent of regulations.

130. The importer of any cattle or swine may slaughter and cure and pack the same (or if such cattle or swine are imported in the carcass, may cure and pack the same) in bond; and the importer of any wheat, maize or other grain, may grind and pack the same in bond, providing such slaughtering, curing, grinding and packing be done and conducted under such regulations and restrictions as the Governor in Council may, from time to time, make for that purpose; but the said regulations shall not extend to the substitution of other beef, pork, flour or meal for the produce of such imported cattle and swine, wheat, maize or other grain.

Sugar may be refined in bond under regulations.

131. The importer or owner of any sugar, molasses or other material from which refined sugar can be produced, may refine the same in bond, provided such refining be done and conducted under such regulations and restrictions as the Governor in Council may, from time to time, make for that purpose.

Amount of duties; how ascertained.

132. Duties shall be payable in all cases on the quantity and value of goods in the warehouse, as ascertained and stated on first entry, or as originally warehoused.

Unshipping and landing goods.

133 The unshipping, carrying and landing of all goods, and the taking of the same to and from a Customs warehouse or proper place after landing, shall be done in such manner, and at such places, as shall be appointed by the Collector or proper officer of Customs.

Warehouse rent, etc. by whom payable.

Penalty for unlawful removal.

134. Unless otherwise provided by the Governor in Council, warehouse rent and expenses of safe-keeping in warehouse, and all expenses connected with the unshipping, carrying and landing of goods and the taking of the same to and from a Customs warehouse or proper place after landing shall be borne by the importer; if any such goods be removed from the place so appointed without leave of such Collector or proper officer, they shall be seized and forfeited.

As to quantity of goods to be taken out of warehouse at one time.

135. The Governor in Council may, from time to time, make regulations for the ex-warehousing of goods, either for consumption, removal, exportation or ship's stores, in any quantity not less than a whole package as originally warehoused, unless the said goods be in bulk, and then in quantities not less than one ton in weight, except when a less weight may be the balance remaining of the original entry thereof for warehouse.

Goods entered for warehousing to be deemed warehoused for certain purposes.

136. If after any goods have been duly entered, or landed to be warehoused, or entered and examined to be re-warehoused, and before the same have been actually deposited in the warehouse, the importer further enters the same or any part for home use or for exportation as from the warehouse, the goods so entered shall be considered as warehoused or re-warehoused, as the case may be, although not actually deposited in the warehouse, and may be delivered and taken for home use or for exportation.

Bond to be given for exportation of goods from warehouse—conditions.

Forfeiture for contravention of conditions.

137. Upon the entry outwards of any goods to be exported from the Customs' warehouse, either by sea or by land, or inland navigation, as the case may be, the person entering the same shall give security by bond in double the duties of importation on such goods, and with a sufficient surety, to be approved by the Collector or proper officer, that the same shall, when the entry aforesaid is by sea, be actually exported, and when the entry aforesaid is by land or inland navigation, shall be landed or delivered at the place for which they are entered outwards, or shall in either case be otherwise accounted for to the satisfaction of the Collector or proper officer, and that such proof or certificate that such goods have been so exported, landed or delivered, or otherwise legally disposed of, as the case may be, as shall be required by any regulation of the Governor in Council, shall be produced to the Collector or proper officer within a period to be appointed in such bond, and if any such goods are not so exported or are fraudulently re-landed in or brought into Canada, in contravention of this Act and of the said bond, they shall be seized and forfeited, together with any vessel, boat or vehicle in which they are so re-landed or imported.

Upon what evidence bond may be cancelled.

138. If within the period appointed by said bond, there be produced to the proper Collector or officer of Customs, the written certificate of some principal officer of Customs or colonial revenue at the place to which the goods were exported, or if such place be a foreign country of any British or Foreign Consul or vice-Consul, resident there, stating that the goods were actually landed and left at some place (naming it) out of Canada, as provided by the said bond, such bond shall be cancelled; in case it be proved to the satisfaction of the proper Collector or officer of Customs, that the said goods have been lost, such bond may be cancelled.

Penalty on others than owner entering goods outwards.

139. Any person making any entry outwards of goods from warehouse for exportation not being the owner or duly authorized by the owner thereof or the master of the vessel by which they are to be shipped, shall, for each offence, forfeit two hundred dollars.

As to warehoused goods taken as ship's stores.

140. Warehoused goods may be delivered as ships' stores for any vessel of the burden of fifty tons or upwards, bound on a voyage to a port out of Canada, the probable duration of which voyage out and home will not be less than thirty days, also for any vessel bound for and engaged in the deep sea fishing, proof being first made by affidavit of the master or owner, to the satisfaction of the proper officer, that the stores are necessary and intended for the purposes aforesaid; provided that the Minister of Customs may define and limit the kind, quantity and class of goods which may be so delivered as ships' stores. Should such stores or any part thereof be relanded, sold or disposed of in Canada without due entry and payment of duty, such stores shall be seized and forfeited and the vessel for which the same were delivered from warehouse shall be seized and forfeited.

Forfeiture for re-landing, etc., without payment of duty.

Entry of vessel outwards.

141. The master of every vessel bound outwards from any port in Canada to any port or place out of Canada, or on any voyage to any place within or without the limits of Canada, coastwise or by inland navigation, shall deliver to the Collector or other proper officer an entry outwards under his hand, of the destination of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners, and the number of the crew; and before any goods or ballast are taken on board such vessel the master shall show that all goods imported in her, except such as were reported for exportation in the same vessel, have been duly entered, except that the proper officer may issue a stiffening order that such goods or ballast as may be specified therein may be laden before the former cargo is discharged. And before such vessel departs, the master shall bring and deliver to the Collector or other proper officer, a content in writing under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him.

Particulars of entry.

Proof that goods imported have been discharged.

Contents to be delivered.

Particulars and declaration.

Questions to be answered.

142. The master of every vessel, whether in ballast or laden, shall, before departure, come before the Collector or other proper officer, and answer all such questions concerning the vessel, and the cargo, if any, and the crew, and the voyage, as may be demanded of him by such officer, and, if required, shall make his answers or any of them part of the declaration made under his hand, as aforesaid; and thereupon the Collector or other proper officer, if such vessel is laden, shall make out and give to the master a certificate of the clearance of such vessel for her intended voyage with merchandise or a certificate of her clearance in ballast, as the case may be; and if there be merchandise on board, and the vessel is bound to any port in Canada, such clearance shall state whether any and which of the goods are the produce of Canada, and if the goods are such as are liable to duties, whether the duties thereon have been paid; and in such case the master shall hand the clearance to the Collector at the next port in Canada at which he arrives, immediately on his arrival.

Clearance to granted.

Contents required in certain cases.

Penalty for leaving without a clearance or not answering questions.

143. If any vessel departs from any port or place in Canada, without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if, having received a clearance, such vessel adds to her cargo, or takes another vessel in tow, or performs any work without having mentioned in the report outwards the intention so to do, the master shall forfeit the sum of *four hundred* dollars; and the vessel shall be detained in any port in Canada until the said penalty be paid.

Dispensation as to coasting vessels.

144. The Governor in Council may, by regulation, dispense with any of the requirements of the two last preceding sections which he deems it inexpedient to enforce, with regard to vessels engaged in the coasting trade or inland navigation.

Entries of goods to be given to collector and what they shall contain.

145. Before a clearance is granted to any vessel bound to a port or place out of Canada, the owners, shippers or consignors of the cargo on board such vessel shall deliver to the Collector or proper officer of Customs, entries of such parts of the cargo as are shipped by them respectively, and shall verify the same by oath; and such entries shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of articles, and whether the said goods are of Canadian or of foreign production or manufacture; and such oath shall state that such entry contains a full, just and true account of all articles laden on board of such vessel by such owners, shippers, or consignors respectively; and that the values of such articles are truly stated according to their actual cost, or the value which they truly bear at the port and time of exportation; and in case the goods so shipped or any part thereof be liable by law to any export duty, the amount of such duty shall be stated in such entry; and no such entry shall be valid, and no clearance shall be granted to such vessel until such duty is paid to the Collector or proper officer of Customs.

Oath of owner, etc.

Values.

Export duty to be paid.

Entry of goods outwards by railway or other land conveyance.

146. The owners, shippers, or consignors of any goods consigned to a port or place out of Canada, to be transported by railway or other land conveyance, shall enter the same for exportation at the Custom House nearest to the place of lading; and such entry shall specify the kinds and quantities of the articles laden by them respectively, and the proper name and description of the railway over which such goods are to be transported, or of any other conveyance to be used for the same purpose; and shall verify the same by oath, and such oath shall be of the same form and tenor as that required from owners, shippers or consignors of goods to be transported by sea; and if any of such goods are liable by law to any export duty, such duty shall be clearly stated upon such entry, and no railway car or other vehicle upon which such goods are laden shall be permitted to leave the limits of the port at which such entry should have been made until such duty is paid to the Collector or proper officer of Customs, and if any such car or vehicle be taken out of the limits of such port, contrary to the provision of this section, the company or person so taking the same shall be liable to a penalty of not more than *four hundred* dollars.

Form and contents.

Export duty.

Penalty for sending goods without such entry.

Penalty for non-entry.

147. The owner, shipper, or consignor of any goods who shall refuse or neglect to make report and entry of the articles shipped or laden by them respectively, as required by the two last preceding sections, shall incur a penalty not exceeding *two hundred* dollars for each such offence.

Governor in Council may require statistical information as to exports.

148. The Governor in Council may, by regulations to be from time to time made in that behalf, require such further information with regard to the description, quantity, quality and value of goods exported from Canada, or removed from one port to another in Canada, to be given to the proper officer of the Customs, in the entry of such goods outwards or otherwise, as he deems requisite for statistical purposes, whether such goods be exported or removed by sea, land or inland navigation.

Entry outwards of imported goods must correspond with entry inwards.

149. No entry outwards nor any shipping warrant or warrant for taking goods from warehouse for exportation shall be deemed valid, unless the particulars of the goods and packages shall correspond with the particulars in the entry inwards, nor unless they shall have been properly described in the entry outwards, by the character, denomination and circumstances under which they were originally charged with duty; and any goods laden or taken out of the warehouse by an entry outwards or shipping warrant not so corresponding or not properly describing them, shall be seized and forfeited.

Entry outwards by agent in certain cases.

150. If the owner of any goods be resident more than ten miles from the office of the Collector at the port of shipment, he may appoint an agent to make his entry outwards and clear and ship his goods,--but the name of the agent and the residence of the owner shall be subjoined to the name in the entry and shipping warrant; and the agent shall make the declaration on the entry which is required of

the owner, and shall answer the questions that shall be put to him ; any trading corporation or company may appoint an agent for the like purpose.

Report inwards or outwards may be made by purser of steamers.

151. The report for entry, inwards and outwards, required by this Act, may, in the case of any steam vessel carrying a purser, be made by such purser with the like effect in all respects, and subject to the like penalty on the purser and the like forfeiture of the goods in case of any untrue report, as if the report were made by the master ;—and the word "master," for the purposes of this section, shall be construed as including the purser of any steam vessel ; but nothing herein contained shall preclude the Collector or proper officer of Customs from calling upon the master of any steam vessel, to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him, if the report had been made by him, or to exempt the master from the penalties imposed by this Act for failure to answer any such question, or for answering untruly, or to prevent the master from making such report if he shall see fit so to do.

Proviso : masters may be called to answer questions.

Collector may grant bill of health.

152. Whenever the Collector of Customs at any port is satisfied that in such port as well as in the adjacent city or town and its vicinity, there does not exist an extraordinary, infectious, contagious or epidemic disease, which could be transmitted by the vessel, her crew, or cargo, he may grant to any vessel requiring a bill of health, a certificate, under his hand and seal, attesting the fact aforesaid, for which he shall be entitled to ask and receive a fee of *one* dollar.

Penalty and forfeiture for smuggling goods,— using false invoices, etc.

153. If any person, with intent to defraud the revenue of Canada, smuggles or clandestinely introduces into Canada any goods subject to duty, without paying or accounting for the duty thereon, or makes out or passes or attempts to pass through the Custom House any false, forged or fraudulent invoice, or in any way attempts to defraud the revenue by evading the payment of the duty, or of any part of the duty on any goods, such goods shall be seized and forfeited ; and every such person, his aiders and abettors shall, in addition to any other penalty or forfeiture to which he and they may be subject for such offence, be deemed guilty of a misdemeanor, and on conviction shall be liable to a penalty of not less than *fifty* dollars and not more than *two hundred* dollars, or to imprisonment for a term not less than one month nor more than one year, or to both fine and imprisonment within the said limits in the discretion of the court before whom the conviction is had.

Misdemeanor.

Fine and imprisonment.

Forfeiture and penalty for offering for sale goods pretended to be smuggled.

154. If any person offers for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore, or brought in, by land or otherwise, without payment of duties, then and in such case all such goods (although not liable to any duties nor prohibited) shall be seized and forfeited, and every person offering the same for sale shall forfeit treble the value of such goods, or the penalty of *two hundred* dollars, at the election of the

prosecutor, which penalty shall be recoverable in a summary way, before any one or more Justices of the Peace; and in default of payment on conviction, the party so offending shall be committed to any of Her Majesty's gaols for a period not exceeding sixty days. Imprisonment for non-payment.

155. If any person knowingly harbors, keeps, conceals, purchases, sells or exchanges any goods illegally imported into Canada, (whether such goods are dutiable or not), or whereon the duties lawfully payable have not been paid, such person shall, for such offence, forfeit treble the value of the said goods, as well as the goods themselves. Penalty for harboring smuggled goods.

156. If any two or more persons in company are found together, and they or any of them have any goods liable to forfeiture under this Act, every such person having knowledge of the fact, shall be guilty of misdemeanor, and punishable accordingly. Persons smuggling goods in company.

157. Any person who by any means procures or hires or induces any person or persons to be concerned in the landing or unshipping, or carrying or conveying any goods which are prohibited to be imported or for the landing of which permission has not been granted by the Collector or officer of Customs shall, for every person so procured proper or hired or induced, forfeit the sum of *one hundred* dollars. Penalty for procuring persons to assist in smuggling.

158 If any warehoused goods are concealed in or unlawfully removed from any Customs warehouse in Canada, such goods shall be seized and forfeited; and any person concealing or unlawfully removing any such goods, or aiding or abetting such concealing or removal, shall incur the penalties imposed on persons illegally importing or smuggling goods into Canada; and on discovery of such concealment or removal, all goods belonging to the importer or owner of the concealed or removed goods, then remaining in the same or any other warehouse, shall be placed under detention until the duty payable on the goods so concealed or removed, and all penalties incurred by him shall have been paid; and if such duties and penalties are not paid within one month after the discovery of the concealment or removal of such goods, the goods so detained shall be dealt with in the same manner as goods unlawfully imported or smuggled into Canada. Penalty on persons committing certain offences as to warehoused goods

159. If the importer or owner of any warehoused goods, or any person in his employ, by any contrivance, opens the warehouse in which the goods are, or gains access to the goods except in the presence of or with the express permission of the proper officer of the Customs, such importer or owner shall, for every such offence, forfeit the sum of *one hundred* dollars. Penalty for fraudulent access to warehouse.

160. If any person by any contrivance gains access to bonded goods in a railway car, or to goods in a railway car upon which goods the Customs duties have not been paid, or delivers such bonded or other goods without the express Or to goods in any bonded car, etc.

permission of the proper officer of Customs, such person shall for every such offence be liable to be imprisoned for any period not less than one month nor more than one year.

Penalty for altering or defacing marks.

161. Any person wilfully altering, defacing or obliterating any mark, placed by any officer of Customs, on any package of warehoused goods, or goods in transit, shall, for every such offence, forfeit the sum of five hundred dollars.

Vessels used in conveying forfeited goods to be forfeited.

Penalty for assisting in landing, etc., such goods.

162. All vessels with the guns, tackle, apparel and furniture thereof, vehicles, harness, tackle, horses and cattle made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture under this Act, shall be seized and forfeited; and every person assisting or otherwise concerned in importing, unshipping, landing or removal, or in the harbouring of such goods, or into whose hands or possession the same knowingly come, shall forfeit treble the value of such goods, or the penalty of *two hundred* dollars at the election of the party suing for the same: and the averment in any information or libel exhibited for the recovery of such penalty, that such party has elected to sue for the sum mentioned in the information or libel, shall be sufficient proof of such election, without any other evidence of the fact.

Vessels found hovering within certain limits may be boarded and examined.

Or brought into port for presisting.

163. If any vessel is found hovering (in British waters) within one league of the coasts or shores of Canada, any officer of Customs may go on board and enter into such vessel, and stay on board such vessel, while she remains within the limits of Canada or within one league thereof, and if any such vessel is bound elsewhere, and so continues hovering for the space of twenty-four hours after the master has been required to depart by such officer of Customs, such officer may bring the vessel into port, and examine her cargo, and if any goods prohibited to be imported into Canada are on board, then such vessel with her apparel, rigging, tackle, furniture, stores and cargo, shall be seized and forfeited; and if the master or person in charge refuses to comply with the lawful directions of such officer, or does not truly answer such questions as are put to him, respecting such ship and vessel or her cargo, he shall forfeit and pay the sum of *four hundred* dollars.

Penalty for not obeying officer boarding.

Penalty on persons found on board smuggling vessels.

164. Every person proved to have been on board any vessel or boat liable to forfeiture for having been found within one league of the coasts or shores of Canada, having on board or attached thereto, or conveying or having conveyed anything subjecting such vessel or boat to forfeiture, or who shall be proved to have been on board any vessel or boat from which any part of the cargo shall have been thrown overboard or destroyed, or in which any goods shall have been unlawfully brought into Canada, shall forfeit *one hundred* dollars, provided such person shall have been knowingly concerned in such acts.

Officers may board vessels and have free

165. Officers of Customs may board any vessel at any time or place and stay on board until all the goods intended

to be unladen shall have been delivered; they shall have free access to every part of the vessel, with power to fasten down hatchways, the forecastle excepted, and to mark and secure any goods on board; and if any place, box or chest be locked, and the keys withheld, the officer may open the same. If any goods be found concealed on board they shall be seized and forfeited, and if any mark, lock, or seal upon any goods on board, be wilfully altered, open or broken, before the delivery of the goods, or if any goods be secretly conveyed away, or if hatchways fastened down by the officer be opened by the master, or with his assent, the master shall forfeit four hundred dollars, and the vessel shall be detained until said fine be paid.

access to every part.

166. The Collector or other proper officer of the Customs may station officers on board any ship while within the limits of a port, and the master shall provide every such officer with suitable accommodation and food, under a penalty of two hundred dollars.

Or may be stationed on board.

167. If any person at any time forges or counterfeits any mark or brand to resemble any mark or brand provided or used for the purposes of this Act, or forges or counterfeits the impression of any such mark or brand, or sells or exposes to sale, or has in his custody or possession, any goods with a counterfeit mark or brand, knowing the same to be counterfeit, or uses or affixes any such mark or brand to any other goods required to be stamped as aforesaid, other than those to which the same was originally affixed, such goods so falsely marked or branded shall be seized and forfeited, and every such offender, and his aiders, abettors or assistants, shall, for every such offence, forfeit and pay the sum of *two hundred* dollars, which penalty shall be recoverable in a summary way, before any two Justices of the Peace in Canada; and in default of payment the party so offending shall be committed to any of Her Majesty's gaols in Canada, for a period not less than two months and not exceeding twelve months.

Penalty for forging marks or selling goods with counterfeit marks.

Imprisonment in default of payment.

168. If any person counterfeits or falsifies, or uses when so counterfeited or falsified, any paper or document required under this Act, or for any purpose therein mentioned, whether written, printed or otherwise, or by any false statement, procures such document, or forges or counterfeits any certificate relating to any oath, or declaration, or affirmation hereby required or authorized, knowing the same to be so forged or counterfeited, such person shall be guilty of a misdemeanor, and being thereof convicted, shall be liable to be punished accordingly.

Penalty for counterfeiting or using counterfeit papers, etc.

169. If any wilfully false oath, affirmation or declaration be made in any case where by this Act an oath, affirmation or declaration is required or authorized, the party making the same shall be guilty of wilful and corrupt perjury, and liable to the punishment provided for that offence.

False oaths, etc, to be perjury.

Penalty for not truly answering wul questions.

170. If any person required by this Act or by any other law to answer questions put to him by any officer of the Customs, refuses to answer or does not truly answer such questions, the person so refusing or not truly answering such questions, shall, over and above any other penalty or punishment to which he becomes subject, forfeit the sum of *four hundred* dollars.

Certain officers to be deemed employed for prevention of smuggling.

171. Every officer and person employed under the authority of any Act relating to the collection of the revenue, or under the direction of any officer in the Customs Department, or being an officer of the said Department, shall be deemed and taken to be duly employed for the prevention of smuggling; and in any suit or information, the averment that such party was so duly employed shall be sufficient proof thereof.

Powers and duty of such officers.

172. Any such officer or person as mentioned in the next preceding section, and any Sheriff or Justice of the Peace or person residing more than ten miles from the residence of any officer of Customs, and thereunto authorized by any Collector of Customs or Justice of the Peace, may, upon information, or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited property or smuggled goods, or goods respecting which there has been any violation of any of the requirements of this Act, and may go on board of and enter into any vessel or vehicle of any description whatsoever, and may stop and detain the same, whether arriving from places beyond or within the limits of Canada, and may rummage and search all parts thereof, for such goods;—and if any such goods are found in any such vessel or vehicle, the officer or person so employed may seize and secure such vessel or vehicle, together with all the sails, rigging, tackle, apparel, horses, harness, and all other appurtenances which at the time of such seizure belong to or are attached to such vessel or vehicle, with all goods and other things laden therein or thereon, and the same shall be seized and forfeited.

Searching and detaining vessels and vehicles.

Power to call for aid.

173. Any officer or person in the discharge of the duty of seizing goods, vessels, vehicles, or property liable to forfeiture under this Act, may call in such lawful aid and assistance in the Queen's name, as may be necessary for securing and protecting such seized goods, vessels, vehicles or property; and if no such prohibited, forfeited or smuggled goods are found, such officer or person, having had reasonable cause to suspect that prohibited, forfeited or smuggled goods would be found therein, shall not be liable to any prosecution or action at law for any such search, detention or stoppage.

Reasonable suspicion to justify them.

Penalty for refusing to stop.

174. Every master or person in charge of any vessel, and every driver or person conducting or having charge of any vehicle or conveyance, refusing to stop when required to do so by an officer of Customs or person employed as such, in the Queen's name, and any person being present at any such seizure or stoppage, and being called upon in the Queen's name by such officer or person to aid and assist him in a

Or to assist,

lawful way, and refusing so to do, shall forfeit and pay the sum of *two hundred* dollars, which penalty shall be summarily recovered before any two Justices of the Peace in Canada, or before any Judge or Magistrate having the powers of two Justices of the Peace, and in default of payment the offender shall be committed to any gaol in Canada, for a period not exceeding six months.

Recovery of penalty.

175. Any officer of Customs having first made oath before a Justice of the Peace that he has reasonable cause to suspect that goods liable to forfeiture are in any particular building, or in any yard or other place, open or enclosed, may, with such assistance as may be necessary, enter such building at any time between sunrise and sunset, but if the doors are fastened, then admission shall be first demanded, and the purpose for which entry is required declared, when, if admission shall not be given, he may forcibly enter, and when in either case entry shall be made, the officer shall search the building, and seize all goods subject to forfeiture; these acts may be done by an officer of Customs without oath or the assistance of a Justice of the Peace, in places where no Justice resides, or where no Justice can be found within five miles at the time of search.

Power to enter buildings, etc., in the day time.

Without application to a Justice of the Peace in certain cases.

176. If any building be upon or near the boundary line between Canada and any foreign country, and there is reason to believe that dutiable goods are deposited or have been placed therein, or carried through or into the same, without payment of duties and in violation of law, and if the Collector or proper officer of Customs make oath before any Justice of the Peace that he has reason to believe as aforesaid, such collector or officer shall have the right to search such building and the premises belonging thereto, so far as the same may be within the limits of Canada, and if any such goods be found therein, the same shall be seized and forfeited, and the building, or so much of the same as may be situated within the limits of Canada shall be forthwith taken down or removed.

As to building on or near the boundary line of Canada.

177. Upon application by or on behalf of the Attorney-General of Canada to the Exchequer Court of Canada, or any Judge thereof in Chambers, such Court or Judge shall grant a writ of assistance for such Officer or Officers of Customs as may be named in the application. Such writ shall have force and effect over the whole of Canada, unless upon the application of the Attorney-General it be limited to some part or parts thereof. Such writ shall remain in force so long as a person named therein remains an Officer of the Customs, whether in the same capacity or not, or until such writ is revoked by the Minister of Customs.

Writ of assistance. Its extent and effect.

Duration of writ.

178. Every writ of assistance granted before the coming into force of this Act, under the authority of the Act hereby repealed shall remain in force, notwithstanding such repeal, as if such Act had not been repealed.

Existing writs to remain in force.

Powers given for effective searching by day or night.

179. Under the authority of a writ of assistance any Officer of the Customs, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, may enter at any time in the day or night into any building or other place within the jurisdiction of the Court granting such Writ, and may search for and seize and secure any goods liable to forfeiture under this Act, and in case of necessity, may break open any doors and any chests or other packages for that purpose

Power to search the person for smuggled goods.

180. Any officer of Customs, or person by him authorized thereunto, may search any person on board any vessel or boat within any port in Canada, or in any vessel, boat or vehicle entering Canada by land or inland navigation, or any person who may have landed or got out of such vessel, boat or vehicle, or who may have come into Canada from a foreign country in any manner or way; provided the officer or person so searching has reasonable cause to suppose that the person searched may have goods subject to entry at the Customs, or prohibited goods, secreted about his person; and whoever obstructs or offers resistance to such search, or assists in so doing, shall thereby incur a forfeiture of one hundred dollars; and any person who may be on board of or may have landed from or got out of such vessel, boat or vehicle, or who may have entered Canada from a foreign country in any manner or way, may be questioned by such officer, as to whether he has any such goods about his person, and if he denies having any such goods, or does not produce such as he may have, and any such goods are found upon him on being searched, the goods shall be seized and forfeited, and he shall forfeit treble the value thereof; provided, that before any person can be searched, as aforesaid, such person may require the officer to take him or her before some Police Magistrate, Justice of the Peace, or before the Collector or chief officer of the Customs at the place, who shall, if he see no reasonable cause for search, discharge such person, but if otherwise he shall direct such person to be searched; and if a female, she shall not be searched by any but a female; and any such Magistrate or Justice of the Peace or Collector of Customs may, if there be no female appointed for such purpose, employ and authorize a suitable female person to act in any particular case or cases.

Penalty for resistance.

Questions to be answered.

Penalty for false answer.

Proviso: as search of person.

Females.

Penalty for searching without cause.

181. Any officer required to take any person before a Police Magistrate, Justice of the Peace or chief officer of Customs as aforesaid, shall do so with all reasonable dispatch; and if any officer requires any person to be searched without reasonable cause, such officer shall forfeit and pay any sum not exceeding *forty* dollars.

To what place goods, etc., seized shall be taken.

182. If any goods, or property or vehicle, subject to or liable to forfeiture under this Act, or any other law relating to the Customs, are stopped or taken by any police or peace officer or any person duly authorized, such goods and property and vehicles shall be taken to the Custom House next

to the place where the same were stopped or taken, and there delivered to the proper officer authorized to receive the same, within forty-eight hours after the same were stopped and taken.

How smuggled goods stopped on suspecion of being stolen shall be dealt with.

183. If any such goods, or property or vehicles are stopped or taken by such police or peace officer, on suspicion that the same have been feloniously stolen, such officer shall carry the same to the police office to which the offender is taken, there to remain until and in order to be produced at the trial of the said offender; and in such case the officer shall give notice in writing to the Collector or principal officer of Her Majesty's Customs, at the port nearest to the place where such goods have been detained, of his having so detained the said goods, with the particulars of the same; and immediately after the trial, all such goods shall be conveyed to and deposited in the Custom House or other place appointed as aforesaid, and proceedings relative to the same shall be had according to law.

Penalty on police officer not obeying section 183.

184. In case any police or peace officer, having detained such goods, neglects to convey the same to the Custom House, or to give notice of having stopped the same as before prescribed, such officer shall forfeit the sum of *one hundred* dollars; and such penalty shall be recoverable in a summary way before any one or more Justices of the Peace, or any Police Magistrate, and in default of payment the party so offending shall be committed to any of Her Majesty's gaols for a period not exceeding thirty days.

Taking away seized goods without authority to be felony.

185. If any person whatever, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, vehicle or other thing which has been seized or detained on suspicion, as forfeited under this Act, before the same has been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority, such person shall be deemed to have stolen such goods, being the property of Her Majesty, and to be guilty of felony, and shall be liable to punishment accordingly.

Punishment of persons assaulting or obstructing officers, etc.

186. If any person, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resists, opposes, molests or obstructs any officer of Customs, or any person acting in his aid or assistance, in the discharge of his or their duty, under the authority of this Act, or any other law in force in Canada, relating to Customs, trade or navigation, or wilfully or maliciously shoots at or attempts to destroy or damage any vessel belonging to Her Majesty, or in the service of the Dominion of Canada, or maims or wounds any officer of the Army, Navy, Marine or Customs, or any person acting in his aid or assistance, while duly employed for the prevention of smuggling, and in execution of his or their duty, or if any person is found with any goods liable to seizure or forfeiture,

Firing at Her Majesty's vessels.

Wounding persons in Her Majesty's service.

Or having goods liable

to seizure and being armed or disguised.

Or destroying vessels or goods or any Custom House, etc.

Offences to be felony.

under this Act or any other law relating to Customs, trade or navigation, and carrying offensive arms or weapons, or in any way disguised, or staves, breaks or in any way destroys any such goods, before or after the actual seizure thereof, or scuttles, sinks or cuts adrift any vessel, or destroys or injures any vehicle or animal, before or after the seizure, or wilfully and maliciously destroys or injures, by fire or otherwise, any Custom House, or any building whatsoever in which seized, forfeited or bonded goods are deposited or kept, such person being convicted thereof, shall be adjudged guilty of felony, and shall be punishable accordingly.

Penalty on officers of Customs conniving at any evasion of the revenue laws.

Or bribing or tempting them so to connive.

187. If any officer of the Customs, or any person who, with the concurrence of the Minister of Customs, is employed for the prevention of smuggling, makes any collusive seizure, or delivers up, or makes any agreement to deliver up or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, such officer or other person shall be guilty of a misdemeanor, and, on conviction, forfeit for every such offence the sum of *five hundred* dollars, and be imprisoned for a period not less than three months nor more than two years, and be rendered incapable of serving Her Majesty in any office whatever; and every person who gives or offers, or promises to give, or procure to be given, any bribe, recompense or reward to, or makes any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Act, or any law relating to the Customs, trade or navigation, might be evaded, shall be guilty of a misdemeanor, and shall, on conviction, forfeit for every such offence the sum of *five hundred* dollars, and be imprisoned for a period not less than three months nor more than two years.

In what Courts penalties and forfeitures shall be recoverable.

And if not exceeding $200.

188. All penalties and forfeitures incurred under this Act or any other law relating to the Customs or to trade or navigation, may in addition to any other remedy provided by this Act or by law, be prosecuted, sued for and recovered with full costs of suit, in the Exchequer Court of Canada or in any Superior Court, having jurisdiction in that Province in Canada where the cause of prosecution arises, or wherein the defendant is served with process; and if the amount of any such penalty or forfeiture does not exceed *two hundred* dollars, the same may, in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, British Columbia, Manitoba and Prince Edward Island, respectively, also be prosecuted, sued for and recovered in any County Court or Circuit Court having jurisdiction in the place where the cause of prosecution arises, or where the defendant is served with process.

In whose name prosecutions may be brought.

189. All penalties and forfeitures imposed by this Act or by any other Act relating to the Customs or to trade or navigation, shall, unless other provisions be made for the recovery thereof, be sued for, prosecuted and recovered with

costs by Her Majesty's Attorney General of Canada, or in the name or names of the Commissioner of Customs, or some officer or officers of the Customs, or other person or persons thereunto authorized by the Governor in Council, either expressly or by general regulation or order, and by no other party.

How such suits or proceedings may be brought in the Province of Quebec.

190. All penalties and forfeitures imposed by this Act or by any other law relating to the Customs or to trade or navigation, may, in the Province of Quebec, be sued for, prosecuted and recovered with full costs of the suit by the same proceeding as any other moneys due to the Crown, and all suits or prosecutions for the recovery thereof, shall, in that Province, be heard and determined in like manner as other suits or prosecutions in the same Court for moneys due to the Crown, except that in the Circuit Court the same shall be heard and determined in a summary manner; but nothing in this section shall affect any provisions of this Act, except such only as relate to the form of proceeding and of trial in such suits or prosecutions as aforesaid.

Procedure in such suits or prosecutions, in the several courts.

191. Any prosecution or suit in the Exchequer Court of Canada, or in any Superior Court or Circuit Court of a Province for the recovery of any penalty or forfeiture imposed by this Act or by any other law relating to the Customs or to trade or navigation may be commenced, prosecuted and proceeded with in accordance with any rules or practice, general or special, established by the Court for Crown suits in revenue matters, or in accordance with the usual practice and procedure of the Court in civil cases, in so far as such practice and procedure may be applicable, and wherever not applicable, then in accordance with the directions of the Court or a Judge in Chambers. The venue in any such prosecution or suit may be laid in any County in the Province notwithstanding that the cause of prosecution or suit did not arise in such County.

As to the venue.

Arrest of defendant about to leave the Province where the suit is brought.

192. Any Judge of the Court in which any prosecution or suit is brought for the recovery of any penalty or forfeiture as aforesaid, may, upon being satisfied by affidavit that there is reason to believe that the defendant will leave the Province without satisfying such penalty or forfeiture, issue a warrant under his hand and seal for the arrest and detention of the defendant in the common gaol of the county, district or place until he has given security (before and to the satisfaction of such Judge or some other Judge of the same Court) for the payment of such penalty with costs, in case judgment be given against him.

What shall be sufficient averment in such cases.

193. In any declaration, information, statement of claim or proceeding in any such prosecution or suit, it shall be sufficient to state the penalty or forfeiture incurred, and the Act or section under which it is alleged to have been incurred, without further particulars; and the averment that the person seizing was and is an officer of the Customs shall be sufficient evidence of the fact alleged unless it be contradicted by some superior officer of the Customs.

Those who sue for the Crown to recover full costs of suit.

194. In every prosecution, information, suit or proceeding brought under this Act for any penalty or forfeiture, or upon any bond given under it, or in any matter relating to the Customs or trade or navigation, Her Majesty, or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit; and all such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the defendant, in the same manner as sums recovered by judgment of the Court in which the prosecution is brought, may be levied by execution, or payment thereof may be enforced by *capias ad satisfaciendum* against the person of the defendant under the same conditions and in like manner.

Penalties and costs, how levied.

Nolle prosequi by Attorney General.

195. If in any case the Attorney General is satisfied that the penalty or forfeiture was incurred without intended fraud, he may enter a *nolle prosequi* on such terms as he may see fit, and which shall be binding on all parties; the entry of such *nolle prosequi* shall be reported to the Minister of Customs with the reasons therefor.

Averment as to place at which any act was done.

196. In any prosecution, suit or other proceeding for the recovery of any penalty or forfeiture as aforesaid, or for an offence against this Act or any other law relating to the Customs, or to trade and navigation, the averment that the cause of prosecution or suit arose, or that such offence was committed within the limits of any district, county, port or place, shall be sufficient without proof of such limits, unless the contrary is proved.

Onus of proof that duties have been paid to be on the owner.

197. If any prosecution or suit is brought for any penalty or forfeiture under this Act or any other law relating to the Customs or to trade or navigation, and any question arises whether the duties have been paid on any goods, or the same may have been lawfully imported, or lawfully laden or exported, or whether any other thing hath been done by which such penalty or forfeiture would be avoided, —the burden of proof shall lie on the owner or claimant of the goods, and not on the party bringing such prosecution or suit.

Things seized as forfeited to be deemed condemned, if not claimed within a certain time.

198. All vessels, vehicles, goods and other things seized as forfeited under this Act or any other law relating to Customs, shall be placed in the custody of the nearest Collector, and secured by him, or if seized by any officer in charge of a revenue vessel, shall be retained on board thereof until her arrival in port, and shall be deemed and taken to be condemned, without suit, information or proceedings of any kind, and may be sold; unless the person from whom they were seized, or the owner thereof or some person on his behalf, within one month from the day of seizure do give notice in writing to the seizing officer or other chief officer of the Customs at the nearest port, that he claims or intends to claim the same; and the burden of proof that such notice was duly given in any case shall always lie upon the person claiming.

Notice of claim.

Want of notice not to stay proceedings.

199. Nothwithstanding that no such notice has been given, proceedings for the condemnation of the things seized may be commenced and prosecuted to judgment.

Notice of proceedings to be posted up, and where.

200. So soon as proceedings have been commenced in any Court, for the condemnation of any thing seized, notice thereof shall be posted up in the office of the Clerk, Registrar or Prothonotary of the Court, and also in the office of the Collector at the port at which the thing has been seized as aforesaid: and if it be a vessel shall also be posted on a mast thereof, or on some other conspicuous place on board.

As to claims made after proceedings have been commenced.

201. Any person desiring to claim any thing seized after proceedings for condemnation thereof have been commenced must file such claim in the office of the Clerk, Registrar or Prothonotary of the Court. Such claim must state the name, residence and occupation or calling of the person making it, and must be accompanied by an affidavit of the claimant or his agent having a knowledge of the facts setting forth the nature of the claimant's title to the thing seized.

Bond for payment of costs required.

202. Before any claim can be filed the claimant shall give security to the satisfaction of the Court or Judge thereof by bond in a penalty of not less than *two hundred* dollars, or by a deposit of money not less than that sum for the payment of the costs of the proceedings for condemnation.

Judgment by default for want of claim or bond.

203. If within one month after the last posting of the notice, under *section* 198, no claim to the thing seized be duly made, and security for costs given in accordance with the provisions of this Act and of the practice of the Court, judgment by default for the condemnation of the thing seized may, with the leave of the Court or a Judge thereof, be entered.

Delivery of things seized to owner on deposit of a sum equal to value and costs.

204. Any Collector of Customs may, as may also any Court or Judge having competent jurisdiction to try and determine the seizure, with the consent of the collector at the place where the things seized are, order the delivery thereof to the owner, on the deposit with the collector in money of a sum at least equal to the full duty paid value (to be determined by the collector) of the things seized and the estimated costs of the proceedings in the case, and any sum or sums of money so deposited shall be immediately deposited in some bank appointed for that purpose by competent authority, to credit of Receiver-General of Canada, there to remain until forfeited in due course of law or released by order of the Minister of Customs; and in case such seized articles are condemned, the money deposited shall be forfeited.

Cattle or perishable articles may be sold as if condemned. Provision in such case.

205. If the thing seized be an animal or a perishable article the Collector at whose port the same is, may sell the same so as to avoid the expense of keeping it or to prevent its becoming deteriorated in value. The proceeds of such sale shall be deposited in some chartered bank to the credit of the Receiver-General of Canada, and shall abide the judgment of the Court with respect to the condemnation of

the thing seized in case proceeding for condemnation be taken in Court or shall become the property of Her Majesty, in case the thing seized becomes condemned without proceedings in Court; Provided always that the Collector shall deliver up such animal or perishable article to the claimant thereof, upon such claimant depositing with him a sum of money sufficient in the opinion of the Collector to represent the duty paid value of the thing to be delivered up, and the costs of any proceedings to be taken in Court for the condemnation of the thing seized. The money so deposited shall be paid into some chartered bank to the credit of the Receiver-General of Canada, and shall be dealt with in the same manner as above provided for in the case of the proceeds of a sale of such thing.

Proviso: for delivery of articles seized on sufficient security being given.

Provision, if notice of claim has been given, and value is not over $100.

Proceeding before Justices of Peace.

Notice to parties.

Hearing if case is defended, etc.

Justices of Peace to be a court.

206. If notice of intent to claim has been given and the value of the goods or thing seized do not exceed one hundred dollars, and the prosecutor chooses to proceed under this section, he shall forthwith cause the goods to be valued by a competent appraiser, and if such appraiser certifies them to be under the said value, a summary information in writing may be exhibited in the name of the Collector at or nearest to the place of seizure, or in the name of any officer authorized thereto by the Minister of Customs, before two Justices of the Peace, charging the articles seized as forfeited under some particular Act and section thereof to be therein referred to, and praying condemnation thereof; and the Justices shall thereupon issue a general notice for all persons claiming interest in the seizure to appear at a certain time and place there to claim the articles seized, and answer the information, otherwise such articles will be condemned; and a copy of the notice shall, at least eight days before the time of appearance, be served upon the person from whose possession the things were taken, or shall be left at or affixed to the building or vessel in which they were seized if any, and if there remaining, or at two public places nearest the place of seizure: if any person appears to answer the information, the Justices shall hear and determine the matter in a summary manner and acquit or condemn the articles, but if no person appears, judgment of condemnation shall be given; and the Justices on condemnation shall issue a warrant to the Collector to sell the goods: and such two Justices shall be deemed a Court, and each of them to be a Judge thereof for the purposes of this Act.

Limitation of time for bringing suits for penalties, etc.

207. All prosecutions or suits for the recovery of any of the penalties or forfeitures imposed by this Act, or any other law relating to the Customs, may be commenced at any time within three years after the cause of prosecution or suit arose, but not afterwards; and the vessels, vehicles, goods or things forfeited shall be liable to forfeiture during the same period.

Appeal from convictions before Justices of Peace.

208. An appeal shall lie from the conviction by any Magistrate, Judge, Justice or Justices of the Peace under this Act, in the manner provided by law from convictions in cases of summary conviction, in that Province in which the

conviction was had, on the appellant furnishing security by bond or recognizance with two sureties to the satisfaction of such convicting Justices, to abide the event of such appeal.

And from other courts.

209. And an appeal shall also lie from the Exchequer Court of Canada, the Superior, County, and Circuit Courts respectively, in cases where the amount of the penalty or forfeiture is such that if a judgment for a like amount were given in any civil case, an appeal would lie; and such appeal shall be allowed and prosecuted on like conditions, and subject to like provisions as other appeals from the same Court, in matters of like amount.

If brought by the Crown.

210. If the appeal be brought by Her Majesty's Attorney General, or a Collector or officer of the Customs, it shall not be necessary for him to give any security on such appeal.

Restoration of goods, etc., not prevented by appeal if security be given.

211. In any case in which proceedings have been instituted in any Court against any vessel, vehicle, goods or thing, for the recovery of any penalty or forfeiture under this Act or any law relating to the Customs, trade or navigation, the execution of any decision or judgment for restoring the thing to the claimant thereof, shall not be suspended by reason of any appeal from such decision or judgment, unless the party appellant gives sufficient security, to be approved of by the Court, or a Judge thereof, to render and deliver the thing in question or the full value thereof, to the appellant, in case the decision or judgment so appealed from be confirmed.

Sales to be by public auction.

Exception.

212. All sales of goods forfeited or otherwise liable to be sold under this Act shall be by public auction, and after a reasonable public notice, and subject to such further regulations as may be made by the Governor in Council; but in any case, the Minister of Customs may order vessels, goods, vehicles or things forfeited to be disposed of as he may see fit instead of being sold by public auction.

Appropriation and distribution of penalties and forfeitures.

213. The proceeds, after deducting expenses, shall, unless it be otherwise provided, belong to Her Majesty for the public uses of the Dominion: but the net proceeds or any portion thereof, may be divided between and paid to the Collector or chief officer of the Customs at the port or place where the seizure was made, and the officer or officers by whom the seizure was made or the information given which led to the seizure, and any person who has given information or otherwise aided in effecting the condemnation of the thing seized, in such proportions as the Governor in Council may in any case or class of cases direct and appoint; but nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council or the Minister of Customs to make and ordain any other plan or system for the distribution of such net proceeds, or with regard to the remission of penalties or forfeitures by this Act or any other law.

Powers of Governor in Council and of Minister of Customs.

Duty of the importer or exporter of any goods seized or detained for breach of Customs laws, to furnish certain books, papers, etc.

214. When any goods have been seized or detained under any of the provisions of this Act, or of any law relating to the Customs, the importer or exporter thereof, and the owner or claimant thereof, shall immediately, upon being required so to do by the Collector or other proper officer of Customs of the port where the seizure or detention took place, produce and hand over all invoices, bills, accounts and statements of the goods so seized or detained, and of all other goods imported into Canada by him at any time within three years next preceding such seizure or detention; and shall also produce for the inspection of such Collector or other officer, and allow him to make copies of or extracts from, all books of account, ledgers, day-books, cash books 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.

Penalty for not furnishing such books and papers.

215. If any person required under the next preceding section to produce and hand over invoices, bills, accounts and statements, or to produce for inspection books of accounts, ledgers, day-books, cash books 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 less than ~~*two hundred*~~ *one thousand* dollars, nor more than *one thousand* dollars.

Costs and damages for seizure set aside, to be limited on certificate of probable cause.

216. If in any prosecution, information or suit respecting any seizure made under this Act, or any law relating to the Customs, decision or judgment be given for the claimant, and if the Judge or Court before whom the cause has been tried or brought, certifies that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution be brought against any person on account of his making or being concerned in the making of such seizure, the plaintiff, if probable cause is certified as aforesaid, shall not be entitled to more than twenty cents damages nor to any costs, nor shall the defendant in such prosecution in such case be fined more than ten cents.

How goods claimed to be exempt from duty must be described in the entry.

217. Goods claimed to be exempt from duty under any Act relating to duties of Customs, shall, in the entry thereof, be described and set forth in the words by which they are described to be free in the Act or Schedule; and goods not answering such description shall be seized and forfeited, or if the Collector deems it expedient, he may detain the goods and report the case for the action of the Commissioner of Customs and the decision of the Minister of Customs, as provided in this Act.

Seizure or detention to be reported to Commissioner of Customs.

218. When any vessel, vehicle, goods or thing has been seized or detained under any of the provisions of this Act or of any law relating to the Customs, or when it as alleged that any penalty or forfeiture has been incurred under the provisions of this Act or of any law relating to the Customs,

the Collector or the proper officer shall forthwith report the circumstances of the case to the Commissioner of Customs.

Commissioner to call upon owner or claimant of thing seized for statement under affid. vit.

219. The Commissioner may thereupon notify the owner or claimant of the thing seized or detained, or his agent or the person alleged to have incurred the penalty or forfeiture, or his agent, of the reasons for the seizure, detention, penalty or forfeiture, and call upon him to furnish within thirty days from the date of the notice, such evidence in the matter as he may desire to furnish. Such evidence may be by affidavit or affirmation, made before any Justice of the Peace, any Collector of Customs, any Commissioner for taking affidavits in any court, or any notary public.

Commissioners to report opinion to Minister.

220. After the expiration of the said thirty days or sooner if the person so called upon to furnish evidence so desires, the Commissioner may consider and weigh the circumstances of the case, and report his opinion and recommendation thereon to the Minister of Customs.

Minister's decision in the matter to be binding on claimant accepting it.

221. The Minister may thereupon give his decision in the matter, respecting the seizure, detention, penalty or forfeiture, and the terms (if any) upon which the thing seized or detained may be released or the penalty or forfeiture remitted; and if the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty signifies in writing, by himself or his agent, his acceptance of the decision, he shall be bound thereby, and the terms thereof may be enforced and carried out, and in any action, suit or proceeding to recover any money claimed by virtue of such decision the person accepting the same shall not be at liberty to set up that the thing seized was not liable to seizure or detention or that he had not incurred any penalty or forfeiture.

Provision if claimant refuses to accept the decision.

222. But if the said owner or claimant or person or his agent within twenty days after having been notified of the decision, gives to the Minister of Customs notice in writing that such decision will not be accepted, or if such twenty days elapse without such decision being accepted, proceedings for the condemnation of the thing seized or for the enforcement of the penalty, or forfeiture may be taken without delay.

If decision be accepted, but terms not complied with.

223. If the said decision be accepted as by this Act provided, and if the terms thereof be not forthwith complied with, the Minister of Customs may elect either to enforce the terms of the decision or to take proceedings for the condemnation of the thing seized or for the enforcement of the penalty or forfeiture.

If the decision requires payment of a sum of money which is not paid.

224. If a term of the decision be that the thing seized or detained be released upon payment of a sum of money, and if such money be not paid forthwith after acceptance of the decision, and if the Minister elects to enforce the decision, such thing may be sold and the net proceeds applied towards payment of such sum, the balance (if any) to be handed over

to the person entitled thereto. If such net proceeds be not sufficient to pay such sum the person accepting the decision shall be liable to pay the amount of the deficiency, and the same may be recovered from him as a debt due to Her Majesty.

If a penalty be not paid.

225. If after acceptance of the decision the person required thereby to pay any sum of money as a penalty or forfeiture, does not forthwith pay the same, the amount thereof may be recovered from him as a debt due to Her Majesty.

What notice of action for things done under this Act shall be given.

226. No action, suit or proceeding shall be commenced, no writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling as aforesaid, for any thing done in the exercise of his office, until one month after notice in writing has been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall be produced except of such as is contained in such notice, and no verdict or judgment shall be given for the plaintiff, unless he 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 evidence only may be produced on the trial.

Defendant may tender amends and plead tender in bar.

227. Any such officer or person against whom any action suit or proceeding is brought on account of anything done in the exercise of his office, may, within one month after such notice, tender amends to the party complaining or his agent, and plead such tender in bar to the action, together with other pleas; and if the Court or jury (as the case may be), find the amends sufficient, judgment or verdict shall be given for the defendant; and in such case, or in case the plaintiff becomes non-suited, or discontinues his action, or judgment is given for the defendant upon demurrer or otherwise, then such defendant shall be entitled to full costs of defence; the defendant, by leave of the Court in which the action is brought, may, at any time before issue joined, pay money into Court as in other actions.

Costs to defendant if successful.

Payment into Court.

Action must be brought within a certain time.

228. Every such action, suit or proceeding must be brought within three months after the cause thereof, and laid and tried in the place or district where the facts were committed; and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff becomes non-suited or discontinues the action, or if upon a demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover full costs of defence.

If probable cause be certified, on record, damages and costs to be limited.

229. If in any such action, suit or proceeding, the Court or Judge before whom the action is tried certifies upon the record that the defendant in such action acted upon probable cause, then the plaintiff in such action shall not be entitled

to more than twenty cents damages nor to any costs of suit, nor in case of a seizure shall the person who made the seizure be liable to any civil or criminal suit of proceeding on account thereof.

Governor in Council may make regulations for—

230. In addition to the purposes and matters hereinbefore or hereinafter mentioned, the Governor in Council may from time to time, and in the manner hereinafter provided, make regulations for or relating to the following purposes and matters :

Slaughtering cattle, and grinding grain in bond.

1. For the warehousing and bonding of such cattle and swine as may be slaughtered and cured, and of such wheat, maize and other grain as may be ground and packed, in bond, and of such sugar as may be refined in bond ;

Marking duty paid goods; and as to tare.

2. For the branding and marking of all duty-paid goods and goods entered for exportation, and for regulating and declaring what allowances shall be made for tare on the gross weight of goods ;

Coasting trade and inland navigation.

3. For declaring what shall be coasting trade, or inland navigation, respectively, and how the same shall be regulated in any case or classes of cases, and for relaxing or dispensing with any of the requirements of this Act, as to vessels engaged in such trade, on any conditions which he may see fit to impose ;

Ports of entry.

Passing through Canada.

4. For appointing places and ports of entry, and warehousing and bonding ports, and respecting goods and vessels passing the canals, and respecting the horses, vehicles and personal baggage of travellers coming into Canada or returning thereto, or passing through any portion thereof ;

Regulating or restricting importation of spirits.

5. For regulating or restricting the importation of spirits, wine and malt liquors, and limiting or prescribing the kind and capacity of packages in which the same may be imported, and the conveyances by which, and the ports or places at which the same may be landed and entered.

Exempting produce of grain or timber grown in Canada, &c. from duty in certain cases.

6. For exempting from duty any flour or meal or other produce of any wheat or grain grown in and taken out of Canada into the United States to be ground, and brought back into Canada within two days after such wheat or grain has been so taken out to be ground, or any boards, planks or scantling the produce of any logs or timber grown in and taken out of Canada into United States to be sawn, and brought back into Canada within seven days after such logs or timber were so taken out to be sawn ;

Respecting claims to such exemption.

7. For regulating the quantity to be so taken out or brought in at any one time by any party, and the mode in which the claim to exemption shall be established and proved ;

Warehousing

8. For authorizing the appointment of warehouses, and regulating the security which shall be taken from warehouse

keepers, the forms and conditions subject to which goods are to be warehoused, the mode of keeping goods in warehouse,

Forms, ren's, &c

and of removing such goods therefrom, and the amount of warehouse rent or license fees;

Extending time for clearing warehoused goods.

9. For extending either by general regulation or by special order, the time for clearing warehoused goods, and for the transport of goods in bond from one port or place to another;

Transfers in bond.

10. For regulating the form in which transfers of goods in warehouse or bond from one party to another shall be entered;

Exemption of goods from Newfoundland.

11. For exempting goods from duty as being the growth, produce or manufacture of Newfoundland, if such exemption be provided for by any Act relating to Customs, and for regulating the mode of proving such exemption;

Transferring certain materials for Canadian manufactures to the free list, or granting drawback thereon.

12. For transferring to the list of goods which may be imported into Canada free of duty, any or all articles (whether natural products or products of manufactures) used as materials in Canadian manufactures; and any such materials transferred to the free list by such Order in Council, shall be free of duty of Customs for the time therein appointed for that purpose: And for granting a drawback of the whole or part of the duty paid on articles which may have been used in Canadian manufactures; or for granting a certain specific sum in lieu of any such drawback;

Distribution of penalties.

13. For appointing the manner in which the proceeds of penalties and forfeitures shall be distributed;

Taking bond for security of performance of conditions of remission, &c.

14. For authorizing the taking of such bonds and security as he deems advisable for the performance of any condition on which any remission or part remission of duty, indulgence or permission is granted to any party, or any other condition made with such party in any matter relating to the Customs or to trade or navigation; and such bonds, and all bonds taken with the sanction of the Minister of Customs expressed either by general regulation or by special order, shall be valid in law, and upon breach of any of the conditions thereof, may be sued and proceeded upon in like manner as any other bond entered into under this Act or any other law relating to the Customs;

Such bonds to be valid.

General regulations in cases where he may make special.

15. For any other purpose for which by this Act or any other law relating to the Customs or to trade and navigation, the Governor in Council is empowered to make orders or regulations; it being hereby declared competent for him (if he deems it expedient) to make general regulations in any matter in which he may make a special order, and any such general regulation shall apply to each particular case within the extent and meaning thereof, as fully and effectually as if the same referred directly to each particular case within the intent and meaning thereof, and the officers, functionaries and parties had been specially named therein.

Recital of cases.

231. And whereas it frequently happens that goods are conveyed directly through the Canadian Canals or otherwise by land or inland navigation, from one part of the frontier line between ihe Dominion of Canada and the United States to another, without any intention of unlading such goods in Canada, and that travellers in like manner, pass through a portion of Canada, or come into it with their carriages, horses or other cattle drawing the same, and personal baggage, with the intention of forthwith returning to the United States, or having gone to the United States from Canada, return to it with such articles, and though the bringing of such goods and other articles into Canada is strictly an importation thereof, it may nevertheless be inexpedient that duties should be levied thereon: With regard to all such cases as aforesaid, the Governor in Council may, from time to time and as occasion may require, make such regulations as to him seem meet, and may direct under what circumstances such duty shall be or shall not be paid, and on what conditions it shall be remitted or returned, and may cause such bonds or other security to be given, or such precautions to be taken at the expense of the importer (whether by placing Officers of the Customs on board any such vessel or carriage or otherwise) as to him seem meet; and on the refusal of the importer to comply with the regulations to be so made, the duty on the goods so imported shall forthwith become payable; and all and every animal, vehicle or goods of any kind, brought into Canada by any traveller, exempted from duty under such regulation or otherwise, shall, if sold or offered for sale in Canada, provided the duties thereon have not been previously paid, be held to have been illegally imported, and shall be seized and forfeited, together with the harness or tackle employed therewith or in the conveyance thereof.

Regulations as to passing of goods through Canadian Canals, &c.

Forfeiture for contravention.

Oath or declaration may be required by regulations.

232. In any regulation made by the Governor in Council, under this Act, any oath, or declaration may be prescribed and required which the Governor in Council deems necessary to protect the revenue against fraud, and any person or officer may be authorized to administer the same; and by any such regulation, a declaration may be substituted for an oath in any case where an oath is required by this Act.

Governor in Council may prohibit the exportation, etc., of certain goods.

233. The Governor in Council may, by proclamation or Order in Council, at any time, and from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of the following goods:—arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man; and if any goods so prohibited be exported, carried coastwise, or by inland navigation, or waterborne or laden in any railway carriage or other vehicle, for the purpose of being so exported or carried, they shall be seized and forfeited.

Fees on vessels having no coasting license on entering certain ports.

234. The Governor in Council may grant yearly Coasting Licenses to British vessels navigating the inland waters of Canada above Montreal, and may direct that a fee of *fifty cents* shall be payable for each such license, and that the master or person in charge of any vessel navigating the said waters, and not having a Coasting License, shall, on entering any port in the Dominion with such vessel, pay a fee of *fifty tcents* if such vessel is not over fifty tons burthen, and of one dollar if she is more than fifty tons burthen, to the Collector on each entry, and a like fee of *fifty cents*, or *one dollar*, (according to the burthen of the vessel) on each clearance of such vessel at any port; and such fees shall be payable accordingly before such vessel shall be entered or cleared:

Proviso.

Proviso.

Provided that the Governor in Council may reduce or readjust such fees, but may not increase them; And provided also, that vessels merely passing through any of the Canadian canals, without breaking bulk, shall not be liable to such fees.

Penalties and forfeitures for contravention of regulations.

235. All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation made by the Governor in Council, and all goods or vehicles and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulations have not been complied with, shall be seized and forfeited, and if such vessel be of or over the value of four hundred dollars, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel shall be detained until said penalty is paid; and any such forfeitures and penalties shall be recoverable and may be enforced in the same manner, before the same court and tribunal, as if incurred by the contravention of any direct provision of this Act.

Recovery thereof.

Publication of regulations.

236. All general regulations made by the Governor in Council under this Act, shall have effect from and after the day on which the same have been published in the *Canada Gazette*, or from and after such later day as may be appointed for the purpose in such regulations, and during such time as shall be therein expressed, or if no time be expressed for that purpose, then until the same are revoked or altered; and all such regulations may be revoked, varied or altered by any subsequent regulation: and a copy of the *Canada Gazette* containing any such regulation shall be evidence of such regulation to all intents and purposes whatsoever.

Revocation.

Proof.

Certified copies to be evidence.

237. Any copy of an Order of the Governor in Council made in any special matter, and not being a general regulation, certified as a true copy by the Clerk or assistant Clerk of the Queen's Privy Council for Canada, shall be evidence of such Order to all intents and purposes whatsoever.

Oath to include affirmation in cetain cases.

238. In every case where the person required to take any oath under any Act or regulation relating to the Customs, is one of the persons entitled by law to take a solemn affirmation instead of an oath in civil cases, such person may instead of the oath hereby required make a solemn affirma-

tion to the same effect; and every person before whom any oath is by any such Act or regulation, required or allowed to be taken, or solemn affirmation to be made, shall have full power to administer the same; and the wilfully making any false statement in any such oath, shall be perjury, and the wilfully making any false statement in such solemn affirmation shall be a misdemeanor punishable as perjury. Punishment for false statement.

239. Whenever on the levying of any duty, or for any other purpose, it becomes necessary to determine the precise time of the importation or exportation of any goods, or of the arrival or departure of any vessel, such importation, if made by sea, coastwise, or by inland navigation in any decked vessel, shall be deemed to have been completed from the time the vessel in which such goods were imported, came within the limits of the port at which they ought to be reported, and if made by land, or by inland navigation in any undecked vessel, then from the time such goods were brought within the limits of Canada; and the exportation of any goods shall be deemed to have been commenced from the time of the legal shipment of such goods for exportation, after due entry outwards, in any decked vessel, or from the time the goods were carried beyond the limits of Canada, if the exportation be by land or in any undecked vessel; and the time of the arrival of any vessel shall be deemed to be the time a which the report of such vessel was, is or ought to have been made, and the time of the departure of any vessel to be the time of the last clearance of such vessel on the voyage for which she departed. Time of importation defined, and of exportation; of arrival or departure.

240. Although any duty of Customs has been overpaid, or although after any duty of Customs has been charged and paid, it appears or is judicially established that the same was charged under an erroneous construction of the law, no such overcharge shall be returned after the expiration of three years from the date of such payment, unless application for repayment has been previously made. Over-paid duties not returnable after three years.

241. No refund of duty shall be allowed after the lapse of fourteen days from the time of entry, for any alleged misdescription of goods by the importer; and should any error of the kind be discovered by the importer while unpacking his goods, he shall immediately and without further interference with the goods, report the facts to the collector in order that the same may be verified. No refund after 14 days. As to error discovered while unpacking.

242. The Governor in Council may, under regulations to be made for that purpose, allow, on the exportation of goods which have been imported into Canada, and on which a duty of Customs has been paid, a drawback equal to the duty so paid with such deduction therefrom as may be provided in such regulations:—and in cases to be mentioned in such regulations, and subject to such provisions as may be therein made, such drawback may be allowed on duty paid goods manufactured or wrought in Canada, into goods exported therefrom as aforesaid; and the period within which such drawback may be allowed, after the time the duty was paid shall be limited in such regulations. Drawback on on duty paid; goods exported. Regulations as to such cases.

Bonds to be to Her Majesty's use, and when to be given.

243. All bonds and securities, of what kind and nature soever, authorized to be taken by any law relating to Customs, shall be taken to and for the use and benefit of Her Majesty; and such bonds shall be taken before the performance of any act or matter with regard to which the taking of any such bond or bonds is required.

Forms for bonds and papers.

244. All bonds, documents and papers necessary for the transaction of any business at the respective Custom Houses or places or ports of entry in Canada, shall be in such form as the Minister of Customs shall from time to time direct.

Certain certified documents to be presumptive evidence.

245. Certificates and copies of official papers, certified under the hand and seal of any of the principal officers of the Customs in the United Kingdom, or of any Collector of Colonial Revenue in any of the British Possessions in America or the West Indies, or other British Possessions, or of any British Consul or Vice Consul in a foreign country, and certificates and copies of official papers made pursuant to this Act or any Act in force in Canada relating to the Customs, shall be received as presumptive evidence in reference to any matter contained in this Act or any Act relating to the Customs, or on the trial of any suit in reference to any such matter.

Persons transacting Customs business for others to produce written authority.

Their acts to bind their principals.

246. Whenever any person makes any application to an officer of the Customs to transact any business on behalf of any other person, such officer may require the person so applying to produce a written authority from the person on whose behalf the application is made, and in default of the production of such authority, may refuse to transact such business; and any act or thing done or performed by such agent, shall be binding upon the person by or on behalf of whom the same is done or performed, to all intents and purposes, as fully as if the act or thing had been done or performed by the principal.

Agent duly authorized may execute bonds for his principal.

Form of appointment.

247. Any attorney and agent duly thereunto authorized by a written instrument, which he shall deliver to and leave with the Collector, may in his said quality validly make any entry, or execute any bond or other instrument required by this Act, and shall thereby bind his principal as effectually as if such principal had himself made such entry or executed such bond or other instrument, and may take the oath hereby required of a consignee or agent, if he be cognizant of the facts therein averred; and any instrument appointing such attorney and agent shall be valid if in the form prescribed by the Minister of Customs.

Any partner may execute bonds, etc., without mentioning the other members of the co-partnership.

248. Any partner in any incorporated company, association or co-partnership of persons, or their attorney and agent authorized as aforesaid, may, under the name and style usually taken by such company, association or co-partnership, make any entry or execute any bond or other instrument required by this Act, without mentioning the name or names of any of the members or of the other members of the company or association or partnership, and such entry, bond or

instrument shall nevertheless bind them as fully and effectually, and shall have the same effect in all respects as if the name of every such member or partner had been therein mentioned and he had signed the same, and (if it be a bond or other instrument under seal) as if he had thereunto affixed his seal and had delivered the same as his act and deed; and the seal thereunto affixed shall be held to be the seal of each and every such member or partner as aforesaid: and the provisions of this section shall apply to any instrument by which any company, association or partnership of persons appoint an attorney or agent to act for them under the next preceding section. The person who, under this section, makes any entry or executes any bond or instrument on behalf of any company, association or partnership, shall, under the name and style usually taken by them, write his own name with the word "by" or the words "by their Attorney," or words to the like effect (*as the case may be*) thereunto prefixed.

As to seals.

Proviso: as to form of signature.

SHEDULE A.

ACTS REPEALED SUBJECT TO THE PROVISIONS MADE IN SECTION THREE OF THIS ACT.

1. The Act passed in the fortieth year of Her Majesty's Reign, chaptered ten, and intituled "*An Act to amend and consolidate the Acts respecting the Customs.*"

2. The Act passed in the forty-fourth year of Her Majesty s Reign, chaptered eleven, and intituled "*An Act to amend the Act fortieth Victoria, chaptered ten, intituled 'An Act to amend and consolidate the Acts respecting the Customs.'*"

No. 34.

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

BILL.

An Act to amend and consolidate the Acts respecting the Customs.

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

Second reading, Tuesday, 6th March, 1883.

Mr. BOWELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No 35 **BILL.** [1883.

An Act to incorporate the Federal Life Assurance Company.

WHEREAS D. B. Chisholm, William Kerns, Robert Barber, James H. Beatty, Thomas H. Wilson, E. S. Whipple, the Reverend William Williams, M. S. Smith, John Land, David Dexter, and others, on behalf of themselves and other Directors and shareholders in the Company hereinafter named, and the Federal Life Assurance Company of Ontario, incorporated under the Statutes of the Province of Ontario, hereinafter particularly mentioned, have by their petition represented that they are desirous of becoming incorporated by an Act of the Parliament of Canada, under the name of "The Federal Life Assurance Company," for the purpose of carrying on the business of life assurance in all its branches, and doing all things appertaining thereto or connected therewith, in the Dominion of Canada and elsewhere, and have prayed for the passing of an Act for that purpose, and whereas it is expedient to grant their prayer: 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 shareholders of the Federal Life Assurance Company of Ontario, incorporated by an Act of the Legislature of the Province of Ontario, passed in the thirty-eighth year of Her present Majesty's reign, chaptered sixty-eight, and intituled, "*An Act to incorporate the Industrial and Commercial Assurance Company of Canada*," and subsequently amended by an Act of the said Legislature, passed in the thirty-ninth year of Her Majesty's reign, chapter one, and subsequently further amended by an order of the Lieutenant-Governor in Council of the said Province of Ontario, duly made on the eleventh day of April, one thousand eight hundred and eighty-two, in pursuance of chapter one hundred and seventy-two of the Revised Statutes of the Province of Ontario, whereby the said corporate name referred to in the said Acts was duly changed to "The Federal Life Assurance Company of Ontario," under which it is now doing business, together with such other persons as are now or may hereafter become shareholders in the Company to be hereby incorporated shall be, and are hereby constituted a body politic and corporate in law, in fact and in name, by the style and title of "The Federal Life Assurance Company," for the purpose of carrying on the business of life Incorporation. Corporate name.

ssurance in all its branches, and doing all things appertaining thereto or connected therewith, with all the powers, privileges and rights hereinafter mentioned: Provided always, that nothing in this Act shall be construed in any manner to affect any contract, matter or thing concerning the said Company heretofore incorporated, otherwise than is herein expressed, or to affect any action, suit or proceeding commenced on behalf of or against the said Company, heretofore incorporated, at the time of the passing of this Act, but every such action, suit or proceeding may, at the option of the claimant, be carried on by or against the Company hereby incorporated, which is, in such case, for all the purposes thereof, substituted for the said Company heretofore incorporated; and all the shareholders in the said Company heretofore incorporated shall be shareholders in the Company hereby incorporated, and liable, as such shareholders, for so much of their stock subscriptions as are unpaid; and all such subscriptions, and all other property, real and personal, debts, rights, claims and privileges heretofore belonging to or vested in the said Company heretofore incorporated, and all their interest in the same shall be held by, and are hereby vested in, the said Federal Life Assurance Company hereby incorporated, in the same manner and with all such benefits and liabilities attaching to the same as existed at the time of the passing of this Act; and all the policies and other contracts of insurance, and all other engagements or agreements entered into by or on behalf of the said Company heretofore incorporated, shall continue to be valid and binding under this Act as against the Company hereby incorporated; and any person having any claim or demand against the said Company heretofore incorporated, or any shareholder thereof, as such shareholder, shall have the same claim or demand against the Company hereby incorporated and against such shareholders thereof.

Proviso: certain matters not affected.

Shareholders.

Assets vested in company.

Policies, &c., declared valid.

Claims against the company.

Capital stock and shares.

2. The capital stock of the said Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, with the privilege to increase the same from time to time to any amount not exceeding two millions of dollars, by a vote of the shareholders at any ordinary or special meeting of the shareholders called for that purpose, which said shares shall be and are hereby vested in the several persons who have subscribed or shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act.

Equal rights of shareholders.

3. Aliens as well as British subjects and whether resident in Canada or elsewhere may be shareholders in the said Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as Directors or otherwise in the said Company; but the major part of the Directors of the Company shall at all times be persons resident in Canada and subjects of Her Majesty by birth or naturalization.

Payment of shares.

4. The shares of the capital stock subscribed for shall be paid in as follows: ten per cent at the time of subscription

and the remainder in such future instalments, and at such times and places as the said Directors shall appoint; no such future instalment shall exceed ten. per cent. of the sum subscribed; thirty days' notice of each call shall be given and instalments shall not be made payable more frequently than once in three months: Provided, that the said Company shall not be authorized to avail themselves of the privileges of this Act otherwise than in accordance with the provisions of the several Acts of the Parliament of the Dominion of Canada relating to life insurance companies. Proviso.

Payment of shares in advance.

5. It shall be competent for the Company to receive from any shareholder in anticipation, the payment of any share or shares of the capital stock of the Company, or of any such part of the amount thereof as may remain unpaid and uncalled for, and thereupon it shall be competent for the Company to allow and give lawful interest for the amount of the anticipated payment until the same shall in due course become payable by virtue of the calls of the Directors.

Previous calls confirmed.

6. All calls heretofore made by the Directors of the Company incorporated under the Act of the Legislature of the Province of Ontario shall be valid and binding on the shareholders of the Company incorporated by this Act.

Forfeiture of shares for non-payment.

Sale.

Proviso: surplus to be paid to owner.

7. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may declare forfeited such share or shares together with the amount previously paid thereon in such manner as may be provided by the by-laws, and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expense of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses.

Payment may be made before sale.

What only need be alleged in suits.

And proved on trial.

Copy of by-law, &c., to be evidence.

8. If payment of such arrears of calls, interest and expenses, be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall be only necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such calls, or any matter whatsoever, other than what is before mentioned; a copy of any by-law, rule, regulation or minute, or of any entry in any book of

the Company, certified to be a true copy or extract made under the hand of the President, or one of the Vice-Presidents, or the Managing Director or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *primâ facie* evidence of such by-law, rule, regulation, minute or entry, without further proof of the official character or signature of the officer signing the same, or of the corporate seal.

Transfer of shares.

9 No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may from time to time be fixed by the by-laws; and until the whole of the capital stock of the said Company is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always, that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors, and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Proviso.

Liability of shareholders defined.

10. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities thereof, but no further, and the shares shall be deemed personal estate.

Board of directors.

11. The stock, property, affairs and concerns of the Company shall be managed and conducted by not less than fifteen nor more than twenty-five Directors, who shall hold office until the next following general election of Directors; and such Directors shall be shareholders and shall be elected (at the expiration of the time during which the Directors hereinafter appointed are to hold office) at the annual general meeting of the shareholders, to be held at the city of Hamilton in the month of next, and yearly thereafter, on such day as may be appointed by by-law or by the Directors of the Company; not less than ten days' notice of such meeting shall be given by circular addressed to the shareholders at their last known post office address, and also by advertisement in some daily newspaper published in the same city; and the said election shall be held and made by such of the shareholders present in person or represented by proxy, as shall have paid all calls made by the Directors, and then due; and all such elections shall be by ballot, and the required number of shareholders who have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons shall have an equal number of votes in such manner that a greater number of persons than are required shall appear to be chosen as Directors, then the Directors who shall have the greatest number of votes or the majority of them, shall determine which of the said persons having an equal number of votes shall be the Director or Directors, so as to complete the whole number required; and the said Directors shall as soon as may be after the said election, proceed in like manner to elect by ballot one of their number

Election.

Ballot.

Ties.

President and Vice-Presidents.

to be President and two to be Vice-Presidents; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such an office: Provided always, that no person shall be eligible or continue as Director unless he shall hold in his name and for his own use stock in the said Company to the amount of twenty shares, whereof at least ten per centum shall have been paid in, and shall have paid all calls made upon his stock and all liability actually matured and incurred by him with the Company. Vacancies. Proviso: qualification of director.

12. The first Directors of the Company incorporated under this Act shall be the present Directors of the Company incorporated by the Legislature of the Province of Ontario, namely: D. B. Chisholm, James H. Beatty, Robert Barber, George Scott, the Reverend William Williams, James Lord, William Kerns, Sheriff Patrick, the Reverend Dr. Potts, Edwin Chown, James Hough, A. Willmott, E. S. Whipple, the Reverend J. Wakefield, Thomas Holtby, M. S. Smith, Colonel John Land, the Reverend W. C. Clarke, M. H. Aikins, W. F. Hall, W. B. Chisholm, Reverend J. G. Scott, Thomas Blanchard, T. H. Wilson and David Dexter, and they shall continue to hold office and to occupy the same position in the said Company incorporated under th s Act as they now hold and occupy in the Company heretofore incorporated until the annual meeting of the shareholders of the Company in———next. First directors of the company.

13. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, the said Company shall not, for that cause, be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election iu such manner as may be regulated, directed and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made. Failure of election not to dissolve the company.

14. At all meetings of Directors five shall be a quorum for the transaction of business, and all questions before them shall be decided by a majority of votes; and in case of an equality of votes, the President, Vice-President or presiding Director shall give the casting vote, in addition to his vote as a Director. Quorum. Casting vote.

15. When and so soon as six hundred thousand dollars of the capital stock of the Company shall have been *bonâ fide* subscribed for, and fifty thousand dollars thereof actually paid in, and not before, the Company may commence business under this Act. When business may be commenced.

16. The chief place of business of the Company shall be in the City of Hamilton, or elsewhere, as the Directors may Head office and agencies.

determine. The said Company shall have full power and authority to comply with the laws of any Province, State or country where it proposes to carry on business and to appoint therein under the seal of the Company, local managers, agents, or other officers.

Votes on shares.

17. At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him for not less that fourteen days prior to the time of voting, upon which all calls then due shall have been paid up; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes.

Proceedings at annual meetings.

18. At the annual meeting of shareholders, the election of Directors shall be held, and all business transacted without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders: special general meetings of shareholders may be called in such manner as may be provided for by the by-laws, and at all meetings of the shareholders the President, or in his absence one of the Vice-Presidents, or in the absence of all of them, a Director or shareholder chosen by the shareholders, shall preside, who in case of an equality of votes shall give the casting vote in addition to his vote as a shareholder.

Special general meetings.

Business and general powers of the company.

19. The said Company shall have full power, right and authority to make and issue policies of insurance on life or lives and to make and effect contracts of insurance with any person or persons, bodies politic or corporate, upon life or lives, or in any way depending upon life or lives, either for a period or the whole of any life or lives, and to buy, sell, grant, or otherwise acquire and dispose of any such policies, and to buy, sell, grant, or otherwise acquire and dispose of annuities and endowments of every description for life or lives of adults or children, or for other periods, and on survivorships, and to receive investments of money, for accumulation, and to purchase and acquire contingent rights, whether of reversion, remainder, annuities, life policies or otherwise, and generally to enter into any contract or any transaction depending upon the contingency of life, and to carry on the business of life insurance in all its several forms and branches, including the power to re-insure in any other company or companies, and to do, perform and execute all acts, deeds, matters and things necessary for the purposes aforesaid; and all contracts or policies of insurance issued or entered into by the said Company shall be signed by the President or one of the Vice-Presidents and countersigned by the Managing Director or Secretary, or otherwise as may be directed by the by-laws, rules and regulations of the Company; and being so signed and countersigned shall be

Re-insurance.

Policies, how executed.

deemed valid and binding upon the Company according to the tenor and meaning thereof.

Conveyance of title to policies.

20. Any certificate or obligation issued by the Company agreeing to purchase one of its policies for a fixed sum during a stated period, when accompanied by the policy duly assigned or transferred, shall be negotiable and shall convey title to the policy to the party to whom it may be so assigned or transferred; and any policy taken out in favor of a wife, child, relative or other person having a beneficial interest in the life of the insured shall not be liable to seizure by the creditors of the person so insured.

Exemption from seizure.

Powers as to real estate.

21. The Company shall have power to acquire and hold real estate, not exceeding an annual value of ten thousand dollars, for the purpose of its business, and to sell or dispose of the same and to acquire other property in its place as may by deemed expedient, and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owners thereof, and to retain the same for a period not exceeding ten years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or of the provinces thereof or of any foreign state or states, when required for the carrying on of business in such foreign state, or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, or on the security of its policies, in sums not exceeding their respective cash surrender values, or in such other securities and in such manner as the Directors may elect; and may from time to time vary or sell the same securities or mortgages, or pledge the same from time to time as occasion may require. The Company may take and accept all kinds and classes of personal security, negotiable and otherwise, for the due payment of all calls, premiums due or accruing due on policies, and all other moneys due and owing them by any person or persons whomsoever, and the same may sell, pledge or otherwise dispose of from time to time as they may see fit. The Company shall have full power to borrow money on the security of its debentures to an amount not exceeding one half of the amount of its paid up capital stock, and ten per centum of the amount of its reserve or assets requisite for the re-insurance of the company's outstanding risks; and the legal standard for computing such reserve or re-insurance shall be the same mortality tables used and the same rate of interest assumed in the computation of the Company's rates of premiums for insurance.

Investment of funds.

Security may be taken.

Borrowing powers.

By-laws may be made.

22. The Board of Directors shall have full power and authority from time to time to make and to alter such by-

laws, rules, regulations and ordinances as shall appear to them proper and needful touching the well ordering of the Company and the management and disposition of its stocks, property, estate and effects, the calling of special general meetings, the regulation of the meetings of the Board of Directors, the increasing or decreasing of the number of the Directors, increasing of the capital stock, the appointment from time to time of an Executive Committee or Committees of the said Board (which may include such officers of the said Company as the Directors deem advisable) with such powers and to discharge such duties as the Board may from time to time confer and impose upon them, the appointment of a Managing Director and of local boards to facilitate the details of business and the definition of the duties and powers of such local boards, the making of calls upon the subscribed capital, the issue and allotment of shares, the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, the remuneration to be paid to them, the security to be given by them respectively for the due performance of their duties, the regulation of the transfer of stock and the form thereof, the compensation of Directors, the establishment and regulation of agencies, and the determining of rates, rules and regulation under which the Company's policies shall be issued, transferred or re-purchased.

Company not bound to see to execution of trusts.

23. The Company shall not be bound to see to the execution of any trust whether express, implied or constructive in respect of any share, and the receipt of any shareholder, his attorney or agent, in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

As to stock held by executor, &c.

24. Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the Company and may vote accordingly as a shareholder.

Dividends.

25. The Directors of the Company at a meeting held for such specified purpose may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business: Provided always, that no part of its capital be appropriated to such dividends, and also that a reserve or re-insurance fund sufficient to re-insure the Company's outstanding risks, valued by the standard hereinbefore mentioned, shall be maintained. The Directors may also by resolution order that the holders of policies or other instruments shall be paid such proportion of the actual realized profits in such portions, at such times, and in such manner as the said Directors may think proper, and may enter into obligations so to do either by endorsement on the policies or otherwise: Provided always, that the holders of the policies or other instruments so participating in the profits

Proviso.

Participation by policy-holders.

Proviso.

shall not be in any wise answerable or responsible for the debts of the said Company.

Liability of directors if dividend impairs capital.

26 If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent or diminishes the capital stock thereof, the Directors declaring such dividends shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid ; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the Board of Directors his protest against the same and do within eight days thereafter publish such protest in at least one newspaper published at or as near as may be possible to the head office of the Company, such Director may thereby and not otherwise exonerate himself from such liability.

How such liability may be avoided.

Transmission of share or claim otherwise than by transfer.

27. If the interest of any person or persons in any share or shares in the capital stock, or in any policy, bonus, dividend or other obligation of the Company hath become or shall become transmitted in consequence of the death or bankruptcy or insolvency of any such holder, or in consequence of the marriage of a female holder, or by any lawful means other than a transfer upon the books of the Company, the Directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the Company, or to recognize such transmission in any manner, until a declaration in writing shewing the nature of such transmission and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former shareholder if living and having power to execute the same, shall have been filed with the Manager of the Company and approved by the Directors ; and if such declaration purporting to be so signed and executed shall also purport to be made or acknowledged in the presence of a Notary public, or of a Judge of a Court of Record, or of a Mayor of any city, town or borough, or other place, or a British Consul or Vice-Consul, or other accredited representative of the British Government in any foreign country, the Directors may, in the absence of direct actual notice of a contrary claim, give full credit to such declaration and (unless the Directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of such transmission to be entered in the books of the Company.

Transmission by death of shareholder.

28 If such transmission has taken place or shall hereafter take place by virtue of any testamentary act or instrument or in consequence of an intestacy, the probate of the will or letters of administration, or act of curatorship, or testament testamentary, or testament dative expede, or other judicial or official document under which the title, whether beneficial or as trustee for the administration or control of the personal estate of the deceased, shall purport to be granted by any

court or authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's Dominions, or in any foreign country, or an authenticated copy thereof or official extract therefrom shall together with the said declaration be produced and deposited with the Manager, and such production or deposit shall be sufficient justification and authority to the Directors for paying the amount or value of any policy, bonus, dividend or other obligation or share or for transferring or consenting to the transfer of any obligation, policy, bonus, dividend or share in pursuance of and in conformity to such probate, letters of administration, or other such documents as aforesaid, notwithstanding the probate, letters of administration or other authority may not be proved or had in Ontario.

General acts to apply.

29. The Company shall be subject to the provisions of the "*Insurance Acts of* 1875 *and* 1877" and to all general laws in force, or that may hereafter be in force, respecting life insurance companies.

No. 35.

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

BILL.

An Act to incorporate the Federal Life Assurance Company.

Received and read first time, Thursday, 1st March, 1883.

Second reading, Friday, 2nd March, 1883.

(PRIVATE BILL.)

Mr. KILVERT.

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

No. 36] **BILL.** [1883.

An Act to amend the Act incorporating the Kingston and Pembroke Railway Company, and the Act amending the same.

Preamble. 34 V., c. 49. 42 V., c. 61.

WHEREAS the Kingston and Pembroke Railway Company have, by their petition, prayed that the Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-nine, to incorporate the said Company, and the Act passed in the forty-second year of Her Majesty's reign, chapter sixty-one, to amend the said Act to incorporate the said Company, may be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain branch lines may be built.

1. The Kingston and Pembroke Railway Company may and is hereby authorized to lay out, construct, finish, equip, work and use branch lines of railway at and from any point on the main line of the said Kingston and Pembroke Railway to Westport, in the county of Leeds, in the Province of Ontario, and to Smith's Falls, in the county of Lanark, in the said Province; and also at and from any point on the said main line to Eganville, in the county of Renfrew, in the said Province, and thence, to some point on the Georgian Bay, in the said Province, with the same rights, powers and liabilities, and under and subject to the same conditions as if the said branch lines had been authorized in the Act incorporating the said Company.

Capital may be increased.

2. The directors of the said Kingston and Pembroke Railway Company, upon being thereto authorized by a vote of a majority of the shareholders present at a meeting called in pursuance of the twentieth sub-section of the seventh section of "*The Consolidated Railway Act*, 1879," may increase the capital stock of the said Company to a sum not to exceed in the whole five million dollars, in shares of fifty dollars each, which new capital stock, when issued, shall be subject to the conditions of subscriptions prescribed in sections eleven and twelve of the original Act incorporating the said Company.

Issue of new stock.

3. The said directors may issue such new stock or any part thereof as fully paid up stock at such rates and upon such terms as may be authorized by the shareholders as aforesaid.

Section 2 of 34 V., c. 49 amended.

4. The second section of the Act hereinbefore firstly cited being the original Act incorporating the said Company, is hereby amended by striking out all the words after "therein," in the seventh line of the said section, and substituting the following therefor: "and to acquire lands and water lot property in any or every municipality, through or in which the main line of the said railway or any branch thereof is carried, for the erection and maintenance thereon of necessary stations, depots, curves, sidings, wharves, and for such other purposes as may be deemed by the directors necessary or advantageous to the Company."

No. 36.

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

BILL.

An Act to amend the Act incorporating the Kingston and Pembroke Railway Company, and the Act amending the same.

Received and read first time, Thursday, 1st March, 1883.

Second reading, Friday, 2nd March, 1883.

(PRIVATE BILL.)

Mr GUNN.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co

1883.

No. 37.] **BILL.** [1883.

An Act to incorporate the Royal Society of Canada.

WHEREAS the persons hereinafter mentioned have, by their petition, represented that a Society called, with the sanction of Her Most Gracious Majesty the Queen, "The Royal Society of Canada," has been founded in Canada by His Excellency the Right Honorable the Marquis of Lorne, Governor-General of Canada; that the said Society has been maintained for some months by the petitioners and others, and that the objects of the said Society are:—first, to encourage studies and investigations in literature and science; secondly, to publish transactions annually or semi-annually, in a creditable form, containing the minutes of proceedings at meetings, records of the work performed, original papers and memoirs of merit, and such other documents as may be deemed worthy of publication; thirdly, to offer prizes or other inducements for valuable papers on subjects relating to Canada and to aid researches already begun and carried so far as to render their ultimate value probable; fourthly, to assist in the collection of specimens with a view to the formation of a Canadian Museum of archives, ethnology, archæology and natural-history: and whereas the said petitioners have prayed that, for the better attainment of the said objects, the Society may be incorporated by Act of the Parliament of Canada, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. J. W. Dawson, C.M.G., LL.D., F.R.S., President; the Honorable P. J. O. Chauveau, LL.D., Docteur ès Lettres, Vice President; J. M. LeMoine, Esquire, Daniel Wilson, LL.D., F.R.S.E., T. Sterry Hunt, LL.D., F.R.S., A. R. C. Selwyn, LL.D., F.R.S., Presidents of Sections; Faucher de St. Maurice, Esquire, Charles Carpmael, M.A., George Lawson, Ph.D., LL.D., Vice Presidents of Sections; J. G. Bourinot, F.S.S., Honorary Secretary; J. A. Grant, M.D., F.G.S., Honorary Treasurer; Goldwin Smith, D.C.L., the Reverend Abbé Bégin, D.D., the Reverend Abbé Bois, Napoleon Bourassa, Esquire, the Reverend Abbé Casgrain, Docteur ès Lettres, Paul DeCazes, Esquire, Oscar Dunn Esquire, the Honorable Hector Fabre, Louis H. Fréchette, LL.D., Napoleon LeGendre, Esquire, Pamphile Lemay, Esquire, the Honorable F. G. Marchand, Joseph Marmette, Esquire, the Honorable Mr. Justice Routhier, Docteur ès Lettres, Benjamin Sulte, Esquire, the Reverend Abbé Tanguay, Joseph Tassé, Esquire, the Reverend Abbé Verreau, Certain persons incorporated.

Docteur ès Lettres, R. Maurice Bucke, M.D., the Reverend Æneas McDonell Dawson, Lieutenant-Colonel G. T. Denison, B.C.L., the Very Reverend G. M. Grant, D.D., William Kirby, Esquire, John L'Espérance, Esquire, Charles Lindsey, Esquire, the Reverend W. Lyall, LL.D., George Murray, B.A., the Reverend J. Clark Murray, LL.D., Evan McColl, Esquire, John Read, Esquire, Charles Sangster, Esquire, George Stewart, (the younger,) Esquire, Alpheus Todd, C.M.G., LL.D., J. Watson, M.A., LL.D., G. Paxton Young, M.A., C. Baillargé, C.E., Herbert A. Bayne, Esquire, E. J. Chapman, Ph.D., LL.D., J. B. Cherriman, M.A., E. Deville, C.E., N. F. Dupuis, M.A., F.R.S.E., Sandford Fleming, C.M.G., C.E., P. Fortin, M.D., G. P. Girdwood, M.D., F. N. Gisborne, M. Inst. E., E. Haanel, Ph.D., the Very Reverend T. E. Hamel, M.A., B. J. Harrington, B.A., Ph.D., G. C. Hoffman, F.I.C., A. Johnson, LL.D., J. T. Loudon, M.A., T. Macfarlane, M.E., J. C. McGregor, M.A., D.Sc., F.R.S.E., L. W. Bailey, M.A., Ph.D., George Barnston, Esquire, Robert Bell, M.D., C.E., F.G.S., G. M. Dawson, D.S., A.R.S.M., F.G.S., Edwin Gilpin, M.A., F.G.S., J. Bernard Gilpin, M.D., M.R.C.S., the Reverend D. Honeyman, D.C.L., J. M. Jones, F.L.S., the Reverend Professor J. C. K. Laflamme, D.D., J. Macoun, M.A., F.L.S., G. F. Matthew, M.A., Alexander Murray, C.M.G., F.G.S., W. Osler, M.D., W. Saunders, Esquire, D. N. St. Cyr, Esquire, J. F. Whiteaves, F.G.S., and R. Ramsay Wright, M.A., B.Sc., together with such other persons as now are or may hereafter become members of the Society to be hereby incorporated under the provisions of this Act, and the by-laws made under the authority thereof, and their successors, shall be and are hereby constituted a body politic and corporate, by the name of "The Royal Society of Canada," hereinafter called the Society, and may, by any legal title, acquire, hold and enjoy, for the use of the Society, any property whatever, real or personal, and may alienate, sell and dispose of the same, or any part thereof, from time to time and as occasion may require, and other property, real or personal, may acquire instead thereof: Provided always, that the annual value of the real estate held at any one time for the actual use of the Society shall not exceed *four thousand* dollars.

Corporate name and general powers.

Proviso: as to value of real estate held.

Revenue and funds of the society.

2. The Society shall not hold any property except as aforesaid and such as shall be derived from the following sources, that is to say: the life, annual and other subscriptions of members, donations, bequests or legacies made to the Society, and such other moneys or property as may be acquired by and from the ordinary transactions of the Society, or may now belong to the existing Society, and the moneys arising from fines and forfeitures lawfully imposed by their by-laws: Provided always, that the Society shall sell and convey any real estate acquired by them under the provisions of this section within five years after they shall have acquired the same, unless the same be required for the actual use of the Society, under the provisions of the next preceding section.

Proviso: as to sale of real estate.

Officers and their duties.

3. The affairs and business of the Society shall be managed by such officers and committees, and under such restrictions,

touching the powers and duties of such officers and committees, as by by-law in that behalf the Society may from time to time ordain; and the Society may assign to any of such officers such remuneration as they deem requisite.

By-laws may be made.

4. The Society may make such by-laws, not contrary to law, as they shall deem expedient for the administration and government of the Society, and may repeal, amend or re-enact the same from time to time, observing always, however, such formalities as by such by-laws, or by the by-laws now in force, may be prescribed to that end, and generally shall have all the corporate powers necessary for the purposes of this Act.

By-laws continued.

5. The present by-laws of the existing Society, not being contrary to law, shall be the by-laws of the Society hereby constituted, until they shall be repealed or altered as aforesaid.

Officers continued.

6. Until others shall be elected according to the by-laws of the Society, the present officers of the existing Society shall be those of the Society.

Recovery of subscriptions and withdrawal of members.

7. All subscriptions and all penalties due to the Society under any by-law, may be recovered by suit in the name of the Society; but any member may withdraw therefrom at any time, on payment of all amounts by him due to the Society, inclusive of his subscription for the year then current, and shall, upon such withdrawal and payment of amounts due, cease to be a member of the Society.

Proviso as to evidence.

8. No person otherwise competent to be a witness in any suit or prosecution in which the Society may be engaged, shall be deemed incompetent to be such witness by reason of his being or having been a member or officer of the Society.

Annual reports to be made.

9. The Society shall make annual reports to the Governor-General and to both Houses of Parliament, containing a general statement of the affairs of the Society, which said reports shall be presented within the first twenty days of every Session of Parliament.

No. 37.

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

BILL.

An Act to incorporate the Royal Society of Canada.

Received and read, first time, Thursday, 1st March, 1883.

Second reading, Friday, 2nd March, 1883.

(PRIVATE BILL.)

Mr. TASSÉ.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,

1883.

No. 38] **BILL.** [1883.

An Act to incorporate "The Rainy River Improvement Company."

WHEREAS Hugh Sutherland, Edward J. Jarvis, William Ward Banning, William Dick and William Buckingham, all of the city of Winnipeg, lumber merchants, John Mather, of Keewatin, lumber merchant, Richard Fuller, of the city of Hamilton, in the Province of Ontario, gentleman, and John Ross, of the county of Welland, in the same Province, railway contractor, have petitioned for an Act of incorporation with the object of making certain improvements on the Rainy River for the transmission of saw-logs, square timber and all descriptions of timber, down the Rainy River, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Hugh Sutherland, Edward J. Jarvis, William Ward Banning, William Dick, William Buckingham, John Mather, Richard Fuller and John Ross, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company to be hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Rainy River Improvement Company," hereinafter called the Company. Certain persons incorporated. Corporate name.

2. The Company shall have the power to acquire, construct and maintain booms, dams, slides, piers and other works in the rivers, lakes, streams and creeks hereinafter named and on the banks thereof, for the purpose of transmission of saw logs, square timber, flatted timber and all descriptions of timber, down the whole course of the river flowing westward from Hunter's Island through Rainy Lake down the course of the Rainy River to the Lake of the Woods and the streams, rivers and creeks flowing into the said river, Rainy Lake and Rainy River, in the Provinces of Manitoba and Ontario, and in the District of Keewatin, and shall also have power to blast rocks, dredge or remove shoals or other impediments, or otherwise improve the navigation of the said streams, rivers and lakes for the said purpose. Powers of the company.

3. The persons named in the first section are constituted the Board of provisional Directors of the Company, and shall hold office as such until the first election of Directors under Provisional directors and their powers.

this Act, and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking, giving at least six weeks' previous notice by advertisement in the *Canada Gazette*, of the time and place of their meeting to receive subscriptions of stock; and the said provisional Directors may cause surveys and plans to be executed, and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Ten per cent. payable on subscription of stock.

4. No subscription of stock in the capital of the Company shall be legal or valid unless ten per centum shall have been actually and *bona fide* paid thereon within twenty days after subscription, into one or more of the chartered banks of Canada, to be designated by the said Directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of the Company or on the dissolution of the Company from any cause whatever; and the said Directors or a majority of them may, in their absolute discretion, exclude any person or persons from subscribing, who, in their judgment, would hinder, delay or prevent the Company from proceeding with and completing their undertaking, under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertakings of the Company; and in such allocation the said Directors may, in their absolute discretion, exclude any one or more of the said subscribers, if in their judgment this will best secure the prosperity of the Company.

Allotment of stock.

Equal rights of shareholders.

5. 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 to be eligible to office in the Company.

Capital stock and shares.

6. The capital stock of the Company shall be twenty-five thousand dollars, divided into two hundred and fifty shares of one hundred dollars each; shares shall be personal property and shall be transferable upon the books of the Company in the manner provided by a by-law to be made by the Directors in that behalf.

First meeting of shareholders.

7. So soon as twelve thousand five hundred dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum *bona fide* paid thereon, and deposited in one or more of the chartered banks of Canada for the purposes of the Company, the hereinbefore mentioned provisional Directors, or a majority of them, shall call a meeting of the shareholders of the Company at such time and place as they shall think proper, giving at least two weeks' notice in the *Canada Gazette*; at which meeting the shareholders shall elect three Directors from the shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

Election of directors.

8. The annual general meeting of the shareholders for the election of Directors and other general purposes shall be held at Winnipeg, or elsewhere, as may be appointed by by-law, on the first Wednesday in the month of April in each year, and two weeks' previous notice thereof shall be given by publication as provided in the last preceding section. Annual general meeting.

9. No person shall be elected a Director of the Company unless he shall be the holder and owner of at least ten shares in the stock of the Company, and shall have paid up all calls made thereon. Qualification of director.

10. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital. Calls.

11. The Directors of the Company may make by-laws and from time to time alter and amend the same, for the purpose of regulating the safe and orderly transmission of saw-logs and of timber over or through the works of the Company and the navigation therewith connected, and for regulating the mode of election of Directors, and otherwise regulating the management of the affairs of the Company; and the Directors may alter, change or amend any such by-laws. By-laws may be made.

12. If the annual election of Directors does not take place at the time appointed the Company shall not thereby be dissolved, but the Directors for the time being shall in that case continue to serve until another election of Directors has been held, which election shall be held at a time and place provided for by by-law to be passed by the Directors of the Company for that purpose. Failure of election not to dissolve company.

13. At any election of Directors each shareholder shall be entitled in person or by proxy to one vote for every share he holds in the Company, and upon which he is not in arrear in respect of any call. Votes on shares.

14. A majority of the Directors shall be a quorum for the transaction of business. Quorum.

15. The Directors may select one of their number to be the President, and may nominate and appoint such officers and servants as they deem necessary and, in their discretion, may take security from such officers and servants respectively for the due performance of their duties, and that they will duly account for all moneys coming into their hands to the use of the Company. Appointment of officers.

16. If any vacancy happens amongst the Directors during the current year of their appointment, such vacancy shall be filled up for the remainder of the year by a person nominated by a majority of the remaining Directors unless it is otherwise provided by some by-law or regulation of the Company. Vacancies, how filled.

17. If at any time the Directors are of opinion that it is desirable to alter, improve or extend the said works or that Debentures may be issued.

the capital subscribed or the capital authorized by this Act will not be sufficient to complete the work contemplated, the said Directors under a resolution to be passed by them for that purpose may issue debentures for sums not less than one hundred dollars each, signed by the President and countersigned by the Treasurer of the Company, and not exceeding in the whole one half of the paid-up capital, or may borrow upon security of the Company, by bond or mortgage of the works and tolls thereon, a sufficient sum to complete the same; or may authorize the subscription of such number of additional shares as may be named in their resolution, a copy whereof under the hand of the President and seal of the Company shall be engrossed at the head of the subscription list to be opened for subscribers to the additional shares.

Or additional stock subscribed.

Ranking of such additional stock.

18. All subscribers for additional shares subscribed with the consent of the Directors signified by a resolution of the Directors under the hand of the President, and seal of the Company shall be subject to all the liabilities and entitled to all the rights, benefits, privileges and advantages of original subscribers, as well with respect to the first works undertaken as to any extension or alteration thereof as aforesaid; and such list and the subscription thereon shall thenceforth be considered as part and parcel of the original undertaking.

Calls thereon.

19. Such additional shares and stock shall be called in, demanded and recovered in the same manner and under the same penalties as provided or authorized in respect of the original shares or stock of the Company.

Calls on stock.

20. The Directors may call in and demand from the stockholders of the Company respectively all sums of money by them subscribed, at such time and in such payments or instalments, not exceeding ten per centum at any one time, as the Directors deem proper, upon notice requiring such payment published for four successive weeks in the newspaper or one of the newspapers nearest the place where the Directors of the Company usually meet for the transaction of business.

Forfeiture for non-payment.

21. Any shareholder neglecting or refusing to pay a rateable share of the calls as aforesaid for the space of two months after the time appointed for the payment thereof shall forfeit his shares, which forfeiture shall go to the Company for the benefit thereof.

When forfeiture shall take effect.

22. No advantage shall be taken of the forfeiture unless the stock is declared to be forfeited at a general meeting of the Company assembled at any time after such forfeiture.

Recovery of calls.

23. The Company may, in any court having jurisdiction in matters of simple contract to the amount demanded, sue for and recover of or from any stockholder in the Company the amount of any call or calls of stock which such stockholder has neglected to pay after public notice thereof for

two weeks in the newspaper or one of the newspapers published nearest the place where the Directors of the Company usually meet for the transaction of business.

What only need be alleged in suits.

24. In any action by the Company against a stockholder brought to recover the money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to allege that the defendant is the holder of one share or more (stating the number of shares) in the stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more (stating the number and amount of each of such calls) whereby an action hath accrued to the Company by virtue of this Act.

And proved on the trial.

25. On the trial or hearing of any such action it shall be sufficient for the Company to prove that the defendant at the time of making the call was a holder of one share or more in the undertaking (of which, when there has been no transfer of the shares, proof of subscription to take stock shall be sufficient evidence to the amount subscribed) and to prove that such call was in fact made and such notice thereof given as required, whereupon the Company shall be entitled to recover the amount due upon such call with interest thereon, unless it appears that due notice of such call was not given ; and it shall not be necessary for the Company to prove the appointment of the Directors who made the call or any other matter whatever.

Evidence.

26. The oath of the Secretary shall be deemed sufficient proof of such notice, and a copy thereof shall be filed in the office of the Clerk of the Court where the trial takes places.

Powere as to real estate.

27. The Company shall have the power to purchase, acquire and hold such real estate as they may deem necessary for their purposes and the same again to sell, convey or exchange as they shall see fit ; and also by their corporate name to sue and be sued and to acquire and hold all such booms, piers, vessels, boats, tugs, steamers, matters and things as may be deemed by them necessary to use and employ in and about the towage and salvage of timber, lumber and saw-logs on the said streams, rivers, and lakes.

Vessels, &c.

Lands for works.

28. The Company may acquire at any point on the shores of the said streams, rivers and lakes and on the islands therein, at any one point, a parcel of land extending for a distance, for any works to be constructed, not exceeding one thousand feet along the margin respectively of the said rivers, streams or lakes or islands therein, and extending back respectively from the said rivers, streams, or lakes for a distance not exceeding one hundred feet from high water mark ; and in case the owner or owners of the said parcel of land and the Company shall be unable to agree upon the price or consideration to be paid or given therefor, then all questions between the said parties touching compensation or damages, possession and conveyance or title, shall be

Compensation therefor, how decided.

settled and determined in the manner provided by "*The Consolidated Railway Act* 1879," for the appropriation of lands by railways; and the powers and provisions contained in the sections of the said "*The Consolidated Railway Act*, 1879" relating to lands and their valuation and possession shall so far as applicable extend to the Company in order to enable them to acquire, in a compulsory manner, the possession of and title to such parcels of land as aforesaid.

Tolls may be levied.

29. The Company shall have power to levy and collect tolls, dues and charges on all saw-logs, timber and lumber which may have come into their possession by reason of the existence of the Company's works or the exercise of any of the powers under this Act, upon such tolls, dues and charges being first approved by the Governor in Council, and upon publication thereof in the *Canada Gazette*; and the tolls to be collected upon different kinds of saw-logs, lumber and timber shall bear to each other the following proportions, viz:—

Tariff of tolls.

Red and white pine, tamarac, spruce and hemlock, square, per 1,000 feet board measure	1 cent.
Oak, elm, and other hardwood, square or flatted, per 1,000 feet, board measure	1½ cts.
Spars, per 1,000 feet, board measure.	3 "
Masts, per 1,000 feet, board measure.	5 "
Saw-logs, 17 feet, and under, per 1,000 feet, board measure	¼ "
Red and white pine, tamarac, spruce and hemlock round or flatted, over 17 feet and under 25 feet long, per 1,000 feet board measure	⅓ "
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 25 to 35 feet long per 1,000 feet, board measure	½ "
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 35 feet and upwards in length, per 1,000 feet, board measure	⅔ "
Sawed lumber, per 1,000 feet, board measure	3 "
Staves, per 1,000	15 "
Firewood, shingle and other lumber per cord	2 "

And the Company shall have a further power to levy and collect tolls, dues and charges for boom working expenses, and for salvage of saw-logs, timber and lumber, the same having been also first approved by the Governor in Council and also published in the *Canada Gazette*; and the Governor in Council may from time to time alter and amend such tariffs of dues, tolls and charges; and the Company shall hold a lien for such tolls, dues and charges on the timber, lumber and saw-logs in respect of which the same are

Tariff may be amended.

Lien for tolls.

chargeable and which remain in the possession of the Company; and the said lien shall not be confined to the tolls, dues and charges chargeable in respect of the saw-logs, timber and lumber in the possession of the Company, but shall also include the tolls, dues and charges chargeable in respect of saw-logs, timber and lumber which have passed from the possession of the Company, and which at one time formed a portion of the saw-logs, timber and lumber in the possession of the Company, belonging to the same owner.

Sale for non-payment of dues.

30. If any saw-logs, lumber or timber remain in the possession of the Company, and the said tolls, dues and charges are not paid to the Company within ten weeks, the Company may sell the whole or any part of such timber, saw-logs and timber, and out of the money arising from such sale, retain the tolls, dues and charges payable as well in respect of the saw-logs, timber and lumber then in their possession, as also for the tolls, dues and expenses payable by the same owner in respect of saw-logs, timber and lumber which have passed from the possession of the Company, and all charges of such detention and sale, rendering the surplus, if any, or such of the saw-logs, lumber or timber as remain unsold, to the person entitled thereto.

Statement of quantities to be furnished.

31. The Company may demand from the owner of any saw-logs, lumber or timber, intended to be passed through any portion of the works of the Company, or from the person in charge of the same, a written statement of the quantity of saw-logs and of each kind of timber and lumber, and of the destination of the same, and of the sections of the works through which it is intended to pass; and if no such written statement is given when required, or a false statement is given, the whole of such saw-logs, lumber or timber or such part of it as has been omitted by a false statement, shall be liable to double toll.

Double tolls in default.

Collection of tolls.

32. The Company may demand and receive the lawful toll upon all saw-logs, lumber and timber which have come through or over any of the works of the Company; and the Company, by its servants, shall have free access to all such saw-logs, lumber and timber for the purpose of measuring and counting the same.

Recovery by suit.

33. If the just toll be not paid on demand, the Company may sue for the same in any Court of any competent jurisdiction and recover from the owner of the saw-logs, lumber and timber the amount of the tolls and the costs of suit.

As to costs.

34. If the owner of the saw-logs, lumber and timber objects to the amount of the tolls demanded and tenders a sum which he claims to be the true and just amount of the tolls, the Company shall pay the costs of the suit unless the judgment obtained is for a greater amount than the sum so tendered.

Proportionate tolls for

35. If saw-logs, lumber or timber have not come through or over the whole of the works of the Company, but only

use of part of works.

through or over a part thereof, the owner of the saw-logs, lumber or timber shall only be liable to pay tolls for such sections of the whole works as he has made use of, if in the schedule of tolls the work is divided into sections; and if not, then to pay such a portion of the whole toll as the distance such timber has come through the works bears to the whole distance over which such works extend.

Proceedings if true owner cannot be ascertained.

36. If the true owner of any saw-logs, lumber or timber, which has passed through any of the works of the Company, cannot be ascertained, or if there be reasonable grounds to apprehend that the tolls thereon have not been paid by the owner or reputed owner or person in charge, any Mayor, Reeve, or Justice of the Peace, having jurisdiction within the locality through or adjoining which such navigation extends, or where the saw-logs, lumber or timber may be found, if within twenty miles of any such works, shall, upon the oath of any Director or servant of the company that the just tolls have not been paid, issue a warrant for the seizure of such saw-logs, lumber or timber or so much thereof as will be sufficient to satisfy the tolls, which warrant shall be directed to any constable or any person sworn in as a special constable for that purpose, at the discretion of the magistrate, and shall authorize the person to whom it is directed, if the tolls are not paid within fourteen days from the date thereof to sell the said saw-logs, lumber or timber, and out of the proceeds to pay to the Company the just tolls, together with the costs of the warrant and sale, rendering the surplus, on demand, to the owner.

Wilful injury to works.

37. If any person wilfully and maliciously burns, breaks down, injures, cuts, removes, or destroys in whole or in part any dam, pier, slide, boom or other work of the Company, or any chain or fastening attached thereto, or wilfully and maliciously impedes or blocks up any channel or passage intended for the transmission of saw-logs, lumber or timber,

How punished.

he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine and imprisonment in the common gaol for any term not exceeding one year, at the discretion of the Court before whom the offender is convicted.

Resisting and molesting the company and their servants.

38. If any person resists or impedes any of the servants of the Company in the transmission of any saw-logs, lumber or timber through any such works or in carrying out any regulations of the Company for the greater safety and regularity of such transmission, or resists any such servants who may require access to any raft or other saw-logs, lumber or timber, to ascertain the just tolls thereon, or in any way molests the Company or its servants in the exercise of any

How punished.

rights secured to them by this Act, such person shall, upon conviction thereof in a summary way before a Justice of the Peace, having jurisdiction in the locality in or adjoining which the offence has been committed, be sentenced to pay a fine of not more than ten dollars nor less than one dollar, together with all costs, to be paid within a time to be limited by the said Justice, and in default to be levied as next hereinafter provided

39. In any proceeding or prosecution before any Justice of the Peace under this Act, the Justice may summon the party complained against to appear at a time and place to be named in the summons, and if he does not appear accordingly, then upon proof of the due service of the summons upon such party either personally or by leaving a copy thereof at his usual place of abode or with any adult person having anything to do with the saw-logs, lumber, timber or raft of which such party is in charge, the Justice may either proceed to hear or determine the case *ex parte*, or issue his warrant for apprehending and bringing such party before himself or some other Justice of the Peace; or the Justice may, without previous summons, issue such warrant, and the Justice before whom the parties appear or are brought shall proceed to hear and determine the case. Proceedings if party complained of does not appear.

40 The fines and forfeitures authorized to be summarily imposed by this Act may be recovered upon information and complaint before any Justice of the Peace of the County or District within which the same have been incurred, and shall be levied and collected by distress and sale of the offender's goods and chattels under the authority of a warrant of distress for that purpose, to be issued by the Justice before whom the conviction has been had. Recovery of fines and forfeitures.

41. In case there are no goods or chattels to satisfy such warrant the offender shall be committed to the common gaol of the District or County for any period not exceeding one month; but this section shall not prevent the issuing of a warrant of commitment in the first instance, upon a conviction for any offence mentioned in the thirty-seventh section of this Act Imprisonment in certain cases.

42. In any action or suit brought by or against the Company upon any contract or for any matter or thing whatsoever, any stockholder, or any officer or servant of the Company shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest, or of his being such servant or officer. Evidence of shareholders, &c.

43. If any suit be brought against any person for any matter or thing done in pursuance of this Act, such suit shall be brought within six months next after the act committed and not afterwards, and the defendant therein may plead the general issue only, and give this Act and the special matter in evidence on the trial. Time for suits limited.

44. After any works constructed by the Company under this Act have been completed and tolls established, the Company shall keep the same in good and sufficient repair. Works to be kept in repair.

45. The Company may become parties to bills of exchange and promissory notes, either as makers, endorsers, drawers, acceptors or holders, and may sue and be sued thereon, provided the same are made drawn, endorsed, accepted or taken in accordancewith a by-law or by-laws to be passed by the Directors. Promissory notes, &c.

Amalgamation with another company.

46. The Directors of the Company hereby incorporated and of any corporation proposing to amalgamate or consolidate with them, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations for the amalgamation and consolidation of the said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the Directors and other officers thereof, and who shall be the first directors and officers thereof and their places of residence, the number of shares of the capital stock, the amount or par value of each share and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when and for how long Directors and other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organisation and the consolidation and amalgamation of the said corporations and the after management and working of such new organization.

Agreement to be submitted for approval of shareholders.

47. Such agreement shall be submitted to the stockholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations, shall stand on the books of such corporations, and delivered to such persons respectively or addressed to them by mail if their post-office address shall be known to the Secretaries of such corporations, and also by a general notice to be published in a newspaper published in Winnipeg, in Manitoba, and St. Paul, in the State of Minnesota, once a week for two successive weeks; at such meetings of stockholders such agreement shall be considered and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy; and if two-thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then the fact shall be certified upon each of the said duplicates by the Secretary of each of such corporations under the corporate seals thereof, and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted, and of the said certificates thereon shall be filed in the office of the Secretary of State for the Dominion of Canada, and the other in the office of the Secretary of State of the State of Minnesota; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation; and a copy of such agreement so filed and of the certificates thereon properly certified shall be evidence of the existence of such new corporation.

Proceedings at meetings for such purpose.

Subsequent action if the agreement is approved.

48. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties, of each of such corporations so consolidated and united, except as herein provided. Effect of such agreement.

49. Upon the consummation of such act of consolidation as aforesaid all and singular the property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, subscriptions and other debts, due on whatever account, and other things in action belonging to such corporations or either of them shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed: Provided however, that all rights of creditors, and all liens upon the property of either of such corporations shall be unimpaired by such consolidation, and that all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. Property transferred to new corporation. Proviso: as to liabilities. Proviso: as to suits.

50. The Act thirty-third Victoria, chapter thirty-six, intituled: "*An Act respecting the marking of Lumber*," shall apply to and be in force upon all streams, rivers and lakes to which the Company's operations extend. 33 V., c. 36 to apply.

No. 38.

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

BILL.

An Act to incorporate the Rainy River Improvement Company.

Received and read first time, Thursday, 1st March, 1883.

Second reading, Friday, 2nd March, 1883.

PRIVATE BILL.

Mr. DAWSON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 39] **BILL.** [1883.

An Act to amend the Act of the Dominion of Canada, forty-fifth Victoria, chapter one hundred and twenty-four, respecting the Temporalities Fund of the Presbyterian Church of Canada, in connection with the Church of Scotland.

WHEREAS by petition it hath been represented, that the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland, and the beneficiaries entitled to the benefit of the said Fund, have agreed to apply to the Parliament of Canada for the amendments to the Act forty-fifth Victoria, chapter one hundred and twenty-four, hereinafter contained: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as fellows: Preamble. 45 V., c. 124.

1. Immediately after the words "good standing in the Church" in the twenty-second line of section one of the said Act the following paragraph is inserted: "But in the case of all ministers receiving annuities from the Fund, with the exception of those now in receipt of four hundred and fifty dollars per annum, the said Board shall have authority, if it be deemed advisable or expedient, to make an annual reduction on the said annuities, to the extent of not more than twenty-five per centum, and the said Board shall also be empowered to make further reductions on the said annuities, provided the state of the Fund demands it; but no such further reduction shall be made without the consent of a majority of the beneficiaries present at a meeting of the said beneficiaries, specially called for the purpose; the amount thus deducted to be repaid to the said beneficiaries from time to time during their lives, should the Fund augment so as to admit of such repayment." Section 1 amended.

2. The paragraph commencing in the twenty-fifth line of section one of the said Act with the words "The annual receipt of two hundred dollars" and ending with the words "active duties of the ministry" in the thirty-fourth line of the said section is hereby repealed, and the following paragraph inserted in lieu thereof: "The annual receipt of two hundred dollars by all ministers and by all recognized probationers and licentiates who were added to the roll of the Temporalities Fund, at the time of the union, and who are engaged in the active service of the Church, during the lifetime and good standing in Section 1 further amended.

the Church of the said ministers, probationers and licentiates; and all who were entitled to annuities of two hundred dollars each at the time of the said union, on the fifteenth day of June, 187[illegible], who have already retired, or who may hereafter retire, from the active duties of the ministry, with the consent of the Church, shall continue to receive the same allowance after such retirement, to wit: two hundred dollars each; but a majority present at any meeting of the said beneficiaries, duly called, shall have the right in their discretion, to decide that any or all of the annuities of the said retired ministers, shall be increased to such sum not exceeding four hundred dollars, as they shall then see fit and decide upon."

Section 1 further amended.

3. The word "requirements" in the thirty-sixth line of the first section of the said Act is struck out, and the following words substituted, in lieu thereof :— "Second and third classes of payments, but the said Board shall always retain sufficient capital to meet and secure the first class of payments of four hundred and fifty dollars in this Act mentioned."

Section 2 amended.

4. The last paragraph of section two, of the said Act, commencing with the word "Provided" in the thirteenth line of the said section, and ending with the word "Church" in the nineteenth line is hereby repealed.

Section 3 repealed.

5. Section three of the said Act is hereby repealed, and the following section substituted in lieu thereof:—

New section.

"**3.** There shall be an annual meeting of the said beneficiaries, the time and place of meeting to be appointed by the said Board in the first instance, and thereafter by the said beneficiaries in meeting assembled. The business of such annual meeting shall be to hear the annual statement of the Board, and to consult as to the best interests of the Fund; to consider the cases of such ministers as may from time to time be allowed to retire from the active duties of the ministry, and who may apply for an additional allowance; to declare the election of four members of the Board in room of those who shall retire by rotation, according as they shall have been chosen by the beneficiaries, the order of retiring being two ministers and two laymen from the top of the list in each year; to make by-laws regulating the appointment of auditors, and all matters relating to the audit of the affairs of the fund, and to the said annual statement of the Board; and to transact such other business as may arise. Thirty days before such annual meeting, a notice of the same shall be posted to each beneficiary, and by such notice each beneficiary shall be requested to nominate, for election, persons as members of the said Board in the place of those retiring by rotation, the two persons of each class receiving the largest number of votes to be considered as elected as members of the said Board."

Sub-section 1 of section 4 repealed.

6. The first sub-section of section four of the said Act is hereby repealed.

7. Sub-section two of section four of the said Act shall be read as sub-section two of section one of the said Act and the word "fourteenth" in the said sub-section two is struck out, and the word "fifteenth" substituted in lieu thereof. Sub-section 2 of section 4 amended.

8. Section seven of the said Act is hereby repealed. Section 7 repealed.

9. Sections five, six and eight of the said Act shall henceforth be sections four, five and six respectively. Certain sections re-numbered.

10. The following shall be added to the said Act, as section seven :

"**7**. The said Board shall have power to pay to beneficiaries upon the said Fund, all arrears of stipends which they would have been entitled to receive under the provisions of the hereinbefore mentioned Act of the Province of Quebec, had the same been constitutional and valid, subject to the reduction of twenty-five per cent upon the said arrears, should the said Board consider such reduction necessary or expedient, and as in the case of the other payments aforementioned in this Act, the said Board, shall if necessary, draw upon the capital Fund, to enable it to pay such arrears : Provided always, that the Board shall retain sufficient capital to meet and secure the first class of payments of four hundred and fifty dollars to the *commutary* ministers." New section 7.

No. 39.

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

BILL.

An Act to amend the Act of the Dominion of Canada, 45th Victoria, chapter 124 respecting the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland.

Received and read first time, Thursday, 1st March, 1883.

Second reading, Friday, 2nd March, 1883.

(PRIVATE BILL)

Mr. CHARLTON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1883.

No. 40.] **BILL.** [1883.

An Act to grant certain powers to the Acadia Powder Company.

WHEREAS the Acadia Powder Company, (limited), a body corporate and politic, incorporated by special Acts of the Province of Nova Scotia, thirty-second Victoria, chapter sixty three, and forty-third Victoria, chapter fifty-one, is desirous of extending its operations and of carrying on business in different parts of the Dominion of Canada, and has by petition prayed for the passing of an Act of the Parliament of Canada for that purpose; and whereas it is advisable and expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 32 V., (N.S.), c. 63. 43 V., (N.S.), c. 51.

1. It shall be lawful for the said Acadia Powder Company to carry on the business of manufacturing, making, selling and otherwise dealing in blasting powder, gunpowder, nitro-glycerine, dynamite and any and all other explosive substances and materials, in whatsoever form or shape the same shall be put up and manufactured, and to do all things necessary or incidental thereto in any and all parts and places within the limits of the Dominion of Canada, as the said Company may by by-law determine. Certain business may be carried on throughout Canada.

2. The said Company may increase the amount of its capital stock to any amount not exceeding in all the par value of three hundred thousand dollars, divided into shares of one thousand dollars each, which said shares shall be the personal property of the owners thereof, and as such transmissible and assignable, as provided by the by-laws of the the said Company. Capital may be increased.

3. The head office and principal place of business of the said Company shall be at such place within the Dominion of Canada as may be from time to time established by by-law. Head office.

4. The present Directors of the said Company shall continue to be and to act as such until replaced by others duly elected in their stead. Directors continued.

5. Section eighteen of the "*Canada Joint Stock Companies' Clauses Act*, 1869," shall not be incorporated with this Act. S. 18, of 32, 33 V., c. 12, not to apply.

No. 40.

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

BILL.

"An Act to grant certain powers to the Acadia Powder Company."

Received and read first time, Thursday, 1st March, 1883.

Second reading, Friday, 2nd March, 1883.

(PRIVATE BILL.)

Mr. TUPPER
(Pictou).

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

No. 41] **BILL.** [1883.

An Act to incorporate the Dominion Railway Trust and Construction Company of Canada (Limited).

Preamble.

WHEREAS the persons, whose names are hereinafter mentioned and others, have, by their petition, prayed that they may be incorporated with such other persons as shall be associated with them, as a Company, under the name of "The Dominion Railway Trust and Construction Company of Canada, (Limited)," with certain powers hereinafter mentioned; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. John Arthur Codd, Adolph Logan, Charles Newhouse Armstrong, Arthur Codd and St. John H. Hutcheson, together with such other person or persons as shall be and become stockholders in the Company to be hereby incorporated, and their respective heirs, executors, curators, administrators and assigns, shall be and are hereby created a body politic and corporate by the name of the "Dominion Railway Trust and Construction Company of Canada (Limited)," hereinafter called the Company.

Corporate name.

Capital stock and shares.

2. The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, with power, at any general meeting of the Company, to increase the same from time to time to such amount, in one hundred dollar shares, as shall be considered necessary and desirable by the Company,

Provisional directors and their powers.

Subscription of shares.

3. For the purpose of organizing the Company, the persons hereinbefore named shall be Provisional Directors thereof, and they, or a majority of them, may cause stock books to be opened, after giving such notice thereof as they may deem necessary, upon which stock books shall be recorded the subscriptions of such persons and bodies corporate and politic as desire to become shareholders in the Company; and such books may be opened in Toronto and elsewhere, at the discretion of the Provisional Directors, and may remain open as long they deem it necessary; and the Provisional Directors are hereby authorized to receive from the shareholders a deposit or percentage on the amount of their stock, subscribed by them respectively, and to pay all costs and expenses incurred in the application for and obtaining the passing of this Act.

First meeting of shareholders.

4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and twenty-five thousand dollars thereon paid in, the said Provisional Directors may call a general meeting of shareholders at some place to be named in the city of Toronto, giving at least ten days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city of Toronto, at which general meeting the shareholders present in person or represented by proxy shall elect five Directors, in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors and who shall hold office until the third Monday in April in the year following their election.

Election of directors.

Payment of shares.

5. The shares of capital stock subscribed for and the premium, if any, thereon, shall be paid in and by such instalments, at such times and places as the Board of Directors for the time being may, from time to time, limit and direct.

Board of directors.

6. The stock, property, affairs and concerns of the Company shall be managed and conducted by a Board of Directors, one of whom shall be chosen President, who shall hold office for one year; which Directors shall be elected at the annual general meeting of shareholders to be holden at Toronto, on the third Monday in April in each year, or on such other day as may be regulated by by-law, not less than ten days' notice of such meeting being given by advertisement in some daily newspaper published in Toronto; and the said election shall be held and made by such of the shareholders present in person or represented by proxy, as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot, and the five persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes in such a manner that a greater number of persons than five shall appear to be chosen as Directors, then the Directors who shall have a greater number of votes, or the majority of them, shall determine which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of five; and the Directors, as soon as may be, after the election, shall proceed in like manner to elect one of their number to be President and one to be Vice-President; and if any vacancy should at any time happen amongst the Directors by death, resignation, disqualification, or absence from the Board meetings, for three consecutive months, without leave of the Board, during the current year of office, such vacancy may be filled for the remainder of the year by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such an office: Provided always, that no person shall be eligible to be or continue as Director, unless he shall hold in his own name and for his own use, stock in the Company to the amount of fifty shares, whereof at least twenty per cent. shall have been paid in, and shall have paid all calls made upon his stock and all liability incurred by him with the Company.

Election.

President and Vice-President.

Vacancies, how filled.

Proviso: as to qualification.

7. If at any time an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose; and the retiring Directors shall continue in office until their successors are elected. Failure of election not to dissolve the company.

8. At all general meetings of the Company, each shareholder shall be entitled to give one vote for each share then held by him; such votes may be given in person or by proxy, the holder of any such proxy being himself a shareholder; but no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he shall have paid all the calls upon all the shares held by him: all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the Chairman presiding at such meeting having the casting vote in case of an equality of votes. Votes on shares. Majority to decide. Casting vote.

9. At all meetings of Directors three shall be a quorum for the transaction of business, and all questions before them shall be decided by a majority of votes; and in case of an equality of votes the President, Vice-President, or presiding Director, shall give the casting vote in addition to his vote as a Director. Meetings of directors and voting thereat.

10 The Company shall have power to lease and work railways, elevators, telegraph lines, and to charter boats, and contract for the building of bridges and telegraph lines, and to contract for the construction and equipment of railways, telegraph lines and bridges, and to assist contractors therefor, either by becoming security for the due fulfilment of their contracts, or by advancing the money required as a deposit for the faithful fulfilment thereof, or for the carrying on and completing of any contract, and to take and enforce any assignment, security or pledge taken from any such contractors, and, in fulfilment, to complete any such contract, and to import, deal in, and manufacture railway cars, railway plant, rails, railway ties, and all things used in or required in and about the running or operating of railways, and to acquire and own and operate railways, telegraph lines, and steamboats, and to take deeds and leases of such parcels of land as may be required or needed in and about any business carried on by them under the powers granted by this Act, and to sell and dispose of the same; and the Company shall have power and authority to buy and sell, and hold and negotiate bonds, debentures, and all obligations of any municipality, corporation, chartered company or railway, and to make advances on the security of the same and to guarantee the debentures or bonds of municipalities, and to act as agents for the purpose of issuing or countersigning certificates of stock, bonds, or other obligations of indebtedness of any railway or municipality or other corporate body, and to receive and manage any sinking fund therefor; and to take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred, or conveyed to them with their consent, of or General powers and business of the company.

belonging to any corporation, chartered company or body corporate, by any such corporation, chartered company, or body corporate, or by any court or authority having power so to do, upon any trust or trusts whatsoever, at any time or times, and to administer, fulfil, and discharge the duties of such trusts, for such remuneration as may be agreed on, and to act generally as agents or attorneys for the transaction of business.

Branch offices and agencies.

11. It shall be lawful for the Company to have offices, maintain agencies, and transact business in any part of the United Kingdom of Great Britain and Ireland, and in any part of the United States of America, should a by-law be duly passed for that purpose.

Borrowing powers.

12. The Company may borrow, under the authority of this Act, and for carrying its provisions into effect, to the extent of the amount of the assets and property belonging to the Company, in sums of not less than one hundred dollars, and at such rates of interest and for such periods as may be found expedient, and may issue, under the hand of the President and the seal of the Company, debentures or bonds of the Company, to be countersigned by the Secretary, for the sums so to be borrowed, payable at such time or times to the bearer thereof, either within the Dominion of Canada or elsewhere, and either in currency or sterling, or in the lawful currency of any foreign country, with interest payable at the times specified therein, and with or without coupons attached, and if with coupons such coupons to be signed by the Secretary; and such debentures or bonds and coupons shall be payable to the bearer at the time or times they shall respectively become due, and one of the signatures on the debentures may be lithographed as well as the signature on the coupons; such bonds or debentures shall respectively become due at the time, and shall be in the form prescribed by any by-law of the Company, and may be recalled and others issued in their stead; and the sums so borrowed shall be paid out of the property, revenue and assets of the Company; and for the payment thereof the holders shall, if so provided in such debentures or bonds, have a special charge, lien, mortgage, or hypothec, upon such property, revenues and assets; but no holder of any debenture or bond shall have any priority or privilege over any other debenture or bond holder, whatever may be the date of such debenture or bond, or of the registration thereof; and the total amount so borrowed shall at no time exceed the amount of the assets and property belonging to the Company.

Debentures may be issued.

Payment of sums borrowed and security therefor.

Amount limited.

Company may become party to promissory notes, &c.

13. The Company shall have power and authority to become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note and bill of exchange made, drawn or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company, and under the authority of a majority of a quorum of the Directors shall be binding on the Company; and every

such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; 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 said President or Vice-President, or the Secretary and Treasurer be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the Board of Directors, as herein enacted and provided: Provided however, that nothing in this section shall be construed to authorize the Company to issue notes or bills of exchange, payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso: as to bank notes.

4. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and make or cause to be made for the Company any description of contract which the Company may, by law, enter into, and may, from time to time, make by-laws not contrary to law nor to this Act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the issue of debentures, bills of exchange, and promissory notes, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of Directors, their term of service, the amount of their stock qualification, the appointment, functions, duties, and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that of the Directors, the time at which and place where the annual meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors, and of the Company, the changing the location of the head office from Toronto to any other place, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct, in all other particulars, of the affairs of the Company; and may, from time to time, repeal, amend or re-enact the same; but each by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company duly called for that purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereof, shall, at and from that time only, cease to have force: Provided always, that one-fourth part in value of the shareholders of the Company shall, at all times, have the right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect: Provided also, that no by-law for the issue, allotment or sale of any portion of the unissued stock at any greater discount, or at any less premium than what has been previously authorized at a general meeting, or for the payment of the President or any Director, shall be valid or acted upon until the same has been confirmed at a general meeting.

Powers of directors.

By-laws may be made for certain purposes.

To be approved by shareholders.

Proviso: as to special general meetings.

Proviso: certain by-laws not valid until approved.

Copy of by-law to be evidence.

15. A copy of any by-law of the Company, under their seal, and purporting to be signed by any officer of the Company, shall be received, as against any shareholder of the Company, as *primâ facie* evidence of such by-law in all courts in Canada.

Transfer of shares.

16. The stock of the Company shall be deemed personal estate, and shall be transmissible as such, and shall be transferable in such manner only, and subject to all such conditions and restrictions as by this Act or by the by-laws of the Company are or shall be prescribed.

Investment of funds.

17. It shall be lawful for the Company to invest the capital stock, funds and moneys thereof, temporarily or otherwise, in Dominion, Provincial, Municipal and foreign Government securities, in bonds and mortgages, and the stocks of the incorporated, moneyed, and other institutions of the Dominion of Canada and Great Britain, and to call in, change and re-invest the same, as occasion may, from time to time, require.

Forfeiture of shares for non-payment of calls.

18. If any shareholder shall neglect or refuse to pay any instalment due upon any share or shares held by him, the Directors may declare such share or shares forfeited, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money realised by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid, on demand, to the owner; and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses

Proviso: surplus to be returned to the owner.

Share to revert to owner on payment before sale.

19. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner, as if the same had been duly paid before forfeiture thereof.

Enforcement of calls by suit.

What only need be alleged in suits.

20. The Company may, if they see fit, instead of declaring forfeited any share or shares, enforce payment of all calls and interest thereon by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one share or more, upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon shall be received as against the defendant in all courts as *prima facie* evidence to that effect.

21. No transfer of any share of the stock of the Company, unless made by sale under execution, or under the decree, order or judgment of some court competent in that behalf, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim*, jointly and severally, with the transferrer to the Company and its creditors, until entered in the books of the Company according to such form as may, from time to time, be fixed by the by-laws; and until the whole capital stock of the Company is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always, that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Transfer of shares to be registered.

Proviso: as to payment of sums due to the company.

22. Each shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution, not exceeding the amount unpaid on his shares, as aforesaid, shall be the amount recoverable with costs against such shareholder; and any amount so recoverable being paid by the shareholder shall be taken as paid on his shares.

Liability of shareholders.

23. The shareholders of the Company shall not, as such, be held responsible for any act, default or liability whatever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatever related to or connected with the Company, beyond the amount unpaid on their respective shares in the capital stock thereof, subject to the provisions of the next preceding section.

Limitation of such liability.

24. The head office of the Company shall be in the city of Toronto; but the same may be removed to another place, provided that a by-law to that effect be approved by the majority of shareholders present at an annual general meeting or at a special general meeting to be called for the consideration of such by-law.

Head office.

25. At the annual general meeting of shareholders the election of Directors shall be held, and all business transacted without the necessity of specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of the shareholders thereof, and all such further information as shall be required by the by-laws, shall be laid before the shareholders.

Annual general meeting.

26. Special meeting of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the President, or in his absence,

Special general meetings.

the Vice-President, or in the absence of both, a Director chosen by the shareholders, shall preside, who, in case of an equality of votes, shall give the casting vote in addition to to his vote as a shareholder.

Property may be vested in trustees.

27. The Directors of the Company may appoint a trustee or trustees to whom, for safe keeping, they may hand over all or any of the moneys, property, assets, securities or effects of the Company, or they may deposit the same, for safe keeping, with any chartered bank or banks, or other public company in Canada, subject however at all times to the order and control of the said Directors.

Dividends.

28. The Directors of the Company may declare such dividends and bonuses on the capital stock, yearly, half-yearly or quarterly as they shall deem justified by the results of the Company's business, so that no part of the Company's capital be appropriated to any such dividends or bonuses.

No. 41.

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

BILL.

An Act to incorporate the Dominion Railway Trust and Construction Company of Canada (Limited).

Received and read first time, Thursday, 1st March, 1883.

Second reading, Friday, 2nd March, 1883.

(PRIVATE BILL.)

Mr. SMALL.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.,

1883.

No. 42. **BILL.** [1883.

An Act to amend and continue in force the Act incorporating the Grafton Harbor Company and for other purposes

Preamble.

WHEREAS the Grafton Harbor Company have, by petition, represented that for some years past Charles Eldon Ewing, Esquire, the President of the said Company, has been sole owner and assignee of the capital stock of the said Company and has recently sold and assigned to Josias Gillard, William Hargraft and Alexander Hargraft sufficient shares of the said capital stock to enable and qualify them to be elected and act as Directors of the said Company, and that it is intended to acquire and use with the said Harbor additional lands and to extend the operations of the said Company; and whereas it has been further represented by the said petition that doubts have arisen as to the legality of the said proceedings, and the petitioners have prayed that the said doubts may be removed, and that the Company may be empowered to acquire such additional lands and extend the operations of the said Company; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Election confirmed.

1. The election of Directors of the Grafton Harbor Company on the day of in the year of Our Lord, one thousand eight hundred and eighty-two, shall be, and the same is hereby declared to be legal and valid, every law, usage or custom to the contrary notwitstanding.

Corporate name.

2. The Company shall hereafter be known as, and called "The Grafton Harbor Company."

Land may be acquired.

3. The said Company shall be and they are hereby authorised to acquire and hold such additional land as may be required for the business of the Company, or in connection therewith.

Capital may be increased.

4. The capital stock of the Company shall for that purpose, and to enable the Company to extend its operations, be increased by the sum of dollars.

No. 42.

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

BILL.

An Act to amend and continue in force the Act incorporating the Grafton Harbor Company and for other purposes.

Received and read first time, Thursday, 1st March, 1883.

Second reading, Friday, 2nd March, 1883.

(PRIVATE BILL.)

Mr. GUILLET.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 43.] **BILL.** [1883

An Act to amend "An Act to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada."

Preamble.

WHEREAS the Missionary Society of the Wesleyan Methodist Church in Canada have prayed that the Act of the Dominion of Canada, passed in the Session held in the thirty-fifth year of the reign of Her Majesty Queen Victoria, chapter one hundred and seventeen, intituled: "*An Act to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada*," may be amended so as to change the corporate name to "The Missionary Society of the Methodist Church of Canada," and to repeal section three of the Act of incorporation of the said Society, and enact in lieu thereof that the said Society may receive by voluntary conveyance and purchase, and hold and convey such real estate as the purposes of the said Society shall require, so that, however, the annual value of the said real estate shall not at any time exceed the sum of one hundred thousand dollars; and to repeal section six of the said Act, and enact in lieu thereof that the said Society shall be capable of taking, holding, or receiving any real or personal estate by virtue of any devise, so that, however, the annual value of such real estate shall not exceed the sum of fifty thousand dollars; and to empower the said Society to loan money on mortgage, for the erection or maintenance of colleges, schools, churches, and parsonages, or such other purposes as the Board may direct; and to empower the said Society to take money on deposit and to give annuity bonds, and for other purposes; and it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Canada, enacts as follows:— 35 V., c. 117.

Name of society changed.

1. From and after the passing of this Act the name of the said Society shall be "The Missionary Society of the Methodist Church of Canada," instead of "The Missionary Society of the Wesleyan Methodist Church in Canada," and section one of the said Act of incorporation is hereby amended accordingly: Provided however, that the said alteration of name shall not affect the rights or obligations of the said Society, and all proceedings may be continued or commenced by or against the said Society by its new name, that might have been continued or commenced by or against it by its former name.

Section 3 of Act repealed.

2. Section three of the said Act of incorporation is hereby repealed, and the following substituted in lieu thereof :

New section.

"**3.** The said Society may receive a voluntary conveyance of, and may purchase, hold, and convey such real estate as the purposes of the said Society shall require, but the clear annual value of the said real estate shall not at any time exceed the sum of one hundred thousand dollars."

Section 6 of Act repealed.

3. Section six of the said Act of incorporation is hereby repealed, and the following substituted in lieu thereof:—

New section.

"**6.** The said Society shall be capable of taking, holding, and receiving any real or personal estate by virtue of any devise contained in any last will or testament of any person whatsoever, but the clear annual value of such real estate shall not exceed the sum of fifty thousand dollars."

Investment of funds.

4. The said Society shall have power to make advances, by way of loan or otherwise, out of any of its funds not required to meet ordinary expenses and disbursements, to assist in the erection or maintenance of colleges, schools, churches, or parsonages, or for such other purposes as the General Committee or other governing body of such Society may direct; and may take or hold any real or personal estate, or securities thereon, mortgaged or assigned to it to secure payment of such loan, or to secure payment of any debts or demands due to the said Society, and may proceed on such mortgages, assignments, or other securities, for the recovery of the money thereby secured, either at law or in equity, or otherwise; and generally may pursue the same course, exercise the same powers, and take and use the same remedies to enforce the payment of any debt or demand due to the Society as any individual or body corporate may by law take or use for a like purpose.

Society may purchase and sell certain securities.

5. The said Society may, for the purpose of investment, purchase mortgages upon real estate, debentures of municipal or public school corporations, or Dominion or Provincial stock or securities; may re-sell any such securities as to it may seem advisable, and for that purpose may execute such assignments or other instruments as may be necessary for carrying the same into effect; and for such purposes of investment, may make advances to any person or persons or body corporate upon any of the above-mentioned securities, at such rate of discount or interest as may be agreed upon: Provided however, that nothing in this Act contained shall be construed to limit the power of such Society to make such investments of its capital or surplus income which it would otherwise have by virtue of its corporate existence.

Proviso: as to other investments.

Borrowing powers.

6. The said Society shall have power to borrow any sum or sums of money from banks or other corporations, or from private persons, as, in the opinion of the General Committee or other governing body of the said Society, may be required for the purposes thereof; and may, under the direction of the said General Committee or other governing body,

hypothecate, mortgage, or pledge so much of the real or personal property of the said Society as may be necessary to secure any sum or sums of money so borrowed.

Society may receive deposits.

7. The said Society may accept or receive any deposit of money from any person or persons, at such rates of interest as may be agreed upon, and the said Society shall be liable for the payment of the same.

And grant annuities.

8. The said Society may accept from any person or persons such sum or sums of money as they may desire to invest in the purchase of annuities, and in consideration thereof may grant annuities, and may secure payment thereof by bond, debenture, or mortgage, as may be agreed upon.

Interpretation and repeal.

9. The said Act of incorporation and this Act are to be read together as one Act, and any provisions in the said Act inconsistent with the provisioins of this Act are hereby repealed.

No. 43.

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

BILL.

An Act to amend an Act to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada.

Received and read first time, Thursday, 1st March, 1883.

Second reading, Friday, 2nd March, 1883.

(PRIVATE BILL.)

Mr. McCarthy.

OTTAWA:

Printed by MacLean, Roger & Co.,

1883.

No. 44.] **BILL.** [1883.

An Act to incorporate "The Grange Trust (Limited.)"

WHEREAS "The Grange Trust (limited)," have, by their petition, represented that they were incorporated as a Loan Company by Letters Patent bearing date the tenth day of April, one thousand eight hundred and seventy-nine, granted by the Lieutenant-Governor of the Province of Ontario in Council, under authority of the Revised Statute of the Legislature of the Province of Ontario, intituled: "*An Act respecting the incorporation of Joint Stock Companies by Letters Patent*," and by supplementary Letters Patent bearing date the thirtieth day of June, one thousand eight hundred and eighty-one, granted by the said Lieutenant-Governor in Council, under authority of the Act of the said Legislature passed in the forty-fourth year of Her Majesty's reign, chaptered eighteen, and intituled: "*An Act to extend the power of Companies incorporated under the Joint Stock Letters Patent Act*," and have, by their petition, further represented that they are desirous of becoming incorporated by an Act of the Parliament of Canada, under the name of "The Grange Trust (limited)," for the purpose of carrying on their business as well in the Province of Manitoba and the North-West Territories and in the other Provinces of the Dominion, as in the Province of Ontario; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said "The Grange Trust (limited)," and all its members, their successors and assigns forever, are hereby constituted a body politic and corporate under the name of "The Grange Trust (limited)," hereinafter called the Company, having its principal place of business in the town of Owen Sound, and having such other offices in Canada or Great Britain or elsewhere for such purposes as the Directors shall determine. Incorporation. Corporate name.

2. The Company shall have, hold and continue to exercise all the rights, powers and privileges that have heretofore been held, exercised and enjoyed by "The Grange Trust (limited)," under the said Letters Patent and supplementary Letters Patent and the said recited Statutes of Ontario, and shall be subject to all the liabilities and restrictions to which "The Grange Trust (limited)" is now subject under the said Letters Patent and supplementary Letters Patent, and shall Rights, powers and liabilities continued.

continue to be governed by the said recited Statutes of Ontario, so far as the same are not contrary to or inconsistent with this Act.

Property transferred.

3. All the real and personal estate, shares or stock, debts, rights, claims and privileges of the said "The Grange Trust (limited)" shall be transferred to and vested in the Company incorporated under this Act, and all its debts and obligations shall be binding on the same, and all the shareholders in the said original Company shall be shareholders in the Company incorporated under this Act; and all legal proceedings heretofore begun by or against the said original Company may be continued and terminated under the name and style of cause in which they have been instituted, for the benefit of or against the Company incorporated under this Act.

Officers continued.

4. The present President, Vice-President and Directors and officers of the said original Company shall continue in office as such in the Company incorporated under this Act, with the names of President, Vice-President, Directors and officers of the Company, until replaced in conformity with the by-laws of the said original Company and the provisions of the law.

By-laws and rules continued.

5. All the present by laws and rules of the said original Company, so far as the same are not contrary to law, or inconsistent with the provisions of this Act, shall be binding in law as regards the Company hereby incorporated, its Directors, officers, shareholders and borrowers until modified, amended or repealed in conformity to law and the provisions of this Act.

Borrowing powers of the company.

6. The Company shall, subject to the provisions and to the limit contained in the said Letters Patent and supplementary Letters Patent, have power to borrow money on debentures or bonds at a fixed rate of interest, and to receive money on deposit, either with or without interest, to invest moneys on the securities of lands or real estate situated in the Dominion of Canada, to purchase any public securities, or the bonds or debentures of any municipal or other corporation in Canada, or to lend money upon the security of the same; and the Company may acquire by purchase or otherwise, any security upon which they are authorized to lend or advance money, and may re-sell the same; and shall have power to do all acts that may be necessary for advancing such sums of money, and for receiving and obtaining repayment thereof, and compelling the payment of all interest accruing from such sums so advanced, and the observance of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions; and the Company may act as agents or trustees for and in the interest of any corporation, company or person, and may act as agents in the purchase, sale, issue or negotiation of Canadian securities, and may do all such things as are incidental or conducive to the attainment of the above acts.

7. The capital of the Company shall continue to be the same as that of the said original Company, namely: two millions of dollars, divided into forty thousand shares of fifty dollars each. Capital stock and shares.

8. The Company is empowered to act as an agency and trust company and may hold, invest and deal, in its own name or otherwise, with such moneys, mortgages, hypothecs, securities or evidences of debt, as shall from time to time be transferred or delivered to the Company upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise; and the Company may guarantee, as may be agreed on, for repayment of principal or interest, or both, of any such moneys, mortgages, hypothecs, securities or evidences of debt. Company may exercise agency and trust powers.

9. Sections ninety-five to one hundred and four, both inclusive, of "*The Canada Joint Stock Companies Act*, 1877" are hereby incorporated with and shall form part of this Act. Certain sections of 40 V., c. 43 to apply.

No. 44.

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

BILL.

An Act to incorporate "The Grange Trust (Limited.)"

Received and read, first time, Thursday, 1st March, 1883.

Second reading, Friday, 2nd March, 1883.

(PRIVATE BILL.)

MR. WHITE,
(Cardwell.)

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,

1883.

No. 45. **BILL.** [1883.

An Act further to amend, and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned.

NOTE.—The year and number at the end of the several clauses refer to the clauses of Acts now in force—42 Vic. (1879), cap. 31, 43 Vic. (1880), cap. 26, and 44 Vic. (1881), cap. 16,—containing provisions respecting like matters.

Preamble.

WHEREAS it is expedient, with a view to the proper and efficient administration and management of certain of the public lands of the Dominion, that the same should be regulated by statute, and divers Acts have been passed for that purpose which it is expedient further to amend and to consolidate as so amended: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PRELIMINARY—INTERPRETATION.

Extent of Act.

1. This Act applies exclusively to the public lands included in Manitoba and the several Territories of the Dominion, which land shall be styled and known as *Dominion Lands;* and this Act shall be known and may be cited as the "*Dominion Lands Act*, 1883;" and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:—

Short title.

Interpretation of terms.

Minister of Interior.

1. The term *Minister of the Interior* means the Minister of the Interior of Canada;

Surveyor General.

2. The term *Surveyor-General* means the officer of the Department of the Interior bearing that designation, or the chief clerk performing his duties for the time being;

Agent, Officer

Local Agent.

Land office.

3. The term *Agent* or *Officer* means any person, or officer, employed in connection with the administration and management, sale or settlement of Dominion lands; and the term *Local Agent* means the Agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the term *Land Office* means the office of any such Agent;

Dominion Land Surveyor.

4. The term *Dominion Land Surveyor* means a Surveyor, duly authorized under the provisions of this Act, to survey Dominion lands;

Crown Timber agent.

5. The term *Crown Timber Agent* means the local officer appointed to collect dues and to perform such other duties

as may be assigned to such officer, in respect to the timber on Dominion lands ;

Clause.

6. The term *Clause* means a section of this Act, or of any Act herein cited, distinguished by a separate number ; and

Sub-clause.

the term *Sub-Clause* means a subdivision of any clause distinguished by a separate number or letter, in smaller type ;

Canada Gazette.

7. The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa. 1879, s. 1.

Pre-emption entry and right.

8. The term "*pre-emption entry*" means the entering on the books of a local agent of a preferential claim to acquire by purchase, in connection with a homestead entry, and on becoming entitled to a patent for the homestead, of a quarter section of land contiguous to such homestead ; and the term "*pre-emption right*" means the right of obtaining a patent for such quarter section on the said conditions on payment of the price fixed by the Governor in Council at the time of entry in the class of lands in which such pre-emption entry is comprised, in respect of land subject to pre-emption entry, such payment being made in the manner and subject to the requirements of the Order in Council fixing the price. (*New.*)

DEPARTMENT OF THE INTERIOR.

Administration and management.

2. The Department of the Minister of the Interior shall be charged with the administration and management of the Dominion lands ;

How effected.

2. Such administration and management shall be effected through a Branch of the said Department, to be known and designated as "*The Dominion Lands Office*" ; 1879, s. 2.

Governor in Council may appoint certain officers and boards.

Their powers and duties.

3. The Governor in Council may appoint an officer to be styled "The Commissioner of Dominion Lands," and an officer to be styled "The Inspector of Dominion Lands Agencies," and such officers shall respectively have the powers, not inconsistent with the provisions of this Act, and perform the duties that may be from time to time conferred upon and assigned to them by order of the Governor General in Council ; the Governor in Council may also establish a "Dominion Lands Board" to investigate and settle all disputed questions arising out of the duties imposed upon the Commissioner of Dominion Lands and the Inspector of Dominion Lands Agencies, and all matters connected with the administration of the Dominion Lands system in Manitoba and the North-West Territories ; and such Dominion Lands Board shall be composed of such persons, and shall have such powers and authority, not inconsistent with this Act, and shall perform such duties as shall, from time to time, be prescribed by Order of the Governor in Council. (*New.*)

Certified copies of certain documents to be evidence.

4. Copies of any records, documents, plans, books or papers belonging to, or deposited in, the said office, attested under the signature of the Minister of the Interior or of the Surveyor-General, or other chief clerk authorized thereto, and of plans or documents in any Dominion lands or Surveys

office in Manitoba or the North-West Territories, attested under the signature of the Agent or Inspector of Surveys, or other officer in charge of such office, shall be competent evidence in all cases in which the original records, documents, books, plans or papers would be evidence; and lithographed or other copies of maps or plans purporting to be issued or published by the "*Dominion Lands Lithographic Office*" of the Department of the Interior, and to have a lithographed or copied signature of the Minister of the Interior or of the Surveyor-General thereto attached, shall be received in all courts and proceedings as *prima facie* evidence of the originals, and of the contents thereof.

As to lithographed copies, &c.

5. No person employed in or under the Department of the Interior, including the Geological Survey Branch thereof, shall purchase any Dominion lands except under authority of an Order in Council, or shall locate military or bounty land warrants, or land scrip, or act as agent of any other persons in such behalf; nor shall any person so employed disclose to any person except his superior officer any discovery made by him or by any other officer of the Department of the Interior, nor any other information in his possession in relation to Dominion Lands, until such discovery or information has been reported to the Minister of Interior, and his permission for such disclosure has been obtained. 1879, s. 2.

Employees of department not to purchase Dominion lands.

Or give information without permission of Minister.

INDIAN TITLE.

3. None of the provisions of this Act shall be held to apply to territory the Indian title to which shall not at the time have been extinguished. 1879, s. 43.

As to lands still under Indian title.

DOMINION LANDS—TOWNSHIPS.

4. The Dominion lands shall be laid off in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, with such road allowances between sections, and of such width as the Governor in Council may fix.

System of survey. Townships.

2. The sections shall be bounded and numbered as shown by the following diagram :—

Sections.

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.

1881, s. 1.

5. The lines bounding townships on the east and west sides shall be meridians; and those on the north and south sides shall be chords to parallels of latitude. 1879, s. 4.

Lines bounding townships.

How townships shall be numbered from principal meridian.

6. The townships shall be numbered, in regular order, northerly from the international boundary, or forty-ninth parallel of latitude, and shall lie in ranges numbered, in Manitoba, east and west from a certain meridian line run in the year 1869, styled the "Principal Meridian," drawn northerly from the said forty-ninth parallel at a point ten miles, or thereabouts, westerly from Pembina; and in ranges numbered from such other initial meridians throughout the North-West Territory as the Minister of the Interior may, in his direction of the land surveys, order to be established; such meridians to be styled the Second, the Third, the Fourth Meridian, and so on, according to their order in number westward from the Principal Meridian. 1879, s 5.

From other meridians.

Width on base lines.

7. Townships shall be given their prescribed width on the base lines, hereinafter mentioned; and the meridians between townships shall be drawn across such bases, northward and southward to the depth of two townships therefrom, that is to say, to the correction lines hereinafter mentioned. 1881, s. 2.

Base lines of townships.

8. The said forty-ninth parallel, or international boundary, shall be the first base line, or that for townships numbered one. The second base line shall be between townships four and five, the third between townships eight and nine, the fourth between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly in regular succession. 1879, s. 8.

Correction lines.

9. The correction lines, or those upon which the "jog" resulting from the convergence of meridians shall be allowed, shall be as follows, that is to say:—on the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on. In other words, they will be those lines running east and west between townships and midway between the bases. 1879, s. 9.

Divisions of a section.

10. Each section shall be divided into quarter sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made. 1879, s. 10.

Allowances for deficiency or surplus.

11. In the survey of a township, the deficiency or surplus, resulting from convergence or divergence of meridians shall be allowed in the range of quarter sections adjoining the west boundary of the township, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter sections adjoining, and north or south respectively of the said correction lines: Provided, that such deficiency or surplus, and such north and south error, or either of them, may, by the Governor in Council, be ordered to be equally distributed among all the quarter sections involved. 1879, s. 11, and 1880, s. 1.

Proviso.

Irregular quarter sections.

12. The dimensions and area of irregular quarter sections shall, in all cases, be returned by the surveyor at their actual measurements and contents. 1879, s. 12.

13. Preliminary to the subdivision into townships and sections of any given portion of country proposed to be laid out for settlement, the same shall be laid out into blocks of four townships each, by projecting the base and correction lines, and east and west meridian boundaries of each block; Blocks of 4 townships to be first laid out.

2. On these lines, at the time of the survey, all township, section and quarter-section corners shall be marked, which corners shall govern, respectively, in the subsequent subdivision of the block. 1879, s. 13. Corners to be marked.

14. Except as hereinafter provided, only a single row of posts or monuments to indicate the corners of townships, or sections, shall be placed on any survey line thereof. These posts or monuments shall, on north and south lines, be placed in the west limit of the road allowances and in the south limit of road allowances, on the east and west lines, and in all cases shall fix and govern the position of the boundary corner between the adjoining townships, sections, or quarter sections, on the opposite side of the road allowance ; Posts and monuments at corners.

2. Provided that in the case of township, section, and quarter section corners on correction lines, posts or monuments shall in all cases be planted and marked independently for the townships on either side ; those for the township north of the line, in the north limit of the road allowance, and those for the townships south of the line, in the south limit. 1879, s. 13. Proviso: as to corners on correction lines.

15 The township subdivision surveys of the Dominion lands, according to the system above described, shall be performed under contract at a certain rate per township per mile, or per acre, fixed from time to time by the Governor in Council, or by competitive tender, as may be fixed from time to time by the Governor in Council: Provided, that in special cases, where circumstances may render it advisable to effect otherwise the survey of a township, or townships, the Governor in Council may order the same to be done. 1880, s. 2. Surveys to be given out by contract or tender. Proviso.

16. To facilitate the descriptions for Letters Patent of less than a quarter section, every section shall be supposed to be divided into quarter quarter sections, or forty acres, and such quarter quarter sections shall be numbered as shown in the following diagram, which is intended to show such subdivisions of a section, which shall be styled legal subdivisions. Legal subdivisions of townships.

N.

13	14	15	16
12	11	10	9
5	6	7	8
4	3	2	1

W. E.

S.

Areas to be more or less.

2 The area of any legal sub-division as above set forth, in letters patent, shall 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. 1879, s. 15.

Proviso: as to laying out and describing lands in certain sections.

17. Provided that nothing in this Act shall be construed to prevent the lands upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as may be necessary in order to carry out section thirty-two of the Act thirty-third Victoria, chapter three, or to prevent fractional sections or lands bordering on any river, or lake, or other water course, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as may appear desirable, or to prevent the sub-division of sections or other legal sub-divisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such sub-divisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient. 1881, s. 3.

DISPOSAL OF DOMINION LANDS.

LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

Recital.

18. Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the "Fertile Belt";

Recital.

2. And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot: and whereas the said Company and the Government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one-twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth;

Recital.

3. And whereas it is found, by computation, that the said one-twentieth will be exactly met by allotting in every fifth township two whole sections of six hundred and forty acres each, and, in all other townships, one such section and three-quarters of a section; therefore—

Certain sections and parts of sections in certain townships to be

4. In every fifth township in the said territory, that is to say: in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections numbers 8 and

26, and in each and every of the other townships, the whole of section number 8, and the south half and north-west quarter of section number 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company. 1879, s. 17. Hudson's Bay Company's lands.

5. Provided, that the Company's one-twentieth of the lands in fractional townships shall be satisfied out of one, or either, or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships,—the allotment thereof to be effected by the Minister of the Interior and the said Company, or some person duly authorized by them respectively. 1879, s. 18. Company's lands in fractional townships.

6. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bonâ fide* settled on under the authority of any Order in Council, or of this Act, then, if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied and open to homestead entry or for sale by Government. 1879, s 19. Company may select lands in lieu of any found settled upon by authority.

7. Provided also, as regards the sections and parts of sections as above mentioned, that where the same may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits, included in such township, but shall be held to be the property of the Company ; Company's lands not to be included in timber limits.

8. Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the Company, such one-twentieth to cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed, in which event the Company shall receive their one-twentieth share in the lands in such townships in sections eight and twenty-six as hereinbefore enacted : Provided nevertheless, that on such sections being surveyed as aforesaid, should the same, or either of them, prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township, which are open to homestead entry or for sale by Government. 1879, s. 20. Company to have one-twentieth of revenue from timber limits in unsurveyed lands in fertile belt. Proviso : as to lands found denuded of timber.

9. As townships are surveyed, and the respective surveys thereof confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the said Company shall be duly notified thereof by the Title to lands to pass to Company without patent in certain

cases, but by patent in others.

Minister of the Interior, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company will be entitled under this clause, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands ; and as regards the land set apart by lot, and those selected to satisfy the one-twentieth in townships other than the above, as provided in sub-clauses five and six, returns thereof shall be made in due course by the Local Agent, or Agents, to the Dominion Lands Office, and patents shall issue for the same accordingly. 1879, s. 21.

EDUCATIONAL ENDOWMENT.

Sections 11 and 29 in each township set apart.

19. And whereas it is expedient to make provision in aid of education in Manitoba and the North-West Territories, therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion lands, shall be and are hereby set apart as an endowment for purposes of education, and shall be designated school lands ; and they are hereby withdrawn from the operation of the clauses of this Act, which relate to the sale of Dominion lands and to homestead rights therein ; and no right to purchase or to obtain homestead entry shall be recognized in connection with the said sections, or any part or parts of them. 1879, s. 22.

And withdrawn from sale or homestead entry.

How to be administered.

20 The school lands shall be administered by the Governor in Council, through the Minister of the Interior ;

Sale to be by public auction, and upset price.

2. Provided, that except as hereinafter mentioned, all sales of school lands shall be at public auction, the upset price at which they are to be so offered for sale to be fixed on each occasion by the Governor in Council ; but in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands may be situate ;

Proviso.

Terms of payment.

3. Provided also, that the terms of sale of school lands shall be one-fifth in cash at the time of sale, and the remainder in four equal successive annual instalments, with interest at the rate of six per cent. per annum, to be paid with each instalment on the balance of purchase-money from time to time remaining unpaid ;

Investment of purchase moneys, and disposal of interest thereon.

4. Provided also, that all moneys from time to time realized from the sale of school lands shall be invested in Dominion securities, to form a school fund, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the Government of the Province or Territory within which such lands are situated towards the support of public schools therein,—the moneys so paid to be distributed for that purpose by the Government of such Province or Territory in such manner as may by it be deemed most expedient ;

5. Provided further, that should any school lands, through their intersection by any railway, or through any natural advantage of position or other circumstances, be suited for a town site or any other public purpose, the Governor in Council may order such land to be laid out for such purpose, and sold at public auction, or otherwise, by the Minister of the Interior; and of the proceeds of the sale of the land so laid out, there shall first be paid into the school fund hereinbefore mentioned a sum equal to that which would have been realized for the said land had it been sold for the highest price per acre at which other agricultural lands in the same township were being sold at the time, and the remainder, if any, shall form part of the revenue from Dominion lands. 1879, s. 23, and 1880, s 3.

Proviso: as to school lands intersected by railway or suitable for town sites, &c.

Disposal of proceeds of sale

MILITARY BOUNTY LAND SCRIP.

21. In all cases in which land scrip has heretofore been earned, or shall hereafter be given by the Dominion, for military services, warrants therefor shall be granted in favor of the parties entitled thereto by the Minister of Militia and Defence; and such warrants shall be recorded in the Department of the Interior;

Warrants first a t of scrip for military services.

2. Such warrants shall be received, at the value shewn upon their face, in payment for any Dominion lands open for sale: Provided always, that no greater area in any township than twenty per cent. of the land, exclusive of school and Hudson's Bay Company's lands, shall be open for entry by military bounty warrants;

May be given in payment for lands.

Proviso.

3. In accepting warrants as so much purchase money, any deficiency shall be payable in cash; but should any payment by warrant or by amount in warrants, be in excess of the amount of the purchase-money, any such excess shall not be returned by the Government. 1879, s. 24.

As to acceptance of warrants as purchase money.

22. Assignments of Military Bounty warrants, or of the expectancy of the same, shall not be recognised; but the warrants shall, similarly to other land scrip, be considered payable to bearer; and the warrantees shall be at all risk of their loss, as no warrant shall be duplicated. In cases where any person entitled to a Military Bounty warrant dies before its issue, the warrant shall issue in favor of the legal representative or representatives of such deceased person. 1879, ss. 25, 26.

Assignments not allowed but warrants to be payable to bearer.

And to pass to legal representatives

23. And whereas by Order of the Governor in Council, dated the twenty-fifth April, 1871, it was declared that the officers and soldiers of the 1st, or Ontario, and the 2nd, or Quebec, Battalion of Rifles, then stationed in Manitoba, whether in the service or depot companies, and not having been dismissed therefrom, should be entitled to a free grant of land, without actual residence, of one-quarter section, such grant is hereby confirmed, and the Minister of Militia and Defence is hereby authorized and required to issue the necessary warrants therefor accordingly;

Recital of Order in Council of 25th April, 1871.

Proviso. Assignments under such Order, attested as herein mentioned recognized.

2. And whereas effect could not be given to the above-mentioned Order in Council, until the lands in Manitoba had been surveyed, and in the meantime many of the said men so entitled as above have assigned their interest in such free grants,—such assignments duly made and attested, and having the certificate of discharge in the case of non-commissioned officers or private soldiers attached thereto, and filed in the Dominion Lands Office before the issue of the warrant, shall be held to transfer in each case the interest of the man so entitled in the warrant when issued, which latter, in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the party entitled thereto, or for location. 1879, ss 28, 29

ORDINARY SALE OF LANDS.

As to sale of surveyed lands.

24. Dominion lands, the surveys of which may have been duly made and confirmed, shall, except as otherwise hereinafter provided, be open for purchase at such prices, and on such terms and conditions, as may be fixed from time to time

Proviso

by the Governor in Council: Provided, that no purchase shall be permitted at a less price than one dollar per acre:

Proviso,

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:

Proviso.

Provided further, that, where deemed expedient by the Governor in Council, purchase shall be restricted to the

Proviso.

odd-numbered sections in each township; 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,

Sale by auction.

and sold at public auction to the highest bidder, an upset price being fixed for the same;

Proviso: as to water powers, &c.

2. Provided further, that any legal sub-division or other portion of Dominion lands, which may include a water power, harbor or stone-quarry, is hereby reserved from ordinary sale, and shall be disposed of in such manner, and on such terms and conditions, as may be fixed by the Governor in Council on the report of the Minister of the Interior. 1881, s. 4.

TOWN PLOTS, ETC.

Minister may reserve tracts for town plots, &c.

25. The Minister of the Interior shall have power to withdraw from purchase or homestead entry any tract or tracts of land, and to lay the same out into town or village lots, the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at public auction, an upset price being fixed for the same. 1879, s. 32.

And arrange with any railway company as to sale of such lands.

2. When the lands withdrawn from purchase or homestead entry, to be laid out into town or village lots, are adjacent to lands to which any railway company is entitled, the Minister of the Interior may arrange with such company to sell the lands so withdrawn, and such lands of the company in the town or village as may be agreed upon, on joint

account and on such terms as may appear just and equitable, and the lands so withdrawn may be granted to the company for the purposes of such sale. A deed from the company to the purchaser of any lands so withdrawn and sold, shall give the latter a good and valid title, free from all charges, incumbrances and trusts not expressed in the deed of conveyance executed by the company. (*New*).

Conveyance to such company.

26. The Governor in Council may set apart and appropriate such Dominion lands as he may deem expedient, for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares, and for other like public purposes, and at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient; and he may make free grants for the purposes aforesaid of the lands so appropriated,—the trusts and uses to which they are to be subject being expressed in the letters patent. 1879, s. 33.

Governor in Council may set apart lands for other public purposes.

HOMESTEAD RIGHTS.

27. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, shall, on making application in the form A in the schedule to this Act, be entitled to obtain homestead entry for any quantity of land not exceeding one quarter section, and being of the class of land open under the provisions of this Act, or of any order of the Governor in Council, to homestead entry;

Entry for homestead rights; area limited.

2. Such person shall also, in connection with such homestead entry, be entitled to the privilege of obtaining at the same time, but not at a later date, a pre-emption entry for any adjoining unoccupied quarter-section or part of a quarter-section of land of the said class;

Pre-emption entry therewith.

3. The entry for a homestead and for its attached pre-emption, if any, shall entitle the recipient to take, occupy and cultivate the land entered for, and hold possession of the same to the exclusion of any other person or persons whomsoever, and to bring and maintain action for trespass committed on the said land; the title to the land shall remain in the Crown until the issue of the patent therefor, and the said land shall not be liable to be taken in execution before the issue of patent;

Effects of such homestead and pre-emption entry.

Exemption from execution.

4. The privilege of homestead entry shall only apply to agricultural and surveyed 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. 1879, s. 34, and 1881, s. 5.

To apply only to agricultural and surveyed lands.

As to rights of persons having settled on lands before survey.

28. Whenever any township is surveyed, any person who has *bonâ fide* settled and made improvements before survey on land in such township which is open to homestead entry, shall have a prior right to obtain homestead entry for the land so settled on, provided such right be exercised within after the land is open for settlement; and no homestead entry shall be granted to any other person in respect of such land until after notice in writing shall have been given by the Local Agent to such *bonâ fide* settler that such land is open for settlement. 1880, s. 4.

Affidavit to be made by applicant for homestead entry.

Fee.

29. To obtain homestead entry it shall be necessary for the person applying therefor to appear before the Local Agent and make affidavit according to form B in the schedule to this Act. Upon fyling such affidavit with the Agent, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the Agent according to the form C in the schedule to this Act, and such receipt shall be a certificate of entry, and shall be authority to the person obtaining it to go into possession of the land described in it;

Further fee on pre-emption entry.

2. If a person obtaining homestead entry applies for and obtains at the same time a pre-emption entry, he shall pay to the Agent a further office fee of ten dollars, and shall receive therefor from him a receipt in like form, and having like effect to that prescribed for homestead entry;

As to immigrants or others intending to settle together.

3. Provided that in the case of intending immigrants or other persons proposing to settle together, the Minister of the Interior, on requisition signed by them, may authorize any person they name to obtain homestead and pre-emption entries for them, before their arrival in the territory in which the land they desire to occupy is situate;

Application in such case.

Fees.

4. The person so authorized shall, to obtain such entries, make application in the form D in the schedule to this Act, on behalf of each of those whom he represents, and shall make affidavit before the Agent according to form E in the schedule to this Act, and pay for each homestead and for each pre-emption entry the office fee of ten dollars hereinbefore prescribed for such entry;

As to entry by occupants of contiguous lands.

5. Persons occupying land owned by them may obtain homestead entry for any contiguous land open to the same; but the whole extent of land, including that previously owned and occupied, must not exceed one quarter section;

Affidavit in case of application by owner of contiguous land.

Proviso: as to residence, &c.

6. A person applying for such entry for contiguous land must, when making the affidavit prescribed for homestead entry, also describe therein the tract he owns and lives upon; and his residence upon and cultivation of the whole shall thereafter be of the kind and for the term required by the provisions of this Act in the case of ordinary homestead entry, before he shall be entitled to patent for the part so entered for: Provided, that such residence and cultivation may be upon and of either the land originally

occupied by him, or that for which homestead entry has been obtained, or both. 1879, s 34, and 1881, s. 6.

Investigation in case of dispute between persons claiming entry for the same land.

30. In case a dispute arises between persons claiming the right to homestead entry for the same land, the Local Agent, or any person thereto authorised 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 persons or person, as may be appointed by the Governor in Council to consider and decide in cases of such disputes;

First settler entitled to entry, unless contrary to public interest.

2. Provided, that when two or more persons have settled upon and seek to obtain homestead entry for the same land, the one who settled first thereon shall be entitled to such entry if the land be of the class open to homestead entry, and if it be not in the opinion of the Minister of the Interior otherwise inexpedient in the public interest to entertain any application therefor;

Provision in case contending parties have made valuable improvements.

3. Provided further, that where contending parties have made valuable improvements on the land in dispute, the Minister of the Interior, if the application to acquire the land by homestead entry is entertained by him, may order a division thereof in such manner as shall preserve to each of them as far as practicable, his improvements; and the Minister may, at his discretion, direct that what the land so allotted to each of them may be deficient of a quarter-section shall be made up from unoccupied land adjoining, if there be any such of the class open to homestead entry. 1879, s. 34, and 1880, s. 4.

Delay for perfecting entry limited.

31. Any person who has obtained homestead entry shall be allowed a period of six months from its date within which to perfect the entry by taking, in his own person, possession of the land and beginning continuous residence thereon; and if the entry be not perfected within that period, it shall be void, and the land shall be open to entry by another person, or to other disposition under this Act by the Minister of the Interior,

Proviso in case of immigrants from places out of N.A.

2. Provided, 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;

Proviso: as to entry obtained after 1st September.

3. Provided further, that any person who has obtained entry on or after the first of September in any year, and whose term for perfecting the same expires before the fifteenth day of May following, shall be allowed an extension of time to the latter date within which to perfect his entry. 1881, s. 5.

Case of immigrants in communities.

32. In the case of settlements being formed of immigrants in communities, the Minister of the Interior in his discretion, may vary or waive altogether the foregoing requirements as

to residence and cultivation on each separate quarter-section entered as a homestead. 1881, s. 7.

Case of immigrants forming a hamlet or village.

33. In case a certain number of homestead settlers, other than immigrants, embracing not less than twenty families, with a view to greater convenience in the establishment of schools and churches, and to the attainment of social advantages of like character, ask to be allowed to settle together in a hamlet or village, the Minister of the Interior may, in his discretion, vary or dispense with the foregoing requirements as to residence, but not as to the cultivation of each separate quarter-section entered as a homestead. 1881, s. 7.

When and on what conditions a settler may obtain his patent.

34. At the expiration of three years from the date of his perfecting his homestead entry the settler, or his legal representatives, upon proving to the satisfaction of the Local Agent, that he, or they, or some of them have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent for the land, provided such proof is accepted by the Commissioner of Dominion Lands: Provided also, that the patent therefor shall not issue to any person not then a subject of Her Majesty by birth or naturalization;

Proviso: must be subject of H. M.

Case of settler obtaining entry before survey.

2. Provided, that in the case of a settler who may have obtained homestead entry for land occupied by him previous to survey thereof, residence upon and cultivation of the land for the three years next preceding the application for patent, shall, for the purpose of the issue of patent, be held equivalent to that prescribed in the foregoing sub-clause, if such residence and cultivation be otherwise in conformity with the provisions of this Act;

Or residing 12 months and performed other duties before end of three years.

3. Any person proving that he has resided on the land for which he has homestead entry for twelve months from the date of his perfecting his entry therefor, and that he has brought under cultivation at least thirty acres thereof, may, before the expiration of the three years defined in sub-clause one of this clause, obtain a patent by paying the Government price at the time for the land;

Proof of residence and cultivation in such case.

4. Proof of such residence and cultivation shall be made by affidavit before the Local Agent by the claimant, and corroborated by the testimony on oath of two disinterested witnesses resident in the vicinity of the land affected by their evidence, and accepted as sufficient by the Commissioner of Dominion Lands. 1879, s. 34.

Right of settler who has also obtained pre-emption entry and pays the price.

5. And if, in connection with the homestead entry, the settler has obtained a pre-emption entry in accordance with the provisions of this Act, he shall, on becoming entitled to a patent for his homestead, be also entitled to a patent for the land included in such pre-emption entry, on payment of the price fixed in accordance with the provisions of this Act by the Governor in Council; but such pre-emption right, if not exercised within six months after the settler shall have become entitled to claim a patent under his homestead entry, shall be forfeited. (*New.*)

Proviso.

35. In case it is proved to the satisfaction of the Minister of the Interior that a settler has been absent from his homestead, except as hereinafter provided, for more than six months in any one year, the right to the land shall be forfeited, and the entry therefor shall be cancelled; Forfeiture of right by absence.

2. Provided, that in cases of illness, vouched for by medical certificate or other sufficient evidence, or in the cases of immigrants requiring to return to their native land to bring out their families to their homesteads, or in other special cases, the Minister of the Interior may, in his discretion, grant an extension of time, beyond that defined above, during which a settler may be absent from his homestead, without prejudice to his right therein. 1880, s. 5. Proviso: in case of sickness, &c.

36. A homestead, the entry of which has been cancelled, may, at the discretion of the Minister, be held for sale of the land with the improvements, if any,—or of the improvements only, in connection with homestead entry thereof,—to another person. 1879, s. 34. Sale of homestead of which entry is cancelled.

37. Any person who has obtained a homestead patent may obtain another homestead and pre-emption entry. (*New*) Further entry after patent.

38. Any assignment or transfer of homestead or pre-emption right or any part thereof, and any agreement to assign or transfer any homestead or pre-emption right after patent, which shall have been obtained, made or entered into before the issue of the patent shall be null and void; and the person so assigning or transferring or making an agreement to assign or transfer, shall forfeit his homestead and pre-emption right, and shall not be permitted to make a second entry: Provided that a person whose homestead or homestead and pre-emption may have been recommended for patent by the Local Agent and who has received from the Agent a certificate to that effect in the form F, in the Schedule to this Act, countersigned by the Commissioner of Dominion Lands, may legally dispose of, and convey, assign, or transfer his right and title therein. 1879, s 34. Assignments before patent to be void. Forfeiture. Proviso: in case of recommendation for patent by local agent.

39. If any person or persons thereunto authorized by the Minister of the Interior place immigrants as settlers on homestead lands in Manitoba or the North-West Territories free of expense to the Government, the Governor in Council may order that the expenses, or any part thereof, incurred by such person or persons, for the passage money or subsistence in bringing out an immigrant, or for aid in erecting buildings on his homestead, or in providing farm implements or seed grain for him, may if so agreed upon by the parties, be made a charge upon the homestead of such immigrant; and in such case the claim for expense incurred on behalf of such immigrant, as above, together with interest thereon, must be satisfied before a patent shall issue for the land: Provided as follows: Governor in Council may order advances to immigrants for certain purposes to be a lien upon their homesteads.

(*a*) That the sum or sums charged for the passage money and subsistence of such immigrant shall not be in excess of Conditions on which such

lien may be allowed.

the actual cost of the same, as proved to the satisfaction of the Minister of the Interior;

(*b*) That an acknowledgment by such immigrant of the debt so incurred shall have been filed in the office of the Local Agent;

(*c*) That in no case shall the charge against such homestead for principal moneys advanced exceed in amount the sum of five hundred dollars;

(*d*) That no greater rate of interest than six per cent per annum shall be charged on the debt so incurred by such immigrant. 1881, s. 10.

Provision in case the immigrant forfeits his right to the homestead.

His right to pass to the party making the advance.

Provision when right to patent has been acquired.

2. If an immigrant to whom an advance has been been made, as in this clause provided, and by whom or for whom a homestead entry, or homestead and pre-emption entry, has been obtained, forfeits such entry or entries under the provisions of this Act, the Minister of the Interior may, in his discretion, treat the person by whom such advance was made as if he were the person who had obtained such entry or entries, or as his legal representative, and as if, up to the time of his being so treated, no forfeiture of the entry had taken place; and if, under like circumstances, the immigrant, by or for whom a homestead entry or homestead and pre-emption entry has been obtained, has acquired a right to receive a patent for the land forming the subject of such entry or entries, and does not apply for the issue of the same, the person or persons by whom the advance was made may obtain such patent in the name of the person so entitled to obtain the same, or of his legal representatives, and thereupon the advance made shall be a statutory mortgage on such homestead. (*New.*)

DISCONTINUANCE OF PRE-EMPTIONS.

The privilege of pre-emption may be discontinued by O. C.

10. The privilege of pre-emption, in connection with a homestead entry, may be discontinued by order of the Governor in Council; such Order in Council shall be published for at least six months in the *Canada Gazette*, and shall come into force and take effect on the expiration of six months from the first publication thereof. (*New.*)

GRAZING LANDS.

Special provisions as to lease of grazing lands.

Condition for cancellation of lease.

11. The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons for such term of years, and at such rent in each case, as may be deemed expedient; and every such lease shall contain a condition by which the Governor in Council may authorize the Minister of the Interior, at any time during the term of the lease, to give the lessee notice of cancellation thereof, and, at the end of two years from the service of such notice, such lease shall cease and determine. 1881, s. 8.

HAY LANDS.

42. A settler in the vicinity of unoccupied hay lands may obtain a lease, for an area thereof not exceeding a quarter quarter section, or forty acres, for such term and at such rent as the Minister of the Interior may deem expedient; but such lease shall not operate to prevent, at any time during its term, the sale or settlement of the land. In the case of either, the lessee shall be paid by the purchaser or settler for fencing, or other improvement made, such sum as the Local Agent may fix; and the lessee shall be allowed to remove any hay he may have cut. 1879, s. 36.

Leases of hay lands.

Proviso.

In case of sale or settlement.

MINING AND MINING LANDS.

43. Lands containing coal or other minerals, whether in surveyed or unsurveyed territory, shall not be subject to the provisions of this Act respecting sale or homestead entry, but shall be disposed of in such manner and on such terms and conditions as may, from time to time, be fixed by the Governor in Council, by regulations to be made in that behalf,—which regulations shall not go into operation until after they shall have been published for four successive weeks in the *Canada Gazette*, and laid before both Houses of Parliament for thirty days without disapproval by either House. 1880, s. 6.

Mineral and coal lands to be disposed of under Order in Council.

Proviso: as to such orders.

44. It is hereby declared and enacted that no grant from the Crown of lands in freehold or for any less estate has operated or will operate as a conveyance of the gold or silver mines therein, unless the same are expressly conveyed in such grant. *New.*

Gold or silver mines not to pass by grant containing them.

45. Any discoverer of minerals upon surveyed or unsurveyed lands, or his assigns and associates, who had applied for a grant of such lands before the passing of the Act forty-third Victoria, chapter twenty-six, shall be held to have the same rights as if that Act had not been passed. 1881, s. 13.

Rights of discoverer of minerals.

TIMBER AND TIMBER LANDS.

WOOD FOR SETTLERS.

46. And whereas it is expedient that the timber in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers, it is therefore enacted as follows:—

Recital.

1. The Minister of the Interior may direct that in the subdivision of townships which consist partly of prairie and partly of timber land, the timber lands shall be divided into wood lots of not less than ten, and not more than twenty acres each, in such manner as to afford, as far as practicable, one such wood lot to each quarter-section prairie farm;

Minister may set apart land for wood lots.

2. Provided, that if a quarter-section be found to contain timber-land not exceeding in extent twenty-five acres, such

Proviso: as to quarter sections

having wood on them.

timber-land shall be appurtenant to such quarter-section and shall not be divided into wood lots;

Assignment of wood lot to each homestead.

3. Out of any wood lots set apart under sub-clause one of this clause, the Local Agent shall, on application, apportion a wood lot to each settler on a homestead quarter section not having on it more than ten acres of woodland, and

Price to be paid by settler.

such wood lot shall be paid for by the applicant at the price for wood lots fixed at the time by the Minister of the Interior, and shall be entered in the books of the Local Agent, and be given by him, in his returns, as appertaining to such homestead quarter-section, and on the homestead claimant fulfilling all the requirements of this Act in that behalf, but not otherwise, a patent shall issue to him for such wood lot:

Proviso for free grants in certain cases.

Provided always, that any person to whom a wood lot was apportioned, in connection with a homestead under the provisions of sub-clause five of clause forty-six of "*The Dominion Lands Act of* 1872," having duly fulfilled the conditions of such homestead grant, shall receive a patent for such wood lot as a free grant, as provided in the said sub-clause, notwithstanding the repeal of the said sub-clause by the Act thirty-seventh Victoria, chapter nineteen:

Proviso: if homestead entry is cancelled.

Provided further, that the cancellation of a homestead entry shall carry with it the cancellation of the entry of the wood lot which may have been apportioned thereto, and also the forfeiture of the purchase money of such wood lot;

Proviso: against sale of timber to saw-mills, &c. before patent.

4. Provided, that any holder of a homestead entry, who previous to the issue of the patent, shall sell any of the timber on either his homestead or pre-emption quarter-section, or on the appurtenant wood lot, to saw-mill proprietors or to any other than settlers for their own private use, without having previously obtained permission so to do from the Minister of the Interior, shall be guilty of a trespass, and may be prosecuted therefor before a Justice of the Peace,

Punishment for so doing.

and upon conviction thereof, shall be subject to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment at the discretion of the Court; and further, such person shall forfeit his homestead and pre-emption rights, and the timber so sold shall be subject to seizure and confiscation in the manner provided by clause *sixty-six* of this Act. 1879, s. 47.

TIMBER BERTHS.

"Timber" defined.

47. In the enactments and provisions in the twenty-four next following clauses the word "timber" means all wood and all products thereof. 1879, s. 50.

Timber districts.

48. The Governor in Council may, from time to time, declare districts of territory to be timber districts, and no lease of a timber berth shall be granted except within timber districts so set apart. 1879, s. 48.

Division of such districts into

49. The Minister of the Interior may set apart any tract of land in any timber district, and may cause the same

to be divided into timber berths not exceeding in area fifty square miles each; and the same shall be reserved from sale and settlement; and, under such regulations as may be made by the Governor in Council respecting the ground rents, royalties, or other dues which are to be paid in connection therewith, leases of the right to cut timber on such berths may be granted as hereinafter provided. 1879, s. 49.

Timber berths by Minister.

Regulations respecting grant of such berths.

50. The Governor in Council may, from time to time, order that leases of the right to cut timber on certain timber berths defined in the order shall be offered at public auction at an upset bonus fixed by the order, and given to the person bidding, in each case, the highest bonus therefor, such bonus to be paid in cash at the time of sale. The Governor in Council may also authorize the lease of the right to cut timber on any timber berth to any person who is the sole applicant for it: the bonus to be paid by such applicant to be fixed in the order authorizing the lease to him, and to be paid in cash at the time of its issue;

Sale of leases of such berths; conditions thereof.

2. When one or more persons apply for the right to cut timber upon the same berth, the Governor in Council may authorize the Minister of the Interior to invite tenders from the applicants; and the one tendering the highest cash bonus therefor, not being less than the upset bonus fixed, as in the next preceding sub-clause provided, shall be entitled to the lease. 1879, s. 51.

When there is more than one applicant for a berth.

51. In cases where application may be made for limits on which to cut timber in unsurveyed territory, the Governor in Council may, on the recommendation of the Minister of the Interior, authorize the same to be leased for such bonus as may be deemed fair and reasonable,—such leases to be subject, nevertheless, to the conditions of this Act respecting timber berths, except as to that part of clause *fifty-four*, which provides for the erection of mills, which provision, in respect to limits in unsurveyed territory may, if considered expedient by the Minister of the Interior, be dispensed with:

As to leases of berths in unsurveyed territory.

Conditions.

2. Territory in which the block outlines only of townships may have been run and marked, shall be considered surveyed territory, and the Governor in Council may, on the recommendation of the Minister of the Interior, in special cases where the same may be deemed expedient, grant licenses in either surveyed or unsurveyed territory, as the case may be, to cut timber for one year, at such ground rent as the Minister may deem fair and reasonable,—such license to be subject in all respects to the other provisions of this Act, except where the same may be inconsistent herewith. 1879, s. 52.

As to territory in which block outlines have been run.

52. Leases of timber berths shall be for a term not exceeding one year, and the lessee of a timber berth shall not be held to have any claim whatever to a renewal of his lease unless such renewal is provided for in the Order in Council authorizing it, or embodied in the conditions of sale or tender, as the case may be, under which it was obtained;

Duration of leases; and as to renewal.

No renewal in certain cases.

2. Renewal of a lease shall not be given in any case where the lessee has failed to pay any ground-rent, royalty, or other dues in connection therewith. (*New.*)

Form, and effect of lease.

53. The lease shall describe the lands upon which the timber may be cut, and shall, during its continuance, vest in the lessee all right of property whatsoever in all trees, timber, wood or other products of wood cut within the limits of the leasehold, whether such trees, timber and wood or products be cut by his authority or by any person without his consent; and such lease shall entitle the lessee to seize in replevin, revendication, or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit, at law or in equity, against any party unlawfully in possession of any such timber, and to prosecute all persons cutting timber in trespass upon his lease to conviction and punishment, and to recover damages, if any; and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired. 1879, s. 52.

Rights of lessee in the timber, and enforcement thereof.

Further conditions of lease.

54. The lease shall contain, in addition to such other provisions as may be in the Order in Council granting it, or in the conditions of sale or tender under which it was obtained, provisions binding the lessee:—

Erection of saw-mills, &c.

1. To erect in connection with the berth leased, and to have in operation within a time prescribed in the lease, a saw mill or mills of capacity to cut in twenty-four hours a thousand feet, board measure, for every two and a-half square miles of the area leased; or to establish such other manufactory of wood goods as may be accepted by the Minister of the Interior as equivalent thereto;

Payment of ground rent and royalty.

2. To pay in advance, in addition to the bonus, an annual ground rent of five dollars per square mile, and further, to pay in cash, at each time of his making the return prescribed in sub-clause *four* of this clause, a royalty of five per cent. on his sales of the products of the berth as shewn by such return;

Accounts to be kept.

3. To keep correct books of account of his business, and to submit the same for the inspection of any authorized agent of the Minister of the Interior, whenever required;

Returns to be made at stated periods.

4. To make monthly, or at such other interval of time as they may be required of him, by regulations under this Act, or by the Minister of the Interior, returns sworn to by him or by his agent or employee cognizant of the facts, declaring the quantities taken from the berth, and those sold, of all timber or products of wood, in whatever form the same may be sold or otherwise disposed of by him during such month or other period, and the amount received by him therefor;

Preventing waste.

5. To prevent any unnecessary waste of timber in the process of cutting it, and to prevent, when it can be avoided,

the destruction of growing trees which have not yet attained a size fitting them to be used for merchantable timber;

6. To exercise strict and constant supervision to prevent the origin and spread of fire. 1879, s. 52. Precautions against fire.

55. If, in consequence of any incorrectness in survey, or other error or cause whatsoever, a lease is found to comprise lands included in another lease of prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under this Act, the later lease shall be void in so far as it interferes with any previous lease, sale, grant or setting apart. 1879, s. 53. As to cases of error in survey, &c.

56. Every lease of a timber berth shall be subject to the right of the Government to deal, in accordance with the provisions of this Act and regulations made under it by the Governor in Council, with any and all coal and other minerals which may be found within the limits of the berth leased; and the Government shall have the right in dealing, as above provided, with any coal or other minerals in lands leased as timber limits, to authorize the persons to whom such coal or other minerals may be granted, to take possession of and occupy such extent of the land so leased as may be necessary to work such coal or other minerals, and to open necessary roads through any such timber berth, paying the lessee of the berth the value of any and all timber necessarily cut in making such roads or in working the mines; and the provisions of this clause shall operate retrospectively, that is to say, they shall apply to all leases of timber berths heretofore granted under any Act respecting Dominion Lands, as if they had been contained in such Act when it was passed. 1880, s. 7. Reservation of right of Government as to coal and minerals. And for roads to the same. Retroactive effect of this clause.

57. Every lease shall be subject to forfeiture for infraction of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister of the Interior shall have the right, without any suit or other proceeding at law or in equity, or compensation to the lessee, to cancel the same, and to make a new lease or disposition of the limit described therein, to any other party, at any time during the term of the lease so cancelled: Provided, that the Minister of the Interior, if he sees fit, may refrain from forfeiting such lease for non-payment of dues, and may enforce payment of such dues in the manner by this Act provided. 1879, s. 52. Forfeiture of lease for infraction of conditions. Proviso.

58. Any ground-rent, royalty, or other dues, on timber cut within the limits of any timber berth, which are not paid at the time when they become due, shall bear interest at the rate of six per cent. per annum until paid, and shall be a lien on any timber cut within such limits; and in case of such non-payment—whether, in consequence, the lease of the berth has or has not been cancelled—the Crown timber agent or other person authorized thereto may, with the sanction of the Minister of the Interior, seize so much of the timber cut on such berth as will, in his opinion be sufficient to secure Lien of the Crown for dues, and enforcement thereof.

Seizure and sale of timber.

the payment of such rent or royalty, and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof; and if payment be not made within three months after such seizure, he may, with the sanction of the Minister of the Interior, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon, and expenses aforesaid, he shall pay over the balance, if any, to the lessee, if the timber was in his possession at the time of seizure, or if it was not so, to the person who had possession thereof at that time. 1879, s. 54.

Timber liable for dues whenever found.

59. All timber cut under lease shall be liable for the payment of the Crown dues thereon, so long as, and wheresoever, the said timber, or any part of it, may be found, whether it be, or be not, converted into deals, boards or any other manufacture of wood; and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever it be found, until the dues thereon are paid or secured as provided in the next preceding clause. 1879, s. 55.

Enforcement of payment in case of removal out of Canada.

60. And in case the payment of the Crown dues on any timber has been evaded by any lessee or other party, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded, and any expenses incurred by the Government, in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on any timber berth by the lessee or by his authority, and may be levied and collected or secured on such timber, together with such last-mentioned dues, in the manner provided by clause *fifty-eight*; or the amount due to the Crown, of which payment has been evaded, may be recovered by action at law in the name of the Minister of the Interior or his agent, in any court having jurisdiction in civil cases to the amount. 1879, s. 56.

Bonds or notes may be taken without affecting lien.

61. The Minister of the Interior may take, or authorize the taking of, bonds or promissory notes for any money due to the Crown, as aforesaid, or in his discretion, for double the amount of any dues, fines and penalties and costs incurred or to be incurred, and may, if it be under seizure, then release any timber upon which the same would be leviable; but the taking of such bonds or notes shall not affect the right of the Crown to enforce payment of such money, and the debt shall be a lien on any timber cut on the same or any other berth, by the lessee or by his authority, if the sums for which such bonds or notes are given are not paid when due. 1879, s. 57.

LIABILITY OF PERSONS CUTTING TIMBER WITHOUT AUTHORITY.

Penalty for cutting timber without authority on Dominion lands.

62. If any person without authority cuts, or employs or induces, any other person to cut, or assist in cutting, any timber of any kind, on Dominion lands, or removes or carries away, or employs, or induces, or assists, any other person to

remove or carry away any timber of any kind so cut, he shall not acquire any right to such timber, or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown timber officers, or it is otherwise found impossible to seize it, he shall, in addition to the loss of his labor and disbursements, pay a fine not exceeding *three dollars* for each tree which, or any part of which, he is proved to have cut or carried away, or assisted to cut or carry away; and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty; and in all cases the burden of proof of authority to cut and take the timber shall lie on the party charged; and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary. 1879, s. 58.

Additional penalty for removal out of reach of officers.

Burden of proof, &c.

63. 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;

Seizure of timber on affidavit before a J. P.

2. And where the timber reported, or known to have been cut without authority, has been made up with other timber into a crib, dram, or raft, or in any other manner has at any mill or elsewhere, been so mixed up with other timber as to render it impossible or very difficult to distinguish the timber so cut without authority, from the other timber, the 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. 1879, s. 58.

Provision if the timber has been mixed with other timber.

64. 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

In absence of satisfactory explanation timber may be seized as cut without authority.

part, to Crown dues of any kind; and if such proof be not made within thirty days after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid, according to the circumstances of the case, and the dues thereon may be recovered as provided in the *fifty-eighth* clause. 1879, s. 62.

Release of timber on security being given.

65. In case any timber, or any product thereof, is seized under the provisions of this Act by any Crown Timber Agent or Officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise to his satisfaction, for the full value thereof, or in his discretion, for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon, as the case may be. 1879, s. 58.

Timber seized to be deemed condemned and forfeited in default of owner claiming within one month.

Confiscation and sale in case of default to contest seizure.

66. All timber seized under this Act on behalf of the Crown as being forfeited, shall be deemed to be condemned unless the owner thereof, or the person from whom it was seized, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown Timber Agent or officer under whose authority the seizure was made, that he intends to contest the seizure. If, within fifteen days thereafter, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure, or if the decision of the Court be against him, or should the claimant fail duly to prosecute such proceedings in the opinion of the Judge before whom such case may be tried (and who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted,—anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and sold for the benefit of the Crown, by order of the Minister of the Interior, after notice on the spot of at least thirty days: Provided nevertheless, that the Minister of the Interior, should he 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. 1879, s. 61.

Proviso: Minister may impose a fine instead of confiscation in certain cases, &c.

Burden of proof to be on the claimant.

67. And whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is instituted for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the Dominion lands aforesaid, the burden of proving payment, or of proving on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same, or the party instituting such prosecution. 1879, s. 63.

Officer seizing may call in assistance.

68. An officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown,

call in any assistance necessary for securing and protecting the timber so seized ; and if any person under any pretence, either by assault, force, or violence, or by threat of such force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under this Act, such person shall be guilty of felony, and, being convicted thereof, shall be punishable accordingly. 1879, s. 59.

Carrying away timber seized, to be felony.

69. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken or carried away without permission of the officer or person who seized the same or of some competent authority, any timber seized and detained for any lawful cause under this Act, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, the property of the Crown, and to be guilty of felony, and, being convicted thereof, shall be punishable accordingly. 1879, s. 60.

SLIDES, ETC.

Right to slides &c., not affected by sales or grants of land unless expressly mentioned.

70. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, pier or boom, or other work previously constructed on such land, or on any stream passing through or along it, for the purpose of facilitating the descent of timber or saw-logs, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier or boom, or other work, is intended to be thereby sold or granted ;

Free use of slides, &c., not affected.

2. The free use of slides, dams, piers, booms or other works on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed by, or in virtue of, any sale or grant of Dominion lands made subsequent to the construction of such works. 1879, s. 64.

Free use of streams and lakes not affected.

71. The free use, for the floating of saw-logs or other timber, of all streams and lakes that may be necessary for the descent thereof from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or along the land on either side, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads as owing to natural obstacles, may be necessary for taking out timber from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected, or obstructed by, or in virtue of, any sale or grant of such lands. 1879, s. 65.

PATENTS.

Deputy Governor for signing patents.

72. A Deputy Governor may be appointed by the Governor General, who shall have the power, in the absence or under instructions of the Governor General, to sign letters patent of Dominion lands; and the signature of such Deputy Governor to such patents, shall have the same force and virtue as if such patents were signed by the Governor General. 1879, s. 74.

Patents and leases, &c., to be prepared in Department of Interior.

2. And every patent for land and every lease and license issued under the provisions of this Act shall be prepared in the Department of the Interior, and shall be signed by the Minister of the Interior or his Deputy, or by some other person thereunto specially authorized by order of the Governor General in Council, and when so signed shall be transmitted to the Secretary of State of Canada, by whom, or by the under Secretary of State, the same shall be countersigned, and the great seal of Canada thereto caused to be affixed: Provided, that every patent for land shall be signed by the Governor or Deputy Governor, as hereinbefore provided. (*New.*)

To be signed by Governor, or Deputy.

Remedy in case of deficiency of quantity mentioned in patent.

73. Whenever, through error in survey or in the books or plans of a Dominion Lands Office, any grant of land is found to be deficient, the Minister of the Interior may order a free grant equal in value, at the time such land was granted or sold, to the ascertained deficiency; or he may order the purchase-money of so much land as is deficient, with interest thereon at the rate of six per centum per annum, from the time of the purchase thereof, to be paid back to the purchaser.

Limitation of time for claim.

But no claim, respecting any such deficiency, shall be entertained unless it be made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described in the patent as being contained in the lot or parcel of land granted. 1879, s. 77.

Patent issued in error may be cancelled.

74. Whenever a patent has been issued to, or in the name of, a wrong party, or contains any clerical error, misnomer, or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister of the Interior may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead,—which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent. 1879, s. 75.

Remedy in case of grants or patents inconsistent with each other.

75. In all cases in which, through error, grants or letters patent have issued for the same land, inconsistent with each other, and in all cases of sales or appropriations of the same land inconsistent with each other, the Minister of the Interior may order a new grant to the person thereby deprived, of land of value equal to that of the original grant, at the time the same was granted, or may, in case of sale, cause repayment to be made of the purchase-money with interest; or when the land has passed from the original purchaser, or

has been improved before the discovery of the error, or when the original grant was a free grant, the Minister of the Interior may assign land, or grant such amount of scrip for the purchase of Dominion lands as to him may seem just and equitable under the circumstances; but no claim under this clause shall be entertained unless it is preferred within one year after the discovery of the error. 1879, s. 76.

Limitation of time for claim.

76. In all cases wherein patents, leases or other instruments respecting lands have issued through fraud, or in error, or improvidence, any Court having competent jurisdiction in cases respecting real property in the Province or place where such lands are situate, may, upon action, bill or plaint respecting such lands and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Court shall order, decree such patent, lease or other instrument to be void; and upon the registry of such decree in the office of the Registrar-General of Canada, such patent, lease or other instrument shall be void. 1880, s. 8.

Provision in case of patents issued through fraud, &c.

Avoidance on registry of decree.

77. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or whenever any person is wrongfully in possession of Dominion land, and refuses to vacate or abandon possession of the same, the Minister of the Interior may apply to a Judge of any Court having competent jurisdiction in cases respecting real property in the Province or place in which the land is situate, for an order in the form of a writ of ejectment or of *habere facias possessionem*; and the said Judge, upon proof to his satisfaction that such land was so forfeited and should properly revert to the Crown, or is wrongfully in possession of such person, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Minister of the Interior or to the person by him authorized to receive such possession; and such order shall have the same force as a writ of *habere facias possessionem*, and the Sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or a petitory action. 1879, s. 79.

Remedy in case of refusal to deliver up possession of forfeited land, or to vacate land wrongfully held.

Order to sheriff to give possession

ASSIGNMENTS.

78. The Minister of the Interior shall cause to be kept in his Department books for registering, at the option of the parties interested, assignments of any right to Dominion lands which is assignable under this Act, upon proof to his satisfaction that such assignment is in conformity with this Act; and every assignment so registered shall be valid against any other assignment unregistered or subsequently registered; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed, or dispensed with by the Minister of the Interior, before the assignment is registered. 1879, s. 80.

Assignments of Dominion lands to be registered.

Patent to legal representative of party dying entitled thereto.

79. On any application for a patent by the legal representative of a person who died entitled to such patent, the Minister of the Interior may receive proof of the facts in such manner as he may see fit to require, and, upon being satisfied that the claim has been justly established, may allow the same and cause a patent to be issued accordingly. 1879, s. 81.

TOWNSHIP PLANS AND PATENT LISTS.

Minister to transmit certain information to Registrars.

80. The Minister of the Interior shall transmit to the Registrar of every county, and registration district or division in Manitoba and the North-West Territories, as early as possible in each year, a certified copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a certified list of the lands in such county, district or division, patented during such year. 1879, s. 122.

LAND SCRIP.

Certain Orders in Council authorizing issue of scrip for land rights confirmed.

81. Whereas by the fifth sub-clause of the thirty-second clause of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, it is provided that the rights of common and of cutting hay held and enjoyed by the settlers in the Province of Manitoba, may be commuted by grants of land from the Crown; and whereas the method of commuting the said rights by an issue of scrip redeemable only in land, is most convenient and expedient; and whereas it is also expedient to affirm the principle that rights to Dominion land may be satisfied by an issue of scrip; therefore, the Orders of the Governor in Council, dated respectively the sixth day of September, one thousand eight hundred and seventy-three, and the seventeenth day of April, one thousand eight hundred and seventy-four, providing for the issue of scrip in commutation of the rights of common and of cutting hay in Manitoba, are hereby confirmed. 1879, s. 123.

Further authority to issue scrip.

82. The Governor in Council may, if deemed by him expedient, satisfy any claim to grants of Dominion lands, respecting which no provision is otherwise made by law, by an issue of scrip redeemable only by its receipt in payment for such land. 1879, s. 124.

GENERAL PROVISIONS.

Powers delegated to Governor in Council as to—

83. The following powers are hereby delegated to the Governor in Council:—

Lands reserved for Indians.

a. To withdraw from the operation of this Act, subject to existing rights as defined or created under the same, such lands as have been reserved for Indians, or such as may be required to satisfy the half-breed claims created under clause thirty-one of the Act thirty-third Victoria, chapter three;

b. To reserve from general sale and settlement, Dominion lands to such an extent as may be required to aid in the construction of railways in Manitoba or in the Territories owned by the Dominion, and to provide for the disposal of the lands so reserved, notwithstanding anything contained in this Act, in such manner, at such price and on such terms as may be deemed expedient ; Lands required for railways.

c. To encourage works undertaken with a view of draining and reclaiming swamp lands, by granting to the promoters of such works, remuneration in the way of grants of such portions of the lands so reclaimed as may be deemed fair and reasonable ; Encouragement of drainage, &c.

d. To grant land—in no case, however, to exceed in extent one section and one half section—to any person or persons who will establish and keep in operation thereon for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, having during that period an average attendance of thirty pupils, and otherwise meeting the approval of the Minister of the Interior ; Schools of instruction in agriculture.

e. To satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba, previous to the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions as may be deemed expedient ; Claims arising out of Indian title.

f. To investigate and adjust claims preferred to Dominion land situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, eighteen hundred and seventy, and to grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to the said date, and, being by their own residence, or that of their servants, tenants or agents, or of those through whom they claim, in actual peaceable possession thereof at the said date, so much land in satisfaction of such claims, as may be considered fair and reasonable, but not exceeding in any case one quarter section unless there has been cultivation of more than that area ; Certain claims to lands outside of Manitoba, prior to 1st July, 1870.

g. To make such orders as may be deemed necessary from time to time to carry out the provisions of this Act according to their true intent, or to meet any cases which may arise and for which no provision is made in this Act ; and further to make and declare any regulations which may be considered necessary to give the provisions in this clause contained full effect ; and from time to time to alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead ; and such orders or regulations shall be published in the *Canada Gazette* and in such newspapers as the Minister of the Interior may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof. 1879, s. 125. Orders in Council for carrying out the provisions of this Act. Publication of such orders.

Before whom affidavits, &c. may be made.

84. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits, or Notary Public, or any Dominion Lands Agent or Officer, or any person specially authorized to take such affidavits by this Act or by the Minister of the Interior. 1879, s. 126.

Certain boards and officers may summon and examine persons on oath.

85. The Dominion Lands Board, Commissioner of Dominion Lands, or Inspector of Dominion Lands Agencies, and any person specially authorized to that effect by the Governor in Council, shall have power to summon before him any person by subpœna issued by him, to examine such person under oath and to compel the production of papers and writings before him, and—if any person duly summoned neglects or refuses to appear at the time and place specified in the subpœna upon him legally served, or refuses to give evidence or to produce the papers 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. (*New.*)

"Oath" to include "solemn affirmation"

86. In any case where an affidavit or oath is required by this Act, a solemn affirmation may be administered to, and made instead of an oath by, any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath. 1879, s 127.

Entry receipt, &c., to give right to maintain suits.

87. Every receipt or certificate of entry or sale issued by an agent of Dominion Lands shall, unless such entry or sale shall have been revoked or cancelled by the Minister of the Interior, entitle the person to whom the same was granted to maintain suits at law or in equity against any wrong doer or trespasser on the lands to which such receipt or certificate relates, as effectually as he could do under a patent of such land from the Crown. 1879, s. 82.

PREVIOUS ORDERS IN COUNCIL.

Proceedings under certain Orders in Council confirmed.

88. All proceedings properly taken under the respective Orders in Council, on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May following the said date, are hereby confirmed; and the said respective orders, except the provision therein respecting pre-emption rights, which is hereby repealed and done away with (and except such of the provisions thereof as may be inconsistent with the provisions of this Act, and which are hereby revoked), shall be and remain in force:

Proviso

Provided, that this enactment shall in no way affect the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-eight. 1879, s. 128.

SURVEYS AND SURVEYORS.

WHO SHALL BE COMPETENT TO SURVEY DOMINION LANDS.

Qualifications required of Dominion Surveyors.

89. No person shall act as surveyor of Dominion lands unless he shall before the fourteenth day of April, one thousand eight hundred and seventy-two, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the Provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth ;

Official style.

2. Persons qualified under the said provisions shall be styled "*Dominion Land Surveyors*," or "*Dominion Topographical Surveyors*," as the case may be. 1879, s. 83.

BOARD OF EXAMINERS.

Board to consist of Surveyor General and eight colleagues.

Meetings.

90. There shall be a Board of Examiners for the examination of candidates for commissions as Dominion Land Surveyors, or as articled pupils, to consist of the Surveyor General and eight other competent persons to be appointed from time to time by Order in Council, and the meetings of the Board shall commence on the second Monday in the months of May and November in each year, and may be adjourned from time to time ; and the place of meeting shall be at Ottawa, or at some place in Manitoba or the North-West Territories, as the same shall, from time to time, be fixed by the Minister of the Interior, and made public by notice in the *Canada Gazette* ;

Members to be sworn.

2. Each member of the said Board shall take an oath of office according to Form G, to be administered by a judge of any one of the superior courts in any Province in the Dominion, who is hereby authorized and required to administer such oath ; and any three of the said members shall form a quorum ;

Secretary.

3. The said Board shall, from time to time, appoint a fit and proper person to be Secretary thereof, who shall keep a record of its proceedings ; 1879, s. 84.

Local boards under Order in Council.

4. Should it be found expedient, Local Boards of Examiners may be established under Order in Council for the Provinces of Manitoba, British Columbia, or the North-West Territories, such Boards to consist of not less than three and not more than six members each, and to hold their meetings at such time and place as the Minister of the Interior may, from time to time, direct. (*New.*)

Examination for articles as pupils.

91. No person shall be admitted as an articled pupil with any Dominion Land Surveyor unless he has previously passed an examination before the Board of Examiners, or before one of the members thereof, or before some surveyor deputed by the Board for the purpose, as to his ability to write English correctly, and also as to his knowledge of vulgar and decimal fractions, the extraction of the square and cube roots, the

first three books of Euclid, the rules of plane trigonometry, the mensuration of superficies and the use of logarithms, and has obtained a certificate of such examination and of his proficiency from such Board, member or surveyor. 1879, s. 85.

Notice by applicants to secretary.

92. Applicants for such examination, previous to being articled, shall give notice to the Secretary of the Board of their desire to present themselves for examination; whereupon that officer shall instruct them accordingly as to the mode in which they must proceed. 1879, s. 86.

Conditions precedent to examination for admission.

93. No pupil shall be entitled to be examined before the Board for admission as a Dominion Land Surveyor unless he shall have previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form H, duly executed before two witnesses, as pupil to a Dominion Land Surveyor, nor unless he shall produce a certificate from such surveyor of his having so served during the said period, and shall also produce satisfactory testimony as to his character for probity and sobriety. 1879, s. 90.

Alteration of form H when the pupil is an adult.

2. Provided always, that whenever the pupil of a Dominion Land Surveyor is, at the time of his entering into articles in writing, in compliance with the provisions of this section, a person of full age, the said form H may be altered to suit the case, by leaving out so much as relates to the father or other person by whose consent and approbation the pupil enters into articles, by making the pupil himself take upon himself the obligation in the said form imposed on such father or other person, by stating that the consideration money has been paid by the pupil, and by otherwise so varying the form as to suit the circumstances of the case. 1880, s. 9.

Transfer of a pupil.

94. Any Dominion Land Surveyor may, by an instrument in writing, transfer a pupil, with his own consent, to any other Dominion Land Surveyor, with whom such pupil may serve the remainder of his term. 1879, s. 87.

Completion of term with another surveyor.

95. If any Dominion Land Surveyor dies or leaves the Dominion, or is suspended or dismissed, his pupil may complete his term under articles, as aforesaid, with any other Dominion Land Surveyor. 1879, s. 88.

Duplicate of articles to be transmitted to Secretary.

96. Articled pupils must transmit to the Secretary of the Board within three months of the date of their articles, a duplicate thereof, together with a fee of *two dollars* for receiving and filing the same; and the said Secretary shall acknowledge the receipt of such papers, and shall carefully file and keep the same with the records of the Board. 1879, s. 89.

As to admission of persons commissioned as surveyors of

97. Any person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, shall have been duly qualified by certificate, diploma or commission, to survey lands in any Province of the Dominion,

in which, in order to be so qualified, a course of study including the subjects prescribed by clause *one hundred and one* of this Act, is required by the law of such Province, shall be entitled to obtain a commission as Dominion Land Surveyor without being subjected to any examination other than as regards the system of survey of Dominion lands: Provided, that it shall rest with the Board of Examiners to decide whether the qualifications required of a surveyor of Crown lands in such Province are sufficiently similar to those set forth in the said clause *one hundred and one* of this Act, to entitle him, under the foregoing provisions, to such commission: And provided further, that it must be shown that such Province has reciprocated the privilege hereby granted, by granting to Dominion Land Surveyors, on their application, and without subjecting them to an examination except as regards a knowledge of the survey laws of such Province, diplomas, certificates or commissions, as the case may be, as surveyors of lands within such Province;

lands in any Province.

Proviso: Board to judge of requirements of qualification in such Province.

Proviso for reciprocity as to such admission.

2. Land surveyors holding diplomas, certificates or commissions for Provinces of the Dominion in which the qualifications required by law for surveyors, are not similar to those prescribed by this Act, must undergo examination by the Board, and satisfactorily pass the same, in order to obtain commissions as Dominion Land Surveyors. 1879, s 91.

Examination in certain cases.

98. Any person who may have been duly admitted as a surveyor of lands in any part of Her Majesty's Dominions other than Canada shall be entitled to an examination by the said Board, and to a commission if found qualified, on his producing a written certificate of a Dominion Land Surveyor, that such person has within the previous two years served for one year with him continuously engaged in surveying Dominion lands, and that he considers such person as in every way qualified to pass an examination for a commission as a Dominion Land Surveyor. 1879, s. 92.

Surveyors in Her Majesty's dominions, other than Canada may be admitted after one year's service.

99. Any person who shall have followed a regular course of study in all the branches of education required by this Act for admission as a Dominion Land Surveyor through the regular sessions for at least two years, in any college or university where there may be organized a complete course of such instruction, and who has thereupon received from such college or university a certificate, diploma or degree, vouching therefor, shall not be obliged to serve three years as aforesaid, but shall be entitled to examination after one year's service under articles with a Dominion Land Surveyor. 1879, s. 93.

Graduates of colleges may be examined after one year's service.

100. Every person desiring to be examined before the said Board shall give due notice thereof in writing to the Secretary at least one month previous to the meeting of the Board, enclosing with such notice the fee hereinafter prescribed. 1879, s. 94.

Notice to Secretary.

Fee.

101. No person shall receive a commission from the said Board authorizing him to practise as a Dominion Land Sur-

Examination for admission as surveyor.

veyor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the said Board on the following subjects: that is to say:—Euclid, first four books, and propositions first to twenty-first of the sixth book; plane trigonometry, so far as it includes solution of triangles; the use of logarithms; mensuration of superficies, including the calculation of the area of right-lined figures by latitude and departure, and the dividing or laying off land; a knowledge of the rules for the solution of spherical triangles, and of their use in the application to surveying of the following elementary problems of practical astronomy:—

In mathematics.

In practical astronomy.

1. To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star;

2. To obtain the local time and the azimuth, from an observed altitude of the sun or a star;

3. From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter;

Surveying operations and use of instruments.

He must be practically familar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments, and must also be perfectly conversant with the system of survey as embodied in this Act, and with the manual of standing instructions and regulations published by the authority of the Minister of the Interior from time to time for the guidance of Dominion Land Surveyors. 1879, s. 95.

System of Dominion surveys.

Examination may be on oath as to practice.

102. The Board may examine any candidate on oath (which oath may be administered by any one of the examiners) as to his actual practice in the field, and with regard to his instruments. 1879, s. 96.

Successful candidates to receive commissions and give security.

103. Each person passing the examination prescribed by this Act shall receive a commission from the Board in accordance with Form I in the Schedule of this Act, constituting him a Dominion Land Surveyor, and shall, jointly and severally with two sufficient sureties to the satisfaction of the Board, enter into a bond in the sum of one thousand dollars, to Her Majesty, Her Heirs and Successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe the oath of allegiance, and the following oath, before the Board,—any member of which is hereby empowered to administer the same:—

The oath.

"I, , do solemnly swear (*or* affirm, *as the case may be*) that I will faithfully discharge the duties of a Dominion Land Surveyor according to law, without favour, affection or partiality. So help me God;"

2. Until the above formalities shall have been gone through the said commission of Dominion Land Surveyor shall have no effect ; Commission subject to above formalities.

3. The said oaths of allegiance and of office shall be deposited in the Dominion Lands Office ; Deposit of oaths.

4. The said bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of the Dominion, and shall be subject to the same provisions, and shall enure to the benefit of any party sustaining damage by breach of any condition thereof; and the commission shall be registered in the office of the Registrar-General of Canada. 1879, s. 97. Deposit of bond.

104. Any person entitled to receive or already possessing a commission as Dominion Land Surveyor and having previously given the notice prescribed in clause *one hundred* of this Act, may be examined as to the knowledge he may possess of the following subjects relating to the higher surveying, qualifying him in addition to the performance of the duties declared by this Act to be within the competence of Dominion Land Surveyors, for the prosecution of extensive governing or topographic surveys or those of geographic exploration, that is to say :— Voluntary examination in higher branches of study.

1. Algebra, including quadratic equations, series, and calculation of logarithms ; Mathematics.

2. The analytic deduction of formulas of plane and spherical trignometry ;

3. The plane co-ordinate geometry of the point, straight line, the circle and ellipse, transformation of co-ordinates, and the determination either geometrically or analytically, of the radius of curvature at any point in an ellipse ;

4. Projections,—the theory of those usually employed in the delineation of spheric surfaces ;

5. Method of trigonometric surveying, of observing the angles and calculating the sides of large triangles on the earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, having a regard to the effect of the figure of the earth ;

6. The portion of the theory of practical astronomy relating to the determination of the geographic position of points on the earth's surface, and the directions of lines on the same, that is to say :— Practical astronomy.

Methods of determining latitude—

a. By circum-meridian altitudes,

b. By differences of meridional zenith distance (Talcott's method).

c. By transits across prime vertical ;

Determination of azimuth—
a. By extra meridional observations,
b. By meridian transits ;

Determination of time—
a. By equal altitudes,
b. By meridian transits ;

Determination of differences of longitude—
a. By electric telegraph,
b. By moon culminations ;

Theory of instruments.

7. The theory of the instruments used in connection with the foregoing, that is to say, the sextant or reflecting circle, altitude and azimuth instrument, astronomic transit, zenith-telescope and the management of chronometers ; also of the ordinary meteorological instruments, barometer, mercury and aneroid, thermometers, ordinary and self-registering, anemometer, and rain gauges,—and on his knowledge of the use of the same :

And their use.

Mineralogy and geology.

8. Elementary mineralogy and geology. so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence ; the ores of the common metals and the classification of rocks ; and the geology of North America so far as to be able to give an intelligent outline of the leading geological features of the Dominion. 1879, s. 98.

Geology of N. America.

Designation of those passing such examination.

105. Persons who pass the above mentioned examination in the higher branches of surveying, shall have the fact certified by the Board, and shall be designated Dominion Topographical Surveyors. 1879, s. 99.

Tariff of fees.

106. The following fees shall be paid under the provisions of this Act :—

1. To the Secretary of the Board, by each pupil, on giving notice of his desire for examination preliminary to being articled, *one dollar* ;

2. To the Secretary of the Board, as the fee due on such examination, *ten dollars*, and a further sum of *two dollars* for certificate ;

3. To the Secretary of the Board, by each pupil, at the time of transmitting to such Secretary the indentures or articles of such pupil, *two dollars* ;

4. To the Secretary of the Board, by each candidate for either the ordinary or the higher examination for a commission, with his notice thereof, *two dollars* ;

5. To the Secretary of the Board, by each applicant obtaining a commission, as his fee thereon, *two dollars* ;

6. To the Secretary of the Board, as an admission fee by any candidate receiving a commission, *twenty dollars*, which sum shall also cover the certificate by the Board in the case of a candidate passing the higher examination; but such amount, as also the *ten dollars* required to be paid under sub-clause two of this clause, shall be paid to the Receiver-General to the credit of Dominion lands. 1879, s. 100.

Allowances to members of the Board of Examiners.

107. Each of the members in attendance at the said Board during examinations, and the Secretary, shall receive *five dollars* for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance; and the Minister of the Interior is hereby authorized and required to pay such sums: Provided, that no member of the Board, if at the time of the meeting he be over one hundred miles distant from the place of meeting, shall receive any allowance for being present at such meeting, unless such member shall have been previously specially notified to attend the same by the Secretary; and in the case of the examination of a pupil previous to being articled, by a member of the Board, or by a surveyor deputed by the Board for such purpose, such member or such surveyor shall be paid *five dollars* for such examination. 1879, s. 101.

For special examination of a pupil.

Board may suspend or dismiss negligent or corrupt surveyor.

108. The said Board may, in their discretion, suspend or dismiss from the practice of his profession, any Dominion Land or Topographical Surveyor whom they may find guilty of gross negligence or corruption in the execution of the duties of his office; but the Board shall not suspend or dismiss such Surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered both in support of the complaint, and on behalf of such surveyor. 1879, s. 102.

Surveyors to add to their returns of survey an affidavit of the faithful and correct execution thereof.

109. The Surveyor-General shall require every Dominion Land or Topographical Surveyor, in addition to the oath by this Act required to be administered to him on receiving his commission as such, to take and subscribe an oath, or make and subscribe an affirmation, on the return of his surveys of Dominion lands, that the same have been faithfully and correctly executed according to law and the instructions of the Surveyor-General; and if it is proved on satisfactory evidence before any court of competent jurisdiction that such surveys or any part thereof have not been so executed, the Surveyor taking such false oath or making such false affirmation shall be deemed guilty of perjury, and shall be punishable accordingly; and thereupon Her Majesty's Attorney-General for Canada shall, upon the application of the Surveyor-General, immediately institute a suit upon the bond of such Surveyor, and the institution of such suit shall act as a lien on any property owned or held by such Surveyor, or his sureties, at the time the suit is instituted. (*New.*)

False statement to be perjury, and to create a lien on surveyor's property.

CHAIN BEARERS.

Chain-bearers to be sworn.

110 Every chain-bearer employed in the Survey of Dominion Lands shall, before he commences his chaining or

measuring, take an oath or affirmation that he will discharge such duty with exactness according to the best of his judgment and abilities, and render a true account of his chaining or measuring to the Surveyor by whom he has been appointed to such duty; and every Dominion Land Surveyor is hereby authorized to administer such oath or affirmation. 1881, s. 12.

STANDARD OF MEASURE.

Standard to be English measure of length.

111. The measure of length used in the surveys of Dominion lands, shall be the English measure of length, and every Dominion Land Surveyor shall be in possession of a subsidiary standard thereof,—which subsidiary standard, tested and stamped as correct by the Department of Inland Revenue, shall be furnished him by the said department, on payment of a fee of *three dollars* therefor; and all Dominion Land Surveyors shall, from time to time, regulate and verify by such standard the length of their chains and other instruments for measuring. 1879, s. 103.

HOW TO RENEW LOST CORNERS AND OBLITERATED LINES.

Provision where the original mound or post is lost.

112. In all cases where a Dominion Land Surveyor is employed to run any dividing line or limit between sections or other legal subdivisions, and the mound, post or monument erected, marked or planted in the original survey to define the corner of such section or other legal subdivision, cannot be found, he shall obtain the best evidence that the nature of the case may admit of, respecting such corner mound, post or monument, but if the position of the same cannot be satisfactorily so ascertained, then he shall proceed as follows:—

If a township corner.

1. If the lost corner mound, post or monument is that of a township corner, he shall report the circumstances of the case to the Surveyor-General, who will instruct him how to proceed;

If on one of the outlines of a township.

2. If the lost corner mound, post or monument is on one of the outlines of a township, he shall join, by a straight line, the nearest undisputed section or quarter-section corners on such outline, and divide such straight line into such number of sections or quarter-sections or other legal subdivisions as the same contained in the original survey, giving to each an equal breadth;

Exception as to correction lines.

3. Except where in re-establishing the east or west boundary of a township, one of the nearest undisputed corners is on a correction line, in which case all quarter-sections are to be made exactly forty chains, and the deficiency or surplus, as the case may be, left in the quarter-section adjoining the correction line;

Where a deficiency shall be left.

4. Except also where in re-establishing the north or south boundary of a township surveyed under the first system of survey, one of the nearest undisputed corners is the western corner of the township, in which case all quarter-sections are

to be made exactly forty chains, and the deficiency or surplus, as the case may be, left in the western quarter-section ;

5. When the position of the township corner is also lost, it shall be re-established as aforesaid, previous to re-establishing the outline of the township ; Township corner to be re-established

6. When the lost corner is in the interior of a township, on the limit of a meridian road allowance, the surveyor shall connect the two nearest undisputed corners on such limit by a straight line, and divide the distance into such number of sections or other legal subdivisions as the same contained in the original survey, giving to each an equal breadth ; Where the lost corner is in the interior of a township.

7. Except when one of the nearest undisputed corners is on a correction line, in which case he shall make each quarter-section exactly forty chains and leave the deficiency or surplus, as the case may be, in the quarter-section adjoining the correction line ; When nearest undisputed corner is on a correction line.

8. When the nearest undisputed corners on the said limit of a meridian road allowance are in different townships, the outline between such townships shall be re-established previous to re-establishing the meridian ; When nearest undisputed corners are in different townships.

9. When the lost corner is that of a quarter-section on a line running east and west, the surveyor shall join by a straight line the opposite section corners on the meridians on each side, and give to each quarter-section an equal breadth ; When of a quarter section on a line running east and west.

10. Except where in townships surveyed under the first system of survey, the lost corner is in the western row of sections of a township, in which case the first quarter-section is to be made exactly forty chains, and the deficiency or surplus as the case may be, left in the western quarter-section ; Exception.

11. When the position of one of the corners on the meridians is also lost, such meridian shall be re-established previous to re-establishing the east and west line ; When meridian shall be re-established.

12. In all cases where a surveyor erects, plants or places a mound, post or monument as aforesaid, to renew a lost or obliterated corner, he shall duly take into account any allowance for road or roads, and the corner, or division or limit so established shall be the true corner, or division or limit of such section or other legal sub-division. 1879, s. 104. Allowance for road to be considered. Effect of such survey.

HOW LEGAL SUBDIVISIONS ARE TO BE SURVEYED.

113. When in the survey of legal subdivisions a Dominion Land Surveyor has to establish the division line between two sections, he shall effect this by connecting by a straight line the opposite original section corners, should these exist, and should they not, by similarly connecting the points established in renewal thereof, in accordance with the pre- Method of proceeding in laying out a half or quarter section or other legal subdivision.

ceding clauses, giving, in either case, the quarter-sections involved an equal breadth. In laying out a half or quarter-section he shall connect the opposite quarter-section posts by straight lines. In laying out other and minor legal subdivisions he shall give to any such subdivision its proportionate share of frontage and interior breadth, and connect the resulting terminal points by a straight line. The lines or limits so drawn on the ground in the manner above prescribed, shall, in the respective cases, be the true lines or limits of such section, half section or other legal subdivision, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands. 1879, s. 105.

TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

Dividing lines to be drawn from original corners.

114. The dividing lines or limits between legal subdivisions, in fractional sections, shall be drawn from the original corners (or the points representing such corners, as defined on the ground in accordance with the provisions of this Act) in the section line intended as the front of such lot;

2. Northerly or southerly lines shall be drawn due north or due south;

3. Easterly or westerly lines shall be drawn at an angle with the meridian equal to the mean of the angles formed with the same meridian by the lines which are the northern and the southern boundaries respectively of the section. 1879, s. 106.

ORIGINAL BOUNDARY LINES.

Boundaries placed under this Act are to be deemed the true ones.

115. All boundary lines of townships, sections or legal subdivisions, towns or villages, and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, as defined by mounds, posts or monuments, erected, placed or planted at the angles of any townships, towns, villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, under the authority of this Act or of any Order of the Governor in Council, shall be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of lands respectively, whether the same, upon admeasurement, be or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land. 1879, s. 107.

Townships and other legal subdivisions to comprise all the space within their boundaries.

116. Every township, section or other legal subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively, so erected, marked, placed or planted as aforesaid, at the several angles thereof, and no more or less,—any quantity

or measure expressed in the original grant or patent thereof notwithstanding. 1879, s. 108.

As to aliquot parts of townships, &c.

117. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other legal subdivision, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed in such patent, grant or instrument. 1879, s. 109.

Road allowances in towns, &c., to be public highways.

118. In every town and village in Manitoba or the North-West Territories, which may be surveyed and laid out under the provisions of this Act, all allowances for any road, street, lane, lot or common, laid out in the original survey of such town or village, shall be public highways and commons; and all mounds, posts or monuments, placed or planted in the original survey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot or common; and all Dominion Land Surveyors employed to make surveys in such town or village, shall follow and pursue the same rules and regulations in respect of such surveys, as are by law required of them when employed to make surveys in townships. 1879, s. 110.

EVIDENCE BEFORE SURVEYORS.

Dominion Land Surveyors may examine witnesses on oath.

119. With respect to all matters relating to the settlement, occupation or possession of Dominion Lands, and to the survey of lands, and for better ascertaining the original corner or limits of any township, section or other legal subdivision, lot or tract of land, every Dominion Land Surveyor acting in that capacity, may examine witnesses on oath, and administer such oath or oaths to each and every person whom he may examine concerning the same. 1881, s. 11.

How Dominion Land Surveyors shall proceed to ascertain boundaries when doubtful.

120. When any Dominion Land Surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, then if such person does not willingly appear before, and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, such surveyor may apply to any Justice of the Peace for an ordinary subpœna as witness, or a *subpœna duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such Justice of the Peace, of the facts on which the application is founded, and such Justice may issue a subpœna accordingly, commanding such person to appear before the surveyor at a time and place to be mentioned in the subpœna, and (if the case require it) to bring with him any writing, plan or document mentioned or referred to therein;

Subpœna may be issued.

How served.

2. Such subpœna shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original ;

Penalty for disobeying it.

3. If the person commanded to appear by such subpœna, after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the subpœna, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, a warrant by the justice for the arrest of such person may be issued, and he may be punished accordingly by fine not exceeding *one hundred dollars*, or imprisonment not exceeding ninety days, or both, in the discretion of such justice. 1879, s. 112.

Evidence taken by D.L. Surveyor to be reduced to writing and signed.

121. All evidence taken by any Dominion Land Surveyor as aforesaid shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person ; or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same as shall also the Dominion Land Surveyor ; and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by any Dominion Land Surveyor, with reference to any survey by him performed, may be filed and kept at the registry office of the place in which the lands to which the same relate are situate, subject to be produced thereafter in evidence in court. 1879, s. 113.

Power to enter upon private lands.

122. Any Dominion Land Surveyor when engaged in the performance of his duties as such, may pass over, measure along, and ascertain the bearings of any township or section line, or other Government line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person. 1879, s. 114.

PROTECTION TO SURVEYORS.

Penalty for molesting D. L. Surveyor in discharge of his duty.

123. If any person in any part of the Dominion lands interrupts, molests or hinders any Dominion Land Surveyor, while in the discharge of his duty as a surveyor, such person shall be guilty of a misdemeanor, and being thereof lawfully convicted in any court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such court,—such imprisonment being for a period not exceeding two months, and such fine not exceeding *twenty dollars*, without prejudice to any civil remedy which such Dominion Land Surveyor or any other party may have against such offender for damages occasioned by such offence. 1879, s. 115.

Penalty for pulling down

124. If any person knowingly and wilfully pulls down, defaces, alters, or removes any mound, post or monument,

erected, planted or placed in any original survey under the provisions of this Act, or under the authority of any Order in Council, such person shall be deemed guilty of felony and shall be punishable accordingly; and if any person knowingly and wilfully defaces, alters, or removes any other mound or land-mark, post or monument placed by any Dominion Land Surveyor to mark any limit, boundary or angle of any township, section or other legal sub-division, lot or parcel of land in Manitoba or the North-West Territories, such person shall be deemed guilty of a misdemeanor, and being convicted thereof before any competent court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such court,—such fine not to exceed *one hundred dollars*, and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages occasioned by reason of such offence: Provided, that nothing in this Act shall extend to prevent Dominion Land Surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before. 1879, s. 116.

or destroying land marks placed by D. L. Surveyor.

Proviso: as to examining posts.

125. Every Dominion Land Surveyor shall keep exact and regular journals and field notes of all his surveys of Dominion lands, and file them in the order of time in which the surveys shall have been performed, and shall give copies thereof to the parties concerned when so required; for which he is hereby allowed the sum of *one dollar* for each copy, if the number of words therein do not exceed four hundred,—but if the number of words therein exceeds four hundred, he is allowed *ten cents* additional for every hundred words over and above four hundred words. 1879, s 117.

D. L. Surveyors to keep journals and field notes and furnish copies to parties concerned.

126. There shall be allowed to every Dominion Land Surveyor summoned to attend any court, civil or criminal, for the purpose of giving evidence in his professional capacity as a surveyor, for each day he so attends (in addition to his reasonable travelling and living expenses), and to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such Court, *five dollars* 1879, s. 118.

Allowance to D. L. Surveyor for attendance as witness.

TARIFF OF FEES.

127. The Governor in Council may establish a tariff of fees to be charged by the Minister of the Interior for all copies of maps, township plans, field notes and other records, and also for registering assignments; and all fees received under such tariff shall form part of the revenue from Dominion lands. 1879, s. 121.

Fees for documents furnished.

To form part of revenue from Dominion lands.

REPEAL.

128. Subject to the provisions hereinafter made, the Act passed in the forty-second year of Her Majesty's reign and intituled "*An Act to amend and consolidate the several Acts res-*

Acts 42 V., c. 31.

43 V., c. 26. *pecting the Public Lands of the Dominion*," and the Act passed in the forty-third year of Her Majesty's reign, and intituled "*An Act to amend the Dominion Lands Act*, 1879," and the

44 V., c. 16 repealed. Act passed in the forty-fourth year of Her Majesty's reign, and intituled, "*An Act to amend the Dominion Lands Acts*," are hereby repealed, and this Act is substituted for them,—the Acts repealed by the Act first mentioned, and for which

Proviso: as to effect of such repeal. it was substituted, remaining so repealed: Provided always, that all enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired or liabilities incurred under them or any of them shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under this Act, which shall not be construed as a new law, but as a consolidation and continuation of the Acts hereby repealed, subject to the amendments hereby made and incorporated with them; and any thing heretofore done under any provision in any of the said repealed Acts which is repeated without alteration in this Act, may be alleged or referred to as having been done under the Act in which such provision was made, or under this Act. 1879, s. 129.

SCHEDULE.

FORM A.

APPLICATION FOR A HOMESTEAD ENTRY.

I, of do hereby apply for a homestead entry, under the provisions of the "*Dominion Lands Act*, 1883," for the quarter-section of section number of the Township, in the Range of the Meridian. (1881, Form A.)

FORM B.

AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD ENTRY.

I, A. B., do solemnly swear (*or* affirm, *as the case may be*) that I am over eighteen years of age, that there is no person residing on the land in respect of which my application is made nor are there any improvements thereon, and that the application is made for my exclusive use and benefit, with intention to reside upon and cultivate the said land. So help me God. (1881, Form B.)

FORM C.

I certify that I have received from the sum of ten dollars, being the office fee for homestead entry

(*or* pre-emption entry in connection with homestead entry, *as the case may be*), for (*describe the land*), and that the said is, in consequence of such entry and payment, vested with the rights conferred in such cases by the provisions of the "*Dominion Lands Act*, 1883," respecting homestead rights.

Local Agent.

(*Place—Date*). (*New*)

FORM D.

APPLICATION FOR A HOMESTEAD ENTRY BY AN AGENT.

I, A. B., do hereby apply on behalf of of for homestead entry under the provisions of the "*Dominion Lands Act*, 1883," for the quarter-section of section number of the Township, in the Range of the Meridian. (1881, Form A 1.)

FORM E.

AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD ENTRY BY AN AGENT.

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 there is no person residing on the land in respect of which the application is made, nor are there any improvements thereon, and that the application is made for the exclusive use and benefit of the said and with the intention of his residing upon and cultivating the said land. So help me God. (1881, Form B. 1.)

FORM F.

I certify that who is the holder of a homestead entry (*or* homestead and pre-emption entry, *as the case may be*) for (*describe the land*) has complied with the provisions of the law required to be conformed to, in order to in order to entitle him to receive a patent for such land, and that I have recommended the issue of such patent.

(*Place—Date* .) Local Agent.

Countersigned :

Commissioner of Dominion Lands. (*New.*)

Form G.

OATH OF MEMBER OF BOARD OF EXAMINERS.

I, A. B., do solemnly swear (*or* affirm, *as the case may be*), that I will faithfully discharge the duty of an Examiner of candidates for commissions as Dominion Land or Topographical Surveyors, according to law, without favor, affection or partiality. So help me God. (1879, Form C.)

Form H.

ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

These Articles of Agreement, made the day of one thousand eight hundred and between A. B. of of Dominion Land Surveyor, of the one part, and C. D., of and E. F., son of the said C. D., of the other part, witness :—

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B, to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence next ensuing, and fully to be completed and ended.

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F., shall well and faithfully, and diligently, according to the best and utmost of his power, serve the said A. B., as his pupil in the practice or profession of a Dominion Land Surveyor, which he, the said A. B., now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years.

And that he, the said E. F., shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A. B., his executors, administrators or assigns, or of any of his employers ; and that in case the said E. F., shall act contrary to the last mentioned covenant, or, if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehaviour, neglect or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value thereof.

And further, that the said E. F. shall, at all times, keep the secrets of the said A. B. in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B. in all

matters and things, and from time to time pay all moneys which he shall receive of or belonging to or by order of the said A. B. into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required ; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself from the service or employ of the said A. B. at any time during the said term without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence and with honesty and sobriety.

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he, the said E. F., will truly, honestly and diligently serve the said A. B. at all times, for and during the said term, as a faithful pupil ought to do in all things whatsoever in the manner above specified.

In consideration whereof, and of of lawful money by the said C. D. to the said A. B., paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), the said A. B., for himself, his heirs, executors, and administrators, doth covenant with the said C. D., his heirs, executors, and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he, the said A. B., will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed by clause one hundred and one of the "*Dominion Lands Act*, 1883," in practical surveying operations, and in the use of instruments, and generally in the art, practice and profession of a Dominion Land Surveyor, which he, the said A. B., now doth, and shall at all times during the said term, use and practice, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, give to the said E. F., a certificate of servitude and use his best means and endeavors, at the request, cost and charges of the said C. D. and E. F., or either of them, to cause and procure him the said E. F., to be examined before the Board of Examiners of candidates for commissions as of Dominion Land Surveyors; Provided, the said E.F., shall have well, faithfully, and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them, the said A. B. and C. D., doth bind himself, his heirs, executors and administrators, unto the other, his heirs, executors, administrators, and assigns, in the penal sum of five hundred dollars, firmly by these presents.

IN WITNESS WHEREOF the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

A. B. (Seal.)
C. D. (Seal.)
E. F. (Seal.)

Signed, Sealed and Delivered
in the presence of

G. H.
J. K.

(1879, Form D.)

FORM I.

COMMISSION AS DOMINION LAND SURVEYOR.

This is to certify to all whom it may concern that A.B., of hath duly passed his examination before the Board of Examiners, and hath been found duly qualified to fill the office and perform the duties of Dominion Land Surveyor, he having complied with all the requirements of the law in that behalf: Wherefore he, the said A. B., is hereby duly admitted to the said office, and commissioned for the discharge of the duties thereof, and is by law authorized to practise as a Surveyor of Dominion lands.

In Witness whereof We, the President and Secretary of the said Board, have signed this Commission, at on this day of , one thousand eight hundred and

C. D.,
Surveyor General.
E. F.,
Secretary.

(1879, Form E.)

No. 45.

1st Session, 5th Parliament, 46 Victo

BILL.

An Act further to amend, and t
lidate, as so amended, the
Acts respecting the Public L
the Dominion therein mention

Received and read first time, Fri
March, 1883.

Second reading, Tuesday, 6th March

Sir JOHN A. MACDO

OTTAWA:

PRINTED BY MACLEAN, ROGER &

1883.

No. 46.] **BILL.** [1883.

An Act further to amend an Act intituled: "An Act relating to Banks and Banking," and the several Acts amending the same.

WHEREAS, it is expedient further to amend the Act passed in the thirty-fourth year of Her Majesty's Reign, chaptered five, and intituled: "*An Act relating to Banks and Banking*," and the several Acts amending the same, in the manner hereinafter provided: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 34 V., c. 5.

1. This Act shall apply to every Bank to which the Act cited in the preamble applies, and to the branches of such Banks in every part of the Dominion; and the expression "The Bank Act," when used in this Act, means the Act cited in the preamble, as amended by any subsequent Act; and the expression "any Bank," or "the Bank," means a Bank to which the Bank Act applies. To what banks this Act applies.

2. Section twelve of the Bank Act is hereby repealed, and the following substituted in lieu thereof:— Sect. 12 of Bank Act repealed.

"**12**. Certified lists of the shareholders, (or of the principal partners, if the Bank be *en commandite*,) with their additions and residences, and the number of shares they respectively hold, and the par value of the said shares, shall be transmitted every year to the Minister of Finance, before the day appointed for the opening of the Session of Parliament, to be by him laid before Parliament within fifteen days after the opening of the Session; and such transmission shall be made by the delivery of such lists at the office of the said Minister, or by registered post-letter, posted at such time that, in the ordinary course of the Post, it may be delivered at the office of the Minister before the day appointed for the opening of Session." Transmission of certified lists of shareholders to Minister of Finance.

"Any Bank neglecting to transmit to the Minister of Finance the lists in this section mentioned, within the time limited hereby, shall incur and pay a penalty of dollars for each and every day during which such neglect continues." Penalty for neglect.

3. If it appears by the monthly statement made by the Bank, under section thirteen of the Bank Act, and the Act forty-third Victoria, chapter twenty-two, that the amount of its notes in circulation has, during the month to which such statement relates, exceeded the amount authorized by sec- Penalties on Banks having excess of circulation.

tion eight of the Bank Act, such Bank shall incur and pay a penalty of dollars; if the amount of such excess of circulation be not over twenty thousand dollars—a penalty of , if such excess be over twenty thousand and not over one hundred thousand dollars, a penalty of , if such excess be over one hundred thousand dollars, and not over two hundred thousand dollars—and a penalty of ;,if such excess be over two hundred thousand dollars.—

Or having less than the prescribed amount of cash reserves in Dominion notes.

4. Any Bank holding at any time a less amount of its cash reserves in Dominion notes than is prescribed by the fourteenth section of the Bank Act, as amended by section three of the Act passed in the forty-third year of Her Majesty's reign, chaptered twenty-two, shall incur and pay a penalty of dollars for each and every time it appears by the monthly statement or otherwise, that such contravention of the said fourteenth section has occurred.

Sect. 12 of 43 V., c. 22 amended.

5. Sub-section three of section twelve of the Act, forty-third Victoria, chaptered twenty-two, is hereby amended by striking out the word "fifty" in the third line of the said sub-section, and inserting in lieu thereof, the word "sixty," and by inserting between the word "two" and the word "dollars" in the last line of said sub-section the words "or for four."

Form of monthly returns amended.

6. The form substituted by the Act forty-third Victoria, chaptered twenty-two, as that in which the monthly returns to be made to the Government by any Bank are to be made up, is hereby amended by adding after the item in the said form, "Capital paid up,.. .....$," the items "Amount of Rest or Reserve Fund,.....$," "Rate per cent. of last dividend declared per cent."

Section 13 of Bank Act further amended.

Penalty for not making up monthly returns in due time.

7. Section thirteen of the Bank Act is hereby further amended by striking out the word "ten" in the third line of the said section, and inserting the word "twenty" in lieu thereof; and any Bank neglecting to make up the monthly returns required by the said section as hereby amended within the time thereby limited shall incur and pay a penalty of dollars for each and every day after the expiration of the time limited by the said section, during which the Bank shall have neglected so to make up any such return, and the date upon which it shall appear, by the Post Office stamp or mark upon the envelope or wrapper enclosing any such return for transmission to the Government, that the same was deposited in the Post Office, shall be held *primâ facie*, for the purposes of this section, to be the date upon which such return was made up.

Sect. 10 of 43 V., c. 22 amended.

8. Section ten of the Act forty-third Victoria, chaptered twenty-two, is hereby amended by inserting between the word "Bank" and the word "without," in the third line thereof, the words, "Banking Company, Banking House, "Banking Association, Banking Institution, Banking Agency, "or using any words in any designation by him or them

"assumed, tending to imply that such person, firm or com-
"pany, is carrying on business or acting as a chartered bank
"or as an agent of any such Bank."

9. Any Bank contravening any provision of sections forty or forty-three of the Bank Act, as amended by any subsequent Act, or of the sections substituted by the Act, forty-third Victoria, chapter twenty-two, for sections forty-six or fifty-one, of the Bank Act, shall, for each contravention thereof, incur and pay a penalty not exceeding dollars.

Penalty for contravention of ss. 40 43, 46, and 51 of Bank Act.

10. Nothing in this Act shall be construed to prevent any contravention of the Bank Act, or of any Act amending it, from being punished as a misdemeanor, or by forfeiture of its charter, if without this Act it would be so punishable.

Act not to prevent greater punishment if incurred.

11. Section eight of the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered eight, intituled : "*An Act to amend the Act relating to Banks and Banking*," is hereby amended by striking out the words : "the Provinces of Ontario, New Brunswick and Nova Scotia," in the fourth and fifth lines of the said section, and inserting the words : "all the Provinces and Territories of Canada, except the Province of Quebec" ; and the whole of the said section, as hereby amended, shall, notwithstanding the provisions of section nine of the said Act in this section above cited, apply to every part of the Dominion.

Section 8 (legal holidays) of 35 V., c. 8 amended.

12. This Act shall come into force on the day of next.

Commencement of Act.

No. 46.

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

BILL.

An Act further to amend an Act intituled: "An Act relating to Banks and Banking," and the several Acts amending the same.

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

Second reading, Tuesday, 6th March, 1883.

SIR LEONARD TILLEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 47 **BILL.** [1883.

An Act to revive and amend certain Acts respecting "The Union Assurance Company of Canada," and to change the name of the Compamy to the "Crown Assurance Company of Canada."

WHEREAS application hath been made by petition, that the Acts thirty-ninth Victoria, chapter fifty-four, and fortieth Victoria, chapter seventy-five, respecting the Union Assurance Company of Canada, may be revived, and that further corporate powers may be granted to the Company, and that its name may be changed; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 39 V., c 54; 40 V., c. 75.

1. The above cited Acts are hereby revised, and the name of the Company is hereby changed to the "Crown Assurance Company of Canada" Act revived and name changed.

2. The capital stock of the Company is hereby reduced to one thousand shares of one hundred dollars each, with the privilege of increasing the same in the manner and to the amount mentioned in section two of the Act first above cited. Capital stock reduced.

3. When the said capital stock—one hundred thousand dollars—has been fully subscribed for, and fifty thousand dollars thereof paid in, and all the requirements of the Acts respecting insurance companies fully complied with, the Company shall be entitled to receive from the Minister of Finance, a license to transact business throughout the Dominion. When license may be obtained.

4. All chartered companies and corporate bodies are hereby empowered to acquire and hold shares in the Company and to sell and transfer the same and to vote thereon, as provided for in section twenty of the Act first above cited; and at all meetings of the shareholders, corporations holding shares in the Company may be represented by their chief executive officers, one for every ten shares held, and such officers may be appointed directors, although they themselves hold no shares in the Company. Stock may be held by corporate bodies. Voting thereon.

5. Any person holding ten shares in the Company, whether for his own use or as executor, administrator, tutor, curator, guardian or as trustee, shall be eligible to be a director of the Company; and at all meetings of directors three shall be a quorum for the transaction of business. Qualification of directors. Quorum.

Powers as to Mutual Life Assurance.

6. The Company may establish Mutual Benefit Societies, or may form distinct classes of Life Assurance policy holders on the mutual principle solely, and in such societies or classes the funds belonging thereto shall be held in trust for such societies or classes only, and the same shall not be held liable for any other obligations of or claim upon the Company, nor shall members of such societies or classes so mutually insured have any claim upon the general assets of the Company; but the Company may set aside a guarantee fund to assist in forming the said societies or classes, subject to such conditions as to rate of interest or repayment, as may be at the time determined by the board of directors.

Borrowing powers.

7. The Company shall have power to borrow money on the security of its debentures to an amount not exceeding the amount of its capital stock paid up, plus the amount of the Company's assets requisite for the re-insurance of the Company's out-standing risks.

Interest on loans and re-payment thereof.

8. The Company may loan its funds at any rate of interest or discount that may be agreed upon between it and borrowers; it may also receive annual or semi-annual, or quarterly payments upon any loans, by way of a sinking fund for the extinction of such loans, upon such terms and in such manner as may be agreed upon between borrowers and the Company.

Certain policies exempt from seizure.

9. Any policy of assurance issued by the Company in favor of a wife, child or children, relative or other person having a beneficial interest in the life of the assured, shall not be liable to seizure by the creditors of the person so assured.

Company not bound to see to trnsts.

10. The Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive in respect of any policy, and the receipt of any policyholder, his attorney or legal representative, shall be a valid and binding discharge to the Company for any money payable in respect of such policy, and whether or not notice of such trust has been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Change of head office.

11. The location of the head office of the Company may at any time be changed to suit the convenience of the shareholders, expressed by a two-thirds vote at any meeting thereof; but all other questions proposed for the consideration of shareholders, shall be determined as provided for in section twenty of the Act first above cited.

Number of directors.

12. At all meetings of shareholders for the purpose of electing directers, the number (not less than five) of directors to be elected at such meeting, shall be determined by the shareholders.

Section 30 of 39 V., c. 54 and incon-

13. Section thirty of the Act first above cited is hereby repealed, and all things heretofore done in pursuance of any

of the provisions of either of the said Acts are hereby cancelled, and all provisions of the said Acts which are inconsistent with this Act, are hereby repealed. sistent enactments repealed.

No. 47.

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

BILL.

An Act to revive and amend certain Acts respecting the Union Assurance Company of Canada, and to change the name of the Company to "The Crown Assurance Company of Canada."

Received and read first time, Monday, 5th March, 1883.

Second reading, Tuesday, 6th March, 1883.

(PRIVATE BILL.)

Mr. BEATY.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.,

1883.

No. 48.] **BILL.** [1883.

An Act to incorporate the Wood Mountain, Qu'Appelle and Prince Albert Railway Company.

Preamble.

WHEREAS the construction of a railway from some point near the north part of Township number four in Range number thirty, west of the second Principal Meridian, in the North-West Territories of the Dominion of Canada, thence in a north easterly direction passing by the best engineering line, through or near Qu'Appelle, on the Canadian Pacific Railway, and Fort Qu'Appelle on the Qu'Appelle River, to Prince Albert, with a branch line running from the said point of commencement to Regina, would be of general benefit to the Dominion of Canada; and whereas a petition has been presented for the incorporation of a Company for the purpose of constructing and working the same, and also of constructing, owning and operating lines of telegraph or telephone along the line of the said railway; and whereas it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. James Morrow Walsh, Thomas Wesley Jackson, Leslie Gordon, Stephen H. Caswell, of Qu'Appelle in the North-West Territories of the Dominion of Canada; Archibald Macdonald, Allan Macdonald, Daniel Mowatt, John Matthew Thompson, of Fort Qu'Appelle, in the said Territories; J. O. Davis, of Prince Albert, in the said Territories, William R. Thistle, of Pembroke, in the Province of Ontario, William Northwood, of Chatham, in the said Province, and John Hall Thompson, of Cannington, in the said Province, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of the "Wood Mountain, Qu'Appelle and Prince Albert Railway Company," hereinafter called the Company.

Corporate name.

Line of railway may be built.

2. The Company shall have full power and authority to lay out, construct and complete a double or single track of iron or steel railway of four feet eight and one half inches in width of gauge, from some point near the north part of Township number four in range number thirty, west of the second Principal eridian, in the North-West Territories of the Dominion of Canada; thence in a north easterly direction to a point at or near Qu'Appelle, on the Canadian Pacific

Railway, thence northerly to a point at or near Fort Qu'Appelle, on the Qu'Appelle River, thence north westerly to a point at or near Prince Albert, passing by the best engineering lines all along the said route from the point of commencement, with power also to build and operate a branch line running northerly from the said point of commencement to some point at or near the City of Regina, such line and branch line to be approved by the Governor in Council.

Branch line.

Railway bridges may be built.

3. The Company shall have power and authority to lay out and construct, complete, maintain, work, manage, and use a railway bridge over any river, navigable stream or streams on the line of the said railway; and the sections of "*The Consolidated Railway Act*, 1879," under the heads of "Powers," "Plans and Surveys" and "Lands and their valuation," shall, so far as necessary, apply to the powers hereby given.

Land may be acquired for snow drift fences.

4. Notwithstanding anything contained in section seven of "*The Consolidated Railway Act*, 1879," the Company may acquire land and water lot property for the purposes of their undertaking in the mode provided for by the said section, and may acquire under the provisions in that behalf of the said Railway Act, and hold such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snow drift fences or barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands, and the power of the Company to take possession thereof, shall in case of difference be ascertained and exercised in the manner provided by the section of the said Railway Act respecting Lands and their valuation.

Provisional directors and their powers.

5. The persons named in the first section of the Act, with power to add to their number shall be and are hereby constituted provisional directors of the Company (of whom five shall be a quorum) and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice by advertisement in the *Canada Gazette*, of the time and place of their meeting to receive such subscriptions of stock; and they shall have power to receive payments on account of stock so subscribed, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada all moneys received by them, on account of stock subscribed, and to withdraw the same solely for the purposes of the undertaking, and to receive on behalf of the Company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway.

Stations, &c., may be constructed.

6. The Company may construct depots, stations, warehouses, elevators, workshops, offices, and other buildings

and works at or near any one or more of the several points on the line of railway hereby authorized.

Capital stock and shares.

7. The capital stock of the Company shall be three millions of dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879") to 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 connected with the organization of the Company and other preliminary expenses, and making the surveys, plans and estimates connected with the works hereby authorized; 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 this Act and no other purpose whatsoever.

Ten per cent. payable on subscription.

8. No subscription of stock in the capital of the Company shall be legal or valid, unless ten per centum shall have been actually and *bonâ fide* paid thereon within thirty days after subscription, into one or more of the chartered banks of Canada, to be designated by the Directors; and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purpose of the Company or upon the dissolution of the Company from any cause whatever; and the said Directors or a majority of them may, in their discretion, apportion the stock so subscribed among the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking.

Allotment of stock.

Company may receive grants.

9. The Company may, for the purposes of the railway, receive from any Government, person or body corporate, in aid of the construction, equipment and maintenance of the said railway, grants of land, bonuses or gifts of money or securities for money; and the Company may, from time to time, purchase from the Government of Canada lands in the North-West Territories, and may sell, convey and mortgage the same for the purpose of raising money for the prosecution of the said undertaking.

First meeting of shareholders.

Notice.

10. When and so soon as shares to the amount of two hundred and fifty thousand dollars in the capital stock of the Company have been subscribed and ten per cent. paid thereon *bonâ fide* the provisional Directors shall call a general meeting of the subscribers to the said capital stock at the city of Winnipeg, for the purpose of electing Directors of the Company, giving at least four weeks' previous notice by public advertisement in the *Canada Gazette* and in some daily paper published in each of the cities of Toronto and Winnipeg, and also by circular addressed by mail to each subscriber, of the time, place and purpose of the said meeting: Provided always, that the Directors so elected may by by-law or resolution passed by them, close the stock books after shares to the said amount of two hundred and fifty thousand dollars shall have been subscribed, and may, from time to time, reopen the said stock books and receive subscriptions for additional shares of stock up to the limit

Proviso: closing and re-opening of stock books.

authorized by this Act, when and as the same shall be required for the purposes of the Company.

Qualification of directors.

11. No person shall be elected a Director of the Company unless he shall be the holder and owner in his own right or as trustee for any person or corporation of at least forty shares in the stock of the Company and shall have paid up all calls thereon.

Election of directors.

12. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof and also shall be present in person or represented by proxy shall choose nine persons to be Directors of the Company (of whom five shall be a quorum) and may also pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act or "*The Consolidated Railway Act*, 1879."

Annual general meeting and notice thereof

13. Thereafter the annual general meeting of shareholders of the Company for the election of Directors and other general purposes shall be held at such place as shall be appointed by by-law of the Company on the first Wednesday of the month of February, in each year, and two weeks' previous notice thereof shall be given by publication in the *Canada Gazette* and in a newspaper published in each of the cities of Toronto and Winnipeg.

Calls on stock.

14. No call to be made at any time upon the capital stock shall exceed ten per centum on the subscribed capital, and not less than thirty days shall intervene between any one call and a succeeding call.

Payment of stock in full.

15. It shall be lawful for the provisional or elected Directors, when authorized by the shareholders at any general meeting, or special meeting called for that purpose, to accept payment in full for stock from any subscriber therefor at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount as they deem expedient or reasonable, and thereupon to issue to such subscriber scrip to the full amount of such stock subscribed.

Paid up stock may be issued for certain considerations.

16. The Directors elected by the shareholders may make or issue stock as paid-up stock, and may pay or agree to pay in such paid-up stock, or in the bonds of the Company, such sums as they deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and for the services of such persons as may be employed by the Directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock.

Bonds may be issued.

17. The Directors of the Company, under the authority of the shareholders, to them given by resolution of a special general meeting called for that purpose, of which notice shall be given as provided in the tenth section of this Act, are hereby authorized to issue bonds under the seal of the Company, signed by its President or other presiding officer,

and countersigned by its Secretary and Treasurer, and such bonds shall be made payable in such money or moneys, at such times, and in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest, as the Directors shall think proper; and the Directors shall have power to issue and sell or pledge all or any of the said bonds 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; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking, and the tolls and property of the Company, real and personal, then existing and at any time thereafter acquired, save and except as hereinafter provided for in this section; and each holder of the said bonds shall be deemed to be a mortgagee or encumbrancer upon the said securities *pro rata* with the other bondholders, and shall have priority as such: Provided, that the amount of such bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed: Provided also, that no such bonds shall be issued until at least two hundred and fifty thousand dollars shall have been subscribed to the capital stock and ten per centum of the same *bona fide* paid thereon; but notwithstanding anything in this Act contained, the Company may secure the bonds to be issued by them 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 shall be described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway; and by the said deed the Company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act, in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies, as shall be so contained in such mortgage deed, shall be valid and binding and available to the bondholders in manner and form as therein provided; and the Directors of the Company, under the authority and with the powers and on the terms hereinbefore set forth, may issue preference stock or shares of the Company to be redeemed or made liable to be called in at such time and in such manner as the Directors may by the by-law for issuing the same fix and determine; upon which preference stock a dividend may be made payable at such rate not exceeding eight per centum per annum as to the Directors may seem fit; and such dividend may be made payable in scrip, which shall have the same security and shall be redeemable in like manner as the said preference stock; and such preference stock and scrip for dividend thereon shall be taken and accepted by the Company, and may be exchanged at its par value for any unsold lands belonging to the Company,

To be a first charge on the undertaking.

Proviso: amount limited.

Proviso: as to time of issue.

May be secured by mortgage deed.

What such deed may contain.

Preference stock or shares may be issued.

Dividend thereon.

Receivable in in payment for lands of the company.

not required for the purpose of its undertaking or station accommodation, at the price at which such lands are offered for sale by the Company for cash, which price shall be fixed by the Directors once in every year ; and such preference stock may be exchanged by holders thereof for ordinary stock on such terms and conditions as the Directors may, from time to time, by by-law fix and appoint: Provided always, that the total amount of bonds and of preference stock to be issued by the Company shall not exceed twenty-five thousand dollars per mile for every mile of the said railway constructed, or under construction, or under contract for construction.

May be exchanged for ordinary stock.

Proviso : amount limited.

18. If the Company shall make default in paying the principal of or interest on any of the bonds, preference stock or scrip for dividends hereby authorized, at the time when the same shall, by the terms of the bonds or by the conditions upon which the preference stock or scrip for dividends was issued, become due and payable, then at the next ensuing annual general meeting of the Company, and at all subsequent meetings, all holders of bonds, preference stock or scrip for dividends, so being and remaining in default, shall in respect thereof have and possess the same rights, privileges and qualifications for Directors and for voting at general meetings as would be attached to them as shareholders, if they had held fully paid up shares of the Company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder, preference stockholder or holder of scrip for dividends unless the bonds, preference stock or scrip for dividends, in respect of which he shall claim to exercise such right, shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the Company ; and for that purpose the Company shall be bound on demand to register any of the said bonds, preference stock or scrip for dividends in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also, that 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, preference stock, or scrip for dividends shall be entitled.

Voting power of holders of bonds and preference stock in case of default of payment.

Proviso : a to registration.

Proviso : certain rights not impaired.

19. All bonds, preference stock, debentures and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery, until registry thereof in manner provided in the next preceding section ; and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares ; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Bonds to be payable to bearer.

Transfer thereof.

20. The lands acquired by the Company and held for sale for the purposes thereof, may be conveyed to trustees, to be

Lands may be held in trust.

held and conveyed by them upon the trusts and for the purposes herein declared in reference to such lands; and all moneys arising from the sale of such lands shall be held and applied in trust for the purposes following, that is to say: first, in payment of the expenses connected with the acquisition, survey, management and sale of the said lands; secondly in payment of the interest and dividends on the bonds and preference stock from time to time payable in cash by the Company; thirdly, in payment and redemption of the said bonds; fourthly, in payment and redemption of the preference stock; and fifthly, for the general purposes of the Company.

Application of proceeds.

21. All lands sold and conveyed by the Company or by the said trustees after a conveyance thereof to them upon the trusts aforesaid, and which have been paid for in cash or in preference stock or scrip for dividends, shall be forever released and discharged from all mortgages, liens and charges of any kind or nature by this Act, or by the said Company created; and the purchase money arising from the sale of such lands by the Company shall be applied in the first place in the satisfaction of any mortgage thereon created by the Company, and after payment of any such mortgage or lien created by the Company thereon shall be applied in accordance with the trusts in the next preceding section declared.

Lands sold to be free from lien.

Application of purchase money.

22. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company, as President or Vice-President thereof, and countersigned by the Secretary, and under the authority of a majority of a quorum of the Directors shall be binding on the Company; and any such promissory note or bill of exchange made, accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary, shall be presumed to have been made 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, Vice-President or Secretary be individually responsible or liable for the same, unless the said promissory note or bill of exchange has been issued other than as aforesaid: Provided however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Company may become party to promissory notes, &c.

Proviso: as to bank notes.

23. 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 as Directors in the Company.

Equal rights of shareholders.

24. It shall be lawful for the Company to enter into any agreement with any other company for the use or partial use

Arrangements with

other companies.

of the railway of the Company, or for leasing or hiring from such other company any other railway or part thereof, or the use thereof, and for any period or term, or for the leasing or hiring any locomotives, cars or movable property.

Power to own and operate vessels.

25. The Company may also build, purchase, acquire, lease, or possess, work and operate steam or other vessels on any lakes, rivers and other navigable waters as they may deem proper, and may do all and such things as are necessary for improving the navigation between any of such lakes and others of them; and for the purpose of connecting the means of transport between the said waters, may construct a railway or tramway of whatever material they may deem best suited for their purpose, between any such lakes or rivers, and others of them, and also around the rapids, or any other obstructions of any of the said rivers; or may construct a canal or canals to avoid the same, whenever requisite to further their interests, guarded by this charter.

And to build tramways and improve navigation.

Telegraph lines may be constructed.

26. The Company shall have full power and authority to construct, work and operate such line or lines of telegraph or telephone, in connection with and along the line of their railway and branches, as may be necessary or useful for the purposes of their undertaking.

Limitation of time.

27. The railway shall be commenced within three years and completed within eight years from the passing of this Act, and not less than forty miles of the railway hereby authorized to be constructed shall be completed in each year to the satisfaction of the Governor in Council, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Form of conveyance of land.

28. Deeds and conveyances of lands to the Company (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form following, that is to say:

Know all men by these presents that I, A. B., in consideration of dollars paid to me by the "Wood Mountain, Qu'Appelle and Prince Albert Railway Company," the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey unto the said "Wood Mountain, Qu'Appelle and Prince Albert Railway Company," their successors and assigns, all that certain parcel or tract of land situate (*fully describe the land.*)

To have and to hold the said land and premises unto the said "Wood Mountain, Qu'Appelle and Prince Albert Railway Company," their successors and assigns forever.

Witness my hand and seal this day of , one thousand eight hundred and

Signed, sealed and delivered in presence of } A. B. [L.S.]

or in any other form to the like effect. And any deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same, the obligation of guaranteeing the Company and its assigns against all dower and claim for dower, and against all hypothecs and mortgages, and against all liens and charges whatsoever, not excepted in the grant, and also that he has a good, valid and transferable title thereto; and such conveyance may be registered by duplicate in such manner and upon such proof of execution as is required under the registry laws affecting the same, and no registrar shall be entitled to demand more than twenty-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Effect of such conveyance.

Registration thereof.

No. 48.

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

BILL.

An Act to incorporate the Wood Mountain, Qu'Appelle and Prince Albert Railway Company.

Received and read first time, Monday, 5th March, 1883.

Second reading, Tuesday, 6th March, 1883.

(PRIVATE BILL.)

Mr. BEATY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 49] **BILL.** [1883.

An Act to incorporate the Dominion Phosphate and Mining Company.

Preamble.

WHEREAS the several persons hereinafter mentioned have, by their petition, represented that they have associated themselves, together with divers others, for the purpose of mining, smelting, manufacturing, warehousing and forwarding ores, metals, minerals and apatite, or phosphate of lime in its various forms, and to manufacture sulphuric acid, at various points within the Dominion of Canada, and have prayed for the passing of an Act to incorporate them for that purpose; and whereas it is expedient that the mineral resources of Canada should be developed, and the introduction of foreign capital for such purpose encouraged, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. George Henry Nicholls, of the City and State of New York, in the United States of America, manufacturing chemist, Charles Kyte, of the same place, Esquire, Alexander Fowler Riddell, of Montreal, accountant, William A. Allan, of Ottawa, merchant, and John H. Haycock, of the same place, engineer, together with all such other person or persons as shall become shareholders in the Company to be hereby incorporated, and their respective representatives and assigns, shall be, and they are hereby created a body corporate and politic by the name of "The Dominion Phosphate and Mining Company," and the words "the Company" when used in this Act, signify the Company hereby incorporated.

Corporate name.

Capital and shares.

2. The capital stock of the Company shall be one hundred and fifty thousand dollars, divided into fifteen hundred equal shares of one hundred dollars each.

Powers.

3. The Company shall have power and authority:—

Increase of capital.

1. At any special general meeting of the Company called for such purpose, to increase the capital stock thereof, from time to time as the wants of the Company may require, by a vote of not less than three-fourths of the value of the stock of the shareholders present in person, or represented by proxy, to an amount not exceeding one million dollars: Provided, that the Company shall not so increase the capital stock thereof until the whole of the original capital stock, or

Proviso.

the capital stock existing at the date of such proposed increase, shall have been *bonâ fide* subscribed, and, at the least, ten per cent. thereof paid up, saving, nevertheless, from the operation of this proviso such stock as may be issued under the provisions of sub-section two of the eighth section of this Act, and the powers thereby created; anything in this Act contained to the contrary notwithstanding.

Mining, &c.

2. To carry on the business in the Dominion of Canada of exploring for and mining gold, silver, coal, copper, lead, apatite or phosphate of lime, and all other precious and baser minerals, metals and ores.

Manufacturing and smelting.

3. To manufacture and smelt any of the aforesaid products, to ship, forward and sell the same, either in a crude or manufactured form, to manufacture sulphuric acid and to acidulate phosphate of lime and otherwise utilize the same for the purpose of reducing and smelting ores, within the said Dominion or elsewhere, and for such purposes to establish works and factories:

Vessels.

4. To own, build, buy, sell or charter vessels of a suitable kind, and employ the same for the transport and carriage of the minerals and products, either in a crude or manufactured form, of the Company or of any other person or person or persons, between such points in the Dominion, in the United States and Europe, as the Directors of the Company shall deem expedient, and to own, lease or hire all kinds of railway rolling stock and employ the same as aforesaid at and between such points in the Dominion and United States as the Directors shall see fit.

Wharves and warehouses.

5. To acquire, purchase, lease and own such wharves, docks, warehouses and storage ground as may be necessary for its purposes, and to charge and collect on all minerals and products aforesaid, placed in the custody of the Company by any other person or persons for the purpose of storage or carriage, a fair remuneration, and to have a lien thereon for the same.

Real estate.

6. To purchase, lease, take, own and hold under any legal title, either in the name of the Company or in the name of a trustee or trustees for the Company, for them, their successors or assigns, such lands, premises, mining locations, limits and rights as shall be necessary for the purposes of the Company and to work and develope such mines and mineral deposits as may be thereon;

Sale of goods.

7. To purchase, import and keep in store and on sale at the Company's said mines or works all necessary merchandise and supplies suitable to the requirements of the workmen and employees of the Company, and to sell the same.

Winding up affairs.

8. To wind up and close the business and affairs of the Company in such manner as may be proper and the Directors shall deem in the best interests of the shareholders of the Company, if at any time the Directors shall consider it

expedient so to do, and upon the Secretary or Managing Director thereof inserting an advertisement in the *Canada Gazette* and in a newspaper published near the head office of the Company, for at least three consecutive months stating that the Company proposes to wind up its affairs, and calling upon all creditors to file their claims with the advertiser before a day named (not earlier than three months from the date of the first publication of the said advertisement); and thereupon, or after such date, upon the said Secretary or Managing Director filing a certificate, verified by his oath, or solemn affirmation, with the Secretary of State of Canada, representing that the Company is not indebted, nor under any contracts or obligations, future or present, with or towards any person or persons whatsoever, or the filing of the consent in writing to the said winding up of any such person or persons: Provided, that the consent of two-thirds of the shareholders representing two-thirds of the value of the stock of the Company shall first have been obtained to such action, and to the proposed scheme of winding up, by vote of the shareholders at a special general meeting called for such purpose, whereof at least six weeks' previous notice shall have been given.

Notice as to claims.

Proceedings for winding up.

Proviso: as to consent of shareholders.

4. The affairs of the Company shall be administered by a Board of not less than three nor more than nine Directors, as the Company may by by-law appoint, being severally the holders, throughout their term of office, of not less than twenty shares of stock, and not in arrear in respect of any call thereon, whereof at least one Director shall, at all times, be a person resident in Canada and a British subject; and the three persons, whose names are firstly herein mentioned, shall be the first or provisional Directors of the Company, and shall have power to open stock books, receive subscriptions of stock, and deposit in any chartered bank all moneys received by them on the Company's behalf, and to call a meeting of the shareholders, as hereinafter provided, for the election of Directors, pursuant to the provisions of this Act, in the place and stead of said provisional Directors.

Directors and their powers.

5. The head office of the Company, at which the meetings of the Company and of its Directors may be held, shall be at the city of Ottawa, in the Province of Ontario, or at such other place in the United States or Canada as the said Company may hereafter by by-law appoint; but every office in Canada in which the Company transacts business shall, for all purposes, be deemed to be a domicile of the Company.

Head office.

Domicile.

6. When and so soon as seventy-five thousand dollars of the capital stock shall have been subscribed and at least ten per cent. paid up thereon, the provisional Directors shall call a general meeting of the subscribers to such capital stock at the city of Ottawa, or at such other place as may be fixed upon by the provisional Directors (notice of such meeting and of the time and place thereof to be given by advertisement in the *Canada Gazette* and in some newspaper published near the head office of the Company, for at least two weeks); and at such meeting the shareholders may pass by-

First meeting of shareholders and proceedings thereat.

laws and rules for the government of the Company and its affairs, and shall proceed to the election of Directors, who, upon election, shall take the place of the provisional Directors.

Equal rights of shareholders.

7. Aliens as well as British subjects, and whether resident in the Dominion of Canada, or elsewhere, may be shareholders of the Company, and hold office therein.

Special powers of directors.

8. The Directors of the Company after obtaining the sanction of at least three-fourths in number, and a majority in value of the stock of the shareholders, at a special general meeting to be called for such purposes, whenever it may be deemed advisable by the Directors, shall have power, from time to time:—

To borrow money and issue bonds.

1. To borrow for the purposes of the Company, either in the Dominion of Canada or elsewhere, such sums of money as may be necessary for the carrying out of the objects of the Company, and at such rates of interest as they may deem proper, and to issue bonds, debentures and other securities for the sums so borrowed, and to make the same payable either in Canada or elsewhere, as may be thought advisable, and to sell the same at such prices as may be deemed expedient, and to hypothecate, mortgage or pledge all or any of the property, real or personal, and the revenues of the Company, for the payment of the said sums and interest thereon:

To buy mines and real estate and pay in stock.

2. To purchase such mines or other property, real or personal, as may be requisite for the purposes and business of the Company and to issue paid up stock in the Company in whole or in part payment therefor; and such paid up stock shall be free from all calls whatsoever and from all claims and demands on the part of the Company or of the creditors thereof to the same extent as though the amount of such stock had been regularly called in by the Company and paid in full by the holder thereof; and the certificates issued by the Company for such stock shall have been legibly stamped upon the face thereof the words "issued for property purchased;" and in all published statements or reports of or respecting the Company, such stock shall be reported and referred to as paid up stock issued for property purchased, and not as ordinary assessable stock.

32, 33 V., c. 12 to apply.

9. The provisions of the "*Canada Joint Stock Companies' Clauses Act*, 1869," except in so far as they are inconsistent with those of this Act, and except the provisions contained in sections seven, eight, nine and eighteen, respectively, of the said Act (which sections shall not be incorporated with this Act), shall apply to the Company hereby incorporated.

No. 49.

1st Session, 5th Parliament, 46 Victo

BILL.

An Act to incorporate the D
Phosphate and Mining Comp

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

Second reading, Tuesday, 6th March

PRIVATE BILL.

Mr. CAMERON,
(Victoria, N.

OTTAWA:
PRINTED BY MACLEAN, ROGER &
1883.

No. 50.] **BILL.** [1888.

An Act to amend an Act respecting the Credit Valley Railway Company

Preamble.

WHEREAS the Credit Valley Railway Company have, by their petition, prayed that an Act may be passed amending an Act passed in the forty-third year of Her Majesty's reign, chaptered fifty-four, and intituled: "*An Act respecting the Credit Valley Railway Company*," and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

43 V., c. 54.

Section 4 of 43 V., c. 54 amended.

1. Section four of the Act above cited is hereby amended by adding thereto the following words: "Provided, that the amalgamation or union of the Credit Valley Railway Company with, or a lease of the said railway to the Ontario and Quebec Railway Company, and the Canada Southern Railway Company, or either of the said Companies, or the leasing of the London Junction Railway by the Credit Valley Railway Company, or entering into joint working arrangements with the said Companies, or any of them, shall not affect the running powers hereby granted."

How construed.

2. The said Act shall be construed as if the proviso above set forth had been originally added to the fourth section thereof.

Award under s. 5.

3. Any award made under the provisions of the fifth section of the said Act shall not be vacated or affected by such amalgamation, union, lease or joint working arrangement.

Running powers of amalgamated company.

4. The Credit Valley Railway Company, and the Companies with which the said Company shall be amalgamated, or to which the Credit Valley Railway shall be leased (hereinafter called the amalgamated Company), shall have the right to exercise, for the purposes of their traffic, running powers over any railway tracks owned or used by the Northern Railway Company, lying between Berkeley street and the point on the northerly part of Esplanade Street, at or near its intersection with the east side of Brock Street mentioned in the said Act: such running powers to include the right, privilege and power of running the trains, locomotives and cars of the Credit Valley Railway Company, or of the amalgamated Company, between the said points: Provided always, that the exercise of such running powers shall be subject to the control of the Northern Railway Com-

Proviso: as to control.

pany, and under such running regulations as may from time to time be in force and operation with regard to the movement of their trains: and provided further, that the exercise of the said running powers shall also be subject to the payment for the same by the Credit Valley Railway Company or the amalgamated Company to the Northern Railway Company, and any other company interested therein, of such tolls, rents or compensation as shall be mutually agreed upon.

Proviso: as to payment.

Provision in case of disagreement.

5. In case the said companies fail to agree upon the extent or manner of working the extended running powers granted by the fourth section of this Act, or upon the tolls, rent or compensation to be paid for the same or upon any other matters arising out of the exercise of the same, all the provisions of the fifth section of the Act hereby amended shall apply as if they had been re-enacted in this Act.

No. 50

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

BILL.

An Act to amend an Act respecting the Credit Valley Railway Company.

Received and read first time, Monday, 5th March, 1883.

Second reading, Tuesday, 6th March, 1883.

(PRIVATE BILL.)

Mr. CAMERON. (Victoria, N. R.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

An Act to amend an Act respecting the Credit Valley Railway Company.

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

WHEREAS the Credit Valley Railway Company have, by their petition, prayed that an Act may be passed amending an Act passed in the forty-third year of Her Majesty's reign, chaptered fifty-four, and intituled: "*An Act respecting the Credit Valley Railway Company*," and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In the event of the Credit Valley Railway Company being, within two years from the passing of this Act, amalgamated with the Ontario and Quebec Railway Company, or of the Credit Valley Railway, or the Railway of the amalgamated Company, being within the time aforesaid leased to the Canadian Pacific Railway Company; or in the event of the Credit Valley Railway Company within the time aforesaid leasing the London Junction Railway; or in the event of the Credit Valley Railway Company, or the amalgamated Company, within the time aforesaid entering into joint working arrangements with the Canada Southern Railway Company, the running powers granted by the above recited Act to the Credit Valley Railway Company may continue to be exercised by that Company, or by the amalgamated Company, or the Canadian Pacific Railway Company, as the case may be, subject to the control and running regulations and the provisions in regard to the settling of tolls, rents or compensations in the third section of the above recited Act referred to.

2. In case the said Companies fail to agree upon the extent or manner of working the running powers above granted, or upon the tolls, rent or compensation to be paid for the same, or upon any other matter arising out of the exercise of the same, all the provisions of the fifth section of the Act hereby amended shall apply as if they had been re-enacted in this Act, and had been expressly applied to the amalgamated Company, or to the Canadian Pacific Railway Company as the case may be.

3. The Credit Valley Company, or the amalgamated Companies, if that Company becomes amalgamated with the

New section 9. Issue of mortgage bonds.

"**9.** The Company, with the authority of the shareholders first obtained at a special general meeting called for that purpose, may issue mortgage bonds, not exceeding three millions five hundred thousand dollars, or seven hundred

Ontario and Quebec Railway Company, may lease its line to the Canadian Pacific Railway Company upon such terms as may be agreed upon: Provided that such lease and the terms thereof are authorized or approved of by two-thirds in value of the shareholders of the leasing Company present or represented at a special general meeting thereof called for the purpose, the notice of which shall describe such purpose.

4. The Credit Valley Railway is hereby declared to be a work for the general advantage of Canada.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.,
1888.

No. 51] BILL. [1883.

An Act to amend the Act to incorporate the Chignecto Marine Transport Railway Company, (limited.)

WHEREAS an Act of the Parliament of Canada was passed in the forty-fifth year of Her present Majesty's reign incorporating "The Chignecto Marine Transport Railway Company, (limited)"; and whereas the said Company hath, by its petition, prayed for certain amendments to such Act, as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 45 V., c. 76.

1. Sections eight and nine of the said Act are hereby repealed and the following substituted therefor:— Sections 8 and 9 repealed.

"8. The capital stock of the Company shall not exceed two millions of dollars, or four hundred thousand pounds, sterling, and shall be divided into shares of one hundred dollars, or twenty pounds sterling each; and as soon as one hundred thousand dollars, or twenty thousand pounds sterling of such capital stock shall have been subscribed and ten per cent. paid thereon, the managing director or a majority of the provisional directors shall call a meeting of the shareholders of the Company, to be held at such time and place as they may think proper, giving at least four weeks' notice thereof in the *Canada Gazette*, or by a circular letter mailed to such shareholder; at which meeting the shareholders shall elect directors to the number aforesaid, from the shareholders possessing the proper qualification which directors shall hold office until the next annual meeting of the shareholders as herein provided, unless by the death, resignation or disqualification of a director, a vacancy in the said board should in the meantime occur, in which event, and as often as a vacancy shall arise in the board of directors elected in any year, by reason of the death, resignation or disqualification of any of them, the remaining directors may fill up such vacancy from among the qualified shareholders of the Company, until the next annual meeting takes place, but if such vacancy be not filled the acts of the remaining directors shall not thereby be invalidated. New section 8. Capital stock and shares. First meeting of shareholders. Election of directors. Vacancies.

"9. The Company, with the authority of the shareholders first obtained at a special general meeting called for that purpose, may issue mortgage bonds, not exceeding three millions five hundred thousand dollars, or seven hundred New section 9. Issue of mortgage bonds.

thousand pounds sterling, in amount, upon the said railway for the purposes of the undertaking, and the docks and other works authorized by this Act, which shall constitute a first mortgage and privilege upon the said railway and docks and other works authorized, and upon all subsidy or subsidies, or gifts of land, or guarantees of money, or securities for money granted or to be granted in aid of the said railway and docks or other works, which the Company may receive from any government or persons or bodies corporate, and upon its property, real and personal, rolling stock, cradles, plant, tolls and revenues, after deduction from such tolls and revenues of the working expenses of the said railway and docks and other works; and such mortgage shall be evidenced by a deed or deeds of mortgage executed by the Company, with the authority of the directors, expressed by a resolution of the board, passed at a special meeting called for the purpose, which deed or deeds may contain such conditions respecting the payment of the said bonds, and of the interest thereon, and respecting the remedies which shall be enjoyed by the holders thereof, or by any trustee or trustees for them, in default of such payment, and for enforcing such remedies, and for such forfeitures and penalties in default of payment thereof, and of the interest or coupons thereon, as may be approved by such board; and may also, with the approval aforesaid, authorize the trustee or trustees upon such default as one of such remedies, to take possession of the railway, docks and property mortgaged and hold and run the same for the benefit of the bondholders thereof, for a time limited by such deed or deeds, or to sell the said railway and property after such delay, and upon such terms and conditions, as may be stated in such deed or deeds; and, with like approval, may thereby grant such further and other powers and privileges to such trustee or trustees, and to such bondholders as are not contrary to law or to the provisions of this Act, including the right to the holders of such bonds to vote at meetings of shareholders and bondholders, whenever any instalment, either of interest or capital is in default, as shall be described in such deed or deeds; and in case of the death, refusal, or incapacity to act, or resignation of any such trustee or trustees, a new trustee or trustees may be appointed at any joint meeting of bondholders and shareholders specially called for the purpose, notice of such meeting to be given by advertisement for six weeks in the *Canada Gazette*, and by a circular letter mailed six weeks, at least, before such meeting, to each bondholder and shareholder."

Deed of mortgage.

What the deed may contain.

Vacancy in office or trustee.

No. 51.

1st Session, 5th Parliament, 46 Vic

BILL.

An Act to amend the Act to i
the Chignecto Marine Trans
way Company (limited.)

Received and read first time, M
March, 1883.

Second reading, Tuesday, 6th Ma

(PRIVATE BILL.)

Mr. CAMERO
(Victori

OTTAWA:

PRINTED BY MACLEAN ROGER

1883.

No. 52.] **BILL.** [1883.

An Act to incorporate the Brant County Bank of Canada.

WHEREAS Peter Wood, of the city of Brantford, in the county of Brant and Province of Ontario, Esquire, Edward Brophey, of the said city of Brantford, merchant, Alexander Duffet Clement, of the said city of Brantford, Postmaster, Robert Twiss Sutton, of the city of Hamilton, in the said Province, contractor, and Charles Jarvis, of the said city of Brantford, manufacturer, have, by their petition, prayed that they may be incorporated for the purpose of establishing a Bank in the city of Brantford, in the Province of Ontario; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Peter Wood, Edward Brophey, Alexander Duffet Clement, Robert Twiss Sutton and Charles Jarvis, and such other persons as may become shareholders in the corporation by this Act created and their assigns, shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Brant County Bank of Canada." Certain persons incorporated. Corporate name.

2. The capital stock of the said Bank shall be one million dollars divided into twenty thousand shares of fifty dollars each, which shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns. Capital stock and shares.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the said Peter Wood, Edward Brophey, Alexander Duffet Clement, Robert Twiss Sutton, and Charles Jarvis, shall be the Provisional Directors thereof; and they or a majority of them may cause stock books to be opened, after giving due notice thereof in the *Canada Gazette*, upon which stock books shall and may be received and subscribed the signatures and subscriptions of such parties and persons as desire to become shareholders in the said Bank; and such stock books shall be opened at the city of Brantford and elsewhere, at the discretion of the Provisional Directors, and shall be kept open so long as they shall deem necessary; and so soon as five hundred thousand dollars of the said capital stock shall have been subscribed upon the said stock books, and one hundred thousand dollars thereof actually paid into Provisional directors and their powers. First meeting of shareholders.

some one of the present chartered banks of Canada, a public meeting may be called of the subscribers thereof by notice to be inserted at least two weeks in two newspapers published in the said city of Brantford—such meeting to be held at the said city of Brantford at such time and place as such notice shall indicate; and at such meeting the subscribers shall proceed to elect five Directors having the requisite stock qualification, who shall from thenceforward direct the affairs of the said Bank, take charge of the stock books hereinbefore referred to, and continue in office until the second Wednesday in the month of April, which shall be in the year next after the year in which they shall have been so elected, and until their successors in office shall be duly elected; and immediately after such election shall be had, the functions of the said Provisional Directors shall cease.

Election of directors.

Term of office

Chief place of business.

4. The chief place of business of the said Bank shall be at the said city of Brantford.

Number of directors.

5. The number of Directors of the said Bank shall be five, subject to be increased by by-law to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, intituled;, "*An Act relating to Banks and Banking.*"

General Acts to apply.

6. The said Act passed in the thirty-fourth year of Her Majesty's reign, intituled: "*An Act relating to Banks and Banking*" and all Acts amending the same, and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if they were expressly incorporated with this Act, excepting so far as such provisions relate only to banks already in existence or to banks *en commandite*.

Certificate from Treasury Board to be obtained.

$200,000 to be paid up within a fixed term.

7. The said Bank shall obtain from the Treasury Board, within two years from and after the passing of this Act, the certificate mentioned and required by section seven of the "*Act relating to Banks and Banking*," passed in the thirty-fourth year of Her Majesty's reign, chaptered five; and if at least two hundred thousand dollars of the subscribed capital stock of such bank has not been paid up before it shall have commenced business, such further amount as shall be required to complete the said sum shall be called in and paid up within one year thereafter; and in the event of failure to comply with any of the provisions in this section contained, this Act shall become and be null and void and of no effect, and the charter hereby granted and all and every the rights and privileges hereby conferred shall be forfeited.

Forfeiture of charter in case of default.

Duration of Act.

8. This Act shall remain in force until the first day of July, one thousand eight hundred and ninety-one.

No. 52.

1st Session, 5th Parliament, 46 Vic

BILL.

An Act to incorporate the Bran
Bank of Canada.

Received and read first time, M
March, 1883.

Second reading, Tuesday, 6th Mar

(PRIVATE BILL.)

Mr. PATERSON
(Brant,

OTTAWA:

PRINTED BY MACLEAN, ROGER
1883.

No. 53] **BILL.** [1883.

An Act to declare the meaning and effect of certain provisions of the Act to incorporate the London and Ontario Investment Company, Limited.

Preamble.

WHEREAS the Honorable Frank Smith and others, petitioned for an Act to incorporate a company for carrying on the business of investing moneys on mortgages of real estate and leaseholds, or in Dominion or Provincial securities, municipal debentures or other securities, with power to borrow moneys and invest the same, and it was declared by the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered sixty-two, and intituled: "*An Act to incorporate the London and Ontario Investment Company, Limited*," expedient to grant the prayer of the said petition, and thereupon the said Company was incorporated by the said Act, and certain powers of investing moneys were thereby conferred upon them; and whereas doubts may arise as to the meaning and effect of the preamble and fourth section of the said Act as regards the securities which the said Company may take for moneys loaned or invested by them; and whereas the said Company have petitioned for an Act to declare the meaning and effect of the said preamble and fourth section of the said Act, and for other purposes, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

39 V., c. 62.

Meaning of certain provisions declared.

1. It was and is the meaning and effect of the said preamble and fourth section of the said Act, that the said Company have power under and by virtue of the said Act to take the bonds, covenants, or agreements of any person or persons by way of collateral or additional security for moneys advanced by the said Company upon mortgage of real estate, freehold or leasehold, or upon the security of public securities or debentures, or moneys applied in the purchase of any such securities, whensoever in the opinion of the Directors of the said Company the same was or shall be requisite or expedient to be done.

No. 53.

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

BILL.

An Act to declare the meaning and effect of certain provisions of the Act to incorporate the London and Ontario Investment Company, Limited.

Received and read, first time, Tuesday, 6th March, 1883.

Second reading, Wednesday, 7th March, 1883.

Mr. HAY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 54] **BILL.** [1883.

An Act to incorporate the Quebec and James' Bay Railway Company.

Preamble.

WHEREAS the persons hereinafter named have petitioned for incorporation as a company to construct, equip and operate a railway from some point on the Quebec and Lake Saint John Railway, in the Province of Quebec, to some point on or near the shore of James' Bay, in the Dominion of Canada, with power to lease, sell, purchase, unite or amalgamate, and make running arrangements with any railway company or companies, now chartered or which may hereafter be chartered in the Dominion of Canada, and for other purposes; and whereas the construction of such railway would be of great public advantage by affording facilities for the opening up, settlement and development of the resources of the country through which the said railway would pass; and such railway would be an important feeder to the Intercolonial Railway; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Declaratory.

1. The Quebec and James' Bay railway is hereby declared a work for the general advantage of Canada.

Certain persons incorporated.

2. Michael William Baby, William Sharples, Jean Baptiste Renaud, Alexander Luders Light, Pierre A. DeBlois, Henry Judah, John Sharples, Alexandre LeMoine, James Bell Forsyth and Sir Narcisse Fortunat Belleau, K. C. M.G., with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of "The Quebec and James' Bay Railway Company," hereinafter called the Company, and shall be invested with and enjoy all the powers and privileges conferred on such corporations by "*The Consolidated Railway Act*, 1879," and any amendments thereto, and the said Act and amendments shall apply to the said Railway and the works of the Company so far as they may not be inconsistent with the provisions of this Act.

42 V., c. 9.

Company may change its name.

3. The Company may by a resolution of the Board of Directors, change its corporate name, but such change shall only come into force and take effect after a copy of such resolution shall have been deposited with the Secretary of State of Canada, and after due notice of the change, setting forth the new name assumed, shall have been given twice in the *Canada Gazette*, and inserted during a fortnight in the

English and French languages in one of the daily newspapers published in the city of Quebec ; but such change of name and the effect thereof shall be subject to the provisions hereinafter made in that behalf.

Head office.

4. The head office and chief place of business of the Company shall be in the city of Quebec ; but the Board of Directors may establish one or more offices in other places in Canada or elsewhere and confide the management thereof to agents whose powers and duties shall be determined by the resolution appointing them to such office, or made thereafter for their government and direction.

Line of railway.

5. The Company and their agents and servants may lay out, construct, equip, finish and operate a double or single line of railway, hereinafter called "the railway," from some point on the Quebec and Lake Saint John Railway, or from deep water in the harbour and thence through the city of Quebec, to some point on or near the shore of James' Bay, following such general courses and direction as to them may appear advisable, and also all such extensions of and branch lines from their main line as they may deem expedient ; Provided that no such branch line which the Company is not empowered to construct under "*The Consolidated Railway Act*, 1879," shall be made without the express consent of the Governor in Council on application of the Company accompanied by the proper plans and other documents.

Capital stock.

6. The capital stock of the Company shall be one million of dollars, (with power to increase the same in the manner provided by "*The Consolidated Railway Act*, 1879"), to be divided into ten thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named and such other persons and corporations as may become shareholders in the Company.

Provisional directors.

7. Michael William Baby, William Sharples, Jean Baptiste Renaud, Alexander Luders Light. Pierre A. Deblois, Henry Judah, John Sharples, Alexandre LeMoine, James Bell Forsyth, and Sir Narcisse Fortunat Belleau, K.C.M.G., shall be, and are hereby constituted the provisional Board of Directors of the Company, and shall hold office as such until a Board of Directors shall be appointed under the provisions of this Act, and shall have power and authority to fill vacancies occurring among their number; and the said provisional Board of Directors shall have power to open stock books and procure subscriptions for the undertaking, to cause surveys and plans to be made and executed, and to call a general meeting of the shareholders for the election of Directors as hereinafter provided, and until such general meeting and the election of Directors by the shareholders they shall have all the powers of the Board of Directors necessary to the holding of the first meeting of share holders, and for the proceedings to be had thereat.

Their powers.

First general meeting of shareholders.

8. When and so soon as one hundred thousand dollars shall have been subscribed as aforesaid, and ten per cent.

thereof paid up, the said provisional Directors, or a majority of them, may call a meeting of the shareholders at such time as they shall think proper, giving at least two weeks' notice in the English and French languages in one or more newspapers published in the city of Quebec; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders of the Company present in person or represented by proxy, shall elect Directors in the manner and qualified as hereinafter provided, to constitute the Board of Directors; and the Directors so elected shall hold office till the firs Thursday in February in the year following their election.

Annual general meeting.

9. On the said first Thursday in February, and on the first Thursday in February in each year thereafter, at the principal office of the Company, there shall be held a general meeting of the shareholders of the Company, at which meeting the said shareholders shall elect the Directors for the then ensuing year, in the manner and qualified as hereinafter provided, and public notice of such annual meeting and election shall be inserted for two weeks in the English and French languages in one or more newspapers published in the city of Quebec; and the election of Directors shall be by ballot, and the persons so elected shall form the Board of Directors; and the number of the Directors to be so elected shall be settled by the by-laws of the Company, and shall not be less than five nor more than nine: Provided always, that no person shall be elected or continue as Director unless he shall be the holder and owner of at least twenty-five shares of the stock of the Company and shall have paid up all calls made on the said shares and then due.

Election of directors.

Proviso.

Equal rights of shareholders.

10. 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 to be eligible to office in the Company.

Quorum.

11. A majority of the Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director, or Directors.

Special general meetings.

12. A special general meeting of the shareholders of the Company may be called at any time by the directors, or by one fourth part in value of the shareholders after refusal by the directors to call the same; but notice thereof setting forth the objects for which the meeting is called, signed by the Secretary of the Company, or by the shareholders calling the same shall be inserted once a week in the English and French languages for four weeks previous to the said meeting, in one or more newspapers published in the city of Quebec.

Calls on shares.

13. The Directors may, at any time, call upon the shareholders for instalments upon each share which they or any of them may hold in the capital stock of the Company in such proportion as the Directors may deem advisable; no

such instalment however shall exceed ten per cent., not more than one call shall be made within the period of one month, and the Directors shall give one month's notice of each call in such manner as may be determined by the by-laws.

Mortgage bonds may be issued by directors.

14. The Directors of the Company, after the sanction of the shareholders has been first obtained at any general meeting to be called for such purpose, shall have power, and they are hereby authorized to issue mortgage bonds, made and signed by the President or vice-President and countersigned by the Secretary and Treasurer of the Company and under the seal of the Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be, after working expenses, the first and preferential claim and charge upon the railway, plant, rolling stock and material necessary for the working thereof, and upon all stations, buildings, and station grounds of the Company, and generally upon all their lands, property and materials necessary and strictly appertaining to the working and running of the said railway.

Bonds may be secured by mortgage deed.

15 The Company may secure such bonds by a deed or deeds of mortgage, executed by the Company with the authority of the shareholders expressed by a resolution passed at the general meeting at which the issue of the bonds is authorized; and any such deed may contain such description of the property mortgaged by such deed and such conditions respecting the payment of the bonds secured thereby, and of the interest thereon, and the remedies which shall be enjoyed by the holders of such bonds or by any trustee or trustees for them, in default of such payment, and the enforcement of such remedies, and may provide for such forfeitures and penalties in default of such payment, as may be provided by such resolution as aforesaid; and the said deed may also contain authority to the trustee or trustees upon such default, as one of such remedies, to take possession of the railway and property mortgaged, and to hold and run the same for the benefit of the bondholders thereof, for a time to be limited by such deed, or to sell the said railway and property after such delay and upon such terms and conditions as may be stated in such deed; and under such authority any such deed may contain provisions to the effect that, upon such default and upon such other conditions as shall be described in such deed, the right of voting possessed by the shareholders of the Company shall cease and determine, and shall thereafter appertain exclusively to the bondholders, who shall have and possess the same rights, privileges and qualification for voting and for being Directors as they would have had if the bonds held by them respectively had been shares of like amount: Provided that the bonds to be so voted upon and all transfers thereof, shall have been first registered in the same manner as then provided by the by-laws of the Company for the registration of shares; and it shall be the the duty of the Secretary of the Company to register such bonds on being called on so to do by any holder thereof:

What such deed may contain.

Provisions for enforcing payment.

and such deed may also provide for the conditional or absolute cancellation after such sale of any or of all the shares so deprived of voting power; and may also, either directly by its terms or indirectly by reference to the by-laws of the Company, provide for the mode of enforcing and exercising the powers and authority to be conferred or defined by such deed under the provisions of this Act: and such deed and the provisions thereof, made under the authority of this Act, and such other provisions thereof as shall purport to grant such further and other powers and privileges to such trustee or trustees and to such bondholders as are not contrary to law or the provisions of this Act, shall be valid and binding: but if any change in the ownership or possession of the said railway and property shall at any time take place under the provisions hereof, or of any such deed, or in any other manner, the said railway and property shall continue to be held and operated under the provisions hereof, and of "*The Consolidated Railway Act*, 1879," and of any Act amending the same; but such change of ownership or possession shall not affect any proceedings pending, which shall be continued and completed by or against the Company as if such change had not taken place.

Deed need not be registered.

16. It shall be not necessary, in order to preserve the priority, lien, charge, mortgage or privilege, purporting to appertain to or be created by any bond issued, or mortgage deed executed under the provisions of this Act, that such bond or deed should be registered in any manner, or in any place whatever; but every such mortgage deed shall be deposited in the office of the Secretary of State for Canada, of which deposit notice shall be given in the *Canada Gazette*; and a copy of any such deed or agreement certified to be a true copy by the Secretary of State, or his deputy, shall be received as *primâ facie* evidence in all Courts of Justice without proof of the signatures or seals upon such original.

Bonds may be pledged or sold.

17. The bonds authorized by this Act to be issued by the Company may be pledged, negotiated or sold upon such conditions and at such prices as the Board of Directors shall determine.

Or mortgaged for advances of money or materials.

18. The Company may, for advances of money or material to be made thereon, mortgage or pledge any bonds which they may, under the provisions of this Act, issue for the construction of the railway, or otherwise.

Paid up stock and shares may be issued.

19. 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 shares as paid up stock, and also mortgage bonds of the Company, in payment of right of way, plant, rolling stock or materials of any kind, and also for the services or work done by contractors, engineers and other persons, whether Directors or not, who may have been, are, or may be engaged in promoting the undertaking and interests of the Company; and such allotment of stock or bonds shall be binding on the Company; and the paid up stock shall be unassessable thereafter for calls.

Promissory notes and bills of exchange.

20. The Company shall have power and authority to become party to promissory notes and bills of exchange of not less than one hundred dollars ; and every such promissory note or bill of exchange made, drawn, accepted, or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, under the authority of a quorum of the Directors, shall be binding on the Company ; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President, and countersigned by the Secretary and Treasurer, shall be presumed to have been duly made with the proper authority until the contrary shall be shown ; and in no case shall it be necessary to have the seal of the Company affixed to any such promissory note or bill of exchange, nor shall the President or Vice-President, or Secretary or Treasurer of the Company be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the Board of Directors as herein provided : Provided however, that nothing in this section shall be construed to authorize the Company to issue notes or bills of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Lines of telegraph and telephone.

21. The Company shall have full power and authority to construct, work and operate such line or lines of telegraph or telephone in connection with and along their line of railway and branches, as may be necessary or useful for the purposes of their undertaking ; and for the purposes of such lines of telegraph or telephone, the Company is hereby invested with all the rights, powers and privileges conferred as to lines of telegraph by the Act chapter sixty-seven of the Consolidated Statutes of the late Province of Canada.

Company may own and work elevators, vessels, &c.

22. The Company shall have power and authority to build or acquire and work elevators, and to acquire, own, hold, charter, work and run steam and other vessels for cargo and passengers upon any navigable water which their railway may reach or connect with.

May own real estate, mines, &c.

23. The Company shall have power and authority to acquire and hold any and all lands, timber licences, mining rights, and property of a like nature, and to work the same for their own benefit.

May promote colonization.

24. The Company is hereby authorised to initiate, develop and carry out any schemes (not contrary to law or inconsistent with the provisions or the intent of this Act) for the colonisation of the country through which its railway or the branches thereof shall run.

Company recevie aid.

25. It shall be lawful for the Company to receive, either by grant from the Government of Canada or of the Province of Quebec or from any private individuals or corporations, as aid in the construction of the railway, any lands in the vicinity thereof, or any other real property, either by gift, or in payment of stock, and legally to dispose of the same and to

alienate the lands or other real property and apply the purchase money or proceeds of such alienation for the purposes of the Company, in carrying out the provisions of this Act.

Company empowered to alienate its property and franchises.

26. The Company shall at all times have power to sell or otherwise dispose of, and convey to and vest in the purchaser, the railway or any portion thereof, and all or any portions of its lands, timber limits, mining rights and other property, and the rights, franchises and powers of the Company in and with respect to the same.

Arrangements with other companies.

27. The Company is hereby empowered and authorized to enter into any arrangement with any railway company or companies, now chartered or which may hereafter be chartered in the Dominion of Canada, for leasing or selling the railway of the company, or any part or branch thereof, or the use thereof, at any time or for any period; or for leasing or purchasing from the said company or companies any railway now built, or which may hereafter be built in the Dominion of Canada, or any part or branch thereof, or the use thereof, at any time and for any period; or for amalgamating with the said railway company or companies, or with respect to running powers and traffic arrangements, provided, that the terms of such lease, sale, purchase, amalgamation, agreement, or arrangement are sanctioned by a majority of the shareholders present in person, or represented by proxy, at a general meeting called for the purpose of considering the same.

Proviso.

Proviso: as to issue of bonds after purchase or amalgamation.

28. After the purchase of any such railway, or branch thereof, or amalgamation with any company owning the same, the Company may, with the consent of a majority of the shareholders and of a majority of the bondholders of any company or companies entering into such arrangement, issue bonds upon the railways of such company or companies; and such bonds shall, without registration or conveyance, be a first and preferential lien and charge upon the whole of the railways of the companies entering into the said arrangement, and may be secured by a deed or deeds of mortgage containing the same provisions, and in the same manner as the bonds mentioned in the fifteenth section of this Act.

Certain rights and liabilities transferred to new Company.

29. Subject to the provisions of this Act the amalgamated company shall be vested with all the rights, franchises, powers, privileges and property that the said companies entering into the arrangement for amalgamation have, at the time of the said arrangement being made, by virtue of the several Acts relating to the said companies; and the amalgamated company shall be liable for all the debts, duties and obligations of the respective companies entering in to the said arrangement; and no proceeding of any nature either by or against the said companies or any of them, shall be abated or discontinued by reason of the said amalgamation, but shall be continued to their natural and ordinary termination as if this Act had never been passed.

Deed of amalgamation.

30. The name of the companies, when amalgamated, the place for the head office of the company within the Domi-

nion of Canada, the amount of the stock of the amalgamated company after the amalgamation has taken place, the division of such stock among the shareholders of the respective companies, parties to the amalgamation, the number of Directors which the amalgamated company shall have, and all other matters affecting either the respective companies forming the amalgamation or affecting the amalgamated company, may be settled by the deed of amalgamation: Provided however, that the provisions of such deed shall be in accordance with the provisions of this Act and with those of the several Acts affecting the companies amalgamated with that hereby incorporated, so far as such accordance can be effected consistently with the provisions of this Act.

Railway bridge at Quebec.

31. The Company shall also, with the express consent of the Governor in Council and subject to such terms and conditions as he may see fit to impose, have full power and authority to construct, maintain, work, manage and use a railway bridge over the River St. Lawrence at or near the city of Quebec, to connect their railway with any railway running in or through the county of Lévis.

Interpretation.

32. The expression "the railway," in this Act shall include any branch thereof hereby authorized, and after the amalgamation of any other company with that hereby incorporated, the expression "the Company," means the amalgamated company, that is, the company formed by such amalgamation.

Form of deed to company.

33. All deeds and conveyances of land to the Company, for the purposes of this Act, not being letters patent from the Crown, may, in so far as circumstances will permit, be in the form of the Schedule to this Act subjoined.

Limitation of time.

34. The railway shall be commenced within five years and be completed within ten years from the passing of this Act.

SCHEDULE.

DEED OF SALE.

Know all men by these presents that I of the in the of for and in consideration of the sum of to paid in the Quebec and James' Bay Railway Company which acknowledge to have received, do grant, bargain, sell and convey unto the said The Quebec and James' Bay Railway Company their successors and assigns, all that tract or parcel of land (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their said railway, to have and to hold the

said lands and premises unto the said Company, their successors and assigns for ever.

Witness hand and seal at this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of C. D. } A. B. (L. S.)

No. 54.

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

BILL.

An Act to incorporate the Quebec and James' Bay Railway Company.

Received and read, first time, Wednesday, 7th March, 1883.

Second reading, Thursday, 8th March, 1883.

PRIVATE BILL.

Mr. Bossé.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 55] **BILL.** [1883.

An Act to incorporate the Royal Canadian Passenger Steamship Company.

WHEREAS the persons hereinafter mentioned have petitioned the Parliament of Canada, praying that they may be incorporated with such other persons as shall become associated with them, as a Company under the name and style of "The Royal Canadian Passenger Steamship Company," with power to own real estate on which to erect piers, warehouses and sheds, and steamships and vessels for general transportation purposes, and particularly to run to and fro between Lake Ontario and the Saguenay River and elsewhere; and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Certain persons incorporated.

together with such other persons as shall be and become stockholders in the Company to be hereby incorporated, and their respective heirs, executors, administrators, curators and assigns shall be and are hereby created a body politic and corporate by the name of "The Royal Canadian Passenger Steamship Company" hereinafter called the Company. Corporate name.

2. The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, with power at any general meeting of the Company to increase the same from time to time to any amount in one hundred dollar shares up to dollars. Capital stock and shares.

3. The Company shall have power to own, build, buy, sell and charter steamships, ships and vessels of all kinds, and to employ them in any lawful business whatever and wheresoever. Business of the company.

4. It shall be lawful for the Company to purchase, rent, take, hold and enjoy for them and their successors, as well in Canada as elsewhere, when it shall be deemed expedient for the purposes of the Company to do so, either in the name of the Company or in the name of trustees for the Company, such lands or real estate, wharves, docks, warehouses, offices and other buildings as they may find necessary and convenient for the purposes of the Company, and to sell, lease, Real estate.

Value limited. mortgage or dispose of the same, and others to purchase or acquire in lieu thereof, not to exceed the sum of thousand dollars in value at any one point.

Certain charges authorized.

5. The Company may charge on all property placed with them or in their custody a fair remuneration as may be fixed upon by the Directors, for storage, warehousing, wharfage, dockage, cooperage, or any other care and labor in and about such property on the part of the Company, over and above the regular freight and primage of the said property, which may have been carried or may be carried by them.

Recovery of charges.

6. The Company shall have power to recover all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession; and the Company shall be subrogated by such payment in the rights and remedies of such persons for such charges.

Lien for charges.

Sale of goods for non-payment.

7. The Company, in the event of non-payment of freight, advances and other charges when due, upon goods or effects in their possession or under their control, may sell at public auction or private sale the goods whereon such advances and other charges have been made, and retain the proceeds, or so much thereof as shall be equal to the amount due to the Company, with charges and costs, returning the surplus, if any, to the owner thereof; but no sale of any goods or effects shall take place under this Act until or unless, prior to the sale thereof, thirty days' notice of the time and place of such sale has been given by registered letter transmitted through the post office to the last known post office address of the owner of such goods or effects, unless otherwise provided in the contract between the parties: excepting in case of perishable goods or effects, which may be sold as aforesaid after the expiration of one week, or sooner if necessary.

Calls on stock.

8. The Directors of the Company may call in the capital stock of the same as follows: first call, ten per cent., one month's notice being first given; second call, ten per cent., one month's notice being first given; third call, twenty per cent., one months' notice being first given; fourth call, twenty per cent,, two months' notice being first given; fifth call, twenty per cent., two months' notice being first given; sixth call, twenty per cent., two months' notice being first given: notice of each call must bear date after the date of the previous call, and be in writing.

Directors; number and quorum.

9. The business and affairs of the Company shall be conducted and managed and its powers exercised by nine Directors (five of whom shall form a quorum), elected by the shareholders.

10. The Provisional Directors of the Company shall consist of ; the Provisional Directors, after the passing of this Act, shall have power to organize, to open subscription books for the subscription of stock, and generally to exercise the usual functions of Directors until the first general election, as hereinafter provided. Provisional directors. Their powers and duties.

11. It shall be lawful for the Company at any annual meeting, or any regular meeting convened for the purpose, to make and pass such resolutions, and make such regulations and by-laws as shall appear to them proper and necessary to regulate the elections of Directors and the period during which they shall hold office, the allotment of stock and making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that of the Directors, the time and place at which meetings of the shareholders may be called, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; and from time to time to repeal, amend or re-enact the same; but every by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company duly called for that purpose, shall only have force and effect until the next meeting of the Company, and in default of confirmation thereat, shall, from that time only, cease to have force; and a register of all such by-laws shall be kept by the Company, which shall be open to the inspection of the public during regular office hours. By-laws may be made for certain purposes. Subject to confirmation by shareholders.

12. The Directors of the Company shall, from time to time, issue to each of the shareholders respectively, certificates under the seal of the Company, of the number of the shares to which he is entitled; and he shall then be legal owner of such shares, and invested with all the rights and subject to all the liabilities of a shareholder in respect of such shares; and each person to whom any share or shares shall be assigned shall sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the Directors, and shall be conclusive evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid. Certificates of shares may be issued.

13. Should the said Directors deem it more expedient, in any case, to enforce the payment of any unpaid instalments than to declare forfeited or sell the share, in respect whereof the said call is due, it shall and may be lawful for the Company to sue for and recover the same from such shareholder, with interest thereon, in an action in any Court having civil jurisdiction to the amount claimed: Provided, that nothing herein contained shall in any way affect the right of the Recovery of calls by suit. Proviso: as to forfeiture.

Company to declare forfeited the shares of any shareholder for non-payment of calls or subscriptions, whether after or before such judgment for recovery thereof.

Application of funds.

14. The capital stock and increase thereof of the Company is hereby directed and appointed to be laid out and applied, in the first place, to the preliminary expenses attending the establishment of the Company; and all the rest, residue and remainder of such money for and towards carrying out the objects of the undertaking and the other purposes of the Company, and to no other use, intent or purpose whatsoever.

Company not bound to see to trusts.

15. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of their capital stock may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Company, shall, from time to time, be a discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Company have had notice of such trust, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Transmission of shares otherwise than by transfer.

16. Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any shareholder, or in consequence of the marriage of any female shareholder, may be registered as a shareholder upon such evidence being produced as shall, from time to time, be required by the Directors, and on production of a declaration and request in writing in that behalf, which declaration shall distinctly state the manner in which, and the party to whom such shares shall have been transmitted, and shall be, by such party, made and signed; and the signature thereto shall be attested by at least one witness, whom the Company may require to be sworn before a judge of a court of record, or the mayor, provost or chief magistrate of a city, town or borough or municipality, or a public notary, or, if from a foreign country, by the British Consul or Vice-Consul, or other accredited representative of the British Government in the country where the declaration shall be made, which shall be conclusive evidence of such party having agreed to became a shareholder.

Proof.

Annual general meeting.

17. The annual general meeting of the Company shall be held at the city of Montreal, in the office of the Company, at such time as may be fixed by the Directors, for the purpose of electing Directors and for transacting the general business of the Company; at such meeting the President of the Company, or in his absence, the Vice-President, and in the absence of both, the Managing Director or any other of the Directors, shall take the chair, and shareholders may appear in person or be represented by proxy, as hereinafter provided

Election of officers.

18. The Directors elected at the annual meeting, or by a meeting convened for the purpose, shall assemble within two days after the annual election of the said Directors, and

shall then elect from amongst themselves, by a majority of votes of those then present, a President, and a Vice-President, and a Managing Director (who may be either the President or the Vice-President), who shall hold office for one year, or until their successors are elected and enter upon the duties of their offices; any of these officers may call meetings of the Directors as often as occasion may require. Calling of meetings.

19. At all meetings of the shareholders held in pursuance of this Act, whether the same be annual or special, every shareholder shall be entitled to as many votes as he has shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes of the shareholders, present or voting by proxy, except in any case or cases otherwise provided for by this Act: Provided always, that no person shall be entitled to vote as proxy at any meeting unless he shall be a shareholder in the Company, and produce written authority as such proxy, duly authenticated in the manner provided in the sixteenth section of this Act. Votes on shares. Proviso: as to proxies.

20. At all elections of Directors or in the transaction of other business of the Company, the voting shall be by ballot, and between the hours of ten o'clock in the forenoon and four o'clock in the afternoon; and thirty days' notice must be given in at least one newspaper published in the city of Montreal, in the Province of Quebec, and by special notices mailed to the addresses of the shareholders, who shall have made known such address to the Company, stating whether the meeting is annual or special, and, if special, the principal object for which it is called. Time and manner of voting at meetings. Notice.

21. The Directors of the Company may appoint local boards of management, or agents, in Canada or elsewhere, and for such time and on such terms as to them shall seem expedient: and the Directors may empower and authorize any such board, or agent, to do and perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform and exercise, except the power of making by-laws; and all things done by any such board or agent by virtue of the powers in them vested by such Directors, shall be as valid and effectual to all intents and purposes, as if done by such Directors themselves, anything in this Act to the contrary notwithstanding. Local boards and agents.

22. The Directors shall cause an exact statement of the affairs, debts and assets of the Company to be made up on a certain day in each and every year, such day to be fixed by the Directors, which statement shall be submitted to the shareholders. Yearly statement of affairs.

23. The Company shall cause a book or books to be kept by the Secretary, or by some other officer specially charged with that duty, wherein shall be recorded the names of all Certain books to be kept.

persons who are or have been shareholders, the address and calling of every such person while such shareholder; the number of shares of stock held by each shareholder; the amounts paid in and remaining unpaid, respectively, on the stock of each shareholder; all transfers of stock in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; the names, addresses and callings of all persons who are or have been Directors of the Company, with the several dates at which each became or ceased to be such Director.

Conditions as to transfer of shares.

24 The Directors may refuse to allow the entry, in any such books, of a transfer of stock whereof the whole amount has not been paid in; and no transfer made with a view of relieving the transferrer from pre-existing debts of the Company shall be valid or prevent any antecedent creditor from exercising his remedy against such transferrer in the same way as if he had continued to be a shareholder in the Company.

Shareholder may examine books.

25. Every shareholder shall be permitted to examine the books of the Company on making application, in writing, to the Directors, stating the reasons and objects of such examination: Provided always, that the business of the Company be not interrupted thereby.

Proviso.

Liability of shareholder limited.

26. No shareholder shall, as such, be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the Company, or the liabilities, acts or defaults of the Company beyond the sum, if any, remaining due and unpaid on the shares subscribed for or held by him in the stock of the Company.

Shares, personal estate.

27. The shares in the capital stock of the Company shall be deemed personal estate, and shall be transferable as such.

Certain contracts, &c, binding on the company.

28. Every contract, agreement or bargain by the Company, or by any one or more of the Directors on behalf of the Company, or by any agent or agents of the Company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed by such Director or Directors on behalf of the Company, or by any such agent or agents, in general accordance with the powers to be devolved to and conferred upon them respectively under the by-laws, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, promissory note or bill of exchange, or to prove that the same was entered into, made or done in strict pursuance of the by-laws; nor shall the party entering into, making or doing the same as Director or agent be thereby subjected individually to any liability whatsoever: Provided always, that no such note or bill shall be for any sum of less than one hundred

Proviso: as to notes payable to bearer.

dollars, or be payable to bearer, or intended to be circulated as money, or as the note or bill of a bank.

Borrowing powers of the company.

29. The Directors may, from time to time, resolve at any meeting specially called for such purpose, to borrow money on behalf of the Company at such rates of interest and upon such terms as they may by such resolution determine; and to effect such loan the Directors may authorize the Managing Director of the Company, the President, or any two of the Directors, to make and execute mortgages, issue, grant and consent to bottomry or other bonds or other instruments which may be necessary, and to that end charge such property of the Company as they may by such resolution be authorized to so charge by way of pledge, mortgage or hypothec, and may assign, transfer or deposit any of the documents, title deeds, muniments, securities or property of the Company, and either with or without power of sale or other special provisions as the Directors at such meeting may deem expedient: Provided, that the aggregate of the sum or sums borrowed or bonds issued shall not, at any time, exceed half the amount of the paid up capital stock of the Company; and no lender or purchaser of bonds so issued by the Company shall be bound to enquire into the occasion for any such loan or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

Proviso: amount limited.

Equal rights of shareholders.

30 Aliens shall have the same right as British subjects to take and hold stock or shares in the Company, and to vote either as principals or proxies, and shall be eligible to office in the Company

Transfer restricted.

31. No share shall be transferable until all overdue calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon, or sold under an execution.

Failure of election not to dissolve company.

32. If at any time an election of Directors be not made, or do not take effect at the proper time, the Company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Company duly called for that purpose.

Forfeited shares.

33. Every share which shall be forfeited shall be deemed to be the property of the Company, and may be sold, re-allotted or otherwise disposed of upon such terms, in such manner and to such person or persons as the Company may think fit.

Paid up stock may be issued in payment of claims.

34. The Directors shall have power to issue paid up stock in the Company in payment of the price of steamers and vessels or real estate; and such paid up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the Company or the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the Company, and paid by the holder thereof in full.

Directors indemnified, except for wilful neglect or default.

35. Every Director of the Company and his heirs, executor and administrators, shall, from time to time, be indemnified and saved harmless out of the funds of the Company from and against all costs, charges and expenses whatsoever, which he shall or may sustain or incur in or about any action, suit or proceeding which shall be brought, commenced or prosecuted against him for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he shall sustain or incur in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Trustees holding stock not personally liable, &c.

36. No person holding stock in the Company, as an executor, administrator, curator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate, or the minor or ward or interdicted person, or the person interested in such trust fund would be, if living and competent to act; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

Offices of the company.

37. The head office of the Company shall be in the city of Montreal, but the Directors may have offices and transact business wherever they may see fit.

No. 55.

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

BILL.

An Act to incorporate the Royal Canadian Passenger Steamship Company.

Received and read first time, Wednesday, 7th March, 1883.

Second reading, Thursday, 8th March, 1883.

(PRIVATE BILL.)

Mr MITCHELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1883.

No. 56.] **BILL.** [1883.

An Act to incorporate the Edmonton and Peace River Railway and Navigation Company.

Preamble.

WHEREAS the construction of a railway from Edmonton, or a point near thereto, in the North-West Territories, to Dunvegan, or a point near thereto, on the Peace River, as well as the constructing of railways or tramways around the portages of any rivers flowing into the Athabasca or Peace Rivers, as also of the said Athabasca and Peace Rivers, and also the improvement of the water navigation of the above named rivers, as well as the navigation of the rivers on the northern slope, would be for the general advantage of Canada; and whereas a petition has been presented for the incorporation of a company for the purpose of constructing and working the same, and of constructing, owning, and operating lines of telegraph or telephone along the line of the said railways or navigations; and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Andrew G. B. Bannantyne and Sedley Blanchard, both of Winnipeg, Stewart D. Mulkins, of Edmonton, David Blain, William Kersteman and Henry Edmond Kersteman, of Toronto, together with all such persons and corporations as shall become shareholders in the Company to be hereby incorporated shall be and are hereby constituted a body politic and corporate, by and under the name of the Edmonton and Peace River Railway and Navigation Company, hereinafter called the Company.

Corporate name.

Powers of the company.

2. The Company shall have power and authority to lay out and construct a railway from some point at or near to Edmonton, in the North-West Territories, following a direction north-westerly to the bend of the Athabasca River and thence to Dunvegan, on the Peace River, and to construct all necessary bridges over rivers crossing the said line between the said points, and also to build and operate any tramways or railways around the portages of any rivers flowing into the Athabasca or Peace Rivers, as also the Athabasca and Peace Rivers, all such lines, tramways or railways to be approved by the Governor in Council, and also to improve the water navigation of the above named rivers on the northern slope.

Provisional directors and their powers.

3. Andrew G. B. Bannatyne, Sedley Blanchard, Stewart D. Mulkins, David Blain, William Kersteman and Henry Edmond Kersteman shall be and are hereby constituted provisional Directors of the Company (of whom three shall be a quorum), and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and they shall have power to deposit in any chartered Bank of Canada all moneys received by them on account of stock subscribed, and also all such powers as are vested in provisional Directors by "*The Consolidated Railway Act*, 1879."

Capital stock and shares.

4. The capital stock of the Company shall be two millions of dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879"), to 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 expenses and disbursements connected with the organization of the Company and other preliminary expenses, and making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, completing, equipping and maintaining of the said railway and navigation, telegraph and telephone, and the other purposes of this Act and to no other purpose whatsoever.

Five per cent. payable on subscription.

5. No subscription of stock in the capital of the Company shall be legal or valid unless five per centum shall have been actually and *bonâ fide* paid thereon within thirty days after subscription into one or more of the chartered banks of Canada, to be designated by the Directors; and such five per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of the Company; and the said Directors, or a majority of them may, in their discretion, apportion the stock so subscribed among the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking.

Allotment of stock.

Aid may be received.

6. The Company may, for the purposes of the railway receive from any Government, person or body corporate, in aid of the construction, equipment and maintenance of the said railway, and navigation, grants of land, bonuses, loans or gifts of money, or securities for money; or may from time purchase from the Government of Canada, lands in the North-West Territories, and may sell, convey and mortgage the same for the purpose of raising money for the prosecution of the said undertaking; and the lands so to be acquired by the Company and held for sale for the purposes thereof, may be conveyed to trustees to be held and conveyed by them upon the trusts and for the purposes herein declared in reference to such lands; and all moneys arising from the sale of such lands shall be held and applied in trust for the purposes following, that is to say: first, in payment of the expenses connected with the acquisition, survey, management and sale of such lands; secondly, in payment of the dividends and interest on the bonds and preference

Lands may be purchased and sold.

Application of proceeds.

stock, from time to time payable in cash by the Company; thirdly, in payment and redemption of the said bonds and preference stock when and as they become due, respectively, or in such order and priority as may be determined by ballot in the manner to be fixed by the Directors by by-law from time to time; and fourthly, for the general purposes of the Company. All lands sold and conveyed by the Company or by the said trustees after a conveyance thereof to them upon the trusts aforesaid, and which have been paid for in cash or by preference stock or scrip for dividends, shall be for ever released and discharged from all mortgages, liens or charges of any kind or nature by this Act, or by the Company created; and the purchase money arising from the sale of such lands by the Company, shall be applied in the first place in the satisfaction of any mortgage thereon created by the Company; and after payment of any such mortgage or lien created by the Company thereon, shall be applied in accordance with the trusts above set forth.

Lands sold discharged from lien.

Application of purchase money.

7. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the Company have been subscribed, and five per centum paid thereon *bonâ fide*, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock, at the city of Winnipeg, or at the city of Toronto, as they shall deem most convenient, for the purpose of electing Directors of the Company, giving at least four weeks' previous notice by public advertisement in the *Canada Gazette* and in some daily paper published in the city of Toronto, and also by a circular addressed by mail to each subscriber (when his or her address is known) of the time, place and purpose of the said meeting; Provided always, that the Directors so elected may by by-law or resolution passed by them, close the stock book after shares to the said amount of one hundred thousand dollars shall have been subscribed, and may, from time to time, re-open the said stock books and receive subscriptions for additional shares of stock up to the limit authorized by this Act, when and as the same shall be required for the purposes of the Company.

First meeting of shareholders for election of directors.

Proviso: stock books may be closed,

And re-opened.

8. No person shall be elected a Director of the Company unless he shall be the holder and owner of at least fifty shares in the stock of the Company, and shall have paid up all calls thereon.

Qualification of director.

9. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up five per centum thereof, and also shall be present in person or represented by proxy, shall choose five persons to be Directors of the Company (of whom three shall be a quorum) and may also pass such rules and regulations and by-laws, as may be deemed expedient, provided they be not inconsistent with this Act or the "*Consolidated Railway Act*, 1879."

Election of directors.

10. Thereafter the annual general meeting of the shareholders of the Company for the election of Directors and other general purposes, shall be held at such place as may be

Annual general meeting.

appointed by by-law of the Company, on the second Thursday in the month of January in each year, and two weeks' previous notice thereof shall be given by publication in the *Canada Gazette* and in one newspaper published in the cities of Toronto and Winnipeg.

Calls on stock.

11. No call to be made at any time upon the capital stock shall exceed ten per centum on the subscribed capital, and not less than thirty days shall intervene between any one call and a succeeding call; but it shall be lawful for the Provisional or elected Directors, when authorized by the shareholders at any general meeting or special meeting called for that purpose, to accept payment in full for stock from any subscriber therefor at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such per centage or discount as they may deem expedient and reasonable, and thereupon to issue to such subscriber scrip to the full amount of such stock subscribed; and the Directors elected by the shareholders may make or issue stock as paid up stock, and may pay or agree to pay in such paid up stock, or in bonds of the Company, such sums as they deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and for the services of such persons as may be employed by the Directors in the furtherance of the undertaking, or purchase of right of way, material, plant and rolling stock.

Payment in full may be accepted.

Paid up stock may be issued for certain services.

Bonds may be issued.

12. The Directors of the Company under the authority of the shareholders to them given by a resolution of a special general meeting called for that purpose, are hereby authorized to issue bonds, under the seal of the Company, signed by its President or other presiding officer, and countersigned by its Secretary and Treasurer; and such bonds shall be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest, as the Directors shall think proper; and the Directors shall have power to issue and sell or pledge all or any of the said bonds 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 the prosecuting the said undertakings; Provided, that the amount of bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile on the railway, and shall not exceed the total outlay on the improvement of the navigations, the bonds to be issued in proportion to the length of railway, or works or improvement of the navigations constructed, or under contract to be constructed; Provided also, that no such bonds shall be issued until at least one hundred thousand dollars shall have been subscribed to the capital stock, and five per centum of the same *bonâ fide* paid thereon; but notwithstanding anything in this Act contained, the Company may secure the bonds to be issued by them 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 shall be described in the said deed, but such

Proviso: amount limited.

Proviso: as to time of issue.

Bonds may be secured by mortgage deed.

rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway ; and by the said deed the Company may grant to the holders of such bonds, or to the trustee or trustees named in such deed all and every the powers and remedies granted by this Act, in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all such powers, rights and remedies as shall be so contained in such mortgage deed shall be valid, binding and available to the bondholders in manner and form as therein provided.

What such deed may contain.

13. The bonds, preference stock and scrip for dividends, hereby authorized to be issued shall, without registration or formal conveyance, be the first preferential claim and charge upon the Company, and the undertaking, tolls and income and real and personal property thereof, now or at any time hereafter required, save and except as is provided for in the last preceding section ; and each holder of the said bonds, preference stockholder and holder of scrip for dividends, shall be deemed to be a mortgagee or incumbrancer upon the said securities *prô rata* with the other bondholders, or holders of preference stock or scrip for dividends, and shall have priority as such.

Bonds, &c., to be a first charge on the undertaking.

14. If the Company shall make default in paying the principal of or interest on any of the bonds, preference stock or scrip for dividends, hereby authorized at the time when the same shall, by the terms of the bonds, or by the conditions upon which the preference stock, or scrip for dividends was issued, become due and payable, then at the next ensuing annual general meeting of the Company, and all subsequent meetings, all holders of bonds, preference stock or scrip for dividends, so being and remaining in default shall, in respect thereof, have and possess the same rights, privileges and qualifications for Directors, and for voting at general meetings as would be attached to them as shareholders if they had held fully paid up shares of the Company to a corresponding amount: Provided, nevertheless, that the right given by this section, shall not be exercised by any bondholder, preference stockholder or holder of scrip for dividends, unless the bonds, preference stock or scrip for dividends, in respect of which he shall claim to exercise such rights shall have been first registered in his name, in the same manner as as provided by law for the registration of the shares of the Company ; and for that purpose the Company shall be bound on demand to register any of the said bonds, preference stock or scrip for dividends, in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also, that 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, preference stock or scrip for dividends shall be entitled.

Powers of holders of bonds, &c., in case of non-payment.

Proviso: as to registration.

Proviso: other rights not affected.

Transfer of Bonds, &c.

15. All bonds, preference stock, debentures and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery, unless and until registry thereof in manner provided as above, and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Company may become party to promissory notes.

16. The Company shall have power and authority to become party to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted or endorsed by the President or Vice-President thereof, and countersigned by the Secretary and under the authority of a majority of the quorum of the Directors, shall be binding on the Company; and any such promissory note or bill of exchange, so made as aforesaid, shall be presumed to have been made with proper authority until the contrary be 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, be individually responsible or liable for the same, unless the said promissory notes or bills of exchange have been issued other than aforesaid: Provided however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the bills or notes of a Bank.

Proviso: as to bank notes.

Additional land may be acquired.

17. The Company shall have the right to acquire and take in manner provided by "*The Consolidated Railway Act*, 1879," such additional width of land along the line of the railway and its branches on the said lines of navigation, as may be needed for the purposes of their several works, on such terms and subject to the payment of such compensation to the owners of the said lands and other property, as may be agreed upon or as may be determined by arbitration in the manner provided by the sections of the said "*The Consolidated Railway Act*, 1879" relating to lands and their valuation.

Transportation business.

18. The Company shall have power and authority to perform all such acts and make all contracts the purport and effect of which will be to afford transportation facilities to settlers and the public, and, also, shall have power to sell and convey the franchise of the same in case it should tend to the like end.

Limitation of time.

19. The works upon the main line of the said railway shall be commenced not later than five years from the date of the passing of this Act, and thereafter not less than twenty miles of such railway shall be completed each year to the satisfaction off the Governor in Council,—failing which the powers hereby granted to the Company to extend

their line of railway for any further distance than the length of line then completed shall be forfeited.

Amalgamation with another company.

20. The Company, acting by its Directors, authorized in that behalf, by a resolution of the shareholders passed at a meeting thereof specially called for the purpose, which resolution must be concurred in by shareholders holding an actual majority of the stock of the Company, may amalgamate with any other railway company, and for such purpose may execute a deed of amalgamation providing for the same amalgamation of the Company hereby incorporated with any other company; and upon the execution of such deed of amalgamation, and after the publication of a notice of the execution thereof in the *Canada Gazette*, the franchises, privileges, assets, rights and property of the Company hereby incorporated shall vest in the amalgamated company by the name of either of the said companies, as may be agreed in the deed of amalgamation, and its obligations and liabilities shall become the obligations and liabilities of the amalgamated company,—the whole upon such terms and conditions as shall be contained in the said deed of amalgamation, not contrary to law, or to the provisions of this Act; and all the powers conferred by this Act shall vest in the amalgamated company.

Powers as to telegraphs, &c.

21. The Company shall have full power and authority to construct and work and operate all such appliances as may be necessary to carry on their undertakings, and to work and operate such line or lines of telegraph and telephone in connection with and along the line of their railway and branches, as well as navigations, as may be necessary or useful for the purposes of their undertaking.

Running powers of C. P. R.

22. The Governor in Council shall have for and on behalf of the Canadian Pacific Railway, running powers over the said railway subject to such terms as shall be agreed upon with the Company, or on failure to agree, as shall be fixed and determined by arbitrators to be appointed by the Company and the Governor in Council respectively, and such third person as shall be appointed by a Judge of the Supreme Court of Canada, at the request of the said Company, or of the Minister of Railways and Canals.

Form of conveyance of land.

23. Deeds and conveyances of lands to the Company (not being letters patent from the Crown) may, so far as circumstances will admit, be in the form following, that is to say:—

"Know all men by these presents that I, A. B., in consideration of paid to me by the Edmonton and Peace River Railway and Navigation Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Edmonton and Peace River Railway and Navigation Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns forever.

Witness my hand this day of
one thousand eight hundred and

A. B. (L.S.)

Signed, sealed and delivered
In the presence of

C. D.
E. F.

Effect of such conveyance.

or in any other form to the like effect; and every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same the obligation of guaranteeing the Company and its assigns against all dower and claim for dower, and against all hypothecs and mortgages, and against all liens and charges whatsoever, not excepted in the grant, and also that he has a good, valid and transferable title thereto.

No. 56.

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

BILL.

An Act to incorporate the Edmonton and Peace River Railway and Navigation Company.

Received and read first time, Wednesday, 7th March, 1883.

Second reading, Thursday, 8th March, 1883.

(PRIVATE BILL.)

Mr. DAWSON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 57. **BILL.** [1883

An Act further to amend the Acts relating to the New Brunswick Railway Company.

WHEREAS the New Brunswick Railway Company have, by their petition, prayed for certain amendments to the Acts relating to the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. It shall be lawful for the Directors of the New Brunswick Railway Company, hereinafter called the Company, by by-law to increase the share capital stock thereof to any amount, but such increase shall be first sanctioned by a vote in person or by proxy of at least three-fourths in amount of the shareholders at a meeting expressly called by the Directors for that purpose, by a notice in writing to each shareholder, served upon him personally or properly directed to him and deposited in the post office, at least twenty days previous to such meeting, stating the time and place and object of the meeting and the amount of the increase; and the proceedings at such meeting shall be entered on the minutes of the meeting, and thereupon the share capital stock may be increased to the amount sanctioned by such vote. Increase of capital stock.

2. The agreement or lease made between the Company and the New Brunswick and Canada Railway Company, bearing date the twenty-second day of August, 1882, is hereby confirmed, and the provisions, covenants and agreements therein contained are hereby declared to be valid and binding upon the parties thereto. A certain agreement confirmed.

3. It shall be lawful for the Directors of the Company to enter into an agreement with any other railway company, lawfully authorized in that behalf, and whose railway connects with the railway of the Company or with the railway of the New Brunswick and Canada Railway Company, for leasing or working the railway of such other company or companies, on such terms and conditions as the Directors of the several companies may agree upon, or for leasing or hiring any locomotives or other rolling stock or movable property from such company or companies, and generally to make any agreement with any such other railway company touching the use of the railway or rolling stock of such company, or touching any service to be rendered by such com- Arrangements may be made with other companies.

pany and the compensation therefor; and any such agreement shall be valid and binding according to the terms thereof: Provided, that the assent of at least three-fourths of the shareholders shall be obtained at a special general meeting of the shareholders to be called for the purpose; and thereafter the Company may use the railway or railways with respect to which such agreement shall have been made in the same manner as if incorporated with their own line.

Proviso: as to consent of shareholders.

4. The following sections of "*The Consolidated Railway Act*, 1879" shall apply to the Company, namely:—sections twenty-seven, sixty-one, sixty-two, seventy-nine, eighty, eighty-one, and sections eighty-six to ninety-six, both inclusive.

Certain sections of Railway Act to apply.

No. 57.

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

BILL.

An Act further to amend the Acts relating to the New Brunswick Railway Company.

Received and read first time, Wednesday, 7th March, 1883.

Second reading, Thursday, 8th March, 1883.

(PRIVATE BILL.)

Mr. WELDON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 58] **BILL.** [1883.

An Act to amend the several Acts incorporating the "Portage, Westbourne and North Western Railway Company," and to change the name thereof to the "Great Northern Railway Company of Canada."

Preamble.

WHEREAS by an Act of the Legislature of Manitoba, passed in the forty-fourth year of Her Majesty's reign, and chaptered thirty-five, certain persons therein named were authorized and empowered to build and operate a railway and telegraph line running to the northern or western boundary of the said Province, with the powers and privileges in the said Act contained; and whereas by an Act of the Parliament of the Dominion of Canada, passed in the forty-fifth year of Her Majesty's reign and chaptered eighty, the said Company were authorized and empowered to extend their line of railway into the North-West Territories, with the necessary powers for such purpose; and whereas the said Company have by their petition prayed for certain amendments to their said charter, and it is expedient that the prayer of the said petition be granted; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name of company changed.

1. The name of the said Company is hereby changed to the "Great Northern Railway Company of Canada," but the powers, rights and liabilities of the Company shall not be affected in any manner by such change of name, and all contracts made, powers exercised and rights and property acquired by the said Company under either of its prior corporate names, shall remain valid and binding and become and be the contracts, powers, rights and property of the "Great Northern Railway Company of Canada."

Number of directors increased.

2. The number of Directors of the said Company shall be increased to ten and the number of Directors who shall form a quorum shall be determined by by-law.

Where meetings of directors may be held.

3. The Directors shall have full power and authority, at any time, to call meetings of the said Board of Directors of the said Company either in the Dominion of Canada or in Great Britain; but in the event of a meeting of the Board being called to be held in Great Britain one month's previous notice of such meeting shall be given to each of the Directors by posting the same in Her Majesty's post office in the city where the head office of the Company is located.

Certain proceedings confirmed.

4. All meetings of the shareholders and Directors of the Portage, Westbourne and North Western Railway Company heretofore held, and all contracts and agreements made, and powers heretofore exercised shall be legal and binding upon the Company.

Aid may be received.

5. The said Company shall have power and authority to receive, hold and take all voluntary grants and donations of land or other property made to it, or bonuses by way of debentures or otherwise granted or given by municipalities, to aid in the construction, maintenance and accommodation of the railway.

Coal mines and timber limits.

6. The said Company shall have power and authority to purchase, acquire, hold, work and operate coal mines and timber limits.

Branch lines may be built.

7. The Company shall have the right from time to time to lay out and construct, equip, maintain and work branch lines of railway from any point or points along their main line of railway for the purpose of developing their land grants: Provided always, that before commencing any branch they shall first deposit a map or plan of such branch in the Department of Railways.

Bonds may be issued.

8. The Directors of the Company, under the authority of the shareholders to them given by resolution at a special meeting, called for that purpose, are hereby authorized to issue bonds under the seal of the Company, signed by its President or other presiding officer and countersigned by the Secretary, and such bonds shall be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and bearing such rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell or pledge all or any of the said bonds, 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 the prosecution of the said undertaking; and the said bonds hereby authorized to be issued shall, without registration or formal conveyance, constitute a first mortgage and privilege upon the said railway constructed, and to be thereafter constructed, and upon its Government land grant and its personal property, excepting therefrom municipal bonuses, acquired and to be thereafter acquired, but including rolling stock and plant, and upon its tolls and revenues derived from operating the said railway, after deduction from such tolls and revenues of working expenses, and upon the franchises of the Company, save and except as is hereinafter provided for; and each holder of the said bonds shall be deemed to be a mortgagee upon the said securities *pro rata* with the other bondholders, and shall have priority as such; Provided, that the amount of bonds so issued, sold or pledged shall not exceed thirty thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed; but notwithstanding anything in this Act contained, the Company may secure the bonds to be issued by them by mortgage deed,

To be a first charge on the undertaking.

Proviso: amount limited.

Bonds may be secured by mortgage deed.

creating such mortgages, liens, and incumbrances upon the whole or any part of such property, assets, rents and revenues of the Company, present or future, or both, as shall be described in the said deed; but such rents and revenues shall be pledged in the first instance to the payment of the working expenses of the railway; and by the said deed the Company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted in this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege, or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed, shall be valid, binding and available to the bondholders in manner and form as therein provided.

What the deed may contain.

9. Provided however, that the Directors shall have full power and authority to issue the bonds in the next preceding section mentioned, in a series, or in instalments, or in such other way as the Directors shall, in their discretion, by a by-law elect and determine.

How bonds may be issued.

10. The head office of the Company shall be changed from the city of Winnipeg to the city of Montreal, but may hereafter be further changed to such other place in Canada or elsewhere as the Directors may from time to time determine by by-law.

Head office changed.

11. The Directors may annually appoint from among themselves an Executive Committee at Winnipeg, or elsewhere, for such purposes and with such powers and duties as may by by-law be determined, and the President shall be *ex-officio* a member of such Committee.

Executive Committee.

No. 58

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

BILL.

An Act to amend the several Acts incorporating the Portage, Westbourne and North-Western Railway Company and to change the name thereof to the "Great Northern Railway Company of Canada."

Received and read first time, Wednesday, 7th March, 1883.

Second reading, Thursday, 8th March, 1883.

(PRIVATE BILL.)

Mr. WHITE,
(Cardwell).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No 59] **BILL.** [1883

An Act to amend the Act incorporating the Atlantic and North-West Railway Company.

Preamble.

WHEREAS the Atlantic and North-West Railway Company have, by their petition, represented that they are desirous of obtaining certain amendments to their Act of incorporation, granting to them certain facilities as to the issue of securities upon sections of their railway, and as to traffic and running arrangements with other railway companies, and have prayed for the passing of an Act for that purpose, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Powers as to mortgage bonds in relation to sections of the railway.

1. In the event of the division of the railway of the said Company into sections, as permitted by the Act of incorporation of the said Company, the powers granted to the said Company in respect to the issue of mortgage bonds may be exercised in respect of any section or sections of its railway which shall be described in the deed of mortgage securing such mortgage bonds, as provided by the said Act; and if upon such division it shall appear that the work of construction upon any one of such sections will be exceptionally extensive and costly, the said Company may cause an estimate to be made of the expense of such work by a competent engineer, and thereupon may issue first mortgage bonds, or preferred or debenture stock, or both bonds and stock, in respect of such section, to such amounts respectively, less in the aggregate than such estimated cost, as shall be determined by the shareholders of the said Company at a special general meeting thereof called for the purpose, without by such issue reducing the amount of bonds or stock which may be issued under the said Act in respect of other sections of the said railway; and any debenture stock issued under the provisions hereof, shall have such rights and privileges thereto attached, and the holders thereof shall have such rights and privileges in all respects, as shall be attached to such stock and allowed to the holders thereof by the by-laws of the Company.

Arrangement as to running powers over bridge.

2. The said Company may enter into arrangements with any railway company carrying traffic into the city of Monreal for running powers over the bridge to be constructed by the said Company over the River St. Lawrence and over the portion of its railway forming the approaches to and connections with such bridge; and the said Company may

agree with such other railway company for the joint issue of bonds, or of debenture or preferred stock, in aid of the construction of the said bridge and approaches, and may accept the guarantee of such other railway company in respect of such bonds or stock or of the interest thereon ; and may hypothecate specially the net revenues of the said bridge and approaches, as security for the payment of interest upon the bonds or stock issued in aid of the construction thereof.

No. 59.

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

BILL.

An Act to amend the Act incorporating the Atlantic and North-West Railway Company.

Received and read first time, Wednesday, 7th March, 1883.

Second reading, Thursday, 8th March, 1883.

(PRIVATE BILL.)

Mr. COLBY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 60] **BILL.** [1883.

An Act to facilitate the Naturalization of Aliens, 1883.

Preamble.

WHEREAS many Germans and other loyal citizens of this Dominion have been hindered in the exercise of the electoral franchise by want of compliance with the formalities required by the present naturalization laws; and whereas it is just and expedient that greater facilities and encouragement should be granted them for acquiring rights of citizenship: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: —

Deputy Returning Officers may adminster certain oaths to aliens.

1. It shall be lawful for all Deputy-Returning Officers, and they are each hereby required, at any election to be held under the provisions of the Statutes in that behalf, upon being requested so to do, by any alien or person deemed to be an alien, to administer to such alien the oath of residence and allegiance in the forms A and B, in the Schedule hereto annexed.

Such aliens if otherwise qualified may vote at the election.

2. An alien who shall have taken such oaths shall thereupon be entitled to vote at such election, provided he is otherwise qualified to vote thereat.

Deputy Returning Officers to sign a certificate as to aliens so sworn; and transmit it.

3. It shall be the duty of such Deputy-Returning Officers forthwith to make and sign a certificate in the form C in said Schedule, as to all persons to whom they shall have administered the said oaths at such election; and they shall within one week from the day of such election, transmit by post such certificate: —

In Ontario.

In Ontario; to the Clerk of the Peace of the County or Electoral District within which such aliens reside.

In Quebec.

In Quebec; to the Clerk of the Circuit Court in and for the circuit within the jurisdiction of which such aliens reside.

In Nova Scotia.

In Nova Scotia; to the Clerk of the County Court of the county within which such aliens reside

In New Brunswick.

In New Brunswick; to the Clerk of the County Court of the county within which such aliens reside.

In British Columbia.

In British Columbia; to the Clerk of the County Court of of the electoral district within which such aliens reside.

In Manitoba.

In Manitoba; to the Clerk of the County Court of the county within which such aliens reside.

In Prince Edward Island.

In Prince Edward Island; to the Clerk of the County Court of the county within which such aliens reside.

Certificates to be openly read in Court, and to be filed of record if not objected to.

4. Such certificates shall be presented by such clerks to such courts on the first day of some general sitting thereof; and thereupon such court shall cause the same to be openly read in court; and if during such sitting the facts mentioned in such certificate are not controverted or any other valid objection made to the naturalization of such aliens, such court, on the last day of such sitting, shall direct that such certificates be filed of record in the court and the same shall be filed accordingly.

Persons so certified to be entitled to all the benefits of 44 V., c. 13 when that Act comes into force.

5. The persons named in the certificates so filed, shall, so soon as "*The Naturalization Act, Canada*, 1881," shall come into force, be entitled to all the rights, powers, and privileges granted by the said Act to aliens who have presented certificates under the thirteenth section of the said Act, and whose certificates have been filed as therein directed.

SCHEDULES.

FORM A. (*See Section* 1)

An Act to facilitate the Naturalization of Aliens, 1883.

Oath of Residence.

You, A. B., do swear (*or being a person allowed by law to affirm in judicial cases*, do affirm) that you are at present a resident of the County (*or* electoral district) of ; that for years preceding this date you have resided three years in the Dominion of Canada with intent to settle therein, without having been during such three years a stated resident in any foreign country. So help you God.

FORM B (*See Section* 1.)

An Act to facilitate the Naturalization of Aliens, 1883.

Oath of Allegiance.

You, A. B, do sincerely promise and swear (*or being a person allowed by law to affirm in judicial cases*, do affirm) that you will be faithful and bear true allegiance to Her Majesty Queen Victoria as lawful sovereign of the United Kingdom of Great Britain and Ireland, and of the Dominion of Canada dependent on and belonging to the said Kingdom, and that you will defend Her to the utmost of your power against all traitorous conspiracies or attempts whatever, which shall be

made against Her Person, Crown and Dignity, and that you will do your utmost endeavor to disclose and make known to Her Majesty, Her Heirs and Successors, all treasons or traitorous conspiracies and attempts which you shall know to be against Her or any of them;—and all this you do wear (*or* affirm) without any equivocation, mental evasion or secret reservation. So help me God.

FORM C. (*See Section* 3.)

An Act to facilitate the Naturalization of Aliens, 1883.

Certificate under Section 13.

Names.	Occupation.	County or Electoral District wherein the Alien Resides.	Number of years resident in Canada.

I, A B., Deputy Returning Officer for polling division number in the (township, ward, etc.,) in the Electoral District of at an election held on the day of 18 , do certify that the persons above named, being aliens, or deemed to be aliens, did on the day of take before me the oath (*or* affirmations) of residence and allegiance authorized by the first section of "*An Act to facilitate the Naturalization of Aliens*, 1883," and therein swore (*or* affirmed) to a residence in Canada of three years ; that I have reason to believe, and do believe, that the said persons have been residents in Canada for three years, and that there exists to my knowledge no reason why they should not be granted all the rights and capacities of natural born British subjects.

Dated at this day of 18

(*Signature*) A. B.,
Deputy Returning Officer.

No. 60.

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

BILL.

An Act to facilitate the Naturalization of Aliens, 1883.

Received and read first time, Wednesday 7th March, 1883.

Second reading, Thursday, 8th March, 1883.

Mr. WELLS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 61] **BILL.** [1883

An Act to incorporate the Niagara Railway Bridge Company.

Preamble.

WHEREAS the persons hereinafter named have petitioned to be incorporated as a Company with power to build a bridge for railway purposes across the Niagara River, at or near the Town of Niagara Falls, in the Province of Ontario, or such other point on the Niagara River as the Company may select, and it is expedient to grant to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The Niagara Railway Bridge is hereby declared to be a work for the general advantage of Canada.

Certain persons incorporated.

2. William H. Vanderbilt, Cornelius Vanderbilt, Augustus Schell and Charles F. Fox, all of the city of New York, in the State of New York; William P. Taylor, of the city of Buffalo, in the same State, and Alexander John Cattanach and Nicol Kingsmill, both of the city of Toronto in the Province of Ontario, together with such persons and corporations as shall under the provisions of this Act, become shareholders in the Company to be hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of the "Niagara Railway Bridge Company," hereinafter called "the Company."

Corporate name.

General powers.

3. The Company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property as may be necessary for the purpose of constructing the said bridge herein mentioned, or for the convenient using of the same, and also for the construction of such branch railway not exceeding four miles in length, as may be necessary to make connections or to approach the said bridge.

Consolidated Railway Act, incorporated with this Act.

4. Except in so far as the same may be inconsistent with this Act, "*The Consolidated Railway Act*, 1879," and subsequent amendments thereto are hereby incorporated with this Act and shall form part thereof, and be construed therewith as forming one Act, and the word "tolls" in that Act shall apply to the engines, carriages and traffic of all railway companies using the bridge, whether the work of transportation shall be done by the Bridge Company or by the railway companies themselves.

Power to build railway bridge across Niagara river.

5. The Company shall have full power under this Act to construct, maintain, work and manage a bridge for railway purposes across the Niagara River from some point in or near the Town of Niagara Falls, or such other point on the Niagara River as the Company may select, towards a convenient point in the State of New York, in the United States of America.

Consent of U. S. Government to be obtained in a certain case.

6. In the event of the site selected for the said bridge being at a point where the waters of the Niagara River are navigable, the Company shall not commence the actual erection of the said bridge until an Act of the Congress of the United States of America has been passed, consenting to or approving the bridging of the said river, or until the Executive of the United States of America has consented to the same and thereof approved; but the Company shall have the power in the meantime to acquire the lands, submit their plans to the Governor in Council, and do all other the matters and things authorized by this Act, except the commencement of the actual construction or erection of the bridge; and the time for the completion of the work as passed by this Act shall run from the date of the passing of the said Act of the said Congress, or from the date of the signification of the consent and approval of the Executive of the United States of America.

Preliminary proceedings in the meantime.

Provisional directors and their powers.

7. The persons named in the second section of this Act are constituted the Board of provisional Directors of the Company, and shall hold office as such until the first election of Directors under this Act, and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions for stock for the undertaking, giving at least four weeks' notice by advertisement in the *Canada Gazette*, of the time and place of their meeting to receive subscriptions of stock; and the said provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and it shall be their duty as hereinafter provided to call a general meeting of shareholders for the election of Directors.

Subscription of stock.

8. No subscription of shares in the capital stock of the Company, shall be legal and binding, unless ten per centum shall have been actually and *bonâ fide* paid thereon within five days after subscription into one or more of the chartered banks of Canada, to be designated by the said Directors; and such ten per centum shall not be withdrawn from such banks, or otherwise applied, except for the purpose of such bridge, or upon the dissolution of the Company from any cause whatever; and the said Directors, or a majority of them, may, in their discretion, exclude any person from subscribing, who, in their judgment, would hinder, delay or prevent the Company from proceeding with their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional Directors shall allocate and apportion the same amongst the subscribers, as they shall deem most advantageous and condu-

Discretion given to directors as to stockholders and stock.

cive to the furtherance of the undertaking; and in such allocation, the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, their so doing will best secure the building of the said bridge.

All shareholders to have equal rights.

9. All shareholders in the Company, whether British subjects or aliens, 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.

Capital stock.

10. The capital stock of the Company shall be six hundred thousand dollars divided into six thousand shares of one hundred dollars each.

First general meeting for election of directors.

11. As soon as of the said capital stock shall have been subscribed as aforesaid, and ten per centum *bonâ fide* paid thereon, and deposited in one or more of the chartered banks of Canada, for the purposes of the Company, the provisional Directors shall call a meeting of the subscribers to the said capital stock, at such time and place as they may think proper, giving at least two weeks' notice in the *Canada Gazette* and the *Ontario Gazette*, at which meeting the shareholders shall elect seven Directors from the shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided; and the shareholders may vote by proxy in a form to be settled by the provisional Directors at such first mentioned meeting.

Annual general meeting.

12. The annual general meeting of the shareholders for the election of Directors and other general purposes, shall be held at Niagara Falls or elsewhere in Canada, as may be appointed by by-law, on the first Wednesday in the month of June in each year, and two weeks' previous notice thereof shall be given by publication as provided in the last preceding section.

Company may become party to promissory notes, &c.

13. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer and under the authority of a majority of a quorum of the Directors, shall be binding on the Company, and every such promissory note or bill of exchange, made, drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown, and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such

promissory note or bill of exchange be thereby subjected, individually, to any liability whatever: Provided always, that nothing in this section shall be construed to authorize the company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the note of a bank.

Proviso: as to bank notes.

14. The Company shall not commence the said bridge or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said bridge and works, shall have been complied with, nor shall any such plan be altered nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always, that if such bridge be placed over such river at a place where the same is navigable, and if the Governor in Council shall determine that such bridge shall be a draw-bridge, the same shall be constructed so as to have one draw in the main channel of such river, which draw shall be of such width as the Governor in Council may determine, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draw shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the Company, so as not to hinder unnecessarily the passage of any vessel; from sunset to sunrise, during the season of navigation, suitable lights shall be maintained upon such bridge to guide vessels approaching the said draw, and the use of the said bridge shall be subject to such regulations as shall be, from time to time, approved of by the Governor in Council.

Plans of bridge to be submitted to Governor General in Council.

Proviso: as to navigable waters.

Bridge.

15. Whenever it shall be become necessary, for the purpose of procuring sufficient lands for stations or gravel pits or other purposes for constructing, maintaining and using the said bridge, to purchase more land than is required for such stations or gravel pits or other purposes, the Company may purchase, hold, use or enjoy such land, and also the right of way thereto if the same be separated from their bridge, in such manner and for such purposes connected with the constructing, maintaining or use of the said bridge as they may deem expedient, and shall sell and convey the same or any part thereof not permanently required for the use of the bridge.

Lands for stations, &c.

16 It shall be lawful for the Company to enter into any agreement with any other Company for the use of the bridge or for the leasing or hiring of any rolling stock, locomotives, cars, or movable property, and generally to make any agreement with any bridge or railway company touching running powers over the railway or bridge hereby authorized

Agreement with other companies.

to be built, or over the railway or bridge of the other company, or touching the use of the rolling stock or movable property of the other company or touching any service to be rendered by one company to the other and the compensation therefor: Provided, that any such agreement shall be first approved of and authorized by the shareholders of the Company hereby incorporated, at an annual general or special meeting of the same, called for that purpose.

Proviso: as to approval

17. When the said railway bridge is completed and ready for traffic, all trains of all railways or railroads terminating at or near the said bridge in Canada or the State of New York, now constructed or hereafter to be constructed (including the cars of any other railway company which may be brought over such railway) shall have the right to pass over the said bridge at corresponding tariff rates, for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favor of or against any railway or railroad whose trains or business may pass over the said bridge

No discrimination in tariff rates for crossing bridge.

18. In case the State of New York, or the United States of America shall at any time provide for the appointment of a commission for regulating the working of the said bridge, the use thereof, and the compensation to be made therefor, and for settling any dispute in respect thereof, it shall be lawful for the Governor in Council to join in the appointment of the said commission on such terms as he shall think proper, and to appoint one or more persons as members of the said commission; and in the event of any such appointment, the said commissioners shall have the power hereby conferred on the Governor in Council; and the decisions of the said commissioners shall be final and conclusive, to the extent to which the same are final and conclusive by virtue of the provisions which may be made by the State of New York or the United States of America.

Commission to regulate working of bridge.

Powers.

Decision to be final.

19. It shall be lawful for the Company to unite, amalgamate and consolidate its stock, property, franchises and powers with the stock, property, franchises and powers of any other bridge company incorporated, or which may be incorporated by the laws of the State of New York, one of the United States of America, for a similar purpose with the Company hereby incorporated, and to enter into all contracts and agreements therewith necessary to such union and amalgamation: Provided such other company shall be, by the laws of the State of New York, authorized to enter into such amalgamation and consolidation.

Amalgamation with other company.

19. Subject to the provisions of this Act, and to such the laws of the State of New York, the Directors of the Company, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations for the amalgamation and consolidation of the said corporations, prescribing the

Joint agreement for amalgamation and consolidation.

terms and conditions thereof, the mode of carrying the same into effect, the name of the new Corporation, the number and names of the Directors and other officers thereof, and who shall be the first directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new Corporation, and how, and when, and for how long, Directors and other officers of such new Corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization, and consolidation, and amalgamation of the said corporations, and the after management and working thereof.

Agreements to be submitted to shareholders at a special meeting.

20. Such agreements shall be submitted to the stockholders of each of the said corporations at a meeting thereof, to be held separately, for the purpose of taking the same into consideration; notice of the time and place of such meetings and of the object thereof, shall be given by written or printed notices, addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations and delivered to such persons respectively, or addressed to them by mail at their last known post office address or place of residence, and also by a general notice to be published in a newspaper published in in the county of Niagara, in the State of New York, and also in a newspaper in the counties of Lincoln and Welland, in the Province of Ontario, once a week for two successive weeks. At such meetings of stockholders such agreements shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, the said ballot to be cast in person or by proxy; and if two-thirds of the votes of all the stockholders of each such corporation shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each such corporation under the corporate seal thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted, and of the said certificate thereon, shall be filed in the office of the Secretary of State of Canada, and the other in the office of the Secretary of State of the State of New York, if such officer will receive the same, and the said agreement shall from the date of the filing of a duplicate of such agreement in the office of the Secretary of State of Canada be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company, and of such other corporation; and a copy of such agreement so filed, and of the certificate thereon properly certified, shall be evidence of the existence of such new Corporation.

Proceedings after adoption.

Effect of the consolidation.

21. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several corporations, parties

thereto, shall be deemed and taken to be consolidated, and to form one Corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein provided.

Property, &c., vested in new corporation.

22. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real and personal and mixed, and all rights and interests appurtenant thereto, all stock, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to and vested in such new Corporation without further act or deed: Provided however, that all rights of creditors and all liens upon the property of either of such corporations shall be unimpaired by such consolidation; and all debts, liabilities, and duties of either of the said corporations shall thenceforth attach to the new Corporation, and be enforced against it to the same extent as if the said debts, liabilities, and duties had been incurred and contracted by it; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new Corporation may be substituted in such action or proceeding in the place thereof.

Proviso: as to debts, &c.

Proviso: as to suits, &c.

Borrowing powers of new corporation.

23 The said new Corporation shall have power, from time to time, to borrow such sums of money as may be necessary for constructing and completing the work hereby authorized, and for the acquiring of the necessary real estate for the site thereof, and approaches thereto, and to mortgage its corporate property and franchises to secure the payment thereof, under the provisions of "*The Consolidated Railway Act*, 1879."

Votes on shares.

Quorum.

24. At all meetings of the stockholders of the Company, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy held by some other stockholder; and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Time for work limited.

25. The work shall be commenced within three years and completed within six years from the passing of this Act.

No. 61.

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

BILL.

An Act to incorporate the Niagara Railway Bridge Company.

Received and read, first time, Thursday, 8th March, 1883.

Read second time, Friday, 9th March, 1883.

PRIVATE BILL.

Mr. FERGUSON
(Welland).

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

No. 62] BILL. [1883

An Act to incorporate the Atlantic, Pacific and Peace River Telegraph Company.

WHEREAS John J. McDonald, John Shields, Alexander McBeth Sutherland, Henry N. Ruttan, William B. Scarth, Edward P. Leacock, James Tilt, Alexander Shields, William B. Ives, Frederick French Blanchard, Frederick S. Stimson and James J. Foy, have by their petition, prayed to be incorporated under the name of the Atlantic, Pacific and Peace River Telegraph Company, for the purpose of laying a cable and constructing a telegraph line from some point on the west coast of Ireland or Scotland, by way of Greenland, Hudson's Bay Straits, Hudson's Bay, Fort Churchill, Athabasca Lake and the Peace River to some point on the coast of the Pacific Ocean in the vicinity of Fort Simpson, with power to extend thence north-westerly to a point of junction with the Russian telegraph system, and it is expedient to grant the prayer of the said petitioners, and that the said persons and others who may be associated with them should be incorporated for the said purpose: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said John J. McDonald, John Shields, Alexander McBeth Sutherland, Henry N. Ruttan, William B. Scarth, Edward P. Leacock, James Tilt, William B. Ives, Frederick French Blanchard, Frederick S. Stimson, and James J. Foy and such other persons or corporations as may hereafter become holders of stock in the Company to be by this Act created, shall be and they are hereby created, constituted and declared to be a corporation and body politic and corporate by the name of "The Atlantic, Pacific and Peace River Telegraph Company," hereinafter called the Company, and the head office of the Company shall be at the city of Winnipeg, in the Province of Manitoba. Certain persons incorporated. Corporate name.

2. The Company shall have power to construct, make or lay, purchase, hire, keep in order, work and operate a line of telegraph from some point on the west coast of Ireland or Scotland, by way of Greenland, Hudson's Straits, Hudson's Bay, Fort Churchill, Athabasca Lake and the Peace River to some point on the coast of the Pacific Ocean in the vicinity of Fort Simpson, and shall have power to extend thence north-westerly to a point of junction with the Russian telegraph system, with full power and authority to make connection with a line of any telegraph company or companies, and any arrangement for working the same that to the said Company or the Directors shall appear fit. Line of telegraph may be constructed.

Company may borrow money and issue bonds.

3. The Company may borrow such sum of money (not exceeding in all the sum of dollars) and may issue such bonds therefor in such amounts and made payable at such times and bearing such interest and secured in such manner (by mortgage or otherwise) as the said Corporation may deem expedient and proper for carrying out any of the objects and purposes aforesaid.

Powers for constructing lines across highways, &c.

4. The Company may lay down, erect and maintain its line or lines of telegraph along the sides and across any public highways, bridges, water-courses or other such places (provided the said Company shall not interfere with the public right of travelling thereon), and may enter upon any lands or places, and survey, set off and take such parts thereof as may be necessary for such line or lines of telegraph, and may with the consent of the Governor in Council, take from any part of the ungranted and unoccupied Crown Lands of Canada, any posts or building materials necessary to make or repair the said line or lines, or any buildings in connection therewith; and in case of disagreement between the Company and any owner or occupier of lands, which the Company may take for the purposes aforesaid or in respect to any damage done to the same, by constructing the line or lines through or upon the same, the Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision (on the matter in difference) of any two of them in writing, shall be final; and if the said owner or occupier or the agent of the Company neglects or refuses to choose an arbitrator within four days after notice in writing, from the opposite party to him, and upon proof of personal service of such notice, or if such two arbitrators when duly chosen, disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Minister of Public Works, for the time being, to nominate any such arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided; Provided always, that nothing herein contained shall be construed to confer on the Company the right of building a bridge over any navigable river in Canada.

Arbitration as to damages.

Proviso: as to bridges.

Company may purchase lines of other companies.

5. The Company shall have power and authority to purchase or lease for any term of years any telegraphic line established or to be established either in Canada or in any other British possession, or in the territory or territories of any foreign power or state, connecting or hereafter to be connected with the line which the Company is authorized to construct; or to purchase or lease for any term of years, the right of any company to construct any such telegraph line; and shall also have power and authority to amalgamate with any company, board or persons—possessing as proprietors any line of telegraphic communication—connecting or to be connected with the Company's line, either in Canada in any other British colony, or in the territory of any other foreign state or power, whether on the continent of America or in any other part of the world.

Or amalgamate with other companies.

6. The Company shall also have power and authority to accept from the Government of Canada or from any power, state or government or from any corporate body (and either separately or conjointly with any company, board or individuals amalgamated with the Company as aforesaid), any guarantee or grant of lands or money in aid of their said undertaking. Company may accept aid in lands or money.

7. The capital of the Company shall be and shall be divided into shares of each, and the said capital may be increased from time to time by resolution of the Central Board of Directors, by and with the consent of a majority in value of the shareholders; but such capital shall at no time be made to exceed Capital of Company limited.

8. The said are hereby constituted a provisional Board of Directors of the Company, and shall hold office as such until other Directors shall be elected by the shareholders in the manner hereafter provided; and in the event of any one or more of the said provisional Directors dying before the election of other Directors, the survivors shall constitute the said provisional Board. Provisional directors.

9. The said provisional Directors shall have power and authority, at any time after the passing of this Act, to open stock books and to procure subcriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, to procure any charters or Acts of Incorporation from the Imperial Government of the United Kingdom, from any Colonial Governement, or from any foreign state, power or legislature which may be required for the continuation of the said telegraph line or its branches beyond the limits of Canada; and also to enter into any covenants, treaties or stipulations with the said Imperial Government or with any foreign power or state, having for object to secure co-operation, guarantee or other aid to and for the said undertaking, and it shall be the duty of the said provisional Directors to give notice in the *Canada Gazette* of the opening of the said stock books and of the places where the same shall have been deposited. Stock books may be opened.

10. Every person whose name shall be written in any such stock books as a subscriber to the said undertaking, and who shall have paid within ten days after the closing of the said books, into any of the banks appointed for the purpose, or to any of their branches or agencies per centum on the amount of stock so subscribed for, to the credit of the Company, shall thereby become a member of the Company and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the Company: Provided always that such per centum shall not be withdrawn from the said banks or otherwise applied, except for the purposes of the Company, or upon the dissolution of the Company from any cause whatsoever Rights of subscribers to stock.

Board of directors.

11. The business, affairs and concerns of the Company shall be managed by a Central Board of Directors to consist of five members, and by the Local Boards of Directors, hereinafter mentioned, and each such Director, whether Central or Local shall be proprietor of at least twenty shares in the stock of the Company, and shall be elected and hold office as hereinafter provided.

Aliens.

Liability of shareholders.

12. Aliens shall have equal rights with British subjects to take stock, to vote, and to be eligible to office in the Company; and no shareholder shall be liable beyond the extent of the stock subscribed by him for any debt contracted by the Company.

First general meeting.

13. So soon as per centum of the said capital stock shall have been subscribed and per centum thereon paid up the said provisional Directors, or a majority of them, may call a meeting of shareholders, either in the city of Toronto, in the Province of Ontario, in the city of Montreal, in the Province of Quebec, in the city of Winnipeg, in the Province of Manitoba or in the city of London, in England, as the said provisional Directors may determine, at such time as they may think proper, giving at least three months' notice in the *Canada Gazette* and in one or more newspapers published in Toronto, in Montreal, in Winnipeg or in London in England, and in the chief city of every foreign state wherein any of the shareholders of the Company may reside; and at the said general meeting and all other annual general meetings hereinafter mentioned, the shareholders present in person or represented by proxy, shall elect seven of the persons to form and constitute a Central Board of Directors Company.

Appointment of officers of Company.

14. The Directors shall appoint one of their number to act as President and another to act as Vice-President, and may appoint such other officers and agents as they shall deem necessary, and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices; five of the Directors shall form a quorum, and all questions shall be decided by a majority of votes of the Directors present, and upon every equal division the President or the Chairman for the time being, shall give his casting vote in addition to the vote previously given by him as one of the Directors.

Opening of stock books.

Shares may be in sterling or currency.

15. The Directors of the Company for the time being may open or cause to be opened stock books for the subscription of parties desiring to become shareholders in the capital stock of the Company, in as many and such places in the United Kingdom of Great Britain and Ireland and elsewhere, as they shall think fit, and may make such shares payable in such manner as they shall see fit, and further may issue shares for stock subscribed in England or elsewhere in such amounts respectively of sterling money of the United Kingdom as to the Directors shall from time to time seem fit, and may make the dividends thereon payable in like sterling money in England or elsewhere, at such place or places, as to

such Directors shall from time to time seem fit, and from time to time may appoint agents of the Company in England or elsewhere, and may delegate to such agents such powers as to the Directors of the Company shall from time to time seem fit, and may make such rules and regulations as to the Directors of the Company shall from time to time seem fit, as to the issuing of such shares in England or elsewhere, and as to the mode, time and place or places of the transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise, as shall be deemed requisite or beneficial for giving full effect to the powers hereby vested in the Directors of the Company in respect of issuing such shares in England or elsewhere.

Term of office of directors.

16. The said Directors shall hold office until the first annual meeting of the stockholders of the Company after their election, and at all meetings of the stockholders each share shall entitle the holder to one vote which may be given either in person or by proxy.

Yearly general meeting for election of directors.

17. On the first of the month of in every year, after the first general meeting, there shall be held a general meeting for the election of the Central Board of Directors in any one of the cities named in the thirteenth section of this Act which may be appointed for that purpose by the Directors, and previous notice of every such meeting shall by given in the manner provided in the said section ; and at every such general meeting the Directors in office or any of them, may be re-elected.

Appointment of local directors.

18. The Directors may from time to time appoint Local Boards of Directors in any one or more of the cities hereinbefore named or in any other city or place, either in British territory, or in the territory of any foreign power or state.

Local boards of directors; how constituted.

19. Every such Local board of Directors hall consist of five persons qualified in like manner as persons eligible as Directors of the Central Board, and shall remain in office for such period of time, not less than one and not exceeding three years as the said Central Board shall determine.

Vacancies in boards, how filled.

20. Whenever any one or more of any such Directors, whether of the Central or of any Local Board die or resign, the remaining Directors of the same board shall appoint a Director or Directors in lieu of the person or persons so dying or resigning.

Board may make by-laws.

21. The said Central Board of Directors may from time to time make, alter, amend or repeal such regulations and by-laws as may be necessary for the management of the affairs of the Company generally ; and each Local Board may also from time to time make, alter, amend or repeal, such regulations and by-laws as may be requisite for the management of the part of the undertaking under its immediate control, provided the same be not inconsistent with any regulations or by-laws made by the Central Board.

Calls on shares, how made and enforced.

22. The Directors may require payments of subscription to the said capital stock, at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments thereon ; and the Company may sue for and recover all such subscriptions ; notice of the times and places of such payments shall be published for four weeks previous to such times at least once in each week in the *Canada Gazette* and in such newspapers published in England or elsewhere as the Directors may think proper.

Shares to be personal property.

Proviso.

23. All and every the shares in the capital stock of the Company and all profits and advantages thereof shall be deemed to be personal estate and shall be transferable and transmissible as such : provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for the purpose ; and provided also, that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the Company, such stockholder shall cease to be a member of the Company.

Proviso.

Surveys.

Removal and borrowing of soil.

Station houses may be erected

Repair of buildings and works.

24. The Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic, corporate and collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended telegraph and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended telegraph and other works ; and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended telegraph or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act, and to build, erect and set up in or upon such lands such and so many station-houses and observatories, watch-houses and other works, ways, roads and conveniences, as and where the Company shall think requisite and convenient for the purposes of the said telegraph : And also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect, and keep in repair any bridges, arches and other works upon or across any non-navigable rivers or brooks for the making, using, maintaining and repairing the said intended telegraph, and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy

using of the said intended telegraph and other works, in pursuance of and according to the true intent and meaning of this Act; and whensoever and wheresoever the said telegraph shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said telegraph upon which such trees and underwood may be, they, the Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction wherever required so to do, to the owners or proprietors of or the persons interested in the lands, tenements, or hereditaments, waters, water-courses, brooks or rivers, respectively, which shall be taken, used, removed or prejudiced, or woods in which trees or underwood shall be cut down, or for full damages to be by them sustained in or by the execution of all or any of the powers granted by this Act: Provided always, that the Company shall not cut down or mutilate any tree planted or left standing for shade or ornament or any fruit tree, unless it be necessary so to do for the erection, use or safety of any of its lines.

Removal of trees.

Proviso.

25. The Company shall have full power and authority to set up posts for supporting the wires of the said telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or holes, or for carrying the said wires under the surface, and such posts and wires and other apparatus therewith connected shall be the property of the said Company as shall also be all such posts or poles or apparatus as shall be set up or carried under the surface of the ground by the Company for the purposes aforesaid, although the lands on which the same are set up or carried under the surface be not the property of the Company.

Erection of posts on roads and streets.

26. It shall be the duty of the Company (subject to the provision in the next following section) to transmit all despatches in the order in which they are received, under a penalty of not less than twenty nor exceeding one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order; and the Company shall have full power to charge for the transmission of such despatches, and to receive collect and recover such rates of payment as shall be from time to time fixed by the by-laws of the Company,

Order in which despatches are to be transmitted.

27. Provided that any message in relation to the administration of Justice, the arrest of criminals, the discovery or prevention of crime and Government messages or despatches shall always be transmitted in preference to any other message or despatch if required by any person connected with the administration of Justice, or any person thereunto authorised by the Secretary of State for the Colonies or the Secretary of State of Canada.

Government despatches to have precedence.

28. Any operator of the said telegraph line, or person employed by the said Telegraph Company, divulging the contents of a private despath shall be deemed guilty of a

Penalty for divulging contents of private despatch.

misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars or to imprisonment not exceeding three months or both, in the discretion of the Court before which the conviction shall be had.

Penalty for injuring property of Company.

29. Any person who shall wilfully or maliciously injure, molest, or destroy any of the said lines, posts, piers, or abutments, or the material or property belonging thereto or in any way obstruct the working of the said line of telegraph, shall, on conviction thereof, be deemed guilty of misdemeanor and be liable to be punished in the manner by law provided for such offences.

When works shall be begun and completed.

30. The works of the Company shall be commenced within three years and completed from Quebec to Labrador or to the eastern end of the Island of Anticosti, within six years from the passing of this Act, otherwise this Act shall be null and void.

No. 62.

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

BILL.

An Act to incorporate The Atlantic, Pacific and Peace River Telegraph Company.

Received and read first time, Thursday, 8th March, 1883.

Second reading, Friday, 9th March, 1883.

(PRIVATE BILL.)

Mr. CAMERON
(Victoria, R.N.)

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

No. 63. **BILL.** [1883.

An Act to amalgamate the Presbyterian Ministers' Widows' and Orphans' Fund in connection with the Presbyterian Church of the Lower Provinces, and the Widows' and Orphans' Fund of the Presbyterian Church in the Maritime Provinces, in connection with the Church of Scotland, and to create a corporation to administer such funds.

Preamble.

WHEREAS by petition it hath been represented that by chapter fifty-seven of the Acts of the Province of Nova Scotia, passed in the twenty-eighth year of Her Majesty's reign, intituled: "*An Act to incorporate the Trustees of the Presbyterian Ministers' Widows' and Orphans' Fund*," certain persons were created a body corporate for the purposes mentioned in the said Act, which said corporation was by the said Act made subject to the control of the Synod of the Presbyterian Church of the Lower Provinces of British North America, and certain sums of money are now vested in the said Trustees for the benefit of the widows and orphans of the ministers of the said church, and that in the year of Our Lord one thousand eight hundred and seventy-four the Synod of the Presbyterian Church of the Maritime Provinces in connection with the Church of Scotland, created a fund for the benefit of the widows and orphans of the ministers of the said church which fund was designated "The Widows' and Orphans' Fund of the Presbyterian Church of the Maritime Provinces in connection with the Church of Scotland," and the said fund is now vested in and held by James J. Bremner and George Mitchell, of the city of Halifax, merchants, as trustees thereof for the purposes aforesaid, and that the said two Synods together with the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland and the General Assembly of the Canada Presbyterian Church, have united together and have formed one body or denomination of Christians under the name of "the Presbyterian Church in Canada," and that by chapter one hundred of the Acts of the Province of Nova Scotia passed in the thirty-eighth year of Her Majesty's reign, intituled: "*An Act concerning the Presbyterian Church of the Lower Provinces of British North America*," it was among other things enacted that the said Presbyterian Ministers' Widows' and Orphans' Fund should bear the same relation in all respects to the General Assembly of the Presbyterian Church in Canada that it then bore to the Synod of the Presbyterian Church of the Lower Provinces, and until such General Assembly should provide or otherwise direct, the said fund should be managed by the board then

28 V. (N.S.), c. 57.

38 V. (N.S.) c. 100.

having charge thereof, and that such General Assembly should have power to unite the said fund with the fund held by any other of the said uniting churches for similar objects: and that at a meeting of the Synod of the Presbyterian Church of the Maritime Provinces in connection with the Church of Scotland, held on the tenth day of June in the year of Our Lord one thousand eight hundred and seventy-five and prior to the consummation of the said Union, it was (among other things) resolved that the committee having in charge the said Ministers' Widows' and Orphans' Fund in connection with such Synod should hold such fund in charge until the consolidation should take place of such Fund with the Widows' and Orphans' Fund of the other negotiating churches, and that the relation of ministers or congregations of the Presbyterian Church in the Maritime Provinces in connection with the Church of Scotland, who might defer entering or might not enter the United Church, should be similar in all respects to that of ministers and congregations who should become members of the United Church, it being understood that such ministers and congregations should comply with the terms of the constitution of such Fund: and that a scheme has been arranged and agreed upon by and between the committees or trustees having charge of the said respective funds, by which the same may be amalgamated and hereafter managed by one board, and such scheme, having been submitted to the General Assembly of the Presbyterian Church in Canada, such General Assembly approved of such scheme and authorized all necessary steps to be taken by legislation or otherwise to carry such proposed amalgamation into effect, and nominated the persons hereinafter named as the corporators in any Act of Parliament that might be obtained 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:—

Certain persons incorporated.

1. The Reverend Allan Pollock, Doctor in Divinity, the Reverend George Patterson, Doctor in Divinity, the Reverend Duncan B——— Blair, the Reverend Alexander Maclean, the Reverend James Maclean, the Reverend Thomas Sedgwick, the Reverend Edward A. McCurdy, the Reverend Robert Laing, James J. Bremner, Esquire, George Mitchell, Esquire, Howard Primrose, Esquire, and George Murray, Doctor of Medicine, and their successors, to be appointed in the manner hereinafter provided, shall be and they are hereby declared to be a body corporate and politic in name and in

Corporate name and general powers.

deed, by the name of 'The Trustees of the Ministers' Widows' and Orphans' Fund of the Synod in the Maritime Provinces of the Presbyterian Church in Canada," for the purpose of maintaining and administering a fund for the support of the widows and orphans of Presbyterian Ministers; and they and their successors by the name aforesaid shall be able and capable in law to purchase, take, have, hold, receive, enjoy, possess and retain all messuages, lands, tenements, money, goods, chattels and effects which have been or shall hereafter be paid, given, granted, purchased,

appropriated, devised or bequeathed in any manner or way whatsoever, to, for and in favor of the said "The Trustees of the Ministers' Widows' and Orphans' Fund of the Synod in the Maritime Provinces of the Presbyterian Church in Canada" to and for the uses and purposes of such Corporation.

Election of members of the corporation.

2. At the close of the annual meeting of the General Assembly of the Presbyterian Church in Canada, all the members of the said Corporation shall retire, their places being supplied at such meeting by twelve persons who shall be then and there chosen for that purpose by such General Assembly, the retiring members being eligible for re-election: Provided however, that the General Assembly shall not appoint as a member of such Corporation, any minister who is not a contributor to the funds thereof, or any person who has not been previously nominated therefor by the Synod in the Maritime Provinces of the Presbyterian Church in Canada, or who is not a member of such Church; and if the General Assembly should at any time fail to appoint the members of the said Corporation, the old members shall continue to act until their successors are duly appointed.

Proviso: as to qualification.

Provision in case of failure of election.

Certain property transferred to the corporation.

3. All the messuages, lands, tenements, moneys, goods, chattels, choses in action and effects now held, possessed or owned by, on behalf of, or in trust for the said "The Trustees of the Presbyterian Ministers' Widows' and Orphans' Fund," and also all messuages, lands, tenements, moneys, goods, chattels, choses in action and effects now held, possessed, standing in the name of or owned by the said James J. Bremner and George Mitchell as trustees of the Widows' and Orphans' Fund of the Presbyterian Church of the Maritime Provinces in connection with the Church of Scotland," or by any other person or persons for or on behalf of such Fund, are hereby transferred to and vested in the Corporation hereby created, subject however to any lien, charge, incumbrance or obligation that may exist on or in respect to the same or any part thereof; and the said Corporation are hereby declared to be entitled to ask, demand and receive from any person or persons holding the same all such property and effects as are hereby vested in or transferred to such Corporation; and the said two funds are hereby amalgamated and shall henceforth continue to be one fund under the management and control of the Corporation created by this Act.

Funds amalgamated.

First meeting of members and election of officers.

4. Forthwith after the passing of this Act any four members of the said Corporation may call a meeting of the members thereof at such time and place as they may see fit to appoint, at which meeting the members of the said Corporation or the major part of such of them as shall be then and there present shall choose, one chairman, one secretary, and one treasurer, who shall hold their respective offices during the pleasure of the said Corporation; the same individual may be appointed to more than one office in the Corporation.

Proviso.

By-laws may be made for certain purposes.

5. The members of the said Corporation or the major part of such of them as shall be present at any general meeting duly convened shall, subject to the limitations hereinafter contained, have power and authority to frame and make by-laws, rules and orders touching and concerning the good government of the said Corporation and the income and property thereof, and the collection, administration, investment, application and management of the funds aforesaid and any other matter or thing which to them may seem fit or expedient for the effectual attainment of the objects of the said Corporation and the administration of its concerns, and for fixing, ascertaining and establishing the scales or rates of contribution to the said fund by the ministers or others entitled to contribute thereto under the provisions of this Act, and the scales or rates of annuities payable to the widows and orphans of such contributors; and also from time to time by such new by-laws, rules and orders as to them shall seem meet, to alter or repeal those so made as aforesaid; but all such by-laws, rules and orders so made shall be in force only when and after the same shall have been submitted to and approved of by the General Assembly of the Presbyterian Church in Canada and by the Synod of such Church in the Maritime Provinces.

To be approved.

By-laws to be subject to certain provisions.

6. All by-laws, rules or orders which may hereafter be made by the said Corporation in relation to persons already interested either as contributors or as annuitants in either of the two funds by this Act amalgamated, shall be subject to the following provisions, that is to say:—

As to ministers contributing to first mentioned fund.

1. Those ministers now contributing to the fund of the Ministers' Widows' and Orphans' Fund of the late Presbyterian Church of the Lower Provinces shall continue to pay the same amounts per annum as heretofore, that is to say: those in the first class, eight dollars, those in the second class twelve dollars, and those in the third class, sixteen dollars.

And to secondly mentioned fund.

2. Those ministers now contributing to the said other fund who have been paying the ministerial rate of twelve dollars per annum, with a rate from their congregations, may continue to pay in the same manner, or if they prefer they may pay at the rate of sixteen dollars in lieu of both; and those who have been paying only the ministerial rate of twelve dollars may continue to pay at the same rate and shall be in the same position as those in the second class of the Presbyterian Ministers' Widows' and Orphans' Fund, but it shall be open to them up to the first day of July next to join the higher class, paying thenceforward at the rate of sixteen dollars per annum.

Amount to be received by annuitants on first mentioned fund.

3. Widows and orphans now annuitants upon the Presbyterian Ministers' Widows' and Orphans' Fund shall (subject to such diminution as the Corporation hereby created may find it necessary hereafter to make) receive the

following amounts per annum: widows in the first class, seventy-five dollars; widows in the second class, one hundred and twelve dollars and fifty cents; widows in the third class, one hundred and fifty dollars; if a widow be in the highest class she shall receive, in addition, for one child twenty dollars, for two children thirty-six dollars, for three children fifty dollars, and ten dollars for each additional child, and if she be in either of the other classes, in the same proportion. In the event of the decease of both parents, if there be one orphan the said Corporation shall pay for the benefit of such orphan two-thirds of the amount payable to widows in each class, and for the highest class, if there be two orphans, twenty-five dollars shall be added to the amount; if there be three, twenty dollars more, if there be four, seventeen dollars and fifty cents more; and twelve dollars and fifty cents for each additional orphan, and the other classes in proportion; to be continued in each case till they reach the age of eighteen years.

And on secondly mentioned fund.

4. Widows and orphans now annuitants upon the said other fund, receiving on account of both ministerial rates and congregational contributions, and those who may hereafter be annuitants upon the amalgamated fund entitled to receive on account of both, shall receive at the highest rate received by the widows and orphans of the other fund; and those only entitled to receive the rate allowed for ministerial contributions alone, shall hereafter receive at the same rate as widows and orphans in the second class of the said other fund.

As to other matters.

5. In all other respects all connected with either fund shall be subject to the rules that may hereafter be adopted for the management of the amalgamated fund.

Statements to be submitted.

7. It shall be the duty of the officers and members of the said Corporation, for the time being, to prepare annually, and to cause to be laid before the said Synod and General Assembly at their annual meetings, a full account of the receipts and disbursements of the said Corporation during the year next preceding such meetings, and also a general statement of its funds and property.

Certain rules to be enforced until by-laws are made.

8. Until by-laws for the management thereof are framed and passed by the said Corporation and approved of by the said General Assembly and Synod, the proposed rules for the management of the said amalgamated fund agreed upon by the Joint Committee appointed to arrange the terms of such amalgamation, shall, so far as the same are not inconsistent with this Act, be the by-laws of such Corporation.

Inconsistent enactments repealed.

9. All provisions contained in any Act of the Legislature of Nova Scotia inconsistent with the provisions of this Act, relating to the said Presbyterian Ministers' Widows' and Orphans' Fund, are hereby repealed.

No. 63.

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

BILL.

An Act to amalgamate the Presbyterian Ministers' Widows and Orphans Fund in connection with the Presbyterian Church of the Lower Provinces, and the Widows and Orphans Fund of the Presbyterian Church in the Maritime Provinces in connection with the Church of of Scotland, and to create a Corporation to administer such Funds

Received and read first time, Thursday, 8th March, 1883.

Second reading, Friday, 9th March, 1883.

(PRIVATE BILL)

Mr. RICHEY.

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

No. 64. **BILL.** [1883.

An Act to incorporate "The Pacific and Peace River Railway Company."

Preamble.

WHEREAS the construction and operation of a railway from some point on the coast of the Pacific Ocean, situated near Fort Simpson to some point on the Peace River east of Fort Dunvegan in the North-West Territories, either in a continuous line, or with power to the Company incorporated to construct the same to utilize the navigable waters along the said route for the purpose of transport, and to build, own and charter vessels for the said purpose; with power also to build, own, purchase or charter steamships or other vessels for the purpose of transporting freight or passengers from the eastern terminus of the said railway to Europe or elsewhere, would be for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a Company for those purposes, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Certain persons incorporated.

1. John J. Macdonald, John Shields, Alexander Macbeth Sutherland, Frederick French Blanchard, Henry N. Ruttan, William B. Scarth, Edward P. Leacock, James Tilt, Alexander Shields, Frederick S. Stimson, William B. Ives and James J. Foy, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company to be hereby incorporated, are hereby constituted and declared to be a body corporate and politic by and under the name of "The Pacific and Peace River Railway Company," hereinafter called the Company.

Corporate name.

Line of railway may be constructed.

2. The Company, their agents and servants may lay out, construct and operate a single or double iron or steel railway from a point on the coast of the Pacific Ocean, situated near Fort Simpson, to some point on the Peace River east of Fort Dunvegan in the North-West Territories, either in a continuous line or by utilizing the navigable waters along or near the said route for the purposes of transport, and shall have power to build all necessary bridges; and to build, own and run tramways, to build and operate branch lines of railway; to construct, purchase, lease, charter or own, and navigate steam or other vessels or ships for the purposes of transport of their traffic on the Peace and Skeena Rivers and their tributaries, and from the terminus of the said railway to Europe or elsewhere, and

Bridges and branch lines

also to build the railway in sections as they may deem best, under the provisions of "*The Consolidated Railway Act*, 1879;" but the Company shall not begin the construction of the said railway or branches until the location thereof shall have been approved of by the Governor in Council.

Telegraphs.

3. The Company may also construct and operate electric telegraph and telephone lines along and in connection with the railway and branches or water communication aforesaid,

Bridges.

or both, and may also erect and construct over any rivers, streams and lakes, which may be on or near the route of the railway, a bridge or bridges, where the same shall be necessary for the purposes of the railway or works hereby authorized.

Land for snow drift fences.

4. The Company may acquire land and water lot property for the purposes of their undertaking, and may acquire and take in the manner provided by "*The Consolidated Railway Act*, 1879" such additional width of land along the line of the railway and its branches as may be needed for snow-fences and barriers, and the Company may erect such fences and barriers wherever the same may be requisite, in the opinion of the Company, on any lands near the line of the said railway, on such terms and subject to the payment of such compensation to the owners of the said lands, as may be agreed on or as may be determined by arbitration in the manner provided by the sections of the said "*The Consolidated Railway Act*, 1879" relating to lands and their valuation.

Provisional directors.

5. The persons named in the first section of this Act shall be and are hereby constituted provisional Directors of the Company (of whom five shall be a quorum), and shall hold office as such until the first election of Directors under this

Their powers.

Act, and shall have power forthwith to open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, receive payments thereon, make or cause to be made plans and surveys of the work herein contemplated, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed or otherwise received on account of the Company, and to withdraw the same for the purposes only of the undertaking, and to receive on behalf of the Company any grant, loan, bonus or gift made to it in aid of the undertaking or any portion of it.

Capital stock and shares.

6. The capital stock of the Company shall be two millions of dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879,") to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place in payment of all fees, expenses and disbursements for procuring the passage of this Act and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other undertakings provided for by this Act.

Five per cent. payable on subscription.

7. No subscription of stock in the capital of the Company shall be legal or valid unless five per centum shall have been actually and *bonâ fide* paid thereon, within thirty days after subscription, into one or more of the chartered banks of Canada, to be designated by the Directors, provisional or ordinary, as the case may be; and such five per centum shall not be withdrawn from such bank or otherwise applied except for the purposes of such railway or other works hereby authorized, or upon the dissolution of the Company from any cause whatsoever; and the said Directors, or a majority of them, may, in their discretion, apportion the stock so subscribed among the subscribers as they shall deem most advantageous for the undertaking: Provided always, that the elected Directors may, by by-law or resolution passed by them, close the stock books after shares to the amount of five hundred thousand dollars shall have been subscribed, and may, from time to time, re-open the said stock books and receive subscriptions for additional shares of stock up to the limit authorized by this Act, when and as the same shall be required for the purposes of the Company; and it shall be lawful for the provisional or elected Directors, when authorized by the shareholders at any general or special meeting called for that purpose, to accept payment in full for stock from any subscriber thereof at the time of subscription thereof or at any time before the making of a final call thereon, and to allow such percentage or discount as they deem expedient and reasonable, and thereupon to issue to such subscriber scrip to the full amount of such stock subscribed.

Proviso: closing and re-opening of stock books.

Payment in full may be accepted.

Company may receive aid.

8. The Company may receive, either from the Dominion Government or any of the Provincial Governments, now existing or hereafter to be created, or from any persons or bodies corporate, municipal, or politic, in aid of the construction, equipment and maintenance of the said railway and other works, grants of land or money, bonuses, loans or gifts of money or securities for money, and may legally dispose of the same; and may purchase from time to time from the Government of Canada, lands in the North-West Territories, and may sell, convey and mortgage the same for the purpose of raising money for the prosecution of the said undertaking or maintenance thereof, or otherwise.

And acquire lands.

First meeting of shareholders.

9. When and so soon as shares to the amount of five hundred thousand dollars in the capital stock of the Company have been subscribed and five per centum paid thereon *bonâ fide*, the provisional Directors shall call a general meeting of the subscribers to the said capital stock at the city of Toronto or of Winnipeg, whichever a majority of the said Directors may think best, for the purpose of electing Directors of the Company, giving at least four weeks' previous notice by advertisement in some newspaper published in the city of Winnipeg and in some newspaper published in the city of Toronto, and also by circular addressed by mail to each subscriber, of the time place and purpose of the said meeting.

Qualification of director.

10. No person shall be elected a Director of the Company unless he shall be the holder and owner in his own right or as trustee for any corporation of at least twenty shares in the stock of the Company, and shall have paid up all calls thereon then overdue.

Election of directors.

11. At such general meeting the subscribers for the capital stock assembled who shall have so paid up five per centum thereof and shall be present in person or represented by proxy, shall elect by ballot seven shareholders to be Directors of the Company (of whom four shall be a quorum), and may also pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act or "*The Consolidated Railway Act*, 1879."

By-laws.

Head office.

12. The head office of the Company shall be at the city of Winnipeg or at such other place in Canada as may be fixed by a by-law of the Company, passed at any annual general or special meeting of the shareholders called for that purpose; and all annual meetings of the shareholders after the first meeting hereinbefore mentioned, shall be held at the head office on the first Wednesday in February in each and every year, or at such other time and place as may be fixed by by-law of the Company at its first meeting above mentioned or at any annual general or special meeting called for that purpose; and four weeks' previous notice of every such meeting shall be given by advertisement in the *Canada Gazette* and by circular prepaid posted to each shareholder, unless such requirement as to notice be changed by by-law.

Annual general meeting.

Calls on stock.

13. No call upon the capital stock shall exceed ten per centum on the subscribed stock, and at least thirty days' notice shall be given of each such call,—such notice to be given in the manner provided by the said "*The Consolidated Railway Act* 1879;" and not less than thirty days shall intervene between the times for payment of any two calls.

Bonds may be issued.

14. The Directors of the Company under the authority of the sharehalders to them given, are hereby authorized to issue bonds under the seal of the Company signed by its President or other presiding officer and countersigned by its Secretary; and such bonds shall be made payable at such times and in such manner and at such place or places in Canada or elsewhere and bearing such rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell or pledge all or any of the said bonds 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; and the said bonds hereby authorized to be issued shall, without registration or formal conveyance, be the first preferential claim and charge upon the Company and the undertaking, tolls and income and real and personal property thereof, now or at any time hereafter acquired, save and except as is hereinafter provided for; and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with the

other bondholders, and shall have priority as such: Provided, that the amounts of such bonds so issued, sold or pledged shall not exceed twenty-five thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed: Provided also, that no such bonds shall be issued until at least two hundred and fifty thousand dollars of the capital stock shall have been subcribed and ten per centum of the same *bonâ fide* paid thereon; but notwithstanding anything in this Act contained, the Company may secure the bonds to be issued by them, 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 shall be described in the said deed, but such rent and revenues shall be subject in the first instance to the payment of the working expenses of the railway; and by the said deed the Company may grant to the holders of such bonds or to the trustee or trustees named in such deed all and every the power and remedies granted by this Act, in respect of the said bonds and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be contained in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided.

Proviso: as to amount.

Proviso: as to time of issue.

Bonds may be secured by mortgage deed.

15. The Directors of the Company, under the authority and with the powers and on the terms hereinbefore set forth, may issue preference stock or shares of the Company, to be redeemed or made liable to be called in at such time and in such manner as the Directors may by the by-law for issuing the same fix and determine, upon which preference stock a dividend may be made payable in scrip which shall have the same security and shall be redeemable in like manner as the said preference stock; and such preference stock and scrip for dividend thereon shall be taken and accepted by the Company, and may be exchanged at its par value for any unsold and unencumbered lands belonging to the Company, not required for the purposes of its undertaking or station accommodation, at the price at which such lands are offered for sale by the Company for cash, which price shall be fixed by the Directors once in every year; and such preference stock may be exchanged by the holder thereof for ordinary stock on such terms and conditions as the Directors may from time to time, by by-law, fix and appoint: Provided always, that the total amount of bonds and of preference stock to be issued by the Company shall not exceed twenty-five thousand dollars per mile for every mile or the said railway constructed or under construction or under contract for its construction.

Preference stock may be issued.

To be taken in payment for lands.

Or exchanged for ordinary stock.

Proviso: as to amount.

16. If the Company shall make default in paying the principal of or interest on any of the bonds, preference stock or scrip for dividends hereby authorized at the time when the

Voting powers of holders of bonds, &c.,

in default of payment.

same shall, by the terms of the bonds or by the conditions upon which the preference stock or scrip for dividends was issued, become due and payable, then at the next ensuing annual general meeting of the Company and at all subsequent meetings, all holders of bonds, preference stock or scrip for dividends, so being and remaining in default, shall in respect thereof have and possess the same rights, privileges and qualifications for Directors and for voting at general meetings as would be attached to them as shareholders if they had held fully paid up shares of the Company to a corresponding amount: Provided nevertheless, that the rights given by this section shall not exercised by any bondholder, preference stockholder or holder of scrip for dividends unless the bonds, preference stock or scrip for dividends in respect of which be shall claim to exercise such rights shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the Company ; and for that purpose the Company shall be bound on demand to register any of the said bonds, preference stock or scrip for dividends in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares : Provided also, that 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 holder of the said bonds, preference stock or scrip for dividends shall be entitled.

Proviso : as to registration.

Proviso : rights saved.

Transfer of bonds, &c.

17. All bonds, preference stock, debentures and other securities hereby authorized and the coupons and interest warrants thereon respectively may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof in manner provided in the next preceding section; and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Company may become party to promissory notes.

18. The Company shall have power and authority to become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company as President or Vice-President thereof and countersigned by the Secretary, and under the authority of a majority of a quorum of the Directors, or of a standing by-law of the Company, shall be binding on the Company ; and any such promissory note or bill of exchange made, accepted or endorsed by the President or Vice-President and countersigned by the Secretary, shall be presumed to have been made with proper authority until the contrary be 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 be individually responsible for the same, unless the said promissory note or bill of exchange has been issued otherwise than as aforesaid: Provided however, that

Proviso.

nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Agreements with other companies.

19. It shall be lawful for the Company to enter into any agreement with any other Company for the use or partial use, or for the leasing or hiring, of any rolling stock, locomotives, cars or movable property and generally to make any agreement with any other Company touching running powers over the railway hereby authorized to be built or the railway of the other company, or touching the use of the rolling stock or movable property of the other company or touching any service to be rendered by one company to the other and the compensation therefor: Provided, that any such agreement or contract shall be first approved of and authorized by the shareholders of the Company hereby incorporated at an annual general or special meeting of the same called for that purpose.

Proviso: to be sanctioned by shareholders.

Powers as to vessels and elevators.

20. The Company may also build, purchase, acquire, lease, charter or possess, work and operate sea-going vessels and elevators, and if necessary may purchase grain and other freight to complete or make up the cargoes of such vessels, and the same may sell and dispose of; and it may also acquire, lease, charter or operate steam and other vessels on the Peace and Skeena Rivers and their tributaries and other navigable waters connected with the line of the said works hereby authorized, and may sell the same, and may also make any improvements or erect any work required to facilitate the navigation of any river with which the said railway shall connect.

Paid up stock or bonds may be issued for certain considerations.

21. The Directors elected by the shareholders may make or issue stock as paid up stock, and may pay or agree to pay in such paid up stock or in the bonds of the Company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock; and also when sanctioned by a vote of the shareholders at any special meeting called for that purpose, or at any annual general meeting, for the services of such persons as may be employed by the Directors in the furtherance of the undertaking, or purchase of the right of way, material, plant or rolling stock.

Further powers as to vessels and inland navigation.

22. The Company may also build, purchase, acquire, charter, or possess, work, operate and sell from time to time steam and other vessels on any lakes, rivers or other navigable waters, as they may deem proper and expedient in connection with their railway, and may do all such things as are necessary for improving the navigation between any of such lakes and others of them; and for the purpose of connecting the means of transport between the said waters, may construct a railway or a tramroad between any of such lakes and rivers and others of them, and also around the rapids or any other obstruction of any of the said rivers, or may construct a canal or canals to avoid the same wherever

requisite; and may also for the purpose of facilitating the said undertakings and the traffic in connection therewith, purchase, build, fit, complete and charter, sell and dispose of, work, control and keep in repair steam tugs, barges, steam boats, and other vessels to ply in connection with the said railway or otherwise; and may also build, purchase, acquire, lease, charter or possess, work, operate, and sell sea-going vessels and elevators, and if necessary may purchase grain and other freight to complete and make up the cargoes of such vessels, and the same may sell and dispose of.

Special general meetings.

Notice and place of meeting.

23. Special meetings of the shareholders may be called at any time by resolution of the Directors at any regular meeting of Directors or upon the requisition in writing to the President, or acting President of any ten of the shareholders, whose overdue calls are, at the time of making such requisition, paid up; immediately after the receipt of such requisition the President shall be bound to call such special meeting; and in every case special meetings shall be called by the same notice, and be held at the same place as hereinbefore provided in reference to annual meetings of shareholders.

Form of conveyance of land.

24. Deeds and conveyances of lands to the Company (not being letters patent from the Crown) may in so far as circumstances will admit be in the form following that is to say:—

"Know all men by these presents, that I, A. B., in consideration of paid to me by the Pacific and Peace River Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Pacific and Peace River Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal this day of one thousand eight hundred and

Signed, sealed and delivered in presence of } A.B. (L.S.)"

C. D.
E. F.

Effect of such conveyance.

or in any other form to the like effect; and every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same, the obligation of guaranteeing the Company and its assigns against all dower and claim for dower, and against all hypothecs and mortgages, and against all liens and charges whatsoever not excepted in the grant, and also that he has a good, valid and transferable title thereto.

Application of Railway Act.

25. All the provisions of the "*Consolidated Railway Act*, 1879," shall apply to the Company in so far as they are not inconsistent with this Act.

26. The works hereby authorized to be constructed shall be commenced within three years and completed within ten years from the passing of this Act. Limitation of time.

No. 64.

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

BILL.

An Act to incorporate the Pacific and Peace River Railway Company.

Received and read, first time, Thursday, 8th March, 1883.

Second reading, Friday, 9ih March, 1883.

PRIVATE BILL.

Mr. CAMERON
(Victoria, N.R.)

OTTAWA:
Printed by MACLEAN, ROGER & Co.

1883.

No. 65. **BILL.** [1883.

An Act to amend the Act to incorporate the Ontario Pacific Railway Company.

WHEREAS the Ontario Pacific Railway Company have, by petition, prayed that the Act incorporating the said Company may be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 45 V., c. 78.

1. Section three of the said Act is hereby amended by striking out all the words after "French River" in the fifteenth line of the said section and substituting the following in lieu thereof: "thence to the village of Sault "Ste. Marie, with a spur or branch to the navigable waters "of Lake Superior; also a spur or branch line from the "town of Cornwall to a point at or near the town of Perth "or the town of Smith's Falls; also a branch from the town "of Perth, or the town of Smith's Falls to the town of "Almonte by way of Carleton Place; and also a branch "line from some point on the main line of the railway, "between the villages of Renfrew and Eganville, to the "town of Pembroke." Section 3 amended.

2. Section four of the said Act is hereby amended by inserting after the words "State of New York" in the fifth line thereof the words: "and also a railway bridge over "the River St. Mary, at or near the village of Sault Ste. "Marie, to connect with any railways in the State of "Michigan;" and, wherever in the fourth, sixth, seventh, eight, ninth, tenth and twenty-third sections of the said Act, the word "bridge" occurs, as meaning a structure, it shall be construed to include and mean "bridge or bridges or either of them." Section 4 amended. How certain sections shall be construed.

3. Section five of the said Act is hereby amended by inserting after the words "and its approaches" in the eighth line thereof, the words: "and the bridge over the River "St. Mary and its approaches." Section 5 amended.

4. Section ten of the said Act is hereby amended by inserting after the words "State of New York," where they occur in the first and seventeenth lines thereof respectively, the words "or the State of Michigan." Section 10 amended.

5. Section eleven of the said Act is hereby repealed and the following substituted in lieu thereof:— Section 11 repealed.

New section 11.

"**11**. Until the said bridges shall be constructed "the Company shall have power to construct, pur- "chase, charter, own and navigate scows, boats and "steam or other vessels for the purpose of crossing "the said Rivers St. Lawrence and St. Mary, and "of carrying passengers and goods over the said rivers; "and the Company shall have power to construct, purchase, "charter, own and navigate steam vessels and other water "craft on the waters of the said rivers St. Lawrence and "St. Mary and on the waters of Lakes Superior, Huron, "Erie and Ontario and the Georgian Bay, and the reaches "connecting such waters, for the purpose of traffic in con- "nection with the railway; and the Company may also "make traffic arrangements with any line or lines of steam "vessels or other water craft trading on the Rivers St. "Lawrence or St. Mary, or on Lakes Superior, Huron, Erie or "Ontario, or on the Georgian Bay, or the reaches connecting "the same."

Section 16 amended.

6. Section sixteen of the said Act is hereby amended by striking out the words "by a Board of nine Directors of whom five shall be a quorum," in the second and third lines of the said section, and inserting in the lieu thereof, the words "by a Board of Directors consisting of not less "than five nor more than nine, a majority of whom shall "form a quorum."

Section 23 amended.

7. Section twenty-three of the said Act is hereby amended by striking out the words "five hundred thousand dollars" in the twenty-fourth and twenty-fifth lines of the said section, and inserting, in lieu thereof, the words: "two "million dollars, that is to say, one million dollars in respect "of the bridge over the River St. Lawrence, and one million "dollars in respect of the bridge over the River St. Mary."

Bridges may be built over Rideau Canal

8. In addition to the powers conferred upon the Company in respect of bridges by their Act of incorporation as hereby amended and by "*The Consolidated Railway Act*, 1879," the Company may construct a bridge or bridges across the Rideau Canal; Provided always, that the Company shall not commence the said bridges or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said bridge and works, shall have been complied with; nor shall any such plan be altered nor any deviation therefrom allowed, except by the permission of the Governor in Council and upon such conditions as he shall impose.

Proviso: plans to be apppoved by Governor in Council.

9. Section thirty-seven of the said Act is hereby repealed and in lieu thereof it is enacted that the railway shall be commenced within three years, and one of the said bridges commenced within five years, and the whole undertaking completed within ten years from the passing of this Act.

Section 37 repealed and new provision made.

No. 65.

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

BILL.

An Act to amend the Act to incorporate the Ontario Pacific Railway Company.

Received and read first time, Thursday, 8th March, 1883.

Second reading, Friday, 9th March, 1883.

(PRIVATE BILL.)

Mr. BERGIN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 66.] **BILL.** [1883.

An Act to incorporate the Quinze Pier, Boom and Improvement Company.

WHEREAS, Allan Grant, George Taggart, W. G. McVicar, Fred. Fraser and James Tackle, have, by their petition, prayed for the passing of an Act to incorporate a Company under the name of the "Quinze Pier, Boom and Improvement Company," for the purpose of sawing drifted or escaped timber, logs and lumber, and to secure the same for the rightful owners, and of constructing commodious and secure booms, piers and other works which will be beneficial to the timber and lumber trade on the River Ottawa and its tributaries above Lake Temiscamingue, and for granting the powers necessary to carry out the undertaking; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Allan Grant, George Taggart, W. G. McVicar, Fred. Fraser, James Tackle, and all such other person or persons as shall from time to time subscribe for and be possessed of any share or shares in its capital stock, are hereby constituted a body corporate by the name of the "Quinze Pier, Boom and Improvement Company," hereinafter called the Company, with power to purchase, acquire and hold such real estate as they may deem necessary for the purposes of this Act, and the same to sell, convey or exchange, as they shall see fit; and to acquire and hold all such piers, booms, vessels, boats, matters and things as may be deemed by them necessary to use and employ in and about the said River Ottawa and the tributaries thereof. Certain persons incorporated. Corporate name and general powers.

2. The Company shall have power at ninety-five separate and distinct points on the River Ottawa at which it may be necessary to attach the said booms to the shore of or islands in the said river, between Lake Temiscamingue and the sources of the said river (first having obtained a formal approval by the Governor in Council of their selection of such ninety-five points), to acquire at each of such points a parcel of land extending for a distance not exeeeding five hundred feet along the margin of the river, and extending back from the said river for a distance not exceeding fifty feet from high-water mark; and in case the owner or owners of the said parcel and the Company shall be unable to agree upon the price or consideration to be paid or given therefor, then all questions between the parties touching compensation or Power to attach booms to the shore. And acquire real estate. Arbitration.

damages shall be settled or determined by arbitration in the manner provided by "*The Consolidated Railway Act*, 1879," for the appropriation of lands by railway companies; and the powers and provisions contained in the clauses of the said Railway Act relating to lands and their valuation, shall, so far as applicable, extend to the Company, in order to enable them to acquire, in a compulsory manner, such parcels of land as aforesaid: Provided always, that the compulsory powers herein granted shall be exercised within three years from the passing of this Act, and not after.

Proviso: limitation of time.

Plans to be submitted to Minister of Public Works.

3. Before the Company shall proceed with the construction of their booms, piers and works, and of any alteration or enlargement thereof, plans and specifications of the same, and of any proposed amendments thereof, shall be made and submitted to and approved of by the Minister of Public Works for the time being; and all such booms, piers and works shall be subject to be removed by the Company immediately after notice from the Department of Public Works that such removal is ordered by the Minister.

Capital stock and shares.

4. The capital stock of the Company shall be fifty thousand dollars, divided into five hundred shares of one hundred dollars each, of which ten per cent. shall be paid up before the Company shall go into operation; and the unpaid stock shall be recoverable by the Company in an action of debt against any shareholder in the event of non-payment.

Board of directors.

5 The business and affairs of the Company shall be managed by a Board of five Directors, who shall choose one of their number to be President of the Company, who, as chairman, shall have the casting vote at all meetings of the Board in case of an equality of votes, in addition to his individual vote as a Director.

Provisional directors.

6. The said Allan Grant, George Taggart, W. G. McVicar, Fred. Fraser, and James Tackle shall be the first Directors of the Company, and they shall hold office until their successors are appointed in accordance with the by-laws to be passed by the shareholders.

By-laws may be made.

7. The shareholders shall have power at a general meeting to enact by-laws to provide for and regulate the payment of calls on the capital stock, the manner of voting for and the election of the Directors, the transfer of shares in the capital stock, the forfeiture or sale of the same in case of non-payment of calls, the increase of the capital stock, if need be, and the appropriation of the new shares among the existing shareholders, or for opening new subscription lists, as may seem advisable, and for regulating the affairs and business of the Company, as they may deem proper, and to alter, amend and repeal such by-laws as they may see fit.

Head office.

8. The chief office of the Company shall be in the city of Ottawa.

9. The Company shall have power to levy and collect tolls, dues and charges on all saw-logs, timber and lumber, which may have come into their possession by reason of the existence of the Company's works, or the exercise of any of the powers under this Act, upon such tolls, dues and charges being first approved by the Governor in Council, and upon publication thereof in the *Canada Gazette*, and the Governor in Council may, from time to time, alter and amend such tariff of dues, tolls and charges; and the Company shall hold a lien for such tolls, dues and charges on the timber, lumber and saw-logs in respect of which the same are chargeable: Provided always, that in case of rafts or cribs of timber breaking away from the moorings by storm or stress of weather, or other cause, and lodging in the booms or works of the Company, the owners of such rafts or cribs shall be at liberty to remove the same from the said works without charge, save and except for damages to the Company's works; but the owners of such rafts or cribs shall be bound to move such cribs or rafts with all due diligence, within the working season, after such lodging, failing which the said timber shall be subject to the tolls, dues and charges authorized by the said Order in Council.

Tolls may be collected.

Approval by Governor in Council.

Proviso: as to rafts driven by stress of weather.

No. 66.

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

BILL.

An Act to incorporate the Quinze Pier, Boom and Improvement Company.

Received and read, first time, Thursday, 8th March, 1883.

Read second time, Friday, 9th March, 1883.

(PRIVATE BILL.)

Mr. TASSÉ.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 67] **BILL.** [1883.

An Act respecting the Citizens' Insurance Company of Canada.

Preamble.

WHEREAS the Citizens' Insurance Company of Canada has, by its petition, represented that its paid up capital has been reduced by losses, and has prayed that its capital may be reduced, and further that the day fixed by its charter for the annual meeting of its shareholders may be changed; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Shares reduced.

1. Each share in the capital stock of the Company is hereby reduced to the sum of eighty-five dollars instead of one hundred dollars as at present, and the amount remaining subject to call on each such reduced share shall be seventy-seven and one-half dollars, and no more.

Liability of shareholders not affected.

2. The reduction hereby effected shall not relieve any shareholder from his liability for any portion of any call heretofore made, now remaining unpaid.

Date for annual meeting changed.

3. The annual meeting of the shareholders of the Company shall hereafter be held on the first Monday in March in each year, instead of on the first Monday in February in each year, as provided by the several Acts respecting the incorporation of the Company.

No. 67.

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

BILL.

An Act respecting the Citizens' Insurance Company of Canada.

Received and read first time, Thursday, 8th March, 1883.

Second reading, Friday, 9th March, 1883.

(PRIVATE BILL.)

MR. CURRAN.

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

No. 68.] **BILL.** [1883.

An Act to incorporate the Saint Lawrence Bridge and Manufacturing Company.

Preamble.

WHEREAS the construction of the works hereinafter mentioned would afford increased harbor accommodation at the port of Montreal, and would assist in promoting trade and manufactures, and would afford a means of communication between the railways on the Island of Montreal and those on the south side of the Saint Lawrence, and would be for the general advantage of Canada; and whereas the persons hereinafter named have petitioned to be incorporated as a body politic for the purposes of this Act, and it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain persons incorporated.

1. Lord Manners, the Honorable Alexander Walker Ogilvie, the Honorable L. R. Church, James Shearer, William Angus, M. H. Isaacs, W. T. Costigan, Captain T. de Montenach, John McGillis, F. Foster Bateman, George F. Miles, Michael J. F. Quinn, T. W. Miles, Robert Denny, and such other persons as shall become shareholders in the corporation to be hereby created, shall be and they are hereby constituted a body politic and corporate under the name of the "Saint Lawrence Bridge and Manufacturing Company," hereinafter called the Company.

Corporate name.

Certain works may be constructed.

2. The Company are authorized to construct and maintain an embankment running from a point near the north-west corner of the western abutment of the Victoria Bridge, to a point on the south side of St. Helen's Island, and also a high level bridge, either suspension or otherwise, from a point on the east side of St. Helen's Island, across the River St. Lawrence to the south shore, to a point between St. Lambert and Longueuil, with a right to place thereon a double track of rails, a highway for ordinary vehicles, and a footpath, and to connect such bridge and embankment with the different lines of railway and ordinary roads in the vicinity of the termini of the said bridge and embankment, the whole in conformity with the general plan thereof deposited in the office of the Honorable the Minister of Public Works, and marked A.

Plan of works.

Deviation from plan.

2. It shall nevertheless be allowable to the Company to make such deviation in the location of the said bridge and embankment as is figured and shewn on the aforesaid plan, and described in the memorandum of limits of deviation thereunto attached and marked B.

Survey and acquisition of lands.

3. The Company may enter upon and survey all lands adjacent to the termini of the said approaches and embankments, and ascertain and set out the portions thereof required as approaches or for other purposes, and so soon as by the terms of this Act they shall be authorized to commence the work of construction, they may purchase and acquire by agreement any lands, real estate, or real rights which they may judge necessary for such works, or advantageous for the operations or for all or every other useful purpose in connection therewith.

Powers as to expropriation.

4. Section eight of "*The Consolidated Railway Act*, 1879," shall for the purposes of expropriation and of matters incidental thereto be considered as incorporated with this Act, and shall form part thereof, and shall be applicable to the said work and the approaches thereto, in so far as the same can be made applicable, for the carrying into effect of the purposes of this Act; and whenever the term "Railway Company" is made use of in the said section eight of "*The Consolidated Railway Act*, 1879" there shall be substituted and understood to stand in the stead thereof the Company incorporated by this Act; and where the term "railway" is made use of in the said section eight of the said Railway Act, there shall be substituted and understood to stand instead thereof, the works authorized by this Act; it being nevertheless expressly understood that no powers of expropriation shall be exercised over any property belonging to the Harbour Commissioners of Montreal unless the consent of the said Harbour Commissioners shall have been first duly obtained.

Certain rights saved.

Lands and their valuation.

5. Should the lands, real estate, or real rights necessary for, or affected by the construction of the said works not be acquired or compensated for by agreement, then so soon as the Company shall have become by the terms of this Act entitled to commence its said work they shall for the acquisition of such lands, real estate, or rights as may still be necessary for the said works, and for the settlement of such damages as may be thereby caused, have all the powers and authority specified and set forth in section nine "*The Consolidated Railway Act*, 1879" in the same manner as if the works authorized by this Act had been the construction of a railway, and the said ninth section of the said Railway Act had been specially incorporated with the special Act for the construction of such railway, and to form part thereof, save and except only sub-section eighteen of the said section nine, which shall not apply, and shall not be held to be incorporated with this Act; and the fourth section of the said Railway Act shall also be held and considered as incorporated with this Act.

Water power for City of Montreal.

6. The Company is hereby empowered from time to time to agree with the Corporation of the city of Montreal to furnish water-power to the latter for any purpose whatsoever, and the said Corporation of the City of Montreal is hereby

authorized to enter into such contract or agreement with the Company *as may be made known.*

Railway traffic.

7. The Company shall also have power and authority from time to time to agree with any and all railway companies for the right to pass the cars and locomotives of any such railway company over the said bridge, and to lay down and work railway tracks, sidings and other facilities and conveniences to connect the said railways with the said bridge.

Powers of the company as to construction.

8. The Company shall also have power, on any of their said works and property, to construct and maintain locks, gates, sluices, basins, wharves, water-powers, mills, machinery, warehouses, sheds, buildings, elevators, weigh-beams, and all such other works, constructions and appliances as may be incident to, or which may be by them found necessary and useful in carrying out the objects contemplated by this Act, and especially for facilitating the unloading, shipment, storing and handling of merchandize, also the erection of railway tracks, stations, turn-tables, and everything necessary for the operation of railways in connection with their said bridge and embankment; but it is hereby expressely declared that all such erections shall be subject to the approval and consent of the Harbour Commissioners of the Port of Montreal.

Certain property may be sold or leased.

9. The Company may use or dispose of their water-powers mills, machinery, warehouses, sheds and other property and conveniences by sale, lease or otherwise, on such terms as they may see fit.

Survey and report to be made.

10. Before the said works shall be commenced or proceeded with, the Company shall cause to be made by a competent engineer or engineers instrumental surveys, examinations, cross-sections and measurements of the various areas, localities and navigable sections required for the purposes of, or affected by the said works, together with plans and profiles thereof, and shall obtain from the engineer or engineers a minute report containing full and comprehensive data respecting the same, and shewing more particularly the effect such works, or any division, part or section thereof, may have or produce in and upon the current or navigation of the River St. Lawrence, or any of the tributaries thereof, and shall deposit the whole in the office of the Minister of Public Works for the information and approval of the Governor in Council; and the Governor in Council may thereafter if deemed advisable, cause other and additional surveys, examinations, cross-sections and measurements to be made respecting the same; and none of the said works, nor any division, part, or section thereof shall be commenced or proceeded with, until the same shall have been approved by the Governor in Council, and the construction and execution of the said works shall be subject to such conditions and restrictions as as the Governor in Council may from time to time impose or ordain, and no additions or deviations or alterations shall

Governor in Council may order further surveys to be made.

be made to or in the said works, or to or in any division, part or section thereof, until the same shall in like manner be approved of by the Governor in Council and subject to the like conditions and restrictions: Provided nevertheless, that if the Governor in Council shall find that the plans, surveys, specifications and descriptions of the said works now deposited by the Company with the Minister of Public Works are sufficient, it shall not be necessary for the Company to deposit any further or other plans or description thereof.

Proviso: if existing plans are approved.

Channel of river may be excavated.

11. The Company shall have full power and authority to make such excavations in the channel of said River Saint Lawrence, between Victoria Bridge and Hochelaga, as may be necessary for the purpose of affording a channel for the passage of all kinds of craft and steamboats; such channel shall not be of a less width than three hundred feet, and shall have a depth at low water of not less than sixteen feet; and the Company is hereby authorized upon due indemnity to the owners of any wharves, piers or any other erections in the said river, between the said points, to enter upon and remove the same; but in such case the Company shall be bound to pay the value thereof, which said value shall be determined in the manner provided for in cases of expropriation in and by section nine of "*The Consolidated Railway Act*, 1879."

Prevention of floods.

12. The Company shall be bound to construct at any point where any flooding takes place on any private lands, a good and sufficient levee to prevent such flooding, and for that purpose is hereby authorized to enter upon the shore of the said river where such flooding takes place, and then to erect such necessary structures and levees as shall prevent the flooding of the adjacent lands; and the Company may also excavate between the foot of St. Helen's Island and Isle Ronde, such channel as it thinks proper in order to allow of the passage of any portions of the water of the Saint Lawrence River, through and between the said islands.

Navigation not to be interfered with.

13. All the operations to be performed under and by virtue of this Act, shall be so performed and carried out by the Company as not to interfere with the navigation of the said river nor with the port of Montreal, except in so far and to such extent as may be done with the consent and approval of the Harbour Commissioners of the Port of Montreal, or with the consent and approval of the Minister of Public Works.

Capital stock and shares.

14. The capital stock of the Company shall be three and one half millions of dollars, with power to increase the same from time to time to the amount of ten millions of dollars by a vote of not less than two-thirds majority in full of the shareholders present in person or represented by proxy at a special general meeting called for that purpose; the said capital stock shall be divided into shares of one hundred dollars each, which shares shall be held to be personal estate, and shall be assignable in such manner and form, and subject to such conditions as to lien and otherwise, as may from time to time be prescribed by the by-laws of the Company.

15. The construction of the said works shall not be commenced until at least ten thousand shares of the capital stock, amounting to one million dollars shall have been subscribed, nor until the sum of one hundred thousand dollars shall have been paid thereon and deposited by the Company in some chartered bank in Canada. When the works may be commenced.

16. The business and affairs of the Company shall be conducted and managed and its powers exercised by a Board of ten Directors to be elected by the shareholders at the annual meeting of the Company; and until Directors shall, under the provisions of this Act, be elected by the shareholders, the Directors of the said Company shall be Board of directors. Provisional directors.

who or any of them shall have power to open books of subscription for stock at such places as they may appoint and to give due notice thereof.

17. So soon as the sum of fifty thousand dollars of the said capital stock shall have been subscribed, and ten thousand dollars paid in thereon, and deposited in some one of the chartered banks in the city of Montreal, it shall be lawful for the provisional Directors to call a meeting for the purpose of proceeding to the election of Directors of the Company; and the said election shall then and there be made by the holders of the majority of shares voted upon at such meeting, and present thereat in person or represented by proxy, and the ten persons then chosen shall thereafter be the Directors, and shall be capable of serving until the election at or after the first annual meeting of the Company. First meeting of shareholders. Election of directors.

18. The annual meeting of the shareholders of the Company for the transaction of the general business of the Company, and the election of Directors from among the shareholders for the management of the affairs of the Company, shall be held at such time and place at the city of Montreal, and under such regulations with regard to notice as may be determined by the by-laws of the Company; and the holding of such other meetings as may be adjudged necessary and expedient, may also be provided for by such by-laws. Annual general meeting.

19. Each share shall entitle the holder thereof to one vote at all meetings of the Company, either personally or by proxy, such proxy being a shareholder and having a written authority: Provided always, that no single shareholder shall be entitled to vote on any greater number of shares than one tenth of the subscribed capital of the Company, and all questions shall be determined by the majority of votes given in respect thereof. Votes on shares. Proviso.

20. The Company shall have a President and a Vice-President, who shall be elected by the Directors from amongst themselves; the Directors may also appoint a Secretary and Engineer, and may also appoint such other officers, and may employ such agents and managers as they may from time to time judge expedient, and may require such officers and Secretary, agents and managers to give President and officers.

such security for the faithful performance of their duties as the Directors shall see fit to exact, and may pay and allow to such Secretary and officers, agents and managers, such salary as may be agreed upon.

Calls on stock and recovery thereof.

21. The Directors may make such calls upon the respective shareholders in respect of the shares subscribed or held by them respectively, as they may from time to time deem expedient, and may require the same to be paid with or without interest, and may impose penalties for failure of payment, not exceeding five per centum at and one time on the amount of the call or calls made; and likewise, subject to such rules and conditions as may be imposed by by-law, may declare forfeited all such shares as may be in arrear in respect of any call or calls, interest or penalty; and such shares shall, upon such declaration, be and become forfeited in favor of the Company, as well as the amounts previously paid thereon, and may thereupon be sold and disposed of in such manner as the Directors may see fit, and the net proceeds applied in reduction of the claims of the Company against the shareholder in default; or the Directors may, in their discretion should they see fit, proceed by suit or action for the recovery of any sum or sums due for a call or calls on such shares, with or without interest and penalties, or either, as the case may be, and afterwards, if the sum due is not recovered in full, may proceed by forfeiture as above directed, without prejudice to their recourse by suit in any case until the shares shall have been paid for in full.

What only need be proved in suits.

22. In any action or proceeding which may be brought by the Company against any shareholder for the recovery of any sum due on any call or calls, or for interest or penalties thereon, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more in the capital stock of the Company, and is indebted in the sum to which the arrears on the call or calls made on such share or shares amount, together with interest and penalties, if any, and it shall only be necessary to prove that the defendant was the proprietor of a share or shares, and that a call or calls had been made thereon.

By-laws may be made for certain purposes.

23. The Directors may make by-laws, and may, from time to time, alter, repeal, amend, or wholly substitute others for the government of the Company, its affairs, business, managers, agents, officers, and servants, which by-laws shall be subject to disapproval or disallowance by the shareholders, and shall remain in force after their adoption by the Directors until approved of, altered or disallowed by the shareholders at an annual meeting, or any general meeting called for the consideration thereof, either solely, or with other business; and such by-laws, besides containing provision for all matters hereinbefore referred to as the subject of such by-laws, may, subject to the special provisions of this Act, provide for the following matters, objects and purposes, viz.:—

1. The manner of filling up vacancies that may occur among the Directors prior to the annual election; the number of Directors which will constitute a quorum, and generally the manner in which their powers shall be exercised; Vacancies.

2. The manner of calling meetings, as well of the Directors as of the shareholders, and fixing the time for the annual meeting; Calling meetings.

3. The forfeiture of shares in arrear in respect of a call or calls, and the conditions and manner in which such forfeiture shall be declared; Forfeiture of shares.

4. The keeping of registers and transfer books for shares, and defining the manner in which transfers shall be made and the conditions in respect to the previous payments of calls or unpaid balance of the stock on which transfers shall be allowed; also the vouchers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance bankruptcy, or otherwise than by sale, and the forfeiture of shares for non-payment of anything due thereon, or in respect thereof, or for any debt due by any stockholder to the Company; Register and transfer books.

5. The keeping of minutes of the proceedings and the accounts of the Company, and rectifying any errors which may be found therein, the auditing of accounts and appointment of auditors; Minutes and audit.

6. The declaration and payment of profits of the Company and dividends in respect thereof; Dividends.

7. The borrowing or advancing of money for promoting the purposes and interests of the Company and the securities to be given by or to the Company for the same, such borrowing not to exceed the limit hereinafter stated; Borrowing and lending.

8. The qualification of Directors and their remuneration; Directors.

9. The times and manner of proposing and voting for increasing the capital stock of the Company, the mode of taking subscriptions for and allotting shares of such increase, and making calls thereon and collecting the same; Increase of capital.

10. The government and regulation of the said docks, piers, wharves, storehouses, buildings, and other the said works, and the shipping, unshipping, storing, placing and handling of merchandize, commodities and effects thereon or therefrom; Management.

11. The good and orderly conduct, as well of the officers and servants of the Company as of all persons using or coming within the limits of the said works, or any of them; Orderly conduct.

12. The preventing of injuries to or encroachments, trespasses or incumbrances upon any of the said works, and the removal therefrom of all obstructions and incumbrances; Encroachments, etc.

Vessels.

13. The ordering and regulating the anchoring mooring, placing, moving and fastening of all vessels in the said docks, canals or works;

Penalties.

14. The imposing of penalties for the infringement of any of the by laws of the Company, to an amount not to exceed in any case the sum of fifty dollars;

Business generally.

15. Generally, the transaction and management of the affairs and business of the Company, and the carrying into effect of all the powers and duties conferred or imposed on the Company, its shareholders and Directors, by this Act.

Railway companies may take stock.

24. It shall be lawful for any railway company, the freight and passengers of which may be transferred over the said bridge, to take stock in the Company incorporated by this Act, and to pay for such stock in paid up shares of such railway, and such paid up shares may be considered as paid up stock in the Company hereby incorporated; and for the aforesaid purposes any such railway company may issue to the Company incorporated by this Act, such paid up and unassessable stock as at par will equal the value of stock subscribed for in this Company hereby incorporated.

Borrowing powers.

25. The Companay are hereby authorized to borrow money at any time to the amount and extent of two and one-half millions of dollars, and for that purpose to issue bonds and debentures to a like amount, such bonds and debentures to bear interest at such rate as may be agreed upon, and to be a first charge or lien upon the works and property of the Company.

Certain rights of Corporation of Montreal saved.

26. The powers vested in the Company by this Act shall in no way interfere with the rights, privileges and advantages enjoyed and possessed by the Corporation of the Mayor, Aldermen and Citizens of the city of Montreal, by and in virtue of any Act of the Legislature, empowering them to borrow money and construct waterworks; and no works shall be made or constructed by the Company under this Act, the effect of which will be to injure, disturb or in any way affect the purity or quality of the water supplied by the Montreal waterworks, or which may in any way interfere with the good working of the said waterworks, or obstruct in any way the tail race entering the River Saint Lawrence; and the Company shall be responsible for any damage suffered by the City Corporation by reason of any of the works made or constructed by the Company; and the Company shall not be authorized to construct any of their said works within one thousand feet of the city aqueduct or tail race, without the consent of the City Corporation.

Rights of the Crown saved.

27. Nothing in this Act shall give or be construed to give the Company the power of taking possession of, or of interfering with or of exercising any control whatever over any lands belonging to Her Majesty, or any works or water-powers under the control of the Dominion or Quebec Government, save as herein specially provide for.

28. One of the said divisions of the said works shall be commenced within five years, and the whole of the said works shall be completed within ten years after the passing of this Act, failing which the powers hereby granted shall cease; nevertheless if any one, or any effective part or parts of any one or more of the said divisions, shall have been made so complete as to admit of its being practically useful, although only for water-power, all the powers given by this Act, in so far as applicable to that portion so completed, shall remain in force in regard to the same.

Time for commencement and completion of works.

29. Her Majesty, Her heirs and successors, may at any time assume possession of the property and works of the Company, and the rights, privileges and advantages thereof (all which shall after such assumption be vested in Her Majesty, Her heirs and successors) on giving to the Company one year's notice, and on paying to the Company the value of such property and works to be fixed by arbitrators, one to be chosen by the Governor in Council another by the Company, and in case of disagreement, a third arbitrator to be chosen by the said two arbitrators—a majority of whom to decide in such case.

Works may be assumed by Her Majesty.

30. The Company shall have a right to deposit any excavated matters in any of the non-navigable portions of the Saint Lawrence River which they may be authorized by the Governor in Council to use for such purpose; and any land so reclaimed or made shall become the property of the Company subject to the payment of indemnity to any riparian proprietor who is injured by such deposit.

Deposit of excavated matter.

31. It shall be lawful for the Company to extend the approaches of the said embankment from the point where the same intersects the north shore of the River Saint Lawrence near the abutment of the Victoria Bridge, to some point at or near the hay market in College Street in the city of Montreal, on obtaining the consent of the Governor General in Council and of the Corporation of the city of Montreal.

Extension of approaches into City of Montreal.

32. The expenses incurred in and about obtaining the present charter shall be a first charge and lien upon the subscribed stock of the Company.

Preliminary expenses.

No 68.

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

BILL.

An Act to incorporate the Saint-Lawrence Bridge and Manufacturing Company.

Received and read first time, Thursday, 8th March, 1883.

Second reading, Friday, 9th March. 1883.

(PRIVATE BILL.)

Mr. CURRAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 69] **BILL.** [1883.

An Act further to amend "*The Consolidated Railway Act*, 1879.

WHEREAS it is expedient to amend the sixteenth section of "*The Consolidated Railway Act*, 187 ," as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble. 42 V., c. 9.

1. Sub-section two of the said section sixteen is hereby repealed and the following substituted therefor:— Sub-section 2 of section 16 amended.

"2. Until such fences and cattle guards are duly made, the Company shall, whether they have or have not been required to erect and maintain the same by the proprietors of adjoining lands, be liable for all damages which may be done by their trains or engines to cattle, horses, or other animals on the railway." Company liable for damages although fence have not been demanded.

No. 69.

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

BILL.

An Act further to amend "*The Consolidated Railway Act*, 1879.

Received and read first time, Thursday, 8th March, 1883.

Second reading, Friday, 9th March, 1883.

Mr. WHITE,
(Renfrew, N.R.)

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

No. 70.] **BILL.** [1883.

An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway Company.

Preamble. 36 V., c. 88; 39 V., c. 48; 43 V., c. 50.

WHEREAS the Great Western and Lake Ontario Shore Junction Railway Company have, by their petition, prayed that the times for the commencement and completion of their railway may be extended, and that the Acts relating to the Company may be otherwise amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for work extended.

1. The times limited by section one of the Act passed in the forty-third year of Her Majesty's reign, chaptered fifty, for the commencement and completion of the said railway, are respectively extended so that the said railway shall be commenced within three years and be completed within four years after the passing of this Act.

New corporator substituted for a former one.

2. The first and fifth sections of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered eighty-eight, as amended by the second section of the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered forty-eight, are respectively further amended by substituting the name of John Proctor, of the city of Hamilton, Esquire, for that of Frederick Broughton therein.

No. 70.

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

BILL.

An Act to amend the Acts relating to the Great Western and Lake Ontario Shore Junction Railway Company.

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

Second reading, Monday, 12th March, 1883.

(PRIVATE BILL.)

Mr. ROBERTSON
(Hamilton).

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 71.] **BILL.** [1883

An Act to incorporate the Cumberland Coal and Railway Company.

WHEREAS the persons hereinafter mentioned by name have, by petition, represented that they are desirous of associating themselves together for the purpose of mining and selling coal, and for constructing and operating railways in connection therewith, and have prayed for an Act of incorporation to that end; and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. John McDougall, Robert Cowans, David Morrice, all of Montreal, Louis Adélard Sénécal, of Quebec, Robert Gilmour Leckie, of Sherbrooke in the Province of Quebec, and James Crossen of Cobourg in the Province of Ontario, together with all such persons and corporations as shall become shareholders in the Company to be hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the "Cumberland Coal and Railway Company," (hereinafter called the Company) and by that name shall have the power to carry on the business hereinafter mentioned; and shall be subject to the provisions of "*The Consolidated Railway Act* 1879." Certain persons incorporated. Corporate name and general powers.

2. The Company is hereby empowered to buy or lease coal mines or coal lands and sell the same; to mine for coal and other minerals and buy or sell the same; to buy, lease or construct railways and wharves in connection with the mines and operate the same; also to buy, hire, charter and sell vessels, steamers, ships and other suitable craft, for the transportation of coal and other minerals to ports in Canada or any foreign port or ports. Business of the Company.

3. The Company shall have power to construct telegraph lines from the mines to any point on the railways owned by it, and to use and work the same. Telegraph lines.

4. The Company may have its chief place of business at such place in Canada as may be determined by by-law, with branch offices at any other place in Canada or the United States; and so soon as such chief place of business shall have been determined upon, notice of same shall be published for at least four weeks in the *Canada Gazette*. Head office and agencies

Capital stock and shares.

5. The capital stock of the Company shall be two millions of dollars divided into twenty thousand shares of one hundred dollars each, and it shall be lawful for the Directors of the Company to accept subscriptions for such stock and to issue certificates therefor, as fully paid up stock, in whole or in partial payment for the purchase or lease of coal mines, coal lands, railways and wharves, and such stock shall be entered in the book mentioned in section twenty-three of the "*Canada Joint Stock Companies Clauses Act*, 1869."

Increase of capital.

6. The capital stock of the Company may be increased from time to time, by vote of the stockholders, at a meeting of the Company called for that purpose, to an amount not exceeding five millions of dollars in the whole.

Bonds may be issued.

7. The Directors of the Company, after the sanction of the shareholders shall have been first obtained, at a special general meeting to be called for such purpose, shall have power to issue bonds made and signed by the President or Vice-President of the Company, and countersigned by the Secretary and under the seal of the Company ; and such bonds shall bear any legal rate of interest, payable in Montreal or elsewhere, and shall without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the property of the Company, real and personal : Provided always, that the whole amount of such bonds shall not exceed three-fourths of the amount of the paid up capital stock of the Company.

Proviso : amount limited.

Transfer of bonds.

8. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery ; and any holder of the same so made payable to bearer, may sue at law thereon in his own name

Company may become party to promissory notes.

9. The Company shall have power to become party to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made and endorsed and such bill of exchange drawn accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary and Treasurer, or made, accepted and endorsed by any officer or officers of the Company, empowerd by the by-laws so to act, shall be binding of the Company ; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note ; nor shall the President, Vice-President or Secretary and Treasurer, or any legally empowered officer on the Company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever : Provided always, that nothing in this section shall be construed to authorise the Company to issue any note payable to bearer or any promissory note intended to be circulated as money or as the note of a bank.

Proviso : as to bank notes.

Liability of shareholders limited.

10. The shareholders of the Company shall not, as such, be liable for any act, default or liability of the Company

whatsoever, beyond the amount of the unpaid portion of the stock subscribed by them.

Forfeiture of stock for non-payment of call.

11. In case any instalment upon the said capital stock shall not be paid, as required by the calls therefor, the share or shares upon which the said instalment is due may, under such formality of procedure as the by-laws shall determine, be declared, forfeited and the same shall thereupon become the property of the Company and may be disposed of as such by-laws shall determine.

Board of directors.

Annual general meeting.

12. The affairs of the Company shall be managed by a board of not less than five nor more than seven Directors, who shall be annually elected by the stockholders at a meeting of stockholders to be held for that purpose on the second Wednesday of February in each year, notice of which annual meeting shall be given in the *Canada Gazette* and in a newspaper published in the county where the chief office of the Company is situated, such notice to be given and continued for at least one calendar month before the time fixed for the said annual meeting; and in case it shall at any time happen that an election of Directors shall not be made on the day fixed by this Act, then it shall be lawful on any subsequent day to make and hold an election of Directors at the chief office of the Company, after due notice has been given as regulated by the by-laws of the Company.

Time for election if not made on day fixed.

Provisional directors and their powers.

By-laws.

Proviso: as to approval by shareholders.

13. The said John McDougall, Robert Cowans, David Morrice, Louis Adélard Sénécal, Robert Gilmour Leckie and James Crossen, are hereby constituted a Board of provisional directors of the Company, to administer its affairs, until the first annual meeting of the stockholders, and the said provisional Directors shall have full power in all things to administer the affairs of the Company; to appoint such officers as they may deem fit, and to frame and enact such by-laws, rules and regulations as to them shall appear needful and proper for the purposes of this Act: Provided always, that such by-laws shall have effect and force only until the next annual meeting of the Company after the passing of the same, when they shall be submitted to such meeting for approval or amendment, and they shall not have longer force unless sanctioned by a majority of stockholders present in person or represented by proxy, at such annualor general meeting.

Amalgamation with another company.

14. The Company shall have power to amalgamate with any other coal or railway company, provided such amalgamation shall be approved of at a meeting of the stockholders to be called specially for that purpose, of which due notice shall be given as in the case of the annual general meeting.

32, 33 V., c. 12, to apply.

15. The provisions of the "*Canada Joint Stock Companies Clauses Act*, 1869" shall, except in so far as they are inconsistent with the provisions hereof, apply to the Company hereby incorporated.

No. 71.

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

BILL.

An Act to incorporate the Cumberland Coal and Railway Company.

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

Second reading, Monday, 12th March, 1883.

(PRIVATE BILL.)

Mr. COLBY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 72.] **BILL.** [1888.

An Act to incorporate the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.

WHEREAS the construction and operation of a railway from a point at or near Regina, the capital of Assiniboia, running north-westerly, crossing the Qu'Appelle River at its junction with Long Lake, thence running along the easterly or westerly side thereof until it reaches the northerly end of that lake, thence running in a north-westerly direction to a point on the South Saskatchewan, at or near the fifty-second degree of north latitude, thence continuing in a north-westerly direction until it reaches the North Saskatchewan, at or near the one hundred and seventh degree of longitude, either in a continuous line, or with power to the Company incorporated to construct the same, to utilize the navigable waters along the said route for the purpose of transport, and to build, own and charter vessels for the said purpose, would be for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a Company for those purposes, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Robert Doull, William B. Scarth, Oliver T. Stone, John A Mackenzie, J. J. Foy, Edgar Dewdney and Gilbert R. Pugsley, together with such other persons and corporations as shall, under the provisions of this Act, become shareholders in the Company to be hereby incorporated, are hereby constituted and declared to be a body corporate and politic by and under the name of "The Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company," hereinafter called the Company. Certain persons incorporated. Corporate name.

2. The Company, their agents and servants, may lay out, construct and operate a single or double iron or steel railway from a point at or near Regina, the capital of Assiniboia, in the North-West Territories, to some point on the North Saskatchewan River, at or near the one hundred and seventh degree of longitude, either in a continuous line or by utilizing the navigable waters along or near the said route for the purposes of transport, and shall have power to build all necessary bridges, and to build, own and run tramways, to build and operate branch lines of railway, to construct, purchase, lease, charter or own and navigate steam or other vessels or ships for the purposes of transport Line of railway may be built. Vessels and ships.

of their traffic on Long Lake and the Saskatchewan Rivers and their tributaries; and also to build the railway in sections, as they may deem best, under the provisions of "*The Consolidated Railway Act*, 1879."

Telegraphs

Bridges.

3. The Company may also construct and operate electric telegraph and telephone lines along and in connection with the railway or water communication aforesaid, or both, and may also erect and construct over any rivers, streams and lakes which may be on or near the route of the railway, a bridge or bridges where the same shall be necessary for the purposes of the railway or works hereby authorized.

Land for snow drift fences.

4. The Company may acquire land and water lot property for the purposes of their undertaking, and may acquire and take in the manner provided by "*The Consolidated Railway Act*, 1879," such additional width of land along the line of the railway and its branches as may be needed for snow fences and barriers, and the Company may erect such fences and barriers wherever the same may be requisite in the opinion of the Company, on any lands near to the line of the said railway, on such terms and subject to the payment of such compensation to the owners of the said lands as may be agreed on or as may be determined by arbitration in the manner provided by the sections of the said "*The Consolidated Railway Act*, 1879," relating to lands and their valuation.

Provisional directors.

Their powers.

5. The persons named in the first section of this Act shall be and are hereby constituted provisional Directors of the Company (of whom five shall be a quorum) and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, receive payments thereon, make or cause to be made plans and surveys of the works herein contemplated, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed or otherwise received on account of the Company, and to withdraw the same for the purposes only of the undertaking, and to receive on behalf of the Company any grant, loan, bonus or gift made to it in aid of the undertaking, or any portion of it

Capital stock and shares.

6. The capital stock of the Company shall be two millions of dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879,") to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place in payment of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other undertakings provided for by this Act.

Five per cent. payable on subscription.

7. No subscription of stock in the capital of the Company shall be legal or valid unless five per centum shall have been actually and *bonâ fide* paid thereon, within thirty days after subscription, into one or more of the chartered banks of Canada, to be designated by the Directors, provisional or ordinary, as the case may be, and such five per centum shall not be withdrawn from such bank or otherwise applied except for the purposes of such railway or other works hereby authorized, or upon the dissolution of the Company from any cause whatsoever; and the said Directors or a majority of them may in their discretion apportion the stock so subscribed among the subscribers as they shall deem most advantageous for the undertaking: Provided always, that the Directors so elected may, by by-law or resolution passed by them, close the stock books after shares to the amount of five hundred thousand dollars shall have been subscribed, and may, from time to time, re-open the said stock books and receive subscriptions for additional shares of stock up to the limit authorized by this Act, when and as the same shall be required for the purposes of the Company; and it shall be lawful for the provisional or elected Directors, when authorized by the shareholders at any general or special meeting called for that purpose, to accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount as they deem expedient and reasonable, and thereupon to issue to such subscriber scrip to the full amount of such stock subscribed.

Proviso: stock books may be closed and re-opened.

Stock may be paid up in full.

Company may receive aid.

8. The Company may receive, either from the Dominion Government or any of the Provincial Governments, now or hereafter in existence, or from any persons or bodies corporate, municipal or politic, in aid of the construction, equipment, and maintenance of the said railway and other works, grants of land or money, bonuses, loans or gifts of money or securities for money, and may legally dispose of the same; and may purchase from time to time from the Government of Canada lands in the North-West Territories and may sell, convey and mortgage the same for the purpose of raising money for the prosecution of the said undertaking or maintenance thereof, or otherwise.

And acquire lands.

First meeting of shareholders.

9. When and so soon as shares to the amount of two hundred thousand dollars in the capital stock of the Company have been subscribed and five per centum paid thereon *bonâ fide*, the provisional Directors shall call a general meeting of the subscribers to the said capital stock at Toronto or Regina, whichever a majority of the said Directors may think best, for the purpose of electing Directors of the Company, giving at least four weeks' previous notice by advertisement in some newspaper published in Regina, and in some newspaper published in the city of Toronto, and also by circular addressed by mail to each subscriber, of the time, place and purpose of the said meeting.

Qualification of director.

10. No person shall be elected a Director of the Company unless he shall be the holder and owner in his own right or as trustee for any corporation, of at least twenty shares in the stock of the Company, and shall have paid up all calls thereon then over due.

Election of directors.

11. At such general meeting the subscribers for the capital stock assembled who shall have so paid up five per centum thereof, and shall be present in person or represented by proxy, shall elect by ballot seven shareholders to be Directors of the Company (of whom four shall be a quorum), and may also pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act or "*The Consolidated Railway Act*, 1879."

By-laws.

Head office.

12. The head office of the Company shall be at Regina, or at such other place in Canada as may be fixed by by-law of the Company passed at any annual general or special meeting of the shareholders called for that purpose; and all annual meetings of the shareholders after the first meeting hereinbefore mentioned, shall be held at the head office on the first Wednesday in February in each and every year, or at such other time and place as may be fixed by by-law of the Company at its first meeting above mentioned, or at any annual general or special meeting called for that purpose; and four weeks' previous notice of every such meeting shall be given by advertisement in the *Canada Gazette*, and by circular, prepaid, posted to each shareholder, unless such requirement as to notice be changed by by-law.

Annual general meeting.

Calls on stock.

13. No call upon the capital stock shall exceed ten per centum on the subscribed stock, and at least thirty days' notice shall be given of each such call, such notice to be given in manner provided by the said "*The Consolidated Railway Act*, 1879;" and not less than thirty days shall intervene between the times for payment of any two calls.

Bonds may be issued.

14. The Directors of the Company, under the authority of the shareholders to them given, are hereby authorized to issue bonds under the seal of the Company, signed by its President or other presiding officer, and countersigned by its Secretary; and such bonds shall be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest as the Directors shall think proper; and the Directors shall have power to issue, and sell or pledge all or any of the said bonds 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: and the said bonds hereby authorized to be issued shall, without registration or formal conveyance, be the first preferential claim and charge upon the Company, and the undertaking, tolls and income and real and personal property thereof, now or at any time hereafter acquired, save and except as is hereinafter provided for, and each holder of the said bonds shall be deemed to be

To be a first charge on the undertaking.

a mortgagee or incumbrancer upon the said securities *pro rata* with the other bondholders, and shall have priority as such: Provided, that the amount of such bonds so issued, sold or pledged shall not exceed twenty-five thousand dollars per mile of the said railway, to be issued in proportion to the length of railway constructed or under contract to be constructed: Provided also, that no such bonds shall be issued until at least two hundred thousand dollars of the capital stock shall have been subscribed and ten per centum of the same *bonâ fide* paid thereon; but notwithstanding anything in this Act contained the Company may secure the bonds to be issued by them, 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 shall be described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway; and by the said deed the Company may grant to the holders of such bonds or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act, in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed, shall be valid and binding and available to the bondholders in manner and form as therein provided.

Proviso: as to amount.

Proviso: as to time of issue.

Bonds may be secured by mortgage deed.

15. The Directors of the Company, under the authority and with the powers and on the terms hereinbefore set forth, may issue preference stock or shares of the Company, to be redeemed or made liable to be called in at such time and in such manner as the Directors may, by the by-law for issuing the same, fix and determine—upon which preference stock a dividend may be made payable at such rate not exceeding eight per centum per annum as to the Directors may seem fit; and such dividend may be made payable in scrip, which shall have the same security and shall be redeemable in like manner as the said preference stock; and such preference stock and scrip for dividend thereon shall be taken and accepted by the Company and may be exchanged at its par value for any unsold and unincumbered lands belonging to the Company not required for the purposes of its undertaking or station accommodation, at the price at which such lands are offered for sale by the Company for cash—which price shall be fixed by the Directors once in every year; and such preference stock may be exchanged by the holder thereof for ordinary stock on such terms and conditions as the Directors may, from time to time, by by-law fix and appoint: Provided always, that the total amount of bonds and of preference stock to be issued by the Company shall not exceed twenty-five thousand dollars per mile for every mile of the said railway constructed, or under construction, or under contract for its construction.

Preference stock may be issued.

To be taken in payment for lands.

Or exchanged for ordinary stock.

Proviso: as to amount.

Voting powers of holders of bonds, &c., in default of payment.

16. If the Company shall make default in paying the principal of or interest on any of the bonds, preference stock or scrip for dividends hereby authorized at the time when the same shall, by the terms of the bonds or by the conditions upon which the preference stock or scrip for dividends was issued, become due and payable, then at the next ensuing annual general meeting of the Company, and at all subsequent meetings, all holders of bonds, preference stock or scrip for dividends so being and remaining in default shall in respect thereof have and possess the same rights, privileges and qualifications for Directors and for voting at general meetings as would be attached to them as shareholders if they had held fully paid-up shares of the Company to a corresponding amount: Provided nevertheless,

Proviso: as to registration of securities.

that the rights given by this section shall not be exercised by any bondholder, preference stock holder or holder of scrip for dividends unless the bonds, preference stock or scrip for dividends in respect of which he shall claim to exercise such rights shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the Company; and for that purpose the Company shall be bound on demand to register any of the said bonds, preference stock or scrip for dividends in the name of the holder thereof, and to register any transfers

Proviso: rights saved.

thereof in the same manner as a transfer of shares: Provided also, that 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, preference stock or scrip for dividends shall be entitled.

Transfer of bonds, &c.

17. All bonds, preference stock, debentures and other securities hereby authorized, and the coupons and interest warrants thereupon respectively, may be made payable to bearer and shall in that case be transferable by delivery, until registration thereof in manner provided in the next preceding section; and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer,—which the Company shall be bound to register on the demand of the registered holder for the time being.

Company may become party to promissory notes.

18. The Company shall have power and authority to become party to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company as President or Vice-President thereof, and countersigned by the Secretary, and under the authority of a majority of a quorum of the Directors or of a standing by-law of the Company, shall be binding on the Company; and any such promissory note or bill of exchange made, accepted or endorsed by the President or Vice-President and countersigned by the Secretary, shall be presumed to have been made with proper authority until the contrary be 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, be individually responsible for the same, unless the said promissory note or bill of exchange has been issued otherwise than as aforesaid: Provided however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Proviso.

19. It shall be lawful for the Company to enter into any agreement with any other Company for the use or partial use or for the leasing or hiring of any rolling stock, locomotives, cars or movable property, and generally to make any agreement with any other company touching running powers over the railway hereby authorized to be built, or the railway of the other company, or touching the use of the rolling stock or moveable propertyof the other company, or touching any service to be rendered by one company to the other and the compensation therefor: Provided, that any such agreement or contract shall be first approved of and authorized by the shareholders of the Company hereby incorporated at an annual general or special meeting of the same called for that purpose. Agreements with other companies. Proviso: to be sanctioned by shareholders.

20. The Company may also build, purchase, acquire, lease, charter or possess, work and operate sea-going vessels and elevators, and if necessary may purchase grain and other freight to complete or make up the cargoes of such vessels and the same may sell or dispose of; and it may also acquire, lease, charter or operate steam and other vessels on Long Lake, the Saskatchewan Rivers and their tributaries and other navigable waters connected with the line of the said works hereby authorized, and may sell the same, and may also make any improvements, or erect any work required to facilitate the navigation of any river with which the said railway shall connect. Powers as to vessels and elevators.

21. The Directors elected by the shareholders may make or issue stock as paid-up stock, and may pay or agree to pay in such paid-up stock or in the bonds of the Company, such sums as they may deem expedient, to engineers or contractors or for right of way or material, plant or rolling stock; and also when sanctioned by a vote of the shareholders at any special meeting called for that purpose, or at any annual general meeting, for the services of such persons as may be employed by the Directors in the furtherance of the undertaking, or purchase of the right of way, material, plant or rolling stock. Paid up stock or bonds may be issued for certain considerations.

22. The Company may also build, purchase, acquire charter, or possess, work, operate and sell from time to time, steam and other vessels on any lake, river or other navigable waters, as they may deem proper and expedient in connection with their Railway, and may do all such things as are necessary for improving the navigation between them; and for the purpose of connecting the means of transport between the said waters may construct a railway or a tram road between any of them, and also around the rapids or any other Further powers as to vessels and inland navigation.

obstruction of any of the said rivers, or may construct a canal or canals to avoid the same wherever requisite; and may also, for the purpose of facilitating the said undertakings and the traffic in connection therewith, purchase, build, fit, complete and charter, sell or dispose of, work, control and keep in repair steam tugs, barges, steamboats and other vessels to ply in connection with the said railway or otherwise.

Special general meetings.

23. Special meetings of the shareholders may be called at any time by resolution of the Directors at any regular meeting of Directors, or upon the requisition in writing to the President or acting President of any ten of the shareholders whose overdue calls are at the time of making such requisition paid up; immediately after the receipt of such requisition the President shall be bound to call such special meeting; and in every case special meetings shall be called by the same notice and be held at the same place as hereinbefore provided in reference to annual meetings of shareholders.

Notice and place of meeting.

Form of conveyance of land.

24. Deeds and conveyances of lands to the Company (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form following, that is to say:—

"Know all men by these presents, that I, A. B., in consideration of paid to me by 'The Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company,' the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said 'The Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company,' their successors and assigns, all that tract or parcel of land *(describe the land)* to have and to hold the said land and premises unto the said Company, their successors and assigns for ever."

"Witness my hand and seal, this day of one thousand eight hundred and

"Signed, sealed and delivered in presence of } A. B [L. S.]

C. D.
E. F."

Effect of such conveyance.

or in any other form to the like effect; and every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same the obligation of guaranteeing the Company and its assigns against all dower and claim for dower and against all hypothecs and mortgages and against all liens and charges whatsoever, not excepted in the grant, and also that he has a good, valid and transferable title thereto

Application of Railway Act.

25. All the provisions of "*The Consolidated Railway Act*, 1879," shall apply to the Company, in so far as they are not inconsistent with this Act.

26. The works hereby authorized to be constructed shall be commenced within three years and completed within ten years from the passing hereof. Limitation of time.

No. 72.

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

BILL.

An Act to incorporate the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.

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

Second reading, Monday, 12th March, 1883.

[PRIVATE BILL.]

Mr. CAMERON
(Victoria, N.R.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 73.] **BILL.** [1883.

An Act respecting the Montreal, Ottawa and Western Railway Company and to change the name thereof to the "Montreal and Western Railway Company."

Preamble.

WHEREAS the Montreal, Ottawa and Western Railway Company has represented by petition that in order to promote the interests of colonization in that part of the Province of Quebec, which lies to the north and west of the Ottawa River, it is necessary to build a railway through it, and have prayed for the passing of an Act to authorize them to build such railway; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of line.

1. The said Company is hereby authorized to extend its line of railway from the parish of Ste. Agathe, in the County of Terrebonne, through the valley of the Rivière Rouge to the River Gatineau, in or near the township of Maniwaki, in the county of Ottawa, and thence to a point of junction with the Canadian Pacific Railway between lakes Nipissing and Temiscamingue; with power to acquire by purchase or otherwise any line or part of a line of railway between the said parish of Ste. Agathe and the city of Montreal, such acquisition and the terms thereof being first approved by the shareholders of the Company at a meeting called for the purpose.

Branch line.

2. The said Company shall also have the right to construct a branch line from any point on their line of railway eastward to a point of junction with any railway which shall then have been constructed from the bank of the River St. Lawrence at any point east of the Island of Montreal running northerly or north-westerly.

38 V., c. 68 to apply.

Proviso.

3. The Act thirty-eight Victoria, chapter sixty-eight, shall apply to the said line of railway as far as the same can be made applicable, provided that the issue of first mortgage debentures be restricted to the sum of twenty thousand dollars per mile.

Change of name.

4. The name of the said Company is hereby changed to that of "The Montreal and Western Railway Company," and under that name it shall have all the same rights, property, powers and privileges, which are held or possessed by the said Montreal, Ottawa and Western Railway Company, save and except such as were by it sold and transferred to the

Rights of Quebec Government recognized.

Quebec Government by a certain deed of transfer passed before Louis N. Dumouchel, Notary, on the sixteenth day of November, one thousand eight hundred and seventy-five.

Commencement and completion of railway.

5. The period for the commencement of the railway of the Company is extended to three years, and for completing it to ten years from the passing of this Act.

No. 73.

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

BILL.

An Act respecting the Montreal, Ottawa and Western Railway Company, and to change the name thereof to the "Montreal and Western Railway Company."

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

Second reading, Monday, 12th March, 1883.

(PRIVATE BILL)

Mr. ABBOTT.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.

1883.

No. 74] **BILL.** [1883.

An Act to incorporate the Great North Western Railway Company.

WHEREAS the construction of a railway from some point on the Canadian Pacific Railway, in the North-West Territories, at some point between Swift Current Creek and Medicine Hat, and running thence in a north-westerly direction, crossing the North Saskatchewan River at Edmonton, or at some point to the eastward thereof, and continuing in the same general direction to the Peace River, at the mouth of the Smoky River, or at some point further down the said Peace River, would be for the general advantage of Canada; and whereas a petition has been presented for the incorporation of a Company for the purpose of constructing and working the same, and of constructing, owning, and operating lines of telegraph or telephone along the line of the said railway; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. John Stoughton Dennis, of the city of Ottawa, in the County of Carleton, C.M.G.; E. D. Orde, of the town of Lindsay, in the county of Victoria, Esquire; Charles Magee, of the said city of Ottawa, Esquire; William Egerton Hodgins, of the city of Toronto, in the county of York, Barrister-at-Law; Charles John Brydges, of the city of Winnipeg, in the county of Selkirk, Esquire; Sedley Blanchard, of the said city of Winnipeg, Barrister-at-Law; and John Henry Woodman, of the said city of Winnipeg, Banker, together with all such persons and corporations as shall become shareholders in the Company to be hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of the "Great North Western Railway Company," hereinafter called the Company. Certain persons incorporated. Corporate name.

2. The Company shall have power and authority to lay out and construct a railway from some point on the Canadian Pacific Railway in the North-West Territories, to be fixed by the Governor in Council, at some point between Swift Current Creek and Medicine Hat, and running thence in a north-westerly direction, crossing the North Saskatchewan River at Edmonton, or at some point to the eastward thereof, and continuing in the same general direction to the Peace River, at the mouth of the Smoky River, or at some point further down the said Peace River, and to construct all Line of railway may be constructed. Bridges and branch lines.

necessary bridges over rivers crossing the said line between the said points, and also to build and operate branch lines of railway from the first above described line, all such lines and branch lines to be approved of by the Governor in Council.

3. The Company shall have power and authority to lay out and construct, complete, maintain, work, manage and use a railway bridge over any navigable stream or streams on the line of the said railway, and the sections of "*The Consolidated Railway Act*, 1879," under the head of "Powers," "Plans and Surveys," and "Lands and their valuation," shall so far as necessary, apply to the power hereby given.

Plans of bridges to be submitted to Governor in Council.

4. The Company shall not commence any such bridge or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council, plans of such bridge and of all the works thereunto appertaining, nor until the plans and site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching said works, shall have been complied with, nor shall any such plan be altered nor any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always, that if any such bridge be placed over any such river or stream at a place where the same is navigable, and if the Governor in Council shall determine that such bridge shall be a draw bridge, the same shall be constructed so as to have one draw in the main channel of such river or stream, which draw shall be of such width as the Governor in Council may determine, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river or stream; and the said draw shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the Company, so as not to hinder unnecessarily the passage of any vessel; from sundown to sunrise during the season of navigation, suitable lights shall be maintained upon any such bridge to guide vessels approaching the said draw.

Proviso: as to draw-bridge.

Land for snow fences.

5. The Company shall have the right to acquire and take in the manner provided by "*The Consolidated Railway Act*, 1879" such additional width of land along the line of the Railway and its branches as may be needed for snow fences and barriers, and the Company may erect such fences and barriers, wherever the same may be requisite in the opinion of the Company, on any lands near to the line of the said railway on such terms and subject to the payment of such compensation to the owner of the said lands as may be agreed on or as may be determined by arbitration in the manner provided by the sections of the said "*The Consolidated Railway Act*, 1879" relating to lands and their valuation.

Provisional directors and their powers.

6.

shall be and are hereby constituted provisional Directors of

the said Company (of whom five shall be a quorum), and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice in the *Canada Gazette* of the time and place of their meeting to receive such subscription of stock; and they shall have power to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and also all such powers as are vested in provisional Directors by "*The Consolidated Railway Act*, 1879."

Capital stock and shares.

7. The capital stock of the Company shall be (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879") to be divided into shares of dollars each; and the money so raised shall be applied in the first place to the payment of all expenses and disbursements connected with the organization of the Company and other preliminary expenses, and making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, completing, equipping and maintaining of the said railway and the other purposes of this Act, and to no other purpose whatsoever.

Ten per cent. payable on subscription.

8. No subscription of stock in the capital of the Company shall be legal or valid unless ten per centum shall have been actually and *bonâ fide* paid thereon within thirty days after subscription into one or more of the chartered banks of Canada to be designated by the Directors, and such ten per centum shall not be withdrawn except for the purposes of the Company; and the said Directors or a majority of them may in their discretion apportion the stock so subscribed among the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking.

Allotment of stock.

Payment for stock may be accepted in full.

9. It shall be lawful for the provisional or elected Directors, when authorized by the shareholders at any general meeting or special meeting called for that purpose, to accept payment in full for stock from any subscriber therefor at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount as they deem expedient and reasonable; and thereupon to issue to such subscriber scrip to the full amount of such stock subscribed.

Paid up stock may be issued for certain services.

10. The Directors elected by the shareholders may take or issue stock as paid up stock, and may pay or agree to pay in such paid up stock or in the bonds of the Company such sums as they deem expedient to engineers or contractors or for the right of way or material, plant or rolling stock, and for the services of such persons as may be employed by the Directors in the furtherance of the undertaking or purchase of right of way, material plant or rolling stock

Aid may be received.

11. The Company may, for the purpose of the railway, receive from any government, person or body corporate in

aid of the construction, equipment and maintenance of the said railway, grants of land, bonuses, loans or gifts of money or securities for money; and the said Company may from time to time purchase from the Government of Canada lands in the North-West Territories, and may sell, convey and mortgage the same for the purpose of raising money for the prosecution of their undertaking.

First meeting of shareholders for election of directors.

12. When and so soon as shares to the amount of in the capital stock of the Company have been subscribed and ten per centum paid thereon, *bonâ fide*, the provisional Directors shall call a general meeting of the subscribers to the said capital stock at the as they shall deem most convenient, for the purpose of electing Directors of the Company, giving at least four weeks' previous notice by public advertisement in the *Canada Gazette*, and in some daily paper published in , and also by a circular addressed by mail to each subscriber (when his or her address is known,) of the time, place and purpose of the said meeting: Provided always, that the Directors so elected may by by-law or resolution passed by them, close the stock books after shares to the said amount of shall have been subscribed, and may from time to time re-open the said stock books, and receive subscriptions for additional shares of stock up to the limit authorized by this Act, when and as the same shall be required for the purposes of the Company.

Notice.

Proviso: as to closing stock books.

Qualification of director.

13. No person shall be elected a Director of the Company unless he shall be the holder and owner of at least fifty shares in the stock of the Company, and shall have paid up all calls thereon.

Election of directors.

14. At such general meeting the subscribers for the capital stock assembled who shall have paid up ten per centum thereof, and also shall be present in person or represented by proxy, shall choose nine persons to be Directors of the Company (of whom five shall be a quorum), and may also pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act or "*The Consolidated Railway Act*, 1879."

Annual general meeting.

15. Thereafter, the annual general meeting of the shareholders of the Company for the election of Directors and other general purposes shall be held at such place as may be appointed by by-law of the Company on , in each year, and two weeks' previous notice thereof shall be given by publication in the *Canada Gazette* and in one newspaper published in .

Calls on stock.

16. No call to be made at any time upon the capital stock shall exceed ten per centum on the subscribed capital, and not less than thirty days shall intervene between any one call and a succeeding call.

Bonds may be issued.

17. The Directors of the Company, under the authority of the shareholders, to them given by a resolution of a special

general meeting called for that purpose, are hereby authorized to issue bonds under the seal of the Company, signed by its President or other presiding officer, and countersigned by its Secretary and Treasurer; and such bonds shall be made payable at such times and in such manner and at such place or places in Canada or elsewhere and bearing such rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell or pledge all or any of the said bonds 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: Provided, that the amount of bonds so issued, sold or pledged, shall not exceed dollars per mile to be issued in proportion to the length of the railway constructed or under contract to be constructed: Provided also, that no such bonds shall be issued until at least dollars shall have been subscribed to the capital stock and ten per centum of the same *bonâ fide* paid thereon; but notwithstanding anything in this Act contained, the Company may secure the bonds to be issued by them 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 shall be described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway; and by the said deed the Company may grant to the holders of such bonds or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed shall be valid, binding and available to the bondholders in manner and form as therein provided.

Proviso: amount limited.

Proviso: when bonds be issued.

May be secured by mortgage deed.

What such deed may contain.

18. And the Directors of the said Company, under the authority and with the powers and on the terms hereinbefore set forth, may issue preference stock or shares of the Company to be redeemed or made liable to be called in at such time and in such manner as the Directors may by the by-law for issuing the same, fix and determine,—upon which preference stock a dividend may be made payable at such rate not exceeding eight per centum per annum, as to the Directors may seem fit; and such dividend may be made payable in scrip which shall have the same security and shall be redeemable in like manner as the said preference stock; and such preference stock and scrip for dividend thereon shall be taken and accepted by the Company, and may be exchanged at its par value for any unsold lands belonging to the Company, not required for the purposes of its undertaking, or station accommodation, at the price at which such lands are offered for sale by the Company for cash, which price shall be fixed by the Directors once in every year; and such preference stock may be exchanged by the holder thereof for ordinary stock on such terms and

Preference stock may be issued.

May be received in payment for land.

Or exchanged for ordinary stock.

Proviso: amount limited.

conditions as the Directors may, from time to time, by by-law fix and appoint: Provided always, that the total amount of bonds and preference stock to be issued by the Company shall not exceed
dollars per mile for every mile of the said railway constructed or under construction or under contract for its construction.

Lands for sale may be vested in trustees.

19. The lands acquired by the Company and held for sale for the purposes thereof, may be conveyed to trustees, to be held and conveyed by them upon the trusts and for the purposes herein declared in reference to such lands, and all moneys arising from the sale of such lands shall be held and applied in trust for the purposes following; that is to say, first, in payment of the expenses connected with the acquisition, survey, management and sale of the said lands; secondly, in payment of the dividends and interest on the bonds and preference stock from time to time payable in cash by the Company; thirdly, in payment and redemption of the said bonds and preference stock when and as they become due, respectively, or in such order and priority as may be determined by ballot in the manner to be fixed by the Directors by by-law from time to time; and fourthly, for the general purposes of the Company.

Application of proceeds.

Lands sold released from lien.

20. All lands sold and conveyed by the Company or by the said trustees, after a conveyance thereof to them upon the trusts aforesaid, and which have been paid for in cash or by preference stock or scrip for dividends, shall be forever released and discharged from all mortgages, liens and charges of any kind or nature by this Act, or by the Company created, and the purchase money arising from the sale of such lands by the Company shall be applied, in the first place, in the satisfaction of any mortgage thereon created by the Company, and after payment of any such mortgage or lien created by the Company thereon, shall be applied in accordance with the trusts in the next preceding section declared.

Application of purchase money.

Bonds, &c. to be a first charge on the undertaking.

21. The bonds, preference stock and scrip for dividends hereby authorized to be issued, shall, without registration or formal conveyance, be the first preferential claim and charge upon the Company, and the undertaking, tolls and income, and real and personal property thereof, now or at any time hereafter acquired, save and except as is provided for in the last preceding section, and each holder of the said bonds, preference stockholder and holder of scrip for dividends, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with the other bondholders or holders of preference stock or scrip for dividends, and shall have priority as such.

Powers of bondholders &c. in case of non-payment.

22. If the Company shall make default in paying the principal of, or interest on any of the bonds, preference stock or scrip for dividends hereby authorized at the time when the same shall, by the terms of the bonds, or by the conditions upon which the preference stock or scrip

for dividends was issued, become due and payable, then at the next ensuing annual general meeting of the Company, and all subsequent meetings, all holders of bonds, preference stock or scrip for dividends, so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges, and qualifications for Directors, and for voting at general meetings, as would be attached to them as shareholders if they had held fully paid up shares of the Company to a corresponding amount; Provided nevertheless, that the right given by this section shall not be exercised by any bondholder, preference stockholder, or holder of scrip for dividends unless the bonds, preference stock, or scrip for dividends, in respect of which he shall claim to exercise such rights shall have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the Company; and for that purpose the Company shall be bound on demand to register any of the said bonds, preference stock or scrip for dividends in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also, that 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, preference stock, or scrip for dividends shall be entitled.

Proviso: as to registration.

Proviso; certain rights not affected.

23. All bonds, preference stock, debentures and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery, unless and until registry thereof in manner provided in the next preceding section, and while so registered they shall transferable by written transfer registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer which the Company shall be bound to register on the demand of the registered holder for the time being.

Transfer of bonds, &c.

24. The Company shall have power and authority to become party to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company as President or Vice-President thereof, and countersigned by the Secretary and under the authority of a majority or quorum of the Directors shall be binding on the Company, and any such promissory note or bill of exchange so made as aforesaid, shall be presumed to have been made with proper authority until the contrary be 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 be individually responsible or liable for the same, unless the said promissory notes or bills of exchange have been issued otherwise than as aforesaid: Provided however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer or intended to be circulated as money or as the bills or notes of a bank.

Company may become party to promissory notes

Proviso: as to bank notes.

Agreement with another company.

25. It shall be lawful for the Company to enter into any agreement with any other company for the use or partial use of the railway of the Company, or for leasing or hiring from such other company any other railway or part thereof, or the use thereof, and for any period or term, or for the leasing or hiring any locomotives, cars, or movable property.

Time for works limited.

26. The works upon the main line of the said railway shall be commenced not later than the time when the Canadian Pacific Railway shall be completed from the Red River to the point of commencing the railway hereby authorized, and thereafter not less than twenty miles of such railway shall be completed each year to the satisfaction of the Governor in Council, failing which, the powers hereby granted to the said Company to extend their line of railway for any further distance than the length of line then completed, shall be forfeited.

Amalgamation with another company.

27. The Company acting by its Directors, authorized in that behalf by a resolution of the shareholders passed at a meeting thereof, called for the purpose—which resolution must be concurred in by shareholders holding an actual majority of the stock of the Company—may amalgamate with

and for that purpose may execute with a deed of amalgamation providing for the amalgamation of the Company hereby incorporated with and upon the execution of such deed of amalgamation, and after the publication of a notice of the execution thereof in the *Canada Gazette*, the franchises, assets, rights and property of the Company, by the name of either of the said Companies, as may be agreed in the deed of amalgamation, and its obligations and liabilities shall become the obligations and liabilities of the amalgamated company—the whole upon such terms and conditions as shall be contained in the said deed of amalgamation not contrary to law or to the provisions of this Act, and all the powers conferred by this Act shall vest in the amalgamated Company.

Telegraph lines.

28. The Company shall have full power and authority to construct, work and operate such line or lines of telegraph and telephone in connection with and along the line of their railway and branches as may be necessary or useful for the purposes of their undertaking.

Running powers of C. P. R.

29. The Governor in Council shall have for and on behalf of the Canadian Pacific Railway, running powers over the railway hereby authorised, subject to such terms as shall be agreed upon with the Company, or on failure to agree as shall be fixed and determined by arbitrators to be appointed by the Company and the Governor in Council respectively, and such third person as shall be appointed by a Judge of the Supreme Court of Canada at the request of the Company or of the Minister of Railways and Canals.

Form of conveyance of land.

30. Deeds and conveyances of lands to the Company (not being letters patent from the Crown) may, in so far as cir-

cumstances will admit, be in the form following, that is to say:

Know all men by these presents, that I, A.B., in consideration of paid to me by the Great North-Western Railway Company, the receipt whereof is acknowledged, grant, bargain, sell and convey unto the said the Great North Western Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of C.D. E.F. } A.B. (L.S.)

or in any other form to the like effect. And every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same, the obligation of gnaranteeing the Company and its assigns against all dower and claim for dower, and against all hypothecs and mortgages, and against all liens and charges whatsoever not excepted in the grant, and also that he has a good, valid and transferable title thereto. Effect of such conveyance.

No. 74.

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

BILL.

An Act to incorporate the Great North Western Railway Company.

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

Seccond reading, Monday, 12th March, 1883.

(PRIVATE BILL)

Mr. Cameron
(Victoria, N.R.)

OTTAWA:
Printed by MacLean, Roger & Co.,
1883

No. 75. **BILL.** [1883

An Act to incorporate the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada, for Manitoba and the North-West.

WHEREAS the persons hereinafter named at present constitute under the general regulations adopted by the General Assembly of the Presbyterian Church in Canada in June, one thousand eight hundred and eighty-two, the Board to administer the Church and Manse Building Fund for Manitoba and the North-West; and whereas the said Board find great inconvenience arising from want of corporate powers, and having been empowered by the said General Assembly of the said "The Presbyterian Church in Canada" to petition the Dominion Parliament of Canada for incorporation, have so done; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Reverend Charles Bruce Pitblado, of Winnipeg, the Reverend Allan Bell, of Portage la Prairie, the Reverend James Robertson, of Winnipeg, the Reverend Daniel Minor Gordon, of Winnipeg, Duncan McArthur, of Winnipeg, John Farquhar Bain, of Winnipeg, George Duncan McVicar, of Winnipeg, the Reverend William Cochrane, D.D., of Brantford, Ontario, and the Reverend Robert H. Warden, of Montreal, and their successors to be appointed in manner as hereinafter mentioned, are hereby constituted and declared to be a body corporate and politic under the name of "The Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada for Manitoba and the North-West," hereinafter called the Corporation. Certain persons incorporated. Corporate name.

2. The object of the said incorporation is to enable the said Board to hold and possess funds that may be acquired by them by subscription or otherwise for the purchasing and holding of real estate, and for the purchase and erection of churches and manses and buildings, and for the maintenance of the same for the uses and purposes of the Presbyterian Church in Canada in Manitoba and the North-West, and also for the purpose of loaning moneys held by them on the security of real estate or otherwise as to them may seem best. Objects of the corporation.

3. The General Assembly of the Presbyterian Church in Canada shall have the power at any time to vary the constitution of the Corporation and shall have power to alter, Constitution may be varied.

vary, add to, or repeal the provisions of its constitution provided such alteration, variation or addition shall not be inconsistent with the limitations comprised in this Act and the laws in force in the Dominion of Canada; and a certified copy of such constitution under the seal of the Corporation, and signed by the Secretary thereof, shall be received in all courts as *primâ facie* evidence of such constitution; and the said General Assembly shall further have power to appoint successors to the members of the Corporation hereby constituted, and to fill all vacancies in the Board according to its general rules and regulations.

Copy to be evidence.

Appointment of members of the corporation.

Powers of the corporation as to real and personal estate.

4. The Corporation and their successors may, by the name of the Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada for Manitoba and the North-West, have, acquire and hold moneys, promissory notes, bank stocks and public securities, and lend the moneys now held by the Board or which may hereafter be acquired, on the security of real estate, or otherwise as to them may seem best, and at such rate of interest as they may deem advisable, and may also purchase or erect churches, manses and buildings in the Province of Manitoba and the North-West, and may maintain the same for the uses and purposes of the Presbyterian Church in Canada; and may make, sign, seal and deliver any deed or deeds, mortgage or mortgages under their corporate seal for the purpose of securing the titles thereto, and may sell and dispose of such land, churches, manses and buildings so acquired by them.

By-laws may be made.

5. The Corporation shall have power to pass by-laws for the transaction of business, and to provide for such other matters as may be necessary or expedient in the interests of the Corporation, subject to the aforesaid limitations.

Meetings, where held and how called.

6. The ordinary place of meeting of the Corporation shall be at the city of Winnipeg, in the Province of Manitoba, every meeting to be called by the Secretary to be appointed by the Corporation.

No. 75.

1st Session, 5th Parliament, 46 Victoria,

BILL.

An Act to incorporate the Board of M agement of the Church and M Building Fund of the Presbyte Church in Canada for Manitoba the North-West.

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

Second reading, Monday, 12th March, 1

(PRIVATE BILL.)

Mr. Ross (Lisgar).

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1883.

No. 76. **BILL.** [1883.

An Act to amend the Act to incorporate the Northern, North-Western and Sault Ste. Marie Railway Company, and to change the name of the said Company to the Northern and Pacific Junction Railway Company.

WHEREAS the Northern, North-Western and Sault Ste. Marie Railway Company have, by their petition represented that they are desirous of changing the name of the said Company and of reducing the number of their Directors, and have prayed for the passing of an Act to amend the Act incorporating the said Company in these matters; and whereas it is expedient that the prayer of the said petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 44 V., c. 45.

1. The name of the said Company is hereby changed from the name of "The Northern, North-Western and Sault Ste. Marie Railway Company" which it now bears, to that of "The Northern and Pacific Junction Railway Company:" Provided that the change of name of the said Company shall not in any way alter or affect the rights or liabilities of the said Company, nor in any wise affect any suit or proceeding now pending either by or against the said Company, which, notwithstanding such change in the name of the said Company, may be prosecuted or continued as if this Act had not been passed. Name changed. Proviso: rights and liabilities not affected.

2. Section two of the said Act is hereby repealed and the following is substituted in lieu thereof:— Section 2 repealed.

"2. The Company and their agents and servants shall have full power and authority to lay out, construct and operate a double or single line of railway of four feet eight and one-half inches gauge from a point on the Northern Railway of Canada at or near the village of Gravenhurst, in the district of Muskoka, *via* Bracebridge, and thence through the district of Muskoka and Parry Sound to some convenient place on the east shore of Lake Nipissing, and from thence or from some other point on the line of railway hereby authorized to the place referred to and designated as 'Callander Station' in the contract for the construction of the Canadian Pacific Railway in the schedule of the Act intituled: "*An Act respecting the Canadian Pacific Railway*," passed in the fourty-fourth year of Her Majesty's reign and chaptered New section.

one, or to some other point on the Canadian Pacific Railway, and from a point at or near the point of intersection of the Wharnapit River by the Canadian Pacific Railway, through the district of Algoma to the town of Sault Ste. Marie in the district of Algoma, and from some convenient point at or near Callander Station aforesaid on the Canadian Pacific Railway at or near Lake Nipissing to the Ottawa River at or near the Long Sault on the Upper Ottawa, or to some convenient point in navigable connection with Lake Temiscamingue; and shall have full power and authority to lay out, construct and complete, as an extension of the said firstly mentioned line of railway, a spur or branch from a point at or near the town of Sault Ste. Marie to the navigable waters of Lake Superior."

Sections 16 and 17 repealed.

3. Sections sixteen and seventeen of the said Act are hereby repealed, and the following is substituted in lieu of section seventeen :—

New section 17.

"**17.** There shall be seven Directors who shall manage the affairs of the Company, and of whom five shall be a quorum; and the said Board of Directors may employ one or more of the members as paid Director or Directors; and no person shall be qualified to be elected a Director unless he is a shareholder holding at least twenty shares of the stock of the Company absolutely in his own right, and is not in arrears for any calls made thereon. The President, Vice-President and a majority of the Board of Directors shall be British subjects."

Proviso: when to come into force.

Provided always that the foregoing amendment shall not take effect until after the time of holding the next annual meeting of the Company.

Extension of time for works

4. The time for commencing the railway between Gravenhurst and Callander or Gravenhurst and Sault Ste. Marie is hereby extended for the period of two years, and for commencing the extension from Callander Station to the Long Sault on the Upper Ottawa for the period of four years, and for completion of the whole line for the period of six years.

1st Session, 5th Parliament, 46 Victori

No. 76.

BILL.

An Act to amend an Act intitule
Act to incorporate the Northern,
Western and Sault Ste. Marie R
Company," and to change the r
the said Company to the North
Pacific Junction Railway Com

Received and read first time, Frid
March, 1883.

Second reading, Monday, 12th Marc

(PRIVATE BILL.)

Mr. McCARTHY,

OTTAWA:

PRINTED BY MACLEAN, ROGER &

1883

No. 77. **BILL.** [1883.

An Act to fix the rate of interest in Canada.

Preamble.

WHEREAS it is expedient to assimilate the laws respecting the rate of interest in the various Provinces forming the Dominion of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Legal rate to be 6 per cent.

1. The rate of six per centum per annum shall be, for the whole Dominion of Canada, the legal rate of interest.

Six per cent. or less may be stipulated and recovered

2. Any rate of interest, not exceeding six per centum per annum, may be paid in advance or otherwise; and, when once paid, may be retained, or the same rate may be agreed on in writing and recovered.

If more be stipulated or taken, interest to be forfeited.

3. If any person, incorporated bank, loan society or other corporation agrees to receive, directly or indirectly, a greater rate of interest than six per centum upon any contract, written or verbal, or any promise whatsoever, such person, incorporated bank, loan society or other corporation, shall forfeit, *ipso facto*, as a penalty, the whole of the interest so received, and shall be entitled only to recover the principal sum due to such person, incorporated bank, loan society or other corporation.

Parties paying excessive interest may recover the whole interest paid.

4. Every person, incorporated bank, loan society or other corporation, who, for any loan or advance of any money, goods or things, pays or returns any greater sum or value, or a rate of interest greater than is above allowed to be received or taken, may recover at any time within one year after such payment or return, by action at law against the person, loan society or other corporation that shall have taken or received the same, the whole amount of interest, or the sum paid or value returned in the nature of interest on the contract or agreement.

Parties sued for usury, compellable to answer on oath.

5. Any person, incorporated bank, loan society or other corporation proceeded against for any contravention of this Act, may be compelled to answer on oath any complaint that may be brought in any court of justice, for the recovery of any sum of money or any rate of interest, or any goods or things so taken, accepted, or received in violation of the foregoing provisions or any of them.

Existing contracts.

6. Contracts made and concluded before the coming into operation of the present Act shall have the same force and effect as if the said Act had not been passed.

Application of Act.

7. The provisions of this Act shall apply to all loans or agreements for loans, or for the use of any sum of money, and to all agreements whatsoever, made and entered into on or after the first day of July next.

Repealing clause.

8. All laws and parts of laws now in force in any one of the Provinces of the Dominion of Canada, incompatible with the provisions of this Act, are hereby repealed.

Short title.

9. When this Act is mentioned in any pleading or otherwise, it may be cited as "*The Act to regulate the Rate of Interest in Canada.*"

Commencement of Act.

10. This Act shall come into force on or after the first day of July, one thousand eight hundred and eighty-three.

No. 77.

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

BILL.

An Act to fix the Rate of Interest in Canada.

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

Second reading, Monday, 12th March, 1883.

Mr. CATUDAL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883

No. 78] **BILL.** [1883.

An Act to amend the Act passed in the forty-fifth year of the reign of Her present Majesty, intituled: "*An Act to repeal the duty on promissory notes, drafts and bills of exchange*," and to declare the law relating to stamps on promissory notes and bills of exchange.

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

Judge may admit any note or bills of exchange made before 4th March, 1882, in evidence although wanting the proper stamp or stamps.

1. In any suit or proceedings at law or in equity now pending or hereafter to be commenced, the Court or Judge may admit, in evidence as a valid instrument, any promissory note or bill of exchange unstamped or insufficiently stamped, made or drawn prior to the fourth day of March, A.D. 1882, without the payment of the double duty as required by the thirteenth section of the Act passed in the forty-second year of the reign of Her present Majesty intituled: "*An Act to amend and consolidate the laws respecting duties imposed upon promissory notes and bills of exchange*;" 44 V., c. 17.

Proviso.

Provided always, that it is proved and shown to the satisfaction of the Court or Judge that the circumstances and facts are such as would have entitled the holder thereof to make it valid under the provisions of the said sections by affixing the double duty; and provided also that nothing in this Act or done under it shall relieve the person who ought to have affixed the proper stamp or stamps from any penalty incurred in consequence of his neglect to affix the same.

Proviso.

Declaratory, that former Acts did not apply to stamps certain debentures, bonds or coupons.

2. It is hereby declared that the said Act in the first section of this Act mentioned does not, nor did any Act passed by the Parliament of Canada imposing duties on promissory notes and bills of exchange, apply to any debentures or bonds or the coupons of debentures or bonds issued by any Company incorporated under any Act of the Parliament or of any Legislature of any of the Provinces of Canada.

No. 78.

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

BILL.

An Act to amend the Act passed in the forty-fifth year of the reign of Her present Majesty, intituled ; "*An Act to repeal the duty imposed on promissory notes, drafts and bills of exchange*," and to declare the law relating to stamps on promissory notes and bills of exchange.

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

Second reading, Monday, 12th March, 1883.

Mr. WELDON

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 79] **BILL.** [1883.

An Act to incorporate the Davis and Lawrence Manufacturing Company.

Preamble

WHEREAS William Van Duzen Lawrence, John Stephen Bates, Jonathan Newton Harris, John Wyeth, F H. Wyeth, E. T. Dobbins and Horace Seymour Bloodgood have, by their petition, represented that they intend to establish in the Dominion a manufactory, on a large scale, of various articles, to trade therein throughout the Dominion and to establish an export trade therein with South America, and have prayed to be incorporated for those purposes under the name of the Davis and Lawrence Manufacturing Company upon the conditions provided for in the "*Canada Joint Stock Companies Clauses Act*, 1869," save and except as to the residence and nationality of the Directors of such Company, and it is expedient to grant the prayer of such petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation and corporate name.

1. The said persons, and such other persons as shall hereafter be associated with them, are hereby incorporated under the name of the "Davis and Lawrence Manufacturing Company."

Capital and shares.

2. The capital of the said Company shall be five hundred thousand dollars in shares of one hundred dollars each.

Business of the company.

3. The said Company shall have power to manufacture throughout the Dominion of Canada pharmaceutical, proprietary and chemical preparations, soaps, and toilet and other fancy articles, and to deal therein throughout the Dominion of Canada, and to establish an export trade therein with ports and places in South America.

Provisional directors.

4 The persons named in the preamble of this Act shall be the provisional Directors of the Company, with power to open stock books and receive subscriptions of stock therein; and as soon as one-half of the stock of the Company shall have been subscribed, and ten per centum thereof paid up and deposited to the credit of the Company in some chartered bank in Canada, the provisional Directors shall call a meeting of the subscribers for the election of five Directors who shall be the first Directors of the Company; and provided that the chief executive officer of the Company be a British subject resident in the Dominion of Canada, it

First meeting for election of directors.

Except chief officer, directors need not be British subjects.

shall not be necessary that the majority of the Directors shall be British subjects, or that they shall reside within the Dominion of Canada.

Head office and agencies.

5. The chief place of business of the Company shall be at the city of Montreal, in the Province of Quebec, but the Company may establish other offices and places of business in other Provinces of the Dominion and in South America.

32, 33 V., c. 12 to apply.

6. Except as hereinbefore expressly otherwise provided, the "*Canada Joint Stock Companies Clauses Act*, 1869" shall apply to the Company hereby incorporated

No. 79.

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

BILL.

An Act to incorporate the Davis and Lawrence Manufacturing Company.

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

Second reading, Tuesday, 13th March, 1883.

(PRIVATE BILL.)

Mr. CURRAN.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,

1883.

No. 80] **BILL.** [1888.

An Act to amend the Act incorporating "The Great Eastern Railway Company."

WHEREAS the Great Eastern Railway Company has, by petition, prayed for certain amendments to the Act incorporating it; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 45 V., c. 71.

1. Section five of the Act incorporating the Company, is hereby amended by inserting the words "six millions" instead of the words "one million." Section 5 amended.

2. Section twenty-two of the said Act is hereby repealed. Section 22 repealed.

3. The railway to connect with the Intercolonial Railway at Lévis, and from St. Lambert to Rouse's Point, shall be commenced within one year. Limitation of time.

No. 80

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

BILL.

An Act to amend the Act incorporating the Great Eastern Railway Company.

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

Second reading, Tuesday, 13th March, 1883.

(PRIVATE BILL.)

Mr. MASSUE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 81. **BILL.** [1883.

An Act to amend the Criminal Law and to make special provision for the punishment of persons convicted of Wife Beating.

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

1. When any person is convicted at any sitting of any Court of Oyer and Terminer and General Gaol Delivery or Court of General or Quarter Sessions of the Peace, or County Judges Criminal Court, of beating or wounding his wife, such person may, if the Court thinks fit, in addition to any sentence which the Court may deem proper for the offence, be adjudged to be whipped. A man convicted of beating or wounding his wife may be sentenced to be whipped.

2. This Act shall be considered to be and shall be read as part of the Act thirty-two thirty-three Victoria, chaptered twenty, and intituled "*An Act respecting offences against the person.*" Act to be read as part of 32, 33 V., c. 20.

No. 81.

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

BILL.

An Act to amend the Criminal Law and to make special provision for the punishment of persons convicted of Wife Beating.

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

Second reading, Tuesday, 13th March, 1883.

Mr. WOOD,
(Brockville.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 83.] **BILL.** [1883.

An Act to amend the Acts respecting procedure in Criminal cases, and other matters relating to Criminal Law.

WHEREAS the mode of proceeding to compel corporation aggregate to appear and plead to bills of indictment found against them, is attended with delay and expense: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Whenever a bill of indictment for a misdemeanor shall be found against a corporation aggregate at any Court of Oyer and Terminer and General Gaol Delivery, Circuit Court, County Court or other court having criminal jurisdiction, it shall be the duty of such corporation to appear by their attorney in the court in which such indictment has been found, and to plead or demur thereto, in like manner as in the case of such an indictment found against a natural person. Corporations aggregate indicted for misdemeanor to appear and plead by attorney.

2. No writ of *certiorari* shall be necessary to remove any such indictment into the Court of Queen's Bench, or other Supreme or Superior Court of any Province in the Dominion, with the view of proceeding to compel the defendant to plead thereto; nor shall it be necessary to issue any writ of *distringas*, or other process, to compel the defendant to appear and plead to such indictment. *Certiorari* not to be required to remove the case to a Superior Court. No *distringas* to compel appearance, &c.

3. It shall be lawful for the prosecutor, when any such indictment has been found against a corporation aggregate, or for the clerk of the court when such indictment is founded on a presentment of the grand jury, to cause a notice thereof to be served on the mayor or chief officer of such corporation, or upon the clerk or secretary thereof, stating the nature and purport of such indictment; and that unless such corporation appears and plead thereto in *two* days after the service of such notice, a plea of not guilty will be entered thereto for the defendants by the court, and that the trial thereof will be proceeded with in like manner as if the said corporation had appeared and pleaded thereto. Notice to the corporation indicted to appear and plead; or that in default a plea of not guilty will be entered and trial proceeded with.

4. In case the said corporation does not appear in the court in which the indictment has been found, and plead or demur thereto within the time specified in the said notice, it shall be lawful for the judge presiding at such court, on proof to him by affidavit of the due service of such notice, to order the clerk or proper officer of the court, to enter a plea On such default judge may order such plea to be entered.

Effect thereof.

of "not guilty" on behalf of the said corporation; and such plea shall have the same force and effect as if the said corporation had appeared by their attorney and pleaded the same.

Court may proceed with the trial in absence of defendant.

5. In either case,—whether such corporation appear and plead to the indictment, or, whether a plea of "not guilty" be entered by order of the court,—it shall be lawful for the court to proceed with the trial of the indictment in the absence of the defendants, in like manner as if they had appeared at the trial and defended the same; and, in case of conviction, to award such judgment and take such other and subsequent proceedings to enforce the same as may be applicable to convictions against corporations.

No. 88.

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

BILL.

An Act to amend the Acts respecting procedure in Criminal cases and other matters relating to Criminal Law.

Received and read first time, Wednesday, 14th March, 1883.

Second reading, Thursday, 15th March, 1883.

Mr. WELDON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 84.] **BILL.** [1883.

An Act to amend the Law relating to Bills of Lading.

Preamble.

WHEREAS by the custom of merchants, a bill of lading of goods being transferable by endorsement, the property in the goods may thereby pass to the endorsee, but nevertheless all right in respect to the contract contained in the bill of lading, continue in the original shipper or owner, and it is expedient that such rights should pass with the property; and whereas it frequently happens that the goods in respect of which bills of lading purport to be signed have not been laden on board or delivered for carriage, and it is proper that such bills of lading in the hands of *bonâ fide* holders for value should not be questioned by the master or other person signing the same, on the ground of the goods not having been laden or delivered as aforesaid: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Rights of the consignee or endorsee under a bill of lading, as respects the goods therein mentioned.

1. Every consignee of goods named in a bill of lading, and every endorsee of a bill of lading to whom the property in the goods therein mentioned passes, upon or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods, as if the contract contained in the said bill of lading had been made with himself.

Right of stoppage *in transitu* and liabilities of the shipper not affected.

2. Nothing in this Act contained shall prejudice or affect any right of stoppage *in transitu*, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee, by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement.

Bill of lading to be conclusive evidence of shipment, or delivery for carriage against the master of the vessel or railway Company.

3. Every bill of lading in the hands of a consignee or endorsee for valuable consideration representing goods to have been shipped on board a vessel, or to have been delivered for carriage or transhipment by railway, shall be conclusive evidence of such shipment or delivery for carriage as against the master, carrier or other person signing the same or for whom the same was signed, notwithstanding that such goods or some part thereof may not have been so shipped or delivered, unless such holder of the bill of lading has actual notice at the time of receiving the same that the

Except in case of notice or stipulation to the contrary.

Proviso.

goods had not in fact been laden on board or delivered for carriage or transhipment, or unless such bill of lading has a stipulation to the contrary; but the master, carrier or other person so signing, may exonerate himself in respect of such misrepresentation, by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder of the bill of lading, or of some person under whom the holder claims.

No. 84.

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

BILL.

An Act to amend the Laws relating to Bills of Lading.

Received and read first time, Friday, 16th March, 1883.

Second reading, Monday, 19th March, 1883.

Mr. McCARTHY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 85] **BILL.** [1883.

An Act to amend "The Dominion Elections Act, 1874."

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

1. The one hundred and ninth section of "*The Dominion Elections Act*, 1874," is hereby amended by adding thereto the following provision :— Sec. 109 of 37 V., c. 9, amended.

"But no action or information for the recovery of any such penalty or forfeiture shall be commenced unless nor until the person sueing for the same shall have given good and sufficient security to the amount of dollars, to indemnify the defendant for the costs occasioned by his defence, if the person sueing should be condemned to pay the same." No suit for penalty to be brought unless security be given for costs.

No. 85.

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

BILL.

An Act to amend "The Dominion Elections Act. 1874."

Received and read first time, Friday, 16th March, 1883.

Second reading, Monday, 19th March, 1883.

Mr. BOLDUC.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883

No. 86. **BILL.** [18-3

An Act to consolidate and amend the Acts for the more speedy trial of persons charged with felonies and misdemeanors in the Provinces of Ontario, Quebec and Manitoba.

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

In what cases trial without a jury may be had.

1. Any person committed to a jail for trial on a charge of being guilty of any offence for which he may be tried at any Court of General Sessions of the Peace, or bound over to take his trial before any court of competent jurisdiction, may with his own consent and subject to the provisions hereinafter made, be tried out of Sessions and if convicted, may be sentenced by the Judge.

Notice by sheriff to clerk as to prisoners in jail.

2. It shall be the duty of every Sheriff within twenty-four hours after any prisoner charged as aforesaid, is committed to jail for trial to notify the Clerk in writing, that such prisoner is so confined, stating his name and the nature of the charge preferred against him, and giving the name of the commiting Magistrate, and the said notice may contain the names of any number of persons committed to jail for trial, and may be in the form Schedule "A" to this Act.

Clerk to prepare indictments on depositions; or on other charges in certain cases.

3. The Clerk shall with as little delay as possible prepare an indictment (Schedule K.) against the prisoner for the offence mentioned in the depositions upon which such prisoner was committed, or he may with the consent of the Judge, which, consent shall be mentioned in such indictment, prefer against the prisoner a charge or charges for any offence or offences for which he may be tried under this Act other than, and in addition to the charge or charges for which he has been committed to jail for trial, although such charges do not appear, or are not mentioned in such depositions; and the Clerk shall notify the Judge, and shall prepare a warrant, (Schedule B,) which shall be signed by the Judge, directed to the Sheriff, to bring the prisoner or prisoners before the Court on a day and hour to be named therein.

Notice to judge with draft warrant.

Sheriff and clerk to attend with prisoners.

4. On the day named in the Judge's warrant and at the hour therein specified the Sheriff and the Clerk shall attend and the Sheriff shall bring up the prisoner or prisoners for arraignment.

Clerk to read indictment to prisoner, and inform him of his option as to trial.

5. The Clerk shall produce the depositions upon which the prisoner was committed to jail, and having read the indictment to the prisoner or prisoners shall inform him, or in case there is more than one party indicted, each of these separately, that he has the option forthwith to be tried before the Judge without the intervention of a Jury for the offence or offences mentioned in the said indictment, or of remaining untried until the next sittings of the General Sessions of the Peace or Court having criminal jurisdiction..

Proceedings if the prisoner demands a trial by jury.

6. If the prisoner demands a trial by Jury, the Judge shall by warrant under his hand (Schedule C) remand him to jail, or he may, instead of remanding him to jail, admit him to bail to appear for trial at such time and place and before such Court as may be determined upon; and such bail may be entered into and perfected before the Clerk in open Court.

If he elects to be tried without a jury, or the crown objects to summary trial.

7. If the prisoner elects to be tried by the Judge without a jury, the County Attorney in Ontario, or the Clerk of the Peace in Quebec, or the Prothonotary in Manitoba, may consent thereto on the part of the Crown, or he may, in case he is of opinion that the consent of the Crown should not be given, have a warrant of remand for a period not exceeding eight days, in which case he shall forthwith transmit to the Attorney General for the Province a concise statement of the charge and of the evidence intended to be produced in support thereof, and of his reasons for not consenting to the summary trial.

Remand if the objection is persisted in.

2. If within the said eight days or within the period of any further remand, which may on the application of the County Attorney, or Clerk of the Peace or Prothnotary be granted, he is so instructed by the Attorney General, the County Attorney or Clerk of the Peace or Prothonotary shall file with the depositions a note that the Crown does not consent to ihe summary trial, and thereupon the Judge shall remand the prisoner to gaol.

If not, prisoner to be tried by judge; proceedings if he pleads guilty.

2. If the County Attorney, Clerk of the Peace, or Prothonotary does not within the time above mentioned file such a note, the prisoner shall then be arraigned and required to plead to the indictment, and if he shall plead "guilty," the Judge shall then, or upon some subsequent day, pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed at any Court of General Sessions of the Peace or Court of Oyer and Terminer.

Proceedings if he pleads not guilty.

8. If the prisoner upon being so arraigned pleads "not guilty," the Judge shall appoint an early day, or the same day, for his trial, and it shall be the duty of the Clerk to subpœna the witnesses named in the depositions, or such of them and such other witnesses as he may think requisite to prove the charge, to attend at the time appointed for such trial, when the Judge may proceed to try the prisoner, and if he is found guilty sentence shall be passed as in the last preceding section mentioned, but if he is found not guilty the Judge

Trial; sentence if found guilty; discharge if

shall immediately discharge him from custody so far as respects the indictment against him. found not guilty.

9. Any person who may be bound over to appear and take his trial, as in the first section of this Act is provided, may give notice in writing (Schedule D) to the Clerk that he is desirous of and consents to being tried by the Judge without the intervention of a Jury; whereupon it shall be the duty of the Clerk, with as little delay as possible, to prepare an indictment against such person for the offence mentioned in the depositions stated on the charge upon which such person hath been bound over to appear for trial, and to notify the Judge in writing that such person so charged and bound over as aforesaid has given such notice, whereupon, with as little delay as possible, the Judge shall appoint an early day, or the same day, for the trial of such person, an entry of such consent having been first made of record. Proceedings if a prisoner not in jail, but bound over for trial, desires to be tried without a jury.

10. The Judge shall in any case tried before him, have the same power as to acquitting or convicting of any other offence than that charged, as a jury would have in case the prisoner was tried at a sitting of the Court of General Sessions of the Peace, and may render any verdict which upon a trial at a sitting of a Court of General Sessions of the Peace can be rendered by a jury, and shall have all powers of amendment which the Court of General Sessions of the Peace would have in case the trial were before such Court. Powers of the judge trying without a jury.

11. In case a prisoner or a person bound over as aforesaid consents or elects to be tried by the Judge without the intervention of a jury, the Judge may in his discretion admit him to bail to appear for his trial and extend the bail from time to time in case the Court be adjourned or there be any other reason therefor, and such bail may be entered into and perfected before the Clerk in open Court. Power to bail, and to extend the bail.

12 The Judge may adjourn any trial from time to time until finally terminated. To adjourn trial.

13. At the close of any such trial the Clerk shall prepare a record of the proceedings, which shall be entered in a book to be kept by him for that purpose and be signed by the Judge and shall contain a copy of the indictment, and where the person charged pleads guilty shall be in the form Schedule D. and when he pleads not guilty shall be in the form Schedule E. Record of proceedings. Forms.

14. The Clerk shall keep a book for the purpose of entering and recording from time to time the minutes of the proceedings at any such trial, and of all recognizances of bail entered into, perfected or extended before the Clerk in open Court. Minute book to be kept.

15. The Judge sitting on any such trial, for all the purposes thereof and proceedings connected therewith or relating thereto, is hereby constituted a Court of Record, and in the Province of Ontario such Court shall be intituled, "The Judge to be a Court of Record.

Title of court. Place of sitting and seal.

County Judges' Criminal Court" of the county or union of counties in which the same is held; and the County Judges' Criminal Courts at present constituted and existing are hereby continued under the same name, and the sittings thereof shall be held in the Court House of the County; and the said Courts shall have a seal which shall bear the inscription: "The County Judges' Criminal Court, County of (*or* united Counties) of .....," surrounding the Imperial Crown, and the Clerk of the Peace shall be the Clerk of the said Court in Ontario or Quebec, and the Prothonotary in Manitoba.

Form of subpœna.

16. The subpœna to be issued for the summoning of witnesses shall be in the form Schedule F, and shall be issued under the seal of the Court and signed by the Clerk, and shall be tested in the name of the Judge.

Obligation of witnesses summoned. Penalty in default.

17. Any witness, whether on behalf of the Crown or the person charged, duly summoned or subpœnaed to attend and give evidence before such Judge sitting on any such trial on the day appointed for the same, shall be bound to attend and remain in attendance throughout the whole trial, and in case he fails so to attend he shall be held guilty of contempt of court, and he may be proceeded against therefor accordingly.

Proceeding in case of witness failing to attend.

18. Upon proof to the satisfaction of the Judge of the service of a subpœna upon any witness who fails to attend before him as required by such subpœna, and such Judge being satisfied that the presence of such witness before him is necessary and material, he may by his warrant cause the said witness to be apprehended and forthwith brought before him to give evidence as required by such subpœna, and to answer for his disregard of the same, and such witness may be detained on such warrant before the said Judge or in the common jail with a view to secure his presence as a witness, or in the discretion of the Judge may be released on recognizance with or without sureties, conditioned for his appearance to give evidence as therein mentioned and to answer for his default for not attending upon the said subpœna as for a contempt of court, which recognizance may be entered into and perfected by the Clerk in open Court: the Judge may in a summary manner examine into and dispose of the charge of contempt against the said witness, who if found guilty thereof may be fined, imprisoned, or both, such fine not to exceed *one hundred dollars*, and such imprisonment to be in the common jail with or without hard labor, and not to exceed the term of ninety days; the said warrant may be in the form Schedule G, and the conviction for contempt in the form Schedule H, and shall be authority to the persons and officers to whom the same is directed, to act and to do as therein they are respectively commanded.

And on the charge of contempt for not appearing; imprisonment: form of warrant for.

As to withdrawal of consent to be so tried.

19. A prisoner or person bound over as aforesaid, shall not be allowed to withdraw his consent to be tried by the Judge without a jury, unless the Judge shall be fully satis-

fied that the prisoner or person bound over gave his consent thereto without the proper apprehension of the effect and meaning of his so consenting.

By whom the powers hereby given to a judge, may be exercised.

20. All the powers and duties hereby conferred and imposed upon the Judge, shall be exercised and performed in the Province of Ontario by the Judge, Junior or acting Judge or Deputy Judge of the County Court or District Court in the county or district; and in the Province of Quebec in any district where there is a Judge of Sessions by such Judge of Sessions, and in any district where there is no Judge of Sessions, but wherein there is a District Magistrate by such District Magistrate, and in any district where there is neither a Judge of Sessions nor a District Magistrate by the Sheriff of such district; and in the Province of Manitoba by the Chief Justice or a Pusine Judge of the Court of Queen's Bench.

Interpretation of terms in Act: "Court."

21. As respects the Province of Quebec, the expression "Court of General Sessions of the Peace," in this Act includes any court for the time being discharging the functions of the said Court, and as respects the Province of Manitoba, the said expression shall mean and include the Court of Queen's Bench of that Province.

The same—"Clerk."

22. The expression "Clerk" in this Act shall in the Province of Ontario mean the Clerk of the Peace, or County Crown Attorney or both, according as the duties of such officers are imposed by law, and in the Province of Quebec the Clerk of the Peace, and in the Province of Manitoba the Prothonotary of the Court of Queen's Bench.

Reservation of questions of law in Ontario.

23. The Judge trying any person under this Act in the Province of Ontario, may in his discretion reserve any question of law which *arose* on the trial for the consideration of the Justices of the Court of Appeal of the said Province, and thereupon may respite execution of the judgement on such conviction, or postpone the judgement until such question has been considered and decided; and in either case the Judge shall in his discretion commit the person convicted to prison, or take a recognizance of bail with one or two sufficient sureties in such sum as the Judge thinks fit, conditioned for his appearance, at such time as the Judge directs, to receive judgement or to render himself in execution as the case may be, and such recognizance of bail may be entered into and perfected by the Clerk in open court.

Respite of execution or judgment.

Committal or bail of prisoner.

24. The Judge shall thereupon state, in a case to be signed by him, the question or questions of law, so reserved with the special circumstances upon which the same arose; and such case shall be transmitted by the Clerk, forthwith to the Registrar of the said Court of Appeal.

Case for Court of Appeal.

25. The Justices of the said Court of Appeal, shall hear and finally determine the said questions, and reverse, affirm or amend any judgment given on the indictment on the trial whereof such questions arose, or shall avoid such

Powers and duty of Court of Appeal.

judgement, or order an entry to be made upon the record, that in the judgement of the said Justices the party connot to have been convicted, or shall arrest the judgement, or victed ought if no judgement has been given shall order judgement to be given thereon, or shall make such other order as justice may require.

Proceedings on judgment of Court of Appeal.

26. The judgement and order of the said Justices shall be certified under the hand of the Chief Justice or Senior Justice of the said Court to the Clerk, who shall enter the same on the record of proceedings in proper form; and a certificate of such entry under the hand of the Clerk in the form as near as may be or to the effect mentioned in Schedule I, with the necessary alteration to adapt it to the circumstances of the case, shall be delivered or transmitted by him to the Sheriff or Jailer in whose custody the person convicted is;

Certificate to sheriff or jailer.

and the said certificate shall be sufficient warrant to such Sheriff or Jailer and all other persons for the execution of judgement as so certified to have been affirmed or amended

Execution or discharge, as the case may be.

and execution shall thereupon be done on such Judgment; or if the judgement has been reversed, avoided or arrested, the person convicted shall be discharged from further

Duty of judge.

imprisonment; and the Judge shall cause an entry to be made in the book kept for entering the proceedings, vacating the recognizance of bail if any, or if the Judge be directed to give Judgment he shall proceed to do so.

Form of hearing and judgment.

27. The judgement of the Justices of such Court of Appeal shall be given in open Court after hearing counsel, or the parties, in case the prosecution or person convicted thinks it fit that the case should be argued, in like manner as the judgements of the Court of Appeal are delivered.

Court may order amendment of case, &c.

28. The said Justices of the said Court of Appeal, when a case has been reserved for their hearing, may, if they think fit, cause the case or certificate to be sent back for amendment, and judgment may be delivered after it has been amended.

Judge may try although the Court if Q.S. is sitting.

29. The powers conferred and imposed upon the Judge by this Act, with and after the consent of the person charged, may be exercised and performed notwithstanding that the Court before which, but for such consent, the said person would be liable for the offence charged, or the Grand Jury thereof may then be in Session.

If one only of several defendants consent to trial.

30. If one of two or more prisoners charged with the same offence demands a trial by Jury and the other or others consent to be tried by the Judge withont a jury, the Judge, in his discretion, may remand the said prisoners to jail to await trial, in all respects as if this Act had not been passed.

When a judge in Ontario may act in another county than his own.

31. In the Province of Ontario it shall be the duty of any Judge, Junior or Deputy Judge, to act as the Judge under this Act, in any county other than his own, upon being required so to do by an order of the Governor General made at the request of the Lieutenant Governor; or without any

such order the Judge, Junior or Deputy Judge, in any county may, if he sees fit, act as the Judge under this Act in any county other than his own, on being requested to do so by the Judge to whom the duty for any reason belongs.

Like provision as to a retired judge.

32. Any retired County Court Judge in the said Province may act as Judge under this Act in any county, on being requested to do so by the Judge to whom the duty for any reason belongs; or upon being authorized so to do by an order of the Governor-General made at the request of the Lieutenant Governor.

And in any group of counties under R.S.O., c. 42.

33. Any Judge, Junior or Deputy Judge in the said Province may act as Judge under this Act in any county forming part of any County Court District or group of counties erected and established under the sixteenth section of Chapter forty-two of the Revised Statutes of Ontario, where such Judge, Junior or Deputy Judge is a resident of such County Court District or group of counties.

Act of judge not to be questioned on certain grounds.

34. In the cases mentioned in the three next preceding sections, no act of any such Judge acting in compliance with such direction or request, or in such County Court District or group of counties, shall be open to question on the alleged ground that he was not the proper Judge to perform the duty, or that the same had not been regularly or otherwise assigned, or had not been performed at such request or by such direction as the law requires.

Where and with what form the trial shall take place.

35. The trial of any prisoner under this Act shall take place in the Court House of the proper County or District, and the formalities therewith connected, and the manner of proceeding thereon shall as far as practicable be the same as upon the trial of a prisoner at any Court of Oyer and Terminer, and the Crier, Messenger or other proper officer shall attend the sittings of the Court for the purpose of proclaiming its opening or adjournment.

Indictment to be as in 32,33 V., c. 29.

36. The indictment preferred by the Clerk under the *third* section of this Act shall be prepared under the provisions of the Act passed in the session held in the thirty-second and thirty-third years of the reign of Her Majesty, Chapter twenty-nine, intituled, "*An Act respecting procedure in Criminal Cases and Criminal Law*," and shall be in the form, Schedule K; and the said last named Act shall form and be taken and read as part of this Act so far as the same is applicable to the proceedings provided for by it.

Board of county court judges in Ontario may make rules under this Act.

37. In the Province of Ontario, the Board of County Court Judges appointed by the Lieutenant-Governor may from time to time make, alter and rescind general rules for establishing and regulating the practice and procedure and for the efficient working of this Act; and every such rule, not being inconsistent with the express provisions of this Act, shall have force and effect, as if herein enacted so soon as the same shall have been approved of by the Governor in Council, and published in the *Canada Gazette*.

Extent and short title of Act.

38. This Act shall apply only to the Provinces of Ontario, Quebec and Manitoba, and may be cited as "*The Speedy Trials Act*, 1883."

Repeal of Acts.

39. The Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled: "*An Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec;*" The Act passed in the thirty-eighth year of Her Majesty's reign, and intituled: "*An Act to amend the Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec;*" The Act passed in the thirty-eighth year of Her Majesty's reign, and intituled: "*An Act to extend to the Province of Manitoba the 'Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec;*" and the Act passed in the forty-second year of Her Majesty's reign, intituled: "*An Act to amend 'An Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec,' and the Act respecting summary convictions before Justices of the Peace,*" with the exception of the last section; and the Act passed in the thirty-eighth year of Her Majesty's reign, and chaptered 47, and intituled: "*An Act for the speedy trial before Police and Stipendiary Magistrates in the Province of Ontario of persons charged with felonies or misdemeanors,*" are hereby repealed: Provided always, that all Acts or enactments repealed by either of the said Acts shall remain repealed, and that all things done under them or any of them shall remain valid, and all proceedings commenced under them or either of them may be continued and completed under this Act.

32, 33 V., c. 35.

38 V., c. 45.

38 V., c. 54.

42 V., c. 44.

Exception.

38 V., c. 47.

Proviso: as to Acts repealed by those above mentioned.

SCHEDULE A.

Form of Sheriffs' Notice to Clerk, Section, 2.

The Speedy Trials Act, 1883.

To the Clerk:—

Pursuant to the second section of the "*Speedy Trials Act* 1883," I Sheriff of the of in the Province of certify that the several persons whose names are mentioned in the first column of the Schedule enclosed herewith, were committed for trial to the common jail of the said and were received by the jailer of the said jail on the days severally mentioned in the second column of the said Schedule opposite the names of the said persons respectively, and were so committed to the said jail, and were received each severally under and by virtue of a warrant from a Justice of the Peace (*or* a Coroner *or as the case may be*) for the said on a charge of being guilty of an offence which may be tried under the

said Act, and that the nature of the charge against the said several persons respectively, as contained in the warrant of commitment, is set forth in the third column of the said Schedule opposite the names of the said several persons respectively.

Schedule above referred to.

1 Names of Persons.	2 Time when committed for Trial.	3 Nature of charges as contained in warrant of commitment.
	Give name of Committing Magistrate.	
Dated, 18	———	Sheriff.

SCHEDULE B.

Form of Warrant to Sheriff to bring up Prisoner, Section 4.

The Speedy Trials Act, 1883.

To Esquire,
Sheriff of the of .

Pursuant to the fourth section of the said Act, I hereby require you to bring before me, at of the clock in the noon, on , the day of 18 , at the Court House, in

named in your notice to the Clerk dated 18 , to be then and there dealt with as the law requires. and that you then and there produce this my warrant' Given under my hand and seal, this , 18 .

SCHEDULE C.

Form of Remand, Section 6.

The Speedy Trials Act, 1883.

CANADA: *Province of* County (*or* District) of To wit: } C. D. being a person committed to the common jail of the of for trial on a charge of being guilty of an offence for which he may be tried under the said Act, having been brought before me in open Court this day under the provisions of the said Act, and he not exercising the option of being tried before me without the intervention of a jury, but having demanded a trial by jury, I do therefore remand him to the custody of the Sheriff of the said , and I do order that the said Sheriff here in Court do receive the said C. D. and detain him in custody to remain remanded in the said common jail until he shall be thence otherwise delivered by due course of law.

Given under my hand and seal, this , 18 .

SCHEDULE D.

Form of Record where the person charged Pleads Guilty—Section 13.

The Speedy Trials Act, 1883.

CANADA. *Province of* County (*or* District) of , To-wit: } Be it remembered that A. B. being a prisoner in the jail of the said county (*or* district) committed for trial (*or* having been bound over to appear and take his trial, before a court of competent jurisdiction in the said county), on a charge of being guilty of an offence for which he may be tried under the said Act (*or* having given notice in writing that he was desirous of, and consented to being tried by the Judge, without the intervention of a jury, as provided by the 9th section of the said Act), and being brought before me (*or* having appeared before me, (*in the case of a party being bound over*), , Esquire, Judge of the County Judge's Criminal Court (*or as the case may be*) in, and for the County, of , on the day of , 18 , and asked if he consented to be tried before me, without the intervention of a jury (*in the case of a prisoner committed for trial*) consented to be so tried, and was thereupon indicted as follows: (*here copy indictment in full.*) And the said A. B. being then arraigned upon the

said indictments, he pleaded guilty thereto; whereupon I sentenced the said A. B. to be (*here insert the sentence.*)

Witness my hand, this day of , 18 .

Signature of Judge.

SCHEDULE E.

Form of record where prisoner charged pleads "Not Guilty." —Section 13.

The Speedy Trials Act, 1883.

(*The same as Schedule D, down to the words "Guilty thereto" —then proceed as follows*:—"Not guilty thereto") and after hearing the evidence adduced, as well in support of the said charge as for the prisoner's defence (*or as the case may be*), I find him to be guilty of the offence charged in the said indictment, and I accordingly sentence him to be (*here insert the sentence*); (*or*, I find him not guilty of the offence charged in the said indictment, and discharge him accordingly.)

Witness my hand this day of 18 .

Signature of Judge.

SCHEDULE F.

Form of Subpœna.—Section 16

The Speedy Trials Act, 1883.—*Subpœna.*

CANADA: }
Province of }
County (*or* District) of }
To wit: }

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

[L.S.]

We command you and every of you, that all business being laid aside and all excuses ceasing, you and each of you do in your proper persons appear before (*name of Judge, and, (in Ontario,)* our Judge presiding in our County Judge's Criminal Court in the county of) for the trial of offenders against our laws, where such offenders are prisoners committed to jail, or bound over to appear and take their trial on charges of being guilty of any offence for which they might be tried under the provisions of the said "*The*

Speedy Trials Act, 1883," at a sitting of the Court appointed to be holden at in our said on the day of 18 , at the hour of o'clock in the noon of the same day, to testify the truth and give evidence before our said Court touching a certain indictment against

on the part of the in a case of ; [and that you do bring with you and produce on the day and at the place aforesaid a certain (*here describe the letters or papers, or other thing*) required to be produced.]

And you are enjoined that you and each of you remain in attendance throughout the whole trial of the said case until it shall be finally disposed of, or until you shall be duly discharged from further attendance thereat; and in case you fail so to attend, you will be held guilty of a contempt of Court, and you may be proceeded against therefor accordingly.

And this you, and every of you, are nowise to omit.

Witness Judge of our said Court
at on the 18 .

Clerk.

SCHEDULE G.

Form of Warrant.—Section 18.

The Speedy Trials Act, 1883.

CANADA. } To all or any of the Constables or other
Province of } Peace officers in the said County (*or*
County or District } District) whereas it has been made to
of , } appear before me (*describe the Judge*)
To wit : } that E. F. in the said County (*or* District, *or as the case may be*) was likely to give material evidence on behalf of the prosecution (*or* defence *as the case may be*) on the trial of a certain charge of against A. B., and that the said E. F., was duly subpœnaed (*or* bound under recognizances) to appear on the day of 18 at in the said County (*or* District) at o'clock, before me, to testify what he should know concerning the said charge against the said A. B.

And whereas proof hath this day been made before me upon oath of such subpœna having been duly served upon the said E. F., (*or* of the said E. F., having been bound in recognizances to appear before me.) And whereas the said E. F., has neglected to appear at the trial and place appointed, and no just excuse has been offered for neglect :—

These are therefore to command you to take the said E. F., and to bring and have him forthwith before me, to testify what he shall know concerning the said charge so preferred against the said A. B., and also to answer his contempt for such neglect. Given under my hand and seal the 18

Signature of Judge.

SCHEDULE H.

Form of conviction.—Section 18.

"*The Speedy Trials Act*, 1883."

CANADA: } Be it remembered that on the
Province of } day of 18
County (*or* District) of } at in the County
To wit: } (*or* District) of

E. F., convicted before me (*describe the Judge*) for that he, the said E. F., did not attend before me to give evidence on the trial of a certain charge against one A. B., of , although duly subpœnaed (*or* bound by recognizance) to appear and give evidence in that behalf, but made default therein and hath not shown before me any sufficient excuse for such default; and I adjudge the said E. F. for his said offence to be imprisoned in the Common Jail of the County (*or* District) of at for the space of , there to be kept at hard labor; (*and in case a fine is also intended to be imposed, then proceed*) and I also do adjudge that the said E. F. do forthwith pay to and for the use of Her Majesty a fine of dollars, and in default of payment that the said fine, with the costs of collection, be levied by the 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 will be omitted*).

Given under my hand and seal at on the day and year just above mentioned.

Signature of Judge.

SCHEDULE I.

Form of Clerk's Certificate.—Section 26.

"*The Speedy Trials Act*, 1883."

In the County Judge's Criminal Court of the County of

Whereas at a sitting of the said Court holden at in the County (*or* District) of on before (*describe the Judge*) A. B., late of having been found guilty of felony, and judgment thereon given, that

(*state the substance*) the said Judge before whom he was tried reserved a certain question of law for the consideration of the Justices of the Court of Appeal, and execution was therefore respited in the meantime (*or as the case may be*);

This is to certify that the said the Justices of the Court of Appeal, having met at Toronto on it was considered by the said Justices there, that the judgment aforesaid should be annulled, and an entry made on the record that the said A. B. ought not, in the judgment of the said Justices, to have been convicted of the felony aforesaid; and you are therefore required forthwith to discharge the said A. B. from your custody.

E. F., *Clerk.*

To the Sheriff of and the Jailer of and all others whom it may concern.

SCHEDULE K.

Form of Indictment, Sections 3 and 36.

"*The Speedy Trials Act*, 1883."

CANADA: Ontario, County or District of } Before Judge A.B. of } is indicted and accused at the instance of the County Crown Attorney of the said County of (*or as the case may be*) for that he (*then follow the form given in* 32, 33 *Vict.*, Cap. 29.

SCHEDULE L.

Form of Notice and Consent, under Section 11, *to be tried without the intervention of a Jury.*

"*The Speedy Trials Act*, 1883."

To Clerk of the Peace, Esq., (*or* County Crown Attorney, etc, *as the case may be*), of the County of

Take notice that I, the undersigned of the of in the County of having been bound over to appear and take my trial before the next Court of competent jurisdiction, to be holden in and for the said County (*or* District *or* United Counties, etc.), by Esquire, one of Her Majesty's Justices of the Peace in and for the County (*or* District, etc.,) of on a charge of an offence which may be tried under "*The Speedy Trials Act*, 1883," do hereby consent and do hereby give you notice that I am

desirous of being tried by the Judge without the intervention of a Jury, on the said charge: and I do hereby request that an early day may be appointed for my trial on the said charge.

Dated } Your obedient servant,
18 } *Signature of Prisoner.*

SCHEDULE M.

Form of Clerk's Notice to Judge,—Section 10.

The Speedy Trials Act, 1883.

To , Esquire, Judge of the County Judge's Criminal Court of the County (District *or* united Counties) of .

Pursuant to the 11th Section of *The Speedy Trials Act*, 1883, I, , Clerk of the Peace (*or* Crown Attorney, *or* Prothonotary, *as the case may be*), in and for the County (union of Counties *or* Districts (*as the case may be*) of , in the Province of , certify that I have received notice in writing according to the form of the said Act, from the person (*or* persons) name (*or* names, who is (*or* are) mentioned in the first column of the Schedule hereunder written, who was (*or* were) bound over to appear and take his (*or* their) trial, at the next Court of Competent Jurisdiction to be holden in the said County of , on a charge of being guilty of an offence which may be tried under the said Act, the nature of which is set forth in the third column of the said Schedule opposite the name of the said persons, so bound over as aforesaid, that he (*or* they,) the said , is (*or* are) desirous of and consents (*or* consent) to being tried by the Judge, without the intervention of a jury, on the said charge, under "The Speedy Trials Act, 1883."

(*Signed*),

Clerk of the Peace,
(*or* Crown Attorney,
or Prothonotary, etc.,
as the case may be.)

Dated this day of , 18 .

16

Schedule above referred to.

Name of Person bound over.	Time when bound over.	Nature of Charge.	Name of Justice before whom bound over.

Signature of Clerk,
or Crown Attorney, etc.

No. 86.

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

BILL.

An Act to consolidate and amend the Acts for the more Speedy Trial of persons charged with felonies and misdemeanors in the Provinces of Ontario, Quebec and Manitoba.

Received and read first time, Friday, 16th March, 1883.

Second reading, Monday, 19th March, 1883.

MR. ROBERTSON,
(Hamilton.)

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

No. 87. **BILL.** 1883

An Act to incorporate "The Loyal Orange Association of British America."

WHEREAS the Loyal Orange Association of British America is a religious and benevolent association, composed of members of the various lodges called and known as the Grand, Provincial, County, District, and Private Lodges existing in the various parts of Canada; and whereas the said Association has by its petition prayed for an Act of incorporation to enable it to carry on its work, and it is deemed expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. All the members of the said Association in any part of the Dominion of Canada, and all persons who shall hereafter become members of the said Association, are hereby incorporated by the name of "The Loyal Orange Association of British America." Incorporation. Corporate name.

2. In addition to the powers mentioned in "*The Interpretation Act*," the said corporation shall have power to acquire real estate in any of the Provinces of the Dominion, in accordance with the laws of such Provinces, and to hold the same for the purpose of providing lodge rooms for the meetings of the Grand, Provincial, County, District and Private Lodges; and may, when the same is no longer required for the use of the corporation, alienate the same, and none of the mortmain laws shall apply to the said corporation. Powers of the corporation.

3. All property now held in trust for any of the lodges of the said Orange Association shall vest in the said corporation for the particular purposes set forth in the instruments creating the said trusts. Property vested in the corporation.

4. The constitution and by-laws of the said Association in existence at the time of the passing of this Act shall, from and immediately after the passing hereof, become and continue applicable to the said corporation, until the same are altered in the manner pointed out in the said constitution and by-laws; and all the powers and duties vested in the said several lodges and the officers thereof, under the said constitution and by-laws, shall be exercised and performed by the said lodges and officers after the passing of this Act, Constitution and by-laws continued.

in the same way as the said powers and duties have been exercised and performed under the said constitution and by-laws before the passing of this Act, until the said powers and duties are altered under the said constitution and by-laws.

Certain persons may be delegated by the grand lodge.

5. For the purpose of facilitating the acquisition and sale of property for the use of any of the said Provincial, County, District and Private Lodges, the Grand Lodge may, by by-law, confer upon the said Provincial, County, District and Private Lodges power to acquire in the name of the said corporation real or immovable, or personal or movable property, for the use of the said lodges respectively; and to sell any property possessed for the use of the said lodges at the time of the passing of this Act, or any property which may be acquired after the passing thereof, and may for these purposes confer upon any officer of the said lodges power to execute in the name of the said corporation, all such conveyances as may be necessary according to the laws in force in the several Provinces respectively, by affixing the seal of the said corporation, and by otherwise attesting the execution of the same.

New lodges and members.

6. Full power is hereby given to the said Association to establish new lodges and to receive new members, in accordance with the constitution and by-laws of the said Association from time to time in force

No. 87.

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

BILL.

An Act to incorporate the Loyal Orange Association of British America.

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

Second reading, Tuesday, 20th March, 1883.

(PRIVATE BILL)

Mr. WHITE, (Hastings, E. R.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1883.

No. 88. BILL. [1883

An Act to unite the Winnipeg and Hudson's Bay Railway and Steamship Company and the Nelson Valley Railway and Transportation Company into one Corporation, under the name of "The Winnipeg and Hudson Bay Railway and Steamship Company."

Preamble.

WHEREAS the Winnipeg and Hudson's Bay Railway and Steamship Company and the Nelson Valley Railway and Transportation Company have, by their petition, prayed for an Act to unite their Companies into one company and corporation, and for the granting to such Company or Corporation of all the powers and privileges hereinafter mentioned; and whereas it is expedient to grant the prayer of said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In the interpretation of this Act, unless the context shall require a different interpretation, the words "the Company" shall mean the Company hereby incorporated, and the words "the Companies hereby amalgamated" shall mean "The Winnipeg and Hudson Bay Railway and Steamship Company and the Nelson Valley Railway and Transportation Company."

Incorporation.

Corporate name.

2. From and after the adoption of this Act in accordance with the provisions of section five, the shareholders of the Companies hereby amalgamated, together with such other persons and corporations as shall, under the provisions of this Act, become shareholders in the Company, are declared to be a body corporate and politic under the name of "The Winnipeg and Hudson Bay Railway and Steamship Company."

Rights, &c. vested in Company.

3. All the rights, claims, property, estate, grants, moneys and effects of each of the Companies hereby amalgamated are hereby vested in the Company, subject to the provisions of this Act.

Claims against amalgamated companies.

4. The Company shall be liable for all liens and claims against either of the Companies hereby amalgamated, provided that all suits and proceedings to enforce any such lien and claim shall be brought and action taken against the Company; all actions, suits and proceedings by or against either of the Companies hereby amalgamated, and pending at the time of the passing of this Act, shall be continued by or against the Company.

Meeting of the companies for the adoption of Act.

5. On or before the first day of November next the Directors of each of the Companies hereby amalgamated shall call a general meeting of the shareholders of their respective Companies for the purpose of considering and, if approved, adopting the provisions of this Act, and if at such meeting two-thirds in value of such shareholders, present in person or represented by proxy, resolve to adopt its provisions, the Secretary of each Company shall draw up and sign a certificate of the passing of such resolution by the meeting affecting his Company, which shall also be signed by the Chairman of the meeting, and be forwarded to the Secretary of State of Canada, who, on receipt thereof, shall publish in the *Canada Gazette* a notice that the provisions of this section have been complied with, and forthwith upon the publication of such notice, but not until then, the provisions of this Act shall take effect and go into force and operation.

How such meetings shall be called.

6 The Directors of each Company shall call the meeting of shareholders of their Company, in the preceding section mentioned, in the manner provided by law for calling general meetings of the shareholders of their Company, and the notice calling each such meeting shall state particularly that such meeting is called for the purpose of considering and, if approved, adopting the provisions of this Act.

Powers and business of the Company.

7. The Company shall have full power and authority to lay out, construct and complete, a railway of a guage of four feet eight and one-half inches in width, from a point in or near the city of Winnipeg, in the Province of Manitoba, or some other point on the Canadian Pacific Railway west of the town of Selkirk and east of the town of Portage la Prairie, to be fixed by the Governor in Council, to Port Nelson, or a point at or near the Churchill River, or some other point on the shores of Hudson Bay, either in a continuous line or by utilizing navigable waters along or near the said route for the purposes of transport; also to lay out and construct a branch railway from any point on its main line to a point on the Canadian Pacific Railway west of Lake Winnipegosis, and also to lay out and construct a branch railway from any point on its main line to a point on the north shore of Lake Winnipeg, but the location of the main line for more than ten miles from the approved line of either of the amalgamated Companies shall be subject to the approval of the Governor in Council, and the construction of the branch lines shall not be commenced until the location thereof shall have been approved by the Governor in Council. The Company shall have power to build, purchase, lease, charter or own, sell and dispose of, work and control, steam or other vessels or ships for the purposes of transport on the route, or from the terminus of the said railway to Europe or elsewhere; and also to make arrangements and agreements with the proprietors of steamboats, vessels and other ships, by chartering or otherwise, to work or ply in connection with the said railway.

Company may construct bridges.

8. The Company shall have power and authority to lay out and construct, complete, maintain, work, manage and use a railway bridge over any navigable stream or streams, on the line of the said railway; and the sections of "*The Consolidated Railway Act*, 1879," under the head of Powers Plans and Surveys, and Lands and their valuation, shall, so far as necessary, apply to the power hereby given.

Plans of bridges to be approved by Governor in Council.

9. The Company shall not commence any such bridge, or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until the plans and site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching any such bridge and works shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always, that if any such bridge be placed over any such river or stream at a place where the same is navigable, and if the Governor in Council shall determine that such bridge shall be a draw-bridge, the same shall be constructed so as to have one draw in the main channel of such river or stream, which draw shall be of such width as the Governor in Council may determine, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river or stream; and the said draw shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the Company, so as not to hinder unnecessarily the passage of any vessel; from sun down until sunrise during the season of navigation suitable lights shall be maintained on any such bridge to guide vessels approaching the said draw.

Proviso: as to bridges over navigable rivers.

Power to take and hold real estate for railway purposes.

10. The Company may acquire land and water lot property for the purposes of their undertaking, and may acquire under the provisions in that behalf of "*The Consolidated Railway Act*, 1879," and hold such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snow-drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such land and water lots, as also the powers of the Company to take possession thereof, shall in case of difference, be ascertained and exercised in the manner provided by the section of the said Railway Act respecting lands and their valuation.

Compensation to owners.

Provisional directors.

11. From and after the adoption of this Act in accordance with the provisions of section five and until the first election of Directors thereunder Hugh Sutherland, Arthur Wellington Ross, James Henry Ashdown, John McDonald, Arthur F. Eden, and Duncan McArthur, of the city of Winnipeg in the Province of Manitoba, and the Honorable

Thomas Ryan, Alfred Brown and Alexander Murray, of the city of Montreal in the Province of Quebec, shall be the Directors and constitute the Board of Directors.

Capital stock.

12. The capital stock of the Company shall be four million dollars, being an amount equal to the combined capital stock of the Companies hereby amalgamated, divided into shares of one hundred dollars each, with power to increase the same in the manner provided by "*The Consolidated Railway Act*, 1879," and each holder of stock in either of the Companies hereby amalgamated shall be a shareholder in the Company to the amount of stock he held in either of the Companies hereby amalgamated.

First general meeting.

13. The Directors hereinbefore appointed shall, within six months from the time this Act shall take effect, call a general meeting of the shareholders of the Company for the purpose of electing Directors of the Company, and at such meeting each Director hereinbefore appointed shall be eligible to be elected.

Election of Directors.

14. At such general meeting the shareholders of the Company assembled, with such proxies as may be present, shall choose nine persons to be the Directors of the Company, and the number of Directors who shall form a quorum shall be determined by by-law.

Qualification of Directors.

15. No person shall be qualified to be elected as a Director unless he be a shareholder holding at least twenty shares of stock in the Company, and shall have paid up all calls made thereon.

Calls on shares.

16. No call, to be made payable at any one time upon the said capital stock, shall exceed ten per cent. on the subscribed capital, and at least thirty day's notice shall be given thereof; and not less than thirty days shall intervene between any one call and a succeeding call.

Aliens may be shareholders.

17. Aliens as well as British subjects, and whether resident in the Dominion of Canada or elsewhere, may be shareholders in the Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as Directors in the Company.

Where general meetings shall be held.

18. The first and all subsequent general and annual meetings of the shareholders shall be held at the city of Ottawa (or elsewhere as may be appointed by by-law), and on such day and such hour as may be directed by the by-laws of the Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published in the city of Winnipeg.

Where meetings of directors may be held.

19. The Directors shall have full power and authority at any time to call meetings of the Board of Directors of the Company, either in the Dominion of Canada or in Great

Britain ; but in the event of a meeting of the Board being called to be held in Great Britain one month's previous notice of such meeting shall be given to each of the Directors by posting the same in Her Majesty's Post Office in the city where the head office of the Company is situate.

Power to allot paid up stock.

20. The Directors are authorized to allot to such of the original shareholders in the Companies hereby amalgamated as they shall see fit, paid up stock of the Company to the extent of two-fifths of the amount of their original subscription, and such stock, when so allotted, shall be deemed and taken to be fully paid up for all purposes whatsoever.

Grants in aid may be received by Company.

21. The Company may receive either from the Dominion Government or any of the Provincial Governments, or bodies corporate, municipal or politic, who may have power to make or grant the same in aid of the construction, equipment and maintenance of the said railway or steamships, grants of land, bonuses, loans, or gifts of money, or securities for money ; and the Company may from time to time, in aid of the construction, equipment and maintenance of the railway or steamships, purchase any lands from the Dominion Government or from any of the Provincial Governments having power to sell and grant the same, or from any corporate body, or from any private individual, and may hold, dispose of and mortgage the said lands.

Bonds may be issued by Company.

22. The Directors of the Company, under the authority of the shareholders to them given by a resolution at a special meeting called for that purpose, are hereby authorized to issue bonds under the seal of the Company, signed by its President or other presiding officer and countersigned by the Secretary ; and such bonds shall be made payable at such times and in such manner and at such place or places in the Dominion of Canada or elsewhere, and bearing such rate of interest as the Directors shall think proper : and the Directors shall have power to issue and sell or pledge all or any of the said bonds at such price or prices and upon such terms and conditions as they shall see fit, for the purpose of raising money for the prosecution of the said undertaking ; and the said bonds hereby authorized to be issued shall, without registration or formal conveyance, constitute a first mortgage and preferential lien, charge, claim and privilege upon the said railway constructed, and to be hereafter constructed, and upon its Government land grant, and the undertaking, its tolls, income, and revenue and the real and personal property thereof, excepting therefrom municipal bonuses, acquired and to be thereafter acquired, and after deduction from such tolls, income and revenues of working expenses, and upon the franchises of the Company, save and except as is hereinafter provided for ; and each holder of the said bonds shall be deemed to be a mortgage upon the said securities *pro rata* with the other bondholders, and shall have priority as such : Provided that the amount of bonds so issued, sold or pledged shall not exceed twenty-five thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed ;

To be a first charge.

Proviso: amount limited.

Bonds may be secured by a mortgage deed.

but notwithstanding anything in this Act contained, the Company may secure the bonds to be issued by them by mortgage deed, creating such mortgages, liens and incumbrances upon the whole or any part of such property, assets, rents and revenues of the Company, present or future, or both as shall be described in the said deed; but such rents and revenues shall be pledged in first instance to the payment of the working expenses of the railway; and by the said deed the Company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies, granted in this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed, shall be valid, binding and available to the bondholders in manner and form as herein provided.

What deed may contain.

How bonds may be issued.

23. Provided, however, that the Directors shall have full power and authority to issue the bonds in the next preceding section mentioned, in a series or in instalments, or in such other way as the Directors shall, in their discretion, by a by-law elect and determine.

Certain rights of bondholders if there is default.

24. If the Company shall make any default in paying the principal or the interest of any of the bonds hereby authorized, at the time when the same shall, by the terms of the bonds, become due and payable, then at the next ensuing annual general meeting of the Company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall in respect thereof, have and possess the same rights, privileges and qualifications for Directors and for voting at general meetings as would be attached to them as shareholders if they had held fully paid up shares of the Company to a corresponding amount; provided nevertheless, that the rights given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such right shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the Company; and for that purpose the Company shall be bound, on demand, to register any of the said bonds, in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares; provided, also, that the exercise of the rights given by this section shall not take away, limit, or restrain, any other of the rights and remedies to which the holders of said bonds shall be entitled.

Proviso: bonds must have been registered.

Proviso: saving other rights.

Transfer of bonds.

25. All bonds hereby authorized and the coupons and interest warrants thereon respectively, may be made payable to bearer, and in that case shall be transferable by delivery, unless and until registry thereof is made in manner provided in the next preceding section; and while so registered they shall be transferable by written transfers registered in the same manner as in the case of shares, but they

shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Lands may be vested in trustees.

26. The lands acquired by the Company, and held for sale for the purposes thereof, may be conveyed to trustees to to be held and conveyed by them upon the trusts and for the purposes herein declared in reference to such lands, and all moneys arising from the sale of such lands shall be held and applied in trust for the purposes following, that is to say: First, in payments of the expenses connected with the acquisition, survey, management and sale of the said lands; secondly, in payment of the interest on the bonds from time to time payably in cash by the Company; thirdly, in payment and redemption of the said bonds, and fourthly for the general purposes of the Company.

Application of proceeds of lands sold.

Lands sold released from charges.

27. All lands sold and conveyed by the Company, or by the said trustees after a conveyance thereof to them, upon the trusts aforesaid, and which have been paid for in cash, shall be forever released and discharged from all mortgages, liens, and charges of any kind or nature, by this Act created; and the purchase money arising from the sale of such lands by the Company shall be applied in the first place in the satisfaction of any mortgage thereon created by the Company, and after payment of any such mortgage or lien created by the Company thereon, shall be applied in accordance with the trusts in the next preceding section declared.

Promissory notes.

28. The Company shall have power and authority to become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary, and under the authority of a quorum of the Directors, shall be binding on the Company; and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be 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 be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted: Provided, however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Seal not required.

Proviso: No bank notes.

Powers of the Company as to navigation

29. The Company may also build, purchase, acquire, charter or possess, work and operate steam and other vessels in any lakes, rivers or other navigable waters, as they may deem proper and expedient, in connection with their railway, and may do all and such things as are necessary for improving the navigation between any of such lakes and others of

them ; and for the purpose of connecting the means of transport between the said waters may construct a railway or a tramroad, between any of such lakes or rivers and others of them, and also around the rapids or any other obstruction of the said rivers, or may construct a canal or canals to avoid the same wherever requisite, and may also for the purpose of facilitating the said undertakings and the traffic in connection therewith, purchase, build, fit, complete, and charter, sell or dispose of, work, control and keep in repair, steam tugs, barges, steam boats and other vessels to ply in connection with the said railway or otherwise ; and may also build, purchase, acquire, lease, charter or possess, work and operate sea-going vessels and elevators, and if necessary may purchase grain and other freight to complete or make up the cargoes of such vessels, and the same may sell and dispose of.

Coal mines and timber limits.

30. The Company shall have power and authority to purchase, acquire, hold, work and operate coal mines and timber limits.

Lines of telegraph.

31. The Company shall have power and authority to construct and operate such line or lines of telegraph in connection with and along the line of their railway and branches as may be necessary or useful for the purposes of their undertaking, and may also erect and construct across any streams, rivers or lakes which may be in or near the route of the railway or its branches, a bridge or bridges, where the same may be necessary for the purposes of the railway.

Power to make certain agreements with other companies.

32. It shall be lawful for the Company to enter into any agreement with any other company for amalgamation for the use or partial use of the railway of the company, or for leasing or for hiring from such other company any other railway or part thereof, or the use thereof, and for any period or term, or for the leasing or hiring of any locomotives, cars or moveable property, and generally for making any agreement with any other company touching the use of the railway of the Company or of the railway of the other company, or touching any service to be rendered by the one company to the other, and the compensation therefor : Provided that any such agreement, lease or contract in this section mentioned or referred to, shall be first approved of and authorized by the shareholders of the Company at an annual general meeting of the same.

Conveyance of land to company, how made.

33. Conveyances of land to the Company for the purposes of and exercise of the powers given by this Act, made in the form in the schedule to this Act or to the like effect, shall be a suffcient conveyance to the Company, their successors and assigns, of the estate and interest and sufficient bar of dower (where the same exists) respectively of all persons executing the same ; and such conveyance shall be registered in such manner and upon such proof of execution as is required by the registry laws of the province or territory where the land is situate.

Registration.

34. All Acts relating to either of the Companies hereby amalgamated, in so far as they are inconsistent with this Act, are hereby repealed. Repeal of inconsistent enactments.

35. The railway shall be completed within six years after the passing of this Act. Time for completion of railway.

SCHEDULE.

Know all men by these presents that I (*or* we) *insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by the Winnipeg and Hudson Bay Railway and Steamship Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) *insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purpose of the said railway, to hold the same with the appurtenances unto the said the Winnipeg and Hudson Bay Railway and Steamship Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) ; and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and eighty-

Signed, sealed and delivered in the presence of C. D } A. B. [L.S.]

1st Session, 5th Parliament, 47 Victoria, 1883

BILL.

An Act to unite the Winnipeg and Hudson's Bay Railway and Steamship Company and the Nelson Valley Railway and Transportation Company into one Corporation under the name of "The Winnipeg and Hudson's Bay Railway and Steamship Company."

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

Second reading, Tuesday, 20th March, 1883.

(PRIVATE BILL)

Mr. CAMERON
(Victoria, N. R.)

OTTAWA:
Printed by MACLEAN, ROGER & Co.

1883.

No. 89.] **BILL.** [1883.

An Act respecting certificates to Masters and Mates of Inland and Coasting Ships.

WHEREAS it is expedient to provide for the examination of, and grant of certificates of competency to persons intending to act as Masters or Mates on board Ships registered in Canada, trading on the inland waters of Canada, or on the coasts of Canada, or in its vicinity; as hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. In this Act the word "ship" means any vessel used for the purposes of navigation and registered in Canada; the expression "sailing ship" means a ship propelled mainly by sails; the word "steamship" or "steamer" includes any ship impelled wholly or in part by steam or other motive power than sails or oars; the word "Mate" means the first or only mate; the word "voyage" includes "passage" or "trip"; and the expression "coasting voyage" includes a voyage between Canada and Newfoundland or the United States of America, or a fishing voyage from Canada to any part of North America. Interpretation clause.

EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES.

2. Examinations may be instituted in Canada, for persons having been domiciled in Canada for at least three years who intend to become masters or mates of ships trading on the inland waters of Canada, or on coasting voyages, as hereinbefore mentioned, or who wish to procure certificates of competency as masters or mates of such ships; and persons serving in ships so registered, shall be deemed to be domiciled in Canada while so serving; And, subject as herein mentioned, the Minister of Marine and Fisheries shall provide for such examinations at such place or places as he may see fit; and the Governor may appoint an examiner or examiners at any place or places to conduct the examination, and may, by Order in Council, regulate the same, and determine the amount of the remuneration of such examiners. Examination of masters and mates of inland vessels or coasters. Governor may appoint examiners.

3. The Governor in Council may, from time to time, make rules for the conduct of such examinations, and as to the qualifications of the applicants; and such rules shall be observed by all examiners. And make rules respecting examinations.

Fees payable before examination.

4. All applicants for examination shall pay, previous to examination, to such person as the Minister of Marine and Fisheries may appoint for that purpose, the following mentioned fees, that is to say, for a certificate as master, *eight dollars*, and for a certificate as mate, *five dollars;* and in the event of any applicant failing to procure his certificate of qualification on his first examination, he shall be entitled to a second examination without payment of any additional fee; but if he fails to procure his certificate of qualification on such second examination, he shall pay the same fee previous to any subsequent examination as is hereby required to be paid previous to a first examination for the certificate he seeks to procure.

As to second examination in case of failure to pass in first.

Certificates to persons passing such examination successfully.

5. Subject to the proviso hereinafter made, the Minister of Marine and Fisheries may grant to every applicant who is duly reported by any one or more of the examiners to have passed the examination satisfactorily, for sailing ships or steamers, as the case may be, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, a certificate (hereinafter called a certificate of competency) to the effect that he is competent to act as master or mate of any ship or of any class or description of ships hereby required to be commanded by a certificated master, or to have a certificated mate (stating the class of ships for which he is found competent), trading on the inland waters of Canada, or in the coasting trade, as the case may be; but in every case in which the Minister of Marine and Fisheries has reason to believe such report to have been unduly made, he may remit the case either to the same or to any other examiner or examiners, and may require a re-examination of the applicant, or a further enquiry into his testimonials and character, before granting him a certificate.

Proviso: if not satisfactory to the Minister.

Subject to the provision in section 15 no vessel to which this Act applies shall, after 1st January, 1884, sail or be cleared unless she carries a certificated master or master and mate, as hereby required.

6. Subject to the provision hereinafter made as to ships clearing or sailing from places in British Columbia,— after the first day of January, which will be in the year of Our Lord, one thousand eight hundred and eighty-four, no sailing ship registered in Canada over one hundred tons register tonnage, nor any steam ship so registered and allowed by law to carry passengers, shall go from any port or place in Canada on a voyage to any other port or place in Canada, or in Newfoundland, or in the United States of America, or on a fishing voyage or be licensed or allowed to ply on any Canadian water, unless the master thereof has obtained and possesses a valid certificate of competency as master for inland, or (as the case may be) coasting ships of the class and description to which such ship belongs, from the Minister of Marine and Fisheries, or a valid certificate of competency as master for sea-going ships, from the said Minister, or a valid certificate of competency as master, for foreign-going ships, from the Board of Trade in the United Kingdom, or a valid certificate of competency as master, granted in any British possession and declared by order of Her Majesty in Council published in the "*London Gazette*," under the provisions of the

Merchant Shipping (Colonial) Act, 1869, or of any Act of the Parliament of the United Kingdom, containing such provisions, to be of the same force as a certificate of competency, as master for foreign-going ships granted under the Acts of the Parliaments of the United Kingdom, relating to merchant shipping; nor shall any ship registered in Canada and over two hundred tons register tonnage, nor any steamship so registered and allowed by law to carry more than forty passengers, go from any port or place in Canada, on a voyage to any other port or place in Canada, or in Newfoundland, or in the United States of America, unless such ship carries also a mate who has obtained a valid certificate of competency as such mate, granted by some such authority as aforesaid;

Penalty on uncertificated persons acting as masters or mates, or on persons employing them as such.

And every person who, having been engaged to serve as master or mate of any ship, the master or mate whereof is hereby required to have such certificate of competency, goes on any voyage described in this section after the said date as such master or mate, without being at the time entitled to and possessed of such certificate, as hereinbefore required, or who employs any person as master or mate of any such ship as aforesaid, on any such voyage without first ascertaining that he is at the time entitled to and possessed of such certificate, shall, for each such offence, incur a penalty of *one hundred dollars*: Provided that the foregoing provisions as to masters and mates, shall not apply to pleasure yachts not carrying passengers or goods for hire.

After the said day, a master must produce his certificate (and that of his mate if he has one) on applying for a clearance, &c.

7. After the first day of January, which will be in the year of Our Lord, one thousand eight hundred and eighty-four, the master of every ship required by this Act to be commanded by a master having a certificate of competency as aforesaid, shall produce to every officer of the Customs in Canada, to whom he applies for a clearance or for a *transire* coastwise for such ship, on any voyage from any port or place in Canada, to any other port or place in Canada, Newfoundland or the United States of America, or for a license for the season in respect of such ship, the certificate of competency which the said master is hereby required to possess; and if such ship be also required to carry a mate having such certificate as aforesaid, the master shall, at the same time, produce to such officer of the Customs the certificate of such mate.

No clearance, &c. to be granted unless such certificate is produced.

(2.) No officer of the Customs at any port in Canada shall clear any such ship or grant a *transire* coastwise for any such ship on any such voyage as aforesaid, or grant a license for the season in respect of any such ship after the day last aforesaid, without such certificate being first produced to him; and if any master of any such ship attempts to sail, or take such ship from any port in Canada, on any such voyage as aforesaid, for which a clearance or a *transire* coastwise or a license for the season is required, after that date, until the requirements of this section have been fully complied with, such master shall, for every such offence, incur a penalty of *one hundred dollars*.

Penalty for contravention of this section.

Case of steam tugs, &c. provided for.

(3.) And the master of any steam-tug, or other steamer required to have a certificated master, but so employed as to not require such clearance, *transire* or license as aforesaid, shall, whenever thereunto required by any officer of the Customs, produce his certificate as master to such officer; and for any refusal or neglect so to do, shall incur a penalty of *one hundred dollars*; and if any such steam tug, or other steamer required by this Act to be commanded by a certificated master, plies on any Canadian water without having such certificated master on board and in charge, the owner thereof shall incur a penalty of *one hundred dollars* for every day on which such offence is committed

Penalty for plying without a proper master.

Certificate lost may be replaced, and how.

8. When any master or mate proves to the satisfaction of the Minister of Marine and Fisheries that he has, without fault on his part, lost or been deprived of any certificate theretofore granted to him under this Act, by the Minister of Marine and Fisheries, the Minister may, upon payment of one half the fee charged for the original certificate, cause a copy or duplicate of the original certificate to be made out and certified as aforesaid, and to be delivered to him.

Penalty for forgery or fraud with respect to any certificate.

9. Every person who makes, or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate of competency under this Act, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate which is forged, altered, cancelled, or suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall for each such offence be deemed guilty of a misdemeanor.

Minister may suspend or cancel certificate in certain cases of misconduct.

10. The Minister of Marine and Fisheries may suspend or cancel the certificate of any master or mate who has received a certificate from such Minister under this Act in the following cases, that is to say:—if upon any investigation made or authorized by him, such master or mate is found to be incompetent, or to have been guilty of any act of misconduct, drunkenness, or tyranny, or it is found that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default, or if it is shown, to the satisfaction of the said Minister, that such certificate was granted on false or erroneous information.

Cancelled or suspended certificate to be delivered to Minister.

11. And every master or mate whose certificate is cancelled or suspended shall deliver it to the Minister of Marine and Fisheries, or as he directs, unless he has already delivered it to any court or tribunal before whom his conduct was called in question in the course of the investigation upon which it is cancelled or suspended, and in default shall, for each offence, incur a penalty not exceeding *one hundred dollars;* and the Minister of Marine and Fisheries may, at any subsequent time, grant to any person whose certificate

New certificate may be granted.

has been cancelled, a new certificate of the same or of any lower grade.

Record of certificates.

12. A record of all certificates of competency, granted under this Act, shall be kept in a bound book in the Department of Marine and Fisheries; and all documents purporting to be certificates granted by the Minister of Marine and Fisheries in pursuance of this Act, and to be signed by him, shall be received in evidence, and shall be deemed to be such certificates without further proof, unless the contrary be shown; and whenever notice of the cancelling, suspending, altering or otherwise affecting by competent authority, any such certificate is received by the Department, there shall thereupon be made a corresponding entry in the record of certificates; and a copy of any such certificate purporting to be certified by the Minister of Marine and Fisheries or his Deputy, shall be *primâ facie* evidence as aforesaid of such certificate; and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any such certificate shall be *primâ facie* evidence of the entry and truth of the matter stated therein.

Effect as evidence.

Entry of cancellation.

As to copies certified by Minister or his deputy.

Application of fees.

13. All fees received under this Act shall be paid over to the Receiver-General, and form part of the Consolidated Revenue Fund of Canada.

This Act not to affect 33 V., c. 17, or things done under it.

14. Nothing contained in this Act shall be construed to affect the provisions of the Act passed in the thirty-third year of Her Majesty's reign, chapter seventeen, intituled: "*An Act respecting certificates to Masters and Mates of Ships*," or to make a certificate under this Act sufficient for the master or mate of any sea-going ship to which the said Act applies, on any voyage by sea to which the said Act extends.

When ss. 6 & 7 shall apply to B. C.

15. Sections six and seven of this Act shall apply to ships clearing or sailing from any port in British Columbia, or employed on the waters of that Province after the first day of January, 1885, but not before.

No. 89.

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

BILL.

An Act respecting Certificates to Masters and Mates of Inland and Coasting Ships.

Received and read first time, Wednesday, 4th April, 1883.

Second reading, Thursday, 5th April, 1883.

Mr. McLELAN,

OTTAWA:
Printed by MACLEAN, ROGER & CO.

1883.

No. 94.] **BILL.** [1883.

An Act to amend "An Act respecting the offices of Receiver General and Minister of Public Works," as to the powers of the Minister of Railways and Canals.

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

1. The fifth section of the Act passed in the forty-second year of Her Majesty's reign, chaptered seven, and intituled: "An Act respecting the offices of Receiver General and Minister of Public Works," is hereby amended by adding thereto the following sub-section:— Section 5 of 42 V., c. 7 amended.

"2. When by any Act or document the Minister of Public Works is given any power or authority, or has a duty cast upon him in regard to Railways or Canals, or other public works of any of the classes which by this Act or by an Order in Council made under it, are placed under the management, charge and direction of the Minister of Railways and Canals, or in regard to any railway, canal or other work of any of the classes aforesaid, whether the same be or be not the property of Her Majesty, the power or authority so given, or the duty so cast upon the Minister of Public Works, shall be exercised or performed by the Minister of Railways and Canals." Sub-section added. Certain powers and duties to belong to Minister of Railways and Canals.

No. 94.

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

BILL.

An Act to amend "An Act respecting the offices of Receiver General and Minister of Public Works," as to the powers of the Minister of Railways and Canals.

Received and read first time, Wednesday, 28th March, 1883.

Second reading, Thursday, 29th March, 1883.

Sir CHARLES TUPPER.

OTTAWA:
Printed by MACLEAN, ROGER & Co.,

1883.

No. 97. **BILL.** [1888.

An Act for the Declaration of Titles to Land, and to facilitate its transfer in the Territories of Canada.

Section.	—
	PART I.—*Title and Preliminaries.*
1	Short title of Act.
2	Commencement of Act.
3	Repeal of former Acts.
4	Interpretation clause.
	PART II.—*Land Titles Office. Registrar-General; His Powers.*
5	Land title office.
6	Appointment of Registrar-General.
7	Qualification of Registrar-General.
8	To be member of Council of North-West Territory.
9	Compensation and salary.
10	Salaries; how to be paid.
11	Registrar-General to make rules.
12	Form and promulgation.
13	Registrar now in office continued.
14	Provision for illness or absence.
15	Oath of office.
16	Registrar's bond and sureties.
17	Sureties to justify.
18	New bonds.
19	Seal of office.
20	Copies of documents in Registrar's office.
21	Governor-in-Council to provide office.
22	And for any new registration district.
23	Examiners of titles.
24	Indemnity of Registrar-General.
25	By-laws to be made by council.
26	Registrar-General and Registrars not to act as agents.
	PART III.—*Amendments to the Law of the Descent of Real Estate, Etc.*
27	Lands to be chattels; real.
28	Words of limitation in conveyances.
29	Devisee to take from personal representative.
30	Fiat necessary to transfer.
31	Dower abolished.
32	Curtesy abolished.
33	Parties to take according to tenor of deed.
34	Conveyance from husband to wife legal, and from wife to husband, without the intervention of a trustee.
	PART IV.—*Grants, Register Book and Mode of Registering.*
35	Unalienated Crown lands subject to Act.
36	Issue of patents and duties of Registrar.
37	In case of caution filed.
38	Register.
39	Day book.
40	Registration of grants and transfers.
41	Instruments for registration.
42	Certain covenants to be implied in instruments.
43	Particulars required in memorial.
44	Memorial registered to be recorded on duplicate grant.
45	No instrument except lease for a year valid until registered. Provision when two instruments are presented.
46	Certain incidents to be applied to certificates.
47	Estate of registered owner, how far paramount.
48	Form of instruments for registration.
49	Receipts for duplicate certificates.
50	Receipts for duplicate grants and certificates.
51	What documents may be registered.
	PART V.—*Manner of bringing Patented Lands under the Act.*
52	Who may apply for registration.
53	Form of application.
54	Evidence to be furnished.
55	Application to be filed,—how.
56	Registrar-General to issue certificate for registry.
57	Certificate to be registered.
58	Powers of Registrar-General.
59	Proceedings not to abate by death

Section.	—
60	Technical defects not to invalidate.
61	Fees.
62	Duties of Registrar-General on examination of titles
63	To advertise.
64	Evidence and procedure.
65	Advertisement may be dispensed with.
66	Advertisement in other cases.
67	Adverse claims to be filed.
68	Procedure thereon.
69	Granting certificate.
70	Doubtful questions arising on title.
71	Form of certificate; and certificate how proved.
72	Subsequent transfer certificate from Registry Office.
73	Post office address to be left with Registrar.
74	Provision for reference on folium.
75	Form of register of absolute owners; certificate of ownership.
	Effect of Registration.
76	The title of every registered owner to be subject to certain implied qualifications.
77	Conclusive evidence of title.
78	Purchase not affected by omission to send notices.
79	Instruments to be executed in accordance with Act.
80	Registration under former Acts to be discontinued after registration under this Act.
	PART VI.—*Transfers.*
81	Transfer of land under Act.
82	Easement or incorporeal right created.
83	If the whole mentioned in deed is transferred.
84	New certificate to transferee.
85	Covenants to be implied in every transfer; *provision as to homesteads?*
	PART VII.—*Leases.*
86	Lease, and what to contain.
87	Conditions implied.
88	Powers in favor of lessor.
89	Duty of Registrar in case of re-entry.
90	Short form of lease—conditions implied.
91	Surrender effected.
	PART VIII.—*Mortgages and Encumbrances.*
92	Form of mortgage, &c.
93	Mortgage or encumbrance not transfer.
94	Notice to mortgagor or encumbrancer in case of default.
95	Power of sale.
96	Registrar-General to give effect to sale by mortgagee or encumbrancee.
97	Or of lessee, if land not mortgaged or encumbered.
98	If land leased is mortgaged or encumbered
99	Discharge of mortgage.
100	Death of annuitant or cessation of encumbrance.
101	Payment into court.
102	Transfers of mortgages and leases.
103	Effect of registration.
104	Further rights of transferee.
105	Covenant to insure and repair implied against mortgagor.
	PART IX.—*Powers of Attorney.*
106	To be in form of Schedule N.
107	Revocation, form of.
	PART X.—*Registration Abstract.*
108	Registrar to grant abstract on application.
109	Mode of dealing when owner is out of North-West Territories.
110	Duty of Registrar on presentation of abstract.
111	Provision in case of loss of registration abstract.
	PART XI.—*Transmissions.*
112	Devises to be deemed transfers.
113	Case of will and executor, but lands not devised.
114	In case of lands not devised.
115	Mortgage or encumbrance transmitted by will or intestacy.
116	Registration by assignee or trustee in bankruptcy of owner.
117	Saving rights of action already commenced.
118	If lands are subject to trusts.
119	Registration of survivor of joint owners.
120	Covenants may be modified.
121	Sale by the Sheriff or under order of Supreme Court.
122	Marriage of female owner to be certified to Registrar-General.
123	Transmission of personal estate of deceased owner.
124	Will, or probate of letters of administration, or order of Court to be produced.
	PART XII.—*Caveats.*
125	Who may lodge a caveat.
(1)	Form.
(2)	Registrar's duty or receipt.
(3)	Its effect while in force.
(4)	Proceedings for setting it aside.
(5)	Application by caveator to Registrar to remove it.
(6)	Address of caveator.

Section.	—
(7)	Right of caveator in such case.
(8)	Caveator may withdraw caveat.
(9)	Entry of withdrawal.
(10)	No further caveat except by Registrar.
(11)	Liability of person entering caveat wrongfully.
	PART XIII.—*Attestation of Instruments.*
126	How to be witnessed.
127	Instruments executed without the Territories.
	PART XIV.—*Jurisdiction of the Court.*
128	Appeal by person dissatisfied with Acts or omissions of Registrar.
129	Registrar-General may refer matters in doubt to the Court.
130	General powers of Registrar in cases of fraud.
131	Examination of persons summoned.
132	Further powers of Court or Judge.
133	Procedure, practice and appeal in cases under this Act.
134	And to regulate fees in cases under this Act.
	PART XV.—*Assurance Fund, &c.*
135	Registered owners protected against ejectment except in certain cases.
136	Compensation of parties deprived of land.
137	Purchasers and mortgagees protected.
138	If registered owner be dead, action to be against Registrar-General as nominal defendant.
139	Actions for recovery of damages may, in certain cases, be brought against Registrar-General as nominal defendant.
140	When nominal defendant entitled to costs.
141	Persons having notice neglecting to caveat.
142	Money paid out of assurance fund may be recovered.
143	Assurance fund not liable in certain cases.
144	Percentage to be levied for assurance of title.
145	Assurance fund to be invested in Government securities.

Section.	—
	PART XVI.—*Miscellaneous Provisions.*
146	Certificate of title to be void if any person is in possession and rightfully entitled adversely to applicant owner
147	Registrar may cause separate grants, &c.
148	Provision in case of loss or destruction of grant or certificate.
149	Owner sub-dividing land to file a map.
150	Implied covenants in any instrument may be negatived.
151	Owner of land, &c, must allow his name to be used in certain cases.
152	Act not to affect jurisdiction in cases of fraud.
153	As to exception of mines and minerals in grant.
154	Land insurance fund, how formed.
155	How purchaser for valuable consideration shall be ascertained.
156	Governor-in-Council may alter forms and make rules for carrying out this Act.
157	Fees tail prohibited.
158	As to incumbrances prior to the grant.
159	Married woman to have rights of *femme sole.*
160	Mortgagee may apply to Registrar-General for an order for foreclosure.
161	Registrar-General to cause notice to be published and to foreclose.
162	Purchaser from registered owner not to be affected by notice.
163	Registered owner bringing suit for specific performance to be entitled to decree.
164	No notice of trusts to be inserted in register book.
165	Insertion of the words "No survivorship."
166	Notice to be published before effect is given to order of Court or Judge.
	PART XVII.—*Penalties.*
167	Punishment for making false statements, concealing facts, &c.
168	Further offences—forging, &c.
169	Conviction not to affect civil remedy.
170	Recovery and application of penalties not otherwise provided for.

SCHEDULES.

A.	Form of bond of Registrar. Section 16. Affidavits to be annexed to the bond.	G.	Form of transfer of part of mortgage or encumbrance by endorsement, Section 102.
B.	Form of Registrar's oath of office. Section 15.	L.	Form of lease. Section 86.
F.	Certificate of title. Sections 69 and 71.	M.	Memorandum of mortgage. Section 92.
H.	Memorandum of transfer. Section 81.	N.	Power of attorney. Section 106.
I.	Memorandum of encumbrance. Section 92.	O.	Form of revocation. Section 107.
J.	Form of transfer of mortgage, encumbrance or lease, by endorsement. Section 102.	Q.	Caveat. Section 125.

No. 97.] **BILL.** [1883.

An Act for the Declaration of Titles to Land and to facilitate its Transfer in the Territories of Canada.

NOTE.—*This Bill is founded upon the following Statutes:*

SOUTH AUSTRALIAN ACTS

21 Victoria (1858), Real Property Act (Torrens).
23 and 24 Victoria (1860), Real Property Act.
24 and 25 Victoria (1861), Act to Amend Real Property Act (1860).
33 Victoria (1869 and 1870), Act to Amend Real Property Act (1861).

NEW ZEALAND ACTS.

33 and 34 Victoria (1870), Land Transfer Act.

STATUTES OF TASMANIA.

Acts of (1862), Transfer of land.
31 Victoria (1867), Amendment to.
29 Victoria (18 2) Transfer of Land Statute.

STATUTES OF VICTORIA.

29 Victoria (1st June, 1866), Transfer of Land Statutes.
Statutes of New South Wales.
29 Victoria , Real Property Act.

IMPERIAL ACT.

Land Transfer Act, 1875.

Statutes of Newfoundland, 1833.

References at the end of sections of this Act:

Letters	"S.A."	refer to Statutes of	South Australia.
do	"N.Z."	do	New Zealand.
do	"N.S.W."	do	New South Wales.
do	"N.F."	do	Newfoundland.

Preamble.

WHEREAS the existing system of transfer of land in use in England and the older Provinces of Canada, is complex, cumbrous and unsuited to the requirements of a new country, and it is desirable to organize a system under which the inhabitants of the North-West Territories of Canada will not be subject to the losses, heavy costs and perplexity attendant upon the present system: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

PART I.

Title and Preliminary.

Short title.

1. This Act may be cited as "The Territories Registration of Titles Act," of 1883.

Commencement of Act.

2. This Act shall commence and take effect from and after the day of , A.D. 188 .

Repeal of former Acts, &c.

3. All laws, statutes, acts, ordinances, rules, regulations and practice whatever, relating to freehold and other interests in land in the said territories of Canada, so far as the same are inconsistent with the provisions of this Act, are hereby repealed, except as to matters done, or pending thereunder, or retained in operation by express provision in this Act, all such pending matters may be continued under this Act; and land under the operation of this Act shall be exempted from the operation of all other laws, statutes, Acts and rules whatsoever, so far as inconsistent with the provisions of this Act (N.S.W., 1866).

Saving clause

Interpretation to terms used in this Act.

4. In the construction and for the purposes of this Act, and in all instruments purporting to be made or executed thereunder (if not inconsistent with the context and subject-matter), the following terms in inverted commas shall bear the respective meanings set against them:—

"Land."—Land, messuages, tenements and hereditaments, corporeal and incorporeal, of every kind and description, or any estate or interest therein, together with all paths, passages, ways, water-courses, liberties, privileges, easements, plantations, gardens, mines, minerals and quarries, and all trees and timber, thereon or thereunder lying or being, unless any such are specially excepted.

"Owner."—Any person or body corporate entitled to any freehold or other estate or interest in land, at law or in equity, in possession, in futurity or expectancy.

"Transfer."—The passing of any estate or interest in land under this Act, whether for valuable consideration or otherwise.

"Mortgage."—Any charge on land created merely for securing a debt.

"Mortgagee."—The owner of a mortgage.

"Mortgagor."—The owner of land, or of any estate or interest in land pledged as security for a debt.

"Encumbrance."—Any charge on land created for any purpose whatever, inclusive of mortgage, unless expressly distinguished.

"Encumbrancer."—The owner of any land or of any estate or interest in land subject to any encumbrance.

"Encumbrancee."—The owner of an encumbrance.

"Lunatic."—Any person found by any court or judge or commission, *de lunatico inquirendo*, to be a lunatic.

"Person of unsound mind."—Any person not an infant, who not having been found to be a lunatic, has been found on like inquiry to be incapable from infirmity of mind to manage his own affairs.

"Instrument."—Any grant, certificate of title, conveyance, assurance, deed, map, plan, will, probate, or exemplification of will, or any other document in writing relating to the transfer or other dealing with land or evidencing title thereto.

"Sworn valuator."—Any person appointed by the Governor in Council to value land under this Act.

"Register."—The register of titles to land to be kept in accordance with this Act.

"Registrar."—Any person appointed under this Act as Registrar of Titles.

"Territories."—The North-West Territories, under sec. 1 of 43 Vic., cap. 25.

"Court."—Any court established and authorized to act under 43 Vic., cap. 25, in the North-West Territories.

"Judge."—Any judge, authorized to act under 43 Vic., cap. 25, in the said Territories.

"Transmission" shall apply to change of ownership consequent upon any insolvency, lunacy, levy under execution, order of court or other act of law, or in virtue of any settlement or any legal succession in case of intestacy.

"Grant"—Any grant of Crown land, whether in fee or for years, and whether direct from Her Majesty or pursuant to the provisions of any statute regulating the disposal of Crown lands.

"Indorsed" shall include anything written upon or in the margin or at the foot of any instrument or other document.

"Possession."—When applied to persons claiming title to land, shall signify also alternatively the reception of the rents and profits thereof.

PART II.

Land Titles Office—Registrar General, and powers and duties of Registrar-General.

Land titles office.

5. There shall be an office in Regina, and such other place or places as the Governor-General in Council may determine upon, to be called the "Land Titles Office."

Registrar General.

6. The business of the Land Titles Office shall be conducted by an officer to be called the Registrar-General, to be appointed by the Governor in Council, with such assistance and clerks as may be necessary, and as the Governor in Council may, from time to time, appoint.

Who may be appointed.

7. No person shall be appointed Registrar-General unless he be a Barrister or Advocate, of at least years standing, in some one or more of the Provinces of the Dominion of Canada.

To be member of council for N.W.T.

8. The Registrar-General shall be, *ex-officio*, a member of the Council of the North-West Territories. appointed under 43 Vic., cap. 25, sect. 5. The Registrar-General shall be appointed to and may hold the office of District Registrar, in such district as the Governor may, from time to time, direct, in conjunction with the office of Registrar-General, so long as and until, in the opinion of the Governor, the amount of business in the Land Titles Office renders it expedient that such offices should not be held by one and the same person.

His salary.

9. The Registrar-General shall receive the sum of $ per year, as compensation for his services, or in lieu thereof such fees as the Governor in Council may, from time to time determine.

And of his assistants.

How paid.

10. The salaries of the Registrar-General and his assistants, and such incidental expenses of carrying this Act into effect as may be sanctioned by the Governor in Council, shall be paid out of monies provided by Parliament for such purpose.

Power to make rules under this Act.

Approval thereof.

11. The Registrar-General may, from time to time, make regulations for the Land Titles Office and all the Registry offices wherein titles are recorded under this Act, and for assigning their duties to the respective officers, and determining what acts of the Registrar-General may be done by any assistant; and may revoke or alter any regulations and make new regulations which, when approved of by the Lieutenant-Governor and Council of the North-West Territories, shall, so long as the same are in force, have effect as if they were enacted in this Act.

Forms and directions.

12. Subject to the provisions of this Act, the Registrar-General shall frame and cause to be printed and circulated or otherwise promulgated, such forms and directions as he may deem requisite or expedient for facilitating proceedings under this Act.

Present registrars.

Tenure of office.

13. Every Registrar now appointed and acting in the Territories of Canada, or who shall hereafter be appointed under Acts now in force, shall be *ex-officio* a Registrar under this Act, and shall hold office during pleasure.

In case of illness, &c. of Registrar General.

14. In case of illness or absence the Lieutenant-Governor of the Territories in Council may appoint a person to act as

the Deputy of any officer appointed by or under this Act during such illness or absence, and such Deputy, while so acting, shall have all the powers of the officer for whom he may be acting. (*Stats. of Victoria*, 1866.)

Oath of office.

15. Every Registrar-General, Deputy Registrar-General or 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 following :—

I, A. B, do solemnly swear (*or* affirm) that I will faithfully, and to the best of my ability, perform the office and duties of Registrar-General, &c., &c., (*as the case may be*) for the North-West Territories or the District of the said Territories.

Bond of Reg. General and assistants.

16. Before any Registrar-General or Registrar appointed under the authority conferred by this Act is sworn into office, he, and two or more sufficient sureties, shall enter into a joint and several bond in writing under their hands and seals to Her Majesty, in a penal sum to be fixed at not less than , which bond shall be subject to the approval of the Lt. Governor of the Territories in Council, and the same may be taken before any two Justices of the Peace or any Judge or Stipendiary Magistrate of the Territory where the person resides at the time of his appointment, and shall be conditioned for the true and faithful performance by the said Registrar or his Deputy of his duty in respect of all things directed to be done by or required of him by this Act or any law in that behalf, and shall be in the form of Schedule A to this Act, or to the like effect.

How taken.

Condition.

Sureties to justify.

17. The sureties in such bond shall justify under oath, and the execution by the Registrar-General or Registrar and their sureties shall be verified under oath by a subscribing witness ; and such bond and the affidavits of justification shall be executed in duplicate, in the form A in the schedule to this Act, or to the like effect ; and one of such duplicates, with the affidavits appended, shall be forthwith transmitted to the Secretary of State, to be fyled in his office, and the other shall be fyled in the office of the Lieutenant-Governor of the Territories.

Custody of bonds.

New bonds when required.

18. The Registrar-General or Registrar shall, when required by the Secretary of State, execute a new bond in the form and to the effect provided in the next preceding section, or furnish such other security, as may be deemed expedient.

Seals of office.

19. The Registrar-General and Registrar shall each have a seal of office, approved by the Governor in Council, with which he shall seal all certificates of title and stamp all instruments which have been presented to him for the purpose of authorizing an act of registration.

Copies of documents in

20. The Registrar-General and Registrar shall, when required, and upon the payment of the legal fees, furnish,

Registrars' offices.

To be evidence.

attested by the seal of his office, exemplifications, copies and abstracts of any uncancelled instrument affecting land, which may be deposited, fyled, kept or registered in his office, and such exemplification or certified copy shall be received as evidence in every Court of Law or Equity in the Territories or the Provinces of Canada, in the same manner and with the same effect as if the original in his office was produced.

Registration offices to be provided at public expense.

21. As soon after the passing of this Act as practicable, and whenever, at any subsequent period, a new Registration Office is established, the Governor in Council shall provide, at the public expense, and shall thereafter maintain in a proper state of repair, a building of stone or brick to serve as the office of the Registrar, and as the place of deposit and preservation of the registers, duplicates, instruments and documents connected with the registration of titles, and shall fit up the said office with such fire-proof safes and other secure places as may be necessary.

And so for any new registration district.

Transmission of documents to new offices.

22. Whenever any new Registry Office is established, and a part of the Territories is set apart as a new Registration District, the Registrar-General of the Territories or the Registrar of the District from which such new Registration District is detached, shall deliver to the Registrar of such new District the registry book or books and all other books and indexes of names, and of lots and parts of lots, and all instruments and documents which have been kept according to this Act for any lands situate within the limits of the new District; and the Registrar receiving such books and his successors shall keep the same among the registry books of his office, and deal with them in all respects in like manner as those originally supplied to and kept therein.

Examiners of titles.

23. The Governor in Council may appoint fit and proper persons to be examiners of titles under this Act, to exercise their office at such places as the Governor in Council may direct.

Registrars not to act as agents, &c.

Nor carry on other business in office.

24. No Registrar-General, Registrar or Clerk in any office under this Act shall, directly or indirectly, act as the agent of any corporation, society, company, person, or persons investing money and taking securities on real estate within his Registration District, nor shall such Registrar-General, Deputy Registrar, or Clerk, advise, for any fee or reward, or otherwise, upon titles of land, or practise as a conveyancer, nor shall he carry on or transact, within the Registry Office, any business or occupation whatever other than his duties as such Registrar, Deputy or Clerk, upon pain of dismissal from office.

Indemnity of Registrars for acts *bonâ fide* under this Act.

25. The Registrar-General shall not, nor shall any Registrar, nor any person acting under their authority, or under any order or general rule made in pursuance of this Act, be liable to any action or proceeding for or in respect of any act *bona fide* done or omitted to be done in the exercise or supposed exercise of the powers given by this Act, or any order or general rule made in pursuance of this Act.

26. The Lieutenant Governor in Council may make by-laws for regulating the conducting of all business under this Act, and more particularly with regard to the Seal of Office, the days and hours of office, and the residence of the officers appointed under this Act. By-laws respecting conduct of business.

PART III.

Amendments of law of descent of Lands.

27. After the commencement of this Act, all lands in the Territories which by the common law are regarded as real estate, shall be held to be chattels real, and shall go to the executor or administrator of any person or persons dying, seized or possessed thereof, as other personal estate now passes to the personal representatives. (*Statutes of Newfounland, Title VIII, Chap.* 35.) Lands to be chattels real.

28. Hereafter no words of limitation shall be necessary in any conveyance of any land in order to convey all or any title therein, but every deed or instrument conveying land shall operate as an absolute conveyance of all such right and title as the grantor may have had therein at the time of its execution, unless a contrary intention be expressed in such conveyance; but nothing herein contained shall preclude any conveyance from operating by way of estoppel. Effect of conveyances; words of limitation not required.

29. No devise shall be valid or effectual as against the personal representative of the testator until the land affected thereby shall have been conveyed to the devisee thereof by the personal representative of the devisor, saving and excepting such devises as shall be made by the testator to his personal representative, either in his representative capacity or for his own use. Devises to take from personal representative.

30. No transfer of any land by any personal representative shall be effectual or shall be registered under the provisions of this Act, unless the same be endorsed with the *fiat* of the Registrar-General and a Judge. *Fiat* for transfer by such representative.

31. No widow whose husband shall die on or after the day of the commencement of this Act, shall be entitled to dower in the real estate of her deceased husband, but shall have the same right in such real estate as if the same were personal property. Abolition of dower.

32. No husband whose wife shall die on or after the day of the commencement of this Act shall be entitled to any estate by the courtesy in the real estate of his deceased wife. (*Statute of Manitoba.*) And tenancy by the courtesy.

33. Whenever land is conveyed to a man and his wife, the grantees shall take, according to the tenor of the deed, and they shall not be deemed to take by entirety, unless it be so expressed in the conveyance or transfer. (*Shaver's case, Q B.*) As to conveyance to a man and his wife.

34. A man may make a valid conveyance or transfer of his real estate to his wife, and a woman may make a valid Conveyance to wife by

husband or *vice versa.*

conveyance or transfer of her real estate to her husband, without the intervention of a trustee.

Estates tail abolished.

35. Any grant, devise or limitation, which heretofore would have created an estate tail shall be construed to carry an estate in fee simple, or the greatest estate the grantor or devisor had in the land granted or conveyed.

PART IV.

Register—Duties of Registrar, &c.

Crown lands alienated hereafter to become subject to this Act.

36. From and after the commencement of this Act, all lands now unalienated from the Crown in the Territories of the Dominion of Canada, shall, when alienated, be subject to the provisions of this Act.

Proceedings on issue of patent.

37. Whenever any land shall hereafter be granted by the Crown, the patent shall be issued and forwarded by the Crown Officer issuing the same to the Registrar of the district where the lands lie ; and it shall be the duty of such Registrar, in case no caveat against registration shall have then been fyled, thereupon to register the said land under this Act, and he shall prepare a certificate of title in the prescribed form, and deliver the same to the grantee upon application, but before making such delivery it shall be the duty of the Registrar to enter thereon in the prescribed form a note of all mortgages or other encumbrances which have been registered against the said land, and which at the date of such certificate appear to be undischarged ; and the Registrar shall retain the patent in his custody, and bind the same.

Duty of Registrar.

And in case a *caveat* is fyled

38. In case a caveat shall have been fyled against the registration of such land the Registrar shall forward the patent to the Registrar-General, who shall take such steps as he may think necessary for the disposal of such caveat, prior to the granting of any such certificate of registration.

Register.

Form and mode of keeping.

39. The Registrar shall keep a book or books, to be called "the Register," and shall bind up therein the duplicates of all grants, and of all certificates of title to be issued as hereinafter provided for ; and each grant and certificate of title shall constitute a separate folium 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 each grant or certificate of title.

Particulars in entry.

Day book, its form and use.

40. The Registrar shall also keep a book or books, to be called "the Day Book," in which shall be entered by a short description every instrument which is given in for registration, with the day, hour and minute of filing ; and for purpose of priority between mortgagees, transferees and others, the time of filing shall be taken as the time of registration. The Registrar, in entering memorials upon the grants and certificates of titles

Entering memorials.

embodied in the Register, and in endorsing a memorial upon an instrument to be issued, shall take the time from the Day Book as the time of registration.

Registration of grants.

41. Every grant shall be deemed and taken to be registered under the provisions and for the purposes of this Act, so soon as the same shall have been marked by the Registrar with the folium and volume on and in which it is embodied in the Register Book; and every transfer and other instrument purporting to transfer, or in any way to affect land under the provisions of this Act, shall be deemed to be so registered as soon as a memorial thereof, as hereinafter described, shall have been entered in the Register upon the folium constituted by the existing grant or certificate of title of such land.

And of transfers and other instruments.

Instruments for registration; how to be attested.

Order of registry.

42. Except as hereinafter otherwise provided, every instrument presented for registration shall, unless a Crown Grant, be attested by a witness, and shall be registered in the order of time in which the same is presented for that purpose; and instruments registered in respect of or affecting the same estate or interest shall, notwithstanding any express, implied, or constructive notice, be entitled to priority according to the time of registration, and the Registrar, upon registration thereof, shall fyle the same in his office; and so soon as registered every instrument shall, for the purposes of this Act, be deemed and be taken to be embodied in the Register as part and parcel thereof, and such instrument when so constructively embodied, and stamped with the seal of the Registrar, shall thereupon create, transfer, surrender or discharge, as the case may be, the estate or interest therein mentioned in the lands mentioned in the said instrument. (*S. A*, 35)

Effect of registration.

Certain covenants to be implied in instruments creating or transferring estate in lands.

43. In every instrument creating or transferring any estate or interest in land under the provisions of this Act, there shall be implied the following covenant by the party creating or transferring such estate or interest, that is to say: That he will do such acts and execute such instruments as in accordance with the provisions of this Act may be necessary to give effect to all covenants, conditions, and purposes expressly set forth in such instrument, or by this Act declared to be implied against such party in instruments of a like nature; and in any declaration in an action for a breach of any such covenant, the covenant alleged to be broken may be set forth, and it shall be lawful to allege that the party against whom such action is brought did so covenant, precisely in the same manner as if such covenant had been expressed in words in such memorandum of transfer or other instrument, any law or practice to the contrary notwithstanding; and every such implied covenant shall have the same force and effect and be enforced in the same manner as if it had been set out at length in such instrument; and where any memorandum of transfer or other instrument in accordance with the provisions of this Act is executed by more parties than one, such covenants as are by this Act to be implied in instruments of a like nature, shall be construed to be several and not to bind the parties jointly: Provided always, that every

How such covenants shall be pleaded.

How understood as to more parties than one.

Proviso.

covenant and power to be implied in any instrument by virtue of this Act may be negatived or modified by express declaration in the instrument itself. [*S. A*, 36.]

Particulars required in memorials.

44. Every memorial entered in the Register shall state the nature of the instrument to which it relates, the day, hour and minute of the presentation of such instrument for registration, and the names of the parties thereto, and shall refer by number or symbol to such instrument, and shall be signed by the Registrar. [*S. A*, 37.]

Memorials to be recorded on duplicate of grant, &c.

45. Whenever a memorial of any instrument has been entered in the Register Book the Registrar shall, except in the case of transfer or other dealing endorsed upon any grant, certificate or other instrument as hereinafter provided, record the like memorial on the *duplicate grant*, certificate, or other instrument evidencing title to the land intended to be dealt with or in any way affected, unless the Registrar shall, as hereinafter provided, dispense with the production of the same; and the Registrar shall endorse on every instrument so registered a certificate of the day and hour at which the said instrument was presented to be registered, and shall authenticate each such certificate by signing his name and affixing his seal thereto, and such certificate shall be received in all Courts of Law as conclusive evidence that such instrument has been duly registered. [*S. A*, 38.]

Certificate of time of registration.

Evidence of.

No instrument valid until registeaed.

46. No instrument, until registered in manner hereinbefore described, shall be effectual to pass any estate or interest in any land (*except a leasehold interest for a year or for a less period*), under the provisions of this Act, or render such land liable as security for the payment of money; but upon the registration of any instrument in manner hereinbefore prescribed, the estate or interest specified in such instrument shall pass, or, as the case may be, the land shall become liable as security, in manner and subject to the covenants, conditions, and contingencies set forth and specified in such instrument or by this Act declared to be implied in instruments of a like nature; and should two or more instruments executed by the same owner, and purporting to transfer or encumber the same estate or interest in any land, be presented at the same time to the Registrar for registration and endorsement, he shall register and endorse that instrument under which that person claims property, who shall present to him the grant or certificate of title of such land, for that purpose. [*S. A*, 39.]

Exception as to leases.

Effect of registration.

Case more than one instrument to the same effect.

Title to be subject to reservations in Crown grant.

47. The land included in any certificate of title, registered instrument or entry on the Register shall, by implication and without any special mention, be deemed to be subject to any subsisting reservations, exceptions, conditions, and powers contained in the original grant thereof from the Crown, also to any right of way or other easement, howsoever created, also to any unpaid municipal, road, water or other rates or taxes affecting such land, and to any conditions

now or hereafter to be imposed by law for the alignment of streets. [*N.S.W.* 39*a*]

Registered owner's title to be subject to incumbrances noted in register, &c, but free from all others: except as provided.

48. The registered owner of land or of any estate or interest in land under the provisions of this Act, shall, except in cases of fraud (wherein he shall have participated or colluded) hold the same subject (in addition to the incidents implied by virtue of this Act) to such incumbrances, liens, estates or interests, as may be notified on the folium of the Register, and constituted by the grant or certificate of title of such land, but absolutely free from all other encumbrances, liens, estates or interests whatsoever, and except so far as regards any portion of land that may by wrong descriptions of parcels or of boundaries be erroneously included in the grant, certificate of title, lease or other instrument, evidencing the title of such registered, *such* owner not being a purchaser or mortgagee thereof for value (and except the estate or interest of an owner claiming the same land under a prior certificate of title or under a prior grant registered under the provisions of this Act, and which priority shall, in favour of any person in possesion of land, be computed with reference to the grant or earliest certificate of title or under which he or any person through whom he derives title, shall have held such possession, notwithstanding the surrender of such grant or certificate, in exchange for a new certificate upon any transfer or dealing. [N. S. W. 38.]

Receipts for duplicate certificates.

Form of instruments for registration.

49. The Registrar shall not register any instrument purporting to transfer, or otherwise to deal with or affect any land under the provisions of this Act, except in the manner herein provided, nor unless such instrument be in accordance with the provisions hereof, but any instrument substantially in conformity with the schedules to this Act for an instrument of like nature shall be sufficient: Provided that the Registrar shall have power to reject any instrument appearing to be unfit for registration. [*Mills*, 33.]

Proviso.

And for duplicate grants and certificates.

50. Before the delivery of any duplicate grant, or of any certificate of title, a receipt for it in the handwriting of the owner or person entitled to the land therein mentioned, shall be required to be signed by him when practicable (so as to prevent, as far as may be, personation; and this enactment shall also extend to requiring, when practicable, the signature of any transferee, lessee, mortgagee or encumbrancee, of any transfer, lease, memorandum of mortgage or of encumbrance). [*A*, 41]

What documents may be registered.

51. All such documents may be registered under this Act as are capable of being registered in the Registry Offices of the North-West Territories at the present time, and not in

the opinion of the Register-General inconsistent with the provisions of this Act.

PART V.

MANNER OF BRINGING LANDS PATENTED UNDER ACT.

Who may apply to have his title registered.

Power of Registrar General.

52. The owner of any estate or interest in any land, whether legal or equitable, may apply to have his title registered under the provisions of this Act, but it shall be in the discretion of the Registrar-General to refuse to entertain any such application, except upon such conditions as he may think fit to impose, unless all other persons who are admitted to be interested in the land shall be parties to the application, and such persons may apply to be registered with an absolute or possessory title.

Form of application for first registration.

53. Every application for first registratien under this Act, except in cases of grants, shall be in writing in the prescribed form, and shall be accompanied by the affidavit of the applicant, also in the prescribed form; but such affidavit may, in the discretion of the Registrar-General, be dispensed with, or may be made by some other person instead of the applicant, or partly by one person and partly by another, at the discretion of the Registrar-General, and in such case the affidavit or affirmation shall be modified accordingly.

What notices must be furnished.

54. The applicant shall furnish the following notices:

(1.) Certificate of registry of all registrations affecting the title down to the time of filing of the certificate of the application under this Act;

(2.) All deeds in possession of the applicant;

(3.) A certified copy of all registered instruments affecting the lands; provided that the Registrar-General may dispense with such production when he shall have been able to inspect the originals filed in the Registry Office.

(4.) Proof of facts necessary or required by the Registrar-General to make out a good marketable title.

Application to be fyled and referred.

55. Every such application shall be filed in the Land Titles Office, and shall, if necessary, be referred to one of the Examiners of Titles, if such there be, and if there be no such Examiner of Titles, then the Registrar-General shall himself investigate the titles.

Issue of certiffcate.

56. Upon the filing of such application the Registrar-General shall forthwith issue to the applicant a certificate of the filing thereof, in the prescribed form, and under the seal of his office.

Registration of certificate.

57. Such certificate shall thereupon be registered in the proper Registry Office of the *county* wherein the lands in

question are situate, before the investigation of the title be proceeded with.

Powers of Registrar-General.

58. The Registrar-General may exercise the following powers in addition to others conferred under this Act :— [*N.S W.*]

(1.) He may require the owner or mortgagee, or other person interested in any land in respect of which any transfer, lease, mortgage, encumbrance, or other dealing, or release from any mortgage or encumbrance about to be transferred or transmitted, or in respect of which any transfer or transmission is about to be registered, or registration abstract granted under this Act, to produce any grant, certificate of title, conveyance, mortgage, lease, or other instrument in his possession or within his control, affecting such land or the title thereto. To require production of title.

(2.) He may summon any such owner, mortgagee or other person as aforesaid to appear, and give any explanations respecting such lands, or the instruments affecting the title thereto ; and if, upon requisition made by the Registrar-General, such proprietor, mortgagee or other person refuses or wilfully neglects to produce any such instrument or allow the same to be inspected, or refuses or wilfully neglects to give any information or explanation which he is hereinbefore required to give, or knowingly misleads or deceives any person hereinbefore authorized to demand any such information, he shall, for each such offence, incur, upon conviction, a penalty not exceeding *five hundred dollars* ; and the Registrar-General, if the information or explanation so withheld appears to him material, shall not be bound to proceed with the registration of such transfer or other dealing, or with the issuing of such registration abstract, as the case may be. To summon parties to produce instruments and give explanations. Penalty for refusal. May refrain from registering.

(3.) Every such summons issued by the Registrar-General as above mentioned, shall be in the form contained in Schedule C to this Act, or to like effect, and may be enforced by him in like manner and by the like proceedings and with the like penalty as subpœnas issued out of any court in said Territories. Form, and mode of enforcing.

(4.) He may administer any oath or take any affirmation or declaration in lieu of an oath from any one entitled by law to affirm or declare. To administer oaths, &c.

(5.) He may, upon such evidence as shall appear to him sufficient in that behalf, so far as practicable without prejudicing the rights conferred upon transferees for value, correct errors in certificates of title or in the Register, or in entries made therein respectively, and may supply entries omitted to be made ; provided always, that in the correction of any such error he shall not erase or render illegible the original words, and he shall affix the date upon which such To correct errors in certificates, &c. Proviso: as to such correction.

correction was made or entry supplied, with his initials, and every certificate of title so corrected, and every entry so corrected or supplied, shall have the like validity and effect as if such error had not been made or such entry omitted.

Its effect.

To enter caveats on behalf of H.M and others.

To prohibit dealing with land in certain cases.

(6.) He may enter a caveat, on behalf of Her Majesty or on behalf of any person who may be under the disability of infancy, lunacy, unsoundness of mind or absence from the Territories, to prohibit the transfer or dealing with any land belonging, or supposed to belong, to the Crown or to any such person as hereinbefore mentioned, and also to prohibit the dealing with any land in any case in which it shall appear to him that an error has been made by misdescription of such land or otherwise, in any certificate of title or other instrument, or for the prevention of any fraud or improper dealing.

To stamp documents.

(7.) He may mark or stamp any instrument produced to him with a memorandum indicating such production, and the number distinguishing the application in reference to which the same was produced.

To endorse encumbrances on grants or certificates.

(8.) The Registrar shall endorse upon the grant from the Crown or upon the certificate of title, as the case may be, a memorial of every mortgage, encumbrance, lease, rent-charge, term of years, or other dealing affecting the land, and such memorial shall be endorsed upon the duplicate in the possession of the owner, if any, as well as upon the duplicate which is in the Register.

May dispense with production of instruments for cause.

Noting the same in entry.

(9.) The Registrar General, in case he shall see reasonable cause for so doing, may dispense with the production of any grant, certificate of title, lease or other instrument, for the purpose of entering the endorsement by this Act required to be entered upon the dealing with land; and upon the registration of such dealing the Registrar shall note in the entry of the memorial in the Register that no entry of such memorial has been made on the duplicate grant or other instrument, and such dealing shall, thereupon, be as valid and effectual as if such memorial had been so entered: Provided always,

Proviso: may require affidavit before registering in certain cases, &c.

that before registering such dealing the Registrar shall, in such case, require the party dealing to make an affidavit that such grant or instrument has not been deposited by way of lien or as security for any loan, and satisfactorily to account to the Registrar General for its non-production, and shall give at least thirty days' notice of his intention in some newspaper published in the Registration District, if there be such newspaper, or in the absence of such publication, to give such public notice as the Registrar General may think necessary.

Registrar General or examiner of titles may require plan of land dealt with.

(10.) The Registrar-General or Examiner of Titles appointed under this Act may require the owner of any land within his Registration District desiring to transfer or otherwise to deal with the same under the provisions of this Act, to deposit with the Registrar a map or plan of such land, with the several measurements marked thereon, certified by a licensed surveyor, and upon one of the following scales;—

(*a.*) If the land, or the portion thereof proposed to be transferred or dealt with, is of less area than one acre, then such map or plan shall be on a scale not less than one inch to two chains. Scale of plans according to extent of land.

(*b*) If such land, or the portion thereof proposed to be transferred or dealt with, is of greater area than one acre, but not exceeding five acres, then such map or plan shall be on a scale not less than one inch to five chains.

(*c.*) If such land, or the portion thereof proposed to be transferred or dealt with, is of greater area than five acres, but not exceeding eighty acres, then such map or plan shall be on a scale not less than one inch to ten chains.

(*d.*) If such land, or the portion thereof proposed to be transferred or dealt with, is of greater area than eighty acres, then such map or plan shall be on a scale of one inch to twenty chains.

And such owner shall sign the said plan and declare the accuracy of the same before the Registrar-General or a Justice of the Peace. [*Torrens*, *No.* 118.]

And if such proprietor neglects or refuses to comply with such requirements as aforesaid, it shall not be incumbent on the Registrar to proceed with the registration of such transfer or dealing: Provided always, that subsequent sub-divisions of the same land may be delineated upon the map or plan of the same so deposited, if such map be upon a sufficient scale in accordance with the provisions herein contained; and the correctness of the delineation of each such sub-division shall be acknowledged in manner prescribed for the case of the deposit of an original map. If the owner does not comply. Proviso: as to subsequent sub-divisions.

(11.) Where parts of different legal sub-divisions are included in the same transfer, the map shall represent the whole of such legal sub-divisions, and shall indicate the location of the lands to be transferred: Provided always, that this shall not be necessary in the case of lots in a city, town or village, the plan of which has been registered. As to parts of different legal sub-divisions.

(12) The Registrar shall demand and receive the several fees specified in Schedule D to this Act, and may perform the duties and authorize the acts for which fees are specified therein. Fees of Registrar.

(13.) The Registrar shall keep a correct account of all sums of money received by him in accordance with the provisions of this Act, and shall pay the same to the *Receiver-General* at such times and in such manner as shall be directed by the Governor in Council. Fees to be accounted for and paid over to Reg.-General.

59. Proceedings under this Act shall not abate or be suspended by any death or transmission or change of interest; Proceedings not to abate

by death or change of interest.

but in any such event the Registrar-General or Examiner of Titles before whom the proceedings are pending may make such order for carrying on, discontinuing or suspending the proceedings upon the application of any person interested, as under the circumstances may be just, and may require the production of such further evidence and such notices to be given as he may think necessary.

Technical defects not to invalidate.

60. No petition, order, affidavit, certificate, registration, or other proceeding under this Act shall be invalid by reason of any informality or technical irregularity therein, or of any mistake not affecting the substantial justice of the proceedings.

Tariff of fees.

61. All fees under this Act or in connection with it shall be settled by tariff made by the Lieutenant-Governor of the North-West Territories in Council.

Reg.-General to cause titles submitted to him to be examined.

62. It shall be the duty of the Registrar-General, on payment of such fees as may be prescribed, forthwith to cause to be examined all titles which may be submitted to him, or any one of the Examiners of Titles, and to deliver to the applicant a written memorandum of all defects which on such examination may be found in the title, and which he thinks should be removed.

To order advertisements.

63. On the removal of such defects, or if none shall exist, the Examiner shall require the applicant to publish the advertisement required by this Act, and to give such notices as he may think should be given.

What evidence receivable.

64. The Examiner of Titles in investigating the title may receive and act upon any evidence which is now by law receivable under "*The Act for Quieting Titles to Real Estate*," in the Province of Ontario, or such as is commonly accepted by conveyancers in any of the other Provinces of the Dominion.

Advertisements may be dispensed with in certain cases.

65. If the applicant is the original grantee from the Crown of the land, and no deed, mortgage or other encumbrance or instrument or *caveat* affecting the title shall appear to have been registered, or if all the original title deeds shall be produced, and the applicant shall be in actual occupation of the land in question, or (the lands being wild) if he shall be in constructive possession thereof by paying taxes thereon, and no *caveat* shall have been registered, and if the Registrar-General, or other Examiner of Titles, shall certify that in his opinion there is no defect whatever in the title of the applicant, the Registrar-General may, if he thinks proper, direct the title of the applicant to be forthwith registered under the provisions of this Act, and may give a certificate of title for the same as hereinafter described, without any advertisement being published as provided in the next section.

Advertisement in other cases, under

66. In any such case, if the Registrar-General shall so direct, and in every other case, before a certificate of title

shall be granted under the provisions of this Act, notice of the application shall be published in some newspaper or newspapers, in such form and for such period as the Registrar-General may think expedient, and the certificate shall not be signed or executed until after the expiration of at least three weeks from the first publication of such notice, or such other period as the Registrar-General may think fit. direction of Reg.-General

67. Any person having an adverse claim or a claim not recognized in the application for registration may, at any time before the Registrar-General shall have approved of the applicant's title, or within such further time as the Registrar-General may direct, file with the Registrar-General or Examiner of Titles a short statement of his claim in the prescribed form, verified by affidavit to be filed therewith, and shall serve a copy thereof on the applicant or his solicitor or agent. Adverse claims may be filed and when.

68. In case any adverse claim be filed with the Registrar-General or any Examiner of Titles, he shall proceed to adjudicate thereon or may refer the same or any matter involved therein to any court or to any mode of investigation which he may deem expedient; and no certificate of title shall be granted until such adverse claim shall have been disposed of. Proceedure in case of adverse claim.

69. The Registrar-General, on being satisfied of the applicant's title and of the due publication and service of all notices that he may think requisite, shall thereupon grant to the applicant a certificate for registration under this Act; the original title deeds shall be retained by the Registrar-General in his custody, except such of them as may comprise lands not included in any certificate of title granted under this Act. Certificate to be granted if Reg.-General is satisfied.

70. Whenever upon the examination of the title to any land the Registrar-General or any Examiner of Titles entertains a doubt as to any matter of law or fact arising upon such title, he may, upon the application of any party interested in such land, refer a case for the opinion of the Supreme Court of Canada or any of Her Majesty's Superior Courts, with power to the Court to try the same or to direct an issue to be tried before any jury for the purpose of determining any fact: the Registrar-General or an Examiner of Titles may also name the parties to such case, and the manner in which the proceedings in relation thereto are to be brought before the Court to which such case is referred: Doubtful questions as to title may be referred to Supreme or Superior Courts.

The opinion of any Court to whom any case is referred by the Registrar-General or any Examiner of Titles shall be conclusive on all the parties to such case, unless the Court before whom such appeal is heard permits an appeal to be had. Opinion of court to be conclusive.

71. Certificates of title to be granted by the Registrar-General where land is first brought under the provisions of this Act, shall be in the prescribed form and shall be signed by the Registrar-General and shall be sealed with the seal Form of certificates and registry thereof.

of his office, and a copy thereof shall be preserved by the Registrar-General in his office, in a book to be kept for that purpose: and such certificates shall be registered in the prescribed manner in the Registry Office of the *county* where the land lies.

Certificate on subsequent transfer.

72. Upon any subsequent transfer of the land mentioned in any such certificate, the certificate of title to be issued to the transferee shall be issued by the proper Registrar of the *county* where the lands are situate, in the prescribed form.

Registered owner to give his P.O. address, and a receipt for certificate.

73. Every registered owner of any land or interest therein shall deliver to the Registrar a memorandum in writing of some post office address (*within the*), to which it shall be sufficient to mail all notices that, under this Act, may be required to be sent to such registered proprietor; and every registered proprietor 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.

Every registration and separate folium properly numbered.

74. Every registration of ownership shall be made on a separate folium of the register, and upon any transfer of ownership the register of the transferor's title shall be cancelled, and the title of the transferee shall thereupon be entered upon a new folium; and the Registrar shall note upon the register of the title of the transferor the number of the register of the transferee's title, and upon that of the transferee the number of the register of the transferor, so that reference can be readily made from one to the other as occasion may require.

75. The Form of Register of Absolute Owners, and Certificate of Ownership shall be as follows:—

Form of certificate.

This is to certify that A. B., of is now the owner of (*description of property*), but subject to such charges and partial interests as may be recorded hereon or may hereafter be recorded in the register of title, and subject to the exceptions and qualifications mentioned in the section of the Act (*title of this Act*).

In witness whereof I have hereunto subscribed my name and affixed my seal this day of , A.D. 18 .

(Signed)

Where title is possessory, say:

The title of A. B. is subject to the claims (if any) which can be enforced to the said land by reason of any defect in the title of (*name of the first registered owner*).

When the land is subject to a life estate, say:

The title of A. B. is subject to the life estate of G. H., of in the said lands.

And if subject to a mortgage, say :

The title of A. B. is subject to a mortgage, dated the day of , made by A. B to W. B., to secure $3,000 and interest at the rate of 8 per cent. per annum from the 17th day of July, 1877, payable as therein mentioned. (*If mortgage is discharged, say :*) Discharged by certificate No. B, 1502.

(Signed)

When the land is subject to a lease, say :

The title of A. B. is subject to a lease, dated the day of , made by A. B. to Y. Z., for the term of ten years.

When the transfer is absolute, say :

This declaration of title is cancelled, and a new declaration of title issued. Vol. 1, fol. No. 1603 to R.F.

(Signed)

Effect of Registration.

Title of registered owner to be subject to certain implied qualifications.

76. The land mentioned in any certificate of title granted under this Act, shall, by implication, and without any special mention in the certificate of title, unless the contrary be expressly declared, be deemed to be subject to

(*a.*) Any subsisting reservations contained in the original grant of said land from the Crown ;

(*b.*) Any municipal charges rates or assessments for the year current at the date of such certificate, or which may be thereafter imposed on the said land, or which have theretofore been imposed for local improvements and which are not then due and payable ;

(*c*) Any subsisting right of way or other easement, howosever created upon, over or in respect of said land :

(*d*) Any subsisting lease or agreement for a lease for a period not exceeding three years where there is actual occupation of said land under the same :

(*e*) Any decrees, orders or executions against or affecting the interests of the registered owner—in such land which may be registered and maintained in force against such registered owner whilst he so continues the registered owner :

(*f*) Any charges or encumbrances noted on the Register, and not therein stated to be discharged :

(*g*) And all public highways embraced in the description of the lands included in any certificate shall be deemed to be excluded from the certificate.

Certificate to be conclusive

77. Every certificate of title granted under this Act, when duly registered, shall (except in case of fraud wherein

evidence of title.

the registered owner shall have participated or colluded) so long as the same remains in force and uncancelled under this Act, be conclusive evidence at law and in equity as against Her Majesty and all persons whomsoever, that the person named in such certificate is entitled to the land included in such certificate, for the estate or interest therein specified, subject to the exceptions and reservations mentioned in *Section* 61, except as far as regards any portion of land that may by wrong description of boundaries or parcels be included in such certificate when the holder of such certificate is neither a purchaser or mortgagee for value, nor the transferee of a purchaser or mortgagee for value, and except as against any person claiming under any prior certificate of title granted under this Act in respect of the same land and for the purpose of this section, that person shall be deemed to claim under a prior certificate who is holder of, or whose claim is derived directly or indirectly from the person who was the holder of the earliest certificate granted, notwithstanding such certificate may have been surrendered and a new certificate granted upon any transfer or dealing. (*N. S. W. Amended Act, s.* 40.)

Exceptions.

As to omission of notices.

78. A purchaser for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given or by the non-receipt thereof. [*Imp. Act, s* 92.]

Instruments must be executed according to this Act to be valid.

79. After the registration of the title to any land under the provisions of this Act, no instrument shall be effectual to pass any interest therein or to render such land liable as security for the payment of money as against any *bona fide* transferee of the said land under this Act, unless such instrument be executed in accordance with this Act, and be duly registered thereunder.

Registration under former Acts to be discontinued.

80. No instrument affecting land, of which any person shall be registered as owner under this Act, or any duplicate copy or memorial of any such instrument, shall be registered under any Act concerning the registration of instruments relating to or affecting land, and if such registration be made, the same shall be of no effect. [*N.S.W. s.* 41.]

PART VI.

Transfers.

Memorandum when land is intended to be transferred or easement created or transferred.

81. When land under the provisions of this Act, or any portion of such land is intended to be transferred or any right-of-way or other easement is intended to be created or transferred, the registered owner may execute a memorandum of transfer in the form contained in Schedule H to this Act, which memorandum shall, for description of the land intended to be dealt with, refer to the grant or certificate of title of such land, or shall give such description as may be sufficient to identify the same, and shall contain an accurate statement of the estate, interest, or easement intended to be transferred or created, and a memorandum of all leases, mortgages, and other encumbrances, to which the same may

be subject; and such transfer, if it be endorsed on the instrument evidencing the title of the transferer, need not be executed in duplicate.

When easement, &c., is to be enjoyed with other land.

82. Whenever any easement or any incorporeal right in or over any land under the provisions of this Act, is created for the purpose of being annexed to or used and enjoyed together with other land under the provisions of this Act, the Registrar shall enter a memorial of the instrument creating such easement or incorporeal right upon the folium of the Register Book, constituted by the existing grant or certificate of title of such other land.

If the transfer is of an estate in freehold of the whole or part of land mentioned in grant or certificate.

83. If the memorandum of transfer purports to transfer an estate of freehold in possession of the whole or part of the land mentioned in any grant or certificate of title, the transferer shall deliver up the grant or certificate of title of the said land, and the Registrar shall, when registering the transfer, enter in the Register and on the duplicate grant or certificate of title, a memorandum cancelling the same, either wholly or partially, according as the memorandum of transfer purports to transfer the whole or part only of the land mentioned in such grant or certificate of title and setting forth the particulars of the transfer.

Duty of Registrar cancelling grant and certificate.

84. The Registrar, upon cancelling any grant or certificate of title, either wholly or partially, pursuant to any such transfer, shall make out to the transferee a certificate of title to the land mentioned in such memorandum of transfer, and every such certificate of title shall refer, if practicable, to the original grant of such land and to the instrument of transfer, and the Registrar shall retain every memorandum of transfer and cancelled or partially cancelled grant or certificate of title, and in the case of a partially cancelled grant or certificate of title shall return the duplicate to the grantee after the memorandum partially cancelling the same has been entered thereupon, or may, whenever required thereto by the owner of an unsold portion of land included in any such partially cancelled grant or certificate of title, or by a registered trasnferee of such portion, or of any part thereof, or where such a course may appear more expedient, make out to such owner or transferee a certificate of title for such portion or any part thereof, of which he is the owner or transferee, upon the delivery of the partially cancelled grant or certificate of title to the Registrar to be cancelled and returned.

Implied covenants by transferer of estate or interest subject to mortgage or encumbrance.

85. In every instrument transferring an estate or interest in land under the provisions of this Act, subject to mortgage or encumbrance, there shall be implied the following covenant by the transferee, that is to say: That such transferee will pay the interest, annuity or rent charge secured by such mortgage or encumbrance, after the rate and at the time specified in the instrument creating the same, and will indemnify and keep harmless the transferor from and against the principal sum or other moneys, secured by such instrument, and from and against all liability in respect of any of

the covenants therein contained or under this Act implied, on the part of the transferer.

PART VII.

Leases.

Form of lease for more than one year.

86. When any land under the provisions of this Act is intended to be leased or demised for a life or lives, or for any term of years exceeding one year, the owner shall execute a lease in the form contained in the schedule to this Act, and every such instrument shall, for description of the land intended to be dealt with, refer to the grant or certificate of title of the land, or shall give such other description as may be necessary to identify such land; and a right for or covenant by the lessee, to purchase the land therein described, may be stipulated in such instrument, and in case the lessee pays the purchase money stipulated, and otherwise observes his covenants expressed and implied in such instrument, the lessor shall be bound to execute a memorandum of transfer to such lessee of the said land and the fee simple thereof, and to perform all necessary acts, by this Act prescribed, for the purpose of transferring land to the purchaser in fee simple: Provided always, that no lease of mortgaged or unencumbered land shall be valid and binding against the mortgagee or encumbrancee, unless such mortgagee or encumbrancee shall have consented to such lease prior to the same being registered.

As to covenant for right to purchase.

Obligation to lessor.

Proviso.

Implied conditions against lessee.

87. In the memorandum of lease, unless a contrary intention appears therein, there shall be implied the following covenants against the lessee, that is to say:

1. That he will pay the rent thereby reserved at the times therein mentioned, and all rates and taxes which may be payable in respect of the demised property during the continuance of the lease.

2. That he will at all times during the continuance of the said lease keep, and at the termination thereof yield up, the demised property in good and tenantable repair, accidents and damage to buildings from fire, storm, and tempest, and reasonable wear and tear, excepted.

And powers in favor of lessor.

88. In any memorandum of lease, unless a different intention appears therein, there shall also be implied the following powers in the lessor, that is to say:

To inspect premises.

1. That he may, by himself or his agents, enter upon the demised property and view the state of repair thereof, and may serve upon the lessee, or leave at his last or usual place of abode, or upon the demised premises, a notice in writing of any defect, requiring him within a reasonable time, to be therein mentioned, to repair the same.

To re-enter in default of compliance with lease.

2. That in case the rent or any part thereof is in arrear for the space of calendar months, or in case default shall

be made in the fulfilment of any covenant, whether expressed or implied, in such lease on the part of the lessee, and shall be continued for the space of six calendar months, or in case the repairs required by such notice as aforesaid shall not have been completed within the time therein specified, such lessor may enter upon and take possession of such demised premises.

Duty of Registrar in case of re-entry.

89. In any such case the Registrar, upon proof to his satisfaction of lawful re-entry and recovery of possession, by a lessor, shall note the same by entry in the Register, and the estate of the lessee in such land shall thereupon determine, but without releasing the lessee from his liability in respect of the breach of any covenant in such lease expressed or implied, and the Registrar shall cancel such lease if delivered up to him for that purpose.

Short form of lease with implied conditions.

90. Whenever in any lease made under this Act, the lessee shall adopt any of the forms of words in column one of the form contained in Schedule L to this Act, and distinguished by any number therein, such lease shall be taken to have the same effect and be construed as if he had inserted therein the form of words contained in column two of the same Schedule and distinguished by the same number; and every such form shall be deemed a covenant with the lessor and his transferees by the lessee, binding the latter and his heirs, executors, administrators and transferees, but it shall not be necessary in any such lease to insert any such number. There may be introduced into or annexed to any of the forms in the first column any expressed exceptions from or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from, or in corresponding forms in the second column.

Case of surrender effected otherwise than by operation of law.

91. Whenever any lease or demise which is required to be registered by the provisions of this Act is intended to be surrendered, and the surrender thereof is effected otherwise than through the operation of a surrender in law, or than under the provisions of any law relating to bankrupt estates, there shall be endorsed upon such lease or counterpart thereof the word "surrendered," with the date of such surrender, and such endorsement shall be signed by the lessee and the lessor as evidence of the acceptance thereof, and shall be attested by a witness, and the Registrar shall thereupon enter in the Register a memorial recording the date of such surrender, and shall likewise endorse upon the lease a memorandum recording the fact of such entry having been so made in the Register, and upon such entry having been so made, the estate or interest of the lessee in such land shall vest in the lessor or in the person in whom, having regard to intervening circumstances, if any, the said land would have vested if no such lease had ever been executed, and production of such lease or counterpart bearing such endorsed memorandum, shall be sufficient evidence that such lease has been so surrendered: Provided, that no lease subject to mortgage or encumbrance shall be surrendered without the consent of the mortgagee or encumbrancee.

Proviso.

PART VIII.

Mortgages and Encumbrances.

Forms of mortgages and encumbrances.

92. Whenever any land or estate, or interest in land, subject to the provisions of this Act is intended to be charged or made security in favour of any mortgagee, the mortgagor shall execute a memorandum of mortgage in form contained in Schedule M to this Act, or to the like effect; and whenever any such land is intended to be charged with or made security for the payment of an annuity, rent charge, or sum of money, in favour of any encumbrancee, the encumbrancer shall execute a memorandum of encumbrance in form contained in Schedule I to this Act, or to the like effect; and every such instrument shall contain an accurate statement of the estate or interest intended to be mortgaged or encumbered, and shall, for description of the land intended to be dealt with, refer to the grant or certificate of title, on which such estate or interest is held, or shall give such other description as shall be necessary to identify such land, together with all mortgages or encumbrances affecting the same.

Estate or interest claimed must be declared.

Mortgage, &c., not to be a transfer.

93. Mortgage and encumbrance under this Act shall have effect as security, but shall not operate as a transfer of the land thereby charged.

Notice in case of default on the part of mortgagee or incumbrancer to observe covenants.

94. In case default be made in payment of the principal sum, interest, annuity or rent charge, or any part thereof, thereby secured, or in the observance of any covenant expressed in any memorandum of mortgage or encumbrance registered under this Act, or that is herein declared to be implied in such instrument, and such default be continued for the space of *one* calendar month, or for such longer period of time as may therein for that purpose be expressly limited, the mortgagee or encumbrancee may give to the mortgagor or encumbrancer notice in writing to pay, within a time to be specified, the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be, and that all remedies competent will be resorted to unless such default be remedied, or where the mortgagor or encumbrancer cannot be found, may give such notice in that behalf to the mortgagor or encumbrancer in such manner as the Registrar-General, on summary application *ex parte*, may direct.

Power to mortgagee or encumbrancee to sell, &c.

95. After such default in payment or in the observance of covenants continuing for the further space of one calendar month from the date of such notice, or for such period as to the Registrar-General may seem meet, such mortgagee or incumbrancee is hereby authorized and empowered to sell the land so mortgaged or encumbered, or any part thereof, and all the estate or interest therein of the mortgagor or encumbrancer, and either altogether or in lots, by public auction or by private contract, or both such modes of sale, and subject to such conditions as he may think fit, and to buy in and resell the same, without being liable for any losses occasioned thereby; and to make and execute all.

and all such matters and things hereby authorized shall be as valid and effectual as if the mortgagor or encumbrancer had made, done or executed the same; and the receipt or receipts in writing of the mortgagee or encumbrancee shall be a sufficient discharge to the purchaser of such land, estate, or interest, or of any portion thereof, for so much of his purchase-money as may be thereby expressed to be received; and no such purchaser shall be answerable for the loss, misapplication or non-application, or be obliged to see to the application of the purchase-money by him paid, nor shall he be concerned to inquire as to the fact of any default or notice having been made or given as aforesaid; and the purchase-money to arise from the sale of any such land, estate, or interest, shall be applied: first, in payment of the expenses occasioned by such sale; secondly, in payment of the moneys which may then be due or owing to the mortgagee or encumbrancee; thirdly, in payment of subsequent mortgages or encumbrances, if any, in the order of their priority; and the surplus, if any, shall be paid to the mortgagor or encumbrancer, as the case may be. [*S. A. s* 54.]

Receipts of mortgagee or incumbrancee to be valid.

Purchaser not bound to see to application of purchase money.

Application of purchase money.

96. Upon the registration of any memorandum or instrument of transfer executed by a mortgagee or encumbrancee, for the purpose of such sale, as aforesaid, the estate or interest of the mortgagor or encumbrancer therein described as to be conveyed, shall pass to and rest in the purchaser, freed and discharged from all liability on account of such mortgage or encumbrance or of any mortgage or encumbrance registered, subsequent thereto; and if such memorandum of transfer purports to pass an estate of freehold in possession, the purchaser shall be entitled to receive a certificate for the same. [*S. A. s.* 55.]

Registration to vest estate in purchaser.

97. Upon the bankruptcy of any lessee, the Registrar, unless the land be subject to a mortgage or encumbrance under the provisions of this Act, shall, upon the application in writing of the lessor, accompanied by a statement in writing signed by the assignee or trustee of such bankrupt, certifying his refusal to accept such lease, or shall upon the order of the Court on the application of the lessor, enter in the Register a note of such refusal, or order, and such entry shall operate as a surrender of such lease. [*N.S.W. s.* 75.]

Proceedings on bankruptcy of a lessee.

98. Upon the bankruptcy or insolvency of any lessee or owner of any land registered where the land is subject to mortgage, or encumbrance, the Registrar-General shall, upon the application in writing of the mortgagee or encumbrancee accompanied by a statement in writing signed by the assignee or trustee of such bankrupt or insolvent certifying his refusal to accept such lease, enter in the Register Book a note of such application and refusal, and such entry shall vest the interest of the bankrupt in such lease, in such mortgagee or encumbrancee; and if such mortgagee or encumbrancee shall neglect or decline to make such application as aforesaid, the Registrar-General, upon application by the lessor and proof of such neglect or refusal, and of the matters

If the land leased is mortgaged or encumbered.

If the mortgagee or incumbrancee does not apply for registration.

aforesaid, shall enter in the Registry Book notice of such neglect or refusal of such assignee to accept such lease, and such entry shall operate as a surrender of such lease. [*S.A. s.* 76.]

Discharge of mortgage or encumbrance.

99. Upon the production of any memoranda of mortgage or encumbrance, having thereon an endorsement signed by the mortgagee or encumbrancee, and attested by a witness, discharging the land from the whole or part of the principal sum or annuity, secured, or discharging any part of the land comprised in such instrument from the whole of such principal sum or annuity, the Registrar shall make an entry in the Register Book, noting that such mortgage or encumbrance is discharged wholly or partially, or that part of the land is discharged as aforesaid, as the case may require ; and upon such entry being so made, the land, or the estate or interest in, or the portion of the land mentioned or referred to in such endorsement 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. [*S.A. s.* 59.]

Entry by registrar.

Effect of entry.

Death of annuitant on cessation of encumbrance.

100. Upon proof of the death of the annuitant, or of the occurrence of the event or circumstance upon which, in accordance with the provisions of any memorandum of encumbrance, the annuity or sum of money thereby secured shall cease to be payable, and upon proof that all arrears of the said annuity and interest or money have been paid, satisfied, or discharged, the Registrar shall make an entry in the Register book, noting that such annuity or sum of money is satisfied and discharged, and shall cancel such instrument ; and upon such entry being made, the land shall cease to be subject to or liable for such annuity or sum of money, and the Registrar shall, in any or either such case as aforesaid, endorse on the grant, certificate of title, or other instrument evidencing the title of the mortgagor or encumbrancer to the land mortgaged or encumbered, a memorandum of the date on which such entry as aforesaid was made by him in the Register book, whenever such grant, certificate of title, or other instrument is presented to him for that purpose. [*S.A s.* 60.]

Entry.

Its effect.

Registrar's duty.

Payment to treasurer allowed if no person in district to receive the money.

101. If any mortgagor becomes entitled to pay off the mortgage money, and the registered mortgagee is absent from the Registration District, and there is no person authorised to give a receipt to the mortgagor for the mortgage money after the date appointed for the redemption of any mortgage, it shall be lawful for the Treasurer of the District to receive such mortgage money with all arrears of interest then due thereon, in trust for the mortgagee or other person entitled thereto, and thereupon the interest upon such mortgage shall cease to run or accrue, and the Registrar shall, upon presentation of the receipt of the said Treasurer, for the amount of the said mortgage money and interest, make an entry in the Register discharging such mortgage, stating the day and hour on which such entry is made, and such entry shall be a valid discharge for such mortgage and shall have the same force and effect as is hereinbefore given to a like

Registration.

entry when made upon production of the memorandum of mortgage with the receipt of the mortgagee, and the Registrar shall endorse on the grant, certificate of title, or other instrument as aforesaid, and also on the memorandum of mortgage, whenever those instruments shall be brought to him for that purpose, the several particulars hereinbefore directed to be endorsed upon each of such instruments respectively. [*S.A. s.* 61.]

Transfer of mortgages and leases, &c.

102. Mortgages, encumbrances and leases may be transferred by a transfer executed in the form contained in Schedule J. to this Act. The transfer must be registered in the manner hereinbefore set forth, and transferees shall have priority, according to the date and time of registration. And any mortgagee may transfer a part of the sum secured by the mortgage by a transfer executed in the form of Schedule G. to this Act, and the part so tranferred shall continue to be secured by the mortgage, and may be given priority over the remaining part, or may be deferred, or may continue to rank equally with it under the security of the original mortgage, as may be stated in the instrument of transfer; and the Registrar shall enter on the certificate of Title a memorial of the amount of the mortgage so transferred, the name of the transferee, and how the sum so transferred is to rank, and shall notify the mortgagor of the facts. [*S.A. s.* 63]

Effect of registration thereof.

103. Upon the registration of any transfer of any mortgage, encumbrance or lease, the estate or interest of the transferor, as set forth in such instrument, with all rights, powers and privileges thereto belonging or appertaining, shall pass to the transferee, and such transferee shall thereupon become subject to and liable for all and every the same requirements and liabilities to which he would have been subject and liable if named in such instrument originally as mortgagee, encumbrancee or lessee of such land, estate or interest. [*N.S.W. s.* 47.]

Further rights of transferee.

104. By vtrtue of every such transfer the right to sue upon any mortgage or other instrument, and to recover any debt, sum of money, annuity, or damage thereunder, (notwithstanding the same may be deemed or held to constitute a *chose* in action) and all interest at the time of such transfer in any such debt, sum of money, annuity, or damages, shall be tranferred so as to vest the same in law in the transferee thereof: Provided always that nothing herein contained shall prevent the court from giving effect to any trusts affecting the said debt, sum of money, annuity, or damages, in case the said transferee shall hold the same as trustee for any other person. [*S.A. s.* 64.]

Implied covenant to repair by mortgagee.

105. In every memorandum of mortgage there shall be implied against the mortgagor remaining in possession, a covenant that he will repair and keep in repair and insure all buildings or other improvements erected and made upon the land, and that the mortgagee may at all convenient times, until such mortgage be redeemed, be at liberty, with or without surveyors or others, to enter into and upon such

land to view and inspect the state of repairs of such buildings or improvements. [*S.A. s.* 62.]

PART IX.

Powers of Attorney.

To be in form of schedule.

106. The registered proprietor of any land, estate or interest under the provisions of this Act may authorize and appoint any person to act for him or on his behalf in respect of the transfer or other dealing with such land, estate or interest, in accordance with the provisions of this Act, by executing a power of attorney in any form heretofore in use for the like purpose, or in form contained in Schedule N hereto annexed or as near thereto as circumstances will permit, and a duplicate or attested copy thereof shall be deposited with the Registrar, who shall enter in the Register Book a memorandum of the particulars therein contained and the date and hour and minute it is deposited with him. [*S.A. s.* 69.]

Registration.

Revocation, form of.

107. Any such power of attorney may be revoked by a revocation order in the form contained in Schedule O hereto annexed, and after the registration of any revocation of a power the Registrar shall not give effect to any transfer or other instrument signed pursuant to such power unless under any registration abstract outstanding at the time. [*S.A, s.* 74.]

PART X.

Registration Abstract.

Registrar to grant abstract to enable owner to deal with land when out of N.W.T.

108. The Registrar, upon the application of any registered proprietor of land subject to this Act, shall grant to such proprietor a registration abstract in the form contained in Schedule P hereto annexed, enabling him to transfer or otherwise deal with his land at any place without the limits of the Territories, and shall at the same time enter in the Register Book a memorandum recording the issue of such registration abstract, and shall endorse on the grant, certificate of title or other instrument evidencing the title of such applicant proprietor, a like memorandum; and after the issuing of such registration abstract no transfer or other dealing in any way affecting the land in respect of which such registration abstract is issued shall be entered in the Register Book until such abstract shall have been surrendered to the Registrar to be cancelled, or the loss or destruction of such abstract has been proven to his satisfaction. [*S A. s.* 70.]

Mode of dealing with land when owner is out of N. W.T.

109. Whenever any dealing is intended to be transacted after any such registration abstract has been issued, a transfer or other instrument, as the case may require, shall be prepared in duplicate in the form herein appointed, and shall be produced to some one of the persons hereinafter appointed as persons before whom the execution of instruments without the limits of the Territories may be proven,

and upon a memorial of such instrument being entered upon the registration abstract and authenticated by the signature of such authorized person as aforesaid in manner therein directed for the entry of memorials in the Register Book, such instrument shall be held to be registered, and such transfer or other dealing shall be as valid and binding as if the same had been entered in the Register Book by the Registrar; and whenever a memorial of any instrument which has not been endorsed upon the instrument evidencing the title to the estate or interest intended to be dealt with, has been entered upon the registration abstract, such authorized person as aforesaid shall record a like memorial on the duplicate grant, certificate of title, lease, or other instrument, evidencing title, as aforesaid, and the certificate of registration endorsed on the instrument of which the memorial has been so entered and signed by such authorized person and sealed with his seal of office, shall be received in all courts of law or equity as conclusive evidence that such instrument has been duly registered. [S.A. s. 71.]

Entry on abstract.

Certificate and its effect.

110. Upon the delivery of any registration abstract to the Registrar, he shall record in the Register in such manner as to preserve their priority, the particulars of every transfer or other dealing, recorded therein, and shall fyle in his office duplicates of every memorandum of transfer or other instrument executed thereunder which may for that purpose be delivered to him, and shall cancel such abstract and note the fact of such cancellation in the Register Book, and if a freehold estate in such land or in any part thereof be transferred, the grant or certificate of title shall be delivered up to the Registrar, who shall thereupon proceed as is hereinbefore directed for the case of the transfer of an estate of freehold. [S.A. s. 72.]

Duty of Registrar on presentation of abstract having dealings entered on it.

111. Upon proof at any time to the satisfaction of the Registrar that any registration abstract is lost or so obliterated as to be useless, and that the rights and powers thereby given have never been exercised, then upon proof of the several matters and things, if any, that have been done thereunder, it shall be lawful for the Registrar, as circumstances may require, either to issue a new registration abstract, or to direct such entries to be made in the Register, or such other matter or thing to be done, as might have been made or done if no such loss or obliteration had taken place. [S.A. s. 73.]

In case of loss of abstract.

PART XI.

Transmissions.

112. Whenever the owner of any land dies testate, the lands devised by him shall vest in the devisees, and when probate, or an exemplification or office copy of the will of the deceased proprietor is produced and left with the Registrar for the purpose of recording the same in the Register, he shall enter the date of the will and of the probate, and the date, hour, and minute of the production of the same, or of the exemplification or office copy, to him, the date of the

Devises to be deemed transfers.

death of such proprietor when the same can be ascertained, and such other particulars as he may deem necessary, and such probate, exemplification or office copy of the will shall be regarded as a transfer of the lands, and certificates of title in conformity to the provisions of this Act shall be issued to the devisees, of their respective estates; the residue of any estate not devised shall vest in the executor in trust as hereinbefore provided. [S.A. s. 78.]

Residue to executor.

Case of will and executor, but lands not devised, or intestacy.

113. Whenever the owner of any lands dies leaving a will and an executor or executors, but leaving lands not devised, such lands shall be transmitted to the executor or administrator of the deceased owner, and in case of intestacy, the lands of the intestate shall go in trust for the purposes of this Act to such person as the Court shall appoint to administer the estate of the deceased owner, and the executor, or administrator, shall, before dealing with such lands, make application in writing to the Registrar to be registered as owner, and shall produce to the Registrar the probate of the will of the deceased owner, or letters of administration, or the order of the Court authorizing him to administer the estate of the deceased owner, or an office copy of the said probate, letters of administration or order, as the case may be, and thereupon the Registrar shall enter in the Register a memorial of the date of the will and of the probate or of the letters of administration or order of the Court as aforesaid, the date, hour and minute of the production of the same to him, the date of the death of such owner, when the same can be ascertained, with such other particulars as he may deem necessary, and upon such entry being made, the executor or administrator, as the case may be, shall be deemed to be the owner of such lands, and the Registrar shall note the fact of such registration by memorandum under his hand on the probate of the will, letters of administration, order, or other instrument as aforesaid: Provided always, that the title of the executor or administrator to such land, shall relate back and take effect as from the date of the death of the deceased owner: Provided also, that the duplicate grant, or certificate of title granted to the deceased owner shall be delivered up to be cancelled, and the Registrar shall issue to the executor or administrator a fresh certificate of title stating therein the fact that the new registered owner is the executor or administrator.

Lands to executor in trust; his duty.

Registrar's duty.

Executor, &c. to be deemed owner.

Proviso: as to date of title.

Proviso: as to duplicate grant, &c

As to undevised lands.

114. The undevised lands of any deceased owner shall be held by the executor or administrator for the heirs and creditors, subject to the trust imposed by the provisions of this Act, but any person dealing with the executor or administrator with reference to the said lands, and who is not prevented by any rule or order of Court, or by any caveat, from being entered upon the register as owner, or as mortgagee or encumbrancee of such lands, shall when registered become the indefeasible owner of the estate or interest for which he is registered, and shall have no concern in the conduct of such executor or administrator.

115. Whenever any mortgage, encumbrance or lease affecting land is transmitted in consequence of the will or intestacy of the owner thereof, probate, or an office copy of the will of the deceased owner, or letters of administration, or the order of the Court authorizing a person as aforesaid to administer the estate of the deceased owner, accompanied by an application in writing from the executor, or administrator, claiming to be registered as owner, in respect of such estate or interest, shall be produced to the Registrar, who shall thereupon enter in the register and on the instrument evidencing title to the mortgage, encumbrance, or lease transmitted, the date of the will and of the probate, or of the letters of administration, or order of the Court as aforesaid, the date and hour of the production of the same to him, the date of the death of such owner, when the same can be ascertained, with such other particulars as he may deem necessary, and upon such entry being made, the executor, or administrator, as the case may be, shall be deemed to be the owner of such mortgage, encumbrance, or lease, and the Registrar shall note the fact of such registration by memorandum under his hand on the letters of administration, probate, or other instrument as aforesaid.

Mortgage or encumbrance transmitted by will or intestacy.

Registration on production of certain documents.

Effect thereof.

116. Upon the bankruptcy or insolvency of the registered owner of any land, the assignee or trustee of such bankrupt shall be entitled to be registered as owner in respect of the same, and the Registrar, upon receipt of an office copy of the appointment of such assignee or trustee, or such other evidence of the appointment of such assignee or trustee as may be required by the law for the time being, shall enter in the register a memorandum notifying the appointment of such assignee or trustee, and upon such entry being made, such assignee or trustee shall be deemed and taken to be the owner of such land, and a certificate of title shall be issued in his favor.

Registration by assignee or trustee on bankruptcy of owner.

117. Under the preceding provisions as to a bankrupt lessee, no entry of the assignee or trustee's refusal to accept shall operate to prejudice any action or cause of action which shall previously have been commenced or have accrued in respect of any breach or non-observance of any covenants in such lease.

Saving certain rights of action.

118. Any person registered in place of a deceased person or bankrupt proprietor, shall hold the land in respect of which he is registered upon the trusts and for the purposes to which the same is applicable by this Act or by law, and subject to any trusts and equities upon which the deceased or bankrupt proprietor held the same, but, for the purpose of any registered dealings with such land, he shall be deemed to be the absolute proprietor thereof: Provided always, that the person or persons beneficially interested in any such lands or any estate or interest therein, may apply to a Court or Judge having jurisdiction to have the same taken out of the hands of the assignee or trustee having charge by law of such bankrupt property, and transferred to some other person or persons, and the court or judge, upon reasonable cause being

If lands of the deceased or bankrupt are subject to trusts.

Proviso: as to persons beneficially interested.

shown, shall name some suitable person or persons as proprietor of the lands, or the estate or interest in question, as the case may be, and upon the person or persons so named accepting the proprietorship and giving the necessary security for the due fulfilment of the trusts, the court or judge shall make an order directing the Registrar to cancel the certificate to the assignee or trustee, and to make a new certificate to the person or persons so named; and the Registrar, upon the production of such order, shall cancel the certificate to the assignee or trustee, and shall enter in the register a memorandum notifying the appointment by order of the court of such other proprietor or proprietors in trust, and a certificate of title shall be issued to him or them. [N.S.W. s. 80.]

Registration of survivor of joint owners.

119. When any person is registered as joint owner with his wife of an estate in fee simple in right of his wife, if such person die in the lifetime of his wife, and before any transfer of such estate, or if such wife die in the lifetime of her husband, and the said husband is entitled to any interest, or upon the death of any person registered together with any other person as joint owner of the same estate or interest in any land, or when the life estate, in respect of which any certificate of title has been issued, has determined, and the estate next registered in remainder or reversion has become vested in possession, or the person to whom such certificate of title has been issued has become entitled to the said land for an estate in fee simple in possession, the Registrar-General may, upon the application of the person entitled, and the proof to his satisfaction of any such occurrence, as aforesaid, register such person as proprietor of such estate or interest, in manner hereinbefore prescribed for the registration of a life estate or interest upon a transfer or transmission. [S.A s. 87.]

Implied covenants may be modified by express declaration.

120. Every covenant and power to be implied in any instrument by virtue of this Act, may be negatived or modified by express declaration in the instrument, or endorsed thereon, and in any declaration for a supposed breach of any such covenant, the covenant alleged to be broken may be set forth; and it shall be lawful to allege that the party against whom such action is brought did so covenant precisely in the same manner as if such covenant had been expressed in words in such memorandum of transfer or other instrument, any law or practice to the contrary notwithstanding; and every such implied covenant shall have the same force and effect, and be enforced in the same manner as if it had been set out at length in such instrument; and where any memorandum of transfer or other instrument, in accordance with the provisions of this Act, is executed by more parties than one, such covenants as are by this Act declared to be implied in instruments of the like nature shall be construed to be several, and not to bind the parties jointly. [S A. s. 89.]

Sale by Sheriff or under order of court.

121. Whenever any estate or interest in land, under the provisions of this Act, is sold by the Sheriff, under any

writ, or shall be sold under any direction, decree, or order of the Supreme Court, or whenever any order of such Court shall be made authorizing the curator of intestate estates to take charge of the real estate of the deceased owner, the Registrar-General, on being served with an office copy of the writ, direction, decree or order, as the case may be, shall enter in the Register Book, and also upon the instrument evidencing title to the said estate or interest, if produced for that purpose, the date of the said writ, direction, decree or order, and the date and hour of the production thereof; and after such entry, as aforesaid, the Sheriff, or person authorized by the Supreme Court, shall do such acts, and execute such instruments, as under the provisions of this Act may be necessary to transfer or otherwise to deal with the said estate or interest: Provided always, that unless and until such entry has been made as aforesaid, no such writ shall bind or effect any land under the provisions of this Act, or any estate or interest therein, nor shall any sale or transfer by the Sheriff be valid as against a purchaser or mortgagee, notwithstanding such writ as aforesaid may have been actually in the hands of the Sheriff at the time of any purchase or mortgage, or notwithstanding such purchaser or mortgagee may have had actual or constructive notice of the issue of such writ. [S.A. s. 93.]

Registration.

Proviso: if entry is not made.

122. The Registrar-General, upon the production of the register or other sufficient proof of the marriage of a female registered owner of any land, estate or interest under the provisions of this Act, accompanied by a statement in writing, signed by such female owner, to that effect, shall enter on the Register Book and also upon the certificate of title or other instrument evidencing the title of such female owner, when produced to him for that purpose, the name and description of her husband, the date of the marriage and where solemnized, and the date and hour of the production to him of the register or other sufficient evidence of such marriage; and the husband of such female owner shall, unless such land be held for her separate use, be entitled to be registered as co-proprietor of such land in right of his wife; and the Registrar-General, upon application to that effect and surrender of the existing certificate of title, shall comply with such application, and perform such acts as, in accordance with the provisions of this Act, may be necessary for the purpose of giving effect to such order. [S.A. s. 77.]

Marriage of female owner to be certified to Registrar-General.

His duty in such case.

123. Whenever any mortgage, encumbrance or lease, affecting land under the provisions of this Act, shall be transmitted in consequence of the will or intestacy of the registered owner thereof, probate or an office copy of the will of the deceased owner, or letters of administration, or the order of the Supreme Court authorizing the curator of intestate estates to administer the personal estate of the deceased owner of such estate or interest, as the case may be, accompanied by an application in writing from the executor, administrator or curator, claiming to be registered as owner in respect of such estate or interest, shall be

Transmission of personal estate of deceased mortgagee, &c.

produced to the Registrar-General, who shall thereupon enter in the Register Book and on the lease or other instrument evidencing title to the estate or interest transmitted, the date of the will and of the probate, or of the letters of administration or order of the Supreme Court as aforesaid, the date and hour of the production of the same to him, the date of the death of such proprietor, when the same can be ascertained, with such other particulars as he may deem necessary. [S.A. s. 78.]

Will or probate of letters of administration or order of court to be produced on application for registration.

124. The heir-at-law, devisee, tenant by the courtesy, or other person claiming any estate of freehold in the land of a deceased owner, may make application in writing to the Registrar-General to be registered as owner of such estate, and shall deposit with him the certificate of the death, the will, or an office copy or probate of the will of the deceased proprietor, or any statement under which such applicant claims; or in the case of intestacy, such evidence of heirship as he may be enabled to produce; and such application shall state the nature of every estate or interest held by other persons at law or in equity in such land within the applicant's knowledge, and that he verily believes himself to be entitled to the estate in such land, in respect to which he applies to be registered; and the statements made in such application shall be verified by the oath or statutory declaration of such applicant: Provided always, that the heir-at-law, devisee, or other person making such application, shall surrender the existing grant or certificate of title of the land, in respect of which he claims to be registered as owner, prior to his being entered in the Register Book as hereinafter mentioned. [S.A. s. 79.]

Proviso.

PART XII.

Caveats.

Who may lodge caveat and for what purpose.

125. Any person claiming to be interested under any will, settlement, or trust deed, or any instrument of transfer or transmission, or under any unregistered instrument, or otherwise howsoever, in any land, may lodge a caveat with the Registrar-General or Registrar to the effect that no disposition of such land be made either absolutely, or in such manner and to such extent only as in such caveat may be expressed, or until notice shall have been served on the caveator, or unless the instrument of disposition be expressed to be subject to the claim of the caveator, as may be required in such caveat, or to any lawful conditions expressed therein.

Form.

(1.) A caveat may be in the form contained in Schedule Q to this Act, and shall be verified by the oath of the caveator or his agent, and shall contain an address within the Territory at which notices may be served.

Registrar's duty on receipt.

(2) Upon the receipt of a caveat, the Registrar-General or Registrar shall make a memorandum thereon of the date, hour, and minute of the receipt thereof, and shall enter a memorandum thereof in the Register Book, and shall forth-

with send a notice of such caveat through the post office or otherwise to the person against whose title such caveat has been lodged.

(3.) So long as any caveat remains in force prohibiting the transfer or other dealing with any land, the Registrar shall not enter in the Register Book any memorandum of transfer or other instrument purporting to transfer or otherwise deal with or affect the land in respect to which such caveat is lodged. Effect of caveat while in force.

(4.) The owner or other person claiming land may, by summons, call upon the caveator to attend before a court of competent jurisdiction or a judge thereof, to show cause why the said caveat should not be withdrawn, and the said court may, upon proof that such last-mentioned person has been summoned, and upon such evidence as the court or judge may require, make such order in the premises either *ex-parte* or otherwise as to the said court or judge may seem fit. And where a question of right or title requires to be determined, the proceedings followed shall be as nearly as may be in conformity with the rules of court in relation to civil causes. Proceedings for setting it aside. If questions arise.

(5.) Except in the case of a caveat lodged by the Registrar-General or Registrar, the caveatee may make application in writing to the Registrar-General to remove such caveat, and thereupon the Registrar-General shall give twenty-one days notice in writing to the caveator that the caveat may, except as hereinafter provided, be withdrawn, and after the lapse of twenty-one days from the date of the service of such notice at the address mentioned in the caveat, the Registrar shall remove such caveat from the Register by entering a memorandum that the same is discharged, unless he shall have been previously served with an order from a court or a judge thereof extending the time as hereinafter provided. [S.A. ss. 2] Application to remove caveat.

(6.) Such caveatee shall in such application give an address in the Territory at which notices and proceedings may be served. Address of caveatee.

(7.) The caveator may, either before or after receiving such notice from the Registrar-General, apply by summons to the court or a judge thereof for an order to extend the time beyond the twenty-one days mentioned in such notice, and such summons may be served at the address given in the application of the caveatee, and it shall be lawful for the court or judge, upon proof that the caveatee has been summoned, and upon such evidence as the court or judge may require, to make such order in the premises either *ex-parte* or otherwise, as the court or judge may think fit. Right of caveator in such case. Power of court or judge.

(8.) The caveator may, by notice in writing to the Registrar-General or Registrar, withdraw his caveat at any time, but such withdrawal shall not prejudice the power of the court or judge to make an order as to payment by the caveator of the costs of the caveatee incurred prior to the receipt Powor to withdraw caveat.

Costs. by the caveatee of notice in writing of the withdrawal of such caveat.

Entry of withdrawal. (9.) An entry shall be made by the Registrar in the Register of the withdrawal, lapse, or removal, of any caveat or of any order made by the court.

No further caveat except by Registrar. (10.) It shall not be lawful for the same person or for any one on his behalf to lodge a further caveat in relation to the same matter, but nothing herein contained shall prejudice the right of the Registrar-General or Registrar to enter or continue any caveat under the powers vested in him by this Act.

Liability of personwrongfully entering caveat. (11.) Any person other than the Registrar-General or Registrar lodging or continuing any caveat wrongfully and without reasonable cause, shall be liable to make compensation to any person who may have sustained damage thereby, and such compensation may be recovered by proceedings at law if the caveator has withdrawn such caveat, and no proceedings shall have been taken by the caveatee as herein provided, but if proceedings have been taken by the caveatee then such compensation shall be decided by the court or judge acting in the same proceedings. [*See* S.A. ss. 81 *to* 84.]

PART XIII.

Attestation of Instruments.

How to be witnessed. **126**. Powers of attorney in the form of Schedule N to this Act, and instruments requiring to be registered under the provisions of this Act, other than grants from the Crown, Orders in Council, instruments under the seal of any corporation, or certificates of any judicial proceedings, attested as such, shall be witnessed by one person who shall attest the instrument in the usual legal form of attestation; and the witness so attesting the instrument shall appear before the Registrar, Deputy Registrar or a commissioner for the taking of affidavits, and make oath in the usual form.

Oath of witness.

As to instruments executed out of N.W.T. **127**. Instruments requiring to be registered under the provisions of this Act executed without the limits of the Territories shall be witnessed by some person who can write who shall make an affidavit in the form given in Schedule — to this Act, before one of the following persons:—

In Canada. (1.) If made in any Province of Canada, before a judge of any court of record, any commissioner authorized by a Superior Court to take affidavits, or before any notary public under his official seal; or

In United Kingdom. (2.) If made in the United Kingdom, before a judge of any court of record, before the mayor of any city or incorporated town under the common seal of such city or town, or before any notary public certified under his official seal; or

(3.) If made in any British Colony or Possession, before a judge of any court of record, the mayor of any city or incorporated town under the common seal of such city or town, or any notary public under his official seal; or

In a British Colony.

(4.) If made in a foreign country, before the mayor of any city or town certified under the common seal of such city or town, or before the British Consul, Vice-Consul or Consular Agent residing therein, or before any judge of any court of record or notary public certified under his official seal.

In a foreign country.

PART XIV.

Jurisdiction of the Court.

128. If any person is dissatisfied with any act, omission, refusal, decision, direction or order of the Registrar-General or Registrar, such person may require the Registrar-General or Registrar to set forth in writing under his hand the grounds of such act, omission, refusal, direction, decision, or order, and such person may then apply to any court of competent jurisdiction by petition, setting forth the particulars and the grounds of his dissatisfaction, and thereupon the Registrar shall be served with such petition and the Court shall have jurisdiction to hear the said petition, and shall make such order in the premises as the circumstances of the case may require, and as the Court may direct, to the costs of the parties appearing upon such petition.

Appeal by person dissatisfied with act or omission of Registrar.

129. Whenever any question arises with regard to the performance of any duties, or the exercise of any of the functions by this Act conferred or imposed upon the Registrar-General or the Registrar, or whenever in the exercise of any of the duties of the Registrar-General or the Registrar any question arises as to the true construction or legal validity or effect of any instrument, or as to the persons entitled, or to the extent or nature of the estate, right or interest, power or authority, of any person or class of persons, or the mode in which any entry ought to be made on the Register or certificate of title, or as to any doubtful or uncertain right or interest stated, or dealt with by the Registrar, it shall be competent for him to refer the same in the form contained in Schedule S to this Act, to the Court, which may if it sees fit allow any of the parties interested to appear before it and summon any others of such parties to appear and show cause either personally or by counsel or attorney in relation thereto: And if upon such reference the said Court, having regard to the parties appearing before it, thinks proper to decide the question, it shall have power so to do, or to direct any proceedings to be instituted for that purpose, or, at the discretion of the said Court and without deciding such question, to direct such particular form of entry to be made on the Register or certificate of title as under the circumstances appears to be just.

Registrar may refer doubtful points to the court.

Court to direct proceedings.

130. If it appears to the satisfaction of the Registrar-General or Registrar that any grant, certificate of title, or

Power of Registrar in cases of fraud or error.

other instrument has been issued in error, or contains any misdescription of land, or of boundaries, or that any entry or endorsement has been made in error on any grant, certificate of title or other instrument, or that any such grant, certificate, instrument, entry, or endorsement has been fraudulently or wrongfully obtained, or that any such grant, certificate, or instrument is fraudulently or wrongfully retained, he may summon the person to whom such grant, certificate, or instrument has been so issued, or by whom it has been so obtained or is retained, to deliver up the same for the purpose of being cancelled or corrected as the case may require, and in case such person refuses or neglects to comply with such summons, or cannot be found, the Registrar may apply to the Court to issue a summons for such person to appear before the Court or a Judge thereof, and show cause why such grant, certificate or other instrument should not be delivered up to be cancelled or corrected as aforesaid, and if such person, when served with such summons, neglects or refuses to attend before such the Court or Judge at the time therein appointed, it shall be lawful for the Court or Judge to issue a warrant authorizing and directing the person so summoned to be apprehended and brought before the said Court or a Judge thereof for examination.

Summoning persons interested.

Punishment for not attending.

Examination of persons summoned.

131. Upon the appearance, before the Court or Judge of any person summoned or brought up by virtue of a warrant as aforesaid, it shall be lawful for the said Court or Judge to examine such person upon oath, and, in case it appears right so to do, to order such person to deliver up such grant, certificate of title, or other instrument as aforesaid; and upon refusal or neglect by such person to deliver up the same pursuant to such order, to commit such person to the common gaol of the Territory for any period not exceeding six months, unless such grant, certificate of title, or instrument be sooner delivered up, and in such case or in case such person has absconded so that summons cannot be served upon him as hereinbefore directed, the said Court or Judge may direct the Registrar to cancel or correct any certificate of title or other instrument, or any entry or memorial in the Register relating to such land, and to substitute and issue such certificate of title or other instrument, or make such entry as the circumstances of the case may require, and the Registrar shall obey such order.

Court may compel obedience.

And direct the Registrar.

Further powers of direction by court.

132. In any proceeding respecting land or in respect of any transaction or contract relating thereto, or in respect of any instrument, caveat, memorial, or other entry affecting land, it shall be lawful for the Court or Judge, by decree or order to direct the Registrar to cancel, correct, substitute, or issue any certificate of title, or make any memorial or entry in the Register, or otherwise to do every such act or make every such entry as may be necessary to give effect to the judgment, or decree, or order of the Court.

Practice and procedure in appeal under this Act.

133. In the conduct of actions and other proceedings provided for under this Act, there shall be the same rights of appeal, and the same rules of procedure and practice shall

apply as are in force or exist for the time being in respect of actions and other proceedings of a similar nature in any Court of competent jurisdiction in which such action or proceeding may be tried or taken, and such Court shall have power to make additional or altered rules and regulations and new or altered forms of proceedings, and from time to time to repeal, alter or vary the then existing rules and regulations, and to make new rules and regulations and forms of proceedings for the practice and procedure of the Court in regard to matters which may arise under the provisions of this Act.

Court to make rules, &c.

134. Any Court of competent jurisdiction shall have the power to fix and regulate from time to time the fees payable upon all proceedings before the Court, and until the said Court shall otherwise order, the fees payable shall be according to the fees payable in respect to proceedings of a similar nature in the Court.

And regulate fees.

PART XV.

Ejectment.—Assurance Fund, &c.

135. No action of ejectment or other action for the recovery of any land shall lie or be sustained against the registered owner under the provisions of this Act for the estate or interest in respect to which he is so registered, except in any of the following cases: that is to say,—

Registered owner protected against ejectment except in certain cases.

1. The case of a mortgagee as against a mortgagor in default;

2. The case of an encumbrancee as against an encumbrancer in default;

3. The case of a lessor as against a lessee in default;

4. The case of a person deprived of any land by fraud as against the person registered as owner of such land through fraud, or as against a person deriving otherwise than as a transferee *bonâ fide* for value, from or through a person so registered through fraud;

5. The case of a person deprived of or claiming any land included in any grant or certificate of title of other land by misdescription of such other land or of its boundaries as against the registered owner of such other land, not being a transferee of such other land or deriving from or through a transferee thereof *bonâ fide* for value;

6. The case of a registered owner claiming under the instrument of title prior in date of registration under the provisions of this Act, in any case in which two or more grants, or two or more certificates of title, or a grant and a certificate of title, may be registered under the provisions of this Act in respect to the same land;

As to other cases.

And in any case other than as aforesaid, the production of the registered grant, certificate of title or lease, shall be held in every court of law or equity to be an absolute bar and estoppel to any such action against the person named in such instrument as seized of, or as registered owner or lessee of the land therein described, any rule of law or equity to the contrary notwithstanding. [S.A. s. 124.]

Compensation of party deprived of land by fraud, errror, &c.

136. Any person deprived of land or of any estate or interest in land in consequence of fraud, or through the bringing of such land under the provisions of this Act, or by the registration of any other person as proprietor of such land, estate or interest, or in consequence of any error, omission or misdescription of any certificate of title or in any entry or memorial in the Register, may, in any case in which such land has been included in two or more grants from the Crown, bring and prosecute an action at law for the recovery of damages against such person as the *Governor* may appoint as nominal defendant, and in any other case against the person upon whose application such land was brought under the provisions of this Act, or such erroneous registration was made, or who acquired title to the estate or interest in question through such fraud, error, omission or misdescription: Provided always, that except in the case of fraud or error occasioned by any omission, misrepresentation, or misdescription in the application of such person to bring such land under the provisions of this Act, or to be registered as owner of such land, estate or interest, or in any instrument executed by him, such person shall, upon a transfer or such land *bonâ fide* for value, cease to be liable for the payment of any damages which but for such transfer might have been recovered from him under the provisions hereinbefore contained, and such damages with costs of action may in such last-mentioned case be recovered out of the assurance fund by action against the Registrar-General as nominal defendant.

Proviso: such person not to be liable in damages.

Recovery thereof from assurance fund.

Purchasers and mortgagees protected in such c

137. Nothing in this Act contained shall be so interpreted as to leave, subject to action for recovery of damages as aforesaid, or to action of ejectment, or to deprivation of the estate, or interest, in respect to which he is registered as owner, any purchaser or mortgagee *bonâ fide* for valuable consideration of land under the provisions of this Act, on the plea that his vendor or mortgagor may have been registered as proprietor, through fraud or error, or may have derived from or through a person registered as owner through fraud or error, and this whether such fraud or error shall consist in wrong description of the boundaries or of the parcels of any land or otherwise howsoever. [S.A. s. 126.]

If registered owner is dead action to be against Registrar-General as nominal defendant.

138. In case the person against whom such action for damages is directed to be brought as aforesaid shall be dead, or shall have been adjudged insolvent, or cannot be found within the jurisdiction of the *Supreme Court*, then in such case it shall be lawful to bring such action for damages against the Registrar-General as nominal defendant for the purpose of recovering the amount of the said damages and

costs against the assurance fund, hereinbefore described, and in any such case, if final judgment be recovered and also in any case in which damages may be awarded in any action, as aforesaid, and the sheriff shall make a return of *nulla bona*, or shall certify that the full amount, with costs awarded, cannot be recovered from such person, the Treasurer of the *said Province*, upon receipt of a certificate of the court before which said action was tried, and of a warrant under the hand of the Governor, as hereinafter provided, shall pay the amount of such damages and costs as may be awarded, or the unrecovered balance thereof, as the case may be, and charge the same to the account of the Assurance fund. [S.A. s. 127.]

Actions for recovery of damages may in certain cases be brought against Registrar-General as nominal defendant.

139. Any person sustaining loss or damage through any omission, mistake or misfeasance of the Registrar-General, or any of his officers or clerks in the execution of their respective duties, under the provisions of this Act, and any person deprived of any land or of any estate or interest in land through the bringing of the same under the provisions of this Act, or by the registration of any other person as owner of such land, or by any error, omission or misdescription in any certificate of title, or in any entry or memorial in the Register Book, and who by the provisions of this Act is barred from bringing action of ejectment or other action for the recovery of such land, estate or interest, may in any case in which the remedy by action for recovery of damages as herein before provided, is barred, bring an action against the Registrar-General as nominal defendant, for recovery of damages ; and in case the plaintiff recovers final judgment against such nominal defendant then the Court or Judge before whom such action may be tried, shall certify to the Treasurer of the *Province* the fact of such judgment, and the amount of damages and costs recovered, and the said Treasurer thereupon, and upon the receipt of a warrant under the hand of the *Governor*, countersigned by the Chief Secretary of the *Province*, shall pay the amount of the said damages and costs to the person recovering the same and shall charge the same to the account of the Assurance Fund: Provided always, that notice in writing of every such action, and of the cause thereof, shall be served upon the Attorney-General of the *Province* and also upon the Registrar-General one calendar month at least before the commencement of such action. [S.A. s. 125.]

Payment out of assurance fund.

Proviso.

When the nominal defendant shall have costs.

140 If any such action judgment be given in favor of the nominal defendant, or the plaintiff discontinue or become non-suit, the plaintiff shall be liable to pay the full costs of defending such action, and the same when taxed shall be levied in the name of the nominal defendant, by the like process of execution as in other actions on the case. [S.A. s. 129.]

As to persons having notice and neglecting to file caveat.

141. No action for recovery of damages sustained through deprivation of land or of any estate or interest in land as hereinbefore described shall lie or be sustained against the Registrar-General, or against the assurance fund, or against

the person upon whose appliction such land was brought under the provisions of this Act, or against the person who applied to be registered as owner in respect to such land, or against the person executing any instrument as aforesaid, unless such action be commenced within the period of six years from the date of such deprivation: Provided, nevertheless, that any person being under the disability of coverture, infancy, unsoundness of mind or absence from the *Province*, may bring such action within six years from the date on which such disability shall have ceased; and the plaintiff in any such action within six years from the date on which such disability shall have ceased, and the plaintiff in any such action at whatever time it may be brought, or the plaintiff in an action for the recovery of land, shall be non-suited in any case in which the deprivation complained of may have been occasioned through the bringing of such land under the provisions of this Act, if it be made to appear to the satisfaction of the court before which such action shall be tried that such plaintiff or the person through or under whom he claims title had notice, by personal service or otherwise, or was aware that application had been made to bring such land under the provisions of this Act, and had wilfully or collusively omitted to lodge a caveat forbidding the same or had allowed such caveat to lapse. [S.A. s 130.]

Proviso, in case of disability by coverture, &c.

142. Whenever any amount has been paid out of the assurance fund on account of any person who may be dead, such amount may be recovered from the estate of such person by action against his personal representatives, in the name of the Registrar-General; and whenever such amount has been paid on account of a person who shall have been adjudged insolvent, the amount so paid shall be considered to be a debt due from the estate of such insolvent, and a certificate signed by the treasurer of the *Province* certifying the fact of such payment out of the assurance fund, and delivered to the official assignee, shall be sufficient proof of such debt; and whenever any amount has been paid out of the assurance fund on account of any person who may have absconded, or who cannot be found within the jurisdiction of the *Supreme Court*, and may have left any real or personal estate within the *N. W Territories*, it shall be lawful for the said Court or a Judge thereof, upon the application of the Registrar-General, and upon the production af a certificate signed by the treasurer of the *said Territories*, certifying that the amount has been paid in satisfaction of a judgment against the Registrar-General, as nominal defendant, to allow the Registrar-General to sign judgment against such person forthwith, for the amount so paid out of the assurance fund, together with the costs of the application; and such judgment shall be final, and signed in like manner as a final judgment, by confession or default in an adverse suit, and execution may issue immediately; and if such person shall not have left real or personal estate within the *said Province*, sufficient to satisfy the amount for which execution may have been issued as aforesaid, it shall be lawful for the Registrar-General to recover such amount, or the unrecovered balance thereof, by action against such

Recovery of amount paid out of assurance fund.

If party liable is out of N. W.T., &c.

If he has not left property to satisfy the claim.

person at any time thereafter, when he may be found within the jurisdiction of the *Supreme Court.* [S A. s. 131.]

143. The assurance fund shall not, under any circumstances, be liable for compensation for any loss, damage or deprivation occasioned by the breach by a registered owner of any trust, whether express, implied or constructive; nor in any case in which the same land may have been included in two or more grants from the Crown; nor shall the assurance fund be liable in any case in which such loss or deprivation has been occasioned by any land being included in the same certificate of title with other land through misdescription of the boundaries or parcels of any land, unless, in the case last aforesaid, it shall be proved that the person liable for compensation and damages is dead, or has absconded, or has been adjudged insolvent, or the sheriff shall certify that such person is unable to pay the full amount and costs awarded in any action for recovery of such compensation; and the said fund shall be liable for such amounts only as the sheriff shall fail to recover from the person liable as aforesaid. [S.A. s. 132] Non-liability of assurance fund in certain cases.

144. Upon the first bringing of land under the provisions of this Act, whether by the alienation thereof in fee from the Crown, or consequent upon the application of the owner as hereinbefore provided, and also upon the registration of the title to an estate of freehold in possession in land under the provisions of this Act, derived through the will or intestacy of a previous owner, or under any settlement, there shall be paid *one quarter of one per cent.* of the value thereof, such value to be ascertained by the oath or solemn affirmation of the applicant, owner or person acquiring such land: Provided always, that, if the Registrar-General be not satisfied as to the correctness of the value so affirmed or sworn to, it shall be lawful for him to require such applicant, owner or person deriving such land by transmission, to produce a certificate of such value under the hand of a sworn valuator, which certificate shall be received as conclusive evidence of such value for the purpose aforesaid. [S.A. s. 28,] Per centage for assurance fund on value of land to be levied, and when. ¼ of 1 per cent. Proviso: if Registrar-General is not satisfied as to value.

145. All sums of money so received as aforesaid shall be paid in to the treasurer of the *Province*, who shall, from time to time, invest such sums, together with all interest and profits which may have accrued thereon, in Canadian Government securities to constitute an assurance fund for the purposes hereinafter provided. S.A. s. 29.] Custody and application of money so received.

PART XVI.

Miscellaneous Provisions.

146. Any certificate of title issued upon the first bringing of land under the provisions of this Act, and every certificate of title issued in respect of the same land, or any part thereof to any person claiming or deriving title under or through the applicant owner, shall be void as against the title of any person adversely in actual occupation of, and Certificate of title to be void if any one is in possession and entitled adversely to applicant owner.

rightfully entitled to such land or any part thereof, at the time when such land was so brought under the provisions of this Act, and continuing in such occupation at the time of any subsequent certificate of title being issued in respect of the said land, but every such certificate shall be valid and effectual as against the title of any other person whomsoever. [S.A. s. 134.]

Registrar may cancel separate grants to same person and issue one certificate for whole land.

147. Upon the application of any owner of lands held under separate grants or certificates of title, or under one grant or certificate of title, and the delivering up of such grant, or grants, certificate, or certificates of title, it shall be lawful for the Registrar to issue to such proprietor a single certificate of title for the whole of such land or several certificates each containing a portion of such lands, in accordance with such application and as far as the same may be done consistently with any regulation for the time being in force respecting the parcels of land that may be included in one certificate of title; and upon issuing any such certificate of title the Registrar shall enter on the new certificate of title all the memorials to which the piece of land is at the time subject, and shall cancel the grant or previous certificate of title of such land so delivered up, and shall endorse thereupon a memorandum setting forth the occasion of such cancellation and referring to the certificate of title so issued. [S.A. s. 98.]

Provision in case of loss or destruction of grant or certificate.

148. In the event of a grant or certificate of title of land being lost or destroyed, the owner of such land, together with other persons, if any, having knowledge of the circumstances, may make a *statutory* declaration stating the facts of the case, the names and descriptions of the registered owners, and the particulars of all mortgages, encumbrances, and other matters affecting such land and the title thereto, to the best of declarant's knowledge and belief, and the Registrar, if satisfied of the truth of such declaration and the *bona fides* of the transaction may issue to the owner of such land a provisional certificate of title of such land, which provisional certificate shall contain an exact copy of the original grant or certificate of title bound up in the Register, and of every memorandum and endorsement thereon, and shall also contain a statement why such provisional certificate is issued; and the Registrar shall at the same time enter in the Register notice of the issuing of such provisional certificate and the date thereof and why it was issued, and such provisional certificate shall be available for all purposes and uses for which the grant or certificate of title so lost or destroyed would have been available, and as valid to all intents as such lost grant or certificate: Provided always, that the Registrar, before issuing such provisional certificate, shall give at least thirty days' notice of his intention so to do, in some newspaper published in the Registration District, or if there be no such newspaper, then by posting it upon the door of the Registry office, or some public place. [S.A. s. 99.]

Provisional certificate.

Entry in register.

Proviso: notice by Registrar.

Owner subdividing land to fyle a map.

149. 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, provided that such map shall exhibit distinctly all roads, streets, passages, thoroughfares, squares, or reserves, appropriated or set apart for public use, and also all allotments into which the said land is divided, marked with distinct numbers and symbols; and every such map shall be signed by the owner or his agent, and certified as accurate by declaration of a Dominion Lands Surveyor before the Registrar or a Justice of the Peace. [S.A. s 102.]

How certified.

Implied covenants may be registered.

150. Every covenant and power declared to be implied in any instrument by virtue of this Act, may be negatived or modified by express declaration in the instrument or endorsed thereon; and in any action for a supposed breach of any such covenant, the covenant alleged to be broken may be set forth, and it shall be lawful to allege that the party against whom such action is brought did so covenant, precisely in the same manner as if such covenant had been expressed in words in such memorandum of transfer or other instrument, any law or practice to the contrary notwithstanding; and every such implied covenant shall have the same force and effect, and be enforced in the same manner as if it had been set out at length in such instrument; and where any memorandum of transfer or other instrument in accordance with the provisions of this Act is executed by more parties than one, such covenants as are by this Act to be implied in instruments of a like nature, shall be construed to be several, and not to bind the parties jointly. [S.A. s. 89]

Effect of such covenants.

Owner to allow use of his name in certain cases.

151. The owner of any land or of any lease, mortgage or charge, shall, on the application of any beneficiary or person interested therein, be bound to allow his name to be used by such beneficiary or person in any action, suit or proceeding, which it may be necessary or proper to bring or institute in the name of such owner concerning such land, lease, mortgage or charge, or for the protection or benefit of the title vested in such owner, or of the interest of any such beneficiary person, but nevertheless such owner shall in any case be entitled to be indemnified in like manner as, if being a trustee, he would before the passing of this Act have been entitled to be indemnified in a similar case of his name being used in any such action, suit, or proceeding by his *cestui que trust*. [S.A. s. 43]

Proviso.

Act not to affect jurisdiction in cases of fraud.

152. Nothing contained in this Act shall take away or affect the jurisdiction of any competent court on the ground of actual fraud, or over contracts for the sale or other disposition of land, or over equitable interest therein.

As to exception of mines, &c. in grant.

153. Whenever in any grant or instrument under this Act any mines or minerals are excepted from the grant or transfer, the Registrar, on issuing a certificate of title, shall therein insert the words so used in the grant or instrument.

Land assurance fund, how formed.

154. The Land Assurance Fund shall be formed by deducting from the amount of fees received by the Registrar for the purposes of this Act, and by the Minister of the Interior upon the issue of grants, the amount of ten per cent. per annum, and accumulating the same with the interest thereon until the fund shall reach the sum of , after which the ten per cent. shall not be deducted unless at any time the fund shall be diminished by payments, when the addition to it of a like sum of ten per cent. shall be resumed until the fund shall again reach the amount of and so on in perpetuity. [S. A. s. 125.]

How purchaser for valuable consideration shall be ascertained.

155. Whenever in any action, suit, or other proceeding affecting the title to land, or any estate or interest therein, subject to the provisions of this Act, it becomes necessary to determine the fact whether the transferee, mortgagee, encumbrancee, or lessee is a purchaser or transferee for valuable consideration or not, any person who is a party to such action, suit, or other proceeding, may give in evidence any transfer, mortgage, encumbrance, lease, or other instrument affecting the title to such land, estate, or interest in dispute, although the same may not be referred to in the certificate of title, or may have been cancelled by the Registrar.

Gov.in Council may alter forms and make rules under this Act.

156 The Governor in Council shall have power from time to time to alter any of the forms in the schedules to this Act, to provide any additional forms he may deem necessary, and to make such rules and regulations as may be necessary to carry into effect the provisions of this Act ; and to make such rules and regulations as may to him appear necessary for giving effect to this Act in cases unprovided for, according to its true intent and purpose.

Limited fees or fees-tail prohibited.

157. It shall not be lawful for any grantee of Crown lands, his heirs, representatives or assignees, by any transfer, transmission or dealing with the said lands, to change the fee-simple of the lands granted into any limited fee or fee-tail, but the land, whatever form of words may be used, in any instrument of transfer or transmission or dealing, shall be and remain an *absolute estate* in the owner for the time being.

As te encumbrances prior to grant.

158. Any mortgage or other encumbrance created by any party rightfully in possession of lands prior to the issue of the grant, may be fyled in the office of the Registrar-General, who shall endorse upon the duplicate of the grant a memorandum of such encumbrance, and when so entered and endorsed the said mortgage or encumbrance shall be as fully valid as if made subsequent to the issue of the grant ; and should more than one mortgage or encumbrance be fyled, they shall be registered in the order of time in which they have been fyled in the office. [S.A. s. 100.]

Married woman to be as if *feme sole*.

159. A married woman shall, in respect of land, have all the rights and be subject to all the liabilities of a *feme sole*, and may alienate and, by will or otherwise, deal with land as if she were unmarried.

Mortgagee may apply to Registrar for order of foreclosure after offer for sale.

160. When default has been made in the payment of the interest or principal sum secured by memorandum of mortgage for six calender months, a registered mortgagee may make application in writing to the Registrar-General for an order for foreclosure; and such application shall state that such default has been made as aforesaid, and that the land, estate or interest mortgaged has been offered for sale at public auction after proper notice given to the mortgagor, as in this Act provided, and that the amount of the highest bid at such sale was not sufficient to satisfy the money secured by such mortgage, together with the expenses occasioned by such sale, and that notice in writing of the intention of such mortgagee to make such application has been given to the mortgagor by leaving the same at his usual or last known place of abode, if such place be within thirty miles of the residence of such mortgagee, or by forwarding the same by registered letter through the post office, if such place be beyond that distance; and such application shall be accompanied by a certificate of the *licensed* auctioneer by whom such land was put up for sale, and such other proof of the matters stated by the application as the Registrar-General may require; and the statements made in such application shall be verified by the oath or statutory declaration of the applicant. [S.A. s. 121.]

Certificate of auctioneer employed to sell.

Notice by Registrar offering land for sale.

161. The Registrar-General shall cause notice to be published once in each of three successive weeks in a newspaper likely to give the best notice, offering such land for sale, and shall in such case limit and appoint a time, not less than one month from the date of the advertisement in such paper, upon or after which the Registrar-General may issue to such applicant an order for foreclosure, unless in the interval a sufficient amount has been realized by the sale of such land to satisfy the principal and interest moneys due, and all expenses occasioned by such sale and proceedings; and every such order for foreclosure under the hand of the Registrar-General and entered in the Register Book, shall have the effect of vesting in the mortgagee all the estate and interest of the mortgagor in the land mentioned in such order, free from all right and equity of redemption on the part of the mortgagor or of any person claiming through or under him. [S.A. s. 122.]

Entry of order for foreclosure.

Purchaser from registered owner not affected by notice.

162. Except in the case of fraud, no person contracting or dealing with, or taking or proposing to take a transfer from the registered owner of any registered estate or interest, shall be required or in any manner concerned, to inquire into or ascertain the circumstances in, or the consideration for which such registered owner or any previous registered owner of the estate, or interest in question is, or was registered, or to see to the application of the purchase money or of any part thereof, or shall be affected by notice, direct, implied or constructive of any trust or unregistered interest; any rule of law or equity to the contrary notwithstanding; and the knowledge that any trust or unregistered interest is in existance, shall not of itself be imputed as fraud. [S.A. s. 114.]

Registered owner suing for specific performance to be entitled to decree.

163. In any suit for specific performance brought by a registered owner of any land under the provisions of this Act, against a person who may have contracted to purchase such land, not having notice of any fraud or other circumstances which, according to the provisions of this Act, would affect the right of the vendor, the certificate of title of such registered owner shall be held in every Court of law or equity to be conclusive evidence that such registered owner has a good and valid title to the land and for the estate or interest therein mentioned or described, and shall entitle such registered owner to a decree for the specific performance of such contract. [S. A. s. 115.]

No notice of trusts to be entered on register.

164. The Registrar-General shall not make any entry in the register book of any notice of trusts, whether expressed, implied or constructive, but trusts may be declared by any instrument or deed, which instrument or deed may include as well land under the provisions of this Act as land which is not under the provisions thereof, provided that the description of the several parcels of land contained in such instrument or deed shall sufficiently distinguish the land which is under the provisions of this Act from the land which is not under the provisions thereof; and a duplicate or an attested copy of such instrument may be deposited with the Registrar-General for safe custody and reference, but shall not be registered. [S.A. s. 66.]

Insertion of words—"*no survivorship.*"

165. Upon the transfer of any land, estate or interest under the provisions of this Act to two or more persons as joint owners to be held by them as trustees, it shall be lawful for the transferor to insert in the memorandum of transfer or other instrument the words "*no survivorship;*" and the Registrar-General shall in such case include such words in the memorial of such instrument to be entered by him in the register book as hereinbefore directed; and shall also enter the said words upon any certificate of title issued to such joint owners pursuant to such memorandum of transfer; and any two or more persons registered as joint owners of any land, estate or interest, under the provisions of this Act, held by them as trustees, may, by writing under their hand, authorize the Registrar-General to enter the words "*no survivorship*" upon the grant, certificate of title or other instrument evidencing their title to such estate or interest, and also upon the duplicate of such instrument in the register book or filed in his office; and after such entry has been made and signed by the Registrar-General in either such case as aforesaid, it shall not be lawful for any less number of joint proprietors than the number then registered to transfer or otherwise deal with the said land, estate or interest, without obtaining the sanction of the *Court* or a Judge thereof, by an order on motion or petition. [S.A. s. 67.]

Who may authorize insertion.

Effect of such entry.

Notice to be published before effect is given to order of court or judge.

166. Before making any such order as aforesaid, the Court or Judge shall, if it seems requisite, cause notice of intention so to do to be properly advertised, and shall appoint a period of time within which it shall be lawful

for any person interested to show cause why such order should not be issued ; and thereupon it shall be lawful for the said Court or Judge in such order to give directions for the transfer of such land, estate or interest to any new owner or owners, solely or jointly with or in the place of any existing owner or owners, or to make such order in the premises as the Court thinks just for the protection of the persons beneficially interested in such land, estate or interest, or in the proceeds thereof; and upon such order being deposited with the Registrar-General, he shall make such entries and upon such entry being made, the executors or administrators, or the curator of intestate estates, as the case may be, shall be deemed to be registered owner or owners of such mortgage, encumbrance or lease ; and the Registrar-General shall note the fact of such registration by memorandum under his hand on the letters of administration, probate or other instrument as aforesaid. [S.A. s. 63.]

Deposit of order and entry thereof.

PART XVII.

Penalties.

167. If any person wilfully makes any false statement or declaration in any dealing in land under this Act, or suppresses or conceals, or assists or joins in, or is privy to the suppressing, withholding or concealing from the Registrar or Registrar-General, or either of them, any material document, fact or matter of information, or wilfully makes any false declaration required under the authority or made in pursuance of this Act, or if any person in the course of his examination before any Judge or any Registrar, or the Registrar-General, wilfully or corruptly gives false evidence, or if any person fraudulently procures or is privy to the fraudulent procurement of any certificate of title or instrument, or of any entry in the Register, or of any erasure or alteration in any entry in the Register, or knowingly misleads or deceives any person hereinbefore authorised to require explanation or information in respect to any land or the title to any land under the operation of this Act, or in respect to which any dealing or transmission is proposed to be registered, or is a party to or privy to any fraudulent act whatever in any matter connected with the working of this Act, such person shall be guilty of a misdemeanor, and shall incur a penalty, not exceeding or may, at the discretion of any Court of competent jurisdiction by which he is convicted, be imprisoned for any period not exceeding three years.

Punishment of fraud or falsehood in documents or information given or any statement made under this Act.

Or fraudulently altering an entry.

Or being privy to any fraudulent act in connection with the working of this Act.

168. If any person is guilty of the following offences or any of them, that is to say :—

And of further offences, as—

(1.) Forges, or procures to be forged or assists in forging the signature or seal of the Registrar, or the name, signature, or handwriting of any officer of the Registry office in cases where such officer is by this Act expressly or impliedly authorized to affix his signature ; or

Forging signature, &c. of Registrar.

Stamping with false seal.

(2.) Stamps or procures to be stamped, or assists in stamping any instrument or document with any such forged seal; or

Forging any name, &c. to an instrument.

(3.) Forges or procures to be forged, or assists in forging the name, signature or handwriting of any person whomsoever, to any instrument or document which is by this Act, or in pursuance of any power contained in this Act, expressly or impliedly authorised to be signed by such person; or

Knowingly using false document.

(4.) Uses with an intention to defraud any person whomsoever, any instrument or document upon which any impression or part of the impression of any seal of the Registrar has been forged, knowing the same to have been forged, or any instrument or document the signature to which has been forged, knowing the same to have been forged; or

Fraudulenty using the seal of Registrar.

(5.) Fraudulently uses or procures to be used for any purpose the actual seal of the Registrar, in which case such fraudulent use shall be a like offence in all respects as a forgery thereof,—

Felony; and punishment.

Such offender shall be deemed to be guilty of felony, and shall be punished at the discretion of the Court by imprisonment in any gaol for any term less than two years, or in the penitentiary for any term not less than two years nor exceeding ten years.

Conviction not to affect civil remedy.

169. No proceeding or conviction for any act hereby declared to be a misdemeanor or felony shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has committed such act, or against his estate.

Recovery and application of fines not otherwise provided for.

170. Except in any case as to which it is otherwise herein provided, all offences against the provisions of this Act may be prosecuted, and all pecuniary penalties or sums of money imposed by or under the provisions of the same, may be sued for and recovered in the name of the Attorney-General of Canada before any court of competent jurisdiction, and shall belong to the Crown for the public uses of the Dominion.

SCHEDULE A.

(*Section* 16.)

FORM OF BOND OF REGISTRAR.

TERRITORIES OF CANADA, } Know all men by these pre-
of } sents that we,
TO WIT: } of the of , in the
, in the Territories of the Dominion of
Canada (hereinafter called "The Principal");
and (*insert names and additions of Principal and Sureties*) of
the of in the of

in the aforesaid
and of
the of
(hereinafter called "The Sureties"), are respectively held and firmly bound unto our Sovereign Lady the Queen, her heirs and successors, in the respective penal sums following, that is to say:—"The Principal" in the sum of dollars of lawful money of Canada, and each of "The Sureties" in a sum of dollars of like lawful money, to be paid to our said Sovereign Lady the Queen, her heirs and successors; for which said respective payments, well and faithfully to be made, we severally,—and not jointly, or each for the other,—bind ourselves, and our respective heirs, executors, and administrators, firmly by these presents, sealed with our respective seals.

Dated this day of
in the year of our Lord One Thousand Eight Hundred and and in the year of *Her* Majesty's reign.

Whereas "The Principal," having been appointed to the office or employment of
is required by law to give security to the Crown for the due performance of the duties appertaining thereto; and "The Sureties" have consented to become his sureties for such his performance of the said duties; and this Bond is given in pursuance of (*insert the title of this Act.*)

Now the condition of this obligation is, that if "The Principal" faithfully discharges the duties of the said office and duly accounts for all moneys and property which may come into his custody by virtue of the said office, this obligation shall be void.

Signed, sealed and delivered in the presence of }

Signatures and Seals.

AFFIDAVITS TO BE ANNEXED TO THE BOND.

Affidavit of Attestation.

TERRITORIES OF CANADA, } I,
of } of the of in the
TO WIT: } of
on the of make oath and say that I was personally present, and did see (*as the case may be*) of the obligors in the above bond or writing obligatory, named, duly execute the said Instrument by signing, sealing, and, as (his *or* their respective acts and deeds, *as the*

case may be) delivering the same ; and that I am a subscribing witness to such execution.

Sworn before me, at the of
in the said of
this day of A.D.
One thousand eight hundred and *eighty*
, a J.P. for the said

A separate affidavit in this form will be made by a witness to the execution by each obligor, if the same person does not witness the execution by all of them.

Affidavit of a Surety.

TERRITORIES OF CANADA, } I, one of the
of } sureties in the foregoing Bond named, make oath (*or* affirm, *as the case may be*) and say as
To Wit : } follows :

1. I am seized and possessed to my own use of real (*or* real and personal) estate, in the of in Canada, of the actual value of dollars over and above all charges upon, or encumbrances affecting the same.

2. My Post Office address is as follows : (*insert it*)

Sworn before me at the of
in the of in the
Province of this
day of A.D. One thousand
eight hundred and *eighty*
a J. P. for the said

SCHEDULE B.

(*Section* 15.)

FORM OF REGISTRAR'S OATH OF OFFICE.

TERRITORIES OF CANADA.

County of } I (*name and describe deponent*), having been appointed by the *Governor General* of Canada
To Wit : } to the office of Registrar in and for the [*name of Registration District, &c.*], do swear (*or, as the case may be*) that I will well, truly and faithfully perform and execute all duties required of me, under the laws of Canada (and the ordinance, *if any*, of the Territories) relating to the said office, so long as I continue therein, and that I have not

given, directly or indirectly, nor authorized any person to give, any money, gratuity or reward whatsoever for procuring the said office for me.

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

A. B., J.P., }
C. D., J.P., } In and for the said *County*.

Signature of Registrar.

SCHEDULE J.

(*Section* 102.)

(Endorse memorandum of mortgages and encumbrances) ? Form of transfer of mortgage, encumbrance, or lease by endorsement.

I, the within mentioned C. D., in consideration of $ this day paid to me by X. Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him the mortgage [encumbrance *or* lease, *as the case may be*] within written, together with all my rights, powers, title, and interest therein.

In witness whereof, I have hereunto subscribed my name this day of .

C. D., *Transferor.*
Accepted, X. Y., *Transferee.*

For Form of Attestation see Schedule S.

SCHEDULE G.

(*Section* 76.)

Form of transfer of part of mortgage or encumbrance by endorsement.

I, the within mentioned C. D , in consideration of $ this day paid to me by X. Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him $ of the mortgage [*or* encumbrance, *as the case may be*] within written, together with all my rights, powers, title, and interest therein, and the sum so transferred shall be preferred [*or* deferred *or* rank equally, *as the case may be*] to the remaining sum secured by the mortgage

In witness whereof, I have hereunto subscribed my name this day of .

C. D., *Transferor.*
Accepted, X. Y., *Transferee.*

For Form of Attestation see Schedule S.

SCHEDULE F.

(*Sections* 69 *and* 71.)

CERTIFICATE OF TITLE.

A. B. of (*here insert description and, if certificate be issued pursuant to any transfer referred to, insert memorandum of transfer*) is now seized of an estate (*here state whether in fee-simple or for life*), subject to such encumbrances, liens and interests as are notified by memorial underwritten (*or* endorsed hereon), in that piece or parcel of land situated, lying and being , Section , Township , Range , Meridian , District , originally granted the day of under the hand and seal of the Governor General of Canada to C. D.

In witness whereof, I have hereunto signed my name and affixed my seal this day of .

Registrar of Boxd District. [L.S.]

Signed in the presence of)
, the day of }
.)

SCHEDULE H.

(*Section* 81.)

Memorandum of Transfer.

I, A. B., being registered owner of an estate (*state the nature of estate*), subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten (*or* endorsed hereon), in all that certain tract of land containing acres, more or less, and being Section, Township , Range , in the Territories of Canada (*or* District, *as the case may be*). (*Here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant, refer thereto for description of parcels and diagrams, otherwise set forth the boundaries and accompany it by a diagram*), do hereby, in consideration of the sum of $, paid to me by E. F., the receipt of which sum I hereby acknowledge, transfer to the said E. F. all my estate and interest in the said piece of land. (*When a lesser estate than fee-simple describe such lesser estate*)

In witness whereof, I have hereunto subscribed my name this day of .

(*Signature.*)

Signed on the day above named)
by said A. B. in presence of }
G. A.)

SCHEDULE I.

(*Section* 92.)

Memorandum of Encumbrance.

I, A.B., being registered as owner of an estate (*state nature of estate*), subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten (*or* endorsed hereon), of that piece of land of (*description*) part of Section Township Range containing acres, more or less (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant or certificate of title, refer thereto for description of parcels and diagrams, otherwise set forth the boundaries and accompany it by a diagram*), and desiring to render the said land available for the purpose of securing to and for the benefit of C.D., of (*description*) the (*sum of money, annuity or rent charge*) hereinafter mentioned, do hereby encumber the said land for the benefit of the said C.D., with the (*sum, annuity or rent charge*) of $, to be raised and paid at the times and in the manner following, that is to say: (*here state the times appointed for the payment of the sum, anuuity or rent charge intended to be secured, the interest, if any, and the events on which such sum, annuity or rent charge shall become and cease to be payable, also any special covenants or powers, and any modification of the powers or remedies given to an encumbrancee by this Act*): And subject as aforesaid, the said C.D. shall be entitled to all powers and remedies given to an encumbrancee by "*The Territories Registration of Titles Act.*"

In witness whereof I have hereunto signed my name this day of , in presence of } (*Signature of Encumbrancee.*)

(*Insert memorandum of mortgages and encumbrances.*)

SCHEDULE J.

Form of transfer of mortgage, encumbrance or lease, by endorsement.

I, the within mentioned C. D., in consideration of $, this day paid to me by X. Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him the estate or interest in respect to which I am a registered owner as described in the within written security, the mortgage (encumbrance *or* lease, *as the case may be*) within written, together with all my rights, powers, title and interest therein.

In witness whereof, I have hereunto subscribed my name this day of .

C. D., *Transferor.*
Accepted, X. Y., *Transferee.*

SCHEDULE G.

(*Section* 102.)

Form of transfer of part of mortgage or encumbrance by endorsement.

I, the within mentioned C. D., in consideration of $, this day paid to me by X. Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him $ of the mortgage (*or* encumbrance, *as the case may be*) within written, together with all my rights, powers, title and interest therein; and the sum so transferred shall be preferred (*or* deferred *or* rank equally, *as the case may be*) to the remaining sum secured by the mortgage.

In witness whereof, I have hereunto subscribed my name this day of .

C. D, *Transferor.*
Accepted, X. Y., *Transferee.*

For Form of Attestation see Schedule S.

SCHEDULE K.

(*Section* 86.)

Form of Lease.

I, A.B., being registered as owner, subject however to such mortgages and encumbrances as are notified by memorandum underwritten (*or* endorsed hereon), of that piece of land (*describe it*), part of Section Township Range containing acres, more or less, (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant or certificate of title or lease, refer thereto for description and diagram, otherwise set forth the boundaries by metes and bounds*), do hereby lease to E.F., of (*here insert description*), all the said lands, to be held by him, the said E.F., as tenant for the space of years, from (*here state the date and term*), at the yearly rental of $, payable (*here insert terms of payment of rent*), subject to the covenants and powers implied (*also set forth any special covenants or modifications of implied covenants.*)

I, E.F., of (*here insert description*), do hereby accept this lease of the above-described lands, to be held by me as tenant, and subject to the conditions, restrictions, and covenants above set forth.

(*Signature of Lessor.*)

(*Signature of Lessee.*)

Dated this day of

Signed by above-named A.B., as lessor, and E.F., as lessee, this day of 188 , in presence of X.Y.

(*Here insert memorandum of mortgages and encumbrances*)

SCHEDULE L.

(*Section* 90.)

Implied Conditions of Lease.

1. The lessee, his executors, administrators, or transferees, will not, during the said term, transfer, assign, or sublet the premises hereby leased, or any part thereof, or otherwise by any act or deed procure the said premises, or any part thereof, to be transferred or sublet, without the consent in writing of the lessor or his transferees first had and obtained.

2. The lessee, his executors, administrators, or transferees, will, during the continuance of the said term, erect and put upon the boundaries of the said land, or on those boundaries on which no substantial fence now exists, a good and substantial fence.

3. The lessee, his executors, administrators, or transferees, will, at all times during the said term, cultivate, use and manage in a proper husband-like manner, all such parts of the land as are now or shall hereafter, with the consent in writing of the said lessor or his transferees, be broken up or converted into tillage. and will not impoverish or waste the same.

4. The lessee, his executors and administrators or transferees, will not cut down, fell, injure or destroy any living timber or timber-like tree standing and being upon the said land, without the consent in writing of the said lessor or his transferees.

5. The lessee, his executors, administrators, or transferees, will insure, and during the said term keep insured, against loss or damage by fire, in the name of the lessor or his transferees, in some public insurance office approved of by him or them, to the amount of their full value, all buildings which shall, for the time being, be erected on the said land, and which shall be of a nature or kind capable of being insured against damage by fire, and will, when required, deposit with the lessor or his transferees, the policy of such

insurance, and within seven days after each premium shall become payable, the receipt for such premium; and on any breach or non-observance of this covenant, the lessor or his transferees may, without prejudice to and concurrently with the powers granted to him and them by this lease, and by The Territories Titles Act, 1883, insure such buildings, and the costs of effecting such insurance shall, during the said term, be a charge upon the said land. All moneys which shall be received under and by virtue of any such insurance shall be laid out and expended in making good the loss or damage.

6. The lessee, his executors, administrators, or transferees, will, in every third year during the continuance of the said term, paint all the outside woodwork and ironwork belonging to the leased property with two coats of proper oil colors, in a workmanlike manner.

7. The lessee, his executors, administrators, or transferees, will, in every fourth year during the continuance of the said term, paint the inside wood, iron and other work now or usually painted, with two coats of proper oil colors, in a workmanlike manner, and also re-paper with paper of the same quality as at present, such parts of the said premises as are now papered, and also whiten or color such parts of the said premises as are now whitened or colored respectively.

8. The lessee, his executors, administrators, or transferees, will not convert, use or occupy the said premises, or any part thereof, into or as a shop, warehouse, or other place for carrying on any trade or business whatsoever, or permit or suffer the said premises or any part thereof to be used for any such purpose, or otherwise than as a private dwelling house, without the consent in writing of the said lessor or his transferees.

9. The lessee, executors, administrators, or transferees will not, at any time during the said term, use, exercise, or carry on, or permit, or suffer to be used, exercised, or carried on, in or upon the said premises, or any part thereof, any noxious, noisome, or offensive art, trade, business, occupation, or calling, and no act, matter or thing whatsoever shall, at any time during the said term, be done in or upon the said premises, or any part thereof, which shall or may be or grow to the annoyance, nuisance, grievance, damage, or any disturbance of the occupier or owners of the adjoining lands and properties.

10. The lessee, his executors, administrators, or transferees will at all times during the continuance of the said term use, exercise, and carry on in and upon the premises, the trade or business of a licensed victualler or publican and seller of fermented and spirituous liquors, and keep open and use the house, inn, and buildings, standing and being upon the land as and for an inn or public-house, for the reception, accommodation, and entertainment of travellers, guests and other persons resorting thereto, or frequenting

the same, and manage and conduct such trade or business in a quiet and orderly manner, and will not do or commit, or suffer to be done or committed, any act, matter or thing whatsoever, whereby or by means whereof any license shall be allowed to expire or to become void, or shall or may be liable to be forfeited, suspended, taken away, or refused.

11. The lessee, his executors, administrators, or transferees will, from time to time during the continuance of the said term, at the proper times for that purpose, apply for, and endeavour to obtain such license or licenses as is, or are, or may be necessary for carrying on the said trade or business of a licensed victualler or publican in and upon the said premises, and keeping the said house or inn open as and for an inn or public-house as aforesaid.

12. The lessee, his executors, administrators, or transferees will, at the expiration or other sooner determination of the said term, sign and give such notice or notices, and allow such notice or notices of a transfer or renewal of any license, as may be required by law to be affixed to the said house or inn to be thereto affixed and remain so affixed during such time or times as shall be necessary or expedient in that behalf, and generally will do and perform all such acts, matters and things, as shall be necessary to enable the said lessor or his transferees, or any person authorized by him or them to obtain the transfer of any license then existing and in force, or the renewal of any license or any new license.

SCHEDULE M.

(*Section* 92.)

Memorandum of Mortgage.

I, A. B., being registered as owner of an estate (*here state nature of interest*), subject, however, to such encumbrances, liens and interests as are notified by memorandum under written (*or* endorsed hereon), of that piece of land (*description*) part of Section, Township, Range, containing acres, be the same more or less (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with does contain all included in the original grants, refer thereto for description of parcels and diagrams, otherwise set forth the boundaries and accompany it by a diagram*), in consideration of the sum of $ lent to me by E. F., of (*here insert description*), the receipt of which sum I do hereby acknowledge, covenant with the said E. F. :—

Firstly. That I will pay to him, the said E. F., the above sum of $, on the day of

Secondly. That I will pay interest on the said sum at the rate of by the $ in the year, by equal payments on

the day of , and on the day of , in every year.

Thirdly. (*Here set forth special covenants, if any*). And for the better securing to the said E. F. the repayment, in manner aforesaid, of the principal sum and interest, I hereby mortgage to the said E. F. my estate and interest in the land above described.

In witness whereof, I have hereunto signed my name this day of

Signed by the above named A. B. as Mortgagor this day of in presence of G. H. } (*Signature of Mortgagor.*)

(*Insert memorandum of mortgages and encumbrances*)

For Form of Transfer of Mortgage see Schedule J.

SCHEDULE N.

(*Section* 126.)

Form of Power of Attorney.

I, A. B., being registered as owner of an estate (*here state nature of the estate or interest*), subject, however, to such encumbrances, liens and interests as are notified by memorandum under written (*or* endorsed hereon), in (*here refer to Schedule for description and contents of the several parcels of land intended to be affected, which Schedule must contain reference to the existing certificate of title, or land grant, or lease of each parcel*), do hereby appoint C. D. attorney on my behalf to (*here state the nature and extent of the powers intended to be conferred, as whether to sell, lease, mortgage, &c.*) the lands in the said Schedule described, and to execute all such instruments, and do all such acts, matters and things as may be necessary for carrying out the powers hereby given, and for the recovery of all rents and sums of money that may become or are now due, or owing to me in respect of the said lands, and for the enforcement of all contracts, covenants or conditions binding upon any lessee or occupier of the said lands, or upon any other person in respect of the same, and for the taking and maintaining possession of the said lands, and for protecting the same from waste, damage or trespass.

In witness whereof, I have hereunto subscribed my name this day of

Signed by the above named A. B. this day of in the presence of X. Y.

SCHEDULE O.

(*Section* 107.)

Form of Revocation of Power.

I, A. B., of , hereby revoke the power of attorney given by me to , dated the day of

In witness whereof, I have hereunto subscribed my name this day of

(*Signature of Constituent.*)

SCHEDULE P.

(*Section* 108.)

REGISTRATION OF ABSTRACT.

(*Here insert Copy of Grant or Certificate of Title.*)

Pursuant to the provisions of (*insert title of this Act*), this Registration Abstract is issued for the purpose of enabling registered owner of the land described in the above written grant or certificate of title, to deal with the above described land at places without the limits of the said *Territories*, and shall continue in force from the date hereof until the day of or until the same be surrendered to me for cancellation.

In witness whereof, I have hereunto signed my name and affixed my seal this day of

Signed and sealed on the day of in presence of X. Y. } [L.S.] (*Signature*) Registrar.

SCHEDULE Q.

(*Section* 125.)

Form of Caveat forbidding Registration or dealing with land.

To the Registrar-General (*or* Registrar of District):

Take notice that I, A. B., of (*insert description*), claiming (*here state the nature of the estate or interest claimed, and the grounds upon which such claim is founded*) in (*here describe land and refer to grant or certificate of title*), forbid the registration of any memorandum of transfer or other instrument until this *caveat* be withdrawn by the caveator or by the order of a court of competent jurisdiction, or a judge thereof, or unless such dealing be subject to the claim of the caveator, or until after the lapse of twenty-one days from the

date of the service of notice by the caveator at the following address: (*Insert it.*)

Signature of Caveator or his Agent.

Dated this day of 18 .

I, the above named A. B. (*or* C. D., of (*residence and description*), Agent for the above A. B.), make oath (*or* affirm, *as the case may be*) and say, that the allegations in the above caveat are true in substance and in fact, (*and if no personal knowledge, add as I have been informed and verily believe*).

Sworn, &c.

No. 97.

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

BILL.

An Act for the declaration of titles to land and to facilitate its transfer in the Territories of Canada.

Received and read first time, Thursday, 12th April, 1883.

Second reading, Friday, 13th April, 1883.

Mr. McCarthy.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.

1883.

No. 98.] **BILL.** [1883

An Act for the better prevention of Fraud in connection with the Sale of Patent Rights

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

A bill or note given for a patent right to have certain words on its face.

1. A bill of exchange or promissory note, the consideration for which consists in whole or in part of the right to make or vend a patent machine or anything claimed to be patented, shall have written or printed prominently and legibly across the face thereof, before the same is issued, the words "given for a patent right."

Purchaser or holder of such instrument to take it subject to certain right of defence.

2. The purchaser or holder of any such instrument having the words aforesaid so printed or written thereon, shall take the same subject to any defence or set-off in respect of the whole or any part thereof, which the purchaser of said right would have had in any action, suit or claim, if brought by the vendor of such right against the purchaser thereof, on such instrument.

Punishment for inducing any one to make, accept or indorse such bill or note without the said words on it.

3. Any one who induces any person or persons to make, accept or endorse any such instrument, the consideration for which consists in whole or in part of the right to make or vend a patent machine or anything claimed to be patented, without the words "given for a patent right" being so printed or written as aforesaid across the said instrument, shall be guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or other place of confinement for any term not more than two years, or to such fine as the Judge may think fit, not exceeding *one thousand dollars*.

No. 98.

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

BILL

An Act for the better prevention of Fraud in connection with the Sale of Patent Rights.

Received and read first time, Thursday, 29th March, 1883.

Second reading, Friday, 30th March, 1883.

MR. MULOCK.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 99] **BILL.** [18 3

An Act to provide for the distribution of the Assets of Insolvent Traders.

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

1. This Act shall apply to Traders, and to Trading Co-partnerships and to Trading Companies, whether incorporated or not, except incorporated Banks, Insurance, Railway and Telegraph Companies. To what persons or parties this Act shall apply.

The following persons and partnerships or Companies, exercising like trades, callings or employments, shall be held to be traders within the meaning of this Act :—Apothecaries, Auctioneers, Bankers, Brokers, Brickmakers, Builders, Carpenters, Carriers, Cattle or Sheep salesmen, Coach proprietors, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, Saloons or Coffee-houses, Lime burners, Livery Stable Keepers, Market Gardeners, Millers, Miners, Packers, Printers, Quarrymen, Share brokers, Ship owners, Shipwrights, Stock brokers, Stock jobbers, Victuallers, Warehousemen, Wharfingers, Persons insuring Ships or their freights, or other matters, against perils of the sea, Persons using the trade of merchandize by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail, and persons who, either for themselves or as agents or factors for others, seek their living by buying and selling, or buying and letting for hire, goods or commodities, or by workmanship, or the conversion of goods or commodities, or trees, but a farmer, grazier, common labourer or workman for hire shall not, nor shall a member of any partnership, association or company, which cannot be adjudged insolvent under this Act, be deemed, as such, a trader for the purposes of this Act. Further definition of such persons and parties. Exceptions.

All such persons, co-partnerships or companies, having been traders as aforesaid, and having incurred debts as such which have not been barred by the Statute of Limitations, or prescribed, shall be held to be Traders within the meaning of this Act; but no proceedings in liquidation shall be taken against such trader, based upon any debt or debts contracted after he has ceased to trade. What persons and parties shall be traders subject to this Act. Proviso : as to debts contracted after ceasing to trade.

2. The word "County" means a County or union of Counties, or a judicial district in Ontario, not organized into a County. For the purposes of this Act, the temporary judicial district Interpretation of terms used in this Act.

As to certain temporary districts.

of Nipissing, in the Province of Ontario, shall be considered as part of the County of Renfrew, and so much of the Territory, composing the territorial district of Parry Sound and the territorial district of Muskoka, as is not already included in the judicial County of Simcoe, shall be considered as within the County of Simcoe.

District.

(*a.*) The word "District" means a district as defined for judicial purposes by the Legislature of the Province wherein the same is situate.

Date of insolvency.

(*b.*) The words, "date of Insolvency," means the date of the issue of the Writ of Attachment.

Official Gazette.

(*c.*) The words, "Official Gazette," mean the Gazette published under the authority of the Government of the Province where the proceedings under this Act are carried on, or which is used there as the official means of communication between the Lieutenant-Governor and the people, and if no such Gazette is published, or if such Gazette is not, in the opinion of the Court or Judge, published with sufficient frequency, then they shall mean a newspaper published in the County, District or Province designated by the Judge for publishing the notices required by this Act.

Court.

(*d.*) The word "Court" means the Superior Court in the Province of Quebec, the Court of Queen's Bench in the Province of Manitoba, and the County Courts in the Provinces of Ontario, Nova Scotia, New Brunswick, British Columbia and Prince Edward Island.

Judge.

(*e.*) The word "Judge" means a Judge of the said Courts respectively having jurisdiction in the said county or district where proceedings shall be had under this Act, and shall also include a Junior and Deputy-Judge when such are appointed.

Debtor.

(*f.*) The word "Debtor" means any person or persons company or corporation that has become subject to the provisions of this Act.

Claim.

(*g.*) The word "claim" means a debt for which the creditor does not hold security subject to valuation under the provisions of this Act, or such portion of a secured debt as shall be in excess of such valuation over and above any set off or counter claim of the debtor, validly held by him against the creditor at the date of insolvency, whether overdue or not, and the words "secured claim" mean a debt for which the creditor holds security under the said provisions, to the extent of such valuation of such security. But if any debtor has made a composition with his creditors under the Insolvent Act of 1875, the amount remaining unpaid of such composition shall be the only amount provable as a claim under this Act.

Secured claim.

Proviso.

(*h.*) The word "clerk" means the Prothonotary or Clerk of the Court having jurisdiction where proceedings under this Act are being carried on, as the case may be. Clerk.

(*i.*) The words "before a Notary" mean executed in notarial form, according to the laws of the Province of Quebec. Before a notary.

(*j.*) The word "creditor" means every person, co-partnership or company to whom the insolvent is *liable*, whether primarily or secondarily and whether as principal or surety, but when used with reference to proceedings at meetings under this Act, to the right of voting, to the proportion of creditors who have become parties to any consent or action with regard to the management and disposal of the estate of a debtor, or to any proceedings by a creditor before any Court or Judge, the word "creditor" means a person, co-partnership or company whose unsecured claim to an amount of one hundred dollars or upwards has been proved in the manner provided by this Act. Creditor.

(*k*) The word "collocated" means ranked or placed in the dividend sheet for some dividend or sum of money. Collocated.

(*l.*) The word "guardian" means the person or official authorized in the place where the proceedings under this Act are being carried on, to take charge of an estate between the date of insolvency and the appointment of a liquidator. Guardian.

3. Except in cities and towns containing, according to their last official census, a population of more than twenty thousand people, the Sheriff shall be guardian under this Act, and may therein be represented by his deputy, and in such cities or towns guardians may be appointed by the Board of Trade therein, in such numbers as such Board may deem sufficient, pending such appointments the Sheriff shall be guardian. And guardians so appointed shall hold office during pleasure, and may be dismissed by the appointing power with or without cause. Sheriff to be guardian except in certain cities and towns. How appointed in cities and towns so excepted. How removable, &c.

4. A debtor shall be deemed Insolvent,— When a debtor shall be deemed insolvent.

(*a.*) If he has called a meeting of his creditors for the purpose of compounding with them, or if he has exhibited a statement showing his inability to meet his liabilities, or if he has otherwise acknowledged his insolvency. Calling meetings of creditors.

(*b.*) If he has absconded, or is immediately about to abscond, from any Province of Canada with intent to defraud his creditors, or any creditor, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process, or if, being out of any such Province in Canada, he so remains with a like intent, or if he conceals himself within the limits of Canada with a like intent. Absconding.

(*c.*) Or if he has secreted, or is immediately about to secrete, any part of his estate and effects, with intent to defraud his creditors, or to defeat or delay their demands, or any of them Secreting effects.

Assigning.

(*d.*) Or if he assigns, removes or disposes of, or is about or attempts to assign, remove or dispose of any of his property with intent to defraud, defeat or delay his Creditors, or any of them.

Procuring seizure of his effects in execution.

(*e.*) Or if with such intent he has procured his money, goods, chattels, lands or property to be seized, levied on, or taken under or by any process or execution having operation where the debtor resides or has property, founded upon a demand in its nature provable under this Act, and for a sum exceeding two hundred dollars, and if such process is in force and not discharged by payment or in any manner provided for by law.

Being in gaol or on limits.

(*f.*) Or if he has been actually imprisoned or upon the Gaol limits for more than thirty days, in a civil action founded on contract for the sum of two hundred dollars or upwards, and still is so imprisoned or on the limits, or if in case of such imprisonment he has escaped out of prison or from custody, or from the limits.

Refusing to appear.

(*g.*) Or if he wilfully neglects, or refuses to appear, on any rule or order requiring his appearance, to be examined as to his debts under any statute or law in that behalf.

Or to obey legal order.

(*h.*) Or if he wilfully refuses or neglects to obey or comply with any such rule or order made for payment of his debts, or of any part of them.

Or court of chancery.

(*i.*) Or if he wilfully neglects or refuses to obey or comply with an order or decree of the Court of Chancery, or of any of the Judges thereof, for payment of money.

Conveying away his effects.

(*j.*) Or if, being unable to meet his liabilities in full, he makes any sale or conveyance of the whole or main part of his stock in trade or of his assets without the consent of his Creditors or without satisfying their claims

Allowing execution to be unsatisfied.

(*k.*) Or if he permits any execution issued against him under which any of his chattels, land or property are seized levied upon or taken in execution to remain unsatisfied till within four days of the time fixed by the Sheriff or Officer for the sale thereof, or for fifteen days after such seizure.

Or writ to remain unexecuted.

(*l.*) Or if, upon the issue of a Writ of Execution against him, the Officer charged with such writ having demanded payment, and in default thereof required him to point out any effects susceptible of being seized thereunder, and such writ remains unsatisfied for fifteen days after such demand.

Being sued *en séparation de biens.*

(*m.*) Or if, in the Province of Quebec, he has been sued by his wife *en séparation de biens*, on the ground that he is unable to pay his debts in full, or that he is dissipating his estate and effects, and if such suit has been actually returned into Court and proceeded upon without opposition.

5. No proceedings shall be taken under this Act to place the estate of a debtor in liquidation, unless the same are taken within three months next after the act or omission relied upon as subjecting such estate thereto, nor after a writ of attachment has been issued, while it remains in force, except as hereinafter provided. Time within which proceedings must be commenced.

Writs of Attachment, Etc

6. Upon the affidavit of any Creditor, or that of his clerk or or other duly authorized agent, establishing that a trader is indebted to him in a sum of not less than two hundred dollars over and above the value of any security which he holds for the same, and disclosing such fact and circumstance as shall satisfy the Judge or Prothonotary of the Superior or County Court in the county or district as the case may be, in which such trader has his chief or one of his principal places of business, that the estate of such trader has become subject to distribution under the provisions of this Act, such Creditor shall be entitled to a writ of attachment (Form A) against the estate and effects of such trader, addressed to the Guardian, requiring him to attach the estate and effects of such trader and to summon him to appear before the Court or Judge to answer the premises. Concurrent writs of attachment may be issued when required, addressed to a Guardian of other counties or districts in any part of the Dominion other than the county or district in which the same shall be issued; such writs shall be subject as nearly as can be to the rules of procedure of the Court in ordinary suits as to their issue and return, and as to all proceedings subsequent thereto before any Court or Judge. In what cases and on what conditions writs of attachment may issue. Form of writ. Procedure thereon.

7. Writs of attachment shall be made returnable forthwith after the execution thereof; such writs shall be served by a guardian or by a deputy appointed by him for him for the purpose in the manner provided for the service of an ordinary writ of summons in the Province where the same is to be made. And if the debtor remains without such Province, or conceals himself within such Province, or has no domicile within any Province of the Dominion, or absconds from his domicile, in every such case service shall be made by such notice or advertisement as the Judge, or in the Province of Quebec, the Judge or Prothonotary may order. Concurrent writs of attachment issued against a debtor may be executed without being previously served upon him, except in cases where such debtor has his domicile or a place of business in the county or district in which the same is to be executed, in which case the writ shall be served at such domicile or place of business. Service and return of such writs. If the debtor be out of the Province or conceals himself. As to concurrent writs

8. The Guardian shall, under such writ of attachment, seize and attach all the estate, property and effects of the debtor within the limits of the county or territorial district for which he is appointed, including his books of account, monies, securities for monies, and all his office or business papers, documents and vouchers of every kind and description, and shall return with the writ a report under oath Duty of guardian under writ of attachment.

If he cannot obtain access to the debtor's premises, &c.

stating in general terms his proceedings on such writ. If he is unable to obtain access to the interior of the house, shop, store, warehouse or other premises of the debtor, by reason of the same being locked, barred or fastened, such guardian is hereby authorized forcibly to open the same in the presence of at least one witness, making special mention thereof in his return. And immediately upon the service of a writ of attachment the guardian shall give notice of the issue thereof by advertisement (Form B) to be inserted once in the *Official Gazette* and once in one local or the nearest published newspaper.

Notice by guardian in Official Gazette.

Debtor may present a petition to the Judge.

9. The debtor may present a petition to the Judge at any time within five days of the service of the writ of attachment, and may thereby pray for the setting aside of the attachment made under such, writ on the ground that the party at whose suit the writ was issued has no claim against him, or that his claim does not amount to two hundred dollars beyond the value of any security which he holds, or is not proveable, or that his estate has not become subject to distribution under this Act, or for want of, or for a substantial insufficiency in, the affidavit required by section six; and such petition shall be heard and determined by the Judge in a summary manner and comformably to the evidence adduced before him thereon, and the judgment, subject to appeal, as hereinafter provided, shall be final and conclusive. But no such petition shall be presented or heard in the case of an unsatisfied execution or executions existing against the land or chattels or property of the debtor, unless he shall first deposit in court the amount due under such execution or executions, which amount, so deposited, shall, in the event of the writ of attachment being maintained, form part of the estate vested in the guardian. While proceedings are pending upon a petition to set aside a writ of attachment, another writ may be issued for a different claim if the amount of the claim on which the writ issued is disputed, or on different grounds than those disclosed in the previous affidavit, if the debtor contends that his estate has not become subject to distribution under this Act.

To be supported by affidavit.

And by deposit of money in court.

Another writ may issue pending proceedings.

Property attached to vest in guardian until a Liquidator is appointed.

10. Whenever a writ of attachment has issued against a debtor, as provided for by this Act, such writ shall, until the appointment of a Liquidator, vest in the Guardian as the bailee thereof all right, title and interest which the debtor has in, and to any real or personal property, including his books of account, all vouchers, letters, accounts, titles to property and other papers and documents relating to his business and estate, all monies and negotiable papers, stocks bonds and other securities, all insurances upon the life of the debtor, which are not the property of third parties for valuable consideration whether the policies are held for his own benefit or for the benefit of others. The party becoming possessed under this Act of any such policy of insurance whether the amount insured be payable at death, or during the life of the insured, shall have the same rights as to payment of premiums and the recovery of the amount insured as the insured or those for whose benefit such policy was

As to policies of insurance.

held would have had under such policy had the same remained in his or their possession and payment of premiums been made by him or them, and generally all assets of any kind or description whatever which he may be possessed of or entitled to, and the Guardian shall hold the same in trust for the benefit of the debtor and of his creditors and subject to the orders of the Court or Judge, and he may, upon such order, and before any meeting of the creditors, institute any conservative process or any proceeding that may be necessary for the protection of the estate and effects of the debtor He may also upon such order sell and dispose of any part of the estate and effects of the debtor which may be of a perishable nature. But such writ of attachment shall not vest in the Guardian such real and personal property as are exempt from seizure and sale under execution by virtue of the several statutes in that case made and provided in the several Provinces of the Dominion respectively, except as herein otherwise provided, nor the property which the debtor holds as trustee for others.

For what purpose the Guardian shall hold the property.

His power as to the same

Exceptions.

11. The debtor shall, within seven days from the date of Insolvency, or if the writ of attachment be contested, then within seven days from the date of the judgment rejecting the petition to have it quashed, furnish the Guardian with a correct statement (Form C) of all his liabilities, direct or indirect, contingent or otherwise, including the nature and amount thereof, together with the names, additions and residences of his creditors and the securities held by them, in so far as they may be known to him. The debtor shall also furnish within the same delay a statement of all the property and assets vested in the Guardian under this Act, and such statement shall, in all cases, include a full, clear and specific account of the causes to which he attributes his insolvency and the deficiency of his assets to meet his liabilities, and any creditor, his Clerk or agent, shall have communication of such statement on his request and may take a copy thereof or extracts therefrom.

Debtor to furnish statement to guardian, of his liabilities.

And of his property and assets.

Who may have copies thereof

12. Immediately after the delay within which the attachment can be contested, or immediately after the contestation has been rejected, or with the consent in writing of the debtor, immediately after the writ has been returned, the Guardian shall call a meeting of the creditors of the debtor, to be held within fifteen days, notice of which meeting, in the Form D, shall be published in accordance with the requirements of this Act: Provided always, that if the Guardian omits to call such meeting within the time above limited, the Judge shall, on application of the Guardian or of any creditor, order the meeting to be called for the earliest possible day thereafter, and should the omission have arisen from the negligence of the Guardian, the Judge shall order him to pay the costs, of the application: Provided also, that on application of any creditor, the Judge, on being satisfied that there are creditors whose claims amount to at least one-third of the debtor's direct liabilities, resident in any place whence their attested claims cannot in due diligence be received before the day of meeting, may order that the meeting

Meeting of creditors to be called by Guardian.

Notice the e- of.

Proviso: if Guardian fails to call the meeting, Judge to call it.

Proviso: Judge may adjourn the meeting in certain cas s.

be adjourned to some day not more than two weeks thereafter, and thereupon a copy of the order shall forthwith be served on the Guardian, who shall forthwith, by prepaid letter or circular, notify each creditor of the adjournment; and if such order be made, no business shall be transacted at the meeting, which shall stand adjourned according to the terms of the order.

Guardian to notify adjournment to creditors.

Effect thereof.

Further duty of guardian as to meetings.

The Guardian shall also forward by mail, prepaid and registered, at least ten days before the meeting takes place, a notice of such meeting and a list of the debtor's creditors and the amounts of their respective claims, to every creditor mentioned in the list or statement furnished by the debtor.

Examination of the Debtor.

Duty of Guardian at meeting of creditors.

13. The debtor shall attend at the first meeting of his creditors, and after making such corrections as he may deem proper to his statement of liabilities and assets, shall then and there attest the same under oath; he shall at all times be subject to such examination as the Judge shall order on the application of the Liquidator, the Inspectors hereinafter mentioned, or any creditor; and he shall, at the expense of the estate, execute all proper writings and instruments, and perform all acts required by the Court or Judge touching his estate, and if he refuses to be sworn or answer such questions as may be put to him or to sign his answers upon such or any other examination required by this Act, or to execute such writings or instruments, or refuses to perform any of the Acts which he is required to do under this Act, he may be committed and punished by the Court or Judge as for a contempt of Court.

To obey all orders of the Court or Judge: to answer questions on oath, &c.

Punishment for disobedience.

Order by Court or Judge for attendance of certain persons,

Examination of such persons.

14 The Court or Judge may also, on the application of the Liquidator, of the Inspectors, or of any creditor, order any other person, including the husband, or wife of the debtor, to appear before the Court or Judge, or before the Liquidator, to answer upon oath any question which may be put to him or her touching the affairs of the debtor and his conduct in the management of the estate, and in case of refusal to appear or be sworn, or to answer the questions submitted, such person may be committed and punished by the Court or Judge as for a contempt of Court.

No refusal to answer on ground of privilege.

Proviso.

No person examined under this Act shall be excused from answering any question on the ground of any privilege, or that the answer would tend to criminate him, but no such answer shall be used as evidence in any criminal proceeding against him, except only for perjury committed by such answer.

Certain persons not to be Liquidators: or employed by Liquidators.

15. No Guardian, nor any partner, or associate, agent, employer or clerk, nor any relative or connection within the degree of cousin german of any Guardian or of the debtor, nor any barrister, advocate, solicitor, attorney or notary, nor any undischarged Insolvent, shall be elected or appointed Liquidator to any estate under this Act; nor shall any Guar-

dian, his partner, associate, agent, clerk, relation or connection, as aforesaid, be employed by the Liquidator in any manner directly or indirectly in the winding up of the estate; and any Guardian directly or indirectly soliciting or inducing any creditor to place any estate in the hands of such Guardian, under this Act, shall not be intitled to any fees or remuneration from such estate, and shall also be incapable of acting thereafter in the office of Guardian to any estate.

Security to be given by Guardian, and amount thereof.

16. Each Guardian, not being a Sheriff, before acting as such Guardian, shall give security for the due fulfilment and discharge of his duties in a sum of two thousand dollars if the population of the territorial jurisdiction for which he acts, or is appointed, does not exceed one hundred thousand inhabitants and in the sum of four thousand dollars if the population exceed one hundred thousand. Such security to be given to Her Majesty for Her benefit and for the benefit of the creditors of any estate which may come into his possession under this Act; and in case any Guardian fails to pay over the monies received by him, or to account for the estate or any part thereof, the amount for which such Guardian may be in default may be recovered from his sureties by Her Majesty, or by the creditors, or by the Liquidator entitled to the same, by adopting in the several Provinces such proceedings as are required to recover from the sureties of a Sheriff or other public officer: Provided always, that any surety for a Guardian, when no longer disposed to continue his suretyship, may give notice thereof in writing to his principal, and also to the Secretary of State of Canada, and all accruing responsibility on the part of such person as such surety shall cease at the expiration of three months from the receipt of the last of such notices or upon the acceptance by the Crown of the security of another surety which ever shall first happen, and the principal shall, within one month from the receipt of the last of such notices, give the security of another surety; but if it appears to the Governor in Council that the period so limited for giving the security of a new surety is for any reason insufficient, the Governor in Council may allow such further period for giving the security of such new surety as appears to him proper, but such further period shall in no case exceed two months.

Recovery of monies for which Guardian may be in default.

Proviso for release of sureties on certain conditions.

New surety to be furnished in such case, within one month.

Proviso for extension of time for so doing.

Appointment of Liquidator by creditors.

To give security.

Removal of Liquidator by creditors, or by death or resignation.

Record of copy of resolution of appointment or removal.

If the creditors do not

17. The creditors at their first meeting shall appoint a Liquidator, who shall, when required by a resolution of the creditors, give security to Her Majesty as provided in respect of Guardians, for the due performance of his duties to such amount as the creditors may fix; a majority in number and value of the creditors present at any meeting called for that purpose may also remove the Liquidator and appoint another in his stead or in the stead of a Liquidator whose office becomes vacant by resignation or death; and a certified copy of any resolution of the creditors appointing, or removing, a Liquidator, shall be forthwith transmitted, in every case, to the clerk, to remain of record in his office; and if the creditors do not elect a Liquidator at such first meeting or at some adjournment thereof, the Guardian shall report the

elect a Liquidator at their first meeting.

Chairman at meetings of creditors.

same to the Judge within forty-eight hours after such meeting or adjournment thereof shall have been dissolved without such election, and thereupon the Judge shall appoint a Liquidator to the estate. At such first meeting a creditor may be chairman, and at all subsequent meetings the Liquidator shall be chairman in default of an appointment of chairman by the creditors.

Deposit and safe keeping of securities.

Inspection thereof: and application for further security by creditors.

18. All securities given under this Act shall be deposited with the Judge and kept as part of the records of the Court subject to the right of any person entitled to sue upon any such security to such production and delivery thereof as may be necessary in order to the exercise of such right; and any creditor of the estate may have inspection of such security, and may, in any case where no security has been required from the Liquidator, or where, in his opinion, the surety or sureties in any security given are insufficient, apply, on notice to the Judge, for an order that security or new or additional sureties be furnished, and the Judge may, upon such application, make such order as shall seem reasonable, both as to the furnishing of security or sureties, and as to the costs of the application.

Transfer of estate from Guardian to Liquidator.

Release to Guardian.

Notice of appointment of Liquidator.

19. As soon as the Liquidator is appointed he shall be *ipso facto* vested with all the estate and effects of the debtor, in the place and stead of the Guardian, who shall thereby be divested thereof, and immediately upon such appointment it shall be the duty of the Guardian, without any delay from any cause or upon any pretence whatever, to account to him for all the estate and property of the debtor which has come into his possession, and to pay over and deliver to him all such estate and property, including all sums of money, bills, notes and documents whatsoever, belonging to the estate, and to execute in his favor a deed of release in the Form E; and every Liquidator on his becoming such, shall immediately give notice of his appointment as such, by an advertisement to be inserted once in the Official Gazette in the Form F, and by a copy thereof sent to each creditor by post and postpaid.

Certain parties not to act as attorney for creditors upon questions as to appointment of Liquidator.

20. No person shall act as the attorney or agent of any creditor upon any question as to the appointment of such person as Liquidator, or in reference to any claim or demand of such creditor on an estate of which such person is the assignee, nor shall any partner or employee of any person act as the attorney or agent of any creditor in any matter in which under this section such person himself could not act, nor shall any Liquidator employ any person being his partner, clerk or employee, as counsel, advocate, attorney, solicitor or agent for such Liquidator in respect of the insolvent estate.

Duties of Liquidator on appointment.

21. The Liquidator, immediately upon his appointment, shall register in the registry office of every county or registration district wherein there is real property belonging to the estate, a copy of the writ of attachment certified by the clerk, and the deed of release, or an authentic copy thereof.

In the Province of Quebec the said instruments shall be accompanied by a description of the real estate belonging to the debtor, with a notice that the same has by such writ of attachment and deed of release been transferred to the Liquidator.

Appointment of Inspectors and their duties.

22. The creditors at any meeting may appoint Inspectors, not exceeding three in number, who shall superintend and direct the Liquidator in the management and winding up of the estate, and they may also at any meeting called for that purpose revoke the appointment of any or all of the said Inspectors, and upon such revocation, or in the case of death, resignation or absence from the Province of such Inspectors, or any of them, may appoint others in their stead: And whereever anything is allowed or directed to be done by the Inspectors, it may be done by the majority of them or by the sole Inspector, if only one has been appointed: Provided that no person shall be eligible as an Inspector who is disqualified to be a Liquidator: And no Liquidator or Inspector of an insolvent estate shall purchase directly or indirectly, any part of the assets of such insolvent estate, nor shall any Liquidator employ any Inspector, nor shall any Inspector employ any person being the partner of the Liquidator, or the partner of any Inspector as counsel, advocate, attorney, solicitor or agent, in respect of the insolvent estate.

Majority may act.

Liquidator not to do certain things.

Powers of Liquidator.

23. The Liquidator shall exercise all the rights and powers of the debtor in reference to his property and estate: and he shall wind up the estate by the sale, in the ordinary mode in which such sales are made, of all bank or other stocks, and of all movable property belonging to it, and by the collection of the debts: The creditors may at any meeting pass any resolution or order directing the Liquidator how to dispose of the estate or any part of it: and in default of their doing so, he shall be subject to the directions, orders and instructions he may from time to time receive from the Inspectors with regard to the mode, terms and conditions on which he may dispose of the whole or any part of the estate: Provided, however, that nothing in this Act shall be deemed to authorize any sale, *en bloc* of the estate.

Creditors may direct him.

Or the Inspectors, when creditors do not.

Proviso: as to sale of estate *en bloc*.

Further powers of Liquidator.

Collecting assets.

24. The Liquidator in his own name as such, shall have the exclusive right to sue for the recovery of all debts due to, or claimed by the debtor, of every kind and nature whatsoever. For rescinding deeds and instruments made in fraud of creditors, and for the recovery back of monies and effects alleged to have been paid or delivered over in fraud of creditors, and to take, both in the prosecution and defence of all suits, all the proceedings that the debtor might have taken for the benefit of the estate, or that any creditor might have taken for the benefit of the creditors generally, and may intervene and represent the debtor in all suits or proceedings by or against him, which are pending at the time of his appointment, and on his application may have his name inserted therein, in the place of that of the debtor. And if a partner in an incorporated trading company or copartnership becomes insolvent within the meaning of this

Representing debtor.

If the debtor is a partner in a company.

Act, and a Liquidator is appointed to the estate of such debtor, such partnership shall thereby be held to be dissolved: and the Liquidator shall have all the rights of action and remedies against the other partners in such company or co-partnership, which the insolvent partner could have or exercise by law, or in equity, against his co-partners after the dissolution of the firm, and may avail himself of such rights of action and remedies, as if such co-partnership or company has expired by the efflux of time.

Liquidator's powers generally.

25. Every Liquidator shall keep a register, showing the name of the debtor, his residence, place of business and the nature of his trade or business, the date of the issue of the writ of attachment, and the claims proved with such other information as the Liquidator may deem of general interest with reference to the estate: He shall also keep regular accounts of the affairs of the estate, which register and accounts shall be open to the Inspectors, and to the creditors or their agents.

Register to be kept by Liquidator, and its contents.

26. Every Liquidator shall before the end of October in each year, fill up and transmit to the Minister of Agriculture, or in case of this branch of statistics and the registration thereof being by the Governor in Council transferred to any other Minister, then to such other Minister, a schedule showing such particulars for the year ending the thirtieth day of September next preceding, relative to the matters transacted by him under this Act, as shall be from time to time prescribed by the Governor in Council, according to forms published in the *Canada Gazette*: and it shall be the duty of the Liquidator to keep entries and records of the particulars to be comprised in such schedule. The statistics collected by the Minister of Agriculture or such other Minister as aforesaid under this Act, shall be abstracted and registered, and the results thereof shall be printed and published in an annual report.

Yearly statement to be transmitted to Government in prescribed form.

What it must show.

Liquidator's Account, Remuneration, &c.

27. The Liquidator shall receive such renumeration as shall be voted to him by the creditors at any meeting called for the purpose, or by the Inspectors, subject to the review of the Court or Judge, if complained of by the Liquidator or any of the creditors.

Remuneration of Liquidator.

The Guardian shall receive renumeration for his services at the rates fixed by schedule A of this Act, but such rates may be changed by any tariff made by the judges of any court, empowered by this Act to make such tariff: he shall not make any disbursements whatever beyond the payment of fire insurance if necessary, except by express order of the Judge, but the charges for advertising the writ of attachment, and for giving notice of the first meeting of creditors, together with his renumeration shall be taxed by the proper officer, and shall be the first charge on the estate.

And of guardian.

Guardian to make certain disbursements only.

As to employment of counsel by Liquidator.

28. No Liquidator shall employ in or about the business of the estate any counsel or attorney-at-law without the consent of the Inspectors or of the creditors, but expenses incurred by employing such counsel or attorney with such consent shall be paid out of the estate, if not recovered from any party liable therefor.

Calling meetings of creditors.

29. The Liquidator shall call meetings of creditors whenever required, in writing, so to do by the Inspectors or by five creditors, if there are five or more, or by all the creditors, if there are less than five, or by the Judge, and he shall state succinctly, in the notice calling any meeting, the purpose thereof.

Deposit in bank by Liquidator of monies received by him.

30. The Liquidator shall deposit at interest in some chartered bank, to be indicated by the Inspectors or by the Judge, the monies of the estate; such deposit shall be made in the name of the Liquidator and of the Inspectors (if any), and the monies so deposited shall be withdrawn only on the joint cheque of the Liquidator and of one of the Inspectors, if there be any. The interest accruing on such deposit shall appertain to the estate, and shall be distributed in the same manner and subject to the same rights and privileges as the capital from which such interest accrues. If the Liquidator retains in his hands any sum exceeding two hundred dollars for more than ten days, he shall pay into the estate interest on such excess at the rate of twenty per cent per annum. The bank pass-book shall be open to the Inspectors and creditors. No Liquidator shall directly or indirectly at any time advance or lend to any creditor any money, or become liable for any creditor to any other person for any money upon the security or collateral security of such creditor's claim against the estate, or of any dividend declared or to be declared thereon, or of any security held by or for such creditor upon any part of the estate.

Interest to belong to estate.

Liability of Liquidator in case of neglect.

Pass-book open to creditors.

No advance to creditors or others in security of claims on estate.

To file statement of balance in bank.

Upon the request in writing of any creditor the Liquidator shall, within ten days, file in the office of the Clerk a statement of his receipts and disbursements to that date, and showing the balance of cash then in the bank.

Provision in case of death or removal of Liquidator or death of Guardian.

31. Upon the death of a Liquidator or upon his removal from office, the estate shall remain under the control of the Judge until the appointment of another Liquidator, whereupon the estate and every record relating to the same shall become vested in such other Liquidator. And upon the death of a Guardian the Judge, on petition of any creditor, shall order another Guardian or person to take charge of the estate, who shall hold it and perform all the duties of Guardian until a Liquidator is appointed.

Application of Liquidator for his discharge, after final dividend.

32. After the declaration of a final dividend the Liquidator shall prepare his final account and present a petition to the Judge for his discharge, accompanied by such account; and he shall produce and fyle with such petition a bank certificate of the deposit of any dividends remaining unclaimed: Notice of such

Notice to creditors. Judge

may grant it or refuse.

Penalty on Liquidator not so applying.

petition by circular shall be given to the creditors and Inspectors. And the Judge, after hearing the parties, may grant conditionally or unconditionally the prayer of such petition, or may refuse it. Any Liquidator who neglects to present such a petition within six months after the declaration of a final dividend shall incur a penalty not exceeding one hundred dollars.

Sale of Debts.

Sale of debts the collection of which would be too onerous.

Open list thereof. Those of $100 to be sold separately.

33. After having acted with due diligence in the collection of the debts, if the Liquidator finds there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he shall report the same to the creditors and Inspectors or to the Judge, and with their sanction, or that of the Judge, he may sell the same by public auction after such advertisement as they or the Judge may order; and pending such advertisement the Liquidator shall keep a list of the debts to be sold open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts, but all debts amounting to more than one hundred dollars shall be sold separately.

Provision when the Liquidator refuses to take any proceeding deemed necessary by one or more creditors.

Conditional order of Judge.

34. If at any time any creditor desires to cause any proceeeing to be taken which, in his opinion, would be for the benefit of the estate, and the Liquidator, under the authority of the creditors or of the Inspectors, refuses or neglects to take such proceeding after being duly required so to do, such creditor shall have the right to obtain an order of the Judge authorizing him to take such proceeding in the name of the Liquidator, but at his own expense and risk, upon such terms and conditions as to indemnity to the Liquidator as the Judge may prescribe, and thereupon any benefit derived from such proceeding shall belong exclusively to the creditor instituting the same for his benefit and that of any other creditor who may have joined him in causing the institution of such proceeding; but if, before such order is granted, the Liquidator shall signify to the Judge his readiness to institute such proceedings for the benefit of the creditors the order shall be made prescribing the time within which he shall do so, and in that case the advantage derived from such proceeding, if instituted within such time, shall appertain to the estate.

Rights of purchaser of debt from Liquidator.

35. The person who purchases a debt from the Liquidator may sue for it in his own name as effectually as the Liquidator is hereby authorized to do, and a bill of sale (Form G), signed and delivered to him by the Liquidator, shall be *prima facie* evidence of such purchase without proof of the handwriting of the Liquidator, and the debt sold shall, in the Province of Quebec, vest in the purchaser without signification to the debtor; and no warranty, except as to the good faith of the Liquidator, shall be created by such sale and conveyance, not even that the debt is due.

Leases.

36. If the debtor holds property under a lease extending beyond the year current under its terms at the time of his insolvency, the creditors or Inspectors shall decide, at any meeting which may be held more than three months before the termination of the yearly term of the lease current at the time of such meeting, whether the property so leased should be retained for the use of the estate only up to the end of the then current yearly term, or, if the conditions of the lease permit of further extension, also up to the end of the next following yearly term thereof, and their decision shall be final: But if the first meeting of creditors is not held until such period of three months, then the power of terminating the lease may be exercised by the creditors at such first meeting or by the Inspectors within one week thereafter, but not later, and in that case the lessor shall be entitled to the payment by privilege, in addition to the rent due at the end of such yearly term, of an amount equal to three months rent under the lease. From and after the time fixed for the retention of the leased property for the use of the estate the lease shall be cancelled and shall thenceforth be inoperative and null.

Creditors and Inspectors to determine as to the continuance of a lease for over a year.

Within which time the decision must be made.

Right of lessor.

Cancelling lease.

37. The preferential claim of the landlord for rent is restricted to the arrears of rent accrued within the period of six months last previous to the date of insolvency and thence so long as the Liquidator shall retain the premises leased, and no right of distress shall be exercised after the date of insolvency.

Limitation of landlord's preferential rights.

38. The Liquidator may sell the real estate of the insolvent, but in any Province other than Quebec no sale shall be completed unless (*a*) the proposed sale has been sanctioned by the creditors or by the Inspectors or (*b*) the Liquidator has advertised an auction sale or sale by tender in accordance with the directions in that behalf given by the creditors or by the Inspectors, and the Inspectors sanction in writing the acceptance of a price not greater than the amount bid or tendered. In the Province of Quebec no sale of real estate shall be made unless after advertisement thereof for a period of two months, in the same manner as is required for the actual advertisement of sales of real estate by the sheriff in the district or place where such real estate is situate, and to such further extent as the Liquidator deems expedient; and if the price offered for any real estate at any public sale duly advertised as aforesaid is more than ten per cent. less than the value set upon it by a resolution of the creditors or by the Inspectors and the Liquidator, the sale may be adjourned for a period not exceeding one month, when, after such notice as the Inspectors and Liquidator may deem proper to give, the sale shall be continued, commencing at the last bid offered on the previous day when the property was put up at auction, and if no higher bid be then offered the property shall be adjudged to the person who made such last bid: Provided that with the consent of the hypothecary and privileged creditors, or where there are no

Sale of real estate in any Province other than Quebec: conditions.

And in Quebec.

If the price offered is below a certain proportion of the value.

Proviso: as to postpone-

ment of sale in certain cases.

hypothecary or privileged creditors, with the approbation of the creditors or of the Inspectors, the Liquidator may postpone the sale to such time as may be deemed most advantageous to the estate; and whenever the sale shall have been so postponed beyond one month the last bidder shall be discharged from any obligation under the bid he may have made on the previous day when the property was offered for sale by auction,and in the Province of Quebe the appointment of a Liquidator under this Act shall not interrupt the sale then pending of real or immovable property when such sale has, previous to the date of insolvency, been advertised by the sheriff. Any sum of money realized under such sale which, under the practice of the court, would be paid over to the seizing creditor, shall be paid over to the Liquidator unless the seizing creditor is entitled thereto as holding a privileged or hypothecary claim upon the property sold.

Provision in Quebec if sale was advertised before insolvency.

As to money payable by practice, to seizing creditor.

Rights of purchase

Special provision as to Quebec.

Title of purchaser.

Form of deed to him.

39. All sales of real estate so made by the Liquidator shall vest in the purchaser all the legal and equitable estate of the insolvent therein, and the conveyance may be in the form H. But in the Province of Quebec such sale shall in all respects have the same effect as to mortgages, hypothecs or privileges then existing thereon, as if the same had been made by a sheriff under a writ of execution issued in the ordinary course, but shall have no other greater or less effect than such sheriff's sales; and in the Province of Quebec the title conveyed by such sale shall have equal validity with a title created by a sheriff's sale, and the deed of such sale which the Liquidator executes (form H) shall in the Province of Quebec have the same effect as a sheriff's deed. Such deed may be executed before witnesses or before notaries, according to the exigency of the law of the place where the real estate sold is situate.

As to charges on the property in Quebec.

Case of *folle enchère.*

Certificate of registrar: and what it must show.

Provisions of civil code to apply.

40. In the Province of Quebec such sale may be made subject to all such charges and hypothecs as are permitted by the law of that Province to remain chargeable thereon when sold by the sheriff, and also subject to such other charges and hypothecs thereon as are not due at the time of sale; and an order for re-sale for false bidding may be obtained from the Judge by the Liquidator upon summary petition, and such re-sale may be proceeded with after the same notices and advertisements and with the same effect and consequences as to the false bidder and others, and by means of similar proceedings as are provided in ordinary cases for such re-sale,in all essential particulars, and as nearly as may be without being inconsistent with this Act. The Liquidator shall procure from the registrar of the registration division in which each immovable is situate, a certificate of the hypothecs charged upon such immovable and registered up to the date of insolvency. Such certificate shall contain all the facts and circumstances required in the registrar's certiflate obtained by the sheriff subsequent to the adjudication of an immovable in conformity with the code of civil procedure,and shall be made and charged for by the registrar in like manner,and the provisions of the said code as to the collocation of hypothecary and privileged creditors,the necessity for

and the filing of oppositions for payments and the costs thereon shall apply thereto under this Act as nearly as the case will admit, and the collocation and distribution of the monies arising from such sale shall be made in the dividend sheet among the creditors having privileged or hypothecary claims thereon after the collocation of such costs and expenses — including the Liquidator's commission on the amount of sale – as were necessary to effect such sale, or are incident thereto, in the same manner as to all the essential parts thereof, as the collocation and distribution of monies arising from the sale of immovables are made in the appropriate court in ordinary cases, except as the same may be inconsistent with the provisions of this Act, but no portion of the general expenses incurred in the winding up of the estate shall be chargeable to or payable out of the said monies except on such balance as may remain after the payment of all privileged and hypothcary claims. The Liquidator's commission on such sale shall be the same as the poundage to which the sheriff is entitled on sales made by him. Any balance remaining after the collocation of the said necessary costs and expenses, and of the privileged and hypothecary claims shall be added to and form part of the general assets of the estate.

Sale of moveables by hypothecary creditors in Quebec.

41. In the Province of Quebec any privileged or hypothecary creditor whose claim is actually due and payable shall have the right to obtain from the Judge an order on the Liquidator to proceed without delay to the sale,in the mode above prescribed, of any immovable which is subject to his privileged or hypothecary claim, and such creditor may also, one month after the Liquidator has received the price thereof, obtain an order from the Judge to compel the Liquidator to make a dividend of the proceeds of such sale.

Dividends.

When dividend sheet to be made.

42. The Liquidator shall prepare dividends of the estate of the debtor whenever the amount of money realized will justify a division thereof, and also whenever he is required by the Inspectors or ordered by the Judge to do so. And so soon as a dividend sheet is prepared notice thereof (Form I) shall be given by advertisement and by letter posted to each creditor enclosing a copy of the dividend sheet, noting the claims objected, and after the expiry of eight days from the day of the last publication of such advertisement all dividends which have not been objected to within that period shall be paid.

Notice thereof.

Payment of dividend.

What claims may rank on estate.

As to interest on claims.

43. All debts due and payable by the debtor at the date of insolvency and all debts due but not then actually payable, subject to rebate of interest, shall have the right to rank upon the estate. And no interest accrued upon any claim or secured claim, after the date of insolvency, shall rank upon the general estate, secured creditors being entitled to interest after such date only so far as the proceeds or revenue of the property or effects upon which such security

Liability of sureties for debtor.

attaches shall suffice to meet the same. And any person then being as surety or otherwise liable for any debt, and who subsequently pays such debt, shall thereafter stand in the place of the original creditor, if such creditor has proved his claim on such debt, or if he has not proved, such person shall be entitled to prove against and rank upon the estate for such debt to the same extent and with the same effect as the creditor might have done. But no claim for damages for personal wrongs shall be proved or rank upon the estate unless such claim has been established by the judgment of a competent Court, and no debt contracted previous to a former insolvency of the debtor, either under "*The Insolvent Act of* 1875" or under this Act, nor any claim based upon a gratuitous contract or contract without consideration or with a merely nominal consideration, shall be proved or rank against the estate until all the other creditors have been paid in full.

No claims for personal wrongs, except on judgment.

Certain debts not to rank on estate until all others are paid.

As to claims depending on contingencies.

Reservation thereof.

44. If any creditor claims upon a contract dependent upon a condition or contingency which does not happen previous to the declaration of the first dividend, a dividend shall be reserved upon the amount of such conditional or contingent claim until such condition or contingency is determined, but if it be made to appear to the Judge that the estate may thereby be kept open for an undue length of time, he may, unless an estimate of the value of such claim be agreed to between the claimant and the Liquidator, with the authority of the creditors or of the Inspectors, order that the value of such conditional or contingent claim be established by such person or persons as the claimant and the Liquidator may appoint, and in case they do not agree, then by such person or persons as the Judge shall name, and the persons so named shall make the award, which award the Judge, after hearing the claimant and the Liquidator, may reject or confirm. In case the award be rejected other persons shall be appointed, as hereinafter provided, to establish the value of such claim, subject to the control of the Judge, and if the award be confirmed the amount therein mentioned shall be that for which the claimant shall rank upon the estate as for a debt payable absolutely.

A Judge may order estimate.

And reject or confirm it.

Re-estimate in case of rejection.

Rank of claim for estimate confirmed.

When property consists of unmarketable shares, &c.

Inspectors' right to disclaim the same in writing.

Effect of such disclaimer.

45. When any property of the debtor consists of unmarketable shares in companies, of unprofitable executory contracts, or of any other property that is not saleable or readily saleable, by reason of its binding the possessor thereof to the performance of an onerous act, or to the payment of a sum of money, the Liquidator with the authority of the creditors or of the Inspectors, notwithstanding that he has endeavoured to sell, or has taken possession of such property, or has exercised any act of ownership in relation thereto, may by writing under his hand disclaim such property, and thereupon, if a contract, it shall be held to have been determined from the date of the insolvency, and if shares, they shall be deemed to be forfeited from that date, and if any other species of property, then the same shall revert to the person entitled thereto, on the termination of the interest of the Liquidator or of the debt therein, but in no case shall any

estate or interest therein remain in the debtor or in the Liquidator. And after such disclaimer any person having a right to the subject thereof, may obtain an order from the Court or Judge, ordering the Liquidator to convey or deliver the same to him upon such conditions as shall be deemed just. And any person injured by such disclaimer or forfeiture, shall be deemed a creditor to the extent of such injury, and may prove his claim and rank therefor in like manner as other creditors In the case of shares in companies, such claim shall not exceed the amount of the calls made and unpaid at the date of insolvency. Nothing in this section shall apply to leases.

Right of claiming property so disclaimed.

Judge's order.

And of parties injured by disclaimer.

As to shares in companies.

Leases.

46. In the preparation of the dividend sheet, due regard shall be had to the rank and privilege of every creditor, which rank and privilege, upon whatever they may be legally founded, shall not be disturbed by the provisions of this Act, except in the Province of Quebec, where the rights of the unpaid vendor shall be governed by the law of stoppage *in transitu*, according to the laws of England: and in the said Province all claims for provisions shall rank as ordinary claims; but no dividend shall be allotted or paid to any creditor holding security within the meaning of this Act until the amount for which he shall rank as a creditor upon the estate, as to dividends therefrom, shall be established as hereinafter provided.

Privileged claims not disturbed.

Exception as to unpaid vendor in Quebec.

Proviso: as to creditors holding security.

47. No lien or privilege upon either the real or personal estate of the debtor shall be created for the amount of any judgment, debt, or of the interest thereon, by the registration of any judgment, or by the issue or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the debtor, if the date of insolvency occurs before payment over to the creditor or creditors of the monies actually levied under such writ, nor shall any lien or privilege be created by any chattel mortgage or bill of sale granted by the debtor over any property or effects which were not the property of the debtor at the time of the execution of such chattel mortgage or bill of sale; but nothing in this section shall affect any lien or privilege for costs which the plaintiff possesses under the law of the Province in which any such writ has issued.

No lien or privilege under a judgment or execution unless the monies levied under it have been paid over before the insolvency.

48. If a creditor holds security from the debtor or from his estate, or any security which, if enforced, will diminish the assets of the estate, he shall specify the nature and amount of such security in his claim, and shall therein, on his oath, put a specified value thereon, and the Liquidator, under the authority of the creditors or of the Inspectors, may either consent to the retention of the property or effects constituting such security, or on which it attaches, by the creditor, or he may require from such creditor an assignment and delivery of such security, property or effects at such specified value, to be paid to him out of the estate, before any dividend is paid to the ordinary creditors; and in either of such cases the difference between the value at which such security is retained or assumed, as the case may be, and the amount of

Saving plaintiff's right for costs.

Provision in case of creditor holding security for his claim.

How such creditor shall rank on the estate.

the claim of such creditor shall be the amount for which he shall rank and vote; and if a creditor holds a claim based upon negotiable instruments upon which the debtor is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of this section, and shall put a value on the liability of the party primarily liable thereon as being his security for the payment thereof; but if such claim is mature or exigible at the date of insolvency, or becomes so and remains unpaid thereafter, whether before or after proof, such creditor shall be entitled, for ranking, to treat the claim as unsecured, except as herein otherwise provided, but for any other purpose except ranking he shall be still considered to hold security, and shall for all such purposes put a value on the liability of the party primarily liable as aforesaid.

And if the creditor holds negotiable securities on which the debtor is only indirectly liable.

49. A creditor holding a mortgage, hypothec, lien, privilege or collateral security, from or on the estate of or for the benefit of any person for whom the debtor is only secondarily liable, or by whom the debtor is entitled to be relieved from liability, shall be considered to hold security subject to valuation under the provisions of this Act, and the same shall be valued and otherwise dealt with as if held from the debtor or from his estate; and the order in which the debtor is liable for the payment of the debt for which such security is held, may be enquired into and established without regard to the order of his signature upon any instrument negotiable or otherwise, which may relate to such debt.

If the creditor holds security on the estate of or form a person for whom the debtor is only indirectly liable.

Order of ranking in such case.

50. When a creditor claims on the estate of a partner in an unincorporated trading company or co-partnership, in respect of a debt due by such company or co-partnership, he shall, in his claim, put a value on the liability of the company, as being his security for the payment of his claim; and when a creditor of a partner claims on the estate of the co-partnership by reason of the latter having become responsible for the payment of a debt due by such partner, such creditor shall value the liability of the partner as being his security for the payment of his claim against the co-partnership. The rights of the creditor shall not be increased by the possession of any instrument, negotiable or otherwise, bearing the signatures of a partner and of the co-partnership, whether the same be over-due or not, but in every such case the creditor shall value the liability of the party primarily liable in claiming on the estate of the party secondarily liable, and such order of liability may be inquired into and established, without regard to the order of the signatures of the parties, upon any voucher held by the creditor. Every security held for the payment of a debt on which a partner and the co-partnership are liable, shall be valued and deducted from the claims filed in respect of such debt against the estates of both such partner and co-partnership, without regard to the order in which each may be liable. But if the security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged shall only be assigned and delivered to the creditor subject to all previous

Case of claim on estate of a partner in a company not incorporated.

Or of a partner on the estate of his co-partnership.

Right of creditor not increased by possession of certain instruments, &c.

If partner and co-partnership are both liable.

If the security is by mortgage on realty or shipping:

mortgages, hypothecs, and liens thereon, holding rank and priority before his claim, and upon his assuming and binding himself to pay all such previous mortgages, hypothecs and liens, which in such case shall not be affected as to their privileges or ranking by the insolvency of the debtor, or by such assignment and delivery, and upon his securing such previous charges upon the property mortgaged in the same manner and to the same extent as the same were previously secured thereon; and thereafter the holder of such previous mortgages, hypothecs and liens, shall have no further recourse or claim upon the estate of the debtor: and if there be mortgages, hypothecs or liens thereon, subsequent to those of such creditor, he shall only obtain the property by consent of the subsequently secured creditors, or upon their filing their claims specifying their security thereon as of no value, or upon his paying them the value by them placed thereon, or upon his giving security to the Liquidator that the estate shall not be troubled by reason thereof.

conditions of delivery of property to creditor.

Holders of previous mortgages to have no further claim on debtor.

If there be claims subsequent to those of the creditor.

52. Upon a secured claim being filed with a valuation of the security, it shall be the duty of the Liquidator to procure the authority of the Inspectors or of the creditors at their first meeting thereafter, to consent to the retention of the security by the creditor or to require from him an assignment and delivery thereof. And if any meeting of Inspectors or of creditors takes place without deciding upon the course to be adopted in respect of such security, the Liquidator shall act in the premises according to his discretion and without delay; and if any creditor holding security subject to valuation under the provisions of this Act which is not under the control of the Liquidator, sells or disposes of such security before filing his claim with a valuation of the same, or earlier than fifteen days after such filing, the amount to be deducted from the claim as being the value of the security sold shall be fixed by the Liquidator and Inspectors, whose decision shall be final.

Duty of Liquidator when a secured claim is filed with a valuation.

If creditor disposes of the claim before filing with a valuation.

53. The amount due to a creditor upon each separate item of his claim at the date of insolvency, which shall remain due at the time of proving such claim, shall form part of the amount for which he shall rank upon the estate, until such item be paid in full, except in cases of the deduction of the proceeds or of the value of his security, as hereinbefore provided; but no claim or part of a claim shall be permitted to be ranked upon more than once, whether the claim so to rank be made by the same person, or by different persons. And the Liquidator may at any time require from any creditor a supplementary oath, declaring what amount, if any, such creditor has received in payment of any item of the debt upon which such claim is founded, subsequently to the making of such claim, together with the particulars of such payment, in order that such item, if paid in full, may be struck out of the claim, and that, if overpaid, the surplus may be returned to the estate. And if any creditor refuses to produce or make such oath before the Liquidator within a reasonable time after he has been requested so to do, he shall not be collocated in the dividend sheet.

Amount of ranking upon each separate item of a creditors claim.

Liquidator may at any time require supplementary oath as to amount of creditors claim.

Provision if creditor refuses.

Creditors may allow the debtor a reasonable sum out of his estate.

Subject to contestation.

54. The creditors or a majority of them in number and three fourths in value may, by a deed to that effect, allot to the debtor, by way of gift or allowance, any reasonable sum of money or property they may think proper, and the allowance so made shall be inserted in the dividend sheet and shall be subject to contestation like any other item of collocation therein, but only on the ground of fraud or deceit in procuring it or of the absence of consent by a sufficient proportion of the creditors.

Costs incurred in suits against the debtor after insolvency not to rank.

55. The costs incurred in suits against the debtor after the date of insolvency shall not rank upon the estate, but all the taxable costs incurred in proceedings against him up to that time shall be added to the demand for the recovery of which such proceedings were instituted, and shall rank upon the estate as if they formed part of the original debt except as herein otherwise provided.

As to ranking of clerks and others in employ of debtor.

56. Clerks and other persons in the employ of the debtor in and about his business or trade, shall be collocated in the dividend sheet by special privilege for any arrears of salary or wages due and unpaid to them at the date of insolvency, not exceeding two months of such arrears, and also for such salary or wages for a period not exceeding one month of the unexpired portion of the then current year of service, during which period they shall be bound to perform under the direction of the Guardian or Liquidator any work or duty connected with the affairs of the debtor and which the debtor himself might have directed them to perform under their respective engagements, and for any other claim they shall rank as ordinary creditors.

Liquidator may reject any claim filed, notifying claimant.

Appeal of claimant to Judge on giving security.

57. The Liquidator may, under the direction of the creditors or of the Inspectors, reject any claim filed and notify the claimant of such rejection with the reasons for the same. If the claimant is dissatisfied with the decision of the Liquidator, he may, within fifteen days from the service of such notice, present a petition to the Judge to have his claim allowed, and thereupon he shall give to the Liquidator such security for costs as shall be ordered by the Judge to whom such petition is presented, before the Liquidator shall be bound to appear or plead to the same and before the creditor shall take any further step therein, but if no such petition be presented within such delay, the decision of the Liquidator shall be final and conclusive so far as regards that claim. Such decision shall be without prejudice to any new claim being afterwards made in reference to future dividends, but which new claim shall not disturb prior dividends. Notices under this section shall be served at the domicile or place of business of the claimant, but if the claimant has no domicile or place of business in any Province of Canada, such notices shall be served in the manner that the Court or Judge may direct: Provided that the preparation of a dividend sheet shall not be proceeded with until the expiry of the delay within which the claimant may present a petition as aforesaid; costs incurred in connection with such rejected claims and with any other

Decision not to prevent claim on subsequent dividends.

Notice under this section how served.

Proviso.

As to costs in case of rejected claim.

proceeding authorized or adopted by the creditors or Inspectors shall be paid out of the estate, unless recovered from the adverse party.

Duty of Liquidator finding creditors who have not filed claims.

58 If it appears to the Liquidator, on his examination of the books of the debtor or otherwise, that the debtor has creditors who have not taken the proceedings requisite to entitle them to be collocated, it shall be his duty to reserve dividends for such creditors according to the nature of their claims, and to notify them of such reserve, which notification may be by letter through the post, addressed to such creditors' residences as nearly as the same can be ascertained by the Liquidator. And if such creditors do not file their claims and apply for such dividends before the declaration of the last dividend of the estate, the dividends reserved for them shall form part of such last dividend.

Proceedings if any dividend be objected to within 8 days, or in case of dispute as to the amount or ranking of any claim.

59. If any dividend be objected to within the said period of eight days, or if any dispute arises between the creditors or between the debtor and any creditor as to the amount of the claim of any creditor, or as to the ranking or privilege of the claim of any creditor upon such dividend sheet, the contestation shall be fyled in writing with the Liquidator, who shall make a record thereof; and the grounds of objection shall be distinctly stated in such writing, and the contestant shall also fyle at the same time the evidence of previous service of a copy thereof on the claimant, and the claimant shall have three days thereafter to answer the same, which time may, however, be enlarged by the Judge, with a like delay to the contestant to reply; and upon the completion of an issue upon such contestation the Liquidator shall transmit to the clerk the dividend sheet, or a copy thereof, with all the papers and documents relating to such contestation and any party to it may fix a day, of which two days notice shall be given to the adverse party, for proceeding to take evidence thereon before the Judge, and shall thereafter proceed thereon from day to day until the evidence shall have been closed, the case heard and the judgment rendered, which judgment shall be final unless appealed from in the manner hereinafter provided. The proceeding on such contestation shall form part of the records of the Court, and the judgment shall be made executory as to any condemnation for costs in the same manner as an ordinary judgment of the Court. No contestation whereby payment of all the dividends on a dividend sheet will be interrupted, shall be allowed, unless the contestant shall first establish to the satisfaction of the Judge, that without a suspension of the payment of all the dividends on the dividend sheet, substantial injustice will result, the contestant shall thereupon serve upon the Liquidator an order from the Judge so to suspend payment of all the dividends.

Evidence in the case, and answer of claimant.

Transmission of papers to clerk and proceedings thereon before the judge.

Proceedings to form part of records of the court.

Judgment executory.

On what conditions only contestation stopping all the dividends on the sheet will be allowed.

Provision as to unclaimed dividends.

60. All dividends remaining unclaimed at the time of the discharge of the Liquidator shall be left in the bank where they are deposited for three years, and if still unclaimed shall then be paid over by such bank, with interest accrued thereon, to the Government of Canada, and if afterwards duly

Payment over to Government with interest.

Payment of final balance to the debtor.

claimed shall be paid over to the persons entitled thereto, with interest at the rate of four per centum per annum from the time of the reception thereof by the Government; and if any balance remains of the estate of the debtor, or of the proceeds thereof, after the payment in full of all his debts, such balance shall be ordered to be paid over to the debtor upon his petition to that effect after such notice to the creditors as is required in respect of the declaration of a dividend.

Procedure Generally.

As to meetings of creditors called but not held.

Notices of meetings.

And in other cases.

61. Whenever a meeting of creditors cannot be held or an application made until the expiration of a delay allowed by this Act, notice of such meeting or application may be given pending such delay. Notices of meetings of creditors shall be given by publication thereof, at least once in the *Official Gazette*, and by notices thereof addressed by the Guardian or Liquidator, as the case be, to the creditors, and to all the representatives within the Dominion, of foreign creditors, which notices shall be mailed, postage prepaid, at least ten days before the meeting is to take place. In other cases not provided for, the Liquidator shall advertise as directed by the Inspectors or the Judge.

First meeting of creditors, where to be held.

Subsequent meetings.

Who may or may not vote at meetings.

As to purchases of claims.

62. The first meeting of creditors shall be held at the place of business of the debtor, or if he has no place of business, at such place as the Guardian may select. Subsequent meetings shall be held at the office of the Liquidator, or at such other place as the creditors or Judge may order. No creditor shall vote at any meeting unless present personally or represented by some person having written authority in Form K or a form equivalent thereto, and duly attested, to be filed with the Liquidator. Persons purchasing claims against an estate after the date of insolvency shall not be intitled to vote in respect of such claims, but shall in all other respects, have the same rights as other creditors, and no claim shall be divided and transferred in part to any person to increase the number of votes at any meeting.

Majority in value to decide.

As to costs in contestations as to election of liquidator.

Decision of judge to be final.

63. All questions discussed at meetings of creditors shall be decided by the majority in value of the creditors present or represented at such meeting, unless herein otherwise specially provided. No part of the costs in any proceeding before the Judge for his decision as to who may have received the votes of the majority in value upon the question of the appointment of Liquidator shall be paid out of the estate, but all such costs shall be paid by the unsuccessful party to the successful party. The decision of the Judge declaring the person appointed to be Liquidator shall be final, and in no case subject to review or appeal in any manner whatever.

Case of secured claim filed before appointment of liquidator.

64. If, before the appointment of a Liquidator, a secured claim is filed with a valuation of the security, any creditor present or represented at the first meeting or any adjournment thereof, may require from the creditor filing such claim, on behalf of the estate, an assignment and delivery

of such security at such valuation; and if before the close of the meeting or adjournment the creditors do not, by resolution, direct the Liquidator to take such assignment and delivery of the security in question, the creditor originally requiring the same, or failing him, any creditor, shall have the right within three days thereafter to obtain an assignment and delivery of such security, at the value specified in the claim, for his own benefit upon tendering the amount of such specified value.

And as to assignment of the security.

65. At the first meeting of creditors, and also at the second meeting of creditors, if it be called for the ordering of the affairs of the estate generally, and it be so stated in the notice calling such meeting, all the matters and things respecting which the creditors may vote, resolve or order, or which they may regulate under this Act (except when otherwise specially provided) may be voted, resolved or ordered upon, and may be regulated without having been specially mentioned in the notices calling such meeting.

What may be done at meetings called, as to affairs of estate generally.

66. The claims of creditors shall be furnished to the Liquidator in the form L, attested under oath, or in some form equivalent thereto, and shall be accompanied by the vouchers on which they are based; when vouchers cannot be produced, the claim shall be accompanied by such affidavit or other evidence as in the opinion of the Liquidator will justify the absence of such vouchers; if such vouchers consist of negotiable instruments which have not been deposited with the claim, they shall be produced by the creditor at the time of his application for any dividend.

How claims of creditors shall be presented.

As to vouchers and affidavits concerning claims.

67. Any affidavit required in proceedings under this Act may be made by the party interested, his agent, or other party having a personal knowledge of the matters therein stated, and may be sworn in Canada before the Liquidator, or before any judge, notary public, commissioner for taking affidavits, or justice of the peace, and out of Canada, before any judge of a court of record, any commissioner for taking affidavits appointed by any Canadian court, any notary public, the chief municipal officer of any town or city, or any British consul or vice-consul, or before any person authorized by any statute of the Dominion, or of any Province thereof, to take affidavits to be used in any court of justice in any part of the Dominion.

Before whom affidavits required by this may be made.

68. The law of set-off, as administered by the courts, whether of law or equity, shall apply to all claims under this Act, and also to all suits instituted by a Liquidator for the recovery of debts due to the debtor, in the same manner and to the same extent as if the debtor were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this Act respecting fraud or fraudulent preferences.

How the law of set-off shall be applied as to claims.

69. Except when otherwise provided by this Act, one clear judicial day's notice of any petition, motion, order or rule, shall be sufficient, if the party notified resides within

As to notice of petition, motions, &c. under this Act.

fifteen miles of the place where the proceeding is to be taken; and one extra day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding; and service of such notice shall be made in such manner as is now prescribed for similar services in the Province within which the service is made.

Powers of court or judge as to commission for examination of witnesses, and as to subpœnaes.

70. The Court or Judge shall have the same power and authority in respect of the issuing and dealing with commissions for the examination of witnesses as are possessed by the ordinary courts of record in the Province in which the proceedings are carried on, and may order a writ of *subpœna ad testificandum* or of *subpœna duces tecum* to issue, commanding the attendance as a witness or for examination under the provisions of this Act of any persons within the limits of Canada, and all rules, writs of *subpœna*, orders and warrants issued by any Court or Judge in any matter or proceeding under this Act, may be validly served in any part of Canada upon any party affected or to be affected thereby, and the service of them, or any of them, may be validly made in such manner as is now prescribed for similar services in the Province within which the service is made, and the person charged with such service shall make his return thereof under oath, or, if a sheriff or bailiff, in the Province of Quebec may make such return under his oath of office.

Service of writs or orders.

Returns thereof.

Power for compelling attendance and examination.

71. In case any person so served with a writ of *subpœna*, or with an order to appear for examination, does not appear according to the exigency of such writ or order, the Court or the Judge on whose order or within the limits of whose territorial jurisdiction the same is issued upon proof made of the service thereof, and of such default, may, if the person served therewith has his domicile within the limits of the Province within which such writ or order issued, constrain such person to appear and testify, and punish him for non-appearance or for not testifying, in the same manner as if such person had been summoned as a witness before such Court or Judge in an ordinary suit, but subject to the same excuses, deferences or justification for not appearing under such writ, as in cases before the ordinary Courts. And if the person so served and making default has his domicile beyond the limits of the Province within which such writ or order issued, such Court or Judge may transmit a certificate of such default to any of Her Majesty's superior courts of law or equity in that part of Canada in which the person so served resides; and the Court to which such certificate is sent shall thereupon proceed against and punish such person so having made default in like manner as it might have done if such person had neglected or refused to appear to a writ of *subpœna* or other similar process issued out of such last mentioned Court. And such certificate of default, attested by the Court or Judge before whom default was made, and copies of such writ or order and of the return of service thereof certified by the Clerk of

If the party subpoenaed resides out of the province in which the proceedings are had.

Proof of default to attend, &c.

the Court in which the order for transmission is made, shall be *prima facie* proof of such writ or order, service, return, and of such default.

Sufficient indemnity for expenses must have been tendered to the person summoned.

72. No such certificate of default shall be so transmitted, nor shall any person be punished for neglect or refusal to attend for examination in obedience to any *subpœna* or other similar process, unless it be made to appear to the Court or Judge transmitting and also to the Court receiving such certificate, that a reasonable and sufficient sum of money, according to the rate per diem and per mile, allowed to witnesses by the law and practice of the Superior Court of law within the jurisdiction of which such person was found, to defray the expenses of coming and attending to give evidence and of returning from giving evidence, had been tendered to such person at the time when the writ of *subpœna* or other similar process was served upon him.

Forms appended to Act to be used in proceedings under it.

What must be stated in contestation of claims, pleas, &c.

73. The forms appended to this Act, or other forms in equivalent terms, shall be used in the proceedings for which such forms are provided; and in every contestation of a claim, collocation or dividend, the facts upon which the contesting party relies, shall be set forth in detail, with particulars of time, place and circumstances, and no evidence shall be received upon any fact not so set forth, but in every petition, application, motion, contestation or other pleading under this Act, the parties may state the facts upon which they rely in plain and concise language to the interpretation of which the rules of construction applicable to the ordinary transactions of life shall apply; and the rules of procedure as to amendments of pleadings, which are in force at any place where any proceedings under this Act are being carried on, shall apply to all proceedings under this Act, and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended under the rules and practice of the Court. And if, after the date of insolvency, the debtor sues out any writ or institutes or continues any proceeding whatever, he shall give to the opposite party such security for costs as shall be ordered by the Court before which such suit or proceeding is pending, before such party shall be bound to appear or plead to the same, and before the debtor shall take any further step therein.

What rules of procedure shall apply.

Amendments allowed.

As to suits brought or continued by the debtor after insolvency.

Plea of discharge under foreign Acts not to avail as to debts contracted in Canada.

74. No plea or exception alleging or setting up any discharge or certificate of discharge granted under the bankrupt or insolvent law of any country whatsoever beyond the limits of the Dominion, shall be a valid defence or bar to any action instituted in any Court of competent jurisdiction in the Dominion for the recovery of any debt or obligation contracted within such limits.

How Act shall apply to representatives of deceased debtor.

75. The provisions of this Act shall apply to the heirs, administrators or other legal representatives of any deceased person who, if living, would be subject to its provisions, but only in their capacity as such heirs, administrators or representatives, without their being held to be liable for the debts of the deceased to any greater extent than they would have

Death of debtor not to affect proceedings.

been if this Act had not been passed; and the death of a debtor pending proceedings under this Act, shall not affect such proceedings or impede the winding up of his estate.

Order of charges on estate.

Costs up to appointment of Liquidator.

Disbursements for winding up estate.

76. The costs of the proceedings up to and inclusive of the notice of the appointment of the Liquidator, shall be paid by privilege as a first charge upon the estate of the insolvent; the disbursements necessary for winding up the estate shall be the next charge on the property chargeable with any mortgage, hypothec or lien, and upon the unencumbered assets of the estate respectively, in such proportions as may be justified by the nature of such disbursements and their relation to the property as being encumbered or not, as the case may be; and the remuneration of the Liquidator and the costs of his discharge, being first taxed by the proper taxing officer, at the tariff rate, or if there be no tariff, at the same rate as is usual for uncontested proceedings of a similar character, after notice to the Inspectors, or to at least three creditors, shall also be paid therefrom as the last privileged charge thereon; but no portion of the assets or property, chargeable with any mortgage, hypothec or lien for any claim not provable on the estate, shall be liable for any other but their proportion of costs necessarily incurred in realizing such assets and property, except what may remain after payment of such mortgage or lien.

Renumeration and discharge of Liquidator.

Taxation of costs.

As to assets chargeable with mortgage &c.

Letters in P.O. addressed to debtor, may be opened after notice.

77. The Judge shall have the power, upon special cause being shown before him, under oath, for so doing, to order any postmaster to deliver to the Guardian or Liquidator letters addressed to the debtor and to authorize the Guardian or Liquidator to open such letters in the presence of the clerk, and in the presence of the debtor, or after notice given to him by letter through the post, if he be within the Province; and if such letters be upon the business of the estate, the Guardian or Liquidator shall retain them, giving communication, however, of them to the debtor on request, and if they be not on the business of the estate, they shall be re-sealed, endorsed as having been opened as aforesaid, and given to the debtor or returned to the Post Office, and a memorandum of the doings of the Guardian or Liquidator in respect of such letters shall be made and signed by him and by the clerk, and deposited in the Court.

May be retained if affecting the estate: conditionally.

If not affecting it.

Powers of prothonotary in Quebec. in absence of Judge.

Proviso.

78. In the absence of the Judge from the chief place of any district in the Province of Quebec the Prothonotary of the Court may make any order which the Judge is empowered to make; but if any objection in writing to such order is filed with the clerk on the date thereof, such order shall not be executed, but the papers and proceedings relating thereto shall then be referred to the Judge, who shall adjudicate upon the same.

Rules of practice under this Act to be made in Quebec.

In the Province of Quebec rules of practice for regulating the due conduct of proceedings under this Act before the Court or Judge, and tariffs of fees for the officers of the Court and for the advocates and attorneys practising in relation to such proceedings, or for any service performed or work

done for which costs are allowed by this Act (but the amount whereof is not hereby fixed) shall be made forthwith after the passing of this Act, and when necessary, repealed or amended, and shall be promulgated under or by the same authority and in the same manner as the rules of practice and tariff of fees of the Superior Court, and shall apply in the same manner and have the same effect in respect of proceedings under this Act as the rules of practice and tariff of fees of the Superior Court apply to and affect proceedings before that Court. And bills of costs, upon proceedings under this Act, may be taxed and proceeded upon in like manner as bills of costs may now be taxed and proceeded upon in the said Superior Court.

As to costs.

2. In the Province of Ontario the Judges of the Superior Court of Common Law and of the Court of Chancery, or any five of them, of whom the Chief Justice of the Province of Ontario, or the Chancellor, or the Chief Justice of the Court of Common Pleas shall be one; in the Province of New Brunswick the Judges of the Supreme Court of New Brunswick, or the majority of them; in the Province of Nova Scotia the Judges of the Supreme Court of Nova Scotia, or the majority of them; in the Province of British Columbia the Judges of the Supreme Court, or the majority of them; in the Province of Prince Edward Island the Judges of the Supreme Court, or the majority of them; and in the Province of Manitoba the Judges of the Court of Queen's Bench, or the majority of them, shall forthwith make and frame and settle the forms, rules and regulations to be followed and observed in the said Provinces respectively, in proceedings under this Act, and shall fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors, counsel and officers of Courts, whether for the officer, or for the Crown, as a fee for the fund or otherwise, or for any service performed or work done for which costs are allowed by this Act, but the amount whereof is not hereby fixed.

Rules of practice to be made in other Provinces, and by whom:—

In Ontario.

In New Brunswick.

In Nova Scotia.

In British Columbia.

In P.E. Island.

In Manitoba.

Costs, fees and charges.

79. Every Guardian and Liquidator shall be subject to the summary jurisdiction of the Court or Judge in the same manner and to the same extent as the ordinary officers of the Court are subject to its jurisdiction, and the performance of their duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, hypothec, lien or right of property, upon, in or to any effects or property in the hands, possession or custody of a Liquidator, may be obtained by an order of the Judge on summary petition in vacation, or of the Court on a rule in term, and not by any suit, attachment, opposition, seizure, or other proceeding of any kind whatever. And obedience to such order by the Guardian or Liquidator may be enforced by the Court or Judge under the penalty of imprisonment as for contempt of Court, or disobedience thereto, or by removal, in the discretion of the Court or Judge, from the Guardianship or Liquidatorship of the estate, as the case may be.

Guardian and Liquidator to be subject to summary jurisdiction of Court.

Judge's power to grant certain remedies by his order.

Obedience to such orders how enforced.

Special provision in Quebec as to marriage contracts of traders.

Or persons not traders at time of contract, but becoming such.

Effect of non-registration thereof within a certain time.

80. In the Province of Quebec, if a trader has a marriage contract with his wife, by which he gives or promises to give, or pay or cause to be paid, any right, thing, or sum of money, which contract is not enregistered within three months from the execution thereof, or if a person not a trader, but thereafter becoming a trader, has such a contract of marriage with his wife, which is not enregistered (if it has not been previously enregistered) within thirty days from becoming such trader, the wife shall not be permitted to avail herself of the provisions of such contract, in any claim under this Act, upon the estate of such trader for any advantage conferred upon or promised to her by its terms, nor shall she be deprived by reason of its provisions of any advantage or right upon the estate of her husband to which, in the absence of any such contract, she would have been entitled by law.

Imprisonment for Debt.

Judge may grant order for liberation of debtor, and his examination.

81. Any debtor confined in gaol or on the limits, in any civil suit, against whom process for liquidation under this Act has been issued, may, at any time after the first meeting of creditors provided for in this Act, make application to the Judge of the county or district in which his domicile may be, or in which the gaol may be in which he is confined, for his discharge from imprisonment in such suit, and thereupon such Judge may grant an order in writing, directing the sheriff or gaoler to bring the debtor before him for examination at such time and place in such county or district as are fixed by such order; and the sheriff or gaoler shall obey such order, and shall not be liable to any action for the escape of the debtor from his custody, unless the same shall have happened through his default or negligence; or if the debtor is confined in a county or district in which the judge does not reside, the judge, instead of ordering the debtor to be brought before him for examination, may make an order authorizing and directing the Liquidator of his estate to take such examination, and it shall be the duty of such Liquidator to take down or cause to be taken down such examination in writing and transmit the same under his hand forthwith to the Judge, and the Liquidator shall be entitled to *ten cents* for each folio of one hundred words of such examination.

Sheriff &c., obeying order not liable as for an escape.

If the confinement is out of the district where the Judge resides.

Examination of debtor by Liquidator.

Examination of debtor and his release, if it is satisfactory.

2. In pursuance of such order the debtor and any witnesses may be examined on oath at the time and place specified in such order before such Judge or Liquidator, and if, on examination, it appears to the satisfaction of the Judge that the debtor has not been guilty of any fraudulent disposal, concealment or retention of his estate, or any part thereof, or of his books and accounts or any material portion thereof, or otherwise in any way contravened the provisions of this Act, such Judge shall, by his order in writing, discharge the debtor from imprisonment, and, on production of the order to the sheriff or gaoler, the debtor shall be forthwith discharged without payment of any gaol fees: Provided always, that no such order shall be made in any case unless it be

Proviso: notice must have been

made to appear to the satisfaction of such Judge that at least seven days notice of the time and place of the said examination had been previously given to the plaintiff in the suit in the course of which the debtor was imprisoned, or to his attorney and to the Liquidator.

given to plaintiff.

3. The minutes of the examination shall be filed in the office of the clerk of the court out of which the process issues, and a copy thereof shall be delivered to the Liquidator, and if, during the examination or before any order be made, the Liquidator or the creditor, or any one of the creditors at whose suit the debtor is in custody, makes affidavit that he has reason to believe that the debtor has not made a full disclosure in the matter under examination, the Judge may grant a postponement of such examination for a period of not less than seven days nor more than fourteen days, unless the parties consent to an earlier day.

Minutes of examination to be filed.

Order for release may be postponed.

4. After such examination, in case of any subsequent arrest in any civil suit for causes arising previous to the date of insolvency, the debtor may, pending further proceedings against him under this Act, be forthwith discharged from confinement or imprisonment in such suit, on application to any Judge and on producing such previous discharge : Provided that nothing in this section contained shall interfere with the imprisonment of the debtor in pursuance of any of the provisions of this Act.

Case of any arrest of debtor after examination.

Proviso : as to imprisonment under this Act.

82. In the Province of Quebec, all decisions by a Judge under this Act shall be considered as judgments of the Superior Court, and any final order or judgment rendered by such Judge or Court, save as hereinbefore otherwise provided,may be inscribed for revision,or may be appealed from by the parties aggrieved in the same cases and in the same manner as they might inscribe for revision or appeal from a final judgment of the Superior Court in ordinary cases under the law in force when such decision shall be rendered, and in the other Provinces any final order or judgment, save as hereinbefore otherwise provided,may be appealed from in theProvince of Ontario to the Court of Error and Appeal;in the Province of New Brunswick, to the Supreme Court of New Brunswick; in the Province of Nova Scotia, to the Supreme Court of Nova Scotia ; in the Province of British Columbia, to the Supreme Court of British Columbia; in the Province of Prince Edward Island, to the Supreme Judicature; and in the Province of Manitoba,to the Court of Queen's Bench. No such appeal or proceeding in revision shall be entertained unless the appellant or party inscribing for revision shall have, within fifteen days from the rendering of such final order or judgment, adopted proceedings in the said appeal or revision, and shall, within the said delay, have made a deposit or given sufficient sureties before a Judge that he will duly prosecute the said appeal or proceedings in revision, and pay such damages and costs as may be awarded to the respondent. If the party appellant does not proceed with his appeal, or in review, as the case may be, according to the law or the rules of practice, the court, on application of the

In Quebec judgments under this Act to be as if of the Superior Court, and subject to revision or appeal.

In the other Provinces.

Ontario.

New Brunswick.

Nova Scotia.

British Columbia.

P.E. Island.

Manitoba.

Notice of revision or appeal.

And security.

If the revision or appeal is not proceeded with.

respondent, may order the record to be returned to the officer entitled to the custody thereof and condemn the appellant to pay the respondent the costs by him incurred.

Frauds and Fraudulent Preferences.

Gratuitous contract with debtor within a certain time before his insolvency deemed fraudulent.

83. All gratuitous contracts, or conveyances or contracts without consideration, or with a merely nominal consideration, respecting either real or personal estate, made by a debtor afterwards becoming insolvent, with or to any person whomsoever, whether such person be his creditor or not, within three months next preceding the date of insolvency; and all contracts by which creditors are injured, obstructed or delayed, made by a debtor unable to meet his engagements, and afterwards becoming insolvent, with a person knowing such inability, or having probable cause for believing such inability to exist, or after such inability is public and notorious, whether such person be his creditor or not, are presumed to be made with intent to defraud his creditors.

Contract for consideration voidable in certain cases.

84. A contract or conveyance for consideration respecting either real or personal estate by which creditors are injured or obstructed, made by a debtor unable to meet his engagements with a person ignorant of such inability, whether such person be his creditor or not, and before such inability has become public and notorious, but within thirty days next before the date of insolvency, is voidable, and may be set aside by any court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract as the court may order.

Certain contracts prohibited and if made to be void.

85. All contracts, mortgages, hypothecs or conveyances made and acts done by a debtor, respecting either real or personal estate, with intent fraudulently to impede, obstruct or delay his creditors in their remedies against him, or with intent to defraud his creditors or any of them, and so made, done and intended with the knowledge of the person acting with the debtor, whether such person be his creditor or not, and which have the effect of impeding, obstructing or delaying the creditors of their remedies, or of injuring them or any of them, are prohibited and are null and void; notwithstanding that such contracts, mortgages, hypothecs, conveyances or acts be in consideration or in contemplation of marriage.

Notwithstanding conditions.

Fraudulent preferences by payment &c., to be void and amount recoverable by Liquidator.

86. If any sale, mortgage, hypothec, deposit, pledge or transfer be made of any property, real or personal, by any person in contemplation of insolvency, by way of security for payment to any creditor, or if any property, real or personal, movable or immovable, goods, effects or valuable security, be given by way of payment by such person to any creditor, whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, transfer or payment shall be null and void, and the subject thereof may be recovered back for the benefit of the estate by the Liquidator in any court of competent jurisdiction; and if the same be made within thirty days next

Presumption

before the date of insolvency it shall be presumed, *prima facie*, to have been so made in contemplation of insolvency. of fraud in certain cases.

87. Every payment made within thirty days next before the date of insolvency, by a debtor unable to meet his engagements in full, to a person knowing such inability, or having probable cause for believing the same to exist, shall be void, and the amount paid may be recovered back by suit in any competent court, for the benefit of the estate: Provided always, that if any valuable security be given up in consideration of such payment, such security or the value thereof shall be restored to the creditor upon the payment of the amount so to be recovered back. And so as to payments within thirty days before insolvency. Proviso: if security assigned be given up.

88. Any transfer of a debt due by the debtor, made under the circumstances in the next preceding section mentioned, and within thirty days next before the date of insolvency, to a debtor knowing or having probable cause for believing the debtor to be unable to meet his engagements, or in contemplation of his insolvency, for the purpose of enabling the debtor to set up by way of compensation or set-off the debt so transferred, is null and void as regards the estate of the debtor, and the debt due to the estate shall not be compensated or affected in any manner by a claim so acquired, but the purchaser thereof may rank on the estate in the place and stead of the original creditor. Transfer of debt due by insolvent for the purpose of being used as set-off against the claim on his estate: void as regards the estate.

Offences and Penalties.

89. Any person who for himself or any firm, partnership or company of which he forms a part, or as the manager, trustee, agent or employee of any person's firm, copartnership or company, purchase goods on credit or procures any advance in money, or procures the endorsement or acceptance of any negotiable paper without consideration, or induces any person to become security for him or for such person, firm, copartnership or company, knowing or having probable cause for believing himself or such person, firm, copartnership or company for which he is acting, to be unable to meet his or its engagements, and concealing the fact from the person thereby becoming his or its creditor, with the intent to defraud such person (which intent shall be presumed from such knowledge and from such concealment thereof, subject to rebuttal by the person accused), or who, by any false pretence obtains a term of credit, for the payment of any advance or loan of money, or of the price or any part of the price of any goods, wares or merchandize with intent to defraud the person thereby becoming his creditor, or the creditor of such person, firm, copartnership or company, and who shall not afterwards have paid or caused to be paid the debt or debts so incurred, shall be held to be guilty of a fraud, and shall be liable to imprisonment for such time as the court may order, not exceeding two years, unless the debt and costs be sooner paid. And the proceeding for the enforcement of the provisions of this section shall be by civil suit in the ordinary manner in the court having jurisdiction, in an ordinary action of debt, against the debtor: Obtaining goods, money or indorsement or credit, by or for a party knowing him to be unable to meet his debts, and concealing the fact, with intent to defraud, to be deemed a fraud punishable by imprisonment, &c. Intent presumed. Proceedings for enforcing this section.

Proviso: fraud must be charged and adjudged.

Provided always, that in the suit or proceeding taken for the recovery of such debt or debts, the defendant be charged with such fraud, and be declared to be guilty of it by the judgment rendered in such suit or proceeding.

Plaintiff must prove the charge in such case.

2. Whether the defendant in any such case appears and pleads or makes default, the plaintiff shall be bound to prove the fraud charged, and upon his proving it, if the trial be before a jury, the Judge who tries the suit or proceeding shall immediately after the verdict rendered against the defendant for such fraud (if such verdict is given), or, if not before a jury, then immediately upon his rendering his judgment in the premises, adjudge the term of imprisonment which the defendant shall undergo, and he shall forthwith order and direct the defendant to be taken into custody and imprisoned accordingly, but such judgment shall be subject to the ordinary remedies for the revision thereof.

And on such proof imprisonment and judgment or verdict imprisonment must be adjudged, &c.

Proviso for revision, &c.

Guardian and liquidator deemed agents under 32, 33 V., c. 21.

90. Every Guardian and Liquidator under this Act is an agent within the meaning of the seventy-sixth and following sections of the "*Act respecting larceny and other similar offences*," and every provision of this Act, or resolution of the creditors relating to the duties of a Guardian or Liquidator, shall be held to be a direction in writing within the meaning of the said seventy-sixth section. And in an indictment against a Guardian or Liquidator under any of the said sections, the right of property in any monies, security, matter or thing may be laid in "The creditors of the debtor (naming him) under the Insolvent Traders Act."

In whom the property shall be laid in such case.

Certain acts done by debtors or their employées with regard to their estate with fraudulent intent, to be a misdemeanor, and punishable accordingly.

91. From and after the passing of this Act any debtor who, with regard to his estate, or any partner, president, director, manager or employee of any co-partnership or of any incorporated company, not specially excepted in the first section of this Act, with regard to the estate of such co-partnership or company, who shall do any of the acts or things following with intent to defraud or to defeat the rights of his or its creditors, shall be guilty of a misdemeanor and shall be liable, at the discretion of the Court before which he is convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing statute.

Debtor not discovering to the best of his knowledge all his property and effects, books, papers, &c., or not delivering up all in his possession or power.

(*a.*) If he does not, upon examination, fully and truly discover, to the best of his knowledge and belief, all the property, real and personal, inclusive of his or its rights and credits, and how and to whom, and for what consideration, and when the same or any part thereof were disposed of, assigned or transferred, except such part has been really and *bona fide* before sold or disposed of in the way of his or its trade or business, or laid out in ordinary family or household expenses, and fully, clearly and truly state the causes to which his or its insolvency is owing, or does not deliver up to the Liquidator all such part thereof as is in his possession, custody or power (except such part thereof as is exempt from seizure as hereinbefore provided) and also all books, papers and writings in his possession, custody or power relating to his or its property or affairs;

(*b.*) If within thirty days prior to the date of insolvency he removes, conceals or embezzles any part of his or its property to the value of fifty dollars or upwards, with intent to defraud his or its creditors, or any of them. Removing or concealing property.

(*c.*) If in case of any person having to his knowledge or belief proved a false debt against his or its estate, he fails to disclose the same to the Liquidator within one month after coming to the knowledge or belief thereof. Allowing false debt to be proved.

(*d.*) If with intent to defraud he wilfully and fraudulently omits from the schedule any effects or property whatsoever. Omitting property from schedule.

(*e*) If with intent to conceal the state of his or its affairs, or to defeat the object of this Act, or of any part thereof, he conceals or prevents, or withholds the production of any book, deed, paper or writing relating to his or its property, dealings or affairs. Withholding books, &c.

(*f.*) If with intent to conceal the state of his or its affairs, or to defeat the object of the present Act, or of any part thereof, he parts with, conceals, destroys, alters, mutilates or falsifies, or causes to be concealed, destroyed, altered, mutilated or falsified, any book, paper, writing or security or document relating to his or its property, trade, dealings or affairs, or makes or is privy to the making of any false or fraudulent entry or statement in or omission from any book, paper, document or writing relating thereto. Concealing, mutilating or destroying books, &c.

(*g.*) If at his examination at any time, or at any meeting of creditors held under this Act, he attempts to account for the non-production or absence of any of his or its property by representation of fictitious losses or expenses. Alleging fictitious losses or expenses.

(*h*) If within three months next preceding the date of insolvency he pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property,goods or effects, the price of which remains unpaid by him during such period. Disposing of goods purchased and not paid for.

92. If any person, copartnership or incorporated company knowingly files,or causes or permits to be filed,a claim on the estate of a debtor, for a sum of money not due to such party filing by the debtor or by his estate,or votes,or offers to vote at any meeting of creditors upon any such claim,or upon any such claim being collocated, does not cancel and disclaim the same, previous to the date on which the dividend becomes payable, such person, copartnership or incorporated company shall pay an amount equal to treble the value of the amount improperly filed for, and the same shall be recoverable by the Liquidator, for the benefit of the estate, by suit in any competent Court, and when recovered shall be distributed as part of the ordinary assets of the estate. Penalty for filing any false claim on the estate &c. How to be recovered and applied.

93. If, after the date of insolvency, the debtor retains or receives any portion of his estate or effects, or of his monies, Order of judge for delivery of as-

sets of estate to guardian or liquidator.

securities for money, business papers, documents, books of account or evidences of debt, or any sum or sums of money belonging or due to him, and retains and withholds from the Guardian or from the Liquidator, without lawful right, such portion of his estate or effects or of his monies, securities for money, business papers, documents, books of account, evidence of debt, sum or sums of money, the Guardian or Liquidator may apply to the Judge for an order for delivery over to him of the effects, documents or monies so retained, and in default of such delivery in conformity with any order made by the Judge, such debtor may be imprisoned in the common gaol for such time, not exceeding one year, as the Judge may order.

Imprisonment for not obeying such order.

What shall be evidence of appointments and proceedings under this Act.

94. Deeds of release and transfer made under the provisions of this Act, or in the Province of Quebec, authentic copies thereof, or a duly authenticated copy of the record of the appointment of the Liquidator, certified by the clerk under the seal of the court, shall be *prima facie* evidence in all courts, whether civil or criminal, of such appointment, and of the regularity of all proceedings at the time thereof, and antecedent thereto.

Trial of offences against this Act.

95. Every offence punishable under this Act shall be tried as other offences of the same degree are triable, in the Province where such offence is committed.

Building and Jury Fund.

Contribution to the said fund in Quebec.

96. One per centum upon all monies proceeding from the sale by a Liquidator, under the provisions of this Act, of any immovable property in the Province of Quebec shall be retained by the Liquidator out of such monies, and shall by such Liquidator be paid over to the sheriff of the district, or of either of the counties of Gaspé or Bonaventure, as the case may be, within which the immovable property sold shall be situate, to form part of the building and jury fund of such district or county.

Act not to affect certain powers of Lt-Governor of Quebec in Council.

97. This Act shall not interfere with the powers of the Lieutenant-Governor of the Province of Quebec in Council, with respect to imposing a tax or duty upon proceedings under this Act, which are conferred upon the Governor in Council by the thirty-second and thirty-third sections of the one hundred and ninth chapter of the Consolidated Statutes for Lower Canada, and by the Act of the Legislature of the late Province of Canada intituled "*An Act to make provision for the erection of Court Houses and Gaols in certain parts in Lower Canada.*"

Short title of Act.

98. This Act shall be known and may be cited as "*The Insolvent Traders Act.*"

FORM A.

The Insolvent Traders Act.

CANADA: *Province of* District (*or* County) of No. } Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To the Guardian (*or* Sheriff) in and for the County (Judicial District, *or* City, *as the case may be*) of

Greeting:

We command you, at the instance of to attach the estate and effects, monies and securities for money, vouchers, and all the office and business papers and documents of every kind and nature whatsoever, of and belonging to if the same shall be found in (*name of district or other territorial jurisdiction*), and the same so attached, safely to hold, keep and retain in your charge and custody until the attachment thereof, which shall be so made under and by virtue of this writ, shall be determined in due course of law.

We command you also to summon the said to be and appear before Us in our Court for at in the County (*or* District) of on the day of to show cause, if any he hath, why his estate should not be distributed under *The Insolvent Traders Act*, and further to do and receive what, in our said Court, before Us in this behalf shall be considered; and in what manner you shall have executed this Writ, then and there certify unto Us, with your doings thereon, and every of them, and have you then and there also this Writ.

In witness whereof we have caused the seal of our said Court to be hereunto affixed, at aforesaid, this day of in the year of Our Lord one thousand eight hundred and in the year of our Reign.

FORM B.

The Insolvent Traders Act.

A. B., Plaintiff;

C. D., Defendant.

A Writ of Attachment has issued in this cause.

(*Place* *Date* .)

(*Signature*) E. F.,
Guardian.

FORM C.

The Insolvent Traders Act.

In the matter of A. B.

Schedule of Creditors.

1. Direct Liabilities.				
Name.	Residence.	Nature of Debt.	Amount.	Total.

2. Indirect Liabilities.			
Name.	Residence.	Nature of Debt.	Amount.

3. Negotiable Paper, the holders of which are unknown.				
Date.	Name of Maker.	Names liable to debtor.	When due	Amount

FORM D.

The Insolvent Traders Act.

In the matter of

A writ of attachment has been issued in this cause, and the creditors are notified to meet at in on the day of at o'clock to receive statements of his affairs, and to appoint a Liquidator.

(*Date and residence of Guardian.*)

(*Signature*) E. F.

Guardian.

(*The following to be added to the notices sent by post.*)

The creditors holding direct claims and indirect claims for one hundred dollars each and upwards are as follows (*names of creditors and amount due*) and the aggregate of claims under one hundred dollars is $
(date)

(*Signature*)

FORM E.

The Insolvent Traders Act.

This deed of release (*or* transfer) made under the provisions of the said Act between (E. F.) Guardian in possession of the estate of the said debtor of the first part, and G. H. of the second part, witnesseth: That whereas, by a resolution of the creditors duly passed at a meeting thereof duly called and held at (*or* by an order of the Judge made at) on the day of the said party of the second part was duly appointed Liquidator to the estate of the said debtor:—Now, therefore, these presents witness that the said party of the first part, in his said capacity, hereby releases to the said party of the second part the estate and effects of the said debtor in conformity with the provisions of the said Act and for the purposes therein provided.

In witness whereof, &c.

(*This form may be adapted in the Province of Quebec to the Notarial form of execution of documents prevailing there.*

FORM F.

The Insolvent Traders Act.

In the matter of (A. B. *or* A. B. & Co.) I, the undersigned, (*name and residence*) have been appointed Liquidator in this matter.

(*Place* *Date*)

(*Signature*) G. H.
Liquidator.

FORM G.

The Insolvent Traders Act.

In the matter of (A. B.)

In consideration of the sum of $ whereof quit G. H. Liquidator of the debtor's estate in that capacity hereby sells

and assigns to J. K. accepting thereof all claims by the debtor against X. Y. (*describing the debtor*) with the evidences of debt and securities thereto appertaining, but without any warranty of any kind or nature whatsoever.

G. H. *Liquidator.*
J. K.

FORM H.

This deed, made under the provisions of *The Insolvent Traders Act*, the day of &c., between G. H. of &c., in his capacity of Liquidator of the estate of under a deed of release made and executed on the day of in the year &c., of the one part, and X. Y. of &c. of the other part witnesseth: That he, the said G. H., in his said capacity hath caused the sale of the real estate hereinafter mentioned, to be advertised as required by law, and hath adjudged (*or* hath offered for sale, pursuant to such advertisement, but the bidding therefor being insufficient did withdraw the same from such sale, and hath since, by authority of the creditors agreed to sell) and doth hereby grant, bargain, sell and confirm the same, to wit: unto the said X. Y., his heirs and assigns for ever all (*in Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia and Prince Edward Island insert* "The rights and interests of the debtor in") that certain lot of land &c., (*insert here a description of the property sold*) to have and to hold the same with the appurtenances thereof unto the said X. Y., his heirs and assigns for ever. The said sale is so made for and in consideration of the sum of in hand, paid by the said X. Y. to the said G. H., the receipt whereof is hereby acknowledged (*or* for which the said X. Y. hath paid to the said G. H. the sum of the receipt whereof is hereby acknowledged,) and the balance, or the sum of the said X. Y. hereby promises to pay unto the said G. H. in his said capacity as follows, to wit: (*here state the terms of payment*) the whole with interest payable and as security for the payments so to be made, the said X. Y. hereby specially mortgages and hypothecates to and in favor of the said G. H. in his said capacity the lot of land and premises hereby sold in witness, &c.

G. H. [L.S.]

X. Y. [L.S.]

Signed, sealed and delivered
in the presence of
E. F.

(*This form shall be adapted in the Province of Quebec to the Notarial form of execution of documents prevailing there*)

FORM I.

The Insolvent Traders Act.

In the matter of (A. B. *or* A. B. & Co.)

A dividend sheet has been prepared, open to objection until the day of after which dividend will be paid.

(*Place* *Date*)

Signature of Liquidator.

FORM K.

The Insolvent Traders Act.

In the matter of A. B.

I hereby authorize K. L. (*describing him*) to act and vote for me in this matter.

(*Place* *Date*)

M. N.

Signed in presence of }
G. H. }

(*An affidavit as to the execution by the creditor to be attached by the attesting witness.*)

FORM L.

The Insolvent Traders Act.

In the matter of A. B.

and

C. D.,

claimant.

I, P. O., of being duly sworn in this matter, depose and say:—

1. I am the claimant (*or* the duly authorized agent of the claimant in this behalf), and have a personal knowledge of the matter hereinafter deposed to (*or* a member of the firm of claimants) in the matter, and the said firm is composed of myself and of (*names*).

2. The debtor is indebted to me (*or* to the claimant) in the sum of dollars for (*here state the nature and particulars of the claim, for which purpose reference may also be made to accounts or documents annexed*)

3. I (*or* the claimant) hold no security for the claim (*or* I *or* the claimant hold the following and no other security for the claim, namely : (*state the particulars of the security*).

To the best of my knowledge and belief the security is of the value of dollars, and I have signed

Sworn before me at }
this }
day of }

(*Signature.*)

SCHEDULE A.

TARIFF OF FEES TO BE PAID TO GUARDIAN.

For the service of any writ of attachment and for the attachment made thereunder and all duties connected therewith	$5 00
For mileage in any travel required to make such service, the rate of mileage allowed to a bailiff or sheriff officer in serving an ordinary writ of summons according to the practice in the jurisdiction within which the service is made. During his continuance in office, (not to exceed twenty-one days unless the appointment of a Liquidator is protracted beyond that period by legal proceedings), per day, employing no sub-guardian	1 00
If it is necessary for the safe keeping of the deeds, books or effects of the estate that they should be placed in the custody of a sub-guardian, for each day and each night of actual guardianship	1 00

For printing and mailing statement and notice of meeting to each creditor, the actual cost of printing and postage.

The actual cost of advertising meeting of creditors.

The actual cost of insurance, if any.

The following to be charged to the Liquidator and settled by him :—

The fees of the Notary for the deed of release.

The costs of the attachment.

No. 99.

1st Session, 5th Parliament, 46 Victo

BILL.

An Act to provide for the distrib
the Assets of Insolvent Trad

Received and read first time, Mon
April, 1883.

Second reading, Tuesday, 3rd April,

Mr. CURR

OTTAWA:
Printed by MACLEAN, ROGER &

No. 100] **BILL.** [1883.

An Act to limit the Appellate Jurisdiction of the Supreme Court of Canada.

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

1. The Appellate Jurisdiction of the Supreme Court of Canada is abolished in all cases where the matter in dispute relates to property and civil-rights in any of the Provinces, and generally as to matters of a merely local or private nature and coming within the exclusive jurisdiction of the Legislature of any of the said Provinces, according to the meaning of the British North America Act of 1867 and Acts amending the same. Appellate jurisdiction of Supreme Court abolished in cases respecting matters exclusively under Provincial Legislation.

2. This Act shall not apply to cases decided by the Exchequer Court of Canada, nor to cases where the matter in dispute affects the constitutionality or validity of any Act or Statute of any of the said Provincial Legislatures, which cases shall continue to be subject to appeal to the said Supreme Court as now is or hereafter shall be provided for. Exception as to cases decided by the Exchequer Court.

3. This Act shall not apply to appeals already instituted or pending before the said Supreme Court. And as to appeals already instituted.

No. 100.

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

BILL.

An Act to restrict the Jurisdiction of the Supreme Court in Appeal.

Received and read, first time, Tuesday, 3rd April, 1883.

Second reading, Wednesday, 4th April, 1883.

MR. LANDRY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 101.] **BILL.** [1883.

An Act further to amend *The Fisheries Act*.

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

1. The second section of *The Fisheries Act* is hereby repealed, and the following section is enacted in lieu thereof:— Sect. 2 repealed and new provision substituted.

"2. The Minister of Marine and Fisheries may issue or authorize to be issued fishery leases and licenses for fisheries and fishing wheresoever situated or carried on, but leases or licenses for any term exceeding nine years shall be issued only under authority of an order of the Governor in Council, and provided that no lease or license other than a license to fish at a certain time or in a certain mode, shall be issued where the exclusive right of fishing already exists by law." Fishery leases and licenses.

2. Sub-sections six and seven of section seven are repealed, and the following sub-sections enacted in lieu thereof:— Sub-sections 6 & 7 of s 7, repealed and new provisions substituted.

"6. The use of nets or other apparatus which capture salmon shall be confined to tidal waters, and any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of the Dominion: Provided that nothing contained in this section shall prevent the use of nets for catching salmon in the lakes of the Province of Ontario, nor preclude the Minister from authorizing, by special licenses, the capture of salmon by nets in fresh water streams;" Use of nets regulated. Proviso: as to Ontario.

"7. The Minister, or any Fishery Officer authorized to such effect, shall have power to define the tidal boundary of estuary fishing for the purposes of this Act; and above the actual limit so to be laid down, it shall be unlawful, without a special license to fish for salmon, with nets or other apparatus, under a penalty not to exceed one hundred dollars, and imprisonment in default of payment for any term not exceeding two months;" Defining boundaries of estuary fishing.

3. The fifteenth section of the said Act is hereby amended by striking out the words "and to be leased" in the first and second lines thereof, and substituting therefor the words

"or to be set apart and leased"; and by inserting after the word "license" in the sixth line the words "as the case may be."

Sub-sections 4, 5 & 6 of s. 16 repealed and new provisions substituted.

4. Sub-sections four, five and six of the sixteenth section of the said Act are hereby repealed, and the following sub-sections are enacted in lieu thereof:—

Forfeiture of articles used in contravention of this Act.

"4. All materials, implements or appliances used, and all fish had in contravention to this Act, or any regulation made under it, shall be forfeited to Her Majesty, and may be seized and confiscated on view by any Fishery Officer, or may be taken and removed by any person for delivery to a Magistrate, and if in any suit, matter or proceeding a question arises as to whether the said materials, implements, appliances or fish are forfeited or liable to forfeiture, the burden of proof shall lie on the owner or claimant thereof, and not on the officer or person who has seized, taken or removed them."

Proof of offence.

Appropriation of money penalties.

"5. Where the prosecutor is a fishery officer, warden or guardian, the fine or penalty levied under this Act shall belong to Her Majesty, but where the prosecutor is not a fishery officer, warden or guardian, one moiety of the fine or penalty shall belong to Her Majesty and the other moiety shall be paid to the prosecutor together with the costs taxed to him for attendance as a witness or otherwise."

Application of the Crown's share.

Appeal to Minister.

Proviso.

"6. Fines and penalties, or the share of the fine or penalty belonging to Her Majesty, and all proceeds derived from the sale of confiscated articles under this Act shall be paid to the Receiver-General through the Department of Marine and Fisheries; and persons aggrieved by any such conviction may appeal by petition to the Minister, who shall have power to remit fines and restore forfeitures under this Act: Provided always that proceedings hereunder may be removed into a Superior Court by *certiorari* or otherwise.

Section 19 amended.

5. Section nineteen is amended by substituting the word "times" for the word "terms" in the twelfth line of the section.

Penalty for obstructing fishery officers.

6. Any person who in any manner or way whatever obstructs, hinders or interrupts any Fishery Officer, warden or guardian in the execution of his duty shall for each offence forfeit and pay a sum of not less than five nor more than *one hundred* dollars.

As to suits against Fishery officers, &c. for things done under this Act.

7. No action, suit or proceeding shall be brought against any Fishery Officer or person employed for the prosecution of contraventions of the *Fisheries Act* or regulations made thereunder for anything done in the exercise of his office, or by virtue of his employment, unless within three months after the act committed, and upon one month's previous notice thereof in writing; and the action shall be tried in the County or Judicial District where the cause of action arose; and in case the Court or Judge before whom the action

is tried certifies upon the record that the defendant acted upon probable cause the plaintiff shall not be entitled to more than twenty cents damages nor to any costs of suit.

Short title.

8. This Act shall be read as one with *The Fisheries Act.*

No. 101.

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

BILL.

An Act further to amend *The Fisheries Act.*

Received and read first time, Tuesday, 10th April, 1883.

Second reading, Wednesday, 11th April, 1883.

Mr. McLELAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 104.] **BILL.** [1883.

An Act further to amend "The General Inspection Act, 1874."

WHEREAS it is expedient further to amend the Act thirty-seventh Victoria, chapter forty-five, intituled: "*An Act to make better provision, extending to the whole Dominion of Canada, respecting the Inspection of certain Staple Articles of Canadian Produce*," as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 37 V., c. 45.

1. Section two of the Act above cited is hereby amended by inserting the word "Winnipeg" after the word "Ottawa," in the second line of the said section. Section 2 amended.

2. The paragraph of section thirty-six of the said Act contained in the twenty-eighth and twenty-ninth lines thereof, and which is as follows:—"Black Sea and Flinty Fife wheat shall in no case be inspected as higher than No. 2," is hereby repealed, and the following is substituted in lieu thereof:— Section 36 amended.

"Black Sea wheat and, except when grown in the Province of Manitoba or in the North-West Territories, Flinty Fife wheat shall in no case be inspected as higher than No. 2." As to flinty fife wheat.

3. Section eighty-seven of the said Act is hereby amended by striking out the words "raw hides" where they occur in the fifth, sixth and ninth lines of the said section respectively, and also by striking out the word "weights" where it occurs in the sixth and tenth lines of the said section respectively, and inserting the word "weight" in lieu thereof. Section 87 amended.

No. 104.

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

BILL.

An Act further to amend "The General Inspection Act, 1874."

Received and read, first time, Tuesday, 10th April, 1883.

Second reading, Wednesday, 11th April, 1883.

Mr. COSTIGAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 105. **BILL.** [1883.

An Act for granting certain powers to the Canadian Electric Light Company.

WHEREAS the Canadian Electric Light Company has by its petition set forth that it was incorporated by an Act of the Legislature of the Province of Quebec, forty-fourth and forty-fifth Victoria, chapter sixty-nine, with the following amongst other objects:—to hold, place and work electric lighting apparatus, to create water-powers and build dams; and whereas, by the fourteenth section of its said Act of incorporation, it is enacted that the Company shall not exercise any right or privilege which might be within the exclusive jurisdiction of the Federal power without having obtained the required authority of the Government or Parliament of Canada, according to circumstances, and has prayed for the passing of an Act authorizing the Company to prosecute criminally any person destroying or damaging its apparatus, and to define its powers as to the construction of dams, locks, wharfs, piers, basins, and the like: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Whosoever wilfully and maliciously breaks up, pulls down, or damages or puts out of order any wire, engine, pipe, machine or other thing used in the production or supply of electricity in houses or in the streets; or whosoever wilfully and maliciously hinders the placing or construction or repair of the said wires, engines, pipes, machines or other things, or causes the same to be done by others; or whosoever increases, or causes to be increased, to the injury of the Company, the supply of electricity, either for his own advantage or that of another, either by increasing the number or size of the conducting wires or the electric lamps; or whosoever shall make use of the electric current by irregular methods, after the Company has removed its apparatus; or whosoever shall waste or turn aside such electric current without necessity and with malice and negligence, such person shall be held guilty of simple larceny, and shall be indicted for that crime in the usual way. Damage to apparatus &c. Punishment.

2. The Company shall have power, upon its private works and properties, not encroaching upon navigation, or ports, harbors or public places, to build and maintain locks, gates, embankments, piers, basins, wharfs, water-powers, mills, machine shops, warehouses, sheds, buildings, elevators, weighing machines, and all other buildings connected there- Certain works may be constructed.

with, or which may be considered necessary or useful for carrying out the objects of its charter, and especially to facilitate the discharge, despatch, storing and removal of goods.

Preliminary provision as to construction of dams.

3. The Company shall not commence the construction of any dam or lock without previously obtaining from the Department of Public Works of Canada, a report affirming that that portion of any river or water-course, which the Company is so desirous of damming, is not navigable; and if such report does issue, such works of improvement which the Company may execute, by means of a canal, piers or otherwise, in order to allow of any vessel passing through it, shall not be held as sufficient to deprive the Company of its right to complete such locks or dams.

Surveys and plans to be made.

4. Before any of such works shall be begun or carried on, the Company shall cause to be made by one or more competent engineers, surveys, examinations, cross-sections and measurements of the various tracts of land and localities required for the purpose of such works or affected by them, as well as the plans and profiles of such surveys; and the Company shall procure from such engineer or engineers a minute report, giving complete and exact information in this respect, and showing more particularly the effect which such works, or any of their divisions, parts or sections, will have upon the current or navigation of other navigable portions of such rivers or water-courses, or any of their tributaries; and the Company shall lodge the whole in the office of the Minister of Public Works, for the information and sanction of the Governor in Council; and the Governor in Council may thereupon, if he so thinks fit, cause to be made new surveys, examinations, cross-sections and measurements in respect of such works; and no one of such works, or any division, portion or section thereof, shall be commenced or carried on until approved of by the Governor in Council; and the carrying out of such works shall be subject to such conditions and limitations as the Governor in Council may then prescribe and order; and no addition, change or modification shall be made to or in such works, or to or in any of their divisions, portions or sections, without having been in the same way first approved of by the Governor in Council, and on and under the same conditions and limitations.

And deposited with Minister of Public Works.

Approval.

Regulations as to the use of works.

5. The Company shall have the right to make regulations with respect to the anchoring, mooring, passage, placing in position and shoring up of all vessels entering their docks, canals or works.

No. 105.

1st Session, 5th Parliament, 46 Victo

BILL.

An Act for granting certain po
the Canadian Electric Light Co

Received and read, first time, We
11th April, 1883.

Second reading, Thursday, 12th Apr

(PRIVATE BILL)

Mr. BERGERO

OTTAWA:
Printed by MACLEAN, ROGER &
1883.

No. 106 **BILL.** [1883.

An Act to increase the Harbor accommodation of the City of Toronto, to extend the Esplanade, and to provide for the control of the use thereof by Railway Companies.

Preamble.

WHEREAS the shipping accommodation of the Harbor of Toronto has been found insufficient, particularly in consequence of the deepening of the Welland Canal, and it has become necessary, for the better accommodation of vessels and ships, that the same should be increased by extending the Esplanade to deep water, and constructing piers suitable for deep draft vessels all along the water frontage of the city; and whereas the Toronto Esplanade has become so crowded with railway tracks, switches, crossings and cars that it is absolutely necessary in the interests of public safety, not only to extend the same but to place it and also the approaches thereto, and the use of the said piers, under more efficient control and management; and whereas in carrying out the objects aforesaid it may be necessary to re-arrange many or all of the railway tracks, switches and crossings along the water frontage of the said city, and to limit their number, declare and settle the rights of the respective railway companies with respect to such tracks, switches and crossings and the manner in which the same shall be used, and also to construct bridges and subways; and whereas the city of Toronto is a central distributing point for both freight and passenger traffic for a large part of the Dominion of Canada, and it is necessary and expedient, in the general interests of trade and commerce, that a Board of Commissioners should be established for the purpose of carrying out the above objects, and for the settlement of the same in a summary manner: 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 Toronto Harbor and Esplanade Act of* 1883."

Interpretation.

2. In this Act the term "Railway Company" includes the lessee of any railway; the term "The Railway Act" means "*The Consolidated Railway Act*, 1879"; the word "Highways" means all public roads, streets, lanes and other public ways, and communications; the word "Court" means the "High Court of Justice of the Province of Ontario"; and the word "Judge" means any Judge of the said Court.

Appointment of Commissioners.

3. It shall and may be lawful for three Commissioners to be appointed as follows: one by the Governor General in Council, one by the Council of the Corporation of the city of Toronto, and the third by the Chief Justice of Ontario; and upon the occurrence of any vacancy in the office of such Commissioner from time to time, the Governor General in Council, the Council of the Corporation of the city of Toronto, or the Chief Justice of Ontario, as the case may be, may, in like manner, appoint some fit and proper person to fill the vacancy. The three Commissioners so appointed shall be called "The Toronto Esplanade and Railway Commissioners," and shall have an official seal, which shall be judicially noticed. The said Commissioners shall hold office during pleasure of the respective appointers.

Official name.

Term of office.

Powers of the Commissioners.

4. The said Commissioners shall, with reference to the several matters mentioned and referred to in the preamble to this Act, and with reference to the following matters have full power and authority to make such orders and give such directions as to them shall, from time to time, seem just, that is to say:—

As to railway traffic.

(1.) The advising, determining and carrying out the completion of such a scheme and system of railway tracks, crossings, switches, semaphores, sidings and other necessary works connected therewith, and also highways, bridges, sub-ways, and approaches thereto, gates, guards, and other necessary works connected therewith, within the limits of the city of Toronto, as may be necessary and proper for the use and accommodation of all railway companies and railway traffic, and for the safety and protection of life and property, in connection with the use of such railways and highways within the limits of the city of Toronto, the said system and scheme to be so designed and arranged as to afford the greatest amount of convenience to the public generally, and to every railway and railway company proper access to a Central Union Passenger Station, and also to the water front, and water lots situate on the south side of the Esplanade.

Extension of the esplanade

(2.) The widening and extension of the Esplanade, in front of the City of Toronto, the widening, prolonging, altering, diverting, or closing up of any highway, and the location, opening up, constructing and making of a new highway to the south of the Esplanade, and the extension and making of all highways running southward from Front street to the waters of the harbor, and the location, construction and maintenance of all railway crossings, bridges and highways within the limits of the city of Toronto

Use of highways by Railway Company.

(3.) The use and occupation by railway companies of the Esplanade and Esplanade street, and all other highways within the limits of the city of Toronto.

Railway tracks.

(4.) The location, alignment, limitation, disposition and use of railway tracks within the limits of the city of Toronto.

(5.) The crossing, intersection, joining and uniting of such railway tracks, the point and manner of such crossing, intersection and construction, and the making and the maintenance of the switches and semaphores, gates, bridges and other necessary and proper works, and signals at such points. Intersection of railway tracks.

(6.) The order and precedence of trains running over such tracks, the determination of what tracks shall be used in common by various railway companies and what shall be used exclusively by one company, and the manner in which, and the conditions under which they shall be so used. Precedence of trains.

(7.) The compensation to be paid in respect of any matters brought before them under the provisions of this Act, and the manner in which, and the parties by, and to whom, such compensation shall be paid. Compensation.

(8.) The restraining and regulating the rate of speed of locomotives, engines and cars upon any of the railways within the limits of the city, and the use of the steam whistle within the same. Rate of speed

(9.) The fixing of penalties for non-compliance with the rules, orders and regulations of the Commissioners Penalties.

5. The powers, authorities and duties vested in, and imposed upon the Railway Committee of the Privy Council by the forty-sixth, forty-seventh, forty-eighth, sixty-seventh, sixty-eighth, and seventy-first sections of the Railway Act are also hereby transferred to the said Commissioners, so far as may be necessary for the purposes of this Act. Certain powers transferred to Commissioners.

6. The said Commissioners shall, with reference to all matters mentioned in this Act, and the preamble thereto, have full power and authority to decide all questions, whether of law or fact, to make such orders, decisions or directions (including injunctions) as to them shall seem just, and whether any remedies or jurisdiction with respect to such matters did, or did not, theretofore exist. Authority of Commissioners.

7. The said Commissioners shall also have the following powers, that is to say:— Powers for exercise thereof.

(*a.*) They may by themselves, or by any other person appointed by them, enter and inspect any place, or buildings, being the property, or under the control, of any railway company, or other person, or body corporate, party to the matter pending before them, the entrance or inspection of which appears to them requisite. Inspection of property.

(*b.*) They may require answers and returns to such enquiries as they think fit to make. Enquiries.

(*c.*) They may require the production of all books, papers and documents relating to the matters before them. Books, papers, &c.

Award of compensation

8. Full compensation shall be awarded by the said Commissioners to any person or corporation whose rights or property shall be affected by their orders or directions, and the payment of such compensation may be declared to be a condition precedent to the enforcement of such orders or directions,—or the Commissioners may order that the compensation awarded, or such amount as shall seem sufficient to meet the exigency of the case, shall be paid into court.

Procedure.

9. The Commissioners shall sit at such times and in such places, and conduct their proceedings in such manner as to them may seem most convenient for the speedy despatch of business, and the order or direction of a majority of them shall, in all cases, be sufficient.

Vacancies, how supplied.

10. In case of any one or more of the Commissioners being unable to act at any time, either on the ground of illness, interest, absence or other cause, it shall be lawful for the Governor General in Council, the Council of the Corporation of the city of Toronto, or the Chief Justice of Ontario, as the case may be, to appoint a Commissioner to fill the office and perform the duties temporarily. Commissioners appointed under this section shall have the same power and authority as those appointed under the third section of this Act.

Commencement of proceedings.

11. Proceedings before the Commissioners may be instituted by the Council of the Corporation of the city of Toronto, or by any person or body corporate, or by any railway company interested in any of the subject matters contemplated by this Act; and such proceeding shall be commenced by filing a petition in the office of any division of the High Court of Justice of the Province of Ontario, stating fully the matters complained of, and the nature of the order or directions which the petitioners desire.

Reference to Commissioners.

12. Upon the filing of the said petition, the petitioners may apply to a Judge for an order referring the said petition to the said Commissioners, and the said Judge shall thereupon refer the same or such parts thereof, as shall seem to him within the scope of this Act, to the said Commissioners for their decision; thereupon the petitioners may apply to the Commissioners for an appointment to hear and consider the matters referred to them.

Rules and orders.

13. The Commissioners may, at any time after the passing of this Act, from time to time, make such general rules and orders as may be requisite for the regulation of proceedings before them, and for enabling them to carry into effect the provisions of this Act, and they may thereby appoint and fix the fees to be allowed the parties in relation to proceedings before them. Every general rule and every order, and every revocation and alteration thereof, shall be submitted to the Chief Justice of Ontario for his approval, and the same shall not come into force until so approved; and every general rule and order duly approved as aforesaid shall be deemed to have been duly made and shall have the same effect as if enacted in this Act

14. The decisions and directions of the Commissioners shall be put in the form of an award, and such award may be made a rule of any division of the Court, and may be enforced in like manner as any rule, order or decree of such court. Award may be made a rule of Court.

15. The Commissioners may state a case in writing for the opinion of a Judge upon any question arising in any matter before them, which, in their opinion, is a question of law, and the Judge to whom the question is transmitted shall hear and determine the same, and shall remit the same to the Commissioners with his opinion. The Commissioners shall make such order as to costs of any such application as to them shall seem fit ; for the purpose of carrying into effect this section, general rules and orders may be made by the Court, in the same manner as general rules and orders are now made. Reference to the Court.

16. The Commissioners shall, within two days after the signing of their order or award, file all depositions of witnesses and a copy of all exhibits in the office of the Court where the petition was originally filed and the proceedings originated. Depositions to be filed.

17. The costs of and incidental to any proceedings before the Commissioners, shall be in their discretion. Further powers.

18. The Commissioners shall also have power,—

(1.) To add all such parties as they shall think necessary for the full and complete adjudication of the matters referred to them ;

(2.) To procure all necessary clerical assistanee, including short-hand reporters and writers ;

(3.) To administer oaths and affirmations ;

(4.) To procure all assistance of experts ;

(5.) To award payments of rents or tolls in lieu of a cash compensation.

19. The Commissioners shall each be entitled to demand and take for his services, in addition to all disbursements, the following fees :— Fees of Commissioners.

For every meeting at which he shall be present where the matter is not proceeded with, but an enlargement or postponement is made..... $

For every meeting at which he shall be present where the matter is proceeded with, per hour..... $

For every order..... $

Orders.

20. The Commissioners shall, upon any reference to them, make such orders from time to time as the convenience or emergency of the case shall require.

Fees to be endorsed on award.

21. The Commissioners shall endorse upon the award the amount of their fees and disbursements, and the same shall be paid before the delivery or publication of the award.

Costs.

22. If costs are awarded by them to any party, the Commissioners may either fix or tax the same, or refer the same to any taxing officer of the Supreme Court of Judicature for Ontario. In all cases the amount of costs, and the party by whom and to whom they are payable, shall be stated in the order.

Signature to be evidence.

23. Every document purporting to be signed by the Commissioners or any of them, shall be received in evidence, without proof of such signature.

Attendance of witnesses.

24. Every party to a proceeding under this Act may, after the issue of the order referred to in the twelfth section of this Act, without leave or order, obtain an issue out of the office of that division of the Court in which the petition is filed upon which such order was issued, upon præcipe, a subpœna commanding the attendance for examination of any witnesses, and also the production of any document to, or before, the Commissioners, and at the time and place mentioned in such subpœna, and the disobedience of any such subpœna shall be deemed a contempt of court, and shall be punishable in the same manner, and to the like extent, as in case of subpœnas issued out of such court in a civil case.

Penalty for default.

Fees.

The same fees shall be payable on such subpœna as in the case of subpœnas issued out of such court in civil cases, and the witnesses shall be entitled to the like conduct money.

Appeal.

25. Any person, body corporate, or railway company, dissatisfied with an order or decision of the Commissioners, in any proceeding under this Act, may appeal therefrom to the Court of Appeal for Ontario, and all appeals shall be regulated, as far as possible, according to the practice in other cases of the said Court of Appeal: Provided, that no such appeal shall be entertained unless the appellant shall, within one month from the filing of the depositions, as required by the sixteenth section of this Act, give notice in writing to all the other parties of his, her, or their, intention to appeal, nor unless within the said time he, she or they, has, or have, made a deposit, or given security according to the practice of the said Court of Appeal, that he, she, or they will duly prosecute the said appeal, and pay such damages and costs as may be awarded to the respondent or respondents.

Proviso: limitation of time.

Oath of office.

26. The Commissioners shall, previous to exercising the duties of their office, each take the following oath before a Judge:—

"I do solemnly swear that I will duly, im-
"partially and faithfully, and to the best of my skill and
"knowledge, execute the powers and duties of my office, as
"one of the Toronto Esplanade and Railway Commissioners.
"So help me God."

Certain agreements may be entered into.

27. It shall and may be lawful for the Council of the Corporation of the city of Toronto, and for the several railway companies whose tracks do now, or at any time hereafter may, run into the city of Toronto, jointly or separately, and each with the other, or any of them, and with the said Council to enter into any and all such contracts, engagements, agreements and covenants as may be necessary and proper to give effect to, and carry out and observe any order, award, or decision of the said Commissioners, in respect of any matter coming within their jurisdiction, under the provisions of this Act,

Contracts for execution of certain works.

28. It shall and may be lawful for the said Council, and the said railway companies, or any or either of them, either jointly or separately, to enter into any contract or contracts with any person or persons, or body corporate, who may be willing to undertake the same, to make, construct, erect and build such and so many highways, sub-ways, or bridges with all suitable approaches to the same, and other works connected therewith, as the said Commissioners may order and direct, on and in the streets of the city of Toronto, or any of them, under, or over the tracks of the several lines of railway, where the same cross any highway within the limits of the City of Toronto, of such materials and according to such plan as the said Commissioners may hereafter adopt regarding the same: and for all and every of the purposes aforesaid, and for the purposes of carrying out the said works, or any of them, to completion, and thereafter maintaining the same, it shall and may be lawful for the said Council and railway companies, or any or either of them, and the servants, workmen and agents, or contractor, or contractors of them, or either of them, to enter upon, take possession of, cut, dig up and use, all such lands, and tear down, or remove all such buildings and other erections, whether the same belong to, or are the property of, or are in possession of any person, railway company, or other body corporate, as the engineer or engineers of them, or either of them, may certify to be necessary to carry out and give effect to any order, direction or award of the Commissioners, made under the provisions of this Act, or the Railway Act, and to close, break up, and otherwise alter, improve and change any of the highways within the limits of the city of Toronto, for such time, to such extent and in such manner as the said engineer, or engineers, acting on the order or direction of the Commissioners may think fit and necessary, for the purpose of giving effect to any such order, decision, direction, or award.

Powers for carring out the same.

No. 106.

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

BILL.

An Act to increase the Harbor accommodation of the City of Toronto, to extend the Esplanade, and to provide for the control of the use thereof by Railway Companies.

Received and read first time, Thursday, 12th April, 1883.

Second reading Friday, 13th April, 1883.

Mr. SMALL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

(See next copy - Reprint)

No. 107. **BILL.** [1883.

An Act respecting the Electoral Franchise.

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

1. This Act may be cited as "The Electoral Franchise Act." Short title.

INTERPRETATION.

2. In construing this Act unless it be otherwise expressly provided, or unless there be in the context of the Act something inconsistent with or repugnant to such construction, the following words and expressions shall be construed and mean as follows: Interpretation of terms used in this Act.

"Owner" when it relates to the ownership by a male person of real property situated in the Province of Quebec, shall mean "Proprietor" or "usufructuary" (usufruitier) either in his own right, or in the right of his wife, of real property in "franc alleu," or in free and common soccage, and when said word "Owner" relates to the ownership by a female person unmarried, or a widow of property in the Province of Quebec, it shall mean "Proprietor" "or usufructuary" (usufruitier) of real property in "franc alleu," or in free and common socage in the Province of Quebec, and in said Province when one person has the mere right of property or legal estate in any real property in said Province and some other person has the usufructuary enjoyment (*la jouissance et l'usufruit*) of the same property for his or her own use as aforesaid, the person who has the mere right of property or legal estate therein shall not have the right of being registered as a voter or of voting under this Act in respect of such property, but in such case the person having the usufructuary enjoyment (usufruitier) shall alone have the right of being registered as a voter and of voting in respect of such property under this Act. Owner; in Quebec. Usufructuary.

"Owner" when it relates to the ownership of real property situated elsewhere in Canada than in the Province of Quebec, shall mean the "Proprietor" either in his or her own right or for his or her own benefit, or if such proprietor be a married man it shall mean the proprietor in his own right, or in the right of his wife of freehold estate legal or equitable in lands and tenements held in free and common socage of Owner; in other Provinces.

which such person is in actual possession or is in receipt of the rents and profits thereof.

Tenant. "Tenant" shall mean as well a person who pays rent in money therefor as a person who is bound to render to his or her landlord some portion of the produce or of the revenues or profits of the property leased in lieu of rent.

Occupant. "Occupant" shall mean a person in actual occupation of real property otherwise than as "owner," "tenant," or "usufructuary," in his or her own right, or in the case of a married man, in his own right or in the right of his wife, and who receives to his or her own use and benefit the revenues and profits thereof.

Person. "Person" shall mean a male person married or unmarried, or a female person unmarried or a widow.

Farm. "Farm" shall mean land actually occupied by the owner thereof, and not less in quantity than twenty acres.

City. "City" shall mean a place incorporated as a city or recognized as such by any Act of the Parliament of Canada or of the Legislature of the Province in which it is situated.

Town. "Town" shall mean a place incorporated as a town or recognized as such by any Act of the Parliament of Canada or of the Legislature of the Province in which it is situated.

Incorporated Village. "Incorporated Village" shall mean a place incorporated as a village, or recognized as such by any Act of the Parliament of Canada, or of the Legislature of the Province in which it is situated.

Parish. "Parish" shall include any tract of land which is generally reputed to form a parish, whether such tract has or has not been wholly or in part originally erected into a parish by the civil or ecclesiastical authorities.

Father, mother. "Father" shall include "Stepfather," and "Mother" shall include "Stepmother."

Farmer's son. "Farmer's Son" shall mean any male person not otherwise qualified to vote and being the son of an owner and actual occupant of a farm.

Electoral district, "Electoral District" shall mean any place consisting of or comprising any city, town, county, township, district or municipality, or portion thereof, in Canada, entitled to return a member to the House of Commons of Canada.

Election. "Election" shall mean an election of a member to serve in the House of Commons of Canada.

Voting; to vote. "Voting" and "To Vote" shall mean "Voting" and "to Vote" at the election of a member to serve in the House of Commons of Canada.

"List of Voters" shall mean the list when finally revised of registered voters, to be prepared and revised under the provisions of this Act for each sub-division of an electoral district in each year. List of voters.

"Actual Value" or "Value" shall mean the then present market value, if sold upon the ordinary terms of sale, of any real property in respect of which any person claims to be qualified, whether as owner, tenant, occupier, or farmer's, or other owner's son, as determined by the Revising Officer, upon the best information in his possession at the time of such revision. Actual value; value.

"Real Property" shall mean a lot or portion of a lot or other portion or sub-division of real property, or a house, store, office or building of any description whatsoever or any portion thereof situate upon real property. Real property

If the time limited by this Act for any proceeding or for the doing of any act under its provisions expires or falls upon a Sunday or day which is a public holiday or holiday under the Interpretation Act, the time so limited shall be extended to and such Act may be done upon the day next following which is not a Sunday or such a holiday as aforesaid. As to Sundays and holidays.

QUALIFICATION OF VOTERS IN CITIES AND TOWNS.

3. Every person shall upon and after the first day of November in the year of Our Lord one thousand eight hundred and eighty-four, be entitled to be registered on the list of voters hereby required to be made for any electoral district or portion thereof in Canada being a city or a town or part of a city or town or including any city or town or part of a city or town, and when so registered to vote at any election for such district, if such person— Who shall be registered as voters if qualified as to—

1. Is of the full age of twenty-one years, and is not disqualified by this Act or otherwise by any law of the Dominion of Canada, disqualified or prevented from voting. Age.

2. Is a British subject by birth or naturalization. Allegiance.

3. Is the owner of real property within any such city or town or part of a city or town of the actual value of three hundred dollars; or Ownership.

4. Is the tenant of real property within any city or town or part of a city or town under a lease for not less than one year, at an annual rental of at least twenty dollars, who has been in possession thereof as such tenant for at least one year next before the first day of November, in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, and has really and *onâ fide* paid one year's rent for such real property at not less than the rate aforesaid, provided that the year's rent so required to be paid to entitle such tenant to vote shall be the year's rent up to the last yearly, half-yearly, quarterly or monthly Tenancy. Proviso rent.

day of payment as the case may be, which shall have occurred next before the said first day of November in each of said years respectively ; and provided also that a change of tenancy during the year next before the said first day of November in each of said years respectively shall not deprive the tenant of the right to vote in respect of such real property if such change be without any intermission of time and the several tenancies be such as would entitle the tenant to vote had such tenant been in possession under either of them as such tenant for the year next before the said first day of November in each of said years respectively; or—

Proviso as to change of tenancy.

Occupancy.

5. Is the *bonâ fide* occupant of real property within any such city or town, or part of a city or town of the actual value of three hundred dollars, whether such occupation be under a license of occupation or agreement, to purchase from the Crown or from any other person or corporation, or whether the same exists in any other manner except as owner or tenant, provided in any case that such person has been in possession of said real property as such occupant for one year next before the first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, and is and has been for said time in the enjoyment for the use of such occupant, of the revenues and profits thereof, or, in the case of a married man, for his own use or for the use of his wife ; or—

Residence.

6. Is a resident, within such city or town or part of a city or town, and derives an income from some trade, calling, office or professsion, or from some investment or charge on real property in Canada, of not less than four hundred dollars annually, and who has derived such income and has been such resident for one year next before the said first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year ; or—

As son of owner.

7. Is a son of any such owner of real property, and not otherwise qualified to vote, and who is and has been resident upon such property continuously with his father (or with his mother after the death of his father) being such owner, in such city or town or part of a city or town for one year next prior to the first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, if the real property on which his father (or his mother after the death of his father) resides and in respect of which such father (or mother after the death of his father) is qualified under this Act as owner, is of sufficient value if equally divided amongst them as co-owners, to qualify as voters under this Act, both the father or mother and such one or more sons as may desire to be so registered on said list, and if the said real property be not of sufficient value to give the father or mother and each of said sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of said real property, shall belong only to the father (or mother after the death of the father) or the

father or mother and such of the eldest or elder of the sons as the value of the real property when equally divided will qualify: Provided that, in order to entitle him to vote, each such son must at the time of the election for the electoral district in which he tenders his vote, be so resident with his father (or mother after the death of his father); and further provided, that occasional absence of the son from the residence of the father or mother for not more in all than four months in the year shall not disqualify such son as a voter under this Act.

Proviso: as to absence.

IN COUNTIES.

4. Every person shall, upon and after the first day of November in the year of Our Lord one thousand eight hundred and eighty-four, or in any subsequent year, be entitled to be registered on the list of voters hereby required to be made for any electoral district or portion thereof in Canada, other than a city or town or portion of a city or town, and when so registered to vote at any election for such electoral district, who is qualified as follows: that is to say, if such person—

Who shall be registered as voters, if qualified as to—

1. Is of the age of twenty-one years and is not disqualified by this Act or otherwise by any law of the Dominion of Canada disqualified or prevented from voting;

Age.

2. Is a British subject by birth or naturalization:

Allegiance.

3. Is the owner of real property within any such electoral district, of the actual value of two hundred dollars: or

Ownership.

4. Is the tenant of real property within any such electoral district, under a lease for not less than a year, at an annual rental of at least twenty dollars in money or in kind (except when the said real property is situate in an incorporated village, in which case the rental aforesaid must be payable in money only) who has been in possession thereof as such tenant for at least one year next before the first day of November in the year of Our Lord one thousand eight hundred and eighty-three or in any subsequent year, and has really and *bonâ fide* paid one year's rent for such real property at not less than the rate aforesaid: Provided that the year's rent so required to be paid to entitle such tenant to vote shall be the year's rent up to the last yearly, half-yearly, quarterly or monthly day of payment, as the case may be, which shall have occurred next before the said first day of November in each of said years respectively; and provided also, that a change of tenancy during the year next before the said first day of November in each of said years respectively, shall not deprive the tenant of the right to vote, if such change be without any intermission of time, and the several tenancies be such as would entitle the tenant to vote had such tenant been in possession under either of them as such tenant for the year next before the said first day of November in each of said years respectively; or—

Tenancy.

Proviso: as to rent.

Proviso: as change of tenancy.

Occupancy.

5. Is the *bonâ fide* occupant of real property within such electoral district of the actual value of two hundred dollars, whether such occupation be under a license of occupation or agreement to purchase from the Crown or from any other person or corporation, or whether the same exists in any other manner except as owner or tenant; provided in any case, that such person has been in possession of said real property as such occupant for one year next before the first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, and is and has been for said time in the enjoyment for the use of such occupant, of the revenues and profits thereof, or in the case of a married man, for his own use or for the use of his wife; or—

Proviso, as to length of possession.

Residence.

6. Is a resident within such electoral district, and derives an income from some trade, office calling, or profession, or from some investment or charge on real property in Canada, of not less than four hundred dollars annually, and who has derived such income and has been such resident for one year next before the said first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year; or—

As a farmer's son, residence

7. Is a farmer's son not otherwise qualified as a voter, and who is resident and has been resident continuously on the farm of his father (or mother after the death of his father) in such electoral district, for one year next prior to the first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, if the said farm be of sufficient value if equally divided amongst them as co-owners, to qualify as voters under this Act, the father (or mother after the death of his father), and such one or more sons as may desire to be registered on said list, and in the event of there being more than one son resident as aforesaid on the farm and claiming to be registered as voters in respect thereof, and if the farm be not of sufficient value to give the father or mother and each of said sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of said farm shall belong only to the father (or mother after the death of the father), or to the father (or mother) and such of the eldest or elder of the sons as the value of the farm when equally divided will qualify; Provided that in order to entitle him to vote, each such son must at the time of the election for the electoral district in which he tenders his vote, be so resident with his father (or mother after the death of his father) and provided further, that occasional absence of the son from the farm for not more in all than four months in the year shall not disqualify such son under this Act as a voter.

As one of several sons.

Proviso: as to absence.

As son of owner, not a farmer; residence.

8. Is a son of any such owner of real property other than a farmer's son, not otherwise qualified to vote, and who is and has been resident upon such property continuously with his father (or mother after the death of his father) being

such owner, and in such electoral district, for one year next prior to the first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, if the real property on which his father (or his mother after the death of his father) resides and in respect of which such father (or mother after the death of his father) is qualified under this Act as owner, be of sufficient value if equally divided amongst them as co-owners, to qualify as voters under this Act both the father or mother and such one or more sons as may desire to be so registered on said list; and if the said property be not of sufficient value to give the father or mother and each of said sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of said real property shall belong only to the father (or mother after the death of the father) or to the father or mother and such of the eldest or elder of the sons as the value of the real property when equally divided will qualify: Provided that in order to enable him to vote, each such son must at the time of the election for the Electoral District in which he tenders his vote, be so resident with his father (or mother after the death of his father); and further provided that occasional absence and as to absence of the son from the residence of the father or mother for not more in all than four months in the year, shall not disqualify such son as a voter under this Act.

Proviso: as to residence.

APPLICABLE TO ALL ELECTORAL DISTRICTS.

5. The qualifications required of voters under section three of this Act shall apply to voters in a city or town or part of a city or town that is attached to a county or riding of a county in either of said Electoral Districts, for electoral purposes under this Act, and the qualifications required of voters under section *four* of this Act shall apply to voters in such municipalities or places not being cities, towns or portions of cities or towns, as are attached to or included for electoral purposes in cities or towns or portions of cities or towns.

In a city or town attached to a county or riding.

6. Whenever two or more persons are either as business partners, joint tenants, tenants in common, or by any other kind of joint interest, the owners, tenants or occupants of any lot or portion of a lot or parcel of real property in any electoral district, each of said persons whose share therein is sufficient in value according to the provisions of this Act to qualify such person as a voter in respect of real property, shall be entitled to be registered on the list of voters hereby required to be prepared, and to vote in respect of said share of said real property as if said share were held in said person's individual name and not jointly with one or more

Joint tenancy, tenancy in common or other joint tenancy.

Provided always, that no one of the said persons whose share is of a value insufficient under the provisions of this Act to qualify such person as a voter, shall be entitled to be registered as a voter or to vote as aforesaid; and provided also that where any real property is owned, leased or occupied in the name of a Corporation, no member or officer of such Corporation shall be entitled to be registered as a voter or to vote in respect of such real property.

Share must be of sufficient value.

Place of registry for voters qualified by income. And of persons qualified on realty.

7. The persons qualified according to this Act as voters in respect of income shall only be entitled to be registered as voters and to vote in the polling sub-division where they reside at the time of their registration; and persons qualified otherwise according to this Act, than on income shall only be entitled to be registered as voters and to vote in the sub-division where the real property in respect of which they are qualified is situate; but when the said real property is partly within one polling sub-division and partly within another, although all in one electoral district, the person qualified in respectthereof shall be entitled to be registered and to vote in either of said sub-divisions for which he may desire to be registered as a voter.

Property extending into more than one electoral district.

No voters for H. C. but those qualified under this Act, after a certain time.

8. Other than and except the persons duly qualified and registered as voters according to the provisions of this Act, no person shall be entitled to vote at any election for the House of Commons of Canada after the time when the duplicates of the first list of voters finally revised and certified as hereinafter provided, for the electoral district for which the election is to be held, shall have been forwarded to the Clerk of the Crown in Chancery at Ottawa, as also hereinafter provided:—but at any election held before the time aforesaid, the voters shall be those entitled to vote thereat under the laws now in force.

WHO SHALL NOT VOTE AT ELECTIONS.

Persons disqualified as voters.

9. The following persons shall be disqualified and incompetent to vote at any election to which this Act applies, excepting the persons or officers named in sub-section "*b*" of this section, who shall only be disqualified and incompetent to vote as far as the election for the Electoral District in which they hold such offices or positions is concerned:—

Judges and paid magistrates.

(*a.*) The Chief Justice and Judges of the Supreme Court of Canada, the Chief Justices and Judges of the Superior Courts in the Provinces of Canada, and the Judges of all the Courts in the said Provinces, whether such Courts are now in existence or are hereafter erected, and Police, Stipendiary Magistrates and Recorders.

Election officers and agents, &c., of candidates.

(*b.*) Revising Officers, Returning Officers, and Election Clerks, and any person who at any time, either during the election or before the election, is or has been employed at the same election or in reference thereto for the purpose of forwarding the same by any candidate or by any person whomsoever as counsel, agent, attorney or clerk at any polling place at any such election or in any other capacity whatever, and who has received or expects to receive either before, during or after the said election from any candidate or from any person whomsoever for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment or any promise, pledge or security whatever for any sum of money, fee, office, place or employment, except only the Returning Officer, in the case of equality of votes between the candidates where the addition of a vote would entitle any of such candidates to be declared elected.

Exception in case of fees.

Married women not widows.

(*c.*) All married women whose husbands are living.

REGISTRATION OF VOTERS.

10. The Governor General in Council shall, within three months after the coming into force of this Act, and from time to time thereafter, when the office is vacant, appoint a proper person to be called "The Revising Officer," for each of the electoral districts of Canada, who shall hold office during good behaviour, but who shall be removable on an address by the House of Commons, and whose duties shall be to prepare, revise and complete, in the manner hereinafter provided, the lists of persons entitled to vote under the provisions of this Act in such electoral districts, and each of said officers shall, before entering upon said duties, take an oath of office before any Judge of a Superior Court of Court of Record in the form contained in the Schedule to this Act for such purpose, which he shall forthwith thereafter, cause to be filed with the Clerk of the Crown in Chancery at Ottawa; and in the event of the death, resignation, removal, inability or refusal to act of any such officer, another officer may, in the same way, be appointed in his stead, who shall hold office under the same tenure and with the same duties and powers.

Appointment of revising officers.

Their duties.

Oath of office.

Case of death or resignation, &c.

11. The Revising Officer to be appointed under this Act may, in all the Provinces except Quebec, be either a Judge or Junior Judge of the County Court in the Province in which he is to hold office, or a Barrister of at least five years' standing at the Bar of the Province in which he is to hold office, and in the Province of Quebec he may be either a Judge of the Superior Court for Lower Canada, or an Advocate of that Province of at least five years' standing: Provided also that the same Revising Officer may be appointed for, and be required to, discharge the said duties in respect of more than one electoral district, or more than one Revising Officer may be appointed for one district.

Who may be appointed as such.

Proviso.

12. The Revising Officer who prepares the first list under this Act, shall, as soon as possible after taking said oath of office, obtain a certified copy of the last revised assessment roll for each of the municipalities in the electoral district for which he is appointed, also a certified copy of the last revised list or lists of voters in such electoral district, prepared and revised under the Statutes of the several Provinces relating to assessments and voters' lists for the purposes of elections for the Local Legislature; also a certified copy of the list or lists prepared by the treasurers of municipalities of voters on income qualification, who are in default for payment of their taxes on income; and he shall proceed, as speedily as possible, with the aid thereof and of such other information as he can obtain, to ascertain and prepare a list of the persons who, according to the provisions of this Act, are entitled to be registered as voters and to vote at any election under this Act for such electoral district, which list shall contain the names of said persons in alphabetical order and shall be in the form contained in the Schedule to this Act, indicating in the proper column thereof

Duties of revising officer preparing first list of voters.

To procure certain lists, &c.

To prepare list of voters under this Act.

Form and contents of lists.

Qualification, &c.

whether they are qualified in respect of real property, as owners, tenants, occupants, purchasers in occupation under the Crown, or otherwise, and stating the number of the lot, portion of lot, and concession, street, or other most available description of the real property in respect of which they are so qualified, and their post office addresses as nearly as can be ascertained by said officer, or as farmers' sons or the sons of owners of real property other than farmers' sons showing the numbers of the lots, portions of lots, concessions, or streets, or other available description of the real property of their fathers or mothers, in respect of which they are qualified as farmers' or other owners' sons as hereinbefore provided, or whether they are qualified in respect of income; and as to sons of farmers, or of other owners as aforesaid, and voters on income, stating also in said list, in the proper columns thereof, the residences and post office addresses, as nearly as can be ascertained by said officer, of such persons; and, after having so prepared the said list, said Revising Officer shall sign the same as such officer.

As to farmers' sons and voters on income.

Signing lists.

Publication of lists.

13. The Revising Officer shall then forthwith make or cause to be made a sufficient number of copies of said list and after certifying them in the form contained in the Schedule hereto shall publish, on or before the first day of January, 1885, the said list, by causing one copy thereof to be posted up in the office of the clerk or other corresponding officer of each municipal or parochial division in said electoral district, and by mailing to the member or members of the House of Commons for such electoral district, to the Sheriff, Warden, Mayor, Clerk of the Peace and Treasurer or officers corresponding thereto under whatever official name they are known, of the county, city, town, or part of a city, included in such electoral district, and to the Reeve, Mayor and Treasurer or officers corresponding thereto as aforesaid of each township or village municipality in such electoral district two copies each addressed to the post office addresses of said persons respectively; and the copy of said list so posted up in each municipal or parochial division shall be open to inspection by any person free of charge in the office where it is deposited during the business hours of such office until the day fixed, as hereinafter provided for, when the preliminary revision of said list is to take place; and copies of said list may be procured by any person on application to said Revising Officer as soon as he can furnish them by paying therefor if printed a price proportionately sufficient to cover the price paid for printing the same, and if not printed then at the rate of six cents for every ten names on said list. In the event of there being no municipal divisions in said electoral district a copy or copies certified as aforesaid of the said list shall be posted up in one or more of what the Revising Officer considers the most public place or places in the electoral district, and two copies each shall be mailed to the officers or persons in such electoral district corresponding as nearly as may be, to those particularly mentioned in this section with respect to municipalities.

Mailing copies to certain officials.

Copy posted open to inspection free.

And copies furnished at a fixed price.

If there are no municipal divisions in the electoral district.

14. Two copies of said list certified as aforesaid shall also be mailed at the time of the publication hereinbefore mentioned to each of the Postmasters in the said electoral districts, who shall forthwith after receiving them post up one of them in a conspicuous place in his post office where said list shall remain until the day fixed as hereinafter provided for the preliminary revision of said list, and shall be open to inspection by any one during the office hours of said post office, and to each of the copies of said lists so made or published under this and the preceding section shall be appended a notice in the form contained in the Schedule to this Act.

Copies mailed to postmasters for posting up.

15. The said Revising Officer shall hold a sitting (as mentioned in the said notice) for the preliminary revision of said list at such place in said electoral district as he shall deem most convenient for that purpose on a day not less than four weeks nor more than five weeks after the publication of said list as aforesaid, and any person objecting to any name on said list, or desiring to add any name thereto or otherwise desiring to amend the same, shall, at least one week before the day fixed for such preliminary revision, deposit with or mail to said officer by paid letter at his office or place of address in the district a notice in the form contained in the Schedule to this Act, and in the event of any such objection being that a name already on the list should be struck off, the person so objecting shall give notice in writing to the person whose name is objected to at the same time and in the same form contained in the Schedule to this Act, as is to be given to said Revising Officer as aforesaid, by delivering said notice to such person or by mailing the same to the last known post office address of such person whose name is objected to and he shall also at the same time write opposite to the name objected to in the copy of said list posted up (if any) in the office of said clerk of the municipality or parish or other officer corresponding thereto the words "objected to" and the name, address and occupation of the person so objecting.

Sitting for preliminary revision.

Objections to be notified to revising officer.

Form and notice of service.

16. Notice of the said list and of the holding of said sitting having been published in manner aforesaid shall also be given by the Revising Officer, immediately after such publication, by at least one insertion thereof in the form contained in the Schedule to this Act, in one or more newspapers, if any, published within such electoral district.

Notice of sitting how given.

17. On the day and at the time and place appointed the Revising Officer shall publicly proceed to the preliminary revision of the list, basing such revision on the evidence and statements before him and of the persons who may then be present to give information in support of or in opposition to the written objections, claims for addition, or other proposed amendments, and he shall then and there correct the list to the best of his judgment and ability upon the evidence or information before him, initialing with his initials as such Revising Officer any addition to or erasure or change therein.

Preliminary revision.

Correcting list.

Certifying revised list.

Division of electoral district into polling sub-divisions;

Conditions.

18. The Revising Officer, having completed the said preliminary revision of the first general list for the electoral district shall sign the same as such Revising Officer and certify it, and shall on or before the fifteenth day of February, 1885, by an order in the form in the Schedule to this Act contained, under his hand, divide every city, town, ward, parish, township or other municipal or corresponding division in the electoral district (or in default of such municipal or other corresponding division, every tract of land) as aforesaid, having, according to the said list, more than three hundred voters therein by well defined boundaries, such as streets, side lines, concession lines or the like, into polling sub-divisions in such manner that the number of voters in the several polling sub-divisions in the electoral district shall be as nearly equal as may be, and shall not in any one case exceed two hundred: Provided always, that even where the electoral district does not contain three hundred voters, or where the voters are scattered over a large extent of country, the said Revising Officer may subdivide the electoral district into as many sub-divisions as he thinks advisable for the convenience of the voters, even though the number in each sub-division be less than two hundred.

Proviso: in case of voters much scattered.

Numbering polling sub-divisions.

19. The polling sub-divisions shall be numbered consecutively in and by the order of the Revising Officer by which they are established, and such order shall be forthwith, after the making thereof, filed and kept by the Revising Officer for the purposes of this Act.

Separate list for each polling sub-division.

20. Immediately after the sub-division of the electoral district into polling sub-divisions as aforesaid, the Revising Officer shall prepare from the first general list of voters as preliminarily revised by him as aforesaid, a separate voters' list for each polling sub-division, containing in alphabetical order the names of all voters qualified to vote in such polling sub-division, and in the same form as nearly as may be, as the form referred to in section *twelve* hereof, and shall sign the same as such officer; and the lists so prepared for the several polling sub-divisions shall, after the final revision and correction by the Revising Officer, as hereinafter provided for, be the first voters' lists to be used at any election of a member of the House of Commons under this Act for such electoral district.

Form and use of such lists after first revision.

FINAL REVISION OF THE FIRST VOTERS' LISTS.

Publication of such list with description of each sub-division.

21. After the completion of the said preliminary revision of said lists of voters and preparation of lists for polling sub-divisions and after the signature thereof by said Revising Officer, he shall, for the purpose of making a final revision thereof, cause a sufficient number of copies of each such list, with the description of the polling sub-division to which it relates, to be made or printed and shall certify the same as such Officer, and on or before the first day of March, 1885, shall publish the same by causing three of said copies to be posted up in conspicuous public places in the sub-division to which it relates,

and by delivering copies thereof to any persons applying for the same, upon being paid according to the rates mentioned in the *twelfth* section of this Act, to each of which copies shall be appended a notice in the form contained in the Schedule to this Act fixing a time and place for the final revision of each of said lists. Copies at fixed rates.

22. The said Revising Officer shall also at the same time publish said notice appointing the time and place for the said final revision in a newspaper (if any therebe) published in the municipality or other division of an electoral district to which the sub-division affected by said list belongs, by one insertion thereof in such newspaper. Notice of final revision.

23. The day to be fixed as aforesaid for such final revision shall be not less than one week, nor more than two weeks after the publication, by posting up of said lists as aforesaid, and the place shall be in the municipality which includes such sub-division, and any person desiring to object or to add to, or in any way amend or correct said list on said final revision, shall have the right to do so upon giving the same form of notice, and following the same procedure as is provided for in the *fifteenth* section hereof, as to objections or amendments on the preliminary revision and the day to be fixed in said notice, published by the Revising Officer as the last day for the giving of notice of such objections or claims from any person, shall be not less than one week before the day named for said final revision. As to time and place for final revision. Notice of objections. Last day for giving it.

24. At the time and place named in the notice of said Revising Officer, he shall hold open Court for the said final revision, and shall hear and dispose of any objection or complaint which shall have been given notice of as aforesaid, and the parties making the same, if they appear, as well as any evidence that may be adduced before him in support of or in opposition thereto, and shall either affirm or amend the lists, accordingly, as to him seems right and proper, initialing with his initials as such officer, any changes, additions or erasures in said lists. Proceedings at final revision. Correction of lists.

25. The said Revising Officer, shall for the purposes of said preliminary revision of the first general list of voters and of the final revision of the first voters' lists in polling sub-divisions, as well as for the revision of any subsequent lists of voters in polling sub-divisions under this Act, have all the powers of any Court of Record in the Province, as to compelling the attendance and the examination of witnesses, the production of books and documents, and the taking of evidence under oath before him, at any court or sittings held by him for any such preliminary or final revision, and shall have generally, all the powers of a Court of Record, necessary for him to exercise, in order to carry out the objects of this Act. Powers of revising officer for such revisions. Witnesses and evidence, &c.

26. After the lists for the various polling sub-divisions in an electoral district have been so completed, revised and corrected, they shall be certified in the form contained in the Copies of lists certified to be sent to Clerk of the Crown.

schedule to this Act by the Revising Officer, and kept by him for the purposes of this Act, and a duplicate of each certified as aforesaid, shall be transmitted forthwith by him to the Clerk of the Crown in Chancery at Ottawa, who, on receipt of all the said lists for any electoral district, shall, in the next issue of the *Canada Gazette*, insert a notice in the form contained in the schedule to this Act, on and after the publication of which notice in the *Canada Gazette*, the persons whose names are entered on said lists as voters, shall be held to be duly registered voters in and for such electoral district, subject to be corrected or amended by the judgment of a Superior Court on appeal as hereinafter mentioned; provided however, that in the event of any such appeal, said lists after the publication of said last mentioned notice in the *Canada Gazette*, shall apply to, and be final and conclusive as to every election for such electoral district, taking place before said appeal has been disposed of, or the result thereof communicated to the Revising Officer.

Notice in *Gazette* and its effect, except in case of appeal to court.

Proviso: in case of such appeal.

Copies of lists.

27. The Revising Officer shall supply copies of said lists to any person or persons applying for the same and paying therefor at the same rate as is to be payable for copies of lists furnished under section *thirteen* hereof.

Lists finally corrected to be valid until corrected on appeal or suspended by others.

28. After the voters' lists have been so finally revised, corrected, certified and brought into force as hereinbefore prescribed and until other lists are, in a future year, under this Act as hereinafter provided, made, revised, corrected and certified, and brought into force in their stead, and subject to any correction that may be made by order of a Superior Court on appeal as hereinafter mentioned, those persons only whose names are entered upon such lists as so revised and corrected shall be entitled to vote in the polling subdivisions and electoral districts for which they were respectively made at any election of a member of the House of Commons, and the said lists shall be binding on any Judge or other tribunal appointed for the trial of any petition complaining of an undue election or return of a member to serve in the House of Commons.

Certified copies to returning officer.

29. The said Revising Officer shall also furnish to the Returning Officer for his electoral district, at least eight days before the day of nomination at any election under this Act, one copy of the list of voters then in force for each polling sub-division in said district, with a description of said polling sub-division as contained in the order of the Revising Officer constituting the same, which list and copy of description shall be duly certified by said Revising Officer.

FUTURE LISTS AND REVISION THEREOF.

Renewal of lists after 1884, and how proceedings therefor.

30. On or before the first day of November in each year succeeding the year of Our Lord one thousand eight hundred and eighty-four, the Revising Officer shall, after being duly sworn in manner hereinbefore provided, obtain as soon as possible, if any there be, a certified

copy of the last revised assessment roll for each of the municipalities in the electoral district for which he is appointed; also, a certified copy of the list or lists if any, prepared by the treasurers of the municipalities, of voters on income qualification who are in default for payment of their taxes on income, and with such copies and such other information as he can obtain, he shall proceed to revise the voters' lists then in force under this Act for such electoral district, entering thereupon the names of all persons not already in said lists, and who, according to the provisions of this Act, are entitled to have their names so entered, indicating in the proper columns thereof whether they are qualified in respect of real property as owners, tenants, occupants, purchasers in occupation under the Crown or otherwise, and stating the number of the lot, portion of lot and concession, street or other available description of real property in respect of which they are qualified, and their post office addresses as nearly as can be ascertained by the said officer, or as farmers' sons or other owners' sons as aforesaid, showing the numbers of the lots, portions of lots, concessions or streets or other available description of the real property of their fathers or mothers in respect of which they are qualified as farmers' or other owners' sons as hereinbefore provided, or whether they are qualified in respect of income, and as to the sons of farmers, or other owners' sons as aforesaid, and voters on income, stating also in said list in the proper columns thereof the residence and post office addresses as nearly as can be ascertained by said officer of such persons, and erasing from said lists the names of any persons who are dead or who are not, according to the provisions of this Act, entitled to be registered as voters, and making any other verbal or clerical corrections which seem necessary, initialing all such additions, erasures or corrections, with his own initials, and signing such lists as such Revising Officer.

Revising and correcting former lists.

Initialing corrections and signing corrected lists.

31. After said lists have been so preliminarily revised the said Revising Officer shall publish them, and notice of the time and place fixed by him for the final revision thereof respectively, as near by as can be, in the manner and form provided for in sections *twenty-one* and *twenty-two* of this Act, in respect of the final revision of the first list of voters in polling sub-divisions under this Act.

Publication of corrected lists.

32. The practice and requirements provided for in the *twenty-third* and *twent-fourth* sections hereof, as to persons desiring to object to any name on the said first lists, or to add any name thereto, or to amend the same, shall apply to all similar applications in reference to the lists to be prepared under the next preceding section.

Objections, how made and dealt with.

33. At the time and place named in the notice required under the thirty-first section hereof, the Revising Officer shall hold open Court for the final revision of the said list for each polling sub-division, and shall proceed with the same powers as the Revising Officer would have as such officer under the *twenty-fifth* section hereof, as to the

Holding court for final revision of lists, and proceedings thereat.

enforcing of the attendance of witnesses, the taking of evidence under oath, the enforcing of the production of books and papers, the adjournment of the Court, and otherwise to hear the complaints made as hereinbefore provided for, and the evidence in reference thereto, and to decide thereupon, adding to, striking off, or otherwise amending or correcting said list accordingly, and initialing every addition, correction or erasure, or other amendment in said list, with his own initials as such officer in the same manner as is provided for in the *twenty-fourth* section hereof, in respect of the final revision of the first lists of voters in polling sub-divisions.

Certifying completed lists and transmission of duplicates to Clerk of the Crown.

34. After the lists for the various polling sub-divisions in an electoral district have been so completed, revised and corrected, they shall be certified in the form contained in the schedule to this Act by the Revising Officer, and kept by him for the purposes of this Act, and a duplicate of each, certified as aforesaid, shall be transmitted forthwith by him to the Clerk of the Crown in Chancery at Ottawa, who, on receipt of all the said lists for any electoral district, shall, in the next issue of the *Canada Gazette*, insert a notice in the form contained in the schedule to this Act, on and after the publication of which notice in the *Canada Gazette*, the persons whose names are entered on said lists as voters, shall be held to be duly registered voters in and for such electoral district, subject to be corrected or amended by the judgment of a Superior Court on appeal as hereinafter mentioned; provided however, that in the event of any such appeal, said lists after the publication of said last mentioned notice in the *Canada Gazette*, shall apply to, and be final and conclusive as to every election for such electoral district, taking place before said appeal has been disposed of, or the result thereof communicated to the Revising Officer.

Notice in *Gazette* and its effect.

Proviso: in case of appeal.

Copies, how obtainable.

35. The Revising Officer shall supply copies of said lists to any person or persons applying for the same and paying therefor at the same rate as is to be payable for copies of lists furnished under section *thirteen* hereof.

Effect of revised lists unless altered on appeal or superseded by others.

36. After the voters' lists have been so finally revised, corrected, certified and brought into force as hereinbefore prescribed and until other lists are, in a future year, under this Act as hereinafter provided, made, revised, corrected and certified, and brought into force in their stead and subject to any correction that may be made by order of a Superior Court on appeal as hereinafter mentioned, these persons only whose names are entered upon such lists as so revised and corrected shall be entitled to vote in the polling sub-divisions and electoral districts for which they were respectively made at any election of a member of the House of Commons, and the said lists shall be binding on any Judge or other tribunal appointed for the trial of any petition complaining of an undue election or return of a member to serve in the House of Commons.

Certified copies to returning officer.

37. The said Revising Officer shall also furnish to the Returning Officer for his electoral district, at least eight

days before the day of nomination at any election under this Act, one copy of the list of voters then in force for each polling sub-division in said district, with a description of said polling sub-division as contained in the order of the Revising Officer constituting the same, which list and copy of description shall be duly certified by said Revising Officer.

Alteration of polling sub-divisions in case of change in population.

38. Whenever the number of voters in any polling sub-division, as made under the *eighteenth* section hereof, shall increase so as to exceed two hundred, or whenever the Revising Officer then in office considers that the convenience of the voters would be promoted by a new and different sub-division, he shall, before proceeding to make the new lists of voters for that year, again sub-divide any city, town, ward, parish, township or other municipal division or tract of land where there is no municipal division in which such polling sub-division is situate into polling sub-divisions, so as to conform to the intent and meaning of this Act, and so again from time to time as like occasion shall require, using on all occasions after the first division thereof, the then last revised and corrected voters' lists for that purpose, and the Revising Officer, after making such sub-division by an order as in the *eighteenth* Section hereof, shall publish said order by posting up in some public place in such polling sub-division a copy thereof certified by him.

GENERAL PROVISIONS.

Power of revising officer to summon witnesses and obtain necessary information.

39. The said Revising Officer may issue at his own instance, or on the application of any person supporting or opposing any objection, claim or proposed amendment of the voters' lists at any of the Courts or sittings for preliminary or final revision under this Act, a summons in the form in the Schedule to this Act contained to any person to attend at said Court or Sittings, and if required to produce any books or papers in the possession or power of such person, and to give evidence thereat relating to any matter connected with any such revision, and in the event of such person not attending after being served therewith the said Revising Officer may punish such person as for a contempt of a Court of Record: Provided, however, that no such person shall be compelled to attend under any such summons unless the witness' fees and expenses allowed under the tariff of the Superior Court in the Province have first been paid or tendered to such person.

Power of amendment or adjournment and of summary proceeding.

40. The said Revising Officer shall have power at any Court or Sitting held under this Act by him to amend or give leave to amend, when he sees fit, any of the proceedings taken in reference to said lists, to direct notice to be given to other persons, or to dispense with any notices hereinbefore required to be given, and to adjourn any Court or sittings, or the hearing of any claim or objection or proposed amendment to a future day, and he shall not be bound by strict rules of evidence, or forms of procedure, but shall hear and determine all matters coming before him as such Revising

Officer in a summary manner and in such a way as in his judgment to do justice to all parties.

Applicants for correction may appear by counsel.

Costs.

41. The parties to any application before any such Court of preliminary or final revision may appear by Solicitor or Counsel, and the Revising Officer may in any case award the costs of any witnesses, and a sum "en bloc" for other costs not to exceed to be paid by any party to any other party to any application before him, as such officer may direct, and the amount of said costs shall be certified by said Revising Officer, and may be recovered as on ordinary debt due to the person to whom they are awarded by suit in any Court of competent jurisdiction in civil cases in the Province.

Provision in default of lists for any year.

42. If from any cause the lists of voters for any polling district are not made and revised and corrected in any year the lists last made and revised and corrected shall be used for the purpose of any election.

As to lists certified while an appeal is pending.

Correction when appeal is decided, and notice thereof.

Proviso: if decision is notified before day of polling.

43. If at any time when the Revising Officer is required to furnish or certify the list of voters whether to a Returning Officer, Deputy Returning Officer or to any other officer or person, there be any appeal pending, or in which the decision if given has not been notified to the Revising Officer with respect to such list, the Revising Officer shall furnish such list as then last revised and corrected by him without noticing such appeal, and the list shall serve and avail for the election with reference to which it is furnished as if no such appeal were or had been pending; but whenever the appeal is decided so as to require the correction of the list and the formal order or judgment has been served upon him he shall correct the list accordingly, and forthwith notify the Clerk of the Crown in Chancery that he may correct the duplicate list in his hands accordingly, and the said Clerk of the Crown in Chancery shall amend the same accordingly: Provided that if the decision in appeal requiring correction of any voters' list is notified to the Revising Officer by service of the formal order or otherwise, before the day of polling, an amended copy of the voters' list shall be furnished by said Revising Officer to the Returning Officer or Deputy Returning Officer before the said day, and shall contain the correction in question certified *as before*, in which case the election shall take place upon such amended list.

Returning officer to fix polling stations before election.

44. Notwithstanding anything contained in any Statute of Canada heretofore enacted, the Returning Officer for each Electoral District shall, not less than eight days before the day of nomination, obtain from the Revising Officer for the Electoral District for which he is Returning Officer, at least one copy of the voters list as finally revised and certified by said Revising Officer and then in force for each of the polling sub-divisions in said Electoral District, and a copy of the order dividing said Electoral District into polling sub-divisions, and shall forthwith fix a polling station in and for each of such polling sub-divisions in a central and convenient place therein.

15. In the revision of the first or any subsequent voters list under this Act in polling subdivisions of cities, towns, or villages, the Revising Officer instead of holding a Court in each polling sub-division may appoint some central place in such city, town or village at which to hold his Court of Revision for the several polling sub-divisions, therein appointing if he thinks proper, a separate day and holding a separate Court for each polling sub-division.

One place may be appointed for court of revision in cities, &c., as to polling sub-divisions therein.

APPEAL.

16. Any person or persons who, under the foregoing sections shall have made complaint according to the practice therein provided for in respect of the list of voters in any polling sub-division on the final revision thereof, whether said list be the first or any subsequent voters' list for said sub-division, prepared under this Act; or any person or persons, with reference to whom such complaint was made, who shall be dissatisfied with the decision on any point of law of the Revising Officer in respect of such complaint, may give to the Revising Officer on the day of such decision and before the adjournment of the Court on that day, notice in writing of his desire to appeal to a Superior Court from such decision, stating shortly in such notice the decision complained of and his reasons for appealing against it; and if said Revising Officer thinks it reasonable and proper to allow such appeal, he shall, as soon as he conveniently can do so, state, in the form of a special case, the facts established according to his opinion by the evidence, and necessary to be laid before the Court above in order to determine said point of law, also his own decision on the same, as nearly as may be according to the form and practice provided for the stating and hearing of a special case in the Court intended to be appealed to, and he shall then sign the same as Revising Officer, and shall require the appellant or his counsel or agent after reading same to him to sign a declaration at the end of such special case in the words "I appeal from the above decision," after which said Revising Officer shall endorse the said case with the names of the parties appellant and respondent and the number of the polling sub-division and the name of the electoral district thereby affected, and shall deliver to such appellant or his counsel or agent a certified copy of such case, and, also, if required, to the respondent or his counsel or agent.

Appeal from decision of revising officer. Notice thereof.

Revising officer allowing such appeal to state a special case.

Appellant or counsel to sign it and have copy.

17. No such appeal shall be allowed or entertained against any decision of the Revising Officer upon any matter of fact or the admission or rejection of evidence adduced or offered on any matter of fact, but the appeal shall be allowed only on some point or points of law as before mentioned. With the consent of the Revising Officer any number of persons desiring to appeal on the same point or points of law may be joined in the same statement of case making it one appeal.

Appeal on point of law only.

Joinder of applicants on same point.

18. The appeal shall be in the form of a petition to the Court accompanying the statement of case certified by the

Form of and time for appeal.

Revising Officer and praying that the voters' list in question may be amended by the insertion or omission of the name or names alleged to be wrongfully omitted or inserted or otherwise as the case may be, and shall be presented at the next sitting of the Court appealed to by any barrister or advocate practising therein on behalf of the appellant.

Copy to be served on revising officer and party affected.

49. A copy of the petition must at least four days before such presentation, have been served upon the Revising Officer and upon the party in whose favor the decision appealed from was given, with a notice of the time and place at which the petition will be presented, such service being made in the manner prescribed in any ordinary case of summons to appear before such Court in civil cases or in any other manner prescribed by any rule made by the Court in that behalf under this Act. The Revising Officer and the opposing party (if any) may appear by any barrister or advocate practising in the Court, uponwhom any order made by the Court in the case or any notice or other proceeding therein may be validly served :

They may appear by counsel.

If petition is withdrawn.

If the petitioner or petitioners does not or do not appear on the day on which the petition is to be presented, or appearing withdraws or withdraw his or their petition, the case shall, on the application of the Revising Officer or any other party on whom the petition has been served as aforesaid, be dismissed, as respects such petitioner or petitioners, and the polling list shall as to him or them remain unaltered :

If petitioners only appear.

If the petitioner or petitioners appear, and neither the Revising Officer nor any other party aforesaid does so, or appearing does not oppose the petition, the court shall order the polling list to be amended as prayed for, and the Revising Officer shall amend it accordingly :

Summary hearing and decision if the case is contested, and—

No further appeal.

But if the petition be opposed by the Revising Officer or other party aforesaid (if any) then appearing, the court shall appoint a convenient time and place at which the case shall be heard by some Judge of the Court, who shall hear and decide the same summarily, and without being bound by any technical rules of proceeding ; such decision shall be subject to no appeal, and shall be notified in such manner as the Court may direct to the Revising Officer, who shall obey the same and shall amend the polling list or leave it unaltered accordingly :

If statement of case is unsufficient.

Provided always, that the Court may, if it be of opinion that the case submitted is not sufficient to enable it to give judgment in law, remit the case to the Revising Officer to be more fully stated :

Costs.

The Court may award costs to or against any party in the case :

Court to make rules of practice and tariff of costs.

The Court or the Judges thereof having, by law, power to make rules of practice for proceedings therein, shall (subject

to the provision hereinafter made as to the Province of Quebec) have power to make rules of practice for appeals under this Act, and a tariff of costs and fees on such proceedings respectively, and to alter the same; but if and so long as no such special rule or tariff shall be in force and applicable to any appeal under this Act, the Court and Judges shall cause the proceedings for which no such special provision is made, to be conducted in such manner as they may deem best adapted for doing substantial justice to all parties, and shall allow such costs as they may deem reasonable; and the Court deciding the case in appeal shall in its order in that behalf direct by what party the costs on any or all the proceedings shall be paid, and they shall be subject to taxation as in other cases in the Court, and recoverable in like manner.

Provision if rules, &c are not made.

Costs.

50. The appeal in the Province of Ontario shall be to any of the Divisional Courts of the High Court of Justice for that Province, or to any one or more of the Judges thereof, sitting as such Court, in the Province of Manitoba to the Court of Queen's Bench for Manitoba, in the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and British Columbia to the Supreme Court of each of such Provinces respectively, and in the Province of Quebec to the Superior Court at the city of Quebec, if the polling sub-division in question be in any of the districts of Quebec, Three Rivers, Saguenay, Chicoutimi, Gaspé, Rimouski, Kamouraska, Montmagny, Beauce or Arthabaska, and to the Superior Court at the City of Montreal if such polling sub-division be in any one of the districts of Montreal, Ottawa, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville or Beauharnois; and any three Judges of the said court residing at the city at which the petition is presented shall have and exercise with respect to such petition all the powers by this Act vested in the Court, except only that any rules of practice or tariff made under this Act shall be made or altered only by the Judges of the Court resident in the said cities, or a majority of them.

Courts for appeal.

In Ontario.

In Manitoba.

In other provinces, except Quebec.

In Quebec.

Any three judges may act.

Except as to rules and tariff.

OFFICERS AND DUTIES.

51. The Revising Officer may appoint as his clerk a person competent to perform the duties required of him, and such as shall be assigned to him by said officer as clerk of said Courts of Revision or otherwise during the preparation of and revision of said lists and said clerk shall be subject to dismissal by said Revising Officer.

Clerk of revising officer.

52. The Revising Officer may also appoint for the purpose of serving papers, posting up notices and attending and keeping order at Courts of Revision and doing such other duties as may be assigned to him by said Revising Officer, a competent person as a bailiff and constable, who shall be subject to the orders of said Revising Officer, and to be dismissed by him at pleasure.

Bailiff or constable.

Remuneration, how fixed.

53. The remuneration of said Revising Officers and of their clerks and bailiffs, and their allowance for expenses, as well as the mode of payment thereof, shall be fixed by order of the Governor General in Council and the amount thereof shall be a charge upon the Consolidated Revenue of Canada.

Revising officer to keep list of objections, &c.

54. The Revising Officer shall keep a list of the notices of objections, claims and proposed amendments sent in to him under the *fourteenth*, *twenty-first* and *twenty-ninth* sections hereof, which list as well as the said notices shall be open to inspection by any one desiring to inspect the same before the said objections, claims or proposed amendments are disposed of by said Revising Officer.

Revising officer may correct lists on his own knowledge.

55. It shall be the duty of said Revising Officer on any revision under this Act, of his own motion where there have been no objections, claims or complaints in reference thereto, to strike out the names on said lists of any persons who have died or become disqualified and to change the names of others, where the same are incorrectly entered on said list, and generally to correct said list so far as any information in his possession will enable him to do so in order to carry out the intention of this Act.

Time for completing first and subsequent lists of voters.

56. The first lists of voters for polling sub-divisions to be prepared and brought into force under this Act shall be completed, finally revised and certified and duplicates thereof forwarded to the Clerk of the Crown in Chancery at Ottawa, on or before the fifteenth day of April, 1885, and the lists in future years to be revised under this Act shall be so finally revised, certified and duplicates thereof forwarded to said Clerk of the Crown in Chancery as aforesaid on or before the fifteenth day of April in each year thereafter.

Perjury clause.

57. Every person taking any oath or affirmation under this Act who wilfully swears or affirms falsely shall be deemed guilty of perjury.

SCHEDULE OF FORMS.

Oath of Office of Revising Officer.

I , of the of , in the County of and Province of the Revising Officer appointed under the statute passed in the forty-sixth year of Her Majesty's reign, chaptered in and for the Electoral District (or *Districts of* or *one of the Revising Officers so appointed for said District of*) of in the Province of do hereby solemnly *swear* that I will well and faithfully discharge the duties assigned to me under the said Act, without favor or partiality; that I will place no name on the list of voters for the said Electoral District or any of the sub-divisions thereof,

and will strike no name off the same, unless I shall be satisfied that the same should by law be placed on or struck off the same; and that I will in all respects conform to the said law to the best of my judgment and ability. So Help me GOD.

Sworn before me, a Judge of the Court of , in and for the Province of , being a Court of Record at the of , in the County of and Province aforesaid this day of A.D. 188 .

Revising Officer of the Electoral District of

A Judge, &c.

LIST of Voters for Year in (*Electoral District* or *Polling Sub-division No.* *of Electoral District of* .)

No.	Name in Full. (Surname first.)	Residence.	P. O. Address.	Nature of Qualification.	Municipality or Place where Qualification is situate if Real Estate.	Concession, Street and No. of Lot or other particular Description of Property.	Nature of Title to Qualifyng Property.	Name of Parent if Voter Qualified as a Son of a Farmer or other Owner of Real Property; also Nature of Parent's Title to the Real Property.	Remarks.

Dated 188 .

A.B.,
Revising Officer for the Electoral District of .

Certificate of Revising Officer.

I, , the undersigned duly appointed Revising Officer (*or* one of the duly appointed Revising Officers for) the Electoral District of in the Province of , do hereby certify that the foregoing list consisting of pages, is a (*duplicate* or *true copy*, as the case may be, *of the list of voters for the Electoral District of as originally prepared or preliminarily revised*, as the case may be, or *for polling subdivision number in said Electoral District, before or after the final revision thereof*, as the case may be) for the year , under 46 Vict., cap. .

Dated 188 .

A.B.

Revising Officer for the Electoral District of

Notice by Revising Officer of preliminary revision of First Voters' List.

The Revising Officer for the Electoral District of in the Province of , appointed under 46 Vict., cap , hereby gives notice that he has completed and published in the manner directed by said Act the first general list of voters for said Electoral District, and that he will hold a sitting pursuant to said Act for the preliminary revision of said list at in the of County of , in said Province, at o'clock in the on the day of 188 .

Any person objecting to any name on said list or desiring to add any name thereto or otherwise desiring to amend the same, must, on or before the day of 188 , deliver to said Revising Officer or mail to him by paid-letter at his office or place of address in said District, a notice in writing in the form for that purpose contained in the Schedule to said Act, as nearly as may be, setting forth the name or names objected to, and the grounds of objection, or the name or names proposed to be added to said list, with the grounds therefor, and particulars of the qualification and residence of such persons whose names are proposed to be added, or the particulars of any other proposed amendment, and the grounds therefor; and every such notice must be signed by the person so giving notice, and must set forth his residence, occupation and post-office address. In the event of the person so giving notice, objecting to the name of any person already on said list, the person so objecting shall also deliver or mail to the last known address of the person whose name is objected to, by paid-letter, a copy of the notice given, and at the same time as said notice is given to said Revising Officer; and such person so objecting shall also at the time of giving such notice write opposite to the name of such person so objected to, in

the copy of said list posted up in a public office nearest to the residence of the person objected to in the Electoral District the, words "Objected to" and sign his own name, address and occupation thereunder.

Dated, , 188 .

(A.B.)

Revising Officer for the Electoral District of .

Order of Revising Officer Dividing Electoral District into Polling Sub-divisions.

I, , the duly appointed Revising Officer for the Electoral District of , Province of under 46 Vict., cap. , do hereby order and direct that the said Electoral District be and the same is hereby subdivided into polling subdivisions, described as follows :—

Number one (*and so on as to others*)—

Bounded on (*here fill in as particular a description, by concession, street or other dividing line, as possible, of the bounds and area of each subdivision.*)

Dated , 188 .

A.B.,

Revising Officer for the Electoral District of .

Notice by Revising Officer of Final Revision of Voters' Lists for each Polling Sub-division.

The Revising Officer for the Electoral District of , in the Province of , under 46 Vict., cap. , hereby gives notice that he will hold a sitting on the day of , 188 , at o'clock in the , at , in the of , in the said Electoral District, for the final revision of the Voters' List, for Polling Sub-division No. , of said District.

All objections and claims for additions to or amendment of said list with the grounds therefor and the name, addition and Post Office address of the person objecting to any name on said list, or claiming to add to or amend said list in any other respect, must be delivered to said Revising Officer at , or sent to him by paid letter, addressed to him at , and before the day of 188 , in the same form, as nearly as may be, as of notice of complaint, in the Schedule to "The Electoral Franchise Act."

If the objection be to the name of any person already on said list, the person so objecting must, at the same time, deliver or mail by paid-letter to said person so objected to, at his last known address, a copy of said notice of objection, and must also, at the same time, write opposite the name of such person so objected to, on a copy of said list posted up in said subdivision in some public place, the words "objected to," and sign thereunder his own name, addition and address.

Dated 188 .

A.B.,
Revising Officer for the Electoral District of .

Notice of Complaint.

I , of the of , in the County of , in the Electoral District of , Province of , under 46 Vict, cap. , hereby give notice that I will apply to have (*the first general list for the Electoral District*, or *the list for polling subdivision No. of said Electoral District*, or *for the year as preliminarily revised*, or as the case may be, *amended or added to* as the case may be; *then state the name or names objected to with the grounds therefor, or the name or names desired to be added, with full particulars of their residences, addresses, occupations, qualifications and grounds for applying to have them added, or the nature of any other proposed amendments to the list and the grounds therefor,*) at the sitting to be held by the Revising Officer for said Electoral District, at o'clock in the noon, on the day of , 188 , at , in the said Electoral District.

Dated , 188 .

To (*Revising Officer for said District, or to the person whose name is objected to.*)

(*Name of complainant.*)
P. O. Address.

Notice to be Published in "Canada Gazette" by Clerk of the Crown in Chancery.

Notice is hereby given that I have received the voters lists, finally revised, for all the polling subdivisions of the Electoral District of for the year , under 46 Vic.t, cap. .

Dated , 188 .

C.D.,
Clerk of the Crown in Chancery at Ottawa.

Summons.

To

You are hereby required and summoned personally to attend before me, the undersigned Revising Officer, on the day of , 188 , at o'clock in the at in the County of , and Province of , and then and there to testify what you may know concerning the

then to be investigated by me as such Revising Officer and so on from day to day. And herein fail not at your peril.

Given under my hand at aforesaid, this day of , 188 , under 46 Vict., cap. .

Revising Officer for the Electoral District of

No. 107.

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

BILL.

An Act respecting the Electoral Franchise.

Received and read first time, Friday, 13th April, 1883.

Second reading, Tuesday, 17th April, 1883.

SIR JOHN A. MACDONALD.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.

1883.

No. 107] **BILL.** [1883

An Act respecting the Electoral Franchise.

(*Reprinted as proposed to be amended in Committee of the Whole.*)

NOTE.—The amendments are printed in italics.

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

1. This Act may be cited as "The Electoral Franchise Act." Short title.

INTERPRETATION.

2. In construing this Act, unless it be otherwise expressly provided, or unless there be in the context of the Act something inconsistent with or repugnant to such construction, the following words and expressions shall be construed and mean as follows: Interpretation of terms used in this Act.

"Owner" when it relates to the ownership by a male person of real property situated in the Province of Quebec, shall mean "Proprietor" or "usufructuary" (usufruitier) either in his own right, or in the right of his wife, of real property in "franc alleu," or in free and common soccage, and when said word "Owner" relates to the ownership by a female person unmarried, or a widow of property in the Province of Quebec, it shall mean "Proprietor" "or usufructuary" (*usufruitier*) of real property in "franc alleu," or in free and common socage in the Province of Quebec, and in said Province when one person has the mere right of property or legal estate in any real property in said Province and some other person has the usufructuary enjoyment (*la jouissance et l'usufruit*) of the same property for his or her own use as aforesaid, the person who has the mere right of property or legal estate therein shall not have the right of being registered as a voter or of voting under this Act in respect of such property, but in such case the person having the usufructuary enjoyment (*usufruitier*) shall alone have the right of being registered as a voter and of voting in respect of such property under this Act. Owner; in Quebec. Usufructuary.

"Owner" when it relates to the ownership of real property situated elsewhere in Canada than in the Province of Quebec, shall mean the "Proprietor" either in his or her own right or for his or her own benefit, or if such proprietor be a married man it shall mean the proprietor in his own right, or in the right of his wife, of freehold estate legal or equitable in lands and tenements held in free and common soccage of which such person is in actual possession or is in receipt of the rents and profits thereof. Owner; in other Provinces.

"Tenant" shall mean as well a person who pays rent in money therefore as a person who is bound to render to his or her landlord some portion of the produce or of the revenues or profits of the property leased in lieu of rent. Tenant.

"Occupant" shall mean a person in actual occupation of real property otherwise than as "owner," "tenant," or "usufructuary," in Occupant.

his or her own right, or, in the case of a married man, in his own right or in the right of his wife, and who receives to his or her own use and benefit the revenues and profits thereof.

Person. "Person" shall mean a male person married or unmarried, or a female person unmarried or a widow.

Farm. "Farm" shall mean land actually occupied by the owner thereof and not less in quantity than twenty acres.

City. "City" shall mean a place incorporated as a city or recognized as such by any Act of the Parliament of Canada or of the Legislature of the Province in which it is situated.

Town. "Town" shall mean a place incorporated as a town or recognized as such by any Act of the Parliament of Canada or of the Legislature of the Province in which it is situated.

Incorporated village. "Incorporated Village" shall mean a place incorporated as a village, or recognized as such by any Act of the Parliament of Canada, or of the Legislature of the Province in which it is situated.

Parish. "Parish" shall include any tract of land which is generally reputed to form a parish, whether such tract has or has not been wholly or in part originally erected into a parish by the civil or ecclesiastical authorities.

Father, mother. "Father" shall include "Stepfather," and "Mother" shall include "Stepmother."

Farmer's son. "Farmer's Son" shall mean any male person not otherwise qualified to vote and being the son of an owner and actual occupant of a farm.

Electoral district. "Electoral District" shall mean any place consisting of or comprising any city, town, county, township, district or municipality, or portion thereof, in Canada, entitled to return a member to the House of Commons of Canada.

Election. "Election" shall mean an election of a member to serve in the House of Commons of Canada.

Voting: to vote. "Voting" and "To Vote" shall mean "Voting" and "To Vote" at the election of a member to serve in the House of Commons of Canada.

List of voters. "List of Voters" shall mean the list when finally revised of registered voters, to be prepared and revised under the provisions of this Act for each sub-division of an electoral district in each year.

Actual value; value. "Actual Value" or "Value" shall mean the then present market value, if sold upon the ordinary terms of sale, of any real property in respect of which any person claims to be qualified, whether as owner, tenant, occupier, or farmer's, or other owner's son, as determined by the Revising Officer, upon the best information in his possession at the time of such revision.

Real property "Real Property" shall mean a lot or portion of a lot or other portion or sub-division of real property, or a house, store, office or building of any description whatsoever or any portion thereof situate upon real property.

As to sundays and holidays. If the time limited by this Act for any proceeding or for the doing

of any act under its provisions expires or falls upon a Sunday or day which is a public holiday or holiday under the Interpretation Act, the time so limited shall be extended to and such act may be done upon the day next following which is not a Sunday or such a holiday as aforesaid.

QUALIFICATION OF VOTERS IN CITIES AND TOWNS.

Who shall be registered as voters if qualified as to—

3. Every person shall, upon and after the first day of November in the year of Our Lord one thousand eight hundred and eighty-four, be entitled to be registered on the list of voters hereby required to be made for any electoral district or portion thereof in Canada, being a city or a town or part of a city or town, or including any city or town or part of a city or town, and when so registered to vote at any election for such district, if such person—

Age.

1. Is of the full age of twenty-one years, and is not disqualified by this Act or otherwise by any law of the Dominion of Canada, disqualified or prevented from voting.

Allegiance.

2. Is a British subject by birth or naturalization.

Ownership.

3. Is the owner of real property within any such city or town or part of a city or town of the actual value of three hundred dollars; or—

Tenancy.

4. Is the tenant of real property within any city or town or part of a city or town *at a monthly rental of at least two dollars, or at a quarterly rental of at least six dollars, or at a half-yearly rental of at least twelve dollars, or* at an annual rental of at least twenty dollars, who has been in possession thereof as such tenant for at least one year next before the first day of November, in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, and has really and *bonâ fide* paid one year's rent for such real property at not less than the rate aforesaid, provided that the year's rent so required to be paid to entitle such tenant to vote shall be the year's rent up to the last yearly, half-yearly, quarterly or monthly day of payment as the case may be, which shall have occurred next before the said first day of November in each of said years respectively; and provided also, that a change of tenancy during the year next before the said first day of November in each of said years respectively shall not deprive the tenant of the right to vote in respect of such real property if such change be without any intermission of time, and the several tenancies be such as would entitle the tenant to vote had such tenant been in possession under either of them as such tenant for the year next before the said first day of November in each of said years respectively; or—

Proviso as to rent.

Proviso as to change of tenancy.

Occupancy.

5. Is the *bonâ fide* occupant of real property within any such city or town, or part of a city or town, of the actual value of three hundred dollars, whether such occupation be under a license of occupation or agreement to purchase from the Crown or from any other person or corporation, or whether the same exists in any other manner except as owner or tenant, provided in any case that such person has been in possession of said real property as such occupant for one year next before the first day of November, in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, and is and has been for said time in the enjoyment for the use of such occupant, of the revenues and profits thereof, or, in the case of a married man, for his own use or for the use of his wife; or—

Residence.

6. Is a resident within such city or town, or part of a city or town,

and derives an income from some trade, calling, office or profession, or from some investment or charge on real property in Canada, of not less than four hundred dollars annually, and who has derived such income and has been such resident for one year next before the said first day of November, in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year; or—

As son of owner.

7. Is a son of any such owner of real property, and not otherwise qualified to vote, and who is and has been resident upon such property continuously with his father (or with his mother after the death of his father), being such owner, in such city or town or part of a city or town for one year next prior to the first day of November, in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, if the real property on which his father (or his mother after the death of his father) resides and in respect of which such father (or mother after the death of his father) is qualified under this Act as owner, is of sufficient value if equally divided amongst them as co-owners, to qualify as voters under this Act, both the father or mother and such one or more sons as may desire to be so registered on said list, and if the said real property be not of sufficient value to give the father or mother and each of said sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of said real property shall belong only to the father (or mother after the death of the father) or the father or mother and such of the eldest or elder of the sons as the value of the real property when equally divided will qualify: Provided that, in order to entitle him to vote, each such son must at the time of the election for the electoral district in which he tenders his vote, be so resident with his father (or mother after the death of his father); and further provided, that occasional absence of the son from the residence of the father or mother for not more in all than four months in the year shall not disqualify such son as a voter under this Act.

Proviso: as to absence.

IN COUNTIES.

Who shall be registered as voters, if qualified as to—

4. Every person shall, upon and after the first day of November in the year of Our Lord one thousand eight hundred and eighty-four, or in any subsequent year, be entitled to be registered on the list of voters hereby required to be made for any electoral district or portion thereof in Canada, other than a city or town or portion of a city or town, and when so registered to vote at any election for such electoral district, who is qualified as follows: that is to say, if such person—

Age.

1. Is of the age of twenty-one years and is not disqualified by this Act or otherwise by any law of the Dominion of Canada disqualified or prevented from voting;

Allegiance.

2. Is a British subject by birth or naturalization;

Ownership.

3. Is the owner of real property within any such electoral district, of the actual value of *one hundred and fifty* dollars; or—

Tenancy.

4. Is the tenant of real property within any such electoral district, under a lease *at a monthly rental of at least two dollars or at a quarterly rental of at least six dollars, or at a half yearly rental of at least twelve dollars in money, or* at an annual rental of at least twenty dollars in money or in kind (except when the said real property is situate in an incorporated village, in which case the rental aforesaid must be payable in money only), who has been in possession thereof as such tenant for at least one year next before

the first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, and has really and *bonâ fide* paid one year's rent for such real property at not less than the rate aforesaid: Provided that the year's rent so required to be paid to entitle such tenant to vote shall be the year's rent up to the last yearly, half-yearly, quarterly or monthly day of payment, as the case may be, which shall have occurred next before the said first day of November in each of said years respectively; and provided also, that a change of tenancy during the year next before the said first day of November in each of said years respectively, shall not deprive the tenant of the right to vote, if such change be without any intermission of time, and the several tenancies be such as would entitle the tenant to vote had such tenant been in possession under either of them as such tenant for the year next before the said first day of November in each of said years respectively; or—

Proviso: as to rent.

Proviso: as to change of tenancy.

5. Is the *bonâ fide* occupant of real property within such electoral district of the actual value of *one hundred and fifty* dollars, whether such occupation be under a license of occupation or agreement to purchase from the Crown or from any other person or corporation, or whether the same exists in any other manner except as owner or tenant; provided in any case, that such person has been in possession of said real property as such occupant for one year next before the first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, and is and has been for said time in the enjoyment for the use of such occupant, of the revenues and profits thereof, or in the case of a married man, for his own use or for the use of his wife; or—

Occupancy.

Proviso: as to length of possession.

6. Is a resident within such electoral district, and derives an income from some trade, office, calling, or profession, or from some investment or charge on real property in Canada, of not less than four hundred dollars annually, and who has derived such income and has been such resident for one year next before the said first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year; or—

Residence.

7. Is a farmer's son not otherwise qualified as a voter, and who is a resident and has been resident continuously on the farm of his father (or mother after the death of his father) in such electoral district, for one year next prior to the first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, if the said farm be of sufficient value, if equally divided amongst them as co-owners, to qualify as voters under this Act, the father (or mother after the death of his father), and such one or more sons as may desire to be registered on said list, and in the event of there being more than one son resident as aforesaid on the farm and claiming to be registered as voters in respect thereof, and if the farm be not of sufficient value to give the father or mother and each of said sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of said farm shall belong only to the father (or mother after the death of the father), or to the father (or mother) and such of the eldest or elder of the sons as the value of the farm when equally divided will qualify: Provided that in order to entitle him to vote, each such son must at the time of the election for the electoral district in which he tenders his vote, be so resident with his father (or mother after the death of his father); and provided further, that occasional absence of the son from the farm for not more in all than four months in the year shall not disqualify such son under this Act as a voter; or—

As a farmer's son, residence

As one of several sons.

Proviso: as to absence.

8. Is a son of any such owner of real property other than a

As son of owner, not a

farmer; residence.

farmer's son, not otherwise qualified to vote, and who is and has been resident upon such property continuously with his father (or mother after the death of his father) being such owner, and in such electoral district, for one year next prior to the first day of November in the year of Our Lord one thousand eight hundred and eighty-four or in any subsequent year, if the real property on which his father (or his mother after the death of his father) resides and in respect of which such father (or mother after the death of his father) is qualified under this Act as owner, be of sufficient value if equally divided amongst them as co-owners, to qualify as voters under this Act both the father and mother and such one or more sons as may desire to be so registered on said list; and if the said property be not of sufficient value to give the father or mother and each of said sons the right to vote in respect of such value when equally divided, then the right to be registered as a voter and to vote in respect of said real property shall belong only to the father (or mother after the death of the father) or to the father or mother and such of the eldest or elder of the sons as the value of the real property when equally divided will qualify: Provided that in order to enable him to vote, each such son must at the time of the election for the electoral district in which he tenders his vote, be so resident with his father (or mother after the death of his father); and further provided that occasional absence of the son from the residence of the father or mother for not more in all than four months in the year, shall not disqualify such son as a voter under this Act; or—

Proviso: as to residence and to absenses.

Fisherman.

9. *Is a fisherman, and is the owner of real property and boats and tackle within any such electoral district which together are of the actual value of one hundred and fifty dollars.*

APPLICABLE TO ALL ELECTORAL DISTRICTS.

In a city or town attached to a county or riding.

5. The qualifications required of voters under section three of this Act shall apply to voters in a city or town or part of a city or town that is attached to a county or riding of a county in either of said electoral districts, for electoral purposes under this Act, and the qualifications required of voters under section *four* of this Act shall apply to voters in such municipalities or places not being cities, towns or portions of cities or towns, as are attached to or included for electoral purposes in cities or towns or portions of cities or towns.

Joint tenancy, tenancy in common or other joint tenancy.

6. Whenever two or more persons are either as business partners, joint tenants, tenants in common, or by any other kind of joint interest, the owners, tenants or occupants of any lot or portion of a lot or parcel of real property in any electoral district, each of said persons whose share therein is sufficient in value according to the provisions of this Act to qualify such person as a voter in respect of real property, shall be entitled to be registered on the list of voters hereby required to be prepared, and to vote in respect of said share of said real property as if said share were held in said person's individual name and not jointly with one or more.

Share must be of sufficient value.

Provided always, that no one of the said persons whose share is of a value insufficient under the provisions of this Act to qualify such person as a voter, shall be entitled to be registered as a voter or to vote as aforesaid; and provided also that where any real property is owned, leased or occupied in the name of a Corporation, no member or officer of such Corporation shall be entitled to be registered as a voter or to vote in respect of such real property.

Place of registry for

7. The persons qualified according to this Act as voters in respect

of income shall only be entitled to be registered as voters and to vote in the polling sub-division where they reside at the time of their registration; and persons qualified otherwise, according to this Act, than on income shall only be entitled to be registered as voters and to vote in the sub-division where the real property in respect of which they are qualified is situate; but when the said real property is partly within one polling sub-division and partly within another, although all in one electoral district, the person qualified in respect thereof shall be entitled to be registered and to vote in either of said sub-divisions for which he may desire to be registered as a voter.

voters qualified by income. And of persons qualified on realty.

Property extending into more than one electoral district.

8. Other than and except the persons duly qualified and registered as voters according to the provisions of this Act, no person shall be entitled to vote at any election for the House of Commons of Canada after the time when the duplicates of the first list of voters finally revised and certified as hereinafter provided, for the electoral district for which the election is to be held, shall have been forwarded to the Clerk of the Crown in Chancery at Ottawa, as also hereinafter provided:—but at any election held before the time aforesaid, the voters shall be those entitled to vote thereat under the laws now in force.

No voters for H. C. but those qualified under this Act after a certain time.

WHO SHALL NOT VOTE AT ELECTIONS.

9. The following persons shall be disqualified and incompetent to vote at any election to which this Act applies, excepting the persons or officers named in sub-section "*b*" of this section, who shall only be disqualified and incompetent to vote as far as the election for the electoral district in which they hold such offices or positions is concerned:—

Persons disqualified as voters.

(*a.*) The Chief Justice and Judges of the Supreme Court of Canada, the Chief Justices and Judges of the Superior Courts in the Provinces of Canada, and the Judges of all the Courts in the said Provinces, whether such Courts are now in existence or are hereafter erected, and Police, Stipendiary Magistrates and Recorders;

Judges and paid magistrates.

(*b.*) Revising Officers, Returning Officers, and Election Clerks, and any person who at any time, either during the election or before the election, is or has been employed at the same election or in reference thereto for the purpose of forwarding the same by any candidate or by any person whomsoever as counsel, agent, attorney or clerk at any polling place at any such election or in any other capacity whatever, and who has received or expects to receive either before, during or after the said election from any candidate or from any person whomsoever for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever for any sum of money, fee, office, place or employment, except only the Returning Officer, in the case of equality of votes between the candidates where the addition of a vote would entitle any of such candidates to be declared elected;

Election officers and agents, &c., of candidates.

Exception in cases of ties.

(*c.*) All married women whose husbands are living.

Married women not widows.

REGISTRATION OF VOTERS.

10. The Governor General in Council shall, within three months after the coming into force of this Act, and from time to time thereafter, when the office is vacant, appoint a proper person to be called "The Revising Officer," for each of the electoral districts of Canada, who shall hold office during good behaviour, but who shall be removable on an address by the House of Commons, and whose duties shall be to prepare, revise and complete, in the manner here-

Appointment of revising officers.

Their duties.

inafter provided, the lists of persons entitled to vote under the provisions of this Act in such electoral districts, and each of said officers shall, before entering upon said duties, take an oath of office before any Judge of a Superior Court or Court of Record in the form contained in the Schedule to this Act for such purpose, which he shall forthwith thereafter cause to be filed with the Clerk of the Crown in Chancery at Ottawa; and in the event of the death, resignation, removal, inability or refusal to act of any such officer, another officer may, in the same way, be appointed in his stead, who shall hold office under the same tenure and with the same duties and powers.

Oath of office.

Case of death or resignation, &c.

Who may be appointed as such.

11. The Revising Officer to be appointed under this Act may, in all the Provinces except Quebec, be either a Judge or Junior Judge of the County Court in the Province in which he is to hold office, or a Barrister of at least five years' standing at the Bar of the Province in which he is to hold office, and in the Province of Quebec he may be either a Judge of the Superior Court for Lower Canada, or an Advocate of that Province of at least five years' standing: Provided also that the same Revising Officer may be appointed for, and be required to, discharge the said duties in respect of more than one electoral district, or more than one Revising Officer may be appointed for one district.

Proviso.

Duties of revising officer, preparing first list of voters.

12. The Revising Officer who prepares the first list under this Act, shall, as soon as possible after taking said oath of office, obtain a certified copy of the last revised assessment roll for each of the municipalities in the electoral district for which he is appointed, also a certified copy of the last revised list or lists of voters in such electoral district, prepared and revised under the Statutes of the several Provinces relating to assessments and voters' lists for the purposes of elections for the Local Legislature; also a certified copy of the list or lists prepared by the treasurers of municipalities of voters on income qualification, who are in default for payment of their taxes on income; and he shall proceed, as speedily as possible, with the aid thereof and of such other information as he can obtain, to ascertain and prepare a list of the persons who, according to the provisions of this Act, are entitled to be registered as voters and to vote at any election under this Act for such electoral district, which list shall contain the names of said persons in alphabetical order and shall be in the form contained in the Schedule to this Act, indicating in the proper column thereof whether they are qualified in respect of real property, as owners, tenants, occupants, purchasers in occupation under the Crown, or otherwise, and stating the number of the lot, portion of lot, and concession, street or other most available description of the real property in respect of which they are so qualified, and their post office addresses as nearly as can be ascertained by said officer, or as farmers' sons or the sons of owners of real property other than farmers' sons, showing the numbers of the lots, portions of lots, concessions, or streets, or other available description of the real property of their fathers or mothers, in respect of which they are qualified as farmers' or other owners' sons, as hereinbefore provided, or whether they are qualified in respect of income; and as to sons of farmers, or of other owners, as aforesaid, and voters on income, stating also in said list, in the proper columns thereof, the residences and post office addresses, as nearly as can be ascertained by said officer, of such persons; and, after having so prepared the said list, said Revising Officer shall sign the same as such officer.

To procure certain lists, &c.

To prepare list of voters under this Act.

Form and contents of lists.

Qualification, &c.

As to farmers' sons and voters on income.

Signing lists.

Publication of lists.

13. The Revising Officer shall then forthwith make or cause to be made a sufficient number of copies of said list, and, after certifying them in the form contained in the Schedule hereto, shall publish, on or before the first day of January, 1885, the said list, by causing one copy thereof to be posted up in the office of the clerk or other

corresponding officer of each municipal or parochial division in said electoral district, and by mailing to the member or members of the House of Commons for such electoral district, to the Sheriff, Warden, Mayor, Clerk of the Peace and Treasurer or officers corresponding thereto, under whatever official name they are known, of the county, city, town or part of a city, included in such electoral district, and to the Reeve, Mayor and Treasurer or officers corresponding thereto, as aforesaid, of each township or village municipality in such electoral district, two copies each, addressed to the post office addresses of said persons respectively; and the copy of said list so posted up in each municipal or parochial division shall be open to inspection by any person, free of charge, in the office where it is deposited during the business hours of such office, until the day fixed, as hereinafter provided for, when the preliminary revision of said list is to take place; and copies of said list may be procured by any person on application to said Revising Officer, as soon as he can furnish them, by paying therefor, if printed, a price proportionately sufficient to cover the price paid for printing the same, and if not printed, then at the rate of six cents for every ten names on said list. In the event of there being no municipal divisions in said electoral district, a copy or copies certified, as aforesaid, of the said list shall be posted up in one or more of what the Revising Officer considers the most public place or places in the electoral district, and two copies each shall be mailed to the officers or persons in such electoral district corresponding, as nearly as may be, to those particularly mentioned in this section with respect to municipalities.

Mailing copies to certain officials.

Copy posted open to inspection free.

And copies furnished at a fixed price.

If there are no municipal divisions in the electoral district.

14. Two copies of said list certified as aforesaid, shall also be mailed at the time of the publication hereinbefore mentioned to each of the Postmasters in the said electoral districts, who shall forthwith after receiving them post up one of them in a conspicuous place in his post office where said list shall remain until the day fixed as hereinafter provided for the preliminary revision of said list, and shall be open to inspection by any one during the office hours of said post office, and to each of the copies of said lists so made or published under this and the preceding section shall be appended a notice in the form contained in the Schedule to this Act.

Copies mailed to postmasters for posting up.

15. The said Revising Officer shall hold a sittting (as mentioned in the said notice) for the preliminary revision of said list at such place in said electoral district as he shall deem most convenient for that purpose on a day not less than four weeks nor more than five week after the publication of said list as aforesaid, and any person objecting to any name on said list, or desiring to add any name thereto or otherwise desiring to amend the same, shall, at least one week before the day fixed for such preliminary revision, deposit with or mail to said officer by paid letter at his office or place of address in the district a notice in the form contained in the Schedule to this Act, and in the event of any such objection being that a name already on the list should be struck off, the person so objecting shall give notice in writing to the person whose name is objected to at the same time and in the same form contained in the Schedule to this Act, as is to be given to said Revising Officer as aforesaid, by delivering said notice to such person or by mailing the same to the last known post office address of such person whose name is objected to, and he shall also at the same time write opposite to the name objected to in the copy of said list posted up (if any) in the office of said clerk of the municipality or parish or other officer corresponding thereto the words "objected to" and the name, address and occupation of the person so objecting.

Sitting for preliminary revision.

Objections to be notified to revising officer.

Form and notice of service.

16. Notice of the said list and of the holding of said sitting having been published in manner aforesaid shall also be given by the Revising Officer, immediately after such publication, by at least one

Notice of sitting how given.

insertion thereof in the form contained in the Schedule to this Act, in one or more newspapers, if any, published within such electoral district.

Preliminary revision. Correcting list.

17. On the day and at the time and place appointed the Revising Officer shall publicly proceed to the preliminary revision of the list, basing such revision on the evidence and statements before him and of the persons who may then be present to give information in support of or in opposition to the written objections, claims for addition, or other proposed amendments, and he shall then and there correct the list to the best of his judgment and ability upon the evidence or information before him, initialing with his initials as such Revising Officer any addition to or erasure or change therein.

Certifying revised list.

Division of electoral district into polling sub-divisions;

Conditions.

18. The Revising Officer, having completed the said preliminary revision of the first general list for the electoral district, shall sign the same as such Revising Officer and certify it, and shall on or before the fifteenth day of February, 1885, by an order in the form in the Schedule to this Act contained, under his hand, divide every city, town, ward, parish, township or other municipal or corresponding division in the electoral district (or in default of such municipal or other corresponding division, every tract of land) as aforesaid, having, according to the said list, more than three hundred voters therein by well defined boundaries, such as streets, side lines, concession lines or the like, into polling sub-divisions in such manner that the number of voters in the several polling sub-divisions in the electoral district shall be as nearly equal as may be, and shall not in any one case exceed two hundred: Provided always, that even where the electoral district does not contain three hundred voters, or where the voters are scattered over a large extent of country, the said Revising Officer may subdivide the electoral district into as many sub-divisions as he thinks advisable for the convenience of the voters, even though the number in each sub-division be less than two hundred.

Proviso: in case of voters much scattered.

Numbering polling sub-divisions.

19. The polling sub-divisions shall be numbered consecutively in and by the order of the Revising Officer by which they are established, and such order shall be forthwith, after the making thereof, filed and kept by the Revising Officer for the purposes of this Act.

Separate list for each polling sub-division.

Form and use of such lists after first revision.

20. Immediately after the sub-division of the electoral district into polling sub-divisions as aforesaid, the Revising Officer shall prepare from the first general list of voters as preliminarily revised by him as aforesaid, a separate voters' list for each polling sub-division, containing in alphabetical order the names of all voters qualified to vote in such polling sub-division, and in the same form as nearly as may be, as the form referred to in section *twelve* hereof, and shall sign the same as such officer; and the lists so prepared for the several polling sub divisions shall, after the final revision and correction by the Revising Officer, as hereinafter provided for, be the first voters' lists to be used at any election of a member of the House of Commons under this Act for such electoral district.

FINAL REVISION OF THE FIRST VOTERS' LISTS.

Publication of such list with description of each sub-division.

21. After the completion of the said preliminary revision of said lists of voters and preparation of lists for polling sub-divisions and after the signature thereof by said Revising Officer, he shall, for the purpose of making a final revision thereof, cause a sufficient number of copies of each such list, with the description of the polling sub-division to which it relates, to be made or printed and shall certify the same as such Officer, and on or before the first day of March, 1885, shall publish the same by causing three of said copies to be posted

up in conspicuous public places in the sub division to which it relates, and by delivering copies thereof to any persons applying for the same, upon being paid according to the rates mentioned in the *thirteenth* section of this Act, to each of which copies shall be appended a notice in the form contained in the Schedule ot this Act fixing a time and place for the final revision of each of said lists.

Copies at fixed rates.

22. The said Revising Officer shall also at the same time publish said notice appointing the time and place for the said final revision in a newspaper (if any there be) published in the municipality or other division of an electoral district to which the sub-division affected by said list belongs, by one insertion thereof in such newspaper.

Notice of final revision.

23. The day to be fixed as aforesaid for such final revision shall be not less than one week, nor more than two weeks after the publication, by posting up of said lists as aforesaid, and the place shall be in the municipality which includes such sub-division, and any person desiring to object or to add to, or in any way amend or correct said list on said final revision; shall have the right to do so upon giving the same form of notice, and following the same procedure as is provided for in the *fifteenth* section hereof, as to objections or amendments on the preliminary revision and the day to be fixed in said notice, published by the Revising Officer as the last day for the giving of notice of such objections or claims from any person, shall be not less than one week before the day named for said final revision.

As to time and place for final revision.

Notice of objections.

Last day for giving it.

24. At the time and place named in the notice of said Revising Officer, he shall hold open Court for the said final revision, and shall hear and dispose of any objection or complaint which shall have been given notice of as aforesaid, and the parties making the same, if they appear, as well as any evidence that may be adduced before him in support of or in opposition thereto, and shall either affirm or amend the lists, accordingly, as to him seems right and proper, initialing with his initials as such officer, any changes, additions or erasures in said lists.

Proceedings at final revision.

Correction of lists.

25. The said Revising Officer shall, for the purposes of said preliminary revision of the first general list of voters and of the final revision of the first voters' lists in polling sub-divisions, as well as for the revision of any subsequent lists of voters in polling sub-divisions under this Act, have all the powers of any Court of Record in the Province, as to compelling the attendance and the examination of witnesses, the production of books and documents, and the taking of evidence under oath before him, at any court or sittings held by him for any such preliminary or final revision, and shall have generally, all the powers of a Court of Record, necessary for him to exercise, in order to carry out the objects of this Act.

Powers of revising officer for such revisions.

Witnesses and evidence, &c.

26. After the lists for the various polling sub-divisions in an electoral district have been so completed, revised and corrected, they shall be certified in the form contained in the Schedule to this Act by the Revising Officer, and kept by him for the purposes of this Act, and a duplicate of each certified as aforesaid shall be transmitted forthwith by him to the Clerk of the Crown in Chancery at Ottawa, who, on receipt of all the said lists for any electoral district, shall, in the next issue of the *Canada Gazette*, insert a notice in the form contained in the Schedule to this Act, on and after the publication of which notice in the *Canada Gazette*, the persons whose names are entered on said lists as voters, shall be held to be duly registered voters in and for such electoral district, subject to be corrected or amended by the judgment of a Superior Court on appeal as hereinafter mentioned; provided, however, that in the event of any such appeal, said lists after the publication of said last mentioned notice

Copies of lists certified to be sent to Clerk of the Crown.

Notice in *Gazette* and its effect, except in case of appeal to court.

Proviso: in case of such appeal.

in the *Canada Gazette*, shall apply to, and be final and conclusive as to every election for such electoral district, taking place before said appeal has been disposed of, or the result thereof communicated to the Revising Officer.

Copies of lists.

27. The Revising Officer shall supply copies of said lists to any person or persons applying for the same and paying therefor at the same rate as is to be payable for copies of lists furnished under section *thirteen* hereof.

Lists finally corrected to be valid until corrected on appeal or superseded by others.

28. After the voters' lists have been so finally revised, corrected, certified and brought into force as hereinbefore prescribed and until other lists are, in a future year, under this Act as hereinafter provided, made, revised, corrected and certified, and brought into force in their stead, and subject to any correction that may be made by order of a Superior Court on appeal as hereinafter mentioned, those persons only whose names are entered upon such lists as so revised and corrected shall be entitled to vote in the polling sub divisions and electoral districts for which they were respectively made at any election of a member of the House of Commons, and the said lists shall be binding on any Judge or other tribunal appointed for the trial of any petition complaining of an undue election or return of a member to serve in the House of Commons.

Certified copies to returning officer.

29. The said Revising Officer shall also furnish to the Returning Officer for his electoral district, at least eight days before the day of nomination at any election under this Act, one copy of the list of voters then in force for each polling sub-division in said district, with a description of said polling sub-division as contained in the order of the Revising Officer constituting the same, which list and copy of description shall be duly certified by said Revising Officer.

FUTURE LISTS AND REVISION THEREOF.

Renewal of lists after 1884, and proceedings therefor.

30. On or before the first day of November in each year succeeding the year of Our Lord one thousand eight hundred and eighty-four, the Revising Officer shall after being duly sworn in manner hereinbefore provided, obtain as soon as possible, if any there be, a certified copy of the last revised assessment roll for each of the municipalities in the electoral district for which he is appointed; also, a certified copy of the list or lists, if any, prepared by the treasurers of the municipalities, of voters on income qualification who are in default for payment of their taxes on income, and with such copies and such other information as he can obtain, he shall proceed to revise the voters' list then in force under this Act for such electoral district, entering thereupon the names of all persons not already in said lists, and who, according to the provisions of this Act, are entitled to have their names so entered, indicating in the proper columns thereof whether they are qualified in respect of real property as owners, tenants, occupants, purchasers in occupation under the Crown or otherwise, and stating the number of the lot, portion of lot and concession, street or other available description of real property in respect of which they are qualified, and their post office addresses as nearly as can be ascertained by the said officer, or as farmers' sons or other owners' sons as aforesaid, showing the numbers of the lots, portions of lots, concessions or streets or other available description of the real property of their fathers or mothers in respect of which they are qualified as farmers' or other owners' sons as hereinbefore provided, or whether they are qualified in respect of income, and as to the sons of farmers, or other owners' sons as aforesaid, and voters on income, stating also in said list in the proper columns thereof the residence and post office addresses as nearly as can be ascertained by said officer of such persons, and erasing from said lists the names

Revising and correcting former lists.

of any persons who are dead or who are not, according to the provisions of this Act, entitled to be registered as voters, and making any other verbal or clerical corrections which seem necessary, initialing all such additions, erasures or corrections, with his own initials, and signing such lists as such Revising Officer.

Initialing corrections and signing corrected lists.

31. After said lists have been so preliminarily revised the said Revising Officer shall publish them, and notice of the time and place fixed by him for the final revision thereof respectively, as near by as can be, in the manner and form provided for in section *twenty-one* and *twenty-two* of this Act, in respect of the final revision of the first list of voters in polling sub-divisions under this Act.

Publication of corrected lists.

32. The practice and requirements provided for in the *twenty-third* and *twenty-fourth* sections hereof, as to persons desiring to object to any name on the said first lists, or to add any name thereto, or to amend the same, shall apply to all similar applications in reference to the lists to be prepared under the next preceding section.

Objections, how made and dealt with.

33. At the time and place named in the notice required under the thirty-first section hereof, the Revising Officer shall hold open Court for the final revision of the said list for each polling sub-division, and shall proceed with the same powers as the Revising Officer would have as such officer under the *twenty-fifth* section hereof, as to the enforcing of the attendance of witnesses, the taking of evidence under oath, the enforcing of the production of books and papers, the adjournment of the Court, and otherwise to hear the complaints made as hereinbefore provided for, and the evidence in reference thereto, and to decide there upon, adding to, striking off, or otherwise amending or correcting said list accordingly, and initialing every addition, correction or erasure, or other amendment in said list, with his own initials as such officer in the same manner as is provided for in the *twenty-fourth* section hereof, in respect of the final revision of the first lists of voters in polling sub divisions.

Holding court for final revision of lists, and proceedings thereat.

34. After the lists for the various polling sub divisions in an electoral district have been so completed, revised and corrected, they shall be certified in the form contained in the schedule to this Act by the Revising Officer, and kept by him for the purposes of this Act, and a duplicate of each, certified as aforesaid, shall be transmitted forthwith by him to the Clerk of the Crown in Chancery at Ottawa, who, on the receipt of all the said lists for any electoral district, shall, in the next issue of the *Canada Gazette*, insert a notice in the form contained in the schedule to this Act, on and after the publication of which notice in the *Canada Gazette*, the persons whose names are entered on said lists as voters, shall be held to be duly registered voters in and for such electoral district, subject to be corrected or amended by the judgment of a Superior Court on appeal as hereinafter mentioned; provided, however, that in the event of any such appeal, said lists after the publication of said last mentioned notice in the *Canada Gazette*, shall apply to, and be final and conclusive as to every election for such electoral district, taking place before said appeal has been disposed of or the result thereof communicated to the Revising Officer.

Certifying completed lists and transmission of duplicates to Clerk of the Crown.

Notice in *Gazette* and its effect.

Proviso: in case of appeal.

35. The Revising Officer shall supply copies of said lists to any person or persons applying for the same and paying therefor at the same rate as is to be payable for copies of lists furnished under section *thirteen* hereof.

Copies, how obtainable.

36. After the voters' lists have been so finally revised, corrected, certified and brought into force as hereinbefore prescribed and until other lists are, in a future year, under this Act as hereinafter pro-

Effect of revised lists unless altered on appeal or

superseded by others.

vided, made, revised, corrected and certified, and brought into force in their stead and subject to any correction that may be made by order of a Superior Court on appeal as hereinafter mentioned, those persons only whose names are entered upon such lists as so revised and corrected shall be entitled to vote in the polling sub-divisions and electoral districts for which they were respectively made at any election of a member of the House of Commons, and the said lists shall be binding on any Judge or other tribunal appointed for the trial of any petition complaining of an undue election or return of a member to serve in the House of Commons.

Certified copies to returning officer.

37. The said Revising Officer shall also furnish to the Returning Officer for his electoral district, at least eight days before the day of nomination at any election under this Act, one copy of the list of voters then in force for each polling sub-division in said district, with a description of said polling sub-division as contained in the order of the Revising Officer constituting the same, which list and copy of description shall be duly certified by said Revising Officer.

Alteration of polling sub-divisions in case of change in population.

38. Whenever the number of voters in any polling sub-division as made under the *eighteenth* section hereof, shall increase so as to exceed two hundred, or whenever the Revising Officer then in office considers that the convenience of the voters would be promoted by a new and different sub-division, he shall, before proceeding to make the new lists of voters for that year, again sub-divide any city, town, ward, parish, township or other municipal division or tract of land where there is no municipal division in which such polling sub-division is situate into polling sub-divisions, so as to conform to the intent and meaning of this Act, and so again from time to time as like occasion shall require, using on all occasions after the first division thereof, the then last revised and corrected voters' lists for that purpose, and the Revising Officer, after making such sub-division by an order as in the *eighteenth* section hereof, shall publish said order by posting up in some public place in such polling sub-division, a copy thereof certified by him.

GENERAL PROVISIONS.

Power of revising officer to summon witnesses and obtain necessary information

39. The said Revising Officer may issue at his own instance, or on the application of any person supporting or opposing any objection, claim or proposed amendment to the voters' lists at any of the Courts or sittings for preliminary or final revision under this Act, a summons in the form in the Schedule to this Act contained to any person to attend at said Court or Sittings, and if required to produce any books or papers in the possession or power of such person, and to give evidence thereat relating to any matter connected with any such revision, and in the event of such person not attending after being served therewith, the said Revising Officer may punish such person as for a contempt of a Court of Record: Provided, however, that no such person shall be compelled to attend under any such summons unless the witness' fees and expenses allowed under the tariff of the Superior Court in the Province have first been paid or tendered to such person.

Power of amendment or adjournment and of summary proceeding.

40. The said Revising Officer shall have power at any Court or Sitting held under this Act by him to amend or give leave to amend, when he sees fit, any of the proceedings taken in reference to said lists, to direct notice to be given to other persons, or to dispense with any notices hereinbefore required to be given, and to adjourn any Court or sittings, on the hearing of any claim or objection or proposed amendment to a future day, and he shall not be bound by strict rules of evidence, or forms of procedure, but shall hear and

determine all matters coming before him as such Revising Officer in a summary manner, and in such a way as in his judgment to do justice to all parties.

Applicants for correction may appear by counsel.

41. The parties to any application before any such Court of preliminary or final revision may appear by Solicitor or Counsel, and the Revising Officer may in any case award the costs of any witnesses, and a sum " en bloc " for other costs not to exceed to be paid by any party to any other party to any application before him, as such officer may direct, and the amount of said costs shall be certified by said Revising Officer, and may be recovered as an ordinary debt due to the person to whom they are awarded by suit in any Court of competent jurisdiction in civil cases in the Province.

Costs.

Provision in default of lists for any year.

42. If from any cause the lists of voters for any polling district are not made and revised and corrected in any year the lists last made and revised and corrected shall be used for the purpose of any election.

As to lists certified while an appeal is pending.

43. If at any time when the Revising Officer is required to furnish or certify the list of voters whether to a Returning Officer, Deputy Returning Officer or to any other officer or person, there be any appeal pending, or in which the decision if given has not been notified to the Revising Officer with respect to such list, the Revising Officer shall furnish such list as then last revised and corrected by him without noticing such appeal, and the list shall serve and avail for the election with reference to which it is furnished as if no such appeal was or had been pending; but whenever the appeal is decided so as to require the correction of the list and the formal order or judgment has been served upon him he shall correct the list accordingly, and forthwith notify the Clerk of the Crown in Chancery that he may correct the duplicate list in his hands accordingly, and the said Clerk of the Crown in Chancery shall amend the same accordingly: Provided, that if the decision in appeal requiring correction of any voters' list is notified to the Revising Officer by service of the formal order or otherwise, before the day of polling, an amended copy of the voters' list shall be furnished by said Revising Officer to the Returning Officer or Deputy Returing Officer before the said day, and shall contain the correction in question certified as herein before provided, in which case the election shall take place upon such amended list.

Correction when appeal is decided, and notice thereof.

Proviso: if decision is notified before day of polling.

Returning officer to fix polling stations before election.

44. Notwithstanding anything contained in any Statute of Canada heretofore enacted, the Returning Officer for each Electoral District shall, not less than eight days before the day of nomination, obtain from the Revising Officer for the Electoral District for which he is Returning Officer, at least one copy of the voters' list as finally revised and certified by said Revising Officer and then in force, for each of the polling sub-divisions in said Electoral District, and a copy of the order dividing said Electoral District into polling sub-divisions, and shall forthwith fix a polling station in and for each of such polling sub-divisions in a central and convenient place therein.

One place may be appointed for court of revision in cities, &c., as to polling sub-divisions therein.

45. In the revision of the first or any subsequent voters' list under this Act, in polling sub-divisions of cities, towns, or villages, the Revising Officer, instead of holding a Court in each polling sub-division, may appoint some central place in such city, town, or village at which to hold his Court of Revision for the several polling sub-divisions therein, appointing if he thinks proper, a separate day and holding a separate Court for each polling sub-division.

APPEAL.

Appeal from decision of revising officer. Notice thereof.

46. Any person or persons who, under the foregoing sections, shall have made complaint according to the practice therein provided for in respect of the list of voters in any polling sub division on the final revision thereof, whether said list be the first or any subsequent voters' list for said sub-division prepared under this Act; or any person or persons, with reference to whom such complaint was made, who shall be dissatisfied with the decision on any point of law of the Revising Officer in respect of such complaint, may give to the Revising Officer on the day of such decision and before the adjournment of the Court on that day, notice in writing of his desire to appeal to a Superior Court from such decision, stating shortly in such notice the decision complained of and his reasons for appealing against it; and if said Revising Officer thinks it reasonable and proper to allow such appeal, he shall, as soon as he conveniently can do so, state in the form of a special case, the facts established according to his opinion by the evidence, and necessary to be laid before the Court above in order to determine said point of law, also his own decision on the same, as nearly as may be according to the form and practice provided for the stating and hearing of a special case in the Court intended to be appealed to, and he shall then sign the same as Revising Officer, and shall require the appellant, or his counsel or agent, after reading the same to him, to sign a declaration at the end of such special case in the words "I appeal from the above decision," after which said Revising Officer shall endorse the said case with the names of the parties appellant and respondent, and the number of the polling sub-division, and the name of the electoral district thereby affected, and shall deliver to such appellant, or his counsel or agent, a certified copy of such case, and, also, if required, to the respondent, or his counsel or agent.

Revising officer allowing such appeal to state a special case.

Appellant or counsel to sign it and have copy.

Appeal on point of law only.

47. No such appeal shall be allowed or entertained against any decision of the Revising Officer upon any matter of fact or the admission or rejection of evidence adduced or offered on any matter of fact, but the appeal shall be allowed only on some point or points of law as before mentioned. With the consent of the Revising Officer any number of persons desiring to appeal on the same point or points of law may be joined in the same statement of case, making it one appeal.

Joinder of applicants on same point.

Form of and time for appeal.

48. The appeal shall be in the form of a petition to the Court accompanying the statement of case certified by the Revising Officer, and praying that the voters' list in question may be amended by the insertion or omission of the name or names alleged to be wrongfully omitted or inserted, or otherwise, as the case may be, and shall be presented at the next sitting of the Court appealed to by any barrister or advocate practising therein on behalf of the appellant.

Copy to be served on revising officer and party affected.

49. A copy of the petition must at least four days before such presentation, have been served upon the Revising Officer and upon the party in whose favor the decision appealed from was given, with a notice of the time and place at which the petition will be presented, such service being made in the manner prescribed in any ordinary case of summons to appear before such Court in civil cases or in any other manner prescribed by any rule made by the Court in that behalf under this Act. The Revising Officer and the opposing party (if any) may appear by any barrister or advocate practising in the Court, upon whom any order made by the Court in the case or any notice or other proceeding therein may be validly served:

They may appeal by counsel.

If petition is withdrawn.

If the petitioner or petitioners does not or do not apppear on the day on which the petition is to be presented, or appearing withdraws

or withdraw his or their petition, the case shall, on the application of the Revising Officer or any other party on whom the petition has been served as aforesaid, be dismissed, as respects such petitioner or petitioners, and the polling list shall as to him or them remain unaltered:

If petitioner only appear.

If the petitioner or petitioners appear, and neither the Revising Officer nor any other party aforesaid does so, or appearing does not oppose the petition, the Court shall order the polling list to be amended as prayed for, and the Revising Officer shall amend it accordingly:

Summary hearing and decision if the case is contested, and—

But if the petition be opposed by the Revising Officer or other party aforesaid (if any) then appearing, the Court shall appoint a convenient time and place at which the case shall be heard by some Judge of the Court, who shall hear and decide the same summarily, and without being bound by any technical rules of proceeding; such decision shall be subject to no appeal, and shall be notified in such manner as the Court may direct to the Revising Officer, who shall obey the same and shall amend the polling list or leave it unaltered accordingly:

No further appeal.

If statement of case is insufficient.

Provided always, that the Court may, if it be of opinion that the case submitted is not sufficient to enable it to give judgement in law, remit the case to the Revising Officer to be more fully stated:

Costs.

The Court may award costs to or against any party in the case:

Court to make rules of practice and tariff of costs.

The Court or the Judges thereof having, by law, power to make rules of practice for proceedings therein, shall (subject to the provision hereinafter made as to the Province of Quebec) have power to make rules of practice for appeals under this Act, and a tariff of costs and fees on such proceedings respectively, and to alter the same; but if and so long as no such special rule or tariff shall be in force and applicable to any appeal under this Act, the Court and Judges shall cause the proceedings for which no such special provision is made, to be conducted in such manner as they may deem best adapted for doing substantial justice to all parties, and shall allow such costs as they may deem reasonable; and the Court deciding the case in appeal shall in its order in that behalf direct by what party the costs on any or all the proceedings shall be paid, and they shall be subject to taxation as in other cases in the Court, and recoverable in like manner.

Provision if rules, &c., are not made.

Costs.

Courts for appeal.

In Ontario.

In Manitoba.

In other Provinces, except Quebec.

In Quebec.

Any three judges may act.

Except as to rules and tariff.

50. The appeal in the Province of Ontario shall be to any of the Divisional Courts of the High Court of Justice for that Province, or to any one or more of the Judges thereof, sitting as such Court, in the Province of Manitoba to the Court of Queen's Bench for Manitoba, in the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and British Columbia to the Supreme Court of each of such Provinces respectively, and in the Province of Quebec to the Superior Court at the City of Quebec, if the polling sub-division in question be in any of the districts of Quebec, Three Rivers, Saguenay, Chicoutimi, Gaspé, Rimouski, Kamouraska, Montmagny, Beauce or Arthabaska, and to the Superior Court at the City of Montreal if such polling sub-division be in any one of the districts of Montreal, Ottawa, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville or Beauharnois; and any three Judges of the said Court residing at the city at which the petition is presented shall have and exercise with respect to such petition all the powers by this Act vested in the Court, except only that any rules of practice or tariff made under this Act shall be made or altered only by the Judges of the Court resident in the said cities, or a majority of them.

Clerk of revising officer.

51. The Revising Officer may appoint as his clerk a person competent to perform the duties required of him, and such as shall be assigned to him by said officer as clerk of said Courts of Revision or otherwise during the preparation of and revision of said lists, and said clerk shall be subject to dismissal by said Revising Officer.

Bailiff or constable.

52. The Revising Officer may also appoint for the purpose of serving papers, posting up notices and attending and keeping order at Courts of Revision and doing such other duties as may be assigned to him by said Revising Officer, a competent person as a bailiff and constable, who shall be subject to the orders of said Revising Officer, and to be dismissed by him at pleasure.

Remuneration, how fixed.

53. The remuneration of said Revising Officers and of their clerks and bailiffs, and their allowance for expenses, as well as the mode of payment thereof, shall be fixed by order of the Governor-General in Council, and the amount thereof shall be a charge upon the Consolidated Revenue of Canada.

Revising officer to keep list of objections, &c.

54. The Revising Officer shall keep a list of the notices of objections, claims and proposed amendments sent in to him under the *fifteenth, twenty-third* and *thirty-second* sections hereof, which list, as well as the said notices, shall be open to inspection by any one desiring to inspect the same before the said objections, claims or proposed amendments are disposed of by said Revising Officer.

Revising officer may correct lists on his own knowledge.

55. It shall be the duty of said Revising Officer on any revision under this Act, of his own motion where there have been no objections, claims or complaints in reference thereto, to strike out the names on said lists of any persons who have died or become disqualified and to change the names of others, where the same are incorrectly entered on said list, and generally to correct said list so far as any information in his possession will enable him to do so, in order to carry out the intention of this Act.

Time for completing first and subsequent lists of voters.

56. The first lists of voters for polling sub-divisions to be prepared and brought into force under this Act shall be completed, finally revised and certified and duplicates thereof forwarded to the Clerk of the Crown in Chancery at Ottawa, on or before the fifteenth day of April, 1885, and the lists in future years to be revised under this Act shall be so finally revised, certified and duplicates thereof forwarded to said Clerk of the Crown in Chancery as aforesaid on or before the fifteenth day of April in each year thereafter.

Perjury clause.

57. Every person taking any oath or affirmation under this Act who wilfully swears or affirms falsely shall be deemed guilty of perjury.

SCHEDULE OF FORMS.

Oath of Office of Revising Officer.

I, of the of , in the County of and Province of the Revising Officer appointed under the Act passed in the forty-sixth year of Her Majesty's reign, chaptered in and for the Electoral District (or *District of* or *one of the Revising Officers so appointed for said District of*) of in the Province of do hereby solemnly *swear* that I will well

and faithfully discharge the duties assigned to me under the said Act without favor or partiality ; that I will place no name on the list of voters for the said Electoral District or any of the sub-divisions thereof and will strike no name off the same, unless I shall be satisfied that the same should by law be placed on or struck off the same; and that I will in all respects conform to the said law to the best of my judgment and ability. So Help me GOD.

Sworn before me, a Judge of the Court of , in and for the Province of , being a Court of Record at the of in the County of and Province aforesaid this day of A.D. 188 . } *Revising Officer of the Electorial District of*

A Judge, &c.

LIST of Voters for Year in (*Electoral District* or *Polling Sub-division No.* *of Electoral District of* .)

No.	Name in Full. (Surname first.)	Residence.	P. O. Address.	Nature of Qualification.	Municipality or Place where Qualification is situate, if Real Estate.	Concession, Street and No. of Lot or other particular Description of Property.	Nature of Title to Qualifyng Property.	Name of Parent, if Voter Qualified as a Son of a Farmer or other Owner of Real Property; also Nature of Parent's Title to the Real Property.	Remarks.

Dated 188 .

A.B.,
Revising Officer for the Electoral District of

Certificate of Revising Officer.

I, , the undersigned duly appointed Revising Officer (*or* one of the duly appointed Revising Officers for) the Electoral District of in the Province of , do hereby certify that the foregoing list consisting of pages, is a (*duplicate* or *true copy*, as the case may be, *of the list of voters for the Electoral District of as originally prepared or preliminarily revised*, as the case may be, or *for polling sub-division number in said Electoral District before or after the final revision thereof*, as the case may be) for the year , under 46 Vict., cap. .

Dated 188 .

A. B.

Revising Officer for the Electoral District of

Notice by Revising Officer of preliminary revision of First Voters' List.

The Revising Officer for the Electoral District of in the Province of , appointed under 46 Vic., cap. , hereby gives notice that he has completed and published in the manner directed by said Act the first general list of voters for said Electoral District, and that he will hold a sitting pursuant to said Act for the preliminary revision of said list at in the of County of , in said Province, at o'clock in the on the day of 188 .

Any person objecting to any name on said list or desiring to add any name thereto or otherwise desiring to amend the same, must, on or before the day of 188 , deliver to said Revising Officer or mail to him by paid-letter at his office or place of address in said District, a notice in writing in the form for that purpose contained in the Schedule to said Act, as nearly as may be, setting forth the name or names objected to, and the grounds of objection, or the name or names proposed to be added to said list, with the grounds therefor, and particulars of the qualification and residence of such persons whose names are proposed to be added, or the particulars of any other proposed amendment, and the grounds therefor: and every such notice must be signed by the person so giving notice, and must set forth his residence, occupation and post-office address. In the event of the person so giving notice, objecting to the name of any person already on said list, the person so objecting shall also deliver or mail to the last known address of the person whose name is objected to, by paid-letter, a copy of the notice given, and at the same time as said notice is given to said Revising Officer; and such person so objecting shall also at the time of giving such notice write opposite to the name of such person so objected to, in the copy of said list posted up in a public office nearest to the residence of the person objected to in the Electoral District, the words "Objected to" and sign his own name, address and occupation thereunder.

Dated , 188 .

(A.B.)

Revising Officer for the Electoral District of

Order of Revising Officer dividing Electoral District into Polling Sub-divisions.

I, , the duly appointed Revising Officer for the Electoral District of , Province of under 46 Vict., cap. , do hereby order and direct that the said Electoral District be and the same is hereby sub-divided into polling sub divisions, described as follows:—

Number one (*and so on as to others*)—

Bounded on (*here fill in as particular a description, by concession, street or other dividing line, as possible, of the bounds and area of each sub-division.*)

Dated , 188 .

A. B.,

Revising Officer for the Electoral District of .

Notice by Revising Officer of Final Revision of Voters' Lists for each Polling Sub-division.

The Revising Officer for the Electoral District of , in the Province of , under 46 Vict., cap. , hereby gives notice that he will hold a sitting on the day of , 188 , at o'clock in the , at , in the of , in the said Electoral District, for the final revision of the Voters' List, for Polling Sub-division No. , of said District.

All objections and claims for additions to or amendment of said list with the grounds therefor, and the name, addition, and Post Office address of the person objecting to any name on said list, or claiming to add to or amend said list in any other respect, must be delivered to said Revising Officer at , or sent to him by paid letter, addressed to him at , before the day of 188 , in the same form, as nearly as may be, as of notice of complaint, in the Schedule to "The Electoral Franchise Act."

If the objection be to the name of any person already on said list, the person so objecting must, at the same time, deliver or mail by paid-letter to said person so objected to, at his last known address, a copy of said notice of objection, and must also, at the same time, write opposite the name of such person so objected to, on a copy of said list posted up in said sub-division in some public place, the words "Objected to," and sign thereunder his own name, addition and address.

Dated 188 .

A. B.,

Revising Officer for the Electoral District of .

Notice of Complaint.

I , of the of , in the County of , in the Electoral District of , Province of , under 46 Vict., cap. , hereby give notice that I will apply to have (*the first general list for the Electoral District*, or *the list for polling sub-division No. of said Electoral District*, or *for the year as preliminarily revised*, or as the case may be, *amended or added to* as the case may be; *then state the name or names objected to with the grounds therefor, or the name or names desired to be added, with full particulars of their residences, addresses, occupations, qualifications and grounds for applying to have them added, or the nature of any other proposed amendments to the list and the grounds therefor,*) at the sitting to be held by the Revising Officer for said Electoral District, at o'clock in the noon, on the day of , 188 , at in the said Electoral District

Dated , 188 .

To (*Revising Officer for said District, or to the person whose name is objected to.*)

(*Name of Complainant,*)

P. O. Address.

Notice to be Published in "Canada Gazette" by Clerk of the Crown in Chancery.

Notice is hereby given that I have received the voters' lists, finally revised, for all the polling sub-divisions of the Electoral District of for the year , under 46 Vict., cap. .

Dated , 188 .

C.D.,

Clerk of the Crown in Chancery at Ottawa.

Summons.

To

You are hereby required and summoned personally to attend before me, the undersigned Revising Officer, on the day of , 188 , at o'clock in the at in the County of , and Province of , and then and there to testify what you may know concerning the

then to be investigated by me as such Revising Officer, and so on from day to day. And herein fail not at your peril.

Given under my hand at aforesaid, this day of , 188 , under 46 Vict., cap .

A. B.,

Revising Officer for the Electoral District of

No. 107.

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

BILL.

An Act respecting the Electoral Franchise.

(Reprinted as proposed to be amended in Committee of the Whole.)

Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 108. **BILL.** 1883

An Act further to amend the Act respecting the Harbour of Pictou.

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

1. The harbour dues imposed by the Act passed in the thirty-sixth year of Her Majesty's Reign, and intituled "*An Act respecting the Harbour of Pictou in Nova Scotia*," shall not be payable on any ship exceeding forty tons and not exceeding eighty tons register, more than twice in any calendar year beginning on the first day of January and ending on the thirty-first day of December, whatever may be the number of times she enters the said harbour during the year. Partial exemption of certain ships from harbour dues.

2. The Governor may, if he sees fit, at any time and from time to time, increase the number of Commissioners for the superintendence of the said harbour and of the harbour master at the port of Pictou, under the said Act, from three to five, and may at any time and from time to time reduce their number from five to three; and the five or three Commissioners, for the time being, shall have the powers and duties assigned to Commissioners by the said Act. Governor may increase and again decrease the number of Commissioners for the said Harbour.

No. 108.

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

BILL.

An Act further to amend the Act respecting the Harbour of Pictou.

Received and read, first time, Friday, 20th April, 1883.

Second reading, Tuesday, 24th April, 1883.

Mr. McLelan.

OTTAWA:
Printed by MacLean, Roger & Co.

1883.

No. 109.] **BILL.** [1888.

An Act to amend the Act for the final settlement of claims to lands in Manitoba by occupancy under the Act thirty-third Victoria, chapter three.

Preamble. Case recited.

WHEREAS Magnus Birston, Bernard Paul and Abraham Martin, of the Parish of St. François Xavier, in the Province of Manitoba, have shown by their petition to the Governor in Council, that by reason of their absence from the Province of Manitoba at various periods during the last four years, they have not been able to make respectively their application to the Minister of the Interior for the issue of letters patent to them for lots numbered 159, 160 and 161, within the time prescribed by law:

And whereas the said petitioners have prayed that they may be permitted to make their several applications with evidence in support thereof, in order that letters patent may issue to them for the said lots, under the provisions of the Act thirty-third Victoria, chapter three:

And whereas it is deemed expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Receipt of application and issue of patents under 33 V., c. 3, s. 32, authorized

1. Notwithstanding the provisions of the Act forty-third Victoria, chapter seven, it shall be lawful for the Minister of the Interior to receive the applications, with evidence in support thereof, according to law, of the above named persons for the issue of letters patent to them respectively for lots numbered 159, 160 and 161, in the Parish of St. François Xavier, in the Province of Manitoba, and to authorize the issue of letters patent for the same under the provisions of the Act thirty-third Victoria, chapter three.

No. 109.

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

BILL.

An Act to amend the Act for the final settlement of claims to lands in Manitoba by occupancy under the Act thirty-third Victoria, chapter three.

Received and read first time, Tuesday, 17th April, 1883.

Second reading, Wednesday, 18th April, 1883.

Mr. ROYAL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 110, **BILL.** [1883.

An Act to amend the Act respecting Roads and Road allowances in Manitoba.

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

1. In the seventeenth line of section three of the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered twenty, the word "may" is hereby substituted for the word "shall." Section 3 of 39 V., c. 20, amended.

2. Section six of the said Act is hereby repealed, and the following substituted in lieu thereof:— Section 6 repealed.

"The unpatented land forming part of any road transferred under this Act to the said Province shall be the property thereof, (the legal title thereto remaining in the Crown for he public use of the Province,) and shall be dealt with as the Legislature of the said Province may from time to time determine." New section substituted.

No. 110.

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

BILL.

An Act to amend the Act respecting Roads and Road allowances in Manitoba.

Received and read first time, Tuesday, 17th April, 1883.

Second reading, Wednesday, 18th April, 1883.

Mr. ROYAL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 113.] **BILL.** [1883.

An Act to authorize the Grand Trunk Railway Company of Canada to extend their traffic arrangement with the North Shore Railway Company to fifty years from the date thereof.

Preamble.

WHEREAS the Grand Trunk Railway Company of Canada have, by petition, represented that on the tenth day of March, one thousand eight hundred and eighty-three, a deed of traffic arrangement was entered into by the Grand Trunk Railway Company of Canada with the North Shore Railway Company, for twenty-one years, the said traffic arrangement to be extended to fifty years from the date when the same was entered into, should authority to so extend it be obtained; and whereas the said traffic arrangement was ratified and confirmed in its form and tenor at a meeting of shareholders of the said Grand Trunk Railway Company of Canada, held in the city of London, England, on the twenty-ninth day of March, eighteen hundred and eighty-three; and whereas it is of the interest of the general public, as well as of the said Grand Trunk Railway Company of Canada and of the said North Shore Railway Company, that the said extension be authorized; and whereas the said Grand Trunk Railway Company of Canada have prayed that an Act be passed to confer upon them such power, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Duration of traffic arrangement may be extended.

1. The Grand Trunk Railway Company of Canada shall have the power to extend the time during which the traffic arrangement made by them and the North Shore Railway Company, on the tenth day of March, eighteen hundred and eighty-three, shall continue, to fifty years from the date thereof, any law to the contrary notwithstanding.

No. 113.

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

BILL.

An Act to authorize the Grand Trunk Railway Company of Canada to extend their traffic arrangement with the North Shore Railway Company to fifty years from the date thereof.

Received and read the first and second time, Wednesday, 18th April, 1883.

PRIVATE BILL.

Mr. COLBY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 114 **BILL.** [1883

An Act respecting the Canadian Pacific Railway Company.

Preamble.

WHEREAS the Canadian Pacific Railway Company have petitioned for an Act to authorize the said Company to lease the lines of the Credit Valley Railway Company and the Ontario and Quebec Railway Company, and a certain portion of the line of the Atlantic and North-West Railway Company, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain railways may be leased.

1. The Canadian Pacific Railway Company shall have power to lease from the Credit Valley Railway Company, the Ontario and Quebec Railway Company and the Atlantic and North-West Railway Company, the railways of the two first mentioned Companies and such portion of the railway of the said Atlantic and North-West Railway Company as shall be required to complete a through route from Montreal and from a point on the south bank of the St. Lawrence River near Montreal, to the western terminus of the Credit Valley Railway, upon such terms and conditions as shall be agreed upon between the said Companies, subject, however, to the provisions hereinafter contained; and such lease may be made to and accepted by the Canadian Pacific Railway Company, either before or after any amalgamation of the said lines of railway.

Lease may be in perpetuity. Consideration therefor

2. Such lease may be so made to the Canadian Pacific Railway Company in perpetuity, for a rental payable semi-annually, which rental may be paid either by the assumption or by the guarantee and payment of the interest, dividends or coupons upon securities issued or to be issued by the said lines of railway, or any of them, either before or after amalgamation, or by payment of the interest on such capital sum as shall be agreed upon between the parties, or partly in one and partly in the other of such modes. And the Company may also, if required, guarantee the payment of the principal of such securities subject to provisions for the repayment of any amount paid under such guarantee of principal: Provided always, that nothing herein contained shall alter or increase the power of any of the said Companies in respect of the issuing of securities upon their respective railways.

Proviso; certain powers not increased.

Guarantee of interest.

3. The Canadian Pacific Railway Company shall have

power to execute a formal guarantee of the interest or dividends upon such securities, or of the principal thereof, or of both, as the case may be, and may do so by any lawful deed, agreement or instrument.

As to confirmation by shareholders

4. None of the powers hereby conferred upon the Canadian Pacific Railway Company shall be exercised by that Company, until they shall have been authorized by the shareholders thereof, by a vote of two-thirds in amount of such shareholders, present or represented at a special general meeting thereof duly called for the purpose of conferring such authority. And the purpose of such meeting shall be described in the notices calling the same.

No. 114.

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

BILL.

An Act respecting the Canadian Pacific Railway Company.

Received and read a first and second time, Tuesday, 24th April, 1883.

(PRIVATE BILL.)

Mr. ABBOTT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 115 **BILL.** [1883.

An Act to consolidate and amend the several Acts respecting the Inland Revenue.

NOTE.—The year and number at the end of the several sections, refer to the sections of Acts now in force—43 V., (1880) c. 19, and 45 V., (1882) c. 8,—containing provisions respecting like matters.

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

GENERAL PROVISIONS.

GENERAL INTERPRETATION AND DEFINITION OF TERMS.

Interpretation of certain terms and expressions.

1. The terms and expressions in this Act defined and interpreted, and used in this Act, unless it be otherwise specially provided, or there be something in the context repugnant to or inconsistent with such construction, shall be construed and interpreted as hereinafter mentioned :

Stamp.

(*a.*) "*Stamp*" means any distinctive mark, label or seal impressed upon or affixed to any goods, material, merchandise, or apparatus, subject to the provisions of this Act, or of any other Act passed or to be passed respecting excise, or of any Order in Council, or departmental regulation made under such provisions, or impressed upon or affixed to any package in which any such goods, material, or merchandise are contained ; and such stamps respectively shall be made, impressed and affixed, in such manner, and by means of such dies or other instruments as shall, from time to time, be ordered and regulated by the Minister of Inland Revenue :

Subject to excise.

(*b.*) The words "*subject to excise*," whenever they occur in this Act, mean,—"subject to the provisions of this Act, or of any other Act, passed or to be passed respecting duties of excise or the Inland Revenue, or of any Proclamation, Order in Council or departmental regulation published or made, or that may be hereafter published or made, under such provisions ;" and every place or premises wherein licit or illicit, licensed or unlicensed mashing, fermentation, distillation, rectifying, brewing, malting or manufacturing of tobacco, or manufacturing cigars, or manufacturing of any article in bond, or manufacturing of any article on which there is a duty of excise, or which is manufactured wholly or partly out of any articles on which there is a duty of excise or customs, and on which

such duty has not been paid, is carried on or performed,—and every worm, still, mash-tub, fermenting-tub or other tool, utensil, apparatus or thing, which is or might be used for such purposes lawfully, or unlawfully, shall be deemed to be "*subject to excise:*"

Department of Inland Revenue.

(*c.*) The words "*Department of Inland Revenue*" for the purposes of this Act mean the Minister of Inland Revenue or the Commissioner of Inland Revenue, or any person duly authorized to act in his stead.

Superior officer of Inland Revenue

(*d.*) The words "*Superior Officer of Inland Revenue*" mean and include the Commissioner or Inspector of Inland Revenue, or any person doing duty as the deputy head of the department, and any Inspecting Officer of Inland Revenue or of Excise:

Departmental regulations.

(*e.*) The words "*Departmental Regulations,*" whenever they occur in this Act, mean and include all regulations and rules promulgated by the Department of Inland Revenue, and duly authenticated by the deputy head of that department. 1880, s. 6.

GENERAL PROVISIONS AS TO LICENSES.

Business subject to excise not to be carried on without license.

2. From and after the passing of this Act, no person, except such as shall have been licensed as herein provided, shall carry on the business or trade of a distiller, rectifier, compounder or brewer or maltster, or of a manufacturer of tobacco or cigars, or bonded manufacturer, or use any utensil, machinery or apparatus suitable for carrying on any such trade or business, or any business subject to excise; or import, make, or begin to make any still, rectifier or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification or compounding of spirits:

List and return of apparatus used in such business to be furnished.

2. Neither shall it be lawful for any person or persons to import, make or have in his or their possession, or keep any still, worm, mash-tub, fermenting-tun, distilling, rectifying or brewing apparatus, or any malt-kiln or malt-floor, nor any apparatus for the manufacture or production of malt, nor any tobacco press or mill for cutting or grinding tobacco, without having given, when such articles come into his possession, and on or before the tenth day of July in each subsequent year, a full and particular list, description and return thereof to the Collector of Inland Revenue of the division in which such article or apparatus is located, of the same nature and in the same form as is hereby required in an application for a license to use similar apparatus or machinery. 1880, s. 7.

When licenses shall expire.

3. Every license shall terminate on the thirtieth day of June, in every year, and the same amount shall be paid for every such license, whether it has a full year or only a part of a year to run from the date when it is granted; except that in the case of an application for any such license by a party who has not theretofore obtained a license, and who is beginning business, such license, if applied for on or

after the first day of January, may be issued to such applicant for the remainder or until the end of the fiscal year, upon payment of one-half only of the annual license duty or fee otherwise payable on such license. 1880, s. 8.

Application for license.

4. Every person requiring a license under this Act shall make application therefor in writing over his signature to the Collector of Inland Revenue, or any other officer appointed by the Minister of Inland Revenue, within whose district or Inland Revenue division the business for which such license is required is to be carried on; and every such application shall be made in the form to be prescribed by the Department of Inland Revenue. 1880, s. 9.

What application must show.

5. Every application for a license shall state the exact locality, in the city, town, village, township or local municipality (as the case may be), where the premises are situated, in which the business for which the license is required is to be carried on, and shall also contain or have annexed thereto—a full and particular description (in triplicate) in writing with such models, diagrams or drawings as may be needed for fully understanding the same, of all the machinery, buildings, premises and places where such business is to be carried on, or where any of the materials or commodities used or to be used therein, or any of the products thereof, are or are to be stored or kept, and of the power by which the machinery so used is to be worked; and the description shall also describe, in detail, every building and every separate room, cellar, vault, shed or other compartment thereof, specifying what use is to be made of each, and stating the designation which is to be placed over the entrance to each, in accordance with the provisions of this Act; and no license shall authorize a person to keep or use a still, or make wort or wash, low wines or spirits, or brew malt liquor, or manufacture malt, or tobacco, or cigars, or or manufacture in bond, in any other place than the house or premises mentioned in the application for such license: Provided, that in a manufactory where no material changes or alterations have been made since the original descriptions, models, diagrams or drawings were furnished, and when the manufacturer certifies in writing, upon application being made for each subsequent license, that the original papers filed with the Department still correctly represent his manufactory premises, and that no changes or alterations have been made therein, such certificate bearing the endorsation of the Collector of Inland Revenue or other proper officer, the Department of Inland Revenue may accept the application and authorize the issue of the license without new descriptions, models, diagrams and drawings each year. 1880, s. 10.

License to apply to one place only.

Proviso: renewal of license.

Names of sureties to be stated in application.

6. Every such application shall also state the names of the parties proposed by such applicant as his sureties (which sureties shall in all cases be residents of the Dominion of Canada), in accordance with the requirements of this Act; and it shall also contain a statement of the maximum quantity of each article which the utensils are capable of mashing,

fermenting, distilling or otherwise producing within each month. 1880, s. 11.

What application for license must show as to apparatus.

7. Every application for a license for distilling, compounding or brewing, malting, or for manufacturing in bond shall also contain a list and description of all utensils, stills, worms, boilers, mash-tubs, fermenting-tuns, coolers, underbacks, steep cisterns, closed spirit-receivers or other vessels or machinery which it is intended should be placed in the premises, or which are on the premises at the time of application, specifying distinctly and clearly—

Dimensions of stills, &c.

1. The dimensions and capacity of every still, steep cistern, mash-tub, fermenting-tun, cooler, closed spirit-receiver, and of every other utensil, in inches and gallons, the purpose to which each is to be applied, and the locality or position in the building in which it is, or is to be placed or used; and also—

Description of pipes, &c.

2. A description of every pipe, conduit, trough, hose, valve, pump, cock, and of every means of connection or communication between the several vessels or utensils used in or about the distillery or brewery, with a description and drawing or model shewing the exact position of every cock, valve, connection and joint. 1880, s. 12.

Premises to be surveyed by officer.

8. No license shall be granted for carrying on any business or trade under this Act, until after a survey has been made by the Collector of Inland Revenue or an officer instructed for the purpose by him, of the building or place wherein such business is to be carried on, nor until such Collector or other officer has certified in writing that the application, descriptions, models, diagrams and drawings correctly represent the premises, and that all the provisions of this Act and any Order in Council or departmental regulation made in virtue thereof, have been complied with as respects such place:

No license if premises unsatisfactory.

2. Nor shall any license be granted for carrying on any such business in a building or premises which, after careful survey, may appear to the department to be so situated with reference to surrounding buildings or places of business, or to be so constructed or arranged, as to embarrass or endanger the full collection of the revenue:

No license when manufactory communicates with any shop.

3. And, except as hereinafter specifically provided, no license shall in any case be granted for carrying on any business in any building which forms part of or is appurtenant to, or which communicates in any way whatever, except by means of a public highway, with any shop or premises wherein any article to be manufactured under such license is sold by retail, or wherein there is kept any broken package of any such article. 1880, s. 15.

Nor when Inspector reports against granting such license.

4. If any Inspector of Inland Revenue reports to the Department of Inland Revenue, that it is not expedient that a license should be granted in respect of any building in connection with which the license is applied for, in view of its

proximity to any such shop or premises as in the next preceding subsection mentioned, the license shall not be granted notwithstanding that the provisions of the said subsection would not operate to prevent the granting of such license. (*New.*)

How long bonds shall remain in force.

9. Every bond entered into under the provisions of this Act shall remain in force so long as any duty upon any articles or commodities subject to excise, or on any license, or any penalty to which the bond relates, remains unpaid by the party to whom such license was granted. 1880, s. 22.

New bond if new license.

10. But whenever any new license is granted to any party, a new bond shall be likewise entered into with reference to such new license. 1880, s. 23.

New bond if surety dies, &c.

License void until new bond given.

11. And a new bond shall also be given, whenever, during the period for which any license to which the bond first given relates is in force, either of the sureties dies, becomes insolvent, or removes permanently out of Canada; and the license shall be void from the time the party to whom it was granted is required by the Collector or superior officer of Inland Revenue to enter into a new bond until the time when such new bond is given,—during which time the party neglecting to enter into such new bond shall be held to be without a license. 1880, s. 24.

Security in certain cases determined by Governor in Council.

12. Whenever the required amount of security, as computed under any provision of this Act, exceeds ten thousand dollars, the amount may be determined by the Governor in Council at such sum not less than ten thousand dollars as to him may appear sufficient for the safety of the revenue. 1880, s. 24.

Guarantee companies may be sureties.

13. Notwithstanding any provision in this Act contained in respect of the number of sureties to any license or other bond entered into under the provisions hereof, the Department of Inland Revenue may in lieu and instead of such several sureties, in any case accept the security of any duly incorporated Guarantee Company doing business and having a domicile in Canada, and approved of by the Governor in Council. (*New.*)

Applications for licenses.

14. Every application for a license under this Act shall be forwarded by the Collector of Inland Revenue to the District Inspector of Inland Revenue, with such information as may be required by any departmental regulation; and so soon as the said application shall be returned to the Collector, endorsed with the approval of the District Inspector, and in the case of a bonded manufacturing license by the Department of Inland Revenue also, and upon the due execution of the bond with sureties as herein required, the Collector of Inland Revenue shall issue a license to carry on the business and to use the utensils, machinery and apparatus specified in the application, and in the place and premises therein specified, and in such place or premises only, and shall immediately report the issue of such license to the Department. 1880, s. 25.

Transfer of license to other premises.

15. Upon application being made, in a form to be prescribed by the Department of Inland Revenue, by the holder of any license under this Act, the license so held may be transferred from any premises to any other premises of similar capacity situated within the same Inland Revenue division, without payment of additional license fee, provided that all the requirements of this Act have been complied with by the holder of such license in reference to the premises to which it is proposed to transfer it, and that all obligations imposed by the license have been fulfilled; but whenever any such transfer is made, new bonds shall be taken as is required upon the issue of a new license. 1880, s. 26

Proviso.

Renewal of license.

16. Upon the expiration of every license issued under this Act, the granting of a new license in lieu thereof, except as hereinbefore provided as to diagrams, drawings, models or descriptions, shall be subject to the same restrictions and conditions as the granting of the original license was subject to. 1880, s. 27.

Proof of license.

17. The burden of proof that any license required by this Act has issued, shall rest upon the person to whom such license is alleged to have been issued. 1880, s. 28.

License to be posted up.

18. Every person licensed under this Act shall keep his license posted in a conspicuous place in his manufactory. (*New.*)

Payment of license fees.

19. All license fees shall be due and payable at the time when the license is granted, and in no case shall the license be granted until all such fees are paid. 1880, s. 31.

OBLIGATIONS GENERALLY OF PERSONS HOLDING LICENSES.

Notice to Collector of intention to work.

20. No distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer or bonded manufacturer shall work his distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory at any time, unless he has given at least six days' previous notice in writing to the Collector of Inland Revenue, of his intention to work the same at some time not less than six nor more than twenty days after the giving of such notice; but having commenced to work the same within such time he may continue to work the same uninterruptedly without new notice,—but after any interruption of work for more than one week a new notice mustbe given:

Penalty for working without notice.

2. And if any distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer or bonded manufacturer works his distillery, malt house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory at any time for which he has not given notice of his intention to work the same, he shall incur the same penalty and forfeiture, as if he had worked the same without a license. 1880, s. 37.

Assistance to inspecting officer.

21. Every person licensed under this Act shall, at all times when required, supply any officer of Inland Revenue

with all assistance, lights, ladders, tools, staging, or other thing necessary for inspecting the premises, stock, tools or apparatus belonging to such licensed person, or for weighing, gauging or testing any article or commodity then on the premises for which the license is granted, and shall open all doors, and open for examination all boxes, packages and all casks, barrels and other vessels, when required so to do by any officer of Inland Revenue. 1880, s 38.

Notice of any alterations or additions to apparatus, &c

22. If any person or persons, holding a license under this Act, intend to make any alteration or addition to the premises, utensils, machinery or apparatus, described as herein provided, or to remove any portion of such utensils, machinery or apparatus, or to make any use of any compartment or room for a purpose different from that mentioned in the written description accompanying his application for license, notice in writing shall be served on the Collector of Inland Revenue of the intention to make such alterations, additions, removals or changes at least one week before they are commenced ; and all such notices shall set forth fully and correctly the particulars of the proposed alterations, additions, removals or changes. 1880, s. 39.

Inspector may require new list, &c. of apparatus.

23. Any Inspector of Inland Revenue may, for sufficient cause (of which sufficiency he shall be the sole judge) at any time after having given ten days' notice, require a new list and description, with such models, diagrams or drawings as are herein required in an application for a license, to be made out and furnished by any party holding a license under this Act; and any party refusing to comply with such requisition, shall incur the same penalty as is provided for carrying on any business subject to excise without license ; and every such description shall be received as evidence in all courts of law. 1880, s. 40.

Restriction of time for business processes.

24. Except for the necessary continuance of some process of manufacture previously commenced in the ordinary course of business, persons licensed under this Act shall not transact any business, nor perform any act, operation or process of manufacture during Sunday in the premises mentioned or referred to in the license held by them, that will require, under any regulation then in force, the supervision or attendance of an officer of Inland Revenue:

As to Sundays.

As to night work.

2. No act, operation, or process of manufacture, for the supervision of which the presence of an officer of Inland Revenue is required, by any regulation then in force, shall be done in any licensed premises before the hour of six o'clock in the morning, nor after six o'clock in the afternoon, except when permitted by departmental regulations:

Extra time of officers to be paid for.

3. Whenever any business, act, operation or process of manufacture, for the supervision of which the presence of an officer of Inland Revenue is required by any regulation then in force is carried on or done in any premises licensed under this Act, before eight o'clock in the morning, during the dinner hour, or after six o'clock in the afternoon, the

person in whose premises the business, act, operation or process is carried on or done, shall pay to the Collector of Inland Revenue, for the attendance of the officer or officers during the extra time they are so employed, at such rate as may be determined by departmental regulations in that behalf. 1880, s. 41.

Designation of Apartments.

Inscription over premises.

25. There shall be conspicuously placed over the chief entrance to every place or premises subject to excise, or where any business subject to excise is carried on, the name of the person, or the name and style of the firm by whom such premises are occupied, or on whose behalf such business is carried on :

Size of letters.

2. The name so placed shall be written or printed in oil colors in Roman characters at least three inches in height.

Inscription over separate apartments.

3. Every separate apartment, room, granary, kiln, vault, workshop or storeroom, in every place or premises, subject to excise, or in which any business subject to excise is carried on, or in which any utensils, apparatus or machinery, used in such business are situated ; or in which any of the materials to be used therein, or the products of such manufactory are stored or kept, shall have placed over the principal entrance thereto, by the manufacturer, a sign in Roman characters written or printed in oil colors at least two inches in height, stating the designation thereof, and the purpose to which it is to be put, or for which it is to be used:

Notices, &c., how printed and affixed.

4. Every notice or written or printed designation or name of any person or persons, place or thing hereby required, shall be printed, painted, put up or affixed under and according to the direction of an officer of Inland Revenue, and at the expense of the party on whose behalf it is done. 1880, s. 42.

Books, Accounts and Papers.

Stock books to be kept.

26. Every distiller, compounder, maltster, brewer, tobacco manufacturer, cigar manufacturer, bonded manufacturer, or other trader, who is required to take out a license under this Act, or who carries on any business subject to excise, shall, in addition to the books, accounts and papers hereinafter specifically mentioned, keep such stock books and other books, in such form and manner as may be prescribed and supplied by the Department of Inland Revenue, which stock books shall in all cases be kept on and within the premises covered by the license issued to such manufacturer or other person,—and in which stock or other books there shall be clearly recorded, day by day, and on the same day on which the circumstance, thing or act to be recorded is done or occurs in the prescribed columns,—

What books must show.

Quantities brought in.

(*a*) A full and particular account of all grain, malt, spirits, raw and manufactured tobacco, cigars, and other stock, material, or commodity brought into the distillery, malt-

house, brewery, tobacco manufactory, cigar manufactory, or bonded manufactory, or other licensed premises, to which such stock books relate, and also,—

(*b*) Of all grain, spirits, malt, raw or manufactured tobacco, cigars, or other stock, material, or commodity, sold, removed, or transferred from such distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other licensed premises ; together with— Quantities sent out.

(*c*) Such further particulars as may be required by any departmental regulation in that behalf ; Further particulars.

Stating in every case the name of the person from whom the same was bought or obtained, or to whom it was sold or transferred, as the case may be, and also the mode of conveyance by which it was brought to the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other licensed premises, or by which it was carried therefrom ; and if any such grain, malt, spirits, manufactured or raw tobacco, cigars, or other stock, material or commodity have been conveyed by any vessel or railway to or from any port, wharf, or station, situated within a distance of ten miles from the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other licensed premises, then such vessel or railway shall be named as the conveyance by which such grain, spirits, malt, tobacco, cigars, stock, material or commodity were conveyed as aforesaid. 1880, s. 46. Certain matters to be stated.

27. Every distiller, maltster, tobacco manufacturer, cigar manufacturer, or bonded manufacturer, now or hereafter engaged in the manufacture of or dealing in articles subject to excise, shall make and deliver to the Collector of Inland Revenue of the Division, in which his manufactory or premises is or are situated, an inventory in such form as may be prescribed by the Department of Inland Revenue and verified by oath, of the quantity of the different kinds of raw material, articles and goods in process of manufacture and manufactured products, and all other materials held or owned by him on the first day of July of every year, or at the time of commencing and at the time of concluding business, if before or after the first day of July, or at any intermediate time when required by the Department of Inland Revenue ; the stock-taking necessary to make up such inventory being done under the immediate supervision and to the satisfaction of the officer in charge of the respective manufactories or other premises, or other duly authorized officer ; and the inventory to have endorsed thereon the certificate of the said officer as to its correctness. (*New.*) Yearly inventory of stock to be furnished. Stock-taking.

28. Every person who is licensed to carry on any business subject to excise under this Act, shall, when required so to do, and as often as may be required by any officer of Inland Revenue, and at any time within ordinary business hours, or when any operation is being carried on within the premises licensed, produce for the inspection of any such officer,— Inspection of books, &c.

Officers may make entries therein.

1. All books, papers, and accounts kept in accordance with the requirements of this or any other Act, or in accordance with the requirements of any Order in Council or any departmental regulation made under this or any other Act,—in which books or accounts such officer may enter any memorandum, statement or account of quantities; and in such case he shall attest the same by his initials:

Or take extracts.

2. All books, accounts, statements, and returns whatsoever, and all partnership accounts used by any such person, or by any co-partners in carrying on any such licensed business, whether such books, memorandums, papers or accounts be considered private or otherwise; and every such officer shall be permitted to take any extracts therefrom or any copies thereof:

Seizing officer may remove books, &c.

3. And in case of seizure of any article or thing in any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other premises subject to Excise, for contravention of this Act, the seizing officer or any superior officer of excise, may take possession of and remove all or any books, papers or accounts kept under the requirements of this Act, or under the requirements of any Order in Council or any departmental regulation made thereunder, and may retain the same until the seizure shall be declared valid by competent authority, or the article or thing seized or the proceeds thereof shall, by such authority, be directed to be restored. 1880, s. 47.

Erasures in books.

29. No erasures shall be made in any stock or other books kept by any manufacturer or other person licensed in accordance with the provisions of this Act; nor shall any leaf or leaves, or part of a leaf or leaves, be removed therefrom; and an erasure shall be defined as any obliterating of any words or figures by any means whatever other than by ruling through the same, with ink, in such a manner as not to render the words or figures so ruled out incapable of being read. (*New.*)

Quantities, how to be stated in books.

30. Except as herein otherwise provided, every quantity of grain recorded or stated in the stock-books herein mentioned, and in all returns, accounts, inventories and statements required to be kept or made by this Act, and the quantity of every other article or commodity, except fluids, used in or about the premises subject to excise, or entering into the manufacture of any article or commodity subject to excise, shall be stated in pounds avoirdupois:

Fluids to be stated in gallons.

2. All quantities of fluids, except where otherwise provided by this Act, shall be stated in the aforesaid books, returns, accounts, inventories and statements in gallons; and the quantity of any fluid in gallons shall, for all the purposes of this Act, be determined by weighing or gauging, in such manner as may be, from time to time, prescribed by any Departmental regulation in that behalf:

3. All beams, scales, weights and measures used in or about any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, shall be inspected, tested and verified by an officer of Inland Revenue, or by an Inspector of Weights and Measures, as often as any Inspector of Inland Revenue or Excise may direct: Provided always, that scales used in a tobacco or cigar manufactory, when used exclusively for weighing tobacco during any intermediate process of manufacture, and not used for weighing raw material brought into the manufactory or taken for use therein, or in ascertaining the manufactured products of such manufactory, may be used without inspection. 1880, s. 48.

Inspection of weights and measures.

Proviso: as to scales for weighing tobacco.

GENERAL PROVISIONS AS TO PAYMENT OF DUTIES AND TIME AND FORM OF RETURNS.

31. Every provision of this Act imposing any new duty of excise, or making any alteration in any duty of excise imposed by the laws now in force, shall come into force and take effect upon, from and after the first day of May, 1883; but the provisions of this Act making any alteration in the manner of collecting any duty of excise or the mode of calculating the same shall come into force and take effect upon, from and after the first day of July, 1883—until which date the several provisions of the laws in force at the time of the passing of this Act respecting such manner of collecting duties of excise and calculating the same shall continue in force; and the said provisions of this Act as to such new and altered duties shall apply to, and the duties hereby imposed shall be payable on all spirits, malt, beer, tobacco, cigars, vinegar or fermented beverages, or methylated spirits, distilled, manufactured or made or taken out of bond for consumption on or after the said first day of May, 1883; but the duty payable under this Act on or for any license issued after it comes into force shall be that imposed by this Act:

Commencement of duties.

2. The said duties shall accrue and be levied on the quantities made or manufactured, which may be ascertained in the manner by this Act provided or otherwise proved, and shall be in addition to all sums charged as license duties, whether on utensils or otherwise; 1880, s. 35.

On what quantities to be levied.

3. The said duties shall be in addition to all sums charged as license duties, and shall be duties within the meaning of the "*Act to provide for the better Auditing of the Public Accounts*," and shall form part of the Consolidated Revenue Fund of Canada. 1880, s. 36.

To be duties within meaning of Audit Act.

32. All returns, unless when otherwise provided by this Act, shall be made distinct and separate for each month. 1880, s. 92.

Monthly returns.

33. All returns as to quantities required to be made by this Act, shall be made to the Collector of Inland Revenue or other officer authorized by the Department of Inland

Time for making returns.

Computation of duty.

Revenue to receive the same, on the first day of each month for the month next preceding such day. And the duty exigible on any article made during any month, shall be computed at the rate of duty to which it is or may be liable on the day upon which the return respecting it is required to be made. 1880, s. 93.

Statement for each month.

34. Every such statement shall be made for and relate to the month next preceding the day on which it is made. 1880, s. 95.

How to be attested.

35. Every account or return rendered as herein provided, shall be made and signed by the person carrying on the business to which it relates, or his agent, and shall also be signed by the foreman, clerk, chief workman or other person employed in or about the premises where the business is carried on; and the Collector or any superior officer of Inland Revenue may, at any time after the making of such account or return, require any other person employed about such premises, who, in his opinion, may be best acquainted with the quantity of material used and of goods produced, subject to excise, to testify upon oath before him as to the correctness of such account or return. 1880, s. 96.

Further attestation.

Form of attestation.

36. Every such account or statement shall be attested by the persons signing the same, by the following oath:—

"I , do solemnly swear that the several "accounts included in this return are true according to their "purport: So help me God." 1880, s. 97.

Before whom to be attested.

37. Every such oath shall be made before some Collector or other duly authorized officer of Inland Revenue; and the Collector or officer before whom it is made, or any superior officer of Inland Revenue may, when the account or statement is made, or at any time thereafter put to the person or persons making it such questions as are necessary to the elucidation and full understanding of the account, and for ascertaining whether such person has had the means of knowing the same to be correct: and the Collector or officers aforesaid may also, when the account or statement is made or at any time thereafter, examine under oath any person or persons employed, or who may, at any time, have been employed, in or about the distillery, brewery, malt-house, tobacco manufactory, cigar manufactory, or bonded manufactory, or other premises subject to excise, to which such account relates, or any person doing business therewith or selling material thereto or buying goods therefrom, and also any common carrier, agent, clerk or other person who has been concerned in the removal of any such goods or material to or from any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, or bonded manufactory, or other premises subject to excise, or in taking or keeping an account of such removals, as to the truth of all such statements, and may reject all such written statements as may be shewn by such evidence to be incorrect or unreliable; and such rejection shall render the party making the return liable to the

Officers may examine certain persons on oath.

same penalty as he would be liable to if no return whatever had been made: 1880, s. 98.

2. Provided always, that in cases where the Governor in Council may deem it expedient so to do, he may authorize the taking of such oath or declaration before a Justice of the Peace. 1882, s 18. Proviso: Oath before Justice of the Peace.

38. All notices, lists, descriptions, returns, inventories, statements, accounts and reports required by this Act to be given or made to any person or officer, shall be held to be validly so given or made, if they be received by such person or officer, as the case may be, or if they are left at the usual place of residence of such officer or person, within the period or delay fixed herein in that behalf, without any reference to the mode by which such notice, list, description, account, statement, inventory or return was conveyed to such person or officer; and the onus of proof that all such notices, lists, descriptions, returns, inventories. accounts, statements and reports have been given or made as herein required shall lie upon the person whose duty it is to give or make them. 1880, s. 99. Mode of giving notices, delivering returns, &c.

39. The several duties imposed by this Act shall be due and payable on the sixth of each month, for the quantities of each article or commodity produced or manufactured during the preceding month unless another time of payment is herein expressly fixed. 1880, s. 100. When duties shall be payable.

40. No goods subject to a duty of excise under this Act, shall be removed from any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, licensed as herein provided, nor from any warehouse in which they have been bonded or stored, until the duty on such goods has been paid or secured by bond in the manner by law required; and any goods removed from such distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises, or from a warehouse, before the duty thereon has been so paid or secured, shall be seized and detained by any officer of excise having a knowledge of the fact, and shall be and remain forfeited to the Crown. 1880, s. 125. Removal of excisable goods. Forfeiture for illegal removal.

41. Except under Departmental authority, in each case specifically obtained, no goods subject to a duty of excise under this Act, shall be removed from any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or from a bonding warehouse or other premises, licensed as herein provided, between the hours of six o'clock in the afternoon and seven o'clock on the following morning; and any goods removed in contravention of this section shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue having knowledge of the fact, and dealt with accordingly. 1880, s. 127. Hours of removal. Forfeiture contravention.

Calculation of duty and correction of such calculation.

42. The amount of duty shall be calculated on the measurements, weights, accounts, statements and returns, taken, kept or made as herein provided, subject to correction and approval by the Collector of Inland Revenue or other officer duly authorized thereto; and when two or more methods for determining quantities or the amount of duty to be paid are provided for, that method which yields the largest quantity or the greatest amount of duty shall be the standard; but if the Collector of Inland Revenue or any superior officer of Inland Revenue has any reason to doubt the correctness of any statement, account or return, he shall compute the weights, measurements or quantities himself, and levy the duty accordingly; and such computation may be based on any reliable evidence respecting the quantity of material brought into the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other premises subject to excise, or as to the quantity of the manufactured article removed therefrom, or as to the quantity or strength of any articles used in any of the processes of manufacture; and if the result is disputed, the proof of the error or wrong shall rest with the party who is liable for the payment of the duty. 1880, s. 101.

GENERAL PROVISIONS AS TO BONDING OR WAREHOUSING.

Warehousing of goods.

43. Spirits, malt, tobacco, cigars and other articles subject to duty under this Act, may be deposited in any suitable excise bonding warehouse licensed for the purpose without payment of the duty hereby imposed, subject to the following regulations and to such other regulations as the Governor in Council may make. 1880, s. 102.

Security to be given before bonding warehouse is licensed.

44. Before any license is granted to any person for a bonding warehouse, for goods subject to excise duties, such person shall give good and sufficient security by bond for an amount equal to the sum to which it is estimated the duty on the average quantity of goods in the warehouse will amount; and such bond shall be conditioned for the payment of all such duties and all penalties to which the owners of any goods warehoused therein, or the owner of any such warehouse, may become liable under this Act:

New bond in certain cases.

2. And whenever the duties on the goods warehoused in such warehouse exceed the amount for which the bond is taken, a new bond may be taken for a sum sufficient to cover the increased amount of duty. 1882, s. 9.

Warehouse to be provided by owner of goods and approved.

45. The warehouse shall be provided by the owner of the goods, and shall be licensed in conformity with such departmental regulations as may be, from time to time, made in that behalf, and upon being surveyed and approved as to security by the inspecting officer, shall be secured under the joint locks of the Inland Revenue Department and the proprietor or owner of the goods warehoused, so as to be accessible only in the presence of an officer of Inland Revenue and of the owner of the goods in bond, or his agent. 1880, s. 103.

46. All goods warehoused shall be at the risk of the owner, and if destroyed or wasted, the duty shall be payable thereon as if they were entered for consumption. 1880, s. 104. Goods at owner's risk.

47. Except as herein otherwise provided, no goods shall remain warehoused for a longer period than two years, and at the end of that time the full amount of duty remaining unpaid shall be collected: Term of warehousing limited.

2. In case the quantity of goods bonded in any warehouse shall, at any time or by any means, fall short or be deficient of the actual quantity which ought to be or remain warehoused, after deducting the quantities entered ex-warehouse, the owner thereof shall be subject and liable to the full duties on the balance of goods with which the warehouse stands debited; and the goods remaining shall be subject to the duties on the quantity deficient, and shall and may be sold for payment thereof, by order of the Department; the surplus, if any, to be payable to the person who warehoused such goods, or his assigns, after deducting all penalties and expenses incurred. Except that when the Department of Inland Revenue is satisfied that no goods have been illegally removed from the warehouse, such goods as are actually in the warehouse at the time stock is taken, or at the expiration of two years, may be re-warehoused on payment of the full amount of duty on the ascertained deficiency. 1880, s. 107 Goods in warehouse subject to duties when there is a deficiency. Exception.

48. At the time of entering the goods for warehouse, the amount of duty shall be computed and ascertained and stated in the entry. 1880, s. 109. When duty shall be computed.

49. Goods warehoused under this Act may be transferred in bond, and may be exported, ex-warehoused or removed from one warehouse to another, without payment of duty, under such restrictions and regulations as the Governor in Council may deem necessary. 1880, s. 110. Transfer of goods in bond

50. When goods are entered for warehouse, the entry shall state the exact quantity of goods in each package or parcel, together with the duty to which they are liable; and each package shall be described in the entry paper, and shall also be designated by a distinguishing number. 1880, s. 111. Quantity, value, &c. to be described in entry.

51. Each package when originally warehoused by the manufacturer shall be consecutively numbered and shall be marked with the entry number, with the date when warehoused, and with the quantity which the package contains. 1880, s. 112. Packages to be marked.

52. Goods warehoused shall be so stowed or arranged that the casks, boxes or packages contained or described in one entry are placed together in separate lots; and in no case shall the casks, boxes or packages contained or described in one entry, be intermixed with those contained or described in another. 1880, s. 115. Stowage of goods.

To be re-marked and re-stowed in certain cases.

53. Whenever the marks or numbers on any goods in warehouse have been omitted, or have been defaced or otherwise become illegible, or whenever such goods are not stowed or arranged in compliance with the requirements of this Act, the owner of such goods shall, on being required so to do, immediately re-mark or arrange or stow them, as the case may be, to the satisfaction of the Collector of Inland Revenue, or of any officer inspecting the division; and if the owner of such goods fails to re-mark, arrange or stow them in the manner herein required, for the space of one week after having been required so to do, all such goods shall be forthwith entered for duty ex-warehouse, and the duty thereon collected in accordance with the original warehouse entry; and any failure so to enter for duty ex-warehouse, and to pay the duty thereon, when a demand to that effect has been made by the Collector of Inland Revenue, shall be construed as an evidence of a deficiency in the said warehouse, and shall be dealt with accordingly. 1880, s, 116.

Removal for consumption.

54. No goods shall be removed from warehouse for consumption unless upon the payment of the full amount of duty accruing thereon. 1880, s. 117.

Entries to be refused for non-compliance with regulations.

55. Except as herein otherwise provided the Collector or other officer of Inland Revenue or Customs in whose charge goods warehoused under this or any other Act relating to warehousing may be placed, shall refuse all entries ex-warehouse until the owner of such goods or his agent shall have complied with all conditions in respect thereto, which may be required by this or any other Act, or by any regulations made by virtue of this or any other Act. 1880, s. 118.

Forms of entries.

56. All entry papers, either for warehouse, ex-warehouse for removal, or other purposes, shall be made in such forms, and shall be attested by such affidavits, affirmations or declarations as the Department of Inland Revenue may order. 1880, s. 119.

Fee for bonding warehouse license.

57. The party in whose favor a license is granted to have an excise bonding warehouse, not included in the description of the premises for which he has received a license under this Act, shall pay for one such warehouse the sum of twenty dollars, and for each additional warehouse the sum of ten dollars. 1880, s. 33.

Governor in Council may establish Inland Revenue bonding warehouse.

58. The Governor in Council may order that an Inland Revenue Bonding Warehouse shall be established at any place or places specified in such order; and such order shall prescribe the storage dues, and the license fee to be paid by persons using such Inland Revenue Bonding Warehouse, but such license fee shall not exceed ten dollars per annum: Provided always, that all goods stored and kept in any Inland Revenue Bonding Warehouse established under the provisions of this section shall be so stored and kept at the risk, in every respect, of the owner thereof, and that any damage or loss by fire or otherwise shall not give rise to a claim for indemnity by the owner. (*New.*)

Proviso: goods to be at owner's risk.

OFFICERS OF EXCISE, THEIR POWERS AND DUTIES.

Powers of Inland Revenue officers.

59. The Commissioner of Inland Revenue or other person acting as Deputy-Head of the Department, and every Inspecting Officer of Inland Revenue, shall have and may exercise in each and every revenue division all the powers and rights conferred by this Act on the Collector or any other officer of Inland Revenue. 1880, s. 131.

Who shall be deemed such officers.

60. Inspectors of Inland Revenue, and all persons appointed under this Act, or employed for the purposes of this Act, or upon whom any duty is imposed by this Act, shall be known as officers of Inland Revenue. 1880, s. 132.

Collectors.

Officers of Excise.

61. Every officer of Inland Revenue who is appointed to collect the duties hereby imposed in any defined district or revenue division shall be specially designated as a "Collector of Inland Revenue;" and any officer who is employed or appointed to the survey of manufactures, operations, or premises subject to excise, may also be designated as an "Officer of Excise." 1880, s. 133.

Not to deal in excisable goods.

62. No officer of Inland Revenue shall directly or indirectly deal or trade in any goods or commodities subject to excise or customs duties. 1880, s. 134.

Power to administer oaths

63. Every superior and inspecting officer, and every Collector of Inland Revenue, and such other officers as may from time to time, be designated by the Governor in Council, are hereby empowered and authorized to admininister all oaths and receive all declarations required or authorized by this Act. 1880, s. 135.

Powers of officers.

64. Every officer of Inland Revenue is hereby empowered and authorized,—

Entry into buildings, &c.

1. With any assistants acting under him and by his directions, at all times, as well by night as by day, to enter into and remain in, as long as he may deem necessary, any building or place belonging to or used by any person or persons for the purpose of carrying on any trade or business subject to excise, or in which are any machinery, utensils or apparatus subject to excise, or which may be used in the manufacture of goods subject to excise;

Into premises of dealer in goods subject to excise.

2. With any assistants acting under him and by his instructions, at any time between six o'clock in the forenoon and ten o'clock in the afternoon, to enter the premises of any dealer wherein any goods subject to excise are stored, kept or sold;

Inspection of buildings and apparatus.

3. With any assistants acting under him and by his directions, to inspect any such building or place, and to take such account as he may deem necessary of every part thereof, and of all works, vessels, utensils, goods and materials, machinery and apparatus, belonging or in any wise appertaining to such business;

Breaking partitions, &c.

4. To break up or cause to be broken up or removed any floor, wall, partition, ceiling, roof, door, or other part of such building, place or premises, or any ground surrounding them, for the purpose of ascertaining whether there is any pipe, worm, still, conduit, tool, vessel, utensil, machinery or apparatus, or any stock, goods, commodity or article subject to excise concealed or kept out of view;

Examination of still, &c.

5. To examine the worm of any still or other apparatus used by any distiller or bonded manufacturer, by causing the water to be drawn off from the worm tub or refrigerator containing such worm, at any time when in the opinion of such officer the doing so will not be prejudicial to the working of such still or other apparatus, or when he may deem it to be necessary to do so for the prevention or detection of fraud;

Gauging, closing and sealing vessels, &c.

6. To gauge, measure, weigh, prove, mark, label, stamp, lock, seal or otherwise designate or secure any fermenting-tun, mash-tub, cistern, kiln, worm, still, spirit-receiver, pipe, cock, vessel or apparatus, furnace door, machinery or utensil, or any goods, article or commodity subject to excise, and to close, seal and secure all or any such worms, stills, fermenting-tuns, mash-tubs, furnace doors, kilns and utensils during the period when the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, or bonded manufactory is not at work;

Taking samples of goods at wholesale price.

7. To take at any time that he may be instructed by the Collector or Superior Officer of Inland Revenue so to do, a sample or samples of any goods unmanufactured, or in process of manufacture, or manufactured, in the stock or possession of any person carrying on business subject to excise, paying for the same if demanded at the current wholesale price of such articles; except that samples of raw leaf tobacco, stems, scraps, cuttings or other unmanufactured products of raw leaf tobacco when taken for the purpose of ascertaining the moisture therein, shall be furnished by the manufacturer or other person free of cost. 1880, s. 136.

Exception.

Power to make forcible entry.

65. If any officer of Inland Revenue, with any assistants acting under him and by his directions, after having demanded admittance into any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other premises subject to excise, or into the premises of a distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer, or bonded manufacturer, or into any place or premises subject to excise, and having declared his name and business at the gate or entrance door or at any window or door of any such distillery, malt-house, brewery, manufactory or place, or at the door, window or gate of any building or place forming part thereof, be not immediately admitted into such distillery, malt-house, brewery, manufactory or other premises, it shall be lawful for such officer and and any person acting in his aid, at all times as well by night as by day (but if by night then in the presence of a constable or other peace officer), to break

By day or with peace

through any of the doors, windows or walls of such distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises necessary to be broken open or through to enable him and them to enter the said distillery, malt-house, brewery, manufactory or other premises aforesaid. 1880, s. 137. Officer at night.

66. The Collector or other officer of Inland Revenue, or any person or persons acting under him or by his directions respectively, having first obtained a search warrant for that purpose from some Justice of the Peace, who may grant the same on affidavit (made before him and to his satisfaction, and stating reasonable grounds for the issuing thereof), may, at any hour between sun-rise and sun-set, enter into and search any house, building or place mentioned in such search warrant, as being one in which it has been made to appear by affidavit that there is reasonable cause to suppose that an unlicensed still, worm, mash-tub, cooler, fermenting-tun, malt-floor or kiln, press, cutting-knife, mill or other vessel or implement is illegally in use or possession, or that the provisions of this Act are otherwise contravened. 1880, s. 138. Power to search under warrant.

67. The Minister of Inland Revenue may lawfully suspend or revoke the license of a distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer, bonded manufacturer, or other person carrying on business subject to excise, who shall delay, obstruct or prevent, or whose agent or servants shall delay, obstruct or prevent any officer or his assistant in or from entering into a distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory, or any house, outhouse, store or other place whatsoever of such distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer, bonded manufacturer, or other person carrying on business subject to excise, or in or from otherwise performing his duty in the enforcement of any Act relating to the Inland Revenue. 1880, s. 139. Licenses may be suspended or revoked for obstructing officer.

68. If any person shall do or permit to be done, anything in or about any premises subject to excise, which in the opinion of any officer of Inland Revenue is intended, or likely to mislead such officer in the discharge of his duty, or to prevent him from ascertaining the true quantity of the products of the business therein carried on and subject to excise, such person or any other person who may be supposed to have any knowledge of the facts, may be examined on oath by any Collector or other superior officer of Inland Revenue. *(New.)* Collector may examine on oath in certain cases.

69. Any Judge of the Exchequer Court of Canada or of the High Court of Justice for Ontario in the Province of Ontario, or of the Superior Court in the Province of Quebec, or of the Supreme Court in the Provinces of Nova Scotia, New Brunswick, Prince Edward Island or British Columbia, or of the Court of Queen's Bench in the Province of Manitoba, having jurisdiction in the province or place Writs of assistance in the several Provinces.

where the application is made, shall grant a writ of assistance upon application made to him for that purpose by a Collector of Inland Revenue, or any superior officer of Inland Revenue, or by Her Majesty's Attorney General for Canada; and such writ of assistance, when issued, shall be in force during the whole of the reign in which the same shall have been granted, and for twelve months from the conclusion of such reign; and for the purposes of this section, any Judge of the Court of Queen's Bench, in the Province of Manitoba, shall have jurisdiction over the North-West Territories and the district of Keewatin, and shall grant a writ of assistance for use therein, in like manner and with like effect as he might grant such writ for use in the Province of Manitoba. 1882, s. 20.

In N.W. Territories and Keewatin.

Powers of of officers under writs.

2. Under authority of a writ of assistance so granted, any officer of Inland Revenue, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment, or by general regulation, may enter in the night time if accompanied by a peace officer, and in the day time without being so accompanied, any building or other place within the jurisdiction of the court granting such writ, and may search for and seize and secure any goods or things liable to forfeiture under this Act, and in case of necessity, may break open any entrance or other doors, walls, floors, windows or gates and any chests or other packages for that purpose;

Entry, search and seizure.

Arrest.

3. Any officer of Inland Revenue having a writ of assistance may arrest and detain any person whom he may detect in the commission of any offence declared by this Act to be a misdemeanor or a felony;

Trial.

4. Every person so arrested shall, as soon as possible thereafter, be brought before any Court of Record having jurisdiction in the premises, a County Judge, a junior County Judge, or before a police or stipendiary magistrate or two Justices of the Peace, by whom alone and no other or others, the complaint against the person arrested shall be dealt with as the law directs. 1880, s. 140.

Justices of the Peace and others to assist officers.

70. All Justices of the Peace, Mayors, Bailiffs, Constables and all persons serving under Her Majesty by commission, warrant or otherwise, and all other persons whosoever, shall aid and assist, and they are hereby respectively required to aid and assist every officer of Inland Revenue in the due execution of any act or thing authorized, required or enjoined by this or any other Act. 1880, s. 141.

PROTECTION OF OFFICERS.

Notice to officer sued for any official Act.

71. No writ shall be sued out against, nor any process served upon any officer of Inland Revenue for anything done in the exercise of his duty as such officer, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or pro-

cess,—in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall be produced except of such as shall be contained in such notice; and no verdict or judgment shall be given for the plaintiff, unless he shall prove on the trial, that such notice was given; and in default of such proof, the defendant shall receive in such action a verdict or judgment and costs. 1880, s. 169.

Limitation of time for action.

72. Every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the acts were committed; and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become non-suited, or shall discontinue the action, or if, upon a demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover costs, and have such remedy for the same as any defendant has in other cases where costs are given by law. 1880, s. 170.

Non-suit or discontinuance.

Amends may be tendered after notice; effect of such tender.

73. It shall be lawful for any such officer or person against whom any action shall be brought on account of any such seizure or entry, or of anything done under the authority of this Act, within one calendar month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any action, together with other pleas; and if the court or jury (as the case may be) find the amends sufficient, they shall give a judgment or verdict for the defendant; and in such case, or in case the plaintiff shall become non-suited or shall discontinue his action, or judgment shall be given for the defendant upon demurrer or otherwise,—then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided always, that it shall be lawful for such defendant, by leave of the court where such action shall be brought, at any time before issue joined, to pay money into court as in other actions. 1880, s. 171.

Proviso.

Nominal damages only if probable cause shown.

74. In any such action, if the judge or court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than twenty cents damages nor to any costs of suit. 1880, s. 172.

Costs and damages limited if probable cause shown.

75. In case any information or suit shall be brought to trial or determined on account of any seizure or entry made under this Act, and a verdict shall be found or decision or judgment given for the claimant, and the judge or court before whom the cause shall have been tried or brought shall certify on the record that there was probable cause of seizure or for such entry, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure or entry be liable to any action, indictment, or other

suit or prosecution on account of such seizure or entry; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure or entry, wherein a verdict or judgment shall be given against the defendant, the plaintiff, if probable cause be certified as aforesaid on the record, besides the thing seized, if a seizure, or the value thereof, shall not be entitled to more than twenty cents damages nor to any costs of suit, nor shall the defendant in such prosecution in such case be fined more than ten cents. 1880, s. 173.

PENALTIES GENERALLY.

Penalty for not posting up license.

76. Every manufacturer who neglects or refuses to keep his license posted as required by section *eighteen* of this Act, shall incur and pay a penalty of fifty dollars for the first offence, and of one hundred dollars for each subsequent offence. (*New.*)

Goods and apparatus forfeited when no license has been taken out.

77. All grain, malt, raw tobacco, and all other material in stock, and—

2. All engines, machinery, utensils, worms, stills, mash-tubs, fermenting-tuns, tobacco-presses or knives, and—

3. All tools or materials suitable for the making of stills worms, rectifying, or similar apparatus, and—

4. All spirits, malt, beer, tobacco, cigars, and other manufactured articles,—

If found in certain places

Which may at any time be found in any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other premises or place where anything is being done or any working carried on which is subject to excise, and for which a license is required under this Act, but in respect of which no such license has been taken out; and—

Horses, vehicles, &c.

5. All horses, vehicles, and other appliances which have been or are being used for the purpose of removing any spirits, malt, beer, tobacco, cigars, materials or apparatus used or to be used in the production of any article subject to excise in contravention of this Act,—

Seizure and forfeiture.

Shall be liable to be seized by any officer of the Inland Revenue having a knowledge thereof, and to be forfeited to the Crown, and may either be destroyed when and where found, or removed to some place for safe-keeping at the discretion of the seizing officer. 1880, s. 144.

Engines and apparatus forfeited when fraud has been committed.

78. Every steam-engine, boiler, mill, still, worm, rectifying apparatus, fermenting-tun, mash-tub, cistern, couch-frame, machine, vessel, tub, cask, pipe or cock, with the contents thereof, and all stores or stocks of grain, spirits, malt, beer, tobacco, cigars, drugs or other material or commodity which may be in any premises or place subject

to excise, when any fraud against the revenue is committed in any such place or premises, or when the owner of any such place, premises, apparatus, goods or commodities, his agent or any person employed by him, or any person having lawful possession or control of such premises, apparatus, goods or commodities, is discovered in the act of committing, or is convicted of committing, any act in or about such place or premises which is declared by this Act to be a misdemeanor or felony, shall be and remain forfeited to the Crown, and be dealt with accordingly. 1880, s. 149.

Forfeiture of goods for non-payment of duty.

79. Every article or thing subject to duty under this Act, and on which the duty hereby imposed shall not have been paid at the proper time for paying the same, shall be seized by any officer of Inland Revenue and shall be and remain forfeited to the Crown and be dealt with accordingly. 1880, s. 150.

Penalty for unlawfully using stamped packages.

80. Every person who shall put into any packages, barrels, or casks which have been stamped, marked or branded under this Act, any article or commodity subject to excise on which the duty imposed by this Act has not been paid or secured, or which has not been inspected as herein required, shall be guilty of a misdemeanor, and for a first offence shall incur and pay a penalty of not less than one hundred dollars and not more than five hundred dollars, and for a second or any subsequent offence shall incur and pay a penalty of five hundred dollars; and in addition to such penalties shall be punishable, at the discretion of the Court before which the case is tried, by imprisonment for a period of not more than three months. 1880, s. 154.

Penalty for failing to obliterate brands, &c.

81. Every vendor of any package, barrel or cask labelled, branded, marked or sealed, as required by this Act, who shall fail to obliterate or deface such label, mark, brand or seal, so soon as the contents thereof have been removed, shall, for each such offence, incur and pay a penalty not exceeding one hundred dollars. 1880, s. 154.

Unlawfully keeping stamped packages.

82. Every person who shall, except as permitted by this Act, bring or cause or permit to be brought into any place licensed under this Act, belonging to him, or into any place in which any business subject to excise is carried on under his supervision or control, or in whose licensed premises there shall at any time be found any box, jar, barrel, bag or other package, such as is used for containing any of the articles subject to excise which are made in such licensed premises, and having attached to it any stamp, mark or brand, or a part of any stamp, mark, or brand affixed thereto, under any provision of this Act, as evidence that the duty to which the contents of such box, jar, barrel, bag or other package is liable, has been paid or secured, or that the inspection to which such article is liable has been made—

Penalty and forfeiture.

Shall, for a first offence, incur and pay a penalty of not less than one hundred and not more than five hundred dollars,

and for a second or subsequent offence shall incur and pay a penalty of five hundred dollars; and all articles subject to excise on the premises at the time such packages are discovered a second or any subsequent time, shall be seized as forfeited to the Crown, and shall be dealt with accordingly. 1880, s. 155.

Penalty for not making proper returns of premises, apparatus, &c.

83. Every person carrying on any business subject to excise, or having in his possession or on his premises, any machinery, tools, utensils, apparatus or appliances, suitable for carrying on any business subject to excise, who shall neglect, refuse or omit to make a true and correct return and entry at the time and in the manner required by this Act, or at any time when specially required so to do under the provisions hereof, of all work-shops, apartments, utensils, tools, apparatus, machinery or appliances possessed, occupied or used by or for him, or existing in or introduced into or intended to be used in the premises wherein such business is or might be carried on; or—

Using apparatus not reported.

2. Who shall make use of any still, worm, fermenting-tun, mash-tub, cistern, malt-kiln, malt-floor, tobacco-press, cutting-machine or knife, vessel, utensil, closed spirit-receiver, fixed or movable pipe, cock, pump or other appliance or apparatus, or permit any such to be used in his distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, or bonded manufactory or other premises subject to excise which or any of which have not been known or reported to the proper officer previous to being so used, or for the use of which no license has been taken out as herein required; or—

Making changes without notice.

3. Who shall make any changes therein or additions thereto without duly notifying the Collector of Inland Revenue; or—

Using secret communications.

4. Who shall make, cause to be made, or permit to exist, any secret, covert, or unusual connection or communication between the several parts or compartments of the premises in which such business is carried on, other than are shown on the return or plan made thereof; or—

Or pipes, &c. not reported.

5. Who shall allow any pipes, pumps, cocks, conduits, troughs or other means for conducting fluids or other matter from one part of such premises to another, or from one vessel to another, other than such as are clearly indicated and made known on the returns, models, diagrams or entries made of such premises or vessels, or other than have been made known to the Collector of Inland Revenue or other than are permitted to be used by this Act; or—

Using apparatus for purpose not reported.

6. Who shall permit any apparatus, utensils, vessels, pipes, store-rooms or compartments of such premises to be used or occupied otherwise than for the purpose for which they have been entered or returned; or—

7. Who shall neglect or refuse to designate in the manner required by this Act, the contents or capacity of, and the purpose to which each vessel, utensil, apparatus, pipe, conduit, store-room, workshop or compartment of such pre mises is respectively applied; or— Not designating contents of vessels, &c.

8. Who shall refuse to admit the Collector or other officer of Inland Revenue or his assistants to the premises or manufactory where any business subject to excise is carried on, at any hour of the day or night when such business is being carried on, or when any act or thing connected with the carrying on of such business is being performed therein; or— Refusing to admit officer.

9. Who shall refuse to admit any officer of Inland Revenue to inspect any place or premises where any grain, stock, commodity, material, utensil or apparatus suitable for carrying on any business subject to excise is placed or deposited; or— Or to allow inspection of stock, &c.

10. Who shall do or cause or permit to be done, anything in or about the premises where such business is carried on, intended or likely to mislead any officer of Inland Revenue in the discharge of his duty, or to prevent him from ascertaining the true quantity of the products of the business therein carried on and subject to excise,— Deceiving officers.

Shall incur and pay for a first offence a penalty of not less than one hundred dollars and not more than five hundred dollars, and for a second or any subsequent offence a penalty of five hundred dollars, together with— Penalty.

A further penalty of one hundred dollars for each and every day upon which such offence has been committed. 1880, s. 156. Further penalty.

84. Every still, worm, rectifying apparatus, fermenting-tun, mash-tub, machinery, tobacco-press, cutting-machine or knife, vessel, utensil, pipe, cock, pump, trough, conduit, cistern, couch-frame or apparatus, with all and every matter or thing which they may contain, and the contents of every store-room, work-shop, malt-house, kiln or apartment in respect of which any penalty is incurred under this Act, or which has not been entered, described or returned as herein required, shall be and remain forfeited to the Crown, and shall be seized by any officer of Inland Revenue having a knowledge thereof, and dealt with accordingly. 1880, s. 157. Apparatus &c forfeited when penalty is incurred.

85. Every person who shall refuse or neglect to aid any officer of Inland Revenue in the execution of any act or duty required by this Act, shall be guilty of a misdemeanor, and on conviction thereof, shall be subject to a penalty of not less than fifty dollars nor more than one hundred dollars, and shall be also liable to imprisonment in the common gaol for a period not less than three nor exceeding six months. 1880, s. 158. Refusing to assist officers.

Penalty for— **86.** Every person carrying on any business subject to excise, who shall fail or neglect, or allow any person acting for him or in his employ to fail or neglect—

Neglecting to keep stock-books, &c. 1. To keep stock books and all such other books as are required to be kept by this Act, or by any regulation made under the provisions of this Act, or by any regulation approved by the Governor in Council, or by any departmental regulation in that behalf; or—

Not making true entries. 2. To make true and correct entries therein of all particulars required by this Act, or by the said regulations, to be entered in such books; or—

Falsifying entries. 3. Who shall in any way alter or falsify any such entries, or make or cause or allow to be made any untrue entry or entries in the said books; or—

Removing leaves of books. 4. Who shall remove or cause or permit the removal from the said books of any leaf or leaves or part of a leaf or leaves; or—

Defacing entries. 5. Who shall deface or erase, or cause or permit to be defaced or erased any entry made therein; or—

Refusing to make returns. 6. Who shall neglect or refuse to prepare and deliver the inventory or make any return or statement, or to give any information, or to render any accounts required by this Act; or—

Falsifying returns. 7. Who shall falsify any such return, statement or account; or who shall knowingly give false information; or—

Refusing to produce books, &c. 8. Who shall neglect or refuse to produce any book, account, statement or return by this Act required to be kept, or any private books or accounts which may be demanded for the inspection of any duly authorized officer of Inland Revenue, when required so to do during ordinary business hours—

Amount of penalty. Shall, for a first offence, incur and pay a penalty of not less than fifty and not more than three hundred dollars, and for a second or any subsequent offence a penalty of five hundred dollars, together with a further penalty equal to double the amount of license fees, duty or other impost payable under this Act on any spirits, malt, beer, manufactured tobacco, cigars, stock, goods manufactured in bond, or materials for manufacturing them:

Forfeiture of goods. And every article or commodity, in respect of which any fraudulent, false, incorrect, or imperfect information, entry, return, inventory, account or statement has been made or given, or in respect of which any entry, return, account, inventory, statement or information has been in whole or in part neglected or refused to be made or given, or in respect of which any entry, return, inventory, account or

statement has been in whole or in part erased, defaced, removed or destroyed,—

And all spirits, raw and manufactured tobacco, cigars, goods or materials, grain, beer, malt, hops, drugs, stock, machinery, utensils, tools, apparatus, articles or commodities, in respect of which any such fraudulent, false or imperfect entry, return, inventory, account or information has been made or given, or in respect of which any information, return, entry, inventory or account may have been in whole or in part neglected, or omitted, or refused to be made or given, or in respect of which any entry, return, inventory, account or statement has been in whole or in part erased, defaced, removed or destroyed,—or which may be found in the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, at the time when such false, fraudulent or imperfect information, entry, return, inventory, account or statement shall be discovered to have been made or given,—or at the time when it shall be discovered that the giving of any information or the making of any return, inventory, entry, statement or account has been in whole or in part neglected—or at the time when it shall be discovered that any return, inventory, account or statement has been in whole or in part erased, defaced, removed or destroyed,— And of stock and apparatus, &c.

Shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forf ited to the Crown, and shall be dealt with accordingly. 1880, s. 159.

87. Any person who shall use or cause or permit the using, except as by this Act otherwise provided, of any beams, scales, weights or measures in or about any distillery, malt-house, tobacco manufactory, cigar manufactory, brewery, bonded manufactory or other premises subject to excise,—other than such as have been tested and inspected as by this Act provided, and approved by the proper officer of Inland Revenue—shall incur and pay for every such offence a penalty of one hundred dollars, and a further penalty of fifty dollars for each and every day upon which such offence shall have been committed; and such beams, scales, weights and measures, shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and be dealt with accordingly. 1880, s. 160. Penalty for using weights and measures without inspection.

88. Every person who opens or breaks any lock or seal, or other contrivance attached to any apparatus, vessel, pipe, trough, safe, closed spirit-receiver, meter, pump, cock, room, warehouse or other apartment used for the security of the revenue under this Act, or who unlawfully abstracts any spirits, malt, beer, tobacco or cigars, goods manufactured in bond, or materials for the manufacture thereof, from any place where they or any of them are retained under the supervision of any officer of Inland Revenue, or who counterfeits any label, stamp or seal provided for by or under the provisions of this Act, or who in any way perforates any vessel or closed spirit- Breaking the Crown's lock or seal, abstracting goods, counterfeiting labels, &c. to be felony.

receiver used for containing any spirits on which the duties have not been paid, without the knowledge and consent of the Collector of Inland Revenue, shall be guilty of felony. 1880, s. 162.

Penalty for unlawfully removing bonded goods

89. If from any bonding warehouse, authorized under this or any other Act, any goods subject to excise are removed or in any way abstracted without due entries having been made and the duties paid as required by law, whether such removal or abstraction has been effected with or without the knowledge or consent of the person holding the license for such warehouse or of the owner of the goods abstracted, the person to whom the license for the warehouse was granted, and the owner of the goods, shall in addition to the duties of excise to which the goods abstracted were liable, pay as a penalty a sum equal in amount to the said duties; and all goods, articles or things remaining in the warehouse, when it is ascertained that any goods have been unlawfully abstracted, shall be liable for the duties to which the abstracted goods were subject and for the penalty hereby imposed, and may be forthwith sold by order of the Collector or other officer whose duty it may then be to collect such duties of excise, and the proceeds of such sale shall be applied,—

Lien for duty on remaining goods and sale thereof.

Application of proceeds.

(*a.*) To the liquidation of the duties of excise to which the goods then in warehouse are subject;

(*b.*) To the payment of the duties of excise to which the abstracted goods are subject;

(*c.*) To the payment of the penalty hereby imposed;

Proviso: remission to innocent owners.

Provided always, that if the parties who become liable to the penalty hereby imposed can show to the satisfaction of the Minister of Inland Revenue, that they were in no wise privy to the unlawful abstraction of such goods, or that the goods were stolen by some person or persons unknown to them, and that they had used all possible means for the detection and arrest of the criminal, then the Governor in Council may remit such penalty upon payment of the duties to which such goods would otherwise have been liable. 1882, s. 11.

Penalty for—

90. Every person carrying on any business subject to excise who shall refuse or neglect—

Not rendering accounts.

1. To render such accounts, inventories, statements and returns as are by this Act required, and at the time by this Act prescribed, or—

Not paying duties.

2. To pay over at the proper time the duties and license fees imposed by this Act, or—

Or forfeitures

3. To pay over any penalty or forfeiture incurred under this Act, for more than one month after such penalty or forfeiture has been incurred,—

Shall, by every such refusal or neglect, forfeit his license; and it shall thereupon become the duty of the Collector of Inland Revenue to cause a notice of such forfeiture to be forthwith inserted in the *Canada Gazette*, and from and after the insertion thereof, the license shall be null and void; nor shall any new license be granted to such person, nor shall any license be granted to any other person for carrying on any business in the premises occupied by him at the time of his failure to render true accounts, inventories, statements and returns, and to pay duties or penalties, until he shall have complied with the provisions of this Act,—nor until after such penalty or forfeiture has been satisfied. 1880, s. 163

License to be forfeited.

91. Any person licensed under this Act, who shall commence any operation, or use any apparatus for which a notice is required to be given, before the time mentioned in such notice as that of such commencement or use, shall, for every such offence, incur and pay a penalty of one hundred dollars. (*New.*)

Penalty for unlawfully using apparatus.

92. Every person who shall obstruct, impede or interfere with any officer of Inland Revenue, or any person assisting such officer in the discharge of his duty, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for any period not less than six months, nor longer than one year. 1880, s. 164.

Obstructing officers.

93. If any person, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resists, oppresses, molests or obstructs any officer of Inland Revenue, or any person acting in his aid or assistance, in the discharge of his or their duty under the authority of this Act, or wilfully or maliciously shoots at, maims or wounds any officer of Inland Revenue, or any person acting in his aid or assistance, while employed for any prevention of illicit distillation, brewing, malting or manufacturing, and in execution of his or their duty, or the protection or care of any article or place seized for any contravention, or supposed contravention of this Act,—such person being convicted thereof shall be adjudged guilty of felony, and shall be punishable by imprisonment for any period not less than six months nor longer than five years, unless any greater penalty is otherwise provided by law. 1880, s. 165.

Assaulting or threatening officers.

94. If any person whatever, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, carriage or other thing which has been seized or detained on suspicion, as forfeited under this Act, before the same has been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority,—such person shall be deemed to have stolen such goods or thing, being the property of Her Majesty, and to be guilty of felony, and shall, on conviction, be imprisoned with hard labor for a period of not more than three years. 1880, s. 166.

Taking away goods seized or detained.

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95. Any person refusing or neglecting to appear before any justice or justices, or any court, to give evidence, when summoned, concerning any alleged offence against the provisions of this Act, or who shall refuse or neglect to give evidence when required, before any officer herein authorized to examine such person, shall, for such refusal or neglect, incur and pay a penalty of one hundred dollars. 1880, s. 167.

Penolty for contravention of Act generally.

96. Every person who shall violate any of the provisions of this Act, or who shall neglect any duty imposed on him by this Act, for which violation or neglect no penalty is herein specially provided, shall incur and pay a penalty of two hundred dollars. 1880, s. 168.

Imprisonment in lieu of or in addition to fine.

97. Whenever any person is convicted of any offence against this Act, for which a money penalty only is hereby provided, the Court may, if it thinks fit, in addition to or in lieu of any of the punishments by this Act anthorized, sentence the offender to be imprisoned in any gaol or place of confinement, other than a penitentiary, for any term not exceeding two years. (*New*).

RECOVERY OF DUTIES AND PENALTIES.

Recovery of duties.

98. Any duties of excise or license duties or fees payable under this Act shall be recoverable at any time after the same ought to have been accounted for and paid, whether an account of quantity of spirits, malt, beer, tobacco, cigars, drugs or other goods or commodities, has or has not been rendered as by this Act required, or whether a true return of the utensils, tools and apparatus on which such duties or license fees are payable has or has not been made as by this Act required; and all such duties and license fees shall be recoverable with full costs of suit as a debt due to Her Majesty, in any court of competent civil jurisdiction. 1880, s. 174.

Recovery of penalties.

99. All penalties and forfeitures incurred under this Act or any other law relating to excise, may be prosecuted, sued for and recovered in the Superior Courts of Law, or Court of Vice-Admiralty, having jurisdiction in that Province in Canada where the cause of prosecution arises, or wherein the defendant is served with process; and if the amount or value of any such penalty or forfeiture does not exceed five hundred dollars, the same may also be prosecuted, sued for and recovered in any County Court or Circuit Court having jurisdiction in the place where the cause of prosecution arises, or where the defendant is served with process. 1880, s. 175.

Seizure of perishable articles.

100. In case of the seizure of any article, the Department of Inland Revenue may authorize the Collector of Inland Revenue for the division in which the seizure has been made, or any superior officer of Inland Revenue to sell the same within such delay as to prevent its becoming deteriorated in value, or a part of the value consumed by reason of the expense of keeping or the decay or waste of the same, as if it had been condemned,—and to keep in his

hands the proceeds of such sale until the same has been condemned, or deemed to be condemned, or ordered to be restored to any claimant; in which last mentioned case, the court before which the claim is heard shall order the Collector to pay over to the claimant the proceeds of such sale, in lieu of awarding restitution:

May be given up on security.

2. Nevertheless, the Department of Inland Revenue may authorize the Collector of Inland Revenue, or superior officer of Inland Revenue aforesaid, to deliver up to any claimant any such article so seized as aforesaid, upon such claimant depositing in the hands of the Collector or superior officer of Inland Revenue such sum of money as will represent the full value thereof, or giving security to the satisfaction of such Collector or superior officer of Inland Revenue that the value of such seizure and all costs shall be paid to the use of Her Majesty, if such article be condemned:

Storage of goods seized, &c.

3. Any article or commodity seized as forfeited under this Act or any Act relating to Inland Revenue, may at the option of the seizing officer, be kept or stored in the building or place where it was seized, until it is condemned or ordered to be restored to any claimant; and so long as such article or commodity is under seizure, the place or building in which it is so kept or stored shall be held to be in the sole custody of the officer of excise, or other person appointed for that purpose by the seizing officer or by any superior officer of Inland Revenue, or such article or commodity may, by direction of such seizing officer, or superior officer of Inland Revenue, be removed to be kept in any other place. 1880, s. 176.

Proof of payment of duties.

101. The burden of proof that the duties of excise have been paid and all the other requirements of this Act complied with, as regards any article of any kind subject to duty under this Act, shall lie upon the parties in whose possession the goods or articles liable to duty may, at any time, have been before such duties were proved to have been paid, or whose duty it was to pay such duties and to comply with such requirements. 1880, s. 177.

Seizure of forfeited goods, &c.

102. If any stock, steam-engine, boiler, still, fermenting-tun, machinery, apparatus, vessel or utensil, or other article or commodity be forfeited under the provisions of this Act, for any contravention thereof, they may be seized by the Collector or other officer of Inland Revenue to whom such contravention may become known, or by any other person acting by the authority of such officer, at any time after the commission of the offence for which they are forfeited, and may be marked, detained, removed, sold or otherwise secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offender; and if condemned, they shall be removed, sold or otherwise dealt with as the Governor in Council may direct. 1880, s. 178.

Schedule of property seized.

103. It shall be the duty of the Collector or other officer of Inland Revenue, or any person aiding or assisting him

in seizing property as forfeited under this Act, to mark and number each separate piece, and to make a schedule of all the property seized, with the estimated value thereof,—which schedule or list shall be dated and signed by the Collector or other officer ; and a true copy thereof shall be given to the person from whom the seizure was made, or forwarded to his last known post office address by registered letter, and another copy, together with the Collector's or other officer's report relating to such seizure, shall be transmitted without delay to the Department of Inland Revenue. 1880, s. 179.

Copy of schedule.

To be seized in Her Majesty's name

101. All property seized under any provision of this Act, shall be seized, marked and secured in the name of Her Majesty the Queen ; and the power of seizing, marking and securing the same shall be exercised by direction and under the authority of the Collector of Inland Revenue or other officer, where and when necessary in order to carry out the provisions of this Act :

Stock in trade and apparatus specially liable for duties.

2. And (without any prejudice to the liability of any other property of the debtor or his sureties), the grain, malt, beer, tobacco, cigars, or other materials or stock in trade, from which any goods subject to excise are or could be wholly or in part made, stills, mash-tubs, vats, fermenting-tuns, engines, water-wheels, tables, presses and other machinery, implements, articles and utensils, used or capable of being used for making, manufacturing or producing any such goods or preparing any materials therefor, or by means of which any trade, business or employment subject to excise is or has been or might be carried on, and whether so fixed as to form part of the real or immovable property or not,—which are on the premises mentioned in the license or in the custody or possession of the party carrying on such trade or business, or in the custody or possession of any factor, agent or other person in trust for or for the use of such party, at the time when any duties become due or any penalty is incurred under this Act,—shall be and remain liable for such duties and for any penalty or forfeiture incurred by the distiller, brewer, maltster, tobacco manufacturer, cigar manufacturer, or bonded manufacturer, or other person carrying on business subject to excise, on whose premises or in custody or possession of whom or of whose factor or agent or trustee as aforesaid they are, by special and preferential privilege and lien in favor of the Crown, and may be seized and sold in satisfaction of the same under any warrant of distress or writ of execution, or other process for the recovery thereof, and may be removed by the purchaser, to whomsoever the same might otherwise belong, or into or in whose hands or possession soever the same have passed or are found, and notwithstanding any title or claim to the same or privilege or lien thereon in favor of any other person or party whomsoever,—and shall be liable to forfeiture to the Crown, under the provisions of this Act, for any contravention thereof; and if so forfeited, they may be seized by the Collector of Inland Revenue or other officer of Inland Revenue, or any person acting by his

Notwithstanding any claim or title.

Provision if same be forfeited.

authority, at any time after the commission of the offence for which they are forfeited, and marked, detained or secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offender; and if condemned, they shall be removed or sold or otherwise dealt with as the Minister of Inland Revenue may direct. 1880, s. 180.

Notice of seizure.

105. So soon as an information has been exhibited in any court for the condemnation of any goods or thing seized under this Act, notice thereof shall be put up in the office of the clerk or prothonotary of the court, and also in the office of the Collector of Inland Revenue or chief officer of Inland Revenue, in the Inland Revenue Division wherein the goods or thing have been seized as aforesaid:

Claims to property seized.

2. If the owner or person claiming the goods or thing exhibits a claim to the same and gives security and complies with all the requirements of this Act in that behalf, then the said court, at its sitting next after the said notice has been so posted during one month, may proceed to hear and determine any claim which has been validly made and filed in the meantime, and to the release or condemnation of such goods or thing, as the case requires; otherwise the same shall, after the expiration of such month, be deemed to be condemned as aforesaid, and may be sold without any formal condemnation thereof:

Notice of claim.

3. No claim on the behalf of any party who has given notice of his intention to claim before the posting of such notice as aforesaid shall be admitted, unless validly made within one week after the posting thereof; nor shall any claim be admitted, unless notice thereof has been given in writing to the Collector of Inland Revenue or superior officer of Inland Revenue within one month from the seizure as aforesaid. 1880, s. 181.

Condemnation of property seized.

106. All vehicles, goods and other things seized as forfeited under this Act or any other Act relating to excise, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with accordingly, unless the person from whom they were seized, or the owner thereof, within one month from the day of seizure, gives notice in writing to the seizing officer, the Collector of Inland Revenue in the Inland Revenue division in which such goods were seized, or superior officer of Inland Revenue, that he claims or intends to claim the same:

Release of goods on security.

2. The Collector of Inland Revenue at the place where the seized articles are secured, or any superior officer of Inland Revenue, may order the delivery thereof to the owner, on receiving security by bond with two sufficient sureties, to be first approved by such Collector or superior officer of Inland Revenue, to pay double the value in case of condemnation, —which bond shall be taken to Her Majesty's use in the name of the Collector or the superior officer of Inland Revenue, and shall be delivered to and kept by such Collector

or superior officer of Inland Revenue; and in case such seized articles are condemned, the value thereof shall be forthwith paid to the Collector and the bond cancelled; otherwise the penalty of such bond shall be enforced and recovered. 1880, s. 182.

Payment of penalty not to discharge any duty.

107. The payment of any penalty or forfeiture incurred under this Act, shall not discharge the party paying the same from the obligation to pay all duties due by such party, and the same shall be paid and may be recovered as if such penalty had not been paid or incurred. 1880, s. 183.

Recovery of penalties.

108. The pecuniary penalty or forfeiture incurred for any offence against the provisions of this Act, may be sued for and recovered before any court of record having jurisdiction in the premises, a County Judge or Junior County Judge, or before a police or stipendiary magistrate or any two justices of the peace having jurisdiction in the place where the offence was committed, on the oath of one credible witness; and any such penalty may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, under the warrant of the court having cognizance of the case; or the said court may, in its discretion, commit the offender to the common gaol for the period of six months, unless the penalty and costs, including those of conveying the offender to such gaol, and stated in the warrant of committal, be sooner paid; and any term of imprisonment imposed for any offence against the provisions of this Act may, in like manner, be adjudged and ordered by such court, judge, magistrate or justices, by whom and by whom alone, the complaint against the offender shall be dealt with as by law directed. 1880, s. 184, and 1882, s. 19.

Distress.

Imprisonment.

Disposal of penalties and forfeitures.

109. All forfeitures and penalties under this Act, after deducting the expenses of prosecution, shall, unless it be otherwise expressly provided, belong to Her Majesty for the public uses of the Dominion, but the net proceeds of such penalty or forfeiture, or any portion thereof, may be divided between and paid to any officer of Inland Revenue holding a rank not higher than that of a special class exciseman, by whom the seizure was made, or the information given on which the prosecution was founded, and to any person having given information or otherwise aided in effecting the condemnation of the goods or thing seized, or the recovery of the penalty, in such proportions as the Governor in Council may, in any case or class of cases, direct and appoint; but nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council, with regard to the remission of penalties or forfeitures by this Act or any other law. 1880, s. 186.

Officers to be competent witnesses.

110. Any officer of the Customs or of Inland Revenue, or other person employed in the collection of the revenue, shall be a competent witness in any prosecution or suit under this Act, although he has or believes himself to have some expectation of advantage to himself from the successful termination of such prosecution or suit. 1880, s. 187.

111. All sums of money paid or recovered for any penalty or forfeiture under this Act, or any part thereof belonging to Her Majesty, shall be paid to the Receiver General, and shall form part of the Consolidated Revenue Fund of Canada. 1880, s. 188. Penalty moneys.

112. If any article or thing be voluntarily given up or abandoned by the owner to any Collector of Inland Revenue or superior officer of Inland Revenue, as forfeited under this Act, or if any sum of money be voluntarily paid to any such Collector or officer as the amount of a penalty incurred under this Act, such abandonment or payment shall be held lawful; and such article or thing may be dealt with as if legally condemned, and such sum of money as if legally recovered. 1880, s. 189. Voluntary forfeiture of goods or payment of penalty.

113. If in any case it is manifest to the Department of Inland Revenue that a seizure has been made through an error in judgment by an officer of Inland Revenue, or that the retention of such seized property would result unfairly in pecuniary loss to the party from whom such property was seized, such seizure may be released by the Minister, or in his absence, by the Commissioner of Inland Revenue, without reference of the matter to the Governor General in Council. (*New.*) Seizures made under error.

REGULATIONS BY ORDER IN COUNCIL AND DEPARTMENTAL REGULATIONS.

114. The Governor in Council may make such regulations for the warehousing and for the ex-warehousing, either for consumption, for removal for exportation or otherwise, of goods subject to a duty of excise; and likewise for giving effect to any of the provisions of this Act, and declaring the true intent thereof in any case of doubt as to him shall seem meet. 1880, s. 128. Regulations for warehousing.

115. All regulations, whether Departmental or made by Order in Council, made under the provisions of this Act, shall have the force of law, and any infraction, breach or violation of any such regulation shall subject the holder of a license under this Act, or any other person in the said regulations mentioned, to such penalty or forfeiture as may, by the said regulations, be imposed for such offence, and the same shall be enforced in like manner as other penalties and forfeitures imposed by this Act. 1880, s. 130. Legal effect of regulations.

DISTILLERIES.

INTERPRETATION.

116. (*a.*) "*Still*" means and includes any distilling apparatus whatever for the distilling or making of spirits: Interpretation. "Still."

(*b.*) "*Closed Spirit Receiver*" means the vessel or vessels into which the spirit is conveyed as hereinafter provided, from the tail of the first worm in which it is condensed for "Closed spirit receiver."

measurement, and in which the quantity and strength upon which the duty is payable, is ascertained and determined by the officers of excise :

"Rectifier." (*c.*) "*Rectifier*" means and includes any pipe, vessel or still into which the spirit is conveyed after leaving the spirit receiver, for the purpose of rectification, by re-distillation, filtration, or by any other process :

"Proof spirits." (*d.*) "*Proof Spirits*," or "*Spirits of the strength of Proof*," mean any spirit having the strength of proof by Sykes' Hydrometer :

"Distillery." (*e.*) "*A Distillery*" means and includes any place or premises—

Where any process of fermentation for the production of wash is carried on, or—

Where any wash is kept or produced for the purpose of distillation, or—

Where any mash-tub, fermenting-tun, worm or still for the distillation of spirits is set up or used, or—

Where any process of distillation whatever of spirits is carried on, or—

Where any process of rectification of spirits either by re-distillation, filtration, or other process is carried on, or—

Where any spirits are manufactured or produced from any substance whatever, by any process whatever, or—

Where any still, rectifier or other apparatus, suitable for the manufacture of wash, beer or spirits, is in whole or in part manufactured, made or kept ;

And every office, workshop, warehouse, granary, fermenting-room, mash-house, still-room, rectifying-house, vault, cellar, shed, yard or other place owned or occupied by, or on behalf of or for the use of any distiller, or wherein any part of his business as such is transacted, or where any grain, matter, material or apparatus suitable for or adapted to the production of spirits, or which is or is to be used in the production or rectification of spirits is kept or stored, or where any of the products of the distillery are kept or stored, or where any process of manufacture is carried on, shall be held to be included in and to form part of the distillery to which they are attached or are appurtenant ;

"Distiller." (*f.*) "*Distiller*" means and includes any person who conducts, works, occupies or carries on any distillery, or who rectifies any spirits by any process whatsoever, either by himself or his agent ; and every person making or keeping beer or wash prepared, or in preparation, or fit for distilling, or low wines or faints, or having in his possession or use a still or rectifying apparatus, shall be deemed to be a distiller, and liable to the several duties, obligations, penalties and forfeitures imposed by law on distillers ; or

Who has in his possession, complete or partially completed, or who imports, makes or manufactures, in whole or in part, any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits : 1880, s. 1.

(*g.*) *Chemical still* means any distilling apparatus which has a capacity of less than fifty gallons, and which is kept and used by a manufacturing chemist or druggist, for the sole purpose of distilling water or reclaiming alcohol previously used in the preparation or manufacture of chemical, medicinal or pharmaceutical preparations for the preparation or manufacture of such chemical, medicinal or pharmaceutical preparations, or which is used for scientific purposes (in every one of which cases the Department of Inland Revenue shall be sole judge), and which is not used for the manufacture or distillation of spirits for sale: Provided, that the Governor in Council may make such regulations as to him seem necessary, for permitting the increase of the capacity of chemical stills, such capacity in no case to exceed one hundred gallons: 1882, s. 12. "Chemical still."

(*h.*) Any use made of any still, worm, mash-tub or fermenting-tun, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or for the distillation or rectification of any spirits, or for fermenting any beer or wash, or the making or commencing to make, or the importation of any such still, worm, rectifying or other apparatus shall be deemed to be a working of a distillery, and acting as a distiller, within the meaning of this Act. 1880, s. 37. "Working of a distillery."

LICENSES.

117. In addition to the general provisions of this Act respecting licenses, those in the next succeeding section contained apply to distilleries. Distillery licenses.

118. A license to carry on the business or trade of a distiller may be granted to any party who has complied with the other requirements of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly with not less than two and not more than six good and sufficient sureties, entered into a bond to Her Majesty, Her Heirs and Successors, in a sum equal to the amount at which the Collector or some superior officer of Inland Revenue estimates the duties to accrue on the products of the distillery for which it is granted (worked to its full capacity), during one month of the time for which the license is to remain in force, and to such further amount as the Collector of Inland Revenue may deem sufficient to cover the duty on goods remaining in warehouse from time to time during the currency of the license about to issue, such latter amount to be determined by such means as the Department of Inland Revenue may prescribe,—the party obtaining the license being bound in the full amount of such estimates, and the sureties each severally for such amount as that the sums for which they are respectively bound shall together be equal to the amount of such estimates; and such bond shall be taken before the Collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue,—who shall cause such sureties to justify Conditions of license and sec urby given tiller.

as to their sufficiency, each for the sum for which he is bound, by affidavit to be made before him and endorsed upon the bond,—and shall be conditioned for the rendering of all accounts, inventories, statements and returns prescribed by law, and the payment of all duties and penalties which the party to whom the license is to be granted may become liable to render or pay under this Act, and that such party will faithfully comply with all the requirements of this Act, according to their true intent and meaning, as well with regard to such accounts, inventories, statements, returns, duties and penalties, as to all other matters and things whatsoever : 1880, s. 16.

Conditions of license for rectifier.

2. A license to carry on the trade or business of a rectifier may be granted to any party who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly and severally, with two good and sufficient sureties, entered into a bond to Her Majesty, Her Heirs and Successors, in the sum of four thousand dollars ; and such bond shall be taken before the Collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue,—who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts and the payment of all duties and penalties which the party to whom the license is to be granted may become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever :

License for importer or maker of apparatus.

3. A license to import or make (apart from the manufacture of beer, wash or spirits, and from the rectification of spirits), stills, worms, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, may be granted to any person who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly and severally, with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in the sum of one thousand dollars ; and such bond shall be taken before the Collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue—who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the party to whom the license is to be granted may become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties

and penalties as to all other matters and things whatsoever : 1880, s. 17.

Application for license for chemical still.

4. An application for a license to have in possession and use the chemical still or stills mentioned in such application, shall contain a full and exact description of such still or stills, and of the capacity of each, and also of the purposes to which they are to be applied, and of the place wherein they are to be used. 1880, s. 12.

Conditions of license for a chemical still

5. A license to possess and use a chemical still or stills within the limits of a city, town or village, or within one mile thereof, may be granted to any manufacturing chemist or druggist who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector and authorized by the Department of Inland Revenue, and that all the apparatus connected therewith are so made and arranged, and the whole so situated, as regards the nature of the building in which it is placed, and the location of such building, as to all which the Department shall be the sole judge, that such still or stills and apparatus may be kept under such supervision by an excise officer as will prevent their fraudulent use, and that the party shall, before such license is issued, jointly and severally, with two good and sufficient sureties, enter into a bond to Her Majesty, Her Heirs and Successors, in such sum as in each case or class of cases may be decided by the Governor in Council; and such bond shall be taken before the Collector of Inland Revenue, his deputy or other officer authorised thereto by the Department of Inland Revenue,—who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts, and the payment of all duties, and penalties, which the party to whom the license is granted may become liable to render or pay under the provisions of this Act, and that such party will comply with the requirements thereof, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever. 1882, s. 13.

DUTIES PAYABLE ON LICENSES.

License fee for distilling.

119. The party in whose favor a license is granted for distilling and rectifying, or for either, by any process, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of two hundred and fifty dollars. 1880, s. 29.

License fee for chemical still.

120. The party in whose favor a license is granted to have and use the chemical still or stills mentioned in his application for a license, shall upon receiving such license, pay to the Collector of Inland Revenue, the sum of twenty-five dollars : Provided, that a chemist or druggist using a chemical still of a capacity not to exceed three gallons, may, upon registering the said still at the office of the Collector of Inland Revenue of the division in which it is situated, be permitted to use

the same without payment of license fee or the giving of bonds—but the possession of any such still without registration shall be deemed a having in possession of a still contrary to the provisions of this Act. 1882, s. 14.

License fee for importer or manufacturer of apparatus.

121. Every person who, not being licensed as a distiller, applies for a license to import or manufacture stills, worms, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, shall, when applying for such license, pay to the Collector of Inland Revenue the sum of twenty dollars. 1880, s. 29.

IMPORTATION AND MANUFACTURE OF APPARATUS.

Intention to import or make apparatus to be reported.

122. Every person who is about to import or make any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, shall, before the importation or making thereof is commenced, report in writing his intention in relation thereto, to the nearest officer of Inland Revenue, stating the number of stills, worms, rectifying or other apparatus, or part thereof suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits to be imported or about to be manufactured, showing with reference to each—

Details of report.

(*a.*) The capacity of each apparatus or part thereof;

(*b.*) The name and residence of the person for whom such apparatus or part thereof is to be imported or made;

(*c.*) The time at which every such apparatus or part thereof is to be imported or made;

(*d.*) The date at which such apparatus or part thereof is to be removed from the place where the same is to be manufactured;

(*e.*) The material of which such apparatus is or is to be made. 1880, s. 7.

BOOKS, ACCOUNTS AND PAPERS.

Books and accounts to be kept by distiller.

123. In addition to the general provisions of this Act respecting books, accounts and papers those in the next succeeding section contained apply to distilleries:—

What distiller's books must show.

124. Every person or party, licensed as a distiller, shall keep a book or books in a form to be furnished from time to time, by the Department of Inland Revenue, which books shall be open at all reasonable hours to the inspection of the Collector of Inland Revenue or other officer, and wherein such distiller shall enter, day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or occurs:

1st. The quantity of grain and other raw material brought into or removed from his distillery premises;

2nd. The date and hour upon which the operations to be carried on in his distillery, and of which notice may be required by any Departmental regulation, are to be commenced;

3rd. The quantities of grain or other vegetable production, or other substance, put by him into the mash-tub, or otherwise used by him for the purpose of producing beer or wash, or consumed by him in any way for the purpose of producing spirits;

4th. The quantity of beer or wash fermented or made by him or in his distillery;

5th. The quantity of spirits by him distilled, manufactured or made, removed or brought into his distillery premises;

6th. The hours during which his stills are worked on each day;

7th. The quantity of spirits entered for warehouse and ex-warehouse. 1880, s. 43.

DUTIES OF EXCISE.

125. In lieu and instead of all duties of excise imposed by any Act hereby repealed, there shall be imposed, levied and collected on all spirits distilled, the following duties of excise, which shall be paid to the Collector of Inland Revenue, as herein provided, that is to say: Duties of excise imposed on spirits.

(*a.*) When the material used in the manufacture thereof consists of not less than ninety per cent. by weight, of raw or unmalted grain,—on every gallon of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for every less quantity than a gallon, one dollar: Made from raw grain.

(*b.*) When manufactured exclusively from malted barley, taken to the distillery in bond and on which no duty of customs or excise has been paid,—on every gallon of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, one dollar and two cents: Made from malted barley

(*c.*) When manufactured exclusively from molasses, syrup, sugar, or other saccharine matter, taken to the distillery in bond, and on which no duty of customs has been paid,—on every gallon of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, one dollar and three cents. 1880, s. 35. Made from molasses, &c.

CHARGE OF DUTIES ON SPIRITS.

126. The duty upon spirits shall be charged and computed as follows:— Computation of duty.

1. Upon the grain used for its production at the rate of one gallon of proof spirits for every twenty and four-tenths pounds;

2. Upon the quantity of beer or wash fermented or made in the distillery at the rate of one gallon of proof spirits for every fourteen gallons of beer or wash;

3. Upon the quantity of beer or wash fermented or made in proportion to its alcoholic value;

4. Upon the quantity of spirits which passes from the tail of the first worm in which it is condensed into the closed spirit receivers,—

Abatement in certain cases.

Subject to an abatement not exceeding three per cent. for such quantity of fusil oil or other refuse as may be separated therefrom by a second process of distillation, and destroyed in the presence of an officer of excise; the quantity so allowed in abatement being determined and destroyed in accordance with such regulations as may be approved by the Governor in Council;

5. Upon the quantity of spirits sold or removed from any distillery by the distiller, or by his agent or for his account;

Method giving most duty to be used.

And that method of computation which yields the greatest amount of revenue, shall, in all cases, be the one upon which the distiller shall pay the duty:

Proviso when damaged grain is used.

Except that when any distiller is about to use damaged grain or mill offal, and shall give the Collector of Inland Revenue one week's notice of his intention so to do, such officer as may be instructed for that purpose by the Collector shall specially inspect the beer or wash made from such damaged grain or mill offal, and test its alcoholic value, and the quantity of such material which it contains; and if he reports that the yield of such damaged grain or mill offal is less than one gallon of proof spirits to twenty and four-tenths pounds, the Minister of Inland Revenue may authorize the assessment of the duty on the highest quantity ascertained by any of the other methods, without reference to the quantity of damaged grain or mill offal used by the distiller. 1880, s. 49. *and* 1882, s. 15.

Directions for computation.

127. For the purpose of computing the duty by the methods prescribed in the next preceding section,—

Quantity of grain.

1. The quantity of grain shall be the quantity actually weighed into the mash tubs and recorded in the books kept under the requirements of this Act; except that whenever there may appear to be cause to doubt the correctness of the quantity so entered on the said books, an inquiry may be made by any inspecting officer of Inland Revenue, who may swear and examine parties and witnesses under oath, and enquire as to the quantity of grain taken to the distillery in which such books are kept, and as to the quantity of grain

removed therefrom, and generally into the matters referred to, and shall determine as nearly as may be the actual quantity of grain consumed in the distillery; and the duty may be assessed and levied on the quantity of grain so determined, in the proportion of one gallon of proof spirits to every twenty and four-tenths pounds of grain:

Quantity of beer or wash.

2. The quantity of beer or wash fermented or made in the distillery shall be determined by the distiller, or as often as may be directed by any departmental regulation in that behalf, by an officer of Inland Revenue, who shall gauge the quantity in the fermenting tuns at the time when the fermentation has been completed, or when the beer is in a fit state for distillation; and the quantities so determined shall be recorded by the distiller, in a register of fermentation, under such regulations as the Department of Inland Revenue may order; except that whenever there may appear to be cause to doubt the correctness of the quantity entered into the said register of fermentation, an enquiry may be made by any inspecting officer of Inland Revenue in the manner above provided, as to the capacity of the fermenting tuns used in the distillery, the frequency with which they have been used, and the quantity of beer or wash, from time to time, fermented therein; and the duty may be assessed and collected in the proportion of one gallon of proof spirits for every fourteen gallons of beer or wash determined by such Inspecting Officer, after such enquiry, to have been fermented in the distillery:

Alcoholic value of beer or wash.

3. The alcoholic value of any beer or wash made in any distillery may be determined by any Inspecting Officer of Inland Revenue or by any Collector or other officer of Inland Revenue authorized thereto—who, as often as he may deem it to be necessary, but not more frequently than once in each day, may take out of any beer or wash then in the distillery a quantity not exceeding twenty-eight gallons, as a sample, which he may distil or cause to be distilled, for the purpose of any computation under this Act, and he may calculate the value or strength of the beer or wash used in that distillery according to the result ascertained from the sample so taken; or—

Testing strength of beer or wash.

He may, at any time, test the strength of any beer or wash then in the distillery, by its attenuation or by running a portion thereof not exceeding the contents of any one fermenting tun, through the stills, in the ordinary course of working such distillery, and may require the ordinary operatives of such distillery to do the work, or may introduce other operatives into the distillery for that purpose: and for the purpose of any such computation as aforesaid he may calculate the alcoholic value or strength of the beer or wash used in that distillery according to the result ascertained from the portion of such beer or wash so distilled; and the alcoholic value of the beer or wash as determined by either of the above methods may be applied to or used in the computation and charge of duty on the beer or wash made in that distillery:

Quantity of spirits passing into receivers.

4. The quantity of spirits which passes from the tail of the first worm into the closed spirit receivers shall be ascertained and determined by gauging the quantity and testing the strength thereof in such manner, at such periods and by such means, as may, from time to time, be directed by any departmental regulation in that behalf:

Quantity of spirits sold or removed from distillery.

5. The quantity of spirits sold or removed from any distillery by the distiller shall be the quantity recorded in the distillery stock books kept under the provisions of this Act: except that whenever any Inspector of Inland Revenue shall have cause to doubt the correctness of the quantity so recorded, he may inquire, or cause an inquiry to be made in the manner above provided, as to the quantity of spirits sold by the distiller or by his agent or for his account, and as to the quantity removed from the distillery by any agency or vehicle whatsoever, and also as to the quantity of duty-paid spirits brought into the distillery; and for the purpose of such inquiry all shipping notes or bills of lading signed by the distiller or by his agent shall be taken as evidence of the sale or removal by him from his distillery of the quantity therein specified, and the evidence on oath of any railway clerk, station-master or agent, or of any warehouseman or common carrier or shipping agent, as to the truth of the accounts kept by him of shipments or removals of spirits by any distiller, shall be sufficient evidence of the truth of such accounts; and the evidence on oath of any person who has purchased any spirits from a distiller or from his agent, shall be taken as evidence that the spirits so bought were manufactured at the distillery of the distiller selling the same, unless the contrary is shewn; and all packages of spirits not otherwise described in the accounts or shipping notes or bills of lading relating thereto, or proven to contain some greater or less quantity, shall be reckoned as puncheons containing each one hundred and fifty gallons of proof spirits; and the difference between the quantity shewn by such enquiry to have been sold by the distiller or removed from his distillery, and the quantity of duty-paid spirits brought into the distillery, shall be held to be the quantity liable to duty under this Act:

Evidence.

Packages.

Period to which enquiries of officer may extend; additional duty.

6. The inquiries of any Inspecting Officer or Collector of Inland Revenue as herein provided, may be made for any period not more than one year before the time when the inquiry is commenced; and if it is found that during the said period the returns have been made for, and the duty charged on a less quantity of spirits than is ascertained and determined by the result of such inquiry, the additional duty then determined shall become due and payable within five days after the distiller has been notified of the result of such inquiry; and the payment of such additional duty shall be enforced in the same manner, and under the same conditions and penalties as the payment of the duty mentioned in the monthly returns:

Onus of proof that the officer is wrong.

7. If the determination of the officer under any provision of this Act be disputed, the proof of the error or wrong shall rest with the party alleging it. 1880, s. 50.

PROVISIONS AS TO SUPERVISION.

128. On or before the tenth day of July in each fiscal year, the capacity of all spirit receivers, fermenting tuns, mash tubs, coolers and other vessels used in or about distilleries, shall be accurately ascertained by gauging or by actual measurement by standard measures of capacity, as the officer of excise may determine or direct; and— Capacity of vessels to be ascertained.

2. A correct list thereof shall be made out by the distiller, in triplicate, setting forth the number, use, dimensions and capacity of every such vessel; and the said list shall be attested by the signature of the distiller, and shall be subject to the verification and approval of the officer of excise under whose supervision the gauging or measurement was made; and when signed by him in testimony of such approval, every such list shall be received as evidence in all courts of law: List of vessels.

Provided always, that every such list may at any time be revised by any superior officer of Inland Revenue, and should any errors be found therein, he shall cause the necessary corrections to be made in such list by the distiller: Proviso for correction.

3. One counterpart of such list shall be kept on record at the distillery, another at the Department of Inland Revenue, and the third shall be retained by the Collector of Inland Revenue within whose district or division the distillery is situated. 1880, s. 51. Copies to be kept.

129. The spirit receiver, doubler, low wines receiver, faints receiver, the safe or apparatus enclosing the tail of the worm or still, and— Apparatus to be constructed according to regulations.

2. Every pump used for removing any spirit, wash or other matter to or from any vessel, or from one vessel to another, and every lock, pipe, valve, duct, conduit, cock or connexion used for securing, leading to or from, or between, or for giving access to any of the vessels herein mentioned or referred to, and—

3. Every valve, pipe, cock, gauge, pump, lock or other apparatus, utensil, appliance or arrangement for securing, gauging, ascertaining, testing or proving the quantity or strength of any spirit, wash or worts manufactured or distilled, or for preventing the undue abstraction of any such spirits, wash or worts,—

Shall be constructed, arranged and applied at the cost of the distiller, in accordance with such plans, designs, drawings, and regulations, and of such materials as may be, from time to time, approved by the Department of Inland Revenue:

4. Every mash tub, fermenting tun, closed spirit-receiver, cooler, tank, vat or other utensil or vessel, for using which a license is required, or which is used for containing or holding Capacity of vessels to be marked thereon.

any commodity subject to excise, shall have written, stamped or printed on it in white Roman characters at least two inches in height, on a black ground, the serial number, the name or designation of the vessel or utensil and the contents thereof in gallons and in cubic inches:

Pipes and conduits.

5. Every pipe, trough or conduit, used for the conveyance of spirits, shall be painted or colored a *light blue :*

6. Every pipe, trough or conduit used for the conveyance of water, shall be painted or colored *white ;* and—

7. Every pipe, trough or conduit for the conveyance of beer or wash shall be painted or colored *red.* 1880, s. 52.

Casks, how marked.

130. On every cask or barrel used in any distillery, or for keeping or delivering out any spirits, there shall, at all times be legibly cut, branded, or painted in oil colors on one head, the name of the distiller, and on the other head such marks, numbers and other information as may be required by any Departmental regulation in that behalf. 1880, s. 53.

Tail of worm to be enclosed in safe.

131. The tail of every worm in every distillery shall be enclosed in a locked or sealed "safe," or other suitable apparatus in which the strength of the spirits and low wines flowing from the worm may be approximately ascertained by the inspection of the hydrometer or other suitable instruments contained therein:

Safes to be approved.

2. Every such safe shall be constructed in such manner and secured by such means and by such mechanism as may be approved by the Department of Inland Revenue:

Pipes to convey spirits.

3. From the said closed safe or apparatus all low wines, faints and spirits, from time to time running from the end of the worm, shall be conveyed to the doubler or closed spirit receiver, as the case may be, through suitable pipes of such metal as may be required by departmental regulations, visible throughout the whole of their length, with stop cocks and other appliances so arranged that the liquid may be conveyed either to the doubler or to the receiver; but so that no portion of the liquid can be abstracted or diverted from the closed spirit receiver or doubler without the knowledge and consent of the proper officer. 1880, s. 54.

Certain distilleries to have two receivers.

132. In distilleries where the weekly production of spirits is not over six thousand gallons, two closed spirit receivers shall be provided, each of which shall have sufficient capacity to contain at least one week's production of spirits:

2. In distilleries where the weekly production of spirits exceeds six thousand gallons, there shall also be two closed spirit receivers, each of which shall have sufficient capacity to contain at least one day's production:

Officer to ascertain quan-

3. The quantities of spirits produced shall be gauged and ascertained by the officer of excise in charge of the distillery,

at such intervals as may be directed by his superior officer. 1880, s. 55. tities produced.

133. The spirit which passes from the tail of the worm to the closed spirit receiver shall not be removed from the closed spirit receiver until the quantity and strength thereof has been ascertained by the Collector of Inland Revenue or other officer, and then only with the consent and in the presence of the said Collector or other proper officer. 1880, s. 56. Spirit not to be removed from receiver until gauged, &c.

134. The closed spirit receiver shall be a closed vessel, and all pipes, cocks or valves communicating therewith, as well as all means of access thereto, shall be securely locked or sealed, and the key or keys shall remain in the sole possession of the Collector of Inland Revenue or other proper officer. 1880, s. 57. Receiver to be a close vessel and locked.

135. No vessel shall be used as a closed spirit receiver, high wine tub, low wine tub or doubler in which there has been bored or made any perforation or aperture other than those necessary for its lawful use; and if at any time it shall be discovered that any perforation, aperture or hole has been made in such closed spirit receiver, high wine tub, low wine tub or doubler, or that any such exists therein, although it may have been stopped or plugged, the existence of such perforation, aperture or hole, plugged or unplugged, shall be evidence that it has been unlawfully made and used. 1880, s. 58. No perforation allowed in receiver.

136. The internal diameter of every closed spirit receiver shall be so proportioned to the productive capacity of the distillery wherein it is placed, that the product of one day's work will measure in the closed spirit receiver at least twenty-four inches in depth : Proportions of receiver.

2. Around, above and below every closed spirit receiver and every apparatus used for gauging or testing the strength of spirits, and every safe or apparatus used for inclosing or guarding the tail of the worm, and around and above every fermenting tun, still charger, beer pump or spirit pump, there shall be sufficient space to admit of a full and careful examination of every such vessel or apparatus, with the contents thereof, and there shall be sufficient light for the purpose of such inspection : Space for examination around apparatus.

3. The beer reservoir in every distillery shall be so placed that it and every pipe, trough, hose or conduit leading into or from it may be fully seen and examined; and no pipes, troughs, conduits or hose for the passage of any water, spirits, wash or other fluid, shall be placed near to any such beer reservoir, or so that any fluid whatever can be run into it, except with the knowledge of the officer in charge. Beer reservoir.

4. Any failure to comply with the requirements or provisions of this section, after one month's notice has been given of such default, shall be sufficient cause for cancelling Penalty for non-compliance.

any license granted to the distiller so in default, and no further license shall be granted to any person for distilling within the premises wherein such default has occurred, until all the requirements of this and the preceding sections have been fully complied with. 1880, s. 59.

Certain apparatus in distillery not working to be locked up.

137. In every distillery which is not working, all the worms, still heads, closed spirit receivers and doublers, with all pipes and cocks leading to or connecting with the same, shall be closed and locked or sealed in such manner as the Collector of Inland Revenue or the Inspecting Officer may require or direct; and the absence from any closed spirit receiver, still head, worm, doubler or cock, of the locks or seals herein required, shall subject the distiller in whose distillery the default has occurred, to the same penalties as he would be liable to for working without a license: Provided always, that whenever it becomes necessary to execute any repairs to any of the apparatus herein mentioned, the locks and seals may be removed by a proper officer of Inland Revenue, to such extent as may be actually necessary for the performance of such repairs, and during the period they are actually in progress. 1880, s. 60.

Proviso for repairs.

Safes, meters, &c., by whom supplied.

138. All safes, meters, locks or seals which are by this Act required to be used, or which may be required to be used by any departmental regulation or Order in Council issued by virtue of this Act, may be supplied by the Department of Inland Revenue, under such regulations of the Department as may be adopted in that behalf; but the cost thereof shall be borne and discharged by the distiller, for whose premises or utensils they are provided. 1880, s 61.

Certain apparatus to be locked or sealed.

139. In distilleries where a doubler is used or where a portion of the products of the still, commonly called low wines or faints, are passed over for redistillation, the vessels and pipes used in that process shall be locked or sealed and shall receive the low wines from the safe or apparatus which encloses the tail of the worm, through suitable metal pipes, cocks or valves properly secured by locks or seals so as to prevent the running or removal of any liquid therefrom, except with the knowledge and concurrence of the proper officer. 1880, s. 62.

RETURNS.

Special provisions as to payment of duties and returns by distillers.

140. In addition to the general provisions of this Act respecting payment of duties and time and form of returns, those in the next succeeding section contained apply to distilleries:

What distiller's accounts must show.

141. Every person carrying on business as a distiller shall render to the Collector of Inland Revenue, or other officer whose duty it is to receive the same, a just and true account in writing, extracted from the books kept as by this Act provided, which account shall exhibit—

1. The quantity of spirits produced according to each gauge and test taken during the preceding month, with the strength thereof; and in a separate column, the equivalent quantity of spirits of the strength of proof;

2. The quantity of grain, malt, spirits, beer or wash or other commodity brought into the distillery during the preceding month;

3. The quantity of each kind of grain or other commodity or substance used in the distillery, in the manufacturing of spirits during the preceding month;

4. The quantity of grain, malt or other commodity removed from the distillery, or disposed of otherwise than for distillation during the preceding month;

5. The quantity of spirits sold or removed from the distillery during the preceding month;

6. The number and denomination of packages, and the aggregate quantity in each lot of spirits received into the distillery during the preceding month, other than that manufactured therein;

7. The quantity of beer or wash made and set to ferment on each day of the preceding month;

8. The quantity of beer or wash fermented and distilled on each day of the preceding month;

9. The quantity of spirits entered for warehouse or,—

10. Entered ex-warehouse and ex-manufactory for consumption during the preceding month; 1880, s. 94.

And every such statement shall be made for and relate to the month next preceding the day on which it is made. 1880, s. 95. To be made for each month.

BONDING OR WAREHOUSING.

142 In addition to the general provisions in this Act contained respecting bonding or warehousing, those contained in the next following five sections apply to distilleries. Special provisions as to bonding or warehousing.

143. No less quantity than one hundred gallons of proof spirits shall be entered for warehouse by one entry; and Least quantity to be entered.

2. Except for exportation no less quantity than fifty gallons of proof spirits shall be ex-warehoused by one entry. 1882, s. 10. Or ex-warehoused.

144. Molasses imported into Canada may be removed in bond without the payment of duties of customs thereon, into a licensed distillery, and there used in the manufacture of spirits, subject to regulations to be made by the Molasses may be manufactured into spirit in bond.

Governor in Council under this or any Act respecting the Inland Revenue; and when the Collector of Inland Revenue or other proper officer of excise certifies that the molasses has been so used the bonds given in that behalf shall be cancelled; and the Governor in Council may, by regulation, fix the quantity or the mode of determining the quantity of spirits, which shall be held to be equivalent to any assigned weight of molasses. 1880, s. 108.

Stowage of casks.

145. All casks of spirits shall be arranged and stowed in the warehouse so that access may be easily had to each cask, and so that the marks and numbers thereon may be conveniently read or ascertained. 1880, s. 113.

No refund of duties in certain cases.

146. The duty paid on spirits taken out of warehouse for consumption or which shall have gone directly into consumption, shall not be refunded by way of drawback or otherwise upon the exportation of such spirits out of Canada unless when specially permitted by some regulation of the Governor in Council in that behalf. 1880, s. 117.

Bottling spirits in bond.

147. The Governor in Council may make such regulations as to him may seem necessary for allowing the bottling of spirits in bond, at the distillery where the spirits were manufactured, and for its removal therefrom after being so bottled. (*New.*)

DRAWBACK ON EXPORTATION.

Drawback on spirits exported made from foreign grain.

148 Any licensed distiller who imports and receives into his distillery, or uses in the manufacture of spirits therein, any foreign grain on which a duty of customs has been paid, and exports spirits thereafter made in such distillery, shall, on due proof of such use and export, be entitled to a drawback equal to the customs duty paid on the grain used in the production of the spirit exported; and the amount of such drawback shall be determined in such manner as may be directed by any departmental regulation in that behalf. 1880, s. 121.

Drawback on spirits exported made from malt.

149. Any distiller who exports any spirits in the production whereof any malt is used upon which any duty of customs or excise has been paid, shall upon the production of due proof of such use and payment of duty, be entitled to a drawback equal to the duty paid on the malt used in the production of the spirits so exported, and the amount of such drawback shall be determined in such manner as may be directed by any departmental regulation in that behalf. 1880, s. 121.

PERMITS.

Removal of spirits from distillery.

150. No spirits shall be removed from any distillery, nor from any warehouse in which they have been bonded or stored, until a permit for such removal has been granted in such form and by such authority as the Governor in Council may, from time to time, direct and deter-

mine; and any spirits removed from such distillery or warehouse before such permit has been granted, shall be seized and detained by any officer of Inland Revenue having a knowledge of the fact, and shall be and remain forfeited to the Crown and shall be dealt with accordingly. 1880, s. 125. Forfeiture for illegal removal.

151. Any officer of Inland Revenue, or Customs, or any constable or peace officer, having general authority therefor from any superior officer of Inland Revenue, may stop and detain any person or vehicle carrying packages of any kind supposed by him to contain spirits, and may examine such packages, and require the production of a permit authorizing the removal thereof: and if such permit is produced, the officer shall endorse the time and place of examination thereon; but if no such permit is produced, then such packages if found to contain spirits, and if the quantity thereof be greater than five gallons, and such officer has cause to believe that they have been unlawfully removed, may with their contents be detained until evidence to his satisfaction be adduced that such spirits were being lawfully removed, and that the duty thereon had been paid; and if such evidence be not adduced within thirty days, the spirits so detained shall be forfeited to the Crown, and shall be dealt with accordingly. 1880, s. 126. Officer may examine packages being removed. Forfeiture if no permit.

152. No spirits shall be removed from a distillery at any time in casks or packages containing less than twenty-five standard gallons each, except under special authority granted by the Department; any spirits removed in contravention of this section, shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue having a knowledge thereof, and dealt with accordingly. 1880, s 127, *and* 1882, s. 16. Least quantity to be removed in one cask or package.

PENALTIES.

153. In addition to the general provisions in this Act contained respecting penalties, those contained in the next following three sections apply to distilleries. Special penalties applicable to distilleries.

154. Any person who, after the passing of this Act, and without having a license under it then in force, shall— Penalty for exercising any business of d without license.

(*a.*) Distil or rectify any spirits, or make or ferment any beer; or—

(*b.*) Assist in distilling or rectifying any spirits, or in making or fermenting any beer or wash in any unlicensed place; or—

(*c.*) Import, make, commence to make, sell, offer for sale or deliver any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or any part of such apparatus; or—

(*d.*) Who completely or partially sets up or assists in setting up, prepares or partially prepares for working, any such still, worm, rectifying or other apparatus; or—

(*e.*) Who has in his possession any such still, worm, rectifying or other apparatus, or any part or parts thereof, in any place or premises owned by him or under his control, without having given notice thereof as required by this Act, except in cases of registration provided for by section one hundred and twenty of this Act; or—

(*f.*) Who conceals, or keeps or allows to be concealed or kept in or about any place or premises owned or controlled by him, any such still, worm, rectifying or other apparatus, or part thereof; or—

(*g.*) Who conceals by removing, or who removes, or assists in concealing by removing or otherwise, any such still, worm, rectifying or other apparatus, or parts thereof—

Misdemeanor and how punishable.

Shall be guilty of a misdemeanor, and on conviction thereof shall, for a first offence, incur and pay a penalty of not less than one hundred dollars and not more than five hundred dollars, and shall be imprisoned with or without hard labor, for a period of not less than one and not more than six months; and for a second or any subsequent offence shall incur and pay a penalty of five hundred dollars, and shall be imprisoned with hard labor for a period of not less than six and not exceeding twelve months; and—

Apparatus to seized.

All such stills, worms, fermenting-tuns, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or parts thereof, and all beer, wash or spirits that may be found in the possession of any unlicensed person, or in any unlicensed place, shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and may either be destroyed when and where found, or removed to some place of safe keeping at the discretion of the seizing officer. 1880, s. 142.

Additional penalty.

155. Any person who shall become subject to the penalty provided for in the next preceding section, shall, in addition thereto, forfeit and pay for the use of Her Majesty, double the amount of excise duty and license duty which should have been paid by him under this Act. 1880, s. 143.

Penalty for having unlawful perforations in certain vessels.

156. If in any distillery there shall, at any time, be found a closed spirit receiver, high wine tub, low wine tub, doubler or other vessel that may be used for containing any of the products resulting from distillation before the quantity of such products is determined, and an account taken thereof, in which there shall at any time be found any perforation, hole or aperture, other than such as is necessary for the lawful use of such closed spirit receiver, or other vessel, or in contravention of this Act, the distiller in whose distillery the closed spirit receiver or other

vessel so perforated shall be found, although such holes or apertures or perforations have been plugged or stopped, shall be liable to a penalty of five hundred dollars; and the closed spirit receiver or other vessel, with its contents, together with all the stock of spirits or grain in the distillery at the time when such unlawful perforation is discovered, shall be and remain forfeited to the Crown, and shall be dealt with accordingly. 1880, s. 161.

COMPOUNDERS.

INTERPRETATION.

Interpretation: Compounded spirits;

157. (*a.*) The term "*Compounded Spirits*" means and includes all articles containing Canadian or other spirits, which are enumerated in the Schedule to this Act, the duty thereon having been paid,—or which may be added to such schedule by any order of the Governor in Council;

Compounder.

(*b.*) "*Compounder*" means and includes every person who by himself or his agent compounds or mixes for sale by wholesale any of the articles enumerated in the Schedule to this Act, the duty thereon having been paid,—or which may be added to such schedule by order of the Governor in Council. 1880, s. 1.

Special provisions as to compounders.

158. In addition to the general provisions in this Act contained respecting licenses, obligations of persons holding licenses, payment of duties and time and form of returns, and bonding or warehousing, the provisions in the six sections next following apply to compounders.

LICENSES.

Conditions of license as a compounder.

159. A license to carry on the business of and to act as a compounder and to sell by wholesale the articles compounded under such license, may be granted to any party who has complied with the provisions of this Act, provided the granting of the license has been approved by the District Inspector, and that the party has, jointly and severally with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in the sum of one thousand dollars; and such bond shall be taken before the Collector of Inland Revenue, his Deputy or other officer authorized thereto by the Department of Inland Revenue,—who shall cause such sureties to justify as to their sufficiency, before him, by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts and the payment of all duties and penalties which the party to whom the license is granted may become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts and penalties, as to all other matters and things whatsoever. 1880, s. 17.

Fee for license as a compounder.

160. The party in whose name a license is granted to act as a compounder, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of fifty dollars. 1880, s. 29.

BOOKS AND RETURNS.

Returns to be made by compounder.

161. Every compounder shall make such entries and returns, and keep such books and accounts, as may be, from time to time, determined by departmental regulations. 1880, s. 44.

MISCELLANEOUS PROVISIONS.

Removal of articles made by compounder.

162. All the articles made by a compounder shall be subject to the same restrictions and provisions as to their removal from the premises in which they are made, and as to their removal from place to place, as Canadian or other spirits are liable to. 1880, s. 63.

Articles must be designated by a label.

163. Every article made by a compounder shall be designated by some label or brand which shall show the name of the compounder and the place at which such article was made; and the Governor in Council may, when it is deemed expedient so to do, order that such brands or labels shall be in the form of a stamp issued by the Department of Inland Revenue. 1880, s. 63.

Governor in Council may add to or take away articles in Schedule

164. It shall be lawful for the Governor by Order in Council to add to the Schedule to this Act, or to remove from the said schedule, any article or ingredient the addition or removal of which may, by him, be deemed necessary in the public interest. Every such order shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication. 1880, s. 63.

BREWERIES.

INTERPRETATION.

Interpretation. Beer;

165. (*a.*) "*Beer*" means and includes beer, ale, porter, lager beer and all other fermented liquor made in whole or in part from malt, grain or any saccharine matter:

Brewery.

(*b.*) "*Brewery*" means and includes any place or premises where any beer or malt liquor, or beverage in imitation of malt liquor, is manufactured; and all offices, granaries, mash-rooms, cooling-rooms, vaults, yards, cellars and store-rooms connected therewith or in which any material to be used in the manufacture of beer or malt liquor is kept or stored, or where any process of manufacture is carried on, or where any apparatus connected with such manufacture is kept or used, or where any of the products of brewing or fermentation are stored or kept, shall be held to be included in and to form part of the brewery, to which they are attached or are appurtenant:

(*c.*) "*Brewer*" means and includes any person who occupies, carries on, works or conducts any brewery either by himself or his agent. 1880, s. 2. Brewer.

LICENSES.

166. In addition to the general provisions of this Act respecting licenses, those in the four sections next following apply to breweries. Special provisions as to brewery licenses.

167. A license to carry on the trade or business of a brewer may be granted to any person who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly and severally, with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in the sum of one thousand dollars; and such bond shall be taken before the Collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue,—who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts and the payment of all penalties to which the party to whom the license is granted may become liable under the provisions of this Act, and that such party will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts and penalties as to all other matters and things whatsoever. 1880, s. 19. Conditions of license as a brewer. Bond.

168. Utensils used by any person solely for the purpose of brewing beer for the use of himself and family, and not for sale, are exempt from the provisions of this Act; and beer so brewed shall not be liable to any duty under this Act, nor shall any license be required by any person so brewing for his own private use. 1880, s. 7. Beer brewed for private use.

169. The party, in whose favour a license for brewing is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of fifty dollars. 1880, s. 30. Duty on license for brewing.

DUTIES OF EXCISE.

170. In lieu and instead of all duties of excise imposed by any Act hereby repealed on fermented beverages made in imitation of malt liquor, and wholly or in part from any other substance than malt, there shall be imposed, levied and collected the following duties of excise, which shall be paid to the Collector of Inland Revenue as herein provided, that is to say: Duties of Excise imposed.

On every gallon of any fermented beverage made in imitation of beer or malt liquor, and brewed in whole or in part from any other substance than malt, eight cents; On imitations of beer, &c.

Proviso: Drawback on sugar, &c. used.

Provided, that any brewer using sugar, syrup or other saccharine matter in the manufacture of beer, and having previously given ten days' notice, in writing, to the Collector of Inland Revenue of his intention to use such sugar, syrup or other saccharine matter, and paying the before-mentioned duty on the beer made therewith, may receive a drawback equal to the duty of excise paid by them on the malt used with such sugar, syrup or other saccharine matter in making such beer, under such restrictions and regulations as the Department of Inland Revenue may prescribe. 1880, s. 35.

DRAWBACK ON EXPORTATION.

Drawback on beer exported.

171. Any licensed brewer who shall export any beer or malt liquor of his own manufacture, shall be entitled to receive a drawback thereon equivalent to the duty herein imposed on the malt contained in the beer so exported; and the amount of such drawback shall be in proportion to the strength of the beer, and shall be computed and tested in such manner and by such means as may be, from time to time, directed by departmental regulations in that behalf.

Notice of intention to export required.

2. No such drawback shall be allowed or paid unless the brewer claiming it shall have given at least two days' notice of his intention to export the beer on which it is claimed, and made such declaration as to the strength thereof as may be required by departmental regulations in that behalf, nor unless the beer shall have been duly inspected and tested and certified by a proper officer of Inland Revenue. 1880, s. 121.

RETURNS.

Special provisions as to returns.

172. In addition to the general provisions of this Act, respecting payment of duties and time and form of returns, those contained in the two sections next following apply to breweries.

What brewers' returns must show.

173. Every person carrying on business as a brewer shall render to the Collector of Inland Revenue or other officer whose duty it is to receive the same, a just and true account in writing, extracted from the books kept as by this Act provided, which account shall exhibit,—

1. The quantity of malt and of each description of vegetable or saccharine matter brought into, removed from or used in the brewery;

2. The quantity of beer or other fermented liquor made in the brewery;

3. The serial numbers of the brewings made and the products of each of the said brewings. 1880, s. 94.

Returns to be for each month.

174. Every such statement shall be made for and relate to the month next preceding the day on which it is made. 1880, s. 95.

PENALTIES.

175 In addition to the general provisions of this Act respecting penalties, those contained in the four sections next following apply to breweries. Penalties.

176. Any person who, after the passing of this Act and without having a license under it then in force, shall brew any beer or other fermented liquor, except for the use of himself or family, shall, for the first offence, incur and pay a penalty of fifty dollars, and for a second or any subsequent offence shall incur and pay a penalty of two hundred dollars. 1880, s. 142. For brewing without license. Exception.

177. Any person who shall become subject to the penalty provided for in the next preceding section, shall, in addition thereto, forfeit and pay for the use of Her Majesty double the amount of excise duty and license duty which should have been paid by him under this Act. 1880, s. 143. Additional penalty.

178. Every person who shall have in his possession any brewing apparatus, without having made a full and particular list, description and return thereof as by this Act required, shall incur and pay, for a first offence, a penalty of not less than fifty dollars, and not more than one hundred dollars, and for a second or any subsequent offence a penalty of one hundred dollars; and all such apparatus shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and shall be dealt with accordingly. 1880, s. 145. For having apparatus without making return thereof.

179. Any brewer who shall add to the malt brought into his brewery, any meal, raw grain or other material, or shall put into his mash-tub or mix with his worts any syrup, sugar or other saccharine matter, without making a true return thereof to the proper officer or without entering the same in the books or accounts kept or required to be kept by him in pursuance of any regulations made under this Act, shall, for a first offence, incur and pay a penalty of one hundred dollars, and for a second or any subsequent offence, a penalty of not less than two hundred dollars and not more than three hundred dollars: For adding material without making return.

2. And for any such second or subsequent offence all the malt, beer and utensils in his brewery when the offence is discovered, shall be seized by any officer of Inland Revenue having a knowledge thereof and forfeited to the Crown, and shall be dealt with accordingly. 1880, s. 153. Seizure on second offence.

MALTING AND MALT HOUSES.

INTERPRETATION.

180. (*a.*) "*Malt*" means and includes all preparations of grain or leguminous seeds that have been steeped in water, allowed to germinate, and the germination checked by drying, or which are to be used for the production of beer, or that may be malted for the purpose of distillation: Interpretation: Malt.

Malt-house. (*b.*) "*Malt-house*" means and includes any place or premises where any malt is manufactured, made or produced; and all offices, granaries, malt-houses, kilns, yards, malt warehouses and store-rooms connected therewith, or in which any grain, leguminous seeds or material to be used in the manufacture of malt are kept or stored, or where any process of such manufacture is carried on, or where any apparatus or utensils connected with or used in such manufacture are kept or used, or where any of the products of malting are stored or kept, shall be held to be included in and to form part of the malt-house to which they are attached or are appurtenant:

Maltster. (*c.*) "*Maltster*" means and includes any person who occupies, carries on, works or conducts any malt-house either by himself or his agent:

Cistern. (*d.*) "*Cistern*" means and includes any vessel, vat or other apparatus or utensil wherein any grain or leguminous seeds are steeped or wetted during any of the processes of converting it into malt:

Couch-frame. (*e.*) "*Couch-Frame*" means and includes any place or compartment into which the grain or leguminous seeds are conveyed after being removed from the cistern:

Malt-floor. (*f.*) "*Malt-Floor*" means and includes all those floors in the malt-house whereon the grain or leguminous seeds are placed during the next process after its removal from the couch-frame:

Kiln. (*g.*) "*Kiln*" means and includes all heated floors or apparatus wherein or whereon grain or leguminous seeds are dried or roasted in the next process after its removal from the malt-floor: and

Working of a malt-house. (*h.*) Any use made of any cistern, couch-frame, malt-floor or kiln for the steeping, germinating or drying of any grain, or leguminous seeds shall be a working of a malt-house, and an acting as a maltster within the meaning of this Act. 1880, ss. 3 *and* 37.

LICENSES.

Licenses for malting. **181.** In addition to the general provisions of this Act respecting licenses, those contained in the three sections next following apply to malting and malt-houses.

Application for license. **182.** Every application for a license to carry on business as a maltster shall, in addition to the matters required to be therein set forth by the general provisions respecting licenses, contain a description of all cisterns, couch-frames, malt-floors, kilns, malt-warehouses or other places, utensils, apparatus or things whereon or wherein malt is to be made, manufactured or stored,—in every case stating the dimensions, cubical contents or area, as the case may be, of the cisterns, couch-frames, malt-floors, kilns or storehouses. 1880, s. 13.

183. A license to carry on the trade or business of a maltster may be granted to any party who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly with not less than two or more than six good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in a sum equal to the amount at which the Collector of Inland Revenue estimates the duties to accrue on the goods to be manufactured by the party to whom the license is granted, during one month of the time it is to remain in force, and to such further amount as the Collector of Inland Revenue may deem sufficient to cover the duty on goods remaining in warehouse from time to time during the currency of the license about to issue, such latter amount to be determined by such means as the Department of Inland Revenue may prescribe; the party obtaining the license being bound in the full amount of such estimates, and the sureties each severally for such amount as that the sums for which they are respectively bound, shall together be equal to the amount of such estimates; and such bond shall be taken before the said Collector of Inland Revenue, his deputy, or other officer authorized thereto by the Department of Inland Revenue—who shall cause such sureties to justify as to their sufficiency, before him by affidavit endorsed upon such bond—and shall be conditioned for the rendering of all accounts, inventories, statements, and returns prescribed by law, and the payment of all duties and penalties which the party, to whom the license is to be granted, may become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, inventories, statements, returns, duties and penalties, as to all other matters and things whatsoever. 1880, s. 18.

Conditions of license.

Bond.

184. The party, in whose favor a license for malting is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue,—

License duty.

(*a*.) For a first-class license, which shall entitle him to work a malt-house having a capacity to produce two hundred thousand pounds and upwards of malt during one month's working, two hundred dollars;

On first-class license.

(*b*.) For a second-class license, which shall entitle him to work a malt-house having a capacity to produce one hundred and fifty thousand and not more than two hundred thousand pounds of malt during one month's working, one hundred and fifty dollars;

Second-class license.

(*c*.) For a third-class license, which shall entitle him to work a malt-house having a capacity to produce one hundred thousand and not more than one hundred and fifty thousand pounds of malt during one month's working, one hundred dollars;

Third-class license.

Fourth-class license.

(*d.*) For a fourth-class license, which shall entitle him to work a malt-house having a capacity to produce not more than one hundred thousand pounds of malt during one month's working, fifty dollars ;—

Classification of malt-houses.

The capacity in each case to be as computed by the Collector of Inland Revenue, upon a survey of the premises for which a license is required. 1880, s. 31.

DUTIES OF EXCISE.

Duties of excise imposed.

185. In lieu and instead of all duties of excise imposed on all malt by any Act hereby repealed, there shall be imposed, levied and collected the following duties of excise, which shall be paid to the Collector of Inland Revenue, as by this Act provided, that is to say :—

On malt.

1. On every pound of malt, without any allowance for coomings, one cent,—

Exception as to malt made for certain distilleries.

Except that malt, made in a malt-house where malt is not made for any other purpose than for use in a distillery wherein no other material than malt is used for the production of spirits, may be removed from the malt-house to the distillery in bond, and the duty on such malt may be remitted upon proof satisfactory to the Department of Inland Revenue, that such malt has been used solely for the production of spirits as herein stated ;

On imported malt.

2. On every pound of malt imported into Canada and warehoused, when taken out of bond for consumption, an excise duty of one cent ;

Imported malt to be bonded.

Malt so imported shall be warehoused in a suitable bonding warehouse provided at the cost of the importer and approved as such by a duly authorized revenue officer, and shall be bonded under the excise regulations then in force in respect of malt made in Canada, and shall be subject to the same restrictions ; and if not so warehoused immediately on importation shall be forfeited to the Crown, and may be seized by any officer of the revenue knowing the fact, and shall be dealt with accordingly. 1880, s. 35.

BOOKS, ACCOUNTS AND PAPERS.

Special provisions as to keeping accounts.

186. In addition to the general provisions of this Act respecting the obligations of persons holding licenses, those in the next following section contained apply to malting and malt-houses.

Books to be kept by maltster.

187. Every person licensed to carry on business as a maltster shall keep a book or books in a form to be furnished from time to time by the Department of Inland Revenue, which book or books shall be open at all reasonable hours to the Collector or other officer of Inland Revenue, wherein such maltster shall enter day by day and on the same day

on which the circumstance, thing or act to be recorded is done or occurs,—

1. The quantity of grain or leguminous seeds, and of malt, brought into or removed from his malt-house;

2. The quantity by gauge and by weight of dry grain or leguminous seeds placed to steep or wet in any cistern or cisterns;

3. The quantity by gauge and (in pounds) by weight, of malt taken from the kilns; and also such other particulars relative to quantity in the various stages of its manufacture as may be required by departmental regulations;

4. The quantity of malt warehoused and ex-warehoused. 1880, s. 45.

CHARGE OF DUTIES ON MALT.

Weighing of grain and seeds.

188. All grain or leguminous seeds brought into any malt-house shall be weighed and the quantity shall be stated in all books, returns and accounts kept and made under this Act in pounds avoirdupois.

Malt measure established.

2. For the purpose of comparing the several gauges of grain or leguminous seeds required by this Act, a "malt measure" is hereby established, which shall be a vessel whose capacity is one thousand cubic inches;

Grain in steep.

3. The quantity of grain or leguminous seeds placed in steep in any malt house shall be stated in pounds and in malt measures;

Grain to be stated in malt measures.

4. All the quantities of grain or leguminous seeds in process of conversion into malt, as determined by gauging, shall, until the process of malting is completed, be stated in malt measures;

Quantity of malt removed from kiln.

5. The quantity of malt removed from any kiln and chargeable with duty, shall be the quantity determined by gauging and weighing, and shall be stated in all books and returns made under this Act in malt measures and pounds. 1880, s. 64.

Shape of cistern.

189. Every cistern shall be made with its interior truly cylindrical, or it shall be a rectangular vessel, having its bottom truly even and its sides perfectly straight and perpendicular (but the bottom may have such an incline as is necessary for drip), or shall be of such other shape as may be approved by the Governor in Council. 1880, s. 65.

Couch-frame to be provided. How constructed.

190. Every maltster licensed under this Act shall provide a couch-frame, and such couch-frame shall be constructed with the sides and bottom straight and at right angles with each other, and of such strength that they will preserve their true form when the frame is filled with grain. 1880, s. 66.

Space around cistern and couch-frame.

191. Above and around every such cistern or couch-frame, there shall be sufficient space for conveniently gauging their contents, and they shall be so placed that there shall be sufficient light for that purpose and for examining the contents. 1880, s 67

Grain how to be deposited on floor.

192. The maltster shall in all cases, when required so to do by any officer of Inland Revenue, deposit the grain in process of manufacture into malt on the malt-floor, of an equal depth over the whole surface covered, and shall make the outward edges thereof in straight lines convenient for gauging, as may be required by the officer aforesaid. 1880, s. 68.

Steeping or removing grain.

193. No grain or leguminous seeds shall be placed in any cistern to steep or wet nor shall any malt be placed in any kiln to be dried, nor moved from any such kiln after the drying is completed, except between the hours of eight o'clock in the morning and five o'clock in the afternoon. 1880, s. 69.

Notice of intent to steep grain.

194. Whenever any maltster is about to place any grain or leguminous seeds in the cistern, to be steeped for the making of malt, he shall first give the proper officer, when the malt-house is within a city or town, twenty-four hours' notice—or if not within a city or town, forty-eight hours' notice—of his intention to steep grain or leguminous seeds as aforesaid, stating in every such notice the day and hour at which he will place the grain or leguminous seeds in the cistern, and describing the cistern, by number or otherwise, in which it is to be placed. 1880, s. 70.

Notice of intent to dry grain or move dried malt.

195 Whenever any maltster is about to place any grain or leguminous seeds then in process of manufacture into malt, on any kiln, to be dried, or when he is about to move any dried malt from any such kiln, he shall notify the proper officer of his intention so to do, in the same manner as is provided in the next preceding section ; and the notices required to be given by this and the next preceding section, shall be in writing, and in such form as may be, from time to time, required by departmental regulations. 1880, s. 71.

Notice of intent to add water.

196. Whenever any maltster requires to add water to any grain or leguminous seeds, after leaving the steep tub, he shall record in the notice book, supplied by the Department of Inland Revenue, his intention so to do, giving in each instance the number of the steep and at what stage it is to be watered. (*New.*)

Computing malt duty.

197. The charge of duty on malt shall be computed as follows:—

Guaging and weighing before wetting.

1. The grain or leguminous seeds when about to be placed in steep, and before being run into the cistern, shall be weighed and gauged by or in the presence of the proper officer of Inland Revenue : such gauging of the grain or leguminous seeds may, if desired, be done in the cistern and before the grain or leguminous seeds are wetted, but the quantity in

pounds shall in all cases be ascertained by actual weighing: and the quantity so ascertained shall be immediately entered by the maltster or his agent, in a book or books provided for that purpose, and such person shall also attest the correctness of the entry by his signature:

Gauging after wetting.

2. The maltster or his agent shall also gauge the grain or leguminous seeds while in the cistern after they have been wetted, and again while in the couch-frame, and also at such other periods during its manufacture as may be directed by departmental regulation, and the results of such gauging shall be entered, in the book provided for that purpose, by the maltster or his agent, and shall be used for computing the quantity of malt manufactured, as herein provided;

Gauging and weighing when dried.

3. The quantity of malt taken from the kiln after it has been dried, and the process of manufacture completed, shall be gauged and weighed by or in the presence of the proper officer of excise; and the quantity so ascertained shall be immediately entered in the book or books provided for that purpose, both in pounds and in malt measures by the maltster or his agent, who shall attest every such entry by his signature. 1880, s. 72.

Case of absence of officer provided for.

4. Provided that at any time when the proper officer of Inland Revenue shall not be present at the time for which notice has been legally given for any of the above mentioned operations, the maltster may proceed with the operation or operations, except the weighing of malt removed from the kiln, as if the officer were present, and shall enter the result of the gauging or weighing, or both, of such operation or operations, in the book or books provided for that purpose. (*New.*)

Basis of calculation for comparing results of gauging.

198. In comparing the results of the gaugings, weighings and computations made as herein provided, the following proportions shall form the basis of calculation:—

1. One hundred malt measures by gauge of dry barley shall be held to be equivalent to one hundred and seven malt measures by gauge of dry malt;

2. Eighty-one and a-half malt measures by gauge of dry barley shall be held to be equivalent to one hundred malt measures (by gauge) of barley properly saturated with water for the purpose of malting; or to eighty-seven and one-fifth malt measures by gauge of dry malt;

3. One hundred pounds of barley or other grain weighed into the cistern shall, without any allowance for skimmings, be held to be equal to not less than seventy-five pounds of malt taken from the kiln, and so in proportion for every greater or less quantity;

Computation of quantity for duty.

4. The principal gauge and weight whereby the duty shall be computed, shall be that of the malt on its removal from the kiln; but whenever the quantity computed from

any other gauging or weighing, or series of gaugings or weighings, is greater than the final gauge of the malt, then that computation which yields the largest quantity shall be the quantity for duty; and whenever the difference between the results of any two sets of gaugings or weighings, taken as aforesaid, exceeds seven per cent. the return of the quantity of grain placed in steep shall be deemed to have been a fraudulent return, and the maltster shall be liable to all the penalties for making fraudulent or false returns;

Removal of malt from kiln, &c.

5. Malt shall be weighed when removed from the kiln, and no less quantity than the whole contents of one kiln shall be placed in the warehouse or taken for use ex-manufactory at any one time. 1880, s. 73.

Doubts, how decided.

199. If at any time any doubt or question arises as to the manner of determining the quantity of malt liable to duty under this Act, such doubt or question shall be decided and determined by the Minister of Inland Revenue, whose decision shall be final and conclusive. 1880, s. 74.

Provision in case of new process of malting.

200. When a maltster licensed under this Act desires to follow a process of malting not therein provided for, and gives notice to that effect, such notice being accompanied by such plans and descriptions as the Department may deem necessary for fully understanding the proposed process, the Governor in Council may authorize such modes of determining the quantity of malt that shall be held to be produced from a stated quantity of grain, or luguminous seeds, as,—having reference to the proposed change in the process of manufacture,—he may deem necessary for insuring an equitable assessment of the duty. 1882, s. 17.

Final computation of duty.

201. The duty herein imposed upon malt shall be finally computed and charged when it is removed from the kiln, and an account thereof shall then be entered in the stock books kept under this Act, which shall be balanced on the first day of each month for the month next preceding that day, but the duty shall be collected whenever any malt is taken from the malt-warehouse for consumption; and the duty shall in all cases be collected on the full quantity of malt entered on the warehouse books as having been placed in such warehouse, notwithstanding any deficiency that may arise or be discovered during its delivery or removal therefrom. 1880, s. 79.

Special account of malt placed in warehouse and removed therefrom.

202. An account shall also be kept in such other form as may be required by departmental regulation, of all malt placed in the malt-warehouse, and all malt removed therefrom; and the account shall be taken and recorded at the time of placing such malt in the malt-warehouse, and at the time of removing it therefrom, in a book or books to be kept for that purpose, in such form as may be required by any departmental regulation made in that behalf. 1880, s. 80.

PROVISIONS AS TO SUPERVISION.

203. So soon as any malt is dried and ready for removal from the kiln, and the required notice of such removal duly given, the said malt shall be removed to the malt warehouse and shall be there stored under the lock of the owner thereof, and the lock of the Crown until the duty thereon has been paid; except that any maltster may remove for use and enter for consumption ex-manufactory any portion of the products of his malt-house not less than the contents of one kiln which he does not intend to warehouse. 1880, s. 75. Removal of dried malt to warehouse. Removal for use.

204. For the storage of malt on which the duty has not been paid, every maltster shall, at his own charge, provide a suitable warehouse, subject to the survey of the proper officer of Inland Revenue, which warehouse shall be included in his licensed premises and shall in all cases be contiguous thereto; and every entrance to such warehouse, as well as every window or other mode of access thereto, shall be secured to the satisfaction of such surveying officer, and also to the satisfaction of the inspecting officers. 1880, s. 76. Storage of malt.

205. Every principal entrance to the malt-warehouse shall be secured by two locks, one of which shall be supplied by the Department of Inland Revenue, and the key thereof shall be kept by the officer of Inland Revenue; the other lock shall be provided and the key thereof kept by the owner, and all other entrances shall be secured on the inside; and every such malt-warehouse shall be fitted up with such convenient bins or other compartments for storing the malt as may be required by the officer of Inland Revenue, so that it may, at any time, be gauged and the quantity therein ascertained. 1880, s. 77. Securing of malt warehouses.

206. Whenever any maltster ceases from working his malt-house, the kiln and all means of access thereto, shall be closed and secured by Crown lock to the satisfaction of the proper officer of Inland Revenue, and the keys of such lock shall remain in the possession of the Collector of Inland Revenue; and the kiln shall remain so closed and secured until the maltster gives the required notice of his intention to resume working: Provided always, that the Collector of Inland Revenue may, in his discretion, remove the locks while repairs are necessarily and actually in progress, or while the kiln is being used, under Departmental regulation, for the purpose of drying damaged grain. 1880, s. 78. The same as to malt-houses.

RETURNS.

207. In addition to the general provisions of this Act respecting payment of duties and time and form of returns, those contained in the two sections next following apply to malting and malt-houses. Special provisions as to returns.

What malters' returns must show.

208. Every person carrying on business as a maltster shall render to the Collector of Inland Revenue or other officer whose duty it is to receive the same, a just and true account in writing extracted from the books kept as by this Act provided, which account shall exhibit,—

1. The quantity of grain, malt, or leguminous seeds in pounds brought into the malt-house during the preceding month ;

2. The quantity of grain or leguminous seeds in malt measures and in pounds, placed in steep or wetted or used for malting on each day during the preceding month ;

3. The quantity of malt in malt measures and pounds malted or made and removed from the kiln on each day during the preceding month ;

4. The quantity of grain or leguminous seeds in pounds removed from the malt-house, or disposed of otherwise than for the production of malt, during the preceding month ;

5. The quantity of malt in pounds removed from the malt-house ;

6. The quantity of malt in pounds warehoused, ex-warehoused and entered for duty, ex-manufactory, during each month. 1880, s 94.

To be made for each month.

209. Every such statement shall be made for and relate to the month next preceding the day on which it is made. 1880, s. 95.

BONDING OR WAREHOUSING.

Special provisions as to bonding.

210. In addition to the general provisions of this Act respecting bonding or warehousing those contained in the next succeeding two sections apply to malting and malt houses.

Least quantity to be entered.

211. No less quantity than two thousand pounds of malt shall be entered for warehouse under one entry, and—

Or ex-warehoused.

2. No less quantity than two thousand pounds of malt shall be ex-warehoused for duty by one entry. (*New.*)

No drawback in certain cases.

212. The duty paid on malt taken out of warehouse for consumption, or which shall have gone directly into consumption, shall not be refunded by way of drawback or otherwise upon the exportation of such malt out of Canada. 1880, s 117.

PENALTIES.

Special provisions respecting penalties.

213. In addition to the general provisions of this Act respecting penalties, those contained in the five sections next following apply to malting and malt-houses.

214. Any person who after the passing of this Act, and without having a license under it then in force, shall make any malt or steep any grain or leguminous seeds for the purpose of malting shall, for the first offence, incur and pay a penalty of one hundred dollars, and for a second or any subsequent offence shall incur and pay a penalty of two hundred dollars. 1880, s. 142.

Penalty for malting without license.

215. Any person who shall become subject to the penalty provided for in the next preceding section, shall, in addition thereto, forfeit and pay for the use of Her Majesty double the amount of excise duty and license duty which should have been paid by him under this Act. 1880, s. 143.

Additional penalty.

216. Every person who shall have in his possession any malt-floor, malt-kiln, or any malting implement, machinery or apparatus, without having made a full and particular list, description and return thereof as by this Act required, shall incur and pay, for a first offence, a penalty of not less than fifty dollars, and not more than one hundred dollars, and for a second or any subsequent offence a penalty of one hundred dollars; and all such implements, machinery or apparatus shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and shall be dealt with accordingly. 1880, s. 145.

Penalty for having possession of apparatus without making return.

217. If any maltster shall add, or cause or permit to be added, any grain or leguminous seeds to the grain or leguminous seeds wet in any cistern, or placed in any cistern for the purpose of being wetted, after the officer of Inland Revenue shall have taken an account thereof, he shall for a first offence incur and pay a penalty of two hundred dollars and for a second or any subsequent offence, shall incur and pay a penalty of five hundred dollars; and all the grain and leguminous seeds so mixed or added, together with all the grain and leguminous seeds and malt then in the malt-house, shall be and remain forfeited to the Crown, and shall be dealt with accordingly. 1880, s. 151.

Penalty for fraudulently putting grain in cistern

218. If any maltster shall remove, or cause or permit to be removed, any malt from his malt-house before an account has been taken of the same by the proper officer, and in the manner required by this Act, or if any person shall receive or have any malt so removed, knowing the same to have been so removed, the maltster and person so offending shall for a first offence, respectively, incur and pay a penalty of two hundred dollars; and for a second or any subsequent offence, shall, respectively, incur and pay a penalty of five hundred dollars, and the malt so removed, together with all the grain, leguminous seeds and malt then in the malt-house from which the malt was so illegally removed, shall be forfeited to the Crown, and shall be seized by any officer having a knowledge thereof, and dealt with accordingly. 1880, s. 152.

Penalty for removing malt before account is taken.

Penalty for adding water without notice.

219. Any maltster who shall add water to any grain or leguminous seeds, after leaving the steep tub, without having first given the notice hereinbefore required shall, for the first offence incur and pay a penalty of twenty dollars, and for a second or any subsequent offence, shall incur and pay a penalty of fifty dollars. (*New.*)

BONDED MANUFACTURERS.

INTERPRETATION.

Interpretation: Bonded manufacturer;

220. (*a.*) "*Bonded Manufacturer*" means and includes any person who, by himself or his agent, carries on the manufacture of any article or compound wherein goods liable to duties of customs or excise are used, before the duties to which they are liable are paid:

Bonded manufactory.

(*b.*) "*Bonded Manufactory*" means and includes any place or premises where any article or compound is manufactured or made, in the compounding or manufacturing whereof goods liable to duties of customs or excise are used before the duties to which they are liable are paid: and every place where any such goods are warehoused, stored or kept, shall be held to form a part of the bonded manufactory to which it is attached or is appurtenant. 1880, s. 5.

LICENSES.

Special provision respecting licenses.

221. In addition to the general provisions of this Act respecting licenses, those contained in the three sections next following apply to bonded manufacturers.

Manufacture in bond.

222. The Governor in Council may, in his discretion, authorize the manufacture in bond of such dutiable goods as he may, from time to time, see fit to designate, in the manufacture or production whereof spirits or other articles subject to duties of customs or excise are used, by persons licensed to that effect and subject to the provisions herein made and to the regulations to be made by the Governor in Council in that behalf. 1880, s. 20.

Conditions of license.

223. Before any person shall be entitled to carry on any such manufacture in bond, he must apply for and obtain a license so to carry on the manufacture of some certain kind or kinds of goods to be mentioned in the application for license, in some certain premises to be therein described: every such license shall be known as a Bonded Manufacturing License, and no such license shall be granted to any party until the granting thereof has been approved by the District Inspector and authorized by the Department of Inland Revenue, nor until he has, jointly and severally with not less than two nor more than six good and sufficient sureties, to the satisfaction of the Collector or some superior officer of Inland Revenue, entered into a bond to Her Majesty, Her heirs and successors, in the sum of five thousand dollars, and in a further sum equal to the amount at which the said Collector or superior officer

of Inland Revenue estimates the maximum amount of duties on the goods to be manufactured by such party during any one month of the time it is to remain in force; and such bond shall be taken before the said Collector or superior officer of Inland Revenue,—who shall cause such sureties to justify as to their sufficiency before him, by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts inventories, statements and returns prescribed by law, and the payment of all duties and penalties which the party to whom the license is granted may become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, inventories, statements, returns, duties and penalties, as to all other matters and things whatsoever:

What application for license must contain.

2. Every application to manufacture in bond shall contain a description of all the articles to be used in the manufactory and of the articles to be produced therein, stating the quantity of each of the said articles respectively to be used in the production of a stated quantity of the manufactured article to be produced therefrom; and whenever the proportions stated as herein required are such as to make an evasion of duty or loss of revenue on any of the said articles possible (of which the Department of Inland Revenue shall judge), the license asked for shall be refused;

Certain articles to be supplied by Department.

3. When wood naphtha, wood alcohol, or any similar or equivalent article is to be used in a bonded manufactory, it shall be supplied to the manufacturer by the Department of Inland Revenue, or by such agency and on such conditions as may be determined by departmental regulations in that behalf. 1880, s. 21.

License fees; on goods for consumption.

224. The party in whose favor a license for manufacturing in bond for consumption in Canada only is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of fifty dollars:

On goods for exportation.

2. The party in whose favor a license is granted to manufacture in bond for exportation, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of three hundred dollars. 1880, s. 33.

DUTIES OF EXCISE.

Duties of Excise.

225. In lieu and instead of all duties of excise imposed by any Act hereby repealed on any of the articles hereinafter named, there shall be imposed, levied and collected on goods manufactured in bond within the Dominion of Canada, the following duties of excise which shall be paid to the Collector of Inland Revenue, as by this Act provided, that is to say:

On goods manufactured in bond.

All goods manufactured in bond shall, if taken out of bond for consumption in Canada, be subject to duties of

excise equal to the duties of customs to which they would be subject if imported from Great Britain and entered for consumption in Canada; and whenever any article not the produce of Canada, upon which the duty of excise would be levied if produced in Canada, is taken into a bonded manufactory, the difference between the duty of excise to which it would be so liable, and the customs duty which would be levied on such article, if so imported and entered for consumption, shall be paid as a duty of excise when it is taken into the bonded manufactory;

Proviso: exception as to certain articles.

Provided always, that the undermentioned articles when manufactured in bond shall, when entered for consumption in Canada, be subject to the following duties of excise, and to no other, that is to say,—

Vinegar

Vinegar containing six per cent. of acetic acid, the strength to be determined by such tests as may be established by Order in Council, and so in proportion for any greater or less strength,—on every gallon or less quantity than a gallon, four cents;

Methylated spirits.

Methylated spirits, being composed of alcohol mixed with wood naphtha in such proportions and subject to such regulations as may, from time to time, be made by the Department of Inland Revenue,—for every gallon of the strength of proof, by Sykes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, fifteen cents. 1880, s. 35.

RETURNS.

Special provisions as to returns.

226. In addition to the general provisions of this Act respecting payment of duties and time and form of returns, those contained in the two sections next following apply to bonded manufacturers.

What accounts to be rendered to collector must show.

227. Every person carrying on business as a bonded manufacturer, shall render to the Collector of Inland Revenue or other officer, whose duty it is to receive the same, a just and true account in writing, extracted from the books kept as by this Act provided, which account shall exhibit.—

1. The quantity of each description of article or commodity brought into the manufactory to which the account relates, during the preceding month;

2. The quantity of each description of article or commodity used in the production of the manufactured articles made in the manufactory during the preceding month;

3. The quantity of each description of article or commodity removed from the manufactory, or disposed of otherwise than for the production of the articles therein manufactured or made during the preceding month;

4. The quantity of each description of manufactured article or commodity made or produced on each day during the preceding month, except so far as it may be dispensed with by departmental regulations;

5. The quantity of manufactured product removed from the manufactory.

6. The quantity entered for warehouse; and—

7. The quantity ex-warehoused and the quantity entered for duty ex-manufactory. 1880, s. 94.

228. Every such statement shall be made for and relate to the month next preceding the day on which it is made. 1880, s. 95.

DRAWBACK AND IMPORTATION OF MATERIAL IN BOND.

Drawback on goods exported.

229. Any person who manufactures any goods in bond under a license granted under this Act, and who exports any of the goods so manufactured by him in the production whereof any article has been used upon which duties of customs or excise have been by him paid, shall, upon the production of due proof of such use and payment of duty, be entitled to receive a drawback equal to the duties paid on the articles used in the production of the goods exported; the amount of such drawback shall be determined in such manner, and the proof of the payment of the duty and export of the goods for which the drawback is claimed, shall be of such nature as may be directed or required by any departmental regulation in that behalf. 1880, s. 121.

Duitable articles used in process of manufacture may be taken into factory.

230. Any person licensed to manufacture in bond may receive into the place for which his license is granted, as into a bonded warehouse, and except as is herein otherwise provided, without payment of the duty thereon, all such spirits and other articles as are commonly used in the manufacture of the goods for which the license is granted, on a permit for that purpose to be granted by the Collector of Inland Revenue, of such form, and on such bond being entered into, and on such conditions as shall be prescribed in any Order in Council or departmental regulation in that behalf; but no less quantity of such spirits or other articles shall be so received at any one time than might be taken out of bond for consumption. 1880, s. 122.

Payment of duties on goods manufactured, &c.

231. Except in the case of methylated spirits, goods manufactured in bond, shall remain in the place for which the license was granted, in like manner and subject to the like restrictions and to the supervision of the officers of Inland Revenue, as by law provided with respect to other goods manufactured in Canada and subject to excise,—and the duty thereon shall be paid in like manner within six days of the close of every month, unless such goods are then exported or warehoused, as they may be, in the manner provided with respect to other goods subject to excise. 1880, s. 123.

PROVISIONS AS TO SUPERVISION.

Quarterly account of stock.

232. On the first day of each of the months of October, January, April and July, the Inspector of Inland Revenue shall cause to be taken an accurate account of the quantity of each of the articles entered for use in the bonded manufactories under his survey, then in stock, as well as the quantity in process of manufacture, and whenever it shall appear to his satisfaction—

(*a.*) That the articles made in any bonded manufactory have been made in conformity with the law;

(*b.*) That the conditions of the license have been complied with as to the proportion of each article used and produced—and,

(*c.*) That the quantities of the several articles then on hand, together with the quantities lawfully taken for use in the manufacturing of the articles for which the license is granted, truly represent the whole quantity of the articles entered into the manufactory as shown by the returns made and accounts kept in accordance with the law and the regulations made in that behalf,—

Certificate of collector.

The Collector shall certify the quantity of each article so taken for use, and the account with the manufacturer's bond shall be credited with the quantities so certified: but,—

Duty to be paid on short stock.

2. When the quantity of any article found in stock is less than that which, with the quantity lawfully taken for use and accounted for, would be equivalent to the whole quantity of such article taken into the manufactory, the bonded manufacturer shall forthwith pay the amount of duty for which the quantity so deficient would have been liable if entered for consumption from a regular bonding warehouse, and the duty so collected shall be held to be a duty of excise, and shall be collected and accounted for as such. 1880, s. 124.

BONDING OR WAREHOUSING.

Special provisions as to bonding or warehousing.

233. In addition to the general provisions of this Act respecting bonding or warehousing those in the next succeeding section contained apply to bonded manufacturers.

Smallest quantity to be ex-warehoused by one entry.

234. No less quantity of goods manufactured in bond shall be ex-warehoused by one entry than would be liable to a duty of twenty dollars. 1880, s. 106, *and* 1882, s. 10.

REGULATIONS BY ORDER IN COUNCIL.

Governor may make regulations for giving effect to Act.

235. The Governor in Council may, from time to time, make such regulations as to him may seem necessary for carrying into effect and enforcing the provisions of this Act respecting the manufacture of goods in bond, or the warehousing of such goods when manufactured, and for declaring

the true intent and meaning of such provisions in any case of doubt, and for declaring how far any of the provisions of this Act shall be modified in their application to the manufacture of goods in bond and matters thereunto relating, or for substituting other provisions of the like nature in the place of any of them which cannot in his opinion conveniently be so applied ; and may, by such regulations, require any bond or any oath or affirmation which he shall deem requisite for the purposes aforesaid, and may for breach of such regulations impose any penalty not exceeding five hundred dollars in any case, or the forfeiture of the goods or articles or things in respect of which they shall have been violated ; and every such regulation may, by the Governor in Council, be repealed, amended or re-enacted. 1880, s. 129.

TOBACCO AND CIGARS AND TOBACCO AND CIGAR MANUFACTURERS.

INTERPRETATION.

Interpretation: Raw Leaf Tobacco.

236. (*a.*) "*Raw Leaf Tobacco*" means unmanufactured tobacco, or the leaves and stems of the plant before they have passed through any process of manufacture :

Manufactured Tobacco.

(*b.*) *Manufactured Tobacco*" means and includes every article made from raw leaf tobacco by any process of manufacture whatever except cigars:

Standard Leaf Tobacco.

(*c.*) "*Standard Leaf Tobacco*" of all kinds, shall be that which consists of ten per cent. of water and ninety per cent. of solid matter ; and the weight of all raw leaf tobacco, scraps, cuttings, stems and other unmanufactured tobacco, shall be computed and charged in all inventories, statements, accounts and returns, with reference to such standard in such manner as may be provided by departmental regulation :

Tobacco manufactory.

(*d.*) "*Tobacco Manufactory*" means and includes any place or premises where raw leaf tobacco is worked up into what is designated by this Act as manufactured tobacco ; and every work-shop, office, store-room, warehouse, shed, yard or other place where any of the raw material is or is to be stored, or where any process connected with the manufacture or preparation of manufactured tobacco is, or is intended to be carried on,or where any of the products of the manufacture are, or are intended to be stored, shall be held to be included in and to form part of the tobacco manufactory to which they are attached or are appurtenant :

Tobacco manufacturer.

(*e.*) "*Tobacco Manufacturer*" means and includes every person who manufactures tobacco for himself, or who employs others to manufacture tobacco, whether such manufacture be by cutting, casing, packing, pressing, grinding, rolling, drying, crushing or stemming of any raw leaf tobacco, or otherwise preparing raw leaf or manufactured or partially manufactured tobacco, or the putting up for use or consumption of scraps, waste, clippings, stems or deposits of tobacco resulting from any process of handling tobacco, or

by the working or preparation of raw leaf tobacco, tobacco stems, scraps, clippings or waste, by sifting, twisting, screening, or any other process. 1880, ss. 4 *and* 37.

Cancellation stamp or die.

(*f.*) "*Cancellation Stamp or Die*" means and includes any distinctive stamp or punch used to impress or print upon, or burn, or indent into any tobacco or cigar stamp subject to the provisions of this Act, or of any other Act to be passed respecting Excise, or of any Order in Council or departmental regulation made under such provisions; and such stamps or dies shall be of such form, material and design, and shall be used in such manner as shall from time to time be ordered and regulated by the Department of Inland Revenue;

Caution label.

(*g.*) "*Caution Label*" means and includes the notice required by the provisions of this Act, to be attached to all packages containing tobacco and cigars;

Cigarette.

(*h.*) "*Cigarette*" means any description of cigarette made of cut tobacco, and weighing not more than four pounds and a quarter of a pound per thousand and being wrapped with paper or one single thickness of leaf tobacco, or of a description identical with a sealed sample, approved by departmental regulations in that behalf and deposited in the office of the Collector of Inland Revenue for the division in which such cigarettes are manufactured, or where any such cigarettes are imported;

Cigar.

(*i*). "*Cigar*" means and includes every description of cigar and cheroot;

Cigar manufactory.

(*j.*) "*Cigar Manufactory*" means and includes any place or premises where raw leaf tobacco is worked up into what is described and designated as a cigar under this Act; and every workshop, office, store-room, shed, yard, or other place where any of the raw material is or is to be stored, or where any process connected with the manufacture or preparation of cigars is, or is intended to be carried on, or where any of the products of the manufacture are, or are intended to be stored, shall be held to be included in and to form part of the cigar manufactory to which they are attached or are appurtenant.

Cigar manufacturer.

(*k.*) "*Cigar Manufacturer*" means and includes any person, who by himself or his agent, carries on the manufacture of cigars as defined by this Act; and the casing, packing, cutting, pressing, grinding, rolling, drying, crushing or stemming of any raw leaf tobacco or otherwise preparing raw leaf tobacco for manufacture into cigars, shall be a working of a cigar manufactory, and an acting as a cigar manufacturer within the meaning of this Act.

Cigar maker.

(*l.*) "*Cigar Maker*" means and includes every person whose business it is to make cigars, either for pay, on commission, on shares or otherwise, from material furnished by others.

(*m.*) "*Tobacco Stamp*" means any distinctive stamp affixed to any package of manufactured tobacco as required by any of the provisions of this Act, or of any other Act to be passed respecting Excise, or of any Order in Council, or departmental regulation made under such provision; and such stamps shall be made and affixed in such manner and by such means as shall from time to time be ordered and regulated by the Department of Inland Revenue. Tobacco stamp.

(*n.*) "*Cigar Stamp*" means any distinctive stamp affixed to any package of cigars as required by any of the provisions of this Act, or of any other Act to be passed respecting Excise, or of any Order in Council, or departmental regulation made under such provisions; and such stamps respectively shall be made and affixed in such manner and by such means as shall from time to time be ordered and regulated by the Department of Inland Revenue. Cigar stamp.

(*o.*) The words "*Cigar Sample Box*" (for the purposes of this Act) mean any box containing not more than twenty-five cigars and each bearing the special sample stamp provided by the Department of Inland Revenue, and which box the manufacturer of cigars is permitted to have, in his factory premises, open for the purpose of exhibiting the cigars contained therein to his customers. (*New*). Cigar sample box.

(*p.*) "*Common Canada Twist*," otherwise called "*tabac blanc en torquette*," means the unstemmed, unflavored and unpressed leaf of tobacco grown in Canada, twisted and made into coils by the cultivator thereof or by a manufacturer of tobacco, duly licensed under this Act to use Canadian leaf tobacco only. 1882, s. 1. Canada twist.

LICENSES.

237. In addition to the general provisions of this Act respecting licenses, those contained in the seven sections next following apply to tobacco and ciga s and tobacco and cigar manufacturers. Special provisions as to licenses.

238. Every application for a license for the manufacturing of tobacco or cigars shall, in addition to the matters required to be therein set forth by the general provisions of this Act respecting licenses, contain a list and description of all tools and machinery used or proposed to be used in the business for which the license is sought, especially of all presses, cutting machinery and mills,—stating the part of the building in which they are to be used; and shall further state whether any foreign or imported raw leaf tobacco is to be used in or brought into the factory for which the license is required. 1880, s. 14. Application for license to set forth certain matters.

239. And every application for a license as a cigar manufacturer shall also state the number of persons employed, or Additional as to cigar

manufacturer's application.

to be employed, in making cigars, in accordance with the requirements of this Act. (*New*).

Conditions of license.

240. A license to carry on the trade or business of a tobacco or cigar manufacturer may be granted to any party who has complied with the provisions of this Act, provided that the granting of such license has been approved of by the District Inspector, and that the party has, jointly with not less than two nor more than six good and sufficient sureties, entered into a bond to Her Majesty the Queen, Her heirs and successors, in a sum equal to the amount at which the Collector of Inland Revenue estimates the duties to accrue on the goods to be manufactured by the party to whom the license is to be granted, during one month of the time it is to remain in force, and to such further amount as the Collector of Inland Revenue may deem sufficient to cover the duty on goods remaining in warehouse, from time to time, during the currency of the license about to issue; and such latter amount shall be determined by such means as the Department of Inland Revenue may prescribe; the party obtaining the license being bound in the full amount of such estimates, and the sureties each severally for such amount as that the sums for which they are respectively bound, shall, together be equal to the amount of such estimates; and such bond shall be taken before the said Collector of Inland Revenue, his deputy or other officer authorized thereto by the Department—who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond —and shall be conditioned that he shall render correctly all the returns, inventories, statements and accounts prescribed by law or regulations; that he shall pay all duties and penalties which he may become liable to pay under the provisions of this Act; and that he shall comply with all the requirements of the law relating to the manufacture and warehousing of tobacco or cigars, according to their true intent and meaning, as well with regard to such returns, inventories, statements, accounts, duties and penalties as to all other matters and things whatsoever. 1880, s. 18.

Bond.

Tobacco manufacturer not to make cigars and *vice versa*.

241. No manufacturer of tobacco shall in such licensed premises carry on the business of a cigar manufacturer, nor shall a cigar manufacturer carry on in such licensed premises the business of a manufacturer of tobacco, nor shall either carry on in his licensed premises any other business deemed by the Department of Inland Revenue to be incompatible with the business engaged in by him, and for which he has obtained a license from the Department of Inland Revenue. (*New*).

Licensed premises must be near Inland Revenue station.

242. No license shall be granted to any person as a tobacco or cigar manufacturer for carrying on business in any building or premises, unless the same be within one and one-half miles of a place where an officer of Inland Revenue is stationed at the time the application is made, or within one and a-half miles of the limits of any city or incorporated town. (*New*).

243. The party in whose favor a license for manufacturing tobacco or cigars in whole or in part from foreign leaf tobacco is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of seventy-five dollars : License fee; foreign leaf.

2. The party, in whose favor a license for manufacturing tobacco or cigars exclusively from tobacco grown in Canada is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of fifty dollars. 1880. s. 32. And Canadian leaf.

244. Every Collector of Inland Revenue shall cause the several manufactories of tobacco and cigars in his division to be numbered in accordance with a register kept in the Department of Inland Revenue, which registered number shall be issued from the Department at Ottawa, and shall not thereafter be changed ; and the registered number for tobacco manufactories shall be separate and distinct from those issued to cigar manufactories. (*New.*) Manufactories to be numbered and registered.

SPECIAL OBLIGATIONS OF PERSONS LICENSED AS MANUFACTURERS OF TOBACCO AND CIGARS.

245. Every manufacturer of tobacco or cigars shall, at the time when he applies for a license as such, mention and describe in the papers accompanying his application, some one certain entrance to his manufactory as that at which raw leaf tobacco will be brought in, and shall place over the entrance so mentioned a sign, in Roman characters, written or painted in oil colors, at least three inches in height, containing these words: "Raw Leaf Tobacco Entrance;" and from and after the coming into effect of the provisions of this Act, it shall not be lawful for any manufacturer of tobacco or cigars to receive raw leaf tobacco into his manufactory through any other entrance or opening than the one so mentioned, designated and set a part for that purpose. (*New.*) Application for license to specify one entrance into manufactory for raw leaf tobacco.

246. Every manufacturer of tobacco or cigars shall post up in a conspicuous place in each room or compartment in his manufactory (and to the satisfaction of the Collector or other superior officer of Inland Revenue) a printed notice, the letters of which shall be at least one quarter of an inch in height, to the following effect: "The Inland Revenue Act provides that raw leaf tobacco may only be brought into a tobacco or cigar manufactory through the one entrance, designated by the sign containing the words 'Raw Leaf Tobacco Entrance,' and that any manufacturer who brings raw leaf tobacco into his manufactory by any other than the above mentioned entrance, or who brings foreign leaf tobacco into a manufactory licensed to use Canadian leaf tobacco only, or who brings any Canadian or other raw leaf tobacco into a manufactory without reporting the same or entering the quantity so brought in, in his stock book, shall incur and pay a penalty of *one thousand dollars*, and further that all goods subject to excise on the premises at the time the offence is committed, shall be forfeited." (*New.*) Notice to be posted in all apartments.

DUTIES OF EXCISE.

Duties of excise imposed.

247. In lieu and instead of all duties of excise imposed by any Act hereby repealed on tobacco and cigars manufactured within the Dominion of Canada, there shall be imposed, levied and collected the following duties of excise which shall be paid to the Collector of Inland Revenue as by this Act provided, that is to say :

On manufactured tobacco;

On all chewing and smoking tobacco, cigarettes, fine-cut, cavendish, plug or twist, cut or granulated, of every description : on tobacco twisted by hand or reduced into a condition to be consumed or in any manner, other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened, and on all fine-cut shorts and refuse scraps, cuttings and sweepings of tobacco ; and—

On snuff;

On all snuff, manufactured of tobacco, or any substitute for tobacco, ground, dry, scented or otherwise, of all descriptions, when prepared for use, and containing not more than forty per cent. of moisture ;

The product in whole or in part of foreign leaf.

Made in whole or in part from foreign or imported raw leaf tobacco, or the product in any form in whole or in part of foreign raw leaf tobacco ;

Duty.

On every pound, actual weight, twelve cents, except that cigarettes or cut tobacco, when put up in packages weighing one-twentieth of a pound or less each, shall pay a duty of twenty cents per pound ; and—

Snuff flour.

Snuff flour, when sold or removed for use or consumption shall pay the same duty as snuff, and shall be put up in packages and stamped in the same manner as is herein prescribed for snuff completely manufactured, except that snuff flour not prepared for use, but which needs to be subjected to further processes by sifting, pickling, scenting or otherwise before it is in a condition fit for use or consumption may be sold by one tobacco manufacturer directly to another tobacco manufacturer, and without the payment of the duty, under such regulations as may be provided therefor by the Department of Inland Revenue ;

On moist snuff.

On damp or moist snuff, when containing over forty per cent. of moisture, eight cents per pound, actual weight ;

Same duty on snuff.

And all snuff, whether the product of foreign or domestic leaf tobacco, shall be subject to the same rates of duty, as above provided ;

On cigars made from foreign leaf.

On cigars of all descriptions, made in whole or in part from foreign or imported leaf tobacco, or any substitute therefor, thirty cents per pound from the first day of May to the thirtieth day of June, 1883, and three dollars per thousand thereafter ;

On cigars of all descriptions made solely from tobacco grown in Canada, and made in a manufactory where no foreign or imported leaf is used or kept, fifteen cents per pound from the first day of May to the thirtieth day of June, 1883, and one dollar and fifty cents per thousand thereafter; On cigars made from Canadian leaf.

On manufactured tobacco of all kinds (including common Canada twist) when made solely from tobacco grown in Canada, and on the farm or premises where grown by the cultivator thereof, or in a manufactory where no imported or foreign leaf is used or kept, on every pound, actual weight, two cents. 1880, s. 35, and 1882, s. 1. On manufactured tobacco made from Canadian leaf

248. A drawback at the rate of two per cent. on the value of the stamps used shall be allowed to manufacturers of foreign leaf tobacco, licensed under this Act, in respect of all cut tobacco and cigarettes manufactured by them when entered for duty ex-manufactory and put up in packages weighing one pound and less, such drawback to be paid monthly by the Department of Inland Revenue under regulations to be established by the Governor in Council in that behalf, but such drawback shall not be allowed or paid on any tobacco that has been placed in warehouse. (*New.*) Drawback on cut tobacco and cigarettes in certain cases.

COLLECTION OF DUTIES ON TOBACCO AND CIGARS.

249. All manufactured tobacco and cigars whether imported or manufactured in Canada shall be put up and prepared by the manufacturer or importer before they are offered for sale, or for removal for sale or for consumption, in packages of the following description and in no other manner, and shall be stamped by the manufacturer or importer in such manner as may be required by any departmental regulation, and to the satisfaction of the Collector or other proper officer:— Packing and stamping of tobacco.

(*a.*) All cavendish, plug and twist tobacco in rectangular wooden boxes, except as hereinafter provided, containing ten pounds, or from fifteen to twenty-five pounds inclusive, or from sixty to eighty pounds inclusive; Cavendish, plug and twist.

(*b*) All fine cut chewing tobacco and all other kinds of tobacco not otherwise provided for, in packages containing one-twentieth, one-sixteenth, one-tenth, one-eighth, one-fifth, one-fourth, one-half or one pound; except that fine-cut chewing tobacco when of a quality and description identical with sealed sample, approved by departmental regulations in that behalf, and deposited in the office of the Collector of Inland Revenue for the division in which the tobacco is manufactured, or where any such tobacco is imported, may, at the option of the manufacturer or importer, be put up in wooden packages containing five or ten pounds each; Fine cut, &c.

(*c.*) All cut and granulated tobacco, other than fine-cut chewing, all shorts, the refuse of fine-cut chewing tobacco, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, cuttings and sweep- Cut and granulated tobacco, &c.

ings of tobacco, in packages containing one-twentieth, one-sixteenth, one-tenth, one-eighth, one-fifth, one-fourth, one-half or one pound each ;

Snuff.

(*d.*) All snuff in wooden packages containing five or ten pounds each—except that snuff when containing more than forty per cent. of moisture, may be put up in packages containing ten or twenty pounds each, actual weight;

Cigarettes.

(*e.*) All cigarettes in packages containing one-fortieth, one-twentieth, one-sixteenth, one-tenth, one-eighth, one-fifth, one-fourth, or one-half pound each ;

To be put up in unused packages.

(*f.*) All manufactured tobacco of every description, except snuff, whether plug, cut, cigarettes or other, shall be put up in packages not before used for that purpose ;

Quantities less than one pound.

(*g.*) When any package of tobacco contains less than a pound, it shall be such quantity as may be covered by some denomination of stamp then authorized and in use ;

Cigars.

(*h.*) All cigars shall be packed in wooden boxes (except as hereinafter provided) not before used for that purpose, containing respectively twenty-five, fifty, one hundred or two hundred cigars each ;

Except on.

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. 1882, s. 2.

Packages to be marked.

2. And every wooden, metal or other package containing tobacco shall have printed or marked thereon the registered number of the manufactory, the number of the Inland Revenue division in which the manufactory is situated, and the gross weight, the tare and the net weight of the tobacco in each package, except that it shall not be necessary in the case of packages weighing one pound and under to mark the gross weight and tare thereon :

Proviso : exception as to fine cut shorts, &c.

Provided, that fine-cut shorts (the refuse of fine-cut chewing tobacco), refuse scraps, cuttings, stems and sweepings of tobacco, may be sold in bulk as material, and without the payment of duty, by one manufacturer directly to another manufacturer, or for exportation, under such restrictions, rules and regulations as the Department of Inland Revenue may prescribe, and provided further that wood, metal, paper or other material may be used separately or in combination for packing tobacco or cigars, under such regulations as the Department of Inland Revenue may prescribe. (*New.*)

Boxes of cigars to be stamped with registered number of manufactory, &c.

250. All boxes containing cigars shall have stamped, indented, burned or impressed into them in a legible and durable manner, the registered number of the manufactory where made, the number of the Inland Revenue division in which the manufactory is situated, and the number of cigars contained in each box, and such stamping, indenting, burning or impressing shall be done in such manner as may be determined by the Department of Inland Revenue. (*New.*)

251. All manufactured tobacco and cigars imported from foreign countries shall have the stamps affixed and cancelled by the owner or importer thereof while they are in the custody of the proper custom house officers, and such tobacco or cigars shall not pass out of the custody of the said officers until the stamps have been so affixed and cancelled. Such tobacco or cigars shall be put up in packages as prescribed by law for like articles manufactured in Canada before the stamps are affixed: and the owner or importer thereof shall be subject to all the penal provisions prescribed in respect of manufacturers of tobacco or cigars manufactured in Canada: Provided, that imported tobacco or cigars intended for removal in bond to another port or place within the Dominion of Canada may be removed to such other port under such regulations as may be established by the Governor in Council. (*New.*)

Imported manufactured tobacco and cigars to be stamped.

And put up in prescribed packages.

Proviso: removal in bond.

2. All imported manufactured tobacco and cigars, which, when imported, are not packed in packages of the respective kinds required by the provisions of this Act, shall be bonded in a Customs warehouse to be approved of by the Collector of Customs at the port of entry. The bond shall be for a sum equal to double the amount of Customs duty to which the tobacco or cigars are liable, and the conditions shall be that the Customs duty shall be paid, that such tobacco or cigars shall, within such limited time and in accordance with such conditions as may be fixed by regulations of the Governor in Council, be packed by the importer in packages of the respective kinds required by the provisions of this Act, and duly stamped, or be exported or destroyed. 1882, s 2.

And if not in prescribed packages to be bonded.

252. Whenever any stamped box, bag, vessel, wrapper, or envelope of any kind, containing tobacco or cigars, is emptied, the stamp or stamps thereon shall be destroyed by the person in whose hands the same may be;

Removal of stamps when a package is emptied.

2. No licens d tobacco or cigar manufacturer, dealer or other person shall retain in his possession any stamped package, used for putting up or packing tobacco or cigars, upon which there remains any Inland Revenue or Customs stamp or any part of such stamp, after the contents thereof have been removed;

Empty stamped packages not to be retained.

3. No empty or partly filled package of a description such as is used for packing tobacco or cigars, and having attached to it any stamp or part of a stamp, whether such stamp has been defaced or not, and no package the stamp on which has been cut or broken, shall be brought into or remain in any tobacco or cigar manufactory; except that packages containing samples of cigars, each containing not more than twenty-five cigars may be and remain open in the cigar manufactory where the same were manufactured, for the purpose of exhibition to the customers of the manufacturer; but all such packages containing samples of cigars must be regularly and duly stamped with a duty paid stamp and bear all the marks, the caution label and any other information required by the Department of Inland Revenue; but the said packages con-

Empty or partly filled stamped packages not to remain in manufactory.

taining samples of cigars if found in the possession of any other person than the licensed manufacturer, and elsewhere than on the factory premises where made, or than in the possession of his duly authorized travelling agent, shall be forfeited and shall be seized by any officer of Excise or Customs having a knowledge of the fact, and dealt with accordingly. 1882, s. 2.

Empty stamped packages to be destroyed.

253. It shall be the duty of all officers of Excise or Customs to destroy any such empty box or other package upon which there shall remain any tobacco or cigar stamp, in contravention of this Act, and to report the whole circumstances connected with the discovery and destruction of the same to the Collector of Inland Revenue, within whose division such empty stamped box or package was found. 1882, s. 2.

Act to apply to stamps heretofore affixed.

254. Every such empty box or package, on which there shall remain any tobacco or cigar stamp or part thereof, shall be subject to the provisions of this Act, whether such stamp was affixed to the box or package before or after the coming into force of this Act. (*New.*)

What shall be completion of manufacture plug and twist.

255. All cavendish, plug and twist tobacco shall be considered as completely manufactured so soon as it has been put up in packages and moved from the sweat room ;

Cut tobacco, &c.

2. All cut and granulated smoking, fine-cut chewing tobacco, snuff, cigarettes and all other descriptions of tobacco and cigars shall be considered as completely manufactured so soon as they have been put up in packages. (*New.*)

Monthly returns of completed manufacture.

256. All tobacco and cigars, the manufacture of which shall have been completed during any month shall be returned as produced, and at the end of each month shall either be entered for duty ex-manufactory or be warehoused. (*New*)

Deficiency between raw material and products of manufactory.

257. The deficiency between the raw leaf tobacco and other materials taken for use and the manufactured tobacco and other products resulting therefrom during the period between any two stock-takings, in any tobacco manufactory, shall not at any time exceed six per cent. (*New.*)

Minimum product from raw material in cigars.

258 There shall be produced from each and every twenty-five pounds of unstemmed raw leaf, scraps, cuttings or other material taken for use in a cigar manufactory at least one thousand cigars: but if at any time the Department of Inland Revenue determines that the standard herein established exceeds or falls short of what may hereafter be ascertained to be the true standard, the Governor in Council may amend or alter such standard by regulation to the extent of three pounds. (*New*)

Re-working tobacco.

259. Tobacco may be re-worked under such rules and regulations and subject to such charges as the Department of Inland Revenue may prescribe. (*New.*)

Disposal of raw matertal.

260. All raw leaf tobacco, stems, cuttings, liquorice, sugar, gum or other raw material shall, when brought into, used in, or removed from a tobacco or cigar manufactory, be dealt with in such manner and under such regulations as the Department of Inland Revenue may prescribe. (*New.*)

No foreign leaf under a licence for Canada leaf.

261. No foreign leaf tobacco shall be brought into any tobacco or cigar manufactory licensed to use Canadian leaf tobacco only. 1880, s. 142.

Duty to be paid on short production.

262. Whenever it is ascertained by stock-taking that the standard of production established by or under this Act, has not been reached by any manufacturer of tobacco or cigars, the Commissioner of Inland Revenue is empowered to make an assessment and to order the collection from such manufacturer of the duty at the highest rate chargeable on the manufactured tobacco or cigars sodeficient. (*New.*)

Manufactured tobacco to be in stamped packages.

263. No manufactured tobacco or cigars shall be sold or offered for sale, unless put up in packages and branded and stamped, as prescribed in this Act, and then under such conditions as may be prescribed by the Governor in Council:

Proviso: as to packages put up prior to this Act.

Provided, that tobacco or cigars which may have been legally put up in packages prior to the coming into effect of the provisions of this Act, and which packages may differ from those herein prescribed, shall not be seized, nor shall the person selling or having the same in possession be liable to the penalties provided by this Act, when evidence to the satisfaction of the Department of Inland Revenue is produced as to such tobacco or cigars being legally in his possession. (*New.*)

Packages to be labeled and numbered by manufacturer.

264. Every manufacturer of tobacco shall, in addition to all other requirements of this Act, relating to tobacco, print on each package, or securely affix by pasting, on each package containing tobacco, manufactured by or for him, a label, on which shall be printed the number of his manufactory, the number of the Inland Revenue division in which his manufactory is situated, and these words:—"NOTICE: The manufacturer of this tobacco has complied with all the requirements of the law. Every person is directed to open this package in such a manner as to break the stamp, and is cautioned not to use this package for tobacco again, or the stamp thereon, nor to remove the contents of this package without destroying the said stamp, under the penalties provided by law in such cases." (*New.*)

Label to be affixed.

Label to be affixed by importer on packages of tobacco.

265. Every importer of tobacco shall, in addition to all other requirements of this Act, relating to imported tobacco, print on each package, or securely affix by pasting on each package containing tobacco, imported by or for him, a label on which shall be printed, the name of the port where, and the number of the entry under which such tobacco is ex-warehoused for duty, and the words:—"NOTICE: The importer of this tobacco has complied with all the requirements of the law. Every person is directed to open this package in such a manner as to break

the stamp, and is cautioned not to use either this package for tobacco again, or the stamp thereon, nor to remove the contents of this package without destroying the said stamp, under the penalties provided by law in such cases."—(*New.*)

Label to be affixed to packages of cigars by manufacturer.

266. Every manufacturer of cigars shall securely affix by pasting on each package containing cigars manufactured by or for him a label, on which shall be printed the number of his manufactory, and the number of the Inland Revenue division in which his manufactory is situated, and these words : "NOTICE :—The manufacturer of the cigars herein contained has complied with all the requirements of the law. Every person is directed to open this package in such a manner as to break the stamp, and is cautioned not to use either this package for cigars again, or the stamp thereon, nor to remove the contents of this package without destroying the said stamp, under the penalties provided by law in such cases." (*New.*)

Label to be affixed to packages of cigars by importer.

267. Every importer of cigars shall securely affix, by pasting on each package containing cigars imported by or for him, a label, on which shall be printed the name of the port where, and the number of the entry under which such cigars are ex-warehoused for duty, and these words :—"NOTICE : The importer of the cigars herein contained has complied with all the requirments of the law. Every person is directed to open this package in such a manner as to break the stamp, and is cautioned not to use either this package for cigars again, or the stamp thereon, nor to remove the contents of this package without destroying the stamp, under the penalties provided by law in such cases."—(*New*)

Dimensions of labels.

268. Such label or caution notice shall be of such dimensions and shall be placed upon the package containing tobacco or cigars in such manner as may be prescribed by the Department of Inland Revenue. (*New.*)

Stamps for duty.

269. The Commissioner of Inland Revenue shall cause to be prepared suitable and special stamps for the duty on manufactured tobacco and cigars which shall indicate in the case of tobacco, the weight of the article on which payment is to be made, and in the case of cigars, the number, and shall be affixed and cancelled in the manner prescribed by the Commissioner of Inland Revenue ; and tobacco stamps when used on any wooden package, or on a metal package, which shall be made in such manner and in combination with wood or such other material as the Department of Inland Revenue may prescribe, shall be cancelled by sinking a portion of the stamp into the wood or other material of which the package is composed, with a steel die. Such stamps shall be furnished to the collectors requiring them, and each collector shall keep at all times a supply equal to the probable demand for three months, and shall sell the same only to the tobacco or cigar manufacturers in his division who have given bonds and paid their license fee as

required by law, to merchants and others who have given bonds and taken out a license for an Excise Bonding Warehouse, under such regulations as may be prescribed by the the Department of Inland Revenue, and to persons required by law to affix the same to tobacco or cigars on hand on the first day of July, eighteen hundred and eighty-three ; and every collector shall keep an account of the number, amount and denominate values of stamps sold by him to each manufacturer or other person aforesaid : Provided, that such stamps as may be required to stamp tobacco or cigars sold under distraint by any Collector of Inland Revenue, or for stamping any tobacco or cigars which may have been abandoned, condemned or forfeited, and sold by order of the Court or of any Government officer for the benefit of the Dominion of Canada, may, under such rules and regulations as the Department of Inland Revenue shall prescribe, be used by the collector making such sale, or furnished by a collector to a sheriff, or to any other Government officer making such sale for the benefit of the Dominion of Canada : And provided further, that in case it shall appear that any abandoned, condemned, or forfeited tobacco or cigars, when offered for sale, will not bring a price equal to the duty due and payable thereon, such tobacco or cigars, shall not be sold for consumption in the Dominion of Canada ; and upon application made to the Commissioner of Inland Revenue it shall be lawful for him to order the destruction of such tobacco or cigars, by the officer in whose custody and control the same may be at the time, and in such manner and under such regulations as the Department of Inland Revenue may prescribe. (*New.*)

Collectors to keep an account of stamps sold.

Proviso : stamps for forfeited tobacco.

Proviso: disposal of forfeited tobacco when not worth the duty.

270. The cancellation of tobacco and cigar stamps shall be by means of such dies or device as the Department of Inland Revenue may prescribe, and is to be performed by the manufacturer before the packages leave his manufactory, or by the proper officer of Inland Revenue or Customs, before the tobacco or cigars are removed from a bonding warehouse other than that attached to a manufactory. (*New.*)

Cancellation of stamps.

271. The Department of Inland Revenue may prescribe such instruments or other means for attaching, protecting and cancelling tobacco and cigar stamps, as shall be approved by the Governor in Council ; such instruments or other appliances to be furnished by the Department of Inland Revenue to the person using the stamps to be affixed or cancelled therewith, under such regulations as the Department of Inland Revenue may prescribe. (*New.*)

Instruments for attaching and cancelling stamps.

272. The Department of Inland Revenue may establish, and may, from time to time, alter or change the form, style, character, material and device of any stamp, mark, label or brand used on packages of tobacco and cigars, under any provisions of the law relating to the Inland Revenue. Such stamps shall be attached, protected, removed, cancelled, obliterated and destroyed in such manner and by such instruments or other means as may be prescribed by departmental regulation. 1880, s. 6.

Department to regulate the form of stamps, marks or brands.

And the mode of attaching and cancelling them.

Provision as to tobacco and cigars unstamped on 30th June, 1883.

273. All tobacco and cigars of every description on hand unstamped after the thirtieth day of June, eighteen hundred and eighty-three, shall be liable to the provisions of this Act, as to the stamping thereof, the new mode of collecting the duty and all matters herein provided for. (*New.*)

Tobacco stems and sweepings.

274. All stems, sweepings, or other waste or refuse tobacco found in a tobacco or cigar manufactory and which are not worked up and charged at some manufactory with duty, shall be destroyed under such regulations as may be prescribed in accordance with the provisions of this Act, or entered for exportation. 1880, s. 88.

Appliances for weighing, stamping and testing.

275. Every manufacturer of tobacco or cigars shall provide for the use of the Collector of Inland Revenue, all necessary means, tools and apparatus for weighing, stamping and testing the products of his manufactory and the raw leaf or other material used therein (except dies or stamps), and also a convenient place wherein such process of stamping and testing may be performed. 1880, s. 90.

CIGAR MAKERS.

Special provision as to cigar makers.

276. Every cigar maker shall cause his name and residence to be registered, without previous demand, with the Collector of Inland Revenue of the Division in which such cigar maker shall be employed and shall be furnished by the said Collector of Inland Revenue with a certificate of such registration. (*New.*)

REGULATIONS BY THE GOVERNOR IN COUNCIL.

Regulations by Governor in Council.

277. The Governor in Council may make such regulations as to him may seem necessary, as regards tobacco and cigars manufactured in Canada, and tobacco imported in a raw or manufactured state,—

Warehousing.

(*a*) For warehousing raw leaf tobacco:

Destroying.

(*b*) For destroying such as is not entered for exportation or manufacture:

Removing.

(*c*) For removing raw leaf tobacco from one warehouse to another:

Accounts.

(*d*) For causing accounts to be kept by tobacco and cigar manufacturers of all raw leaf tobacco received by them and subsequently disposed of by them by removal, sale, or otherwise:

Computation of weights.

(*e*) For determining the manner in which the computation of the weights of tobacco with reference to the standard herein established shall be made;

Inspection, collection of duty.

(*f*) For the inspection of tobacco and cigars and the collection of the duty thereon, as may be deemed most effective for the prevention of frauds in the payment of such duty;

(*g*) For the manufacture and sale of common Canada twist tobacco, made from raw leaf tobacco grown in Canada, such tobacco being made into Canada twist by the cultivator only on whose farm or premises it is grown, or in a manufactory licensed to use Canadian raw leaf tobacco only, and the duty of two cents per pound paid, as herein required; and generally— Manufacture of Canadian tobacco.

(*h*) For giving effect to the provisions of this Act; Carrying out Act.

The whole subject to the provisions of this Act. 1882, s. 5.

BOOKS, ACCOUNTS AND PAPERS

278. In addition to the general provisions of this Act respecting books, accounts and papers, those contained in the next following three sections apply to tobacco and cigars and to tobacco and cigar manufacturers. Special provisions as to books and accounts.

279. Every person or party licensed as a tobacco or cigar manufacturer shall keep a book or books in a form to be furnished by the Department of Inland Revenue, which book or books shall be open at all reasonable hours to the inspection of the Collector of Inland Revenue or other officer, and therein such tobacco or cigar manufacturer shall enter, day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or occurs:— Books to be kept by tobacco or cigar manufacturer, what to show.

1. The quantity of raw leaf tobacco, scraps, cuttings, stems and other raw materials, and of manufactured tobacco and cigars, brought into or removed from his tobacco or cigar manufactory.

2. The quantity of raw leaf tobacco, stems, scraps, cuttings or other material taken for use in his manufactory.

3. The quantity of manufactured tobacco, cigars and other articles produced therein.

4. The quantity of stems, scraps, cuttings or other materials destroyed.

5. The quantity of tobacco and cigars entered for warehouse and ex-warehouse.

6. The number, denomination and value of tobacco or cigar stamps used.

7. The number and capacity of cigar boxes brought into and used in the cigar manufactory. 1880, s. 46.

280. Every person or party having a licensed bonding warehouse in which raw leaf tobacco is stored or kept shall keep a book or books in a form to be prescribed by the Department of Inland Revenue, which book or books shall be open at all reasonable hours to the inspection of the Collector of Inland Revenue or other officer, and therein such person shall Books to be kept by bonding warehouseman, and what to show.

enter, day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or occurs:—

1. The quantity of raw leaf tobacco, scraps, cuttings or stems brought into his warehouse, giving the name and residence of the person from whom purchased or received; and—

2. The quantity of raw leaf tobacco, scraps, cuttings or stems removed from his warehouse, giving the name and residence of the person to whom sold or conveyed. (*New.*)

Quantities to be stated in pounds avoirdupois.

281. With the exception of cigars, the quantities of which shall be stated by number, all quantities recorded in the books hereinbefore mentioned of a tobacco or cigar manufacturer, or of a person having a license to use an excise bonding warehouse in which raw leaf tobacco is stored or kept, and in all returns, inventories, descriptions and statements required to be kept or made by this Act or any other Act, as well with regard to fluids as to solids used in or about the premises subject to excise, or entering into the manufacture of any article or commodity produced in such tobacco or cigar manufactory, shall be stated in pounds avoirdupois and decimal parts thereof. 1880, s. 48.

RETURNS.

Special provisions as to returns.

282. In addition to the general provisions of this Act respecting payment of duties and time and form of returns, those contained in the two sections next following apply to tobacco and cigars and tobacco and cigar manufacturers.

Accounts to be rendered to collector and what they must show.

283. Every person carrying on business as a tobacco or cigar manufacturer shall render to the Collector of Inland Revenue, or other officer whose duty it is to receive the same, a just and true account, in writing, extracted from the books kept as by this Act provided, which account shall exhibit:—

1. The quantity of raw leaf tobacco and of all other material used in the manufacture of tobacco or cigars brought into the manufactory during the preceding month:

2. The quantity of raw leaf tobacco and other material removed from the manufactory or disposed of, otherwise than for the production of manufactured tobacco or cigars, during the preceding month:

3. The quantity of raw leaf tobacco and the quantity of all other material used in the manufacture of tobacco or cigars during the preceding month in the manufactory to which such return relates:

4. The quantity of each description of tobacco, or cigars, at each rate of duty, manufactured in, brought into or removed from such manufactory during the preceding month, shewing the number of packages, the description and the aggregate quantity at each rate of duty;

5. The quantity of unmanufactured and manufactured tobacco and other materials or manufactured cigars on hand;

6. The quantity of manufactured tobacco and cigars warehoused and ex-warehoused during the preceding month;

7. The quantity of manufactured tobacco and cigars entered for duty ex-manufactory during the preceding month, and—

8. The number and capacity of cigar boxes brought into the cigar manufactory, and the number and capacity of cigar boxes used therein during the preceding month. 1880, s. 94.

284. Every such statement shall be made for, and relate to the month next preceding the day on which it is made. 1880, s. 95. To be made monthly.

BONDING OR WAREHOUSING.

285. In addition to the general provisions of this Act respecting bonding or warehousing, those contained in the next succeeding seven sections apply to tobacco and cigars and tobacco and cigar manufacturers. Special provisions as to bonding and warehousing.

286. No less quantity than one hundred pounds of raw leaf tobacco, four hundred pounds of cavendish or other tobacco, or fifteen thousand cigars, shall be entered for warehouse by one entry; and— Least quantity of tobacco and cigars to be entered—

2. No less quantity than one hundred pounds of raw leaf tobacco, two hundred pounds of cavendish or manufactured tobacco, or seven thousand cigars shall be ex-warehoused by one entry: And ex-warehoused.

3. Provided always, that the restrictions herein contained as to the quantity of raw leaf tobacco that may be warehoused or ex-warehoused at one time, shall not apply to samples of foreign leaf tobacco made up in accordance with the departmental regulations made in that behalf. 1882, s, 10. Exception as to samples.

287. No tobacco put up in packages weighing one pound or under, nor tobacco in any sized packages whatever, when the product of raw leaf tobacco of Canadian growth, shall be removed in bond from one warehouse to another warehouse, whether within the same or any other Inland Revenue division. (*New*) Limitation of size of package as to removal in bond.

288. All boxes, caddies, or packages of tobacco and cigars shall be arranged and stowed in warehouse so that access may be easily had to each package, and so that the marks required to be placed thereon by the provisions of this Act may be easily read. 1880, s. 114. Stowage of packages in warehouse.

289. The duty paid on tobacco and cigars taken out of warehouse for consumption, or which shall have gone directly No refund of duty on goods

ex-warehoused for consumption.

into consumption, shall not be refunded by way of drawback or otherwise, upon the exportation of such tobacco or cigars out of Canada. 1880, s. 117.

Removal in bond of tobacco and cigars manufactured for exportation.

290. Manufactured tobacco and cigars intended for immediate exportation may, after being properly inspected, marked, labelled or branded, be removed from the manufactory in bond, without having affixed thereto, the stamps indicating the payment of the duty thereon. The removal of such tobacco and cigars from the manufactory shall be made under such regulations, and after making such entries, and executing and filing, with the collector of the division from which the removal is made, such bonds, and giving such other additional security as may be prescribed by the Department of Inland Revenue and approved by the Governor in Council. There shall be affixed to each package of tobacco or cigars, intended for immediate export, before it is removed from the manufactory, a label or brand of such design as the Department of Inland Revenue may prescribe, indicative of such intention. Each package shall be examined carefully by the officer in charge, and shall be marked, labelled or branded in such manner and under such regulations as the Department of Inland Revenue may prescribe. (*New.*)

Conditions of bond for raw leaf tobacco.

291. The bond taken for raw leaf tobacco warehoused as herein required, shall be for a sum equal to thirty cents per pound on the tobacco to which it relates, and shall be conditioned—

(*a*) For the delivery of the raw leaf tobacco to which it relates, to some one or more tobacco or cigar manufacturers duly licensed as such under any Act relating to the Inland Revenue, or—

(*b*) For the delivery of such tobacco into a bonding warehouse, licensed under this Act, or—

(*c*) For its exportation or destruction as herein required, within two years of the date of such warehousing.

Evidence of compliance with bond.

And the evidence of its delivery to a licensed bonding warehouse or to a licensed tobacco or cigar manufacturer shall be the certificate of a Collector of Inland Revenue, or other proper officer, that the tobacco has been delivered into some certain licensed tobacco or cigar manufactory or manufactories, or into some licensed bonding warehouse therein named, and that an account thereof has been entered in the manufacturer's books or in the warehouseman's books, as required by law. 1880, s. 86.

How long to remain in bond.

292. Raw leaf tobacco warehoused as herein provided, may remain in warehouse for a period of two years, at the expiration of which period, or sooner, it shall be removed to and entered in some licensed tobacco or cigar manufactory or manufactories, or to some other warehouse as herein provided, or entered for exportation, or re-warehoused in the same warehouse for a further term, the full amount of duty

being first paid at the rate charged on manufactured tobacco, on any deficiency that may be ascertained by stock-taking at the expiration of two years, or when the new bond is taken; or at the expiration of such period it shall be destroyed, under such regulations as may be made in that behalf by competent authority; 1880, s. 87.

SPECIAL PROVISIONS AS TO CANADIAN LEAF TOBACCO.

Application by cultivator for license to make Canada twist for sale.

293. Every cultivator of tobacco desiring to manufacture the leaf tobacco grown by him into common Canada twist for sale, shall make application to the Collector of Inland Revenue for the Division in which his farm is situated for a license therefor, and any cultivator of tobacco who shall manufacture any tobacco for sale without having obtained the license herein provided for, shall be liable to the same fines, penalties and forfeitures as if he had worked a tobacco manufactory without a license. (*New.*)

Duty on license.

294. The cultivator in whose favor a license is granted for manufacturing "common Canada twist," shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of ten dollars; but—

Tobacco grown for private use.

2. Any person growing tobacco on his own land or property, and manufacturing the same solely for the use of himself and such members of his family as are resident with him on the farm or premises on which the tobacco was grown, and not for sale, shall not require a license for so doing; nor shall the tobacco so manufactured be subject to excise duty: Provided always, that the quantity so manufactured in any one year shall not exceed thirty pounds for each adult male member of the family resident on the farm or premises as aforesaid. 1880, s. 7, *and* 1882, s. 1.

Canada twist to be put up in rolls and stamped.

295. Common Canada twist shall, before it is offered for sale, be put up in rolls or coils weighing one-fourth, one-half or one pound each, and every such roll or coil shall be secured, and the stamp attached thereto in such manner as the Department of Inland Revenue may determine. 1880, s. 83.

Stamps to be affixed before removal.

2. All tobacco so manufactured shall be stamped as herein required before it is removed from the farm or premises on which the tobacco from which it was made was grown or from the factory wherein it was manufactured: and—

Forfeiture of unstamped packages.

3. Any package of tobacco which shall be exposed or offered for sale or be found in the market without being sealed, stamped, labelled or marked as herein required, shall be deemed to be tobacco unlawfully in the market. 1880, s. 84.

Sale of surplus tobacco by cultivator for private use.

296. The cultivator having taken out a license as herein provided may manufacture into common Canada twist, the surplus tobacco grown by him over what is required for the use of his own family, and may sell the

tobacco so manufactured, after paying to the nearest officer of Inland Revenue, the duty of two cents per pound, and after causing such tobacco to be put up in packages in accordance with this Act and causing each package to be duly stamped in such manner as may be required by any Departmental regulation in that behalf. 1882, s. 3.

Canadian leaf to be deemed foreign leaf in certain cases.

297. When any raw leaf tobacco of Canadian growth has been taken into a licensed warehouse in which there is any foreign leaf tobacco, or which is used for the storage of foreign leaf tobacco, or into any manufactory which has been licensed to use foreign leaf tobacco, or into which any foreign leaf tobacco has been taken, either for use or storage, such Canadian leaf tobacco shall thereafter be deemed to be foreign leaf tobacco, and shall be dealt with accordingly. 1882, s. 3.

SPECIAL PROVISIONS AS TO FOREIGN RAW LEAF TOBACCO.

Raw leaf to be imported at certain ports only.

298. Raw leaf tobacco shall not be imported into Canada except at the undermentioned ports, namely:—Prescott, Kingston, Toronto, Hamilton, Clifton, Sarnia, Windsor, London, St. Catherine's, Paris, Brockville, Brantford, Port Hope, Belleville, Guelph, Chatham, Stratford, Barrie, Simcoe, Woodstock, Ingersoll, St. Thomas, Preston, Berlin, Cobourg and Peterborough, in the Province of Ontario; Quebec, Montreal and St. John's, in the Province of Quebec; Halifax and Pictou in the Province of Nova Scotia; St. John, Miramichi, Moncton and St. Andrew's, in the Province of New Brunswick; Victoria, in the Province of British Columbia; Charlottetown, in the Province of Prince Edward Island; Winnipeg, in the Province of Manitoba, and at such other ports of entry as the Governor in Council may authorise. 1880, s. 81.

All such tobacco to be bonded.

299. All raw leaf tobacco imported shall be bonded at one or other of the above-named ports of entry, in a Customs warehouse, which shall be subject to the approval of the Collector of Customs at the port of entry. 1880, s. 82.

All raw leaf to be weighed at port of entry.

300. All imported raw leaf tobacco shall be weighed by the proper officer of Customs at the port where it enters the Dominion; and the importer or owner thereof shall provide all necessary appliances for weighing the packages and their contents, and all labor necessary for moving, piling or handling such packages. (*New*).

How only to be packed and removed.

301. All imported raw leaf tobacco shall be in packages which can be conveniently stamped; and, except as is herein otherwise provided, it shall not be lawful to remove any such tobacco from any warehouse wherein it has been bonded, except in such original stamped packages. 1882, s. 4.

Removal in bond limited.

302. Imported raw leaf tobacco shall only be removed in bond and delivered to the undermentioned persons and to no others, viz:—

(1). To manufacturers of tobacco and cigars, duly licensed under this Act, or—

(2.) To persons who have taken out a license for an Excise or Customs bonding warehouse. (*New*).

Removal in bond of a manufactory.

303. All imported raw leaf tobacco which is removed from the custody of the Customs authorities and to a tobacco or cigar manufactory, or to a licensed bonding warehouse, when it passes into the possession and control of the Inland Revenue Department, shall be so removed in bond, such bond being taken by the Collector of Customs and accompanied by proper entry papers. The bond given by the importer or owner of raw leaf tobacco removed as above, shall be for an amount equal to thirty cents per pound on the raw leaf tobacco to which it relates, and shall be conditioned for the delivery of the raw leaf tobacco to the tobacco or cigar manufacturer or licensed bonding warehouse mentioned therein.

Amount of bond.

Cancelling of bond.

2. The bond hereinbefore referred to shall be cancelled by the certificate, on the Customs removal entry, by the Collector or other proper officer of Inland Revenue, that the tobacco to which it relates has been received at the tobacco or cigar manufactory or licensed bonding warehouse mentioned therein, and an account thereof made in the manufacturer's or licensed warehouseman's books.

Quantity, how ascertained.

3. The quantity certified to by the Collector of Inland Revenue shall be that ascertained by actual weighing by the officer in charge of the tobacco or cigar manufactory or at the premises of a licensed warehouseman. (*New*).

Weight, how stated.

304. The weight of all quantities of imported raw leaf tobacco after passing out of the control of the Customs shall be stated in standard pounds. (*New*).

Warehousing of raw tobacco.

305. All raw leaf tobacco received into a licensed bonding warehouse shall be bonded, the necessary entries therefor being made with and delivered to the proper officer. (*New*).

All removals to be under bond.

306. All removals of raw leaf tobacco from a licensed bonding warehouse shall be in bond, and the necessary removal or other entries passed for the quantity so removed on each occasion. (*New*).

PENALTIES.

Special provisions as to penalties.

307. In addition to the general provisions of this Act respecting penalties, those contained in the next following twenty-five sections apply to tobacco and cigars, and tobacco and cigar manufacturers.

Penalty for doing certain things without license.

308. Any person, who, after the passing of this Act, and without having a license under it then in force, shall—

(*a*) Manufacture any tobacco or cigars, except as by this Act permitted, or— (*New*)

(*b.*) Manufacture for sale, or for consumption, except by himself or the members of his family resident with him on the farm or premises whereon it is grown, any tobacco grown by himself for his private use, or—

(*c*) Who, claiming to have grown any tobacco, and manufactured it solely for his own use, shall sell or barter away any tobacco so manufactured, or—

(*d.*) Who, having purchased any raw leaf tobacco grown in Canada from the cultivator thereof, shall in any way unlawfully manufacture such tobacco and sell it, or offer it for sale in a manufactured state:

Penalty.

Shall for the first offence incur and pay a penalty of not less than one hundred dollars, and for a second or any subsequent offence shall incur and pay a penalty of five hundred dollars, and all goods subject to excise found on the premises wherein any such offence is committed shall be forfeited to the Crown and shall be dealt with accordingly. 1880, s. 142 *and* 1882, s. 6.

Further penalty.

309. Any person who shall become subject to the penalty provided for in the next preceding section, shall, in addition thereto, forfeit and pay for the use of Her Majesty double the amount of excise duty and license duty which should have been paid by him under this Act. 1880, s. 143.

Penalty for opening package without breaking stamp or having possession of packages so opened.

310. Any person who, after the coming into effect of the provisions of this Act, shall open any package containing tobacco or cigars in any other manner than as herein prescribed, viz.: so as to break the stamp thereon in so doing, or in whose possession there shall at any time be found any package of tobacco or cigars opened otherwise than in accordance with the provisions of this Act, shall for a first offence incur and pay a penalty of twenty-five dollars, and for a second or any subsequent offence shall incur and pay a penalty of one hundred dollars, and—

Forfeiture of packages so opened.

2. All packages of tobacco or cigars which shall at any time be found that have been opened otherwise than as herein directed, shall be forfeited and shall be seized by any officer of Excise or Customs and dealt with accordingly. (*New*).

Penalty for putting tobacco in package used before.

311. Any manufacturer of tobacco or cigars, or any other person who shall, except as permitted by this Act, pack or put up tobacco or cigars in packages which have been before used for that purpose shall, for the first offence, incur and pay a penalty of ten dollars for each box or package so unlawfully used, and for a second or any subsequent offence shall incur and pay a penalty of fifty dollars for each box or package so used. (*New.*)

For selling loose or unpacked foreign leaf.

312. Every person who shall sell, or offer for sale, or have in his possession, except in a licensed tobacco or cigar manufactory, any loose or unpacked foreign raw leaf

tobacco, shall incur and pay for a first offence a penalty of not less than fifty, and not more than two hundred dollars, and for a second or any subsequent offence a penalty of two hundred dollars; and all raw tobacco so offered or exposed for sale, or so unlawfully had in possession, loose or unpacked, shall be and remain forfeited to the Crown, and shall be seized by any officer of Inland Revenue having a knowledge of the fact, and dealt with accordingly. 1880, s. 146.

Tobacco to be imported only at ports of entry authorized

313. All imported raw leaf tobacco brought into Canada at any port or place other than at the ports of entry herein named, or which may hereafter be authorized by an order of the Governor in Council, shall be seized by any officer of Customs or Excise having a knowledge thereof, and shall be and remain forfeited, to the Crown and shall be dealt with accordingly. 1880, s. 147.

Imported leaf not bonded or in stamped packages to be seized.

314. All imported raw leaf tobacco not bonded and not in stamped packages as herein required, and in the possession of any person except a licensed tobacco or cigar manufacturer or a licensed bonding warehouse shall be seized by any officer of Customs or Excise having a knowledge of the fact, and shall be and remain forfeited to the Crown and shall be dealt with accordingly. 1882, s. 7.

Penalty for not destroying stamps, selling empty stampedpackages, &c.

315. Every person who neglects or refuses to destroy the stamp or stamps on any box, bag, vessel, wrapper or envelope of any kind containing tobacco or cigars, and every person who sells or gives away, or who buys or accepts from another any such empty stamped box, vessel, bag, wrapper or envelope of any kind, or the stamp or stamps taken from any such empty box, bag, vessel, wrapper, or envelope of any kind, shall, for each such offence, incur and pay a penalty not exceeding one hundred dollars (*New.*)

Using emptied packages, counterfeit stamps, &c. or having the same in possession.

316. Every manufacturer or other person who puts tobacco or cigars into any such box, bag, vessel, wrapper or envelope, the same having been either emptied or partially emptied, or who has in his possession, or who sells or offers for sale any box or other package of tobacco or cigars, having affixed thereto any fraudulent, spurious, imitation or counterfeit stamp, or any stamp that has been previously used, or sells from any such fraudulently stamped box or package, or has in his possession any box or package as aforesaid, knowing the same to be fraudulently stamped; and every tobacco or cigar manufacturer who shall bring or allow to be brought into his manufactory any such emptied or partly emptied stamped box or package such as is used for packing tobacco or cigars, and having attached to it any stamp or part of a stamp, whether such stamp has been defaced or not, or in whose possession the same shall be found—and every tobacco or cigar manufacturer upon whose factory premises there shall at any time be found any package or packages of tobacco or cigars, the labels upon which have been unlawfully cut or broken, whether such package or packages be filled or partly filled—shall be guilty of a misdemeanor, and

Misdemeanor.

for a first offence shall incur and pay a penalty of not less than one hundred dollars nor more than five hundred dollars, and for a second or any subsequent offence shall incur and pay a penalty of five hundred dollars, and in addition to such penalties shall be punishable, at the discretion of the Court before which the case is tried, by imprisonment for a period of not more than three months; and all articles subject to Excise on the premises at the time such packages are discovered, shall be forfeited to the Crown, and shall be seized by any officer having a knowledge of the fact and dealt with accordingly. 1880, ss. 154 *and* 155.

Forfeiture of stock on premises.

False representations as to date of manufacture.

317. Any person who sells, or offers for sale, any manufactured tobacco or cigars, representing the same to have been manufactured and the duty paid thereon prior to the first day of July, eighteen hundred and eighty-three, when the same was not so manufactured, or the duty not so paid, shall incur and pay a penalty of not less than fifty dollars, nor more than five hundred dollars. (*New.*)

Affixing forged stamps to be felony.

318. Every person who affixes to any package containing tobacco or cigars, any false, forged, fraudulent, spurious or counterfeit stamp, or a stamp which has been before used, shall be deemed guilty of felony, and shall incur and pay a penalty of not less than one hundred dollars nor more than five hundred dollars, and shall be imprisoned for any term not less than two years nor more than five years in a penitentiary, or for any term not less than six months nor more than two years, in any common gaol or place of confinement. (*New*)

Penalty for unlawful removal, sale, &c. of tobacco or cigars.

319. Every person who removes from any manufactory, or from any place where tobacco or cigars are made, any manufactured tobacco or cigars without the same being put up in proper packages, or without being stamped and the stamps being properly cancelled as required by law, or regulations established thereunder; or who uses, sells or offers for sale, or has in possession, except in the manufactory, or while in transit under bond, from any manufactory, store or warehouse, to a vessel or railway car for exportation to a foreign country, or for removal in bond from the manufactory or licensed bonding warehouse to another manufactory or licensed bonding warehouse, any manufactured tobacco or cigars without the proper stamps for the amount of duty thereon being affixed and cancelled, or without the proper bonded permit stamps or exportation stamp or brand being affixed, shall, for each such offence, respectively, incur and pay a penalty of not less than one hundred dollars nor more than five hundred dollars, and shall be imprisoned for a term of not less than three months nor more than two years; and all tobacco or cigars so offered or exposed for sale, or so unlawfully had in possession or without being stamped and the stamps being properly cancelled or the package branded, as herein required, shall be forfeited and shall be seized by any officer of Inland Revenue, having a knowledge of the fact, and dealt with accordingly. 1880, s. 154.

320. The absence of the proper duty paid stamp on any

package of tobacco or cigars sold, or offered for sale, or kept for sale, or found in possession of other than a licensed manufacturer, or of a licensed bonding warehouseman, and then only in his manufactory or in a licensed bonding warehouse, shall be notice to all persons that the duty has not been paid thereon, and shall be *primâ facie* evidence of the non-payment thereof; and such tobacco or cigars shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue or Customs having knowledge of the fact, and dealt with accordingly: Provided, that tobacco or cigars made, packed and stamped prior to the coming into effect of the provisions of this Act, and which shall have had the stamps thereon removed in accordance with the requirements of "*The Inland Revenue Act*, 1880," and the Act amending the same, shall not until the first day of January, 1884, be liable to forfeiture, when sufficient proof is produced as to their being legally in the possession of the holder thereof: Provided also, that tobacco and cigars removed in bond, and having only the removal permit stamp thereon, or removed for exportation and having only the exportation stamp or brand thereon, shall not be liable to the forfeiture by this tion provided, when regularly and legally in transit. (*New*)

Absence of stamp to be notice of non-payment of duty.

Proviso: as to goods packed before 30th June, 1883.

321. Every person who knowingly purchases or receives for sale any manufactured tobacco or cigars from any manufacturer not duly licensed under this Act shall, for each offence incur and pay a penalty of two hundred dollars and shall, in addition thereto, forfeit all the articles so purchased or received for sale or the full value thereof. (*New.*)

Receiving goods from manufacturer not duly licensed.

322. Every person who purchases or receives for sale any manufactured tobacco or cigars which have not been packed and branded or stamped according to law, shall incur and pay a penalty of two hundred dollars for each offence, and shall, in addition, forfeit all the articles so purchased or received for sale or the full value thereof. (*New.*)

Receiving goods not packed and stamped according to law.

323. Every manufacturer of tobacco or cigars who neglects or refuses to put up in a conspicuous place in each room or compartment in his manufactory, the notice required by section two hundred and forty-six of this Act shall incur and pay a penalty of fifty dollars for the first offence and of one hundred dollars for each subsequent offence. (*New.*)

Penalty on manufacturer not affixing notice in each room.

324. Every manufacturer or importer of tobacco or cigars who neglects to print on or affix to any package containing tobacco or cigars made or imported by or for him, or sold or offered for sale by or for him, the notice or caution label required to be affixed to packages of tobacco or cigars by the provisions of this Act, and every person who removes any such label so affixed from any such package, shall incur and pay a penalty of fifty dollars for each package in respect of which such offence shall be committed. (*New.*)

Not affixing caution label to packages.

325. Any manufacturer of tobacco or cigars who shall cause or permit to be brought into, or into whose manufactory there shall be brought any raw leaf tobacco through any

Bringing raw tobacco into factory unlawfully.

other entrance than the one mentioned in the papers accompanying his application for a license and designated by the sign "Raw Leaf Tobacco Entrance," or— (*New.*)

Bringing in foreign leaf unlawfully.

2. Who having obtained a license to manufacture exclusively from raw leaf tobacco grown in Canada, shall use or bring into, or permit to be used or brought into his manufactory any foreign raw leaf tobacco, or— 1880, s. 142.

Omitting entries.

3. Who omits to enter or who allows any person in his employ to omit to enter in the inventories, statements, books or returns kept or made in pursuance of this Act, or of any regulations made thereunder a true account of all tobacco of Canadian or foreign growth brought into his manufactory:—

Penalty,

Shall for each such offence incur and pay a penalty of one thousand dollars, and all goods subject to excise found on the premises wherein any such offence is committed shall be forfeited to the Crown and shall be dealt with accordingly. 1882, s. 7.

Penalty for unlawfully having or selling manufactured tobacco or cigars.

326. Except as herein specifically provided, every person who sells or offers for sale, or not being a licensed tobacco or cigar manufacturer, has in his possession, any kind of manufactured tobacco or cigars not put up in packages and stamped in accordance with the provisions of this Act, shall incur and pay a penalty of not less than fifty dollars nor more than five hundred dollars; and any tobacco or cigars so found, which shall not be put up in packages and stamped as herein provided, shall be forfeited and shall be seized and dealt with accordingly. (*New.*)

The same as to imported tobacco or cigars.

327. Every person who sells or offers for sale any imported tobacco or cigars, or tobacco or cigars purporting or claimed to have been imported, not put up in packages and stamped as provided by this Act, shall incur and pay a penalty of not less than fifty dollars nor more than five hundred dollars: Provided, that the provisions of this section shall not interfere in any way with tobacco or cigars imported and lawfully packed and stamped in compliance with the regulations in force prior to the coming into force of this Act. (*New.*)

Proviso.

Selling cigars unlawfully packed or fraudulently branding, &c.

328. Every person who sells or offers for sale, or delivers, or offers to deliver any cigars in any other form than in new boxes, as by this Act provided, or who packs in any box any cigars in excess of the number required by law to be put in each box respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of duty than that required by law, shall incur and pay a penalty for each offence of not less than fifty dollars nor more than five hundred dollars. (*New.*)

Forfeiture of cigars improperly packed or branded, &c.

329. Whenever any cigars are removed from any manufactory, or place where cigars are made, without being packed in boxes as required by the provisions of this

Act, or without the proper stamps thereon, denoting the duty, or without stamping, indenting, burning or impressing into each box, in a legible and durable manner, the number of the cigars contained therein, the number of the manufactory and the number of the Inland Revenue division in which the manufactory is situated; or without properly affixing thereon and cancelling the stamp denoting the duty on the same; or whenever any cigars are offered for sale, not properly boxed and stamped, such cigars shall be forfeited to the Crown,—and every person who commits any offence against the provisions of this section, shall incur and pay a penalty for each such offence of not less than one hundred dollars nor more than five hundred dollars, and shall be imprisoned for a term of not less than three months nor more than two years. (*New*)

Penalty on offender.

330. Any person who shall unlawfully have in his possession any sample box of cigars, shall for the first offence incur and pay a penalty of fifty dollars, and for a second or any subsequent offence, shall incur and pay a penalty of five hundred dollars. (*New*.)

Unlawfully having sample box of cigars.

331. Cigar manufacturers employing any cigar maker who shall have neglected or refused to register his name and residence, in accordance with the provisions of this Act, shall incur and pay a penalty of five dollars for each day that such cigar maker so offending by neglect or refusal to register shall be employed by him. (*New*.)

Employing unregistered cigar maker.

REPEAL—APPLICATION OF ACT—SHORT TITLE.

332. Subject to any special provision made in the foregoing enactments, this Act shall come into force upon, from and after the day of the passing thereof, and upon, from and after the said day, the Act forty-third Victoria, chapter nineteen, intituled: "*An Act to consolidate and amend the Acts respecting the Inland Revenue*," and the Act forty-fifth Victoria, chapter eight, intituled: "*An Act to amend the Inland Revenue Act*, 1880," and all Acts, enactments or provisions of law, inconsistent with this Act are hereby repealed, and this Act is substituted for them: Provided always, that all Acts or enactments repealed by any of the said Acts shall remain repealed, and that all Orders in Council and regulations made under the Acts hereby repealed shall remain in force until revoked or altered by competent authority; and all things lawfully done and all rights acquired under the said Acts, or any of them, shall remain valid and may be enforced, and all offences committed or liabilities incurred under them or any of them, may be prosecuted, punished and enforced, and all proceedings and things lawfully commenced under them, or any of them, may be continued and completed, under the said Acts or under corresponding provisions of this Act,—which shall not be construed as a new law but as a consolidation and continuation of the said repealed Acts,—subject to the amendments and new provisions hereby made and incorporated with them; and

Commencement of Act.

Repeal of inconsistent enactments.

Proviso: as to rights acquired, &c.

any thing heretofore done, or any obligation, penalty or liability heretofore incurred in pursuance or in contravention of any provisions in any of the said repealed Acts which is repeated without material alteration in this Act, may be alleged or referred to as having been done or incurred in pursuance or in contravention of the repealed Act in which such provision was made, or of this Act; and every such provision shall be construed as having and as having had the same effect and from the same time as under such repealed Act; and any reference in any former Act or document to any such provision in any of the said repealed Acts shall hereafter be construed as a reference to the corresponding provision in this Act. 1880, s. 190.

References to former Acts.

Extent and application of Act.

333. This Act shall extend and apply to the whole Dominion of Canada, subject always to the provisions respecting intoxicants in the Acts relating to the North-West Territories and the District of Keewatin,—in which no license to manufacture any intoxicant shall issue, except under an Order in Council as provided in the said Acts: Provided always, that no license shall be issued under this Act, nor shall any business subject to excise be carried on in any unsurveyed or unsettled tract of country, nor shall any such license issue or such business be carried on in any district or place to be designated in an Order in Council to that effect, so long as such order shall be in force. 1880, s. 191.

Short title.

334. This Act may be cited as "*The Consolidated Inland Revenue Act*, 1883." 1880, s. 192.

SCHEDULE.

Imitations of British or foreign wines, brandy, rum, gin, old tom, Geneva schnapps, British or foreign whiskey and bitter liquors and cordials when containing alcohol. 1880, *Schedule B.*

No. 115.

1st Session, 5th Parliament, 46 Victor

BILL.

An Act to consolidate and am
several Acts respecting the
Revenue.

Received and read, first time, Tues
April, 1883.

Second reading, Wednesday, 25th A

Mr. Cos

OTTAWA:

PRINTED BY MACLEAN, ROGER

1883.

No. 116. **BILL.** 1888

An Act further to amend the Act respecting the incorporation of a Company to establish a Marine Telegraph between the Pacific coast of Canada and Asia.

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

1. The period mentioned in the second section of chapter thirty-three of the statutes of the forty-fourth Victoria, as amended by chapter fifty-four of the Statutes of the forty-fifth Victoria, as that within which letters patent may issue for incorporating a Company for the purpose of establishing a marine telegraph between the Pacific coast of Canada and Asia, is hereby extended to three years from the passing of this Act. Period limited by 44 V., c. 33 extended.

No. 116.

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

BILL.

An Act further to amend the Act respecting the incorporation of a Company to establish a Marine Telegraph between the Pacific coast of Canada and Asia.

Received and read first time, Wednesday, 25th April, 1883.

Second reading, Thursday, 26th April, 1883.

Sir HECTOR LANGEVIN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

(See next copy — Reprint)

No. 117.] **BILL.** [1883.

An Act to define certain Offences against Persons employed in Factories.

WHEREAS throughout Canada large numbers of persons are employed in factories, and special provision should be made for their health, morals and safety; and whereas to that end and for the peace, order and good government of Canada, it is expedient to extend the provisions of the criminal law relating to offences against the person, and to declare what shall in the case of persons so employed, especially women and children, be held to constitute danger to life or health: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble,

1. This Act may be cited as "The Factories Act, 1883." Short title.

2. In this Act, unless the context distinctly expresses or clearly implies the contrary:— Definition of terms.

1. "Factory" means: Factory.

(*a*) Any premises of the description mentioned in the *first* schedule to this Act, together with such other premises as the Governor General in Council from time to time adds to the said schedule; and the Governor in Council may, from time to time, by proclamation published in the *Canada Gazette*, add to or remove from the said *first* schedule such description of premises as he deems necessary. Premises mentioned in schedule. Or added by O. C.

(*b*) Any premises, room or place, in which premises, room or place, or within the precincts of which, steam, water or other mechanical power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the manufacturing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there. Where machinery driven by mechanical power is used.

(*c*) Any premises, room or place, in which premises, room or place, or within the precincts of which any manual labor is exercised by way of trade or for purposes of gain in or incidental to the following purposes or any of them, that is to say: Where certain work is carried on.

1. The making of any article or part of any article.

2. The altering, repairing, ornamenting or finishing of any article.

3. The adapting for sale of any article.

With access and control of employer.

And wherein the employer of the persons working there has the right of access and control.

Proviso: as to private houses.

Provided that where children or women are employed at home, that is to say in a private house, place or room, used as a dwelling, wherein neither steam, water nor other mechanical power is used in aid of the manufacturing process carried on there, and wherein the only persons employed are the members of the family dwelling there, the provisions of this Act shall not apply.

Child.

2. "Child" means a child of not less than twelve and not more than fifteen years of age.

Inspector.

3. "The Inspector" means the Inspector appointed by the Governor in Council under the authority of and for enforcing the provisions of this Act in the locality in reference to which such expression applies.

Employer.

4. "Employer" means any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation has charge of any factory employs persons therein.

Week.

5. The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

Who shall be deemed employees.

6. If a person is found in a factory except at meal times, or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory.

Employing woman or child injuriously to health.

3. Whoever unlawfully employs in a factory any child or any woman so that the health of such child or woman is likely to be permanently injured, is guilty of a misdemeanor, and shall be liable to imprisonment for any term not more than years, or to a fine not more of than dollars, and in default of immediate payment of such fine then to imprisonment as aforesaid.

Endangering life of employees.

4. Whoever unlawfully keeps a factory so that the life of any person employed therein is endangered, or so that the health of any person employed therein is likely to be permanently injured, is guilty of a misdemeanor, and shall be liable to imprisonment for any term not more than years or to a fine of not more than dollars, and in default of immediate payment of such fine, then to imprisonment as aforesaid.

5. The employment in a factory of any child or of any woman shall be deemed to be unlawful and so that the health of such child or woman is likely to be permanently injured, if in that factory there is any contravention of the following provisions of this section, that is to say :— What shall be deemed employment injurious to children or women.

1. A child under twelve years of age shall not be employed in any factory. Child under 12.

2. Except as hereinafter provided, a child between the ages of twelve and fifteen years shall not be employed in any factory, unless the employer of such child has in his possession, and produces when thereto requested by the Inspector, a certificate signed by the parent, guardian or other person having the legal custody or control over such child, in which certificate the person signing it shall state the date thereof, the age of such child at said date, and the birth place of such child. If between 13 and 15.

3. Except as is herein otherwise provided, a child or woman shall not be employed for more than ten hours in one day, nor more than for sixty hours in any one week. Hours of work.

2. But a different apportionment of the hours of labor per day may be made for the sole purpose of giving a shorter day's work on Saturday. In every factory the employer shall allow each child and each woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children and women. Proviso for Saturday. Time for meals.

3. If the Inspector so directs in writing, the employer shall not allow any employé to take meals in any room wherein any manufacturing process is carried on. Place for meals.

6. The Governor General in Council may make regulations under which : — Regulations by O. C. as to—

1. When any accident, which prevents the working of any factory, happens to the motive power or machinery ; or when— Accidents.

2. From any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked ; or when— Stoppage of machinery.

3. The customs or exigencies of certain trades require that the children or women working in a factory, or in certain processes in a factory, should be employed for a longer period than as provided herein above ;— Work at certain processes.

It shall be lawful for the Inspector on due proof to his satisfaction of such accident, occurrence, custom of, or exigency of trade, to give permission for such exemption from the observance of the foregoing provisions of this Act Exemption by permission of Inspector from observance of certain acquirements of this Act.

as will, in his judgment, fairly and equitably to the proprietors of and to the women and children in such factory, make up for any loss of labor from such accident or occurrence, or meet the requirements of such custom or exigency of trade:

Proviso: limitations of such permission.

Provided always in the case of the Inspector permitting such exemption, that no woman or child shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening; and that the hours of labor for women and children shall not be more than twelve and a half in any one day, nor more than seventy-two and a half in any one week, and that such exemption shall not continue more than six weeks in any one year, nor shall the time fixed by this Act for meals be diminished.

Record to be kept in case of such permission.

7. When under the exemptions allowed herein any child or woman is employed in any factory on any day for a longer period than is allowed herein, the duration of such employment shall be daily recorded by the employer in a register, which shall be in such form as the Inspector directs.

Posting notice of working hours for women and children.

8. Notice of the hours between which children or women are to be employed, shall be made in such form as the Inspector directs, and shall be signed by the Inspector and by the employer, and shall be hung up during the period affected by such notice, in such conspicuous place or places in the factory as the Inspector requires.

Factory to be kept clean &c.

9. Every factory shall be kept in a cleanly state and free from effluvia arising from any drain, privy or any other nuisance.

Not over-crowded.

2. No factory shall be so over-crowded as to be prejudicial to the health of those employed therein.

Ventilation.

3. Every factory shall be ventilated in such a manner as to render harmless, so far as is reasonably practicable, all the gases, vapors, dust or other impurities that may be injurious to health, generated in the course of the manufacturing process or handicraft carried on therein.

Water closets.

4. In every factory there shall be kept provided a sufficient number and description of earth or water closets, and urinals for the employés of such factory; such closets and urinals shall at all times be kept clean and well ventilated, and separate closets or sets of closets shall be provided for the use of male and female employees, and shall have respectively separate approaches.

Contravention to be an unlawful act.

A factory in which there is a contravention of this section shall be deemed to be kept unlawfully and so that the health of any person employed therein is likely to be permanently injured.

Notice by Inspector in case of contravention.

10. In every factory where it appears to the Inspector that there is any act, neglect or default in relation to any over-crowding, ventilation, drain, privy, earth closet, water closet, ash pit, water supply, nuisance or other matter where-

by health may be affected in a factory, he may give notice thereof in writing to the employer, who shall within a reasonable time take such action thereon as the Inspector deems proper and necessary ; and,

Preventing injury by dust.

2. In every factory where any process is carried on, by which dust is generated and inhaled to an injurious extent by the employes, if it appears to the Inspector that such inhalation could by mechanical means be prevented or partly prevented, he may direct that such means shall be provided within a reasonable time by the employer, who in such case shall be bound so to provide them.

Contravention to be an unlawful act.

A factory in which the provisions of this section are not complied with by the employer shall be deemed to be kept unlawfully and so that the health of any person employed therein is likely to be permanently injured

Inspector may take medical assistance.

11. For the purposes of the two next preceding sections the Inspector may take with him into any factory a medical man, health officer, inspector of nuisances or other officer of the local sanitary authority.

Precautions.

12. In every factory :

Guards against dangerous machinery &c.

1. All belting, shafting, gearing, fly-wheels, drums and other moving parts of the machinery ; all vats, pans, cauldrons, reservoirs, wheel races, flumes, water channels, doors, openings in the floors or walls, bridges, and all other like dangerous structures or places shall be, as far as practicable, securely guarded.

Cleaning engines in motion.

2. No machinery other than steam engines shall be cleaned while in motion, if the Inspector so directs by written notice.

Openings in floors &c., to be protected.

3. The openings of every hoistway, hatchway, elevator or well-hole shall be at each floor provided with and protected by good and sufficient trap doors or self-closing hatches and safety catches, and by such other safeguards as the Inspector directs, and such trap doors shall be kept closed at all times except when in actual use by persons duly authorized by the employer to use the same.

Precaution as to elevators.

4. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the Inspector, whereby the cab or car will be securely held in the event of accident to the shipper rope or hoisting machinery, or from any similar cause.

Contravention to be an unlawful act.

A factory in which there is a contravention of this section shall be deemed to be kept unlawfully and so that the life of any person employed therein is endangered.

Against fire.

13. In every factory :—

Means of extinguishing fire.

1. There shall be such means of extinguishing fire as the Inspector directs in writing, and he shall have regard to the circumstances of each case.

Doors to open outwardly.

2. The main inside and outside doors shall open outwardly, wherever the Inspector deems it necessary and so directs in writing; and,

Means of escape in case of fire.

3. Every factory three or more storeys in height, in which persons are employed above the second storey, unless supplied with a sufficient number of tower stairways, shall be provided with a sufficient number of fire escapes; such fire escapes shall consist of an iron stairway with a suitable railing, and shall be connected with the interior of the building by doors or windows, and shall have suitable landings at every storey above the first, including the attic if the attic is occupied as a workroom. Such fire escapes shall be kept in good repair and free from obstruction, or encumbrance, of any kind.

Contravention to be an unlawful act.

A factory or workshop in which there is a contravention of this section shall be deemed to be kept unlawfully and so that the life of any person employed therein is endangered.

Orders in Council under this Act.

14. The Governor General in Council may, from time to time, for the purpose of carrying out this Act,

Regulations.

1. Make such rules, regulations and orders for enforcing its provisions, as he deems necessary.

Inspectors and their salaries.

2. Appoint one or more Inspectors of factories, who shall be paid such salary as the Governor General in Council determines.

How paid.

15. The salary of any Inspector appointed by the Governor General in Council under the authority of this Act shall be paid out of the consolidated revenue fund of Canada.

Powers of Inspectors.

16. The Inspector shall for the purposes of the execution of this Act have power to do all or any of the following things; namely,

Entry into premises.

1. To enter, inspect and examine at all reasonable times by day or night any factory and any part thereof, and to enter by day any place which he has reasonable cause to believe to be a factory.

Production of documents

2. To require the production of any register, certificate, notice or document required by this Act to be kept, and to inspect, examine and copy the same.

Examination of persons.

3. To examine any person or persons employed in any factory or in any place in which he has reasonable cause to believe to be a factory, as to any matters within the purview of this Act.

Administering oath in such case.

4. For the purposes of any investigation inquiry or examination made under the authority of this Act to administer

an oath to and to summon any person to give evidence. And any person who, being so summoned or sworn, refuses or neglects to attend or to give evidence, as the case may be, shall be punishable as for contempt of court. And for the purposes of this Act the Inspector shall have the same powers, authority and jurisdiction as a Justice of the Peace.

Enforcing attendance.

17. Every person shall, within one month after he begins to occupy a factory, serve on the Inspector a written notice containing the name of the factory, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on.

Notice to Inspector by intending occupant of a factory.

2. In every factory the employer shall keep in the form and with the particulars prescribed by any regulation made by the Governor-General in Council in that behalf, a register of the women and children employed in that factory.

Register of women and children employed.

18. If any accident or fire occurs in a factory and causes death to any person employed therein or serious bodily injury whereby any person employed therein is prevented from working for more than forty-eight hours next after the occurrence of such accident or fire, the employer shall at the expiration of the said forty-eight hours, send a notice in writing of such accident to the Inspector, in which notice the place of residence of the person injured, or the place to which he has been removed, shall be stated; and on receipt of such notice the Inspector shall, with the least possible delay, proceed to the said factory and make a full investigation under oath as to the nature and cause of such death or bodily injury.

Employer to give Inspector notice of accidents.

Duty of Inspector.

19. All notices required by this Act to be given or sent to any person, shall be held to be validly so given or sent, if they are received by such person, or if they are left at his usual place of residence or place of business within the period or delay fixed herein, without any reference to the mode by which such notice was conveyed.

Service of notices under Act.

20. The Inspector may cause to be prepared such notices of the provisions of this Act and of any regulations made thereunder as he deems necessary to enable the employees in any factory to become acquainted with their rights, liabilities and duties under this Act; and the employer shall cause the notices so prepared to be conspicuously exhibited in his factory in such places and in such manner as the Inspector requires, and shall maintain the notices exhibited in a complete and legible state until they are, under the Inspector's authority altered, removed or replaced by others.

Notices of Inspector respecting rights of employees.

To be posted in factory.

PROCEDURE, PENALTIES, ETC.

21. If any of the provisions of this Act, or of any regulations, rules or orders made under the authority thereof by the Governor-General in Council or by any Inspector are

Penalty for contravention of Act or of O.C. under it.

contravened, and no other penalty is herein provided for such contravention, the employer of the factory wherein such contravention occurs shall on summary conviction thereof before two Justices of the Peace incur and pay a fine of not more than dollars for such contravention, with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned for a period not exceeding months.

As to misdemeanors without the privity of employer.

22. If any misdemeanor or offence is committed against this Act for which an employer is responsible and it appears to the satisfaction of the Court or Justices of the Peace before whom the same is tried, that the misdemeanor or offence has been committed without the personal consent, concurrence or knowledge of such employer, but by some other person, such Court or Justices of the Peace may summon such other person to answer for such misdemeanor or offence, and such other person shall be liable to the penalty herein provided for such misdemeanor or offence and on due proof shall be convicted thereof.

Liability of parent or guardian in case of contravention as to children.

23. The parent, guardian or other person having the custody of or control over any child employed in a factory in contravention of this Act shall, unless such employment is without the consent, connivance or wilful default of such parent, guardian or other person as aforesaid, be guilty of a misdemeanor, and shall on conviction thereof incur and pay a fine of not more than dollars and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned for a period not exceeding months.

Forgery of certificate required by Act.

24. Whoever makes, signs, alters, offers, disposes of, or puts off any certificate required by this Act, knowing the same to be falsely made, signed or altered, shall be guilty of forgery, and shall be dealt with, tried, convicted and punished accordingly.

Limitation of time proceedings against offenders.

25. No fine or imprisonment shall be imposed under this Act unless proceedings are commenced against the offender within months after the offence has been committed.

Act 32, 33 V., c. 31 to apply.

26. The provisions of the Act passed in the 32nd and 33rd years of Her Majesty's reign, Chaptered 31, and intituled "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders,*" and of the Acts amending the same, shall apply to and govern proceedings against any person for any offence against this Act.

When the provisions of this Act shall take effect.

27. This Act shall come fully into operation on the day of one thousand eight hundred and eighty : Provided that at any time after the passing of this Act any appointment, regulation or order may be made, any notice issued, form prescribed, and act done which appears to the Governor General in Council necessary or proper to be made, issued, prescribed, or done for the purpose of bringing this Act or any part thereof, into operation at any time before the said day.

FIRST SCHEDULE.

Augur Factories
Biscuit Factories
Boot and Shoe Factories
Brush Factories
Button Factories
Book-binding Factories
Blanket Factories
Billiard Table Factories
Bolt and Nut Factories
Barb Wire Factories
Breweries
Boiler Factories
Bell Factories
Bird Cage Factories
Blacking Factories
Confectionery Factories
Clothing Factories
Cotton Factories
Cigar Factories
Cigar Box Factories
Cap Factories
Car Shops
Carriage Goods (iron) Factories
Chemical Works
Cheese Box Factories
Child's Carriage Factories
Corset Factories
Clay Pipe Factories
Canning Factories
Clock Factories
Carriage Factories
Carriage Wood-work Factories
Coffin Factories
Cork Factories
Carpet Factories
Distilleries
Dye Works
Envelope Factories
Emery Wheel Factories
Edge Tool Factories
Electrotype Foundries
Foundries
Furniture Factories
File Works
Furrier's Workshops
Flax Mills
Glove Factories
Glass Works
Horn Comb Factories
Hobby Horse Factories
Hames Factories
Hammer Factories
Lithographers Workshops
Last Factories
Locomotive Works
Lamp Goods Factories
Mattrass Factories
Marble Works
Match Factories
Machine Screw Works
Mill Furnishing Works
Machine Shops
Nail Works
Organ Factories
Paper Box Factories
Paper and Pulp Mills
Patent Medicine Factories
Paint Works
Picture Frame Works.
Piano Factories
Paper Collar Factories
Paper Bag Factories
Plated Metal Works
Planing Mills
Potteries
Reaper Knive Factories
Rivet Works
Rubber Factories
Rope Works
Rolling Mills
Sugar Refineries
Show Case Factories
Stave Factories
Salt Drying Works
Silk Factories
Shovel Factories
Spool Factories
Soap Works
Skate Works
Scale Works
Straw Works
Saw Factories
Shirt Factories
Safe Works
Sewing Machine Works
Saw Mills
Sash and Door Factories
Tobacco Factories
Type Foundries
Tanneries
Tub and Pail Works
Tin Stamping Works

No. 117.

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

BILL.

An Act to define certain offences against persons employed in Factories.

Received and read, first time, Thursday, 26th April, 1883.

Second reading, Friday, 27th April, 1883.

Sir S. L. TILLEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

10

Hat Factories.....
Iron Bridge Works.....
Knitting Factories ....
Knitting Needle Factories .....
Kaoka Factories.....
Knitting Machine Factories.....
Lock Factories.....
Laundries .....

Trunk Factories.....
Varnish Works.....
Vinegar Works.....
Woollen Factories.....
Wire Goods Factories..
Wood Screw Factories
Whip Factories.....
Wall Paper Factories
Window Shade Factories .....

No. 117.] **BILL.** [1883.

An Act to define certain Offences against Persons employed in Factories.

(*Reprinted as proposed to be amended in Committee of the Whole.*)

Preamble.

WHEREAS throughout Canada large numbers of persons are employed in factories, and special provision should be made for their health, morals and safety; and whereas to that end and for the peace, order and good government of Canada, it is expedient to extend the provisions of the criminal law relating to offences against the person, and to declare what shall in the case of persons so employed, especially women and children, be held to constitute danger to life or health: 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 Factories Act, 1883."

Definition of terms.

2. In this Act, unless the context distinctly expresses or clearly implies the contrary:—

Factory.

1. "Factory" means:

Premises mentioned in schedule.

(*a*) Any premises of the description mentioned in the *first* schedule to this Act, together with such other premises as the Governor General in Council from time to time adds to the said schedule; and the Governor in Council may, from time to time, by proclamation published in the *Canada Gazette*, add to or remove from the said *first* schedule such description of premises as he deems necessary.

Or added by O. C.

Where machinery driven by mechanical power is used.

(*b*) Any premises, room or place, in which premises, room or place, or within the precincts of which, steam, water or other mechanical power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the manufacturing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there.

Where certain work is carried on.

(*c*) Any premises, room or place, in which premises, room or place, or within the precincts of which any manual labor is exercised by way of trade or for purposes of gain in or incidental to the following purposes or any of them, that is to say:

1. The making of any article or part of any article.

2. The altering, repairing, ornamenting or finishing of any article.

3. The adapting for sale of any article.

With access and control of employer.

And wherein the employer of the persons working there has the right of access and control.

Proviso; as to small number employed and as to private houses.

Provided that where not more than twenty persons are employed in any place coming within the foregoing definition of a factory, and that where children or women are employed at home, that is to say in a private house, place or room, used as a dwelling, wherein neither steam, water nor other mechanical power is used in aid of the manufacturing process carried on there, and wherein the only persons employed are the members of the family dwelling there, the provisions of this Act shall not apply.

Inspector.

2. "The Inspector" means the Inspector appointed by the Governor in Council under the authority of and for enforcing the provisions of this Act in the locality in reference to which such expression applies.

Employer.

3. "Employer" means any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation has charge of any factory employs persons therein.

Week.

4. The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

Who shall be deemed employees.

5. If a person is found in a factory except at meal times, or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory.

Employing woman or child injuriously to health.

3. Whoever unlawfully employs in a factory any child or any woman so that the health of such child or woman is likely to be permanently injured, is guilty of a misdemeanor, and shall be liable to imprisonment for any term not more than years, or to a fine not more of than dollars, and in default of immediate payment of such fine then to imprisonment as aforesaid.

Endangering life of employees.

4. Whoever unlawfully keeps a factory so that the life of any person employed therein is endangered, or so that the health of any person employed therein is likely to be permanently injured, is guilty of a misdemeanor, and shall be liable to imprisonment for any term not more than years or to a fine of not more than dollars,

and in default of immediate payment of such fine, then to imprisonment as aforesaid.

5. The employment in a factory of any child or of any woman shall be deemed to be unlawful and so that the health of such child or woman is likely to be permanently injured, if in that factory there is any contravention of the following provisions of this section, that is to say :— What shall be deemed employment injurious to children or women.

1. A child under twelve years of age shall not be employed in any factory. Child under 12.

2. Except as hereinafter provided, a child between the ages of twelve and fifteen years shall not be employed in any factory, unless the employer of such child has in his possession, and produces when thereto requested by the Inspector, either a certificate signed by the parent, guardian or other person having the legal custody or control over such child, in which certificate the person signing it shall state the date thereof, the age of such child at said date, and the birth place of such child, or, in case there is not in Canada any one having the legal custody or control of such child, the written opinion of a doctor of medicine that such child is of not less than twelve years of age. If between 12 and 15.

3. Except as is herein otherwise provided, a child or woman shall not be employed for more than ten hours in one day, nor more than for sixty hours in any one week. Hours of work.

2. But a different apportionment of the hours of labor per day may be made for the sole purpose of giving a shorter day's work on Saturday. In every factory the employer shall allow each child and each woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children and women. Proviso for Saturday. Time for meals.

3. If the Inspector so directs in writing, the employer shall not allow any employé to take meals in any room wherein any manufacturing process is carried on. Place for meals.

6. The Governor General in Council may make regulations under which it shall be lawful for the Inspector :— Regulations by O. C. as to—

1. When any accident, which prevents the working of any factory, happens to the motive power or machinery ; or when— Accidents.

2. From any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked ; or when— Stoppage of machinery.

3. The customs or exigencies of certain trades require that the children or women working in a factory, or in certain processes in a factory, should be employed for a longer period than as provided herein above ;— Work at certain processes.

Exemption by permission of Inspector from observance of certain acquirements of this Act.

On due proof to his satisfaction of such accident, occurrence, custom of, or exigency of trade, to give permission for such exemption from the observance of the foregoing provisions of this Act as will, in his judgment, fairly and equitably to the proprietors of, and to the women and children in such factory, make up for any loss of labor from such accident or occurrence, or meet the requirements of such custom or exigency of trade: Provided always in the case of the Inspector permitting such exemption, that no woman or child shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening; and that the hours of labor for women and children shall not be more than twelve and a half in any one day, nor more than seventy-two and a half in any one week, and that such exemption shall not continue more than six weeks in any one year, nor shall the time fixed by this Act for meals be diminished.

Proviso: limitations of such permission.

Record to be kept in case of such permission.

7. When under the exemptions allowed herein any child or woman is employed in any factory on any day for a longer period than is allowed herein, the duration of such employment shall be daily recorded by the employer in a register, which shall be in such form as shall be required by the regulations made in that behalf.

Posting notice of working hours for women and children.

8. Notice of the hours between which children or women are to be employed, shall be made in such form as shall be required by the regulations made in that behalf, and shall be signed by the Inspector and by the employer, and shall be hung up during the period affected by such notice, in such conspicuous place or places in the factory as the Inspector requires.

Factory to be kept clean &c.

9. Every factory shall be kept in a cleanly state and free from effluvia arising from any drain, privy or any other nuisance.

Not over-crowded.

2. No factory shall be so over-crowded as to be prejudicial to the health of those employed therein.

Ventilation.

3. Every factory shall be ventilated in such a manner as to render harmless, so far as is reasonably practicable, all the gases, vapors, dust or other impurities that may be injurious to health, generated in the course of the manufacturing process or handicraft carried on therein.

Water closets.

4. In every factory there shall be kept provided a sufficient number and description of earth or water closets, and urinals for the employés of such factory; such closets and urinals shall at all times be kept clean and well ventilated, and separate closets or sets of closets shall be provided for the use of male and female employees, and shall have respectively separate approaches.

Contravention to be an unlawful act.

A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully and so that the health of any person employed therein is likely to be permanently injured.

10. In every factory where there is any act, neglect or default in relation to any over-crowding, ventilation, drain, privy, earth closet, water closet, ash pit, water supply, nuisance or other matter whereby health may be affected in a factory the employer shall within a reasonable time take such action thereon as the Inspector, acting under the regulations made in respect to such subjects, notifies the employer to be proper and necessary ; and, Notice by Inspector in case of contravention.

2. In every factory where any process is carried on, by which dust is generated and inhaled to an injurious extent by the employes, if such inhalation can by mechanical means, approved of by the regulations made in that behalf, be prevented or partly prevented, the Inspector may direct that such means shall be provided within a reasonable time by the employer, who in such case shall be bound so to provide them. Preventing injury by dust.

A factory in which the provisions of this section are not complied with by the employer shall be deemed to be kept unlawfully and so that the health of any person employed therein is likely to be permanently injured Contravention to be an unlawful act.

11. For the purposes of the two next preceding sections the Inspector may take with him into any factory a medical man, health officer, inspector of nuisances or other officer of the local sanitary authority. Inspector may take medical assistance.

12. In every factory : Precautions.

1. All belting, shafting, gearing, fly-wheels, drums and other moving parts of the machinery ; all vats, pans, cauldrons, reservoirs, wheel races, flumes, water channels, doors, openings in the floors or walls, bridges, and all other like dangerous structures or places shall be, as far as practicable, securely guarded. Guards against dangerous machinery, &c

2. No machinery other than steam engines shall be cleaned while in motion, if the Inspector so directs by written notice. Cleaning engines in motion.

3. The openings of every hoistway, hatchway, elevator or well-hole shall be at each floor provided with and protected by good and sufficient trap doors or self-closing hatches and safety catches, or by such other safeguards as the Inspector directs, and such trap doors shall be kept closed at all times except when in actual use by persons duly authorized by the employer to use the same. Openings in floors, &c., to be protected.

4. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the Inspector, whereby the cab or car will be securely held in the event of accident to the shipper rope or hoisting machinery, or from any similar cause. Precaution as to elevators.

A factory in which there is a contravention of this section Contravention to be an unlawful act.

or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully and so that the life of any person employed therein is endangered.

Against fire.

13. In every factory :—

Means of extinguishing fire.

1. There shall be such means of extinguishing fire as the Inspector acting under the regulations made in that behalf, directs in writing,

Doors to open outwardly.

2. The main inside and outside doors shall open outwardly, wherever under the regulations made in that behalf the Inspector so directs in writing ; and,

Means of escape in case of fire.

3. Every factory three or more stories in height, in which persons are employed above the second storey, unless supplied with a sufficient number of tower stairways, shall be provided with a sufficient number of fire escapes ; such fire escapes shall consist of an iron stairway with a suitable railing, and shall be connected with the interior of the building by doors or windows, and shall have suitable landings at every storey above the first, including the attic if the attic is occupied as a workroom. Such fire escapes shall be kept in good repair and free from obstruction, or encumbrance, of any kind.

Contravention to be an unlawful act.

A factory or workshop in which there is a contravention of this section shall be deemed to be kept unlawfully and so that the life of any person employed therein is endangered.

Orders in Council under this Act.

14. The Governor General in Council may, from time to time, for the purpose of carrying out this Act,

Regulations.

1. Make such rules, regulations and orders for enforcing its provisions, and for the conduct of the Inspector, as he deems necessary.

Inspectors and their salaries.

2. Appoint one or more Inspectors of factories, who shall be paid such salary as the Governor General in Council determines.

How paid.

15. The salary of any Inspector appointed by the Governor General in Council under the authority of this Act shall be paid out of the consolidated revenue fund of Canada.

Powers of Inspectors.

16. The Inspector shall for the purposes of the execution of this Act, and for enforcing the regulations made under the authority thereof, have power to do all or any of the following things ; namely,

Entry into premises.

1. To enter, inspect and examine at all reasonable times by day or night any factory and any part thereof, and to enter by day any place which he has reasonable cause to believe to be a factory.

Production of documents.

2. To require the production of any register, certificate, notice or document required by this Act to be kept, and to inspect, examine and copy the same.

3. To examine any person or persons employed in any factory or in any place in which he has reasonable cause to believe to be a factory, as to any matters within the purview of this Act. Examinations of persons.

4. For the purposes of any investigation, inquiry or examination made under the authority of this Act to administer an oath to and to summon any person to give evidence. And if any person, being so summoned or sworn, refuses or neglects to attend or to give evidence, or to produce any papers demanded of him, the Inspector may cause the said person, by warrant under his hand, to be taken into custody and to be imprisoned in the common gaol of the locality, as for contempt of court, for a period not exceeding fourteen days. And for the purposes of this Act the Inspector shall have the same powers, authority and jurisdiction as a Justice of the Peace. Administering oath in such case. Enforcing attendance.

17. Every person shall, within one month after he begins to occupy a factory, serve on the Inspector a written notice containing the name of the factory, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on. Notice to Inspector by intending occupant of a factory.

2. In every factory the employer shall keep in the form and with the particulars prescribed by any regulation made by the Governor-General in Council in that behalf, a register of the women and children employed in that factory. Register of women and children employed.

18. If any accident or fire occurs in a factory and causes death to any person employed therein or serious bodily injury whereby any person employed therein is prevented from working for more than six days next after the occurrence of such accident or fire, the employer shall at the expiration of the said six days, send a notice in writing of such accident to the Inspector, in which notice the place of residence of the person injured, or the place to which he has been removed, shall be stated; and on receipt of such notice the Inspector shall, with the least possible delay, proceed to the said factory and make a full investigation under oath as to the nature and cause of such death or bodily injury. Employer to give Inspector notice of accidents. Duty of Inspector.

19. All notices required by this Act to be given or sent to any person shall be in writing, and shall be held to be validly so given or sent, if they are received by such person, or if they are left at his usual place of residence or place of business within the period or delay fixed herein, without any reference to the mode by which such notice was conveyed. Service of notices under Act.

20. The Inspector shall cause to be prepared such notices of the provisions of this Act and of any regulations made thereunder as he deems necessary to enable the employees in any factory to become acquainted with their rights, Notices of Inspector respecting rights of employers.

liabilities and duties under this Act; and the employer shall cause the notices so prepared to be conspicuously exhibited in his factory in such places and in such manner as the Inspector requires, and shall maintain the notices exhibited in a complete and legible state until they are, under the Inspector's authority altered, removed or replaced by others.

To be posted in factory.

PROCEDURE, PENALTIES, ETC.

Penalty for contravention of Act or of O.C. under it.

21. If any of the provisions of this Act, or of any regulations, rules or orders made under the authority thereof by the Governor-General in Council or by any Inspector are contravened, and no other penalty is herein provided for such contravention, the employer of the factory wherein such contravention occurs shall on summary conviction thereof before two Justices of the Peace incur and pay a fine of not more than dollars for such contravention, with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned for a period not exceeding months.

As to misdemeanors without the privity of employer.

22. If any misdemeanor or offence is committed against this Act for which an employer is responsible and it appears to the satisfaction of the Court or Justices of the Peace before whom the same is tried, that the misdemeanor or offence has been committed without the personal consent, concurrence or knowledge of such employer, but by some other person, such Court or Justices of the Peace may summon such other person to answer for such misdemeanor or offence, and such other person shall be liable to the penalty herein provided for such misdemeanor or offence and on due proof shall be convicted thereof.

Liability of parent or guardian in case of contravening as to children.

23. The parent, guardian or other person having the custody of or control over any child employed in a factory in contravention of this Act shall, unless such employment is without the consent, connivance or wilful default of such parent, guardian or other person as aforesaid, be guilty of a misdemeanor, and shall on summary conviction thereof before any two Justices of the Peace incur and pay a fine of not more than dollars and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned for a period not exceeding months.

Forgery of certificate required by Act.

24. Whoever makes, signs, alters, offers, disposes of, or puts off any certificate required by this Act, knowing the same to be falsely made, signed or altered, shall be guilty of forgery, and shall be dealt with, tried, convicted and punished accordingly.

Limitation of time proceedings against offenders.

25. No fine or imprisonment shall be imposed under this Act unless proceedings are commenced against the offender within two months after the offence has been committed.

Act 32, 32 V., c. 31 to apply.

26. The provisions of the Act passed in the 32nd and 33rd years of Her Majesty's reign, Chaptered 31, and intituled

"*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders*," and of the Acts amending the same, shall apply to and govern proceedings against any person for any offence against this Act.

When the provisions of this Act shall take effect.

27. The foregoing provisions of this Act shall come into operation on the day of one thousand eight hundred and eighty : Provided that at any time after the passing of this Act any appointment, regulation or order may be made, any notice issued, form prescribed, and act done which appears to the Governor General in Council necessary or proper to be made, issued, prescribed, or done for the purpose of bringing this Act or any part thereof, into operation on the said day.

FIRST SCHEDULE.

Augur Factories.....
Biscuit Factories.....
Boot and Shoe Factories
Brush Factories.....
Button Factories.....
Book-binding Factories
Blanket Factories.....
Billiard Table Factories
Bolt and Nut Factories
Barb Wire Factories.....
Breweries.....
Boiler Factories.....
Bell Factories.....
Bird Cage Factories.....
Blacking Factories .....
Confectionery Factories
Clothing Factories .....
Cotton Factories.....
Cigar Factories.....
Cigar Box Factories.....
Cap Factories.....
Car Shops.....
Carriage Goods (iron) Factories .....
Chemical Works.....
Cheese Box Factories...
Child's Carriage Factories.....
Corset Factories.....
Clay Pipe Factories ....
Canning Factories.....
Clock Factories.....
Carriage Factories.....
Carriage Wood-work Factories .....
Coffin Factories.....
Cork Factories.....
Lithographers Workshops.....
Last Factories.....
Locomotive Works.....
Lamp Goods Factories
Mattrass Factories.....
Marble Works. .....
Match Factories.....
Machine Screw Works
Mill Furnishing Works
Machine Shops.....
Nail Works .....
Organ Factories.....
Paper Box Factories....
Paper and Pulp Mills
Patent Medicine Factories .....
Paint Works..... .....
Picture Frame Works.
Piano Factories.....
Paper Collar Factories
Paper Bag Factories...
Plated Metal Works...
Planing Mills.....
Potteries .....
Reaper Knive Factories .....
Rivet Works.....
Rubber Factories.....
Rope Works.....
Rolling Mills.....
Sugar Refineries.....
Show Case Factories..
Stave Factories.....
Salt Drying Works.....
Silk Factories.....
Shovel Factories.....

Carpet Factories.....
Distilleries.....
Dye Works.....
Envelope Factories.....
Emery Wheel Factories
Edge Tool Factories.....
Electrotype Foundries
Foundries .....
Furniture Factories.....
File Works.....
Furrier's Workshops....
Flax Mills.....
Glove Factories.....
Glass Works.....
Horn Comb Factories..
Hobby Horse Factories
Hames Factories.....
Hammer Factories.....
Hat Factories.....
Iron Bridge Works.....
Knitting Factories ....
Knitting Needle Factories .....
Kaoka Factories.....
Knitting Machine Factories.....
Lock Factories.....
Laundries .....
Spool Factories.....
Soap Works.....
Skate Works.....
Scale Works.....
Straw Works.....
Saw Factories.....
Shirt Factories.....
Safe Works.....
Sewing Machine Works .....
Saw Mills .....
Sash and Door Factories .....
Tobacco Factories.....
Type Foundries.....
Tanneries.....
Tub and Pail Works..
Tin Stamping Works..
Trunk Factories.....
Varnish Works.....
Vinegar Works.....
Woollen Factories.....
Wire Goods Factories..
Wood Screw Factories
Whip Factories.....
Wall Paper Factories
Window Shade Factories .....

No. 117.

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

BILL.

An Act to define certain offences against persons employed in Factories.

(Reprinted as proposed to be amended in Committee of the Whole.)

Sir LEONARD TILLEY.

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

No. 118. **BILL.** [1883.

An Act to amend the Act incorporating the European, American, Canadian and Asiatic Cable Company (Limited), and to change the name thereof to "The American, British and Continental Cable Company (Limited)."

Preamble.

WHEREAS the promoters and provisional Directors of the European, American, Canadian and Asiatic Cable Company (Limited), have, by their petition, represented that substantial progress has been made in the carrying out of the objects for which the said Company was incorporated, and that the completion of the financial basis of the Company will be materially assisted by a change of the name of the Company to "The American, British and Continental Cable Company (Limited);" and it is expedient that the prayer of the petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed.

1. The corporate name of the said Company is hereby changed to that of "The American, British and Continental Cable Company (Limited)."

Rights and liabilities continued.

2. The American, British and Continental Cable Company (Limited), shall have, hold and continue to enjoy all the rights, powers and privileges that have heretofore been held, exercised and enjoyed by the Company under its former name, and shall be subject to all liability to which the Company under its original name was liable, in as full and ample a manner as if the said European, American, Canadian and Asiatic Cable Company (Limited), had continued to exist under its original name, and all the provisions of the Act incorporating the said Company shall apply to the Company under and by the name of "The American, British and Continental Cable Company (Limited)."

No. 118.

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

BILL.

An Act to amend the Act incorporating the European, American, Canadian and Asiatic Cable Company (Limited), and to change the name of the Company to the American, British and Continental Cable Company (Limited).

Received and read, a first and second time, Thursday, 26th April, 1883.

(PRIVATE BILL.)

Mr. COLBY.

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

No. 119] **BILL.** [1883.

An Act further to amend the Tariff of Duties of Customs.

IN amendment of the Act passed in the forty-second year of Her Majesty's reign, and intituled "*An Act to alter the Duties of Customs and Excise*," as amended by the Act passed in the forty-third year of Her Majesty's reign, and intituled "*An Act to amend the Act forty-second Victoria, chapter fifteen*," intituled "*An Act to alter the Duties of Customs and Excise*," and by the Act passed in the forty-fourth year of Her Majesty's reign, and intituled "*An Act further to amend the Acts forty-second Victoria, chapter fifteen, and forty-third Victoria, chapter eighteen, as respects duties of Customs*," and by the Act passed in the forty-fifth year of Her Majesty's reign, and intituled "*An Act further to amend the several Acts imposing Duties of Customs, now in force*": Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble. 42 V., c. 15. 43 V., c. 18. 44 V., c. 10. 45 V., c. 6.

1. The duties (if any) imposed by the said Acts or any of them, on the following articles respectively, are hereby repealed, and the said articles are hereby added to the list of Free Goods, Schedule B, of the Act first above cited: Articles added to the free list.

Asphaltum.

Books, bound, which shall have been printed more than seven years at the date of importation, except foreign reprints of English copyrighted books, which shall remain subject to the copyright duty.

Books printed by any Government, or by any Scientific Association, or other Society now existing for the promotion of learning and letters, and issued in the course of their proceedings and not for the purpose of sale or trade.

Chronometers and Compasses for ships.

Copper, in sheets.

Hatters' plush, of silk or cotton.

Iron and steel, old and scrap.

Iron beams, sheets or plates, and knees for iron or composite ships.

Iodine, crude.

Manuscripts.

Marble, in blocks from the quarry in the rough, or sawn on two sides only, and not specially shapen, containing fifteen cubic feet or over.

Weekly literary papers.

Ottar of Roses.

Platinum Wire.

Seeds, anise, coriander, cardamom, fennel and fenugreek.

Spurs and stilts, used in the manufacture of earthenware.

Sausage skins or casings, not cleaned.

Wire of brass or copper, round or flat.

Wire of iron or steel, galvanized or tinned or not, 15-gauge or smaller.

Wire of spring steel, coppered, for the manufacture of mattrasses, number 9-gauge and smaller.

Steel railway bars or rails, and fish-plates, and in sheets for the manufacture of saws.

Mineral waters, natural, under regulations to be made by the Minister of Customs.

Diamond drills for prospecting for minerals.

Dye, jet black.

Kainite or German potash salts for fertilizers.

(2.) And the said Schedule B is hereby further amended by making the following alterations therein and additions thereto, viz.:—

After the word "Agates" strike out the word "unmanufactured" and insert the words, "rubies, pearls, sapphires, emeralds, garnets and opals, not polished nor otherwise manufactured."

After the words "Aniline dyes" add the words "in bulk or packages of not less than one pound weight."

After the words "Celluloid or xyolite in sheets" add the words "lumps or blocks."

Under the heading "Colors, dry," strike out the words "*blanc fixe*," and "marjacca," and add the words "Metallic Colors, viz.:—cobalt, zinc and tin."

Under the heading "Lumber and timber" after the word "chestnut" and before the word "mahogany" insert the word "gumwood," and after the closing word "manufactured" add the words "and sawdust of the same, provided that hickory lumber, sawn to shape for spokes of wheels but not further manufactured, shall be also free."

Under the heading "Settlers' effects," after the words "removal to Canada" and before the words "not to include" insert the words "musical instruments, domestic sewing machines, live stock, carts and other vehicles, and agricultural implements in use by the settler for at least one year before his removal to Canada," and after the word "machinery" strike out the words "or live stock," and after the words "entered as settlers' effects" and before the words "shall not be sold" insert the words "cannot be so entered unless brought with the settler on his first arrival and"

Rates of duty on certain articles altered.

2. The rates of duty now chargeable under the said Acts or any of them on the following articles are hereby repealed, except in so far as they are the same as those hereinafter mentioned, and the rates of duty hereinafter mentioned are substituted for them and shall be payable on the said articles respectively, that is to say, the duty so payable shall be on:—

On and after 20th April, 1883.

1. Acetic acid, fifteen cents per Imperial gallon ..... 15 c. p. Imp. gall.

2. Sulphuric and nitric acid combined, and on all mixed acids, twenty-five per cent. *ad valorem* ..... 25 per ct.

3 Playing cards, six cents per pack ..... 6 cts.p.pack

4. Printed music, bound or in sheets, ten cents per pound ..... 10 cts.p.lb.

5. Braces or suspenders, thirty per cent. *ad valorem* ..... 30 per ct.

6. Railway cars, sleighs, cutters, wheel-barrows and hand-carts, 30 per cent. *ad valorem* ..... 30 per ct.

7. Parts of carriages or of other manufactured articles, shall be charged with the same rate of duty, on a proportionate valuation, as that chargeable on the finished article .....

8. Lamp-wicks, thirty per cent. *ad valorem* ..... 30 per ct.

9. Cordage of all kinds, twenty per cent. *ad valorem* ..... 20 per ct.

10. Drain-tiles, not glazed, twenty per cent. *ad valorem* ..... 20 per ct.

11. Drain-pipes and sewer-pipes, glazed, twenty five per cent. *ad valorem* ..... 25 per ct.

12. Currants, dates, figs, plums, prunes, raisins and all other dried fruits not otherwise specially charged with duty, twenty per cent. *ad valorem* ..... 20 per ct.

13. Fruits in air-tight cans, including the cans, weighing not over one pound each, three cents per can, and three cents additional per can for each pound or fraction of a pound over one pound in weight ..... 3 cts.p. can and 3 cts. additional per lb. if over 1 lb.

14. Furniture of wood, iron or any other material, house cabinet, or office, finished or in parts, including hair and spring mattresses, bolsters and pillows, caskets and coffins of any material, thirty-five per cent. *ad valorem* 35 per ct.

15. Show cases, two dollars each, and thirty-five per cent. *ad valorem* ..... $2 each and 35 per ct.

16. The provision in the Act 45 Vic., chap. 6, sec. 4, for the insertion of the heading, "Manufactures of iron or steel, or of iron and steel combined," being hereby repealed, all articles now rated as iron or manufactures of iron, shall be chargeable with the same rate of duty, if made of steel or of steel and iron combined, unless otherwise expressly provided .....

17. Glove leathers, viz.: buck, deer and antelope, tanned or dressed, coloured or not coloured, ten per cent. *ad valorem* ..... 10 per ct.

18. Liquorice root, paste extract of, for manufacturing purposes, fifteen per cent. *ad valorem*. 15 per ct.

19. Marble in blocks from the quarry, in the rough or sawn on two sides only, and not specially shapen, containing less than fifteen cubic feet, ten per cent. *ad valorem* ..... 10 per ct

20. Marble slabs, sawn on not more than two sides, ten per cent. *ad valorem* ..... 10 per ct.

21.	Carbolic or heavy oil for any use, ten per cent. *ad valorem*	10 per ct.	
22.	Lubricating oils composed wholly or in part of petroleum, and costing thirty cents per Imperial gallon or over, twenty-five per cent. *ad valorem*	25 per ct.	5
23.	The same costing less than thirty cents per gallon, seven and one-fifth cents per Imperial gallon	7⅕ cents per I.G.	
24.	All other lubricating oils, twenty-five per cent. *ad valorem*	25 per ct.	10
25.	Paper hangings or wall paper, and glazed, plated, marbled, enamelled or embossed paper, in rolls or sheets, and card-board similarly finished, thirty per cent. *ad valorem*	30 per ct.	15
26.	Union Collar cloth paper in sheets not shapen, five per cent. *ad valorem*	5 per ct.	
27.	Spices, viz: Ginger and spices of all kinds, except nutmegs and mace, unground, ten per cent. *ad valorem*	10 per ct.	20
28.	Trunks, satchels, valises, carpet-bags, purses and pocket books, thirty per cent. *ad valorem.*	30 per ct.	
29.	Turpentine, spirits of, ten per cent. *ad valorem.*	10 per ct.	
30	Tomatoes and other vegetables including corn, in cans weighing not over one pound each including the can, two cents per can. And two cents additional per can, for each pound or fraction of a pound over one pound in weight	2 cts. per can and 2 cts. per lb. additional if over 1 lb.	25
31.	Vinegar, fifteen cents per Imperial gallon.	15 cts per I.G.	30
32.	Worsted yarn, whether under number 30 or not, and hosiery not elsewhere specified or charged with any other duty,—seven and a half cents, per pound, and in addition thereto, twenty per cent. *ad valorem*	7½ cts. per lb. and 20 per ct.	35
33	Knitted goods, viz: socks and stockings, shall be deemed clothing ready made, and charged with a duty of ten cents per pound, and in addition thereto, twenty-five per cent *ad valorem*	10 cts. per lb. and 25 per ct.	40
34.	Dress or costume cloths, serges and similar fabrics, under twenty-five inches wide and weighing not over three and a half ounces per lineal yard, *either or both*, twenty per cent. *ad valorem*	20 per ct.	45
35.	Absinthe, two dollars per Imperial gallon	$2 per I.G.	
36.	Agates, sapphires, emeralds, garnets and opals, polished but not set or otherwise manufactured, ten per cent. *ad valorem*	10 per ct.	
37.	Aniline dyes, not otherwise provided for, ten per cent. *ad valorem*	10 per ct.	50
38.	Bed comforters or quilts of cotton, twenty-seven and a-half per cent. *ad valorem*	27½ per ct.	
39.	Bells, of any description, except for churches, thirty per cent. *ad valorem*	30 per ct.	55
40.	Boot, shoe and stay laces of any material, thirty per cent *ad valorem*	30 per ct.	

41. Button covers, crozier, ten per cent. *ad valorem* 10 per ct.
42. Cane or rattan, split or otherwise manufactured, twenty-five per cent. *ad valorem*..... 25 per ct.
43. Cases, jewel and watch cases, and other like articles of any material, thirty per cent. *ad valorem*..... 30 per ct.
44. Coal-dust, twenty per cent. *ad valorem*..... 20 per ct.
45. Hair cloth for furniture, thirty per cent. *ad valorem*..... 30 per ct.
46. India rubber clothing, or clothing made waterproof with India rubber, thirty-five per cent. *ad valorem*..... 35 per ct.
47. Jellies and jams, five cents per pound..... 5 cts. p. lb.
48. Jute, carpeting or matting and mats, twenty-five per cent. *ad valorem*..... 25 per ct.
49. Lamp-black and ivory black, ten per cent. *ad valorem*..... 10 per ct.
50. Lead, nitrate and acetate of, five per cent. *ad valorem*..... 5 per ct.
51. Magic lanterns and optical instruments, including microscopes and telescopes, twenty-five per cent. *ad valorem*..... 25 per ct.
52. Nickel anodes, ten per cent. *ad valorem* ..... 10 per ct.
53. Pumps, iron, pitcher spout, cistern, well and force pumps, thirty-five per cent. *ad valorem* 35 per ct.
54. Tin crystals, twenty per cent. *ad valorem*..... 20 per ct.
55. Vaseline, and all similar preparations of petroleum for toilet, medicinal or other purposes, in bulk, four cents per pound, and in bottles or other packages, not over one pound in weight each, six cents per pound..... 4 cts. p. lb 6 cts. p. lb.
56. Files and rasps, thirty-five per cent. *ad valorem* 35 per ct.

On and after 10*th May*, 1883.

57. Carriages, viz.: buggies of all kinds, farm waggons, farm, railway or freight carts, pleasure carts or gigs, and similar vehicles, and all other carriages not otherwise enumerated, thirty-five per cent. *ad valorem*..... 35 per ct.
58. Children's carriages of all kinds, thirty-five per cent. *ad valorem*..... 35 per ct.
59. Agricultural implements, viz.: mowing machines, self-binding harvesters, harvesters without binders, binding attachments, reapers, sulkey and walking ploughs, and parts of the same, harrows, scythes, horse and hand hay rakes, garden rakes of any material, grain seed drills, spades and shovels, hoes, hay, straw, manure spading and mining forks, and all similar articles and parts thereof, thirty-five per cent. *ad valorem*..... 35 per ct.
60. Portable machines, portable steam-engines, threshers and separators, horse powers, portable saw-mills and fanning mills and parts thereof, thirty-five per cent. *ad valorem*..... 35 per ct.

On and after 1st May, 1883.

61. Manufactured tobacco and snuff, twenty cents per pound and twelve and a-half per cent. *ad valorem*..... 20 c. per lb. and $12\frac{1}{2}$ per ct.

Steel goods, after 1st July, 1883.

3. Steel, ingots, bars, sheets and coils, not elsewhere specified, shall remain free from duty until the first day of July next (1883), on and after which day they shall be chargeable with a specific duty of five dollars per ton.

When the foregoing provisions shall be held to have taken effect.

4. Except only in cases where it is otherwise provided, the alterations, made in the Tariff of Duties of Customs by the first section of this Act, or by the enactments in the second section thereof preceding the item relating to "Carriages," shall be held to have taken effect upon, from and after the twentieth day of April in the present year, one thousand eight hundred and eighty-three; and the alterations made in the said Tariff by the enactments in the said second section following the said item relating to "Carriages," shall be held to have taken effect upon, from and after the tenth day of May in the said present year, and not before, except the last item in the said section which shall be held to have taken effect on, from and after the first day of May, in the said present year; and the said enactments, respectively, shall be held to have applied and shall apply to all goods imported or taken out of warehouse for consumption on or after the day when they have so taken effect, respectively.

Drawback on cotton duck used for sails.

5. The importer of cotton duck, used for sails of ships or fishing boats or other vessels, shall be entitled to a drawback equal to the duty paid thereon, less five per cent. of the value of the article, on furnishing proof that the duck has been so used, under regulations to be made by the Minister of Customs.

Provision as to medicinal preparations.

6. All medicinal preparations whether chemical or otherwise, usually imported with the name of the manufacturer, shall have the true name of such manufacturer and the place where they are prepared permanently and legibly affixed to each parcel by stamp, label or otherwise; and all medicinal preparations imported without such names so affixed shall be forfeited.

7. Section five of the Act first mentioned in the Preamble of this Act is hereby repealed.

Customs laws to apply.

8. All laws now or hereafter in force respecting the Customs, shall apply to the duties payable under the Acts cited in the preamble of this Act, as hereby amended.

Export of deer, &c., prohibited.

Penalty and enforcement thereof.

9. The export of deer, wild turkeys and quail in the carcass or parts thereof, is hereby declared unlawful and prohibited, and any person exporting or attempting to export any such article shall, for each such offence, incur a penalty of dollars, and the article so attempted to be exported shall be forfeited, and may, on reasonable cause of suspicion of intention to export the same, be seized by any officer of the Customs, and if such intention be proved, shall be dealt with as for breach of the Customs laws.

No. 119.

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

BILL.

An Act further to amend the Tariff of Duties of Customs.

Received and read first time, Thursday, 17th May, 1883.

Second reading, Friday, 18th May, 1883.

Sir LEONARD TILLEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 121] **BILL.** [1883

An Act respecting the Harbour Master of the Harbour of Three Rivers.

Preamble.

AT the instance and on the representation of the Commissioners appointed for the improvement and management of the Harbour of Three Rivers, under the authority of the Act in that behalf, passed in the forty-fifth year of Her Majesty's reign: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

45 V., c. 52.

Appointment by the Commissioners confirmed and power of appointment, &c., transferred to them.

1. The appointment by the said Commissioners, of a Harbour Master who had held that office by appointment by virtue of an Order of the Governor in Council, under the Act 37 Victoria, chapter 34, as amended by the Act 38 Victoria, chapter 30, is hereby confirmed, and the said officer shall exercise the powers and perform the duties assigned to Harbour Masters by the Acts last cited, at and with respect to the said harbour, under the superintendence and control of the said Commissioners and their successors in office, who shall hereafter, as regards the appointment, removal and salary of the Harbour Master for the said harbour, have the powers heretofore vested in the Governor in Council by the said Acts, and by whom the salary of the Harbour Master shall hereafter be fixed from time to time, and paid out of the tolls levied by them under the Act cited in the preamble of this Act; and such salary shall be in lieu of the fees mentioned in the said Act thirty-eight Victoria, chapter thirty, which shall not be payable to or for the said Harbour Master: Provided always, that nothing in this Act shall impair or affect the powers of the Governor in Council as to the appointment and removal of the said Commissioners or their successors in office or otherwise, or their obligation to account to him yearly for moneys, borrowed, received or expended by them, or to derogate from any power now vested in the Minister of Marine and Fisheries or the Minister of Public Works, with respect to the said harbour.

Salary to be in lieu of fees.

Proviso: powers of Governor in Council and Ministers not affected.

No. 121.

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

BILL.

An Act respecting the Harbour Master of the Harbour of Three Rivers.

Received and read, first time, Saturday, 5th May, 1883.

Second reading, Monday, 7th May, 1883.

Mr. BOWELL.

OTTAWA:
Printed by MACLEAN, ROGER & Co.

1883.

No. 126] **BILL.** [1883

An Act to make further provision respecting the Regulation and Collection of Tolls on Government Timber Slides and other Works constructed to facilitate the transmission of Timber, Lumber and Saw-logs.

Preamble.

WHEREAS it is necessary to make more ample provision respecting the regulation of tolls imposed for the use of slides and other works under the control of the Government of Canada, and used for the purpose of facilitating the transmission of timber and lumber down rivers and streams, and also respecting the collection of such tolls, and the imposition and enforcement of penalties under the law or any regulation made thereunder; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In this Act, the term "Works" means and includes the slides, booms, dams, bulkheads, and other works and improvements for facilitating the transmission of timber and lumber down any river or stream, which are under the control of the Government of Canada; and the term "Collector of tolls and dues," means and includes every officer authorized by competent authority to receive any tolls, dues, or charges whatsoever, payable by any person using or taking advantage of any works to which this Act applies.

Control of works.

2. All works to which this Act applies shall, as respects the construction, repair, maintenance and management thereof, be under the control of the Department of Public Works, and as respects the collection of tolls and dues on any timber, lumber or saw-logs passing through or using the said works, the same shall be under the control of the Department of Inland Revenue.

Regulations may be made by the Governor in Council.

3. In addition to the powers now in him vested by law in that behalf, the Governor in Council may, from time to time make, revoke, alter or amend regulations as respects matters relating to such works as aforesaid, and not specially provided for by this or any other Act, and for fixing the rates of toll, and the dues to be charged for the use of any such works, or of any series of such works (the rates in such latter case to be denominated through rates) and providing for the manner in which such tolls and dues shall be ascertained and collected, and also for imposing fines and penalties for any infraction of such regulations, not exceeding in any one case *five hundred dollars;* and such fines and penalties shall be

recoverable in such manner as shall be stated in the regulations imposing the same.

Verification of statements by oath.

2. And the Governor in Council may make regulations authorizing a collector of tolls and dues on any works, in any case or class of cases to be specified in the regulation, to require any assertion of fact or any statement in relation to any matter to which this Act or any regulation made under it relates, to be verified by the oath of the person making such assertion of fact or statement; and the oath so authorized may be administered by any Judge or Clerk of any County or Circuit Court, or any Justice of the Peace or any Commissioner for taking affidavits for use in any Court in Canada, or by the collector of tolls and dues.

Tolls and dues to be a first charge on the timber

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

Lien not affected by transfer.

Proviso: in case of *bonâ fide* sale.

And if product is mixed with any other sawn lumber, the whole to be liable.

2. And if any timber, lumber or saw-logs, in respect of which tolls or dues are chargeable, have been converted into sawn lumber and placed in any yard or piling ground with other sawn lumber, in such way that its identity cannot be ascertained, then, and in that case, all the sawn lumber in such yard or piling ground shall be deemed to be the product of timber, lumber or saw-logs which have passed over or through works to which this Act applies, and shall be liable for all tolls and dues with which the timber, lumber or saw-logs, the product of which has been so placed with other sawn lumber in such yard or piling ground, are chargeable.

Sale if tolls and dues are not paid.

5. If any timber, lumber or saw-logs, or product thereof, so seized and detained for non-payment of tolls, dues, penalties and expenses remain more than thirty days in the custody of the collector or person appointed to guard the same, without the tolls, dues, penalties and expenses being paid, then the Minister of Inland Revenue may order a sale of the said timber, lumber or saw-logs, or product thereof, to be made after such notice as he may deem sufficient; and the balance of the proceeds of such sale, after retaining the amount of tolls, dues, penalties and costs incurred, shall be paid to the owner or claimant of such timber, lumber or saw-logs, or product thereof; and should there not be sufficient realized from such sale to defray such tolls, dues, penalties and expenses, the amount remaining unpaid may be recovered, with costs, in any Court having civil jurisdiction to the amount, by the collector of tolls and dues in his own name, or in the name of Her Majesty; Provided always that the whole amount of tolls and penalties may be recovered in like manner with costs from the owner or party in possession of such timber, lumber or saw-logs, or product thereof, by the collector of tolls and dues, should he, by permission of the Minister of Inland Revenue, choose that method of collection: Provided also, that all pecuniary penalties imposed by any regulation made by the Governor in Council under this Act may be recovered by the collector of tolls and dues, if he sees fit, by summary proceedings before any justice of the peace under the sixty-first section of the "*Act respecting the Public Works of Canada*," which applies to the works herein referred to.

Proviso: collection by suit.

Proviso: or under Public Works Act.

Officer may call in assistance.

6. Any officer or person seizing timber, lumber or saw-logs, or any product thereof, in the dicharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the property so seized; and if any person under any pretence, either by assault, force or violence, or by threat of assault, force or violence, in any way resists or obstructs any officer or person acting in his aid in the discharge of his duty under this Act, such person being convicted shall be adjudged guilty of felony, and shall be punishable accordingly.

Other officers to assist when called upon.

7. It shall be the duty of collectors of Customs, officers of canals, and all other Government officers, when requested so to do, to co-operate with the collector of tolls and dues and his assistants, with the view of preventing the transport of timber, lumber and saw-logs and the products thereof, till the charges thereon are secured.

Returns to be made by railway officers.

8. All managers and officers of railways, on being requested by the collector of tolls and dues, shall render a correct account of all timber, lumber and saw-logs being forwarded by their respective railways, stating kinds and quantities, and specifying the owners thereof or by whom sent; and should any of such managers or officers refuse or neglect to give the required information, the collector of tolls and dues or person acting for him may, if he have reasonable cause to believe that the tolls and dues thereon

have not been paid, seize and detain such timber, lumber or saw-logs together with the cars employed in removing them, and such cars and timber, lumber or saw-logs shall be forfeited to Her Majesty, unless it shall be proved that the tolls and dues on such timber, lumber or saw-logs have been paid, or that the timber, lumber or saw-logs are not liable for any such tolls or dues; and the Minister of Inland Revenue may order the same, when so forfeited, to be sold at his discretion; and the managers and officers of railways so refusing or neglecting to give the information above required, or giving false information, shall be personally liable for such fines and penalties as may be imposed by regulations.

Penalty in default.

Removing timber seized to be felony.

9. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken or carried away without the permission of the officer or person who seized the same, or of some competent authority, any timber, lumber or saw-logs, or product thereof, seized and detained under this Act before the same have been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, lumber or saw-logs, or product thereof, and to be guilty of felony, and shall be punishable accordingly.

Burden of proof to lie on owner or claimant.

10. And when any timber, lumber or saw-logs, or products thereof, are seized for non-payment of tolls or dues, or any prosecution is brought for tolls or dues and penalties under this Act, and any question arises whether the tolls or dues have been paid on such timber, lumber or saw-logs or product thereof, or whether the same are liable to tolls or dues for having used the works in respect of which the same are charged, the burden of proving payment or that the works were not used, shall lie on the owner or claimant of such timber, lumber or saw-logs, or product thereof, and not on the officer seizing the same, or the party bringing such prosecution.

If security is given, property may be released.

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

No. 126.

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

BILL.

An Act to make further provision respecting the regulation and collection of tolls on Government timber slides and other works constructed to facilitate the transmission of timber, lumber and saw-logs.

Received and read first time, Monday, 7 t May, 1883.

Second reading, Tuesday, 8th May, 1883.

Mr. COSTIGAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 127. **BILL.** [1883.

An Act further to amend the Consolidated Railway Act, 1879, and to declare certain lines of Railway to be works for the general advantage of Canada.

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

1. The sections substituted by this Act as and for sections forty-eight and forty-nine of *The Consolidated Railway Act*, 1879, and section fifty-nine of the said Consolidated Railway Act, shall apply to every railway and railway company subject to the legislative authority of the Parliament of Canada. Sections 48, 49, 59 of 42 V., c. 9, to apply to every railway subject to Parliament.

2. In amendment of a clerical error in the eighth sub-section of section eight of *The Consolidated Railway Act*, 1879, the word "or" which follows the word "plan" in the first line of the said sub-section, is hereby struck out and the word "and" is substituted therefor. Error in s. s. corrected.

(2.) The said section eight is hereby amended by adding thereto the following sub-section :— Section 8 amended.

"15. The words 'map or plan,' in this eighth section, or wherever they occur, in this Act, and such construction not inconsistent therewith, shall be taken to mean a 'ground plan and a profile' of the lands and property taken or intended to be taken." and— Sub-section added.

(3.) Section nine of the said Act is hereby amended, by substituting the words "six hundred and fifty yards in length by one hundred in breadth" for the words "two hundred and fifty yards in length by one hundred and fifty yards in breadth," in the seventh and eighth lines of the said section nine, and inserting immediately thereafter the words, "except "for town and city stations, depots or terminal stations, or for "protection against snow drifts (in which cases such greater "quantity of land or land covered with water may be taken, "as may be approved of by the Governor in Council.)" Section 9 amended. Greater extent of ground may be taken for certain purposes.

3. For the avoidance of doubts, the words "working expenditure," in the thirtieth section of the said *The Consolidated Railway, Act*, 1879, are hereby declared to mean and include all expenses of maintenance of the railway, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and moveable plant used in the working thereof, and also all such tolls, rents or annual sums as may be paid in respect of property leased to or held by the company, or in respect of the hire of The expression "working expenses" in s. 30, defined.

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.

General provision.

Sections 48 and 49 repealed and new substituted.

4. Sections forty-eight and forty-nine of *The Consolidated Railway Act*, 1879, are hereby repealed and the following sections are substituted therefor:—

Certain powers vested in the Railway Committee with respect to railway crossing highways on the level.

"48. In any case where any portion of a railway is constructed, or authorized or proposed to be constructed, upon or along, or across any turnpike road, street or other public highway, on the level, the Railway Company, before constructing or using the same, or in the case of railways already constructed, within such time as the Railway Committee shall direct, shall submit a plan and profile of such portion of railway, for the approval of the Railway Committee, and the Railway Committee, if it appears to them necessary for the public safety, may, from time to time, with the sanction of the Governor in Council, authorize and require the Company to whom such railway belongs, within such time as the said Committee directs, to carry such road, street or highway either over or under the said railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Committee the best adapted for removing or diminishing the danger arising from the then position of the railway, or to protect such road, street or highway by a watchman, or by a watchman and gates or other protection; and all the provisions of law at any such time applicable to the taking of land by railway companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the proper carrying out of the requirements of the Railway Committee. For each and every day after the expiration of the date for the completion of the works fixed by the Railway Committee, during which the works remain uncompleted, the company shall forfeit and pay to Her Majesty, a penalty of *fifty dollars* to be recovered by information, with costs of suit, in the Exchequer Court of Canada by the Attorney-General of Canada on behalf of Her Majesty."

Certain works may be ordered by the Committee.

As to land required for such purpose.

Penalty for non-compliance with orders of Committee.

Powers for compelling Company to make necessary repairs at such crossings.

"49. Whenever that portion of any railway which crosses or is constructed upon or along any turnpike road, street or other public highway on the level is out of repair, the chief officer of the municipality, or other local division, having jurisdiction over such highway, may serve a notice upon

the company in the usual manner, requiring the repair to be forthwith made; and if the company do not forthwith make the same, such officer may transmit a copy of the notice so served to the Secretary of the Railway Committee; and thereupon it shall be the duty of the Committee with all possible despatch, to appoint a day for an examination into the matter; and the Committee shall by mail give notice to such chief officer, and to the company, of the day so fixed; and upon the day so named the said portion of the railway shall be examined by an engineer appointed by the Railway Committee; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirement of such certificate; and in case of default the proper authority in the municipality or other local division, within whose jurisdiction the said portion of the railway is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the company in any Court of competent jurisdiction, as money paid to the Company's use: Provided always, that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Inspection by Committee's Engineer, whose report shall be conclusive.

Provision in case of neglect by Co. to perform work required.

Proviso: liability of Co. not affected.

5. The third section of the Act passed in the forty-fourth year of Her Majesty's reign, chaptered twenty-four, and intituled: "*An Act to amend the Consolidated Railway Act*," is hereby amended by inserting the following subsection at the end thereof:—

Section 3 of 44 V., c. 24, amended.

"(*c*) And every such Railway Company shall be liable to a penalty not exceeding *fifty dollars* per day, for every day of wilful neglect, omission or refusal, to obey the provisions aforesaid."

Sub-section added: penalty for neglect.

6. Whereas, it is in and by "*The British North America Act*, 1867," among other things in effect enacted, that the exclusive legislative authority of the Parliament of Canada extends to such local works and undertakings as, although wholly situate within a Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more Provinces; and whereas, not only the main lines of The Intercolonial Railway, The Grand Trunk Railway, The North Shore Railway, The Northern Railway, The Hamilton and North-Western Railway, The Canada Southern Railway, The Great Western Railway, The Credit Valley Railway, The Ontario and Quebec Railway, and The Canadian Pacific Railway, but also all branch lines or railways connecting with or crossing them or any of them, are works, and each of them is a work, for the general advantage of Canada; and whereas, for the better and more uniform government of all such works, and for the greater safety, convenience and advantage of the public, it

Imperial Act 30, 31 V., c. 3, (B. N. A. Act) cited.

Certain Railways declared to be works for the general advantage of Canada.

is desirable that Parliament should so declare: Therefore, it is hereby declared, that the said lines of railway, namely: The Intercolonial Railway, The Grand Trunk Railway, The North Shore Railway, The Northern Railway, The Hamilton and North-Western Railway, The Canada Southern Railway, The Great Western Railway, The Credit Valley Railway, The Ontario and Quebec Railway, and The Canadian Pacific Railway, are works for the general advantage of Canada, and each and every branch line or railway connecting with or crossing the said lines of railway, or any one of them, is a work for the general advantage of Canada.

Acts of Local Legislatures remain valid.

But the Railway to be subject to Parliament hereafter.

2. Nothing in this section contained shall be construed as rendering inoperative the provisions of any Act of a Local Legislature heretofore passed, authorizing the construction and running of any such railway or branch line, but hereafter the same shall be subject to the legislative authority of the Parliament of Canada.

Certain sections of 42 V., c. 9 to apply to all Railways.

7. Whereas, it is desirable to collect Railway statistics, therefore sections twenty-nine to thirty four both inclusive and fifty-five to fifty-eight, both inclusive, of the said "*Consolidated Railway Act*, 1879," shall apply to all railway companies operating lines of railway in Canada, whether otherwise within the legislative authority of the Parliament of Canada or not.

Sub-section 19 of s. 9, repealed, new substituted.

8. The nineteenth sub-section of the ninth section of the said Act is hereby repealed, and the following is substituted therefor:—

As to costs of arbitration.

"19. If by an award of arbitrators made under this Act, the sum awarded exceeds the sum offered by the company, the costs of the arbitration shall be borne by the company; but if otherwise, they shall be borne by the opposite party, and be deducted from the compensation; and in either case the amount of such costs, if not agreed upon, may be taxed by the Judge."

Provision added to section 20 as to calls on stock.

9. The twentieth sectionof the said Act is hereby amended, by adding to the first subsection thereof, at the end of the said subsection, the following words: "But nothing herein contained shall prevent the Directors from making more than one call by one resolution of the Board,—the intervals between such calls, the notices of each call, and the other provisions of this Act and of the special Act (if any) being duly observed."

Section 60 amended by adding subsection.

10. Section sixty of the said Act is hereby amended by adding at the end of the first subsection of the said section, after the word "proxy," the words "and also to the approval of the Governor in Council." And also by the addition of the following *provisions*, a, b, c and d:—

Notice of application to Governor in Council for

(*a*) Provided, that before such approval shall be given, notice of the application therefor shall be published in the *Canada Gazette* for at least two months prior to the time

therein named for the making of such application, and such notice shall state a time and place when the application shall be made, and that all parties interested may then and there appear and be heard on such application: approval of traffic arrangements.

(*b.*) That the like approval, applied for in like manner, shall be necessary in order to the validity of any purchase or lease of any railway or portion of railway: Approval required for purchase of railway or part thereof.

(*c.*) That unless specially authorized so to do, it shall not be lawful for any railway company, either directly or indirectly, to apply any of its funds to the acquisition of any shares, bonds or other securities issued by another railway company, nor of any interest in such shares, bonds or other securities: As to investments in stock, &c., of other companies.

(*d.*) That every Director of a railway company who knowingly permits any of such company's funds to be applied in contravention of the provisions of the next preceding provision, shall be liable to a penalty of one *thousand dollars* for each contravention, which penalty may be sued for and recovered on information filed in the name of the Minister of Justice of Canada, and one-half of the said penalty when recovered shall belong to the Crown, and one-half thereof to the informer; and the acquisition of each share, bond or other security, or interest therein, as aforesaid, shall be deemed a separate contravention of the provisions aforesaid, Penalty on directors allowing contravention of preceding provisions. Acquisition of each share to be separate offence.

11. The second sub-section of section sixty of the said Act is hereby repealed, and the following sub-section is substituted therefor:— Sub-section 2 of section 60 repealed, new substituted.

2. Every railway company shall, according to its power, afford all reasonable facilities for the receiving, and forwarding and delivery of traffic upon and from the several railways belonging to or worked by such company, 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 whatever, nor shall any such company subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. And any railway company having or working railways which form part of a continuous line or railway, or which intersect any other railway, or which have the terminal station or wharf of the one near the terminal station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding all the traffic arriving by one of such railways by the other, without any unreasonable delay, and without any such preference or advantage or precedence or disadvantage as aforesaid, and so that no obstruction may be offered to any person desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation may by means of the railways of the several companies be at all times afforded to the public in that behalf; and any agree- Railway companies to afford reasonable facilities for forwarding traffic and return of carriages, without preference or favor. As to companies whose railways form part of a continuous line.

Agreements in contravention of this section to be void.

ment made between any two or more railway companies contrary to the foregoing provisions shall be unlawful, null and void.

Provision in case of the sale of a railway or part thereof to a party not having legal powers for working it.

12. If at any time any railway or any section of any railway be sold under the provisions of any deed of mortgage thereof, or at the instance of the holders of any mortgage, bonds or debentures, for the payment of which any charges has been created thereon, or under any lawful proceeding, and be purchased by any person or corporation not having any corporate powers authorizing the holding and operating thereof by such purchase, the purchaser thereof shall transmit to the Minister of Railways and Canals, within ten days from the date of such purchase, a notice in writing stating the fact that such purchase has been made, describing the termini and line of route of the railway purchased, and specifying the charter under which the same had been constructed and operated, including a copy of any writing preliminary to a conveyance of such railway which has been made as evidence of such sale; and immediately upon the execution of any deed of conveyance of such railway the purchaser shall also transmit to the Minister of Railways and Canals a duplicate or an authenticated copy of such deed, and shall furnish to the Minister, on request, any further details or information that he may require.

Notice to Minister.

With copies of deed, &c.

When and how long purchaser may work the railway after such notice, &c.

13. Until the purchaser shall have given notice to the Minister in manner and form as provided by the last preceding section, it shall not be lawful for the purchaser to run or operate the railway so purchased, or to take, exact or receive any tolls whatever in respect of any traffic carried thereon; but after the said conditions have been complied with, the purchaser may continue until the end of the then next session of the Parliament of Canada to operate such railway and to take and receive such tolls thereon as the railway company previously owning and operating the same was authorized to take, and shall be subject, in so far as they can be made applicable, to the terms and conditions of the charter of the said company, until he shall have received a letter of license from the Minister of Railways and Canals, which letter the Minister is hereby authorized to grant, defining the terms and conditions on which such railway shall be run by such purchaser during the said period.

Letter of license from Minister.

Purchaser must apply to Parliament for legislative authority.

14. It shall be the duty of such purchaser to apply to the Parliament of Canada at the next following session thereof after the purchase of such railway, for an Act of incorporation or other legislative authority, to hold, operate and run such railway, and if such application be made to the said Parliament and be unsuccessful, it shall be in the discretion of the Minister of Railways and Canals to extend the license to run such railway until the end of the then next following session of Parliament and no longer. And if during such extended period the purchaser does not obtain such Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister of Railways and Canals, as shall be determined by the Railway Committee of the Privy Council.

Discretionary powers of Minister pending application:—and of Railway Committee.

No. 127.

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

BILL.

An Act further to amend the Consolidated Railway Act, 1879, and to declare certain lines of Railway to be works for the general advantage of Canada.

Received and read first time, Wednesday, 9th May, 1883.

Second reading, Thursday, 10th May, 1883.

Sir CHARLES TUPPER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 128.] **BILL.** [1883.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1883, and the 30th June, 1884, and for other purposes relating to the public service.

MOST GRACIOUS SOVEREIGN,

Preamble. WHEREAS it appears by Messages from His Excellency the Right Honorable Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and eighty-three, and the thirtieth day of June, one thousand eight hundred and eighty-four, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Sum granted for 1882-3, $3,169,591.61. 1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole three million, one hundred and sixty-nine thousand, five hundred and ninety-one dollars and sixty-one cents, towards defraying the several charges and expenses of the public service of the Dominion from the first day of July, in the year of Our Lord one thousand eight hundred and eighty-two, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty-three, not otherwise provided for, and set forth in Schedule A to this Act, and also for the other purposes in the said Schedule mentioned.

Sum granted for 1883-4, $31,181,836.15 2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole thirty-one million, one hundred and eighty-one thousand, eight hundred and thirty-six dollars and fifteen cents, towards defraying the several charges and expenses of the public service of the Dominion, from

the first day of July, in the year of Our Lord one thousand eight hundred and eighty-three, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty-four, not otherwise provided for, and set forth in Schedule B to this Act, and for other purposes in the said Schedule mentioned.

Account to be rendered.

3. A detailed account of the sums expended under the authority of this Act, shall be laid before the House of Commons of Canada during the first fifteen days of the then next Session of Parliament.

Declaratory as to certain loans authorized but not raised.

4. And whereas there remained on the thirty-first day of December last, unborrowed and negotiable of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each, respectively, that is to say:—

For Intercolonial Railway		$2,433,333 33
For opening communication and administration of the Government in the North-West Territories		1,460,000 00
For improvement of the River St. Lawrence		1,780,000 00
do do Quebec Harbour		1,575,000 00
For the Quebec Graving Dock		500,000 00
For the Pacific Railway and Canadian Canals		4,866,666 66
For general purposes, balance 30th June, 1882	$15,818,605 71	
For Savings Banks withdrawals to 31st December, 1882	3,957,859 66	
For Dominion Stock redeemed to 31st December, 1882	4,686,076 35	
For sterling bonds redeemed to 31st December, 1882	818,573 33	
For sterling bonds due to 1st July, 1883	675,006 67	
	25,956,121 72	
Deduct—Savings Banks Deposits to 31st December, 1882	6,279,678 15	
		19,676,443 57
		$32,291,443 56

Such loans may be raised under 35 V., c. 6, as amended by 38 V., c. 4.

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act respecting the Public Debt, and the raising of Loans authorized*

by Parliament," as amended by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend the Act respecting the Public Debt, and the raising of Loans authorized by Parliament;*" and the sums so raised shall form part of the Consolidated Revenue Fund of Canada, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Application of sums so raised.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the Financial Year ending 30th June, 1883, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.	$ cts.	$ cts.
Department of the Secretary of State.—To provide for the statutory increase to the salaries of two clerks, from 1st April, 1883	25 00	
Customs Department.—To provide for increase of salary for the month of June, 1882, of the Chief Clerk in Statistical Branch, promoted from 1st Class	16 67	
Department of the Interior.—To provide for the increase of salary from $1,800 to $2,200 per annum, of one Chief Clerk, A. M. Burgess, from 1st January to 30th June, 1883	200 00	
To provide for the salary of one 1st Class Clerk, J. R Hall, at $1,800, from 1st January to 30th June, 1883	900 00	
To provide for the salary of one 2nd Class, J. Pope, from 1st July, 1882, to 30th June, 1883	1,200 00	
To provide for the arrears of salary due one 2nd Class Clerk, J. Pope, for the month of June, 1882	8 33	
To provide for the salary of one 2nd Class Clerk, B. Wallis, from 1st June, 1882, to 30th June, 1883, at $1,100 per annum	1,191 66	
To provide for the salary of one 2nd Class Clerk, L. C. Pereira, from 1st January to 30th June, 1883, at $1,100 per annum	550 00	
To provide for the salary of one 2nd Class Clerk, A. Chisholm, from 26th December, 1882, to 30th June, 1883, at $1,100 per annum	567 74	
To provide for the salary of one 2nd Class Clerk, A. Grignard, from 1st December, 1882, to 30th June, 1883, at $1,100 per annum	641 66	
To provide for the increase of salary of one 3rd Class Clerk, J. S. Brough, from $700 to $1,000, from 1st January to 30th June, 1883	150 00	
To provide for the salary of two 3rd Class Clerks, J. S. Brough and R. M. Bonfellow, from 1st June, 1882, to 30th June, 1883, at $700 per annum	1,516 66	
To provide for the increase of salary of one 3rd Class Clerk, R. M. Bonfellow, from $700 to $950, from 1st January to 30th June, 1883	125 00	
Carried forward	7,051 05	41 67

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	7,051 05	41 67	
CIVIL GOVERNMENT—*Concluded.*			
Department of the Interior.—*Concluded.*			
To provide for the salary of one 3rd Class Clerk, L. G. Brooke, from 1st June, 1882, to 30th June, 1883, at $750 per annum	812 50		
To provide for the increase of salary of one 3rd Class Clerk, B. Billings, from $700 to $900 per annum, from 1st January to 30th June, 1883	100 00		
To provide for the increase of salary of one 3rd Class Clerk, H. Sherwood, from $700 to $800 per annum, from 1st January to 30th June, 1883	50 00		
To provide for the increase of salary of one 3rd Class Clerk, R. Rauscher, from $700 to $850 per annum, from 1st January to 30th June, 1883	75 00		
To provide for the salary of one 3rd Class Clerk, G. V. Ardouin, from 1st January to 30th June, 1883	325 00		
To provide for the salaries of two 3rd Class Clerks, from 1st March to 30th June, 1883, at $400 per annum	266 66		
To provide for the salaries of three 3rd Class Clerks, from 1st March to 30th June, 1883, at $600 per annum	600 00		
To provide for the salaries of four 3rd Class Clerks, from 1st March to 30th June, 1883, at $750 per annum	1,000 00		
To provide for the salary of one 3rd Class Clerk, F. Loyer, from 1st June, 1882, to 30th June, 1883, at $400 per annum	433 33		
		10,713 54	
Post Office Department.—To provide for the increase of salary from $1,500 to $1,800, for the month of June, 1882, consequent on the promotion of one 1st Class Clerk, S. Smith, to the next higher grade	25 00		
Difference between the salary paid Mr. C. O. Doucet, for year ending 30th June, 1883, namely, $520, and the salary which he was entitled to, and which should have been paid to him for the said period	167 50		
		192 50	
Department of Indian Affairs.—To provide for the salary of a Surveyor, from 1st February to 30th June, 1883, at $1,600 per annum		666 65	
Marine and Fisheries Department.—To provide for the increase of salary to one 1st Class Clerk, W. P. Anderson, from 15th to 30th June, 1882	16 67		
To provide for the increase of salary to one 1st Class Clerk, F. Gourdeau, from 15th to 30th June, 1882	2 08		
To provide balance of salary for Private Secretary, to 30th June, 1883	225 00		
		243 75	
Department of Inland Revenue.—To pay E. Chateauvert, for performing duties of Mr. Doyon, during the latter's illness		538 00	
Department of Agriculture.—For allowance for Secretary of the Department for performing, from March, 1882, the duties of Deputy-Head, absent through illness, as provided in Section 11, Canada Civil Service Act, 1882		875 00	
Office of the Auditor-General.—To cover additional amount required for contingencies		750 00	
To provide for contingent expenditure of the High Commissioner of Canada in England		2,000 00	
			16,021 11
Carried forward			16,021 11

SCHEDULE A.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			16,021 11
ADMINISTRATION OF JUSTICE.			
To pay to the widow of the late Judge McKenzie the amount paid by her husband to Judge Boyd, for performing his duties while he was unable to attend to the same		834 00	
To supplement vote for contingencies of the Supreme Court of Canada by the amount paid for books purchased from Mr. George Duval		820 00	
To pay S. Richards for holding certain assizes in Ontario		461 50	
To provide for the payment of expenses incurred in the case of Russell *vs.* Woodward before the Judicial Committee of the Privy Council of the United Kingdom on appeal from the Supreme Court of New Brunswick (revote, $5,500)		8,500 00	
			10,615 50
PENITENTIARIES.			
For expenditure incurred in jail extension, and for the accommodation of penitentiary convicts in Prince Edward Island, from 1st July, 1873, to 31st December, 1879			4,075 20
LEGISLATION.			
House of Commons.—To meet additional expenses of witnesses, shorthand reporters, &c	1,000 00		
To pay extra writers employed in the office of the Clerk of the Crown in Chancery	2,000 00		
To recoup expenditure made since 1st July in completing Debates of last Session	4,964 75		
Additional amount required in connection with Debates of the present Session	5,000 00		
		12,964 75	
Library.—To purchase 30 copies of the "Laws and Amendments thereto relating to Building Societies, Loan Companies, Joint Stock Companies, Banks and Banking and other laws appertaining to Monetary Institutions."	120 00		
To purchase 30 copies of the "Dominion Annual Register and Review" of 1882	90 00		
To provide for the purchase of books relating to Canada from the library of the late Dr. O'Callaghan	1,525 00		
To pay for 46 copies of vols. 5, 6 and 7, of the Supreme Court Reports	300 00		
To pay for 50 copies of "L'Histoire du Canada," by F. X. Garneau, $300; 2 copies of Sulte's "Histoire des Canadiens Français," $64; 10 copies of the "Debats de la Législature de Québec," $50; 5 copies of the "Scot in British North America," $10	424 00		
To pay Rowsell & Hutchison for law books	148 15		
		2,607 15	
			15,571 90
Carried forward			46,283 71

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			46,283 71
IMMIGRATION.			
For building temporary sheds for emergent accommodation of Immigrants at Point Lévis, consequent on the destruction by fire of Immigrant Sheds in June last		2,699 09	
For transport of Immigrants from Quebec to points west, consequent upon the withdrawal of the Government of the Province of Ontario from the agreement to pay a proportion of such transport		29,083 71	
To pay the Winnipeg General Hospital for patients, not being residents of Manitoba, between the 8th April, 1880, and the 31st March, 1883.		14,387 10	
To provide for further expenses to 30th June, in view of the large increase of immigration not estimated for		25,000 00	
			71,169 90
PENSIONS.			
For payment to Mrs. Edward Duckett, the amount short paid to her late husband on account of superannuation			1,200 00
MILITIA AND DEFENCE.			
To provide gold medals for the eight marksmen of the Wimbledon Team of 1881 who competed for the Kolapore Cup in that year		250 00	
For pay and maintenance of a guard at Government House		2,500 00	
			2,750 00
RAILWAYS AND CANALS.			
(*Chargeable to Capital.*)			
RAILWAYS.			
Canadian Pacific Railway—Georgian Bay Branch	3,000 00		
West of Red River	4,000 00		
Dawson Route—To pay Jas. Dick the official arbitrators' award	4,423 92		
To pay Jos. Whitehead, Contract 15, the difference between cost of work and contract prices	86,200 00		
To pay Messrs. Purcell & Co. for rolling stock transferred to Government under the terms of their contract	93,400 00		
Intercolonial Railway—Increased accommodation at St. John	37,150 00		
Halifax Extension	74,000 00		
Construction Account (old)—To pay Intercolonial Railway Commission, staff and other expenses	20,000 00		
To refund to Mr. H. G. C. Ketchum amount of an over-charge for the conveyance of rails, &c., in 1866, '67, '68, over what is now a portion of the Intercolonial Railway	1,637 70		
Land and other claims	10,255 00		
Rolling stock	418,000 00		
Intercolonial Railway—To pay legal expenses in the matter of the Western Counties Railway Company and the Attorney-General of Canada *vs.* the Windsor and Annapolis Railway Company	589 90		
Rivière du Loup Branch—Repairs and improvements, land claims, &c	2,000 00		
To pay claim of C. H. Mann	3,162 19		
Carried forward	757,818 71		121,403 61

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	757,818 71		121,403 61
RAILWAYS AND CANALS—*Continued.*			
(*Chargeable to Capital.*)			
RAILWAYS—*Concluded.*			
Intercolonial Railway—*Concluded.*			
To pay Mr. B. Walsh, of Halifax, for damage to his property	525 00		
Railways—General—Subsidy in addition to $30,000 already granted for Railway and Highway Bridge over Red River at Emerson.	20,000 00		
Additional allowance to Mr. C. Schreiber, as Chief Engineer of the Canadian Pacific Railway, as per Order in Council, dated 21st December, 1882	500 00		
		778,843 71	
CANALS.			
Grenville Canal—To pay award in favor of Heney, Stewart & Co., contractors for works at Greece's Point	17,370 00		
Williamsburgh Canal—To pay to the owners of the titles of certain lands taken for the construction of the Rapide Plat Canal	1,434 59		
Culbute Canal—To complete	23,100 00		
Cornwall Canal—Enlargement	15,000 00		
Welland Canal—To compensate R. D. Dunn, Paymaster, for services in connection with the enlarged canal	1,000 00		
Compensation to Mr. John Page, Chief Engineer of Canals, for special services as sole arbitrator upon several claims in dispute with contractors	5,000 00		
To pay Mr. Page, for disbursements made by him in connection with the awards	105 00		
		63,009 59	
RAILWAYS AND CANALS.			841,853 30
(*Chargeable to Income.*)			
CANALS.			
Welland Canal—To purchase a steam-pump			5,000 00
PUBLIC WORKS.			
(*Chargeable to Capital.*)			
TELEGRAPHS.			
Telegraph Lines—Manitoba and the North-West Territories—To pay balance due contractors, Oliver, Davidson & Co., for lines between Thunder Bay and Winnipeg		16,000 00	
PUBLIC BUILDINGS.			
Ottawa—Site for additional public building, south side of Wellington street, Ottawa		84,000 00	
Additional compensation to Mr. Calvert Vaux, for the plans submitted by him for the embellishment and arrangement of the Parliament Grounds, Ottawa		500 00	
			100,500 00
Carried forward			1,068,756 91

SCHEDULE A—*Continued.*

Service.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			1,068,756 91
PUBLIC WORKS.			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS.			
Nova Scotia.			
Pictou Marine Hospital	6,000 00		
New Brunswick.			
Sussex Post Office, Custom House, &c	4,000 00		
Quebec.			
Montreal Dominion Buildings	8,100 00		
Chicoutimi Marine Hospital	1,345 35		
Wharf and site for Immigrant Building, Lévis	57,000 00		
St. Vincent de Paul Penitentiary	650 00		
Ontario.			
Gananoque—To purchase Customs Office, inclusive of ground, &c	1,200 00		
Kingston Military Buildings	550 00		
Hamilton Immigration Buildings	4,000 00		
Sarnia Immigrant Building	2,500 00		
Sarnia Cattle Quarantine Station at Point Edward	1,500 00		
Manitoba.			
Brandon—Immigration Building (west of Winnipeg)	9,150 00		
Winnipeg Post Office—Additions, alterations and fittings (revote)	5,500 00		
Prince Arthur's Landing.			
Immigrant Building at Prince Arthur's Landing	6,000 00		
		107,495 35	
REPAIRS, FURNIPURE, HEATING, &C.			
Repairs, Furniture, Heating, &c.—Additional amount required	10,000 00		
Heating, Public Buildings—Ottawa	6,600 00		
Gas, Public Buildings—Ottawa	750 00		
Water, Public Buildings—Ottawa—To cover arrears for 1881-82, paid out of appropriation for 1882-83, and for water supplied to Department of Indian Affairs	2,830 00		
New Fire Hose for protection of Public Buildings, Ottawa.	1,400 00		
Department of Indian Affairs, Wellington Street	2,000 00		
Department of the Interior, Dominion Lands Branch—Fittings and furniture	1,080 00		
Carried forward	24,710 00	107,495 35	1,068,756 91

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	24,710 00	107,495 35	1,068,756 91
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
REPAIRS, FURNITURE, HEATING, &c.—*Concluded.*			
Assistant Receiver-General's Office, Toronto—New doors for vaults	1,600 00		
Heating Dominion Public Buildings—Fuel, &c , (hitherto paid for through the respective Departments by which the buildings are occupied)	11,000 00		
Winnipeg Land Office.—Finishing rooms in attic, furniture, &c	2,300 00		
		39,610 00	
HARBOURS AND RIVERS.			
Nova Scotia.			
Digby Pier	500 00		
Quebec.			
Etang du Nord (Magdalen Islands)	4,500 00		
Carleton—To complete	200 00		
St. Alphonse de Bagotville	3,000 00		
New Carlisle	4,000 00		
Lake Megantic—To complete	1,500 00		
Ontario.			
Cobourg	784 79		
Owen Sound	2,000 00		
British Columbia.			
Fraser River	300 00		
Victoria Harbour—Balance due to representatives of Thos. Spence, contractor for removal of Beaver Rock	2,504 40		
		19,289 19	
MISCELLANEOUS.			
To pay a gratuity of $250 to each of the widows of the late James Meharg and Patrick Cooney, who met with death accidentally, 19th February, 1882, while discharging their respective duties of engineer and fireman of the Montreal Examining Warehouse	500 00		
To pay O. Dionne, for detailed statement showing expenditure incurred for construction, maintenance, repairs, &c., in connection with the Public Works of Canada, by the Departments of Public Works and Railways and Canals, 1st July, 1867, to 30th June, 1882	1,500 00		
Surveys and Inspections—Additional amount required	5,000 00		
		7,000 00	
Carried forward		173,394 54	1,068,756 91

SCHEDULE A—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	173,394 54	1,068,756 91
PUBLIC WORKS—*Concluded.*		
(*Chargeable to Income.*)		
SLIDES AND BOOMS.		
Maintenance and Repairs.		
Saguenay District	2,000 00	
DREDGING.		
New Dredging Plant—Additional amount required	700 00	
		176,094 54
FISHERIES.		
To provide for payments for extra services to officers of the Marine and Fisheries Department, and for printing and other expenses in procuring information and making payments in connection with the Act granting bounties to fishermen		3,000 00
SCIENTIFIC INSTITUTIONS.		
Additional for Meteorological Service	1,500 00	
To provide for expenses in connection with Magnetic Observatory at Toronto	250 00	
		1,750 00
STEAMBOAT INSPECTION.		
To further provide for expenses in connection with Steamboat Inspection		2,000 00
LIGHTHOUSE AND COAST SERVICE.		
To further provide for the payment of Cape Race Light dues	451 25	
To pay the Montreal Harbour Commissioners for maintenance of buoys and beacons during season of 1882	7,000 00	
On account of expenses in connection with surveys of Lakes Superior and Huron	2,000 00	
		9,451 25
INDIANS.		
New Brunswick.		
To compensate the Rev. Mr. Bannon for services rendered to the Indians of Big Cove, N.B., during the two past years, 1881-82, 1882-83	150 00	
Manitoba and North-West.		
To supplement the amounts voted for expenditure on various sub-heads in Manitoba and North-West	200,000 00	
		200,150 00
NORTH-WEST MOUNTED POLICE.		
Additional amount required for this service		50,000 00
Carried forward		1,511,202 70

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts	$ cts.
Brought forward			1,511,202 70
MISCELLANEOUS.			
To provide for the expenses incurred during the journey of His Excellency the Governor General and suite to British Columbia and return		10,841 39	
To provide for expenses in connection with the International Fisheries Exhibition		15,000 00	
To provide for a retiring allowance to the undermentioned members of the Dominion Police Force:—			
Superintendent O'Neill	612 20		
Sergeant-Major Connor	601 75		
Constable Kane	542 58		
do Purcell	336 83		
do Jones	402 69		
Gratuity to Mrs. Egan, widow of Constable Egan	161 50		
		2,656 95	
To pay the legal expenses incurred in the defence of Mr. John Burgess, Steamboat Inspector for the District of Montreal who was tried for manslaughter in connection with the explosion of the boiler of the steamer "Richelieu"		743 50	
To provide for the payment of damages and costs in the suit of Phair *vs* Venning		707 50	
To provide for the publication of the proceedings of the Royal Society		5,000 00	
To meet payments to Extra Clerks for services rendered in preparation of returns ordered by Parliament		20,000 00	
Factory Commission, advance to Mr. Blakeby		300 00	
To meet expenditure in connection with Fort McLeod and Kootenay Pack Trail (revote)		2,500 00	
To meet expenditure in connection with the Board of Civil Service Examiners		4,500 00	
To purchase 500 copies of the "Parliamentary Companion"		1,000 00	
To purchase 300 copies of the Dominion Annual Register and Review of 1882		900 00	
To pay the balance of the accounts of L. J. Demers et Frère for printing the first volume, and also the second volume in French, of the Report of the Canadian Pacific Railway Commissioners	2,920 88		
To pay Mr. Audet for translating into French the Report of the Canadian Pacific Railway Commissioners	1,300 00		
To pay sundry expenses incurred in connection with the Canadian Pacific Railway Commission, *vide* statement of Unforeseen Expenses laid before Parliament	16,821 49		
		21,042 37	
To pay damages awarded in the case of Robertson *vs.* The Queen		2,794 32	
To pay the Merchants' Bank the cost of suit in the case of Merchants' Bank *vs.* Regina		1,205 42	
			89,191 45
COLLECTION OF REVENUES.			
POST OFFICE.			
To pay Intercolonial Railway additional rate of $20 per mile per annum on 843 miles of railway, for the years 1881-82, 1882-83, per Order in Council, 20th November, 1882	33,720 00		
Ontario, Ordinary Service—			
Mail Service	10,000 00		
Salaries	12,000 00		
Miscellaneous	15,000 00		
Carried forward	70,720 00		1,600,394 15

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	70,720 00		1,600,394 15
COLLECTION OF REVENUES—*Continued.*			
POST OFFICE—*Concluded.*			
Quebec, Ordinary Service—			
Mail Service	10,000 00		
Miscellaneous	10,000 00		
New Brunswick, Ordinary Service—			
Mail Service	2,000 00		
Salaries	1,000 00		
British Columbia, Ordinary Service—			
Mail Service	2,000 00		
Salaries	2,000 00		
Manitoba, Keewatin and North-West, Ordinary Service—			
Mail Service	10,000 00		
Salaries	25,000 00		
Miscellaneous	10,000 00		
		142,720. 00	
CUSTOMS.			
To provide for amount required to complete service in the Province of Manitoba		25,000 00	
EXCISE.			
To provide for the cost of obtaining stamps and for the stamping of imported and Canadian tobacco, under the provisions of 43 Victoria, chapter 19	13,000 00		
To pay H. D. Munro, difference between his salary as Probationary Exciseman and the salary to which he became entitled by passing the Excise Examination, from 1st July, 1881, to 1st July, 1882, he having been prepared to sit for examination at the former date, but not being permitted to do so as he could not be spared from his duties at the time the examination was held	100 00		
To pay F. G. Wainwright for extra services in Halifax office, from 14th October to 20th December, 1881	40 00		
To pay H. H. Grant, difference between his salary and salary of his predecessor as Collector of Inland Revenue at Halifax, from 1st January, 1882, to 30th June, 1883	300 00		
To pay J. Griffith, Collector of Inland Revenue, Sherbrooke, difference required to increase his salary to $1,000 per annum, from 1st July, 1881, to 30th June, 1883	1,000 00		
		14,440 00	
RAILWAYS.			
Intercolonial Railway	600,000 00		
Prince Edward Island Railway	50,000 00		
do do To be paid to Mrs. A. A. McInnis, *re* compensation for the death of her husband, without prejudice to the defence of the case	400 00		
Windsor Branch Railway	5,000 00		
Canadian Pacific Railway—To pay sundry accounts incurred whilst the line was operated by the Government	500 00		
		655,900 00	
Carried forward		838,060 00	1,600,391 15

SCHEDULE A—*Concluded.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		838,060 00	1,600,394 15
COLLECTION OF REVENUES—*Continued.*			
CANALS.			
Welland	20,980 00		
do Port Maitland	1,695 14		
Cornwall	2,020 00		
Williamsburg	600 00		
Chambly	2,900 00		
Carillon and Grenville	3,300 00		
Rideau	2,050 00		
Dredge vessels	1,200 00		
		34,745 14	
INSPECTION OF PETROLEUM.			
To payment to Martin Battle for extra services performed by him for the six years preceding 1st July, 1882, in connection with the establishing of an uniform method of inspecting petroleum		400 00	
PUBLIC WORKS.			
Maintenance and Repairs.			
Telegraph Lines, British Columbia—To pay salaries of Operators, and for materials required for night service, 1st January to 30th June, 1883		3,000 00	
			876,205 14
DOMINION LANDS.			
(*Chargeable to Capital.*)			
To provide for further amount required for this Service			150,000 00
UNPROVIDED ITEMS.			
Unprovided items of 1881-82 (*Vide* Auditor-General's Report, page 435).			542,992 32
Total			3,169,591 61

SCHEDULE B.

Sums granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1884, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.	$ cts.	$ cts.
Financial Inspector	2,600 00	
Office of Assistant Receiver-General, Toronto	7,600 00	
do do Montreal	5,500 00	
Auditor and do Halifax	11,000 00	
do do St. John	10,500 00	
do do Winnipeg	5,700 00	
do do do Board Allowance	850 00	
do do Victoria	7,200 00	
do do Charlottetown, P.E.I.	4,900 00	
Country Savings Banks—New Brunswick, Nova Scotia and British Columbia $14,200 00		
For increases to Salaries of Savings Bank Agents and establishment of new offices 2,000 00		
	16,200 00	
London Agents:—		
Commission on payments of $5,660,136.79, interest on debt	28,300 68	
Commission and brokerage on $478,698.23, Consolidated Canadian Loan Sinking Fund	2,393 49	
Brokerage on $274,795.75, Intercolonial Sinking Fund	686 99	
do $28,106.39, Rupert's Land Loan Sinking Fund	70 02	
do $39,957.74, British Columbia Loan Sinking Fund	99 89	
do $587,960.18, Sinking Fund Loans of 1874, 1875, 1876, 1878 and 1879	2,939 80	
English Bill Stamps, postages and telegrams	7,000 00	
Expenses in connection with the issue and redemption of Dominion Notes, including one Extra Clerk	7,000 00	
Printing, advertising, inspection, express and miscellaneous charges, &c., including commutation of Stamp Duty and contingencies of Country Savings Banks	15,000 00	
Printing Dominion Notes	35,000 00	
To cover expenses, including rent, in connection with the Assistant Receiver-General's Office, at Halifax	1,600 00	
		172,140 87
CIVIL GOVERNMENT.		
The Governor General's Secretary's Office	9,730 00	
The Office of the Queen's Privy Council for Canada	17,755 00	
The Department of Justice	16,015 00	
do do Penitentiaries Branch	5,450 00	
do Militia	36,980 00	
do Secretary of State	42,195 00	
do Interior	103,134 00	
do Indian Affairs	31,287 50	
The Office of the Auditor-General	19,200 00	
Carried forword	281,746 50	172,140 87

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	281,746 50	172,140 87
CIVIL GOVERNMENT—*Concluded.*		
The Department of Finance and Treasury Board	58,125 00	
do Inland Revenue	35,712 50	
do Customs	32,950 00	
do Postmaster General	141,125 00	
do Agriculture	43,065 00	
do Marine and Fisheries	35,000 00	
do Public Works	41,430 00	
do Railways and Canals	43,230 00	
Departmental Contingencies	153,950 00	
Stationery Office, for stationery	7,000 00	
To meet the possible amount required for new appointments, by an extension of the Staff or by any other change	5,000 00	
Amount required to provide for contingent expenses of the High Commissioner for Canada in London	4,000 00	
Post Office and Finance Departments—Contingencies—Amount required to make payment to those officers of the Savings Bank Branch, Post Office and Finance Departments, engaged in balancing and computing interest in Depositors' Accounts, to 30th June, 1883	2,000 00	
Amount required for Salaries of Board of Examiners and other expenses in connection with the Civil Service Act	2,500 00	
Governor General's Secretary's Office—To pay C. J. Jones, difference of salary between $1,450 and $1,800, from 1st February to 30th June, 1883, as provided by the Civil Service Act	145 83	
Department of the Secretary of State—To provide for the salary of one Chief Clerk, in Correspondence Branch $2,000 00		
To provide for the statutory increase to the salary of one Clerk (omitted in main Estimates) 50 00		
	2,050 00	
Department of Finance—Additional allowance to the Clerk of Contingencies	200 00	
Department of Railways and Canals—To provide for the salaries of two 3rd Class Clerks, at $700	1,400 00	
Department of the Interior—To provide for the salary of the Surveyor-General	3,200 00	
Post Office Department—To provide for the usual increase of salary to the Chief Clerk, Superintendent of Printing and Supply Branch, from the 1st July, 1883, and of the Assistant Superintendents of the Money Order and Savings Bank Branches, from the 1st July, 1882	250 00	
Privy Council Contingencies—To make payment to officers of this Department who are engaged after hours	1,000 00	
		895,079 83
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice, including North-West Territories	15,000 00	
Travelling expenses of Stipendiary Magistrates in the North-West Territories	2,500 00	
Circuit allowances, British Columbia	6,000 00	
Travelling allowances, Supreme and County Court Judges, Manitoba	2,500 00	
Précis Writer of the Supreme Court of Canada and the Exchequer Court	2,000 00	
Clerk in the office of the Registrar of the Supreme Court of Canada and the Exchequer Court	800 00	
Carried forward	28,800 00	1,067,220 70

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	28,800 00	1,067,220 70
ADMINISTRATION OF JUSTICE—*Concluded.*		
Second Clerk in the office of the Registrar of the Supreme Court of Canada and the Exchequer Court	600 00	
Senior Messenger of the Supreme Court of Canada and the Exchequer Court	500 00	
Second Messenger of the Supreme Court of Canada and the Exchequer Court	420 00	
Third Messenger of the Supreme Court of Canada and the Exchequer Court	280 00	
Contingencies and disbursements, including printing, binding and distributing Reports, Judges' travelling expenses; also, salaries of officers (Sheriff, Usher, &c.) in the Supreme and Exchequer Courts of Canada, and $150 for books for Judges	5,000 00	
Sundry disbursements connected with the Maritime Court of Ontario, Judges' travelling expenses, &c	100 00	
Salary of Registrar of Vice-Admiralty Court, Quebec	666 66	
Salary of Marshal of Vice-Admiralty Court, Quebec	333 34	
To pay to the legal representatives of the late Judge Fisher, for extra services rendered by him to the Government, under commission from 1870 to 1881	2,400 00	
		39,100 00
POLICE.		
Dominion Police		15,000 00
PENITENTIARIES.		
Kingston	112,878 23	
St. Vincent de Paul	83,546 36	
Dorchester	45,856 00	
Manitoba	32,233 90	
British Columbia	21,706 83	
For a gratuity of one year's salary to J. Dillon, guard at Kingston Penitentiary, as compensation for loss of sight whilst performing his duties	550 00	
		296,771 32
LEGISLATION.		
SENATE.		
Salaries and Contingent Expenses of the Senate	56,738 00	
HOUSE OF COMMONS.		
Salaries, per Clerk's Estimate	61,000 00	
Expenses of Committees, Extra Sessional Clerks, &c	12,800 00	
Contingencies	20,500 00	
Publishing Debates	20,000 00	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate	28,482 50	
To meet amount required to pay L. J. Piteau indemnification for loss of appointment as Assistant French Translator, 1878	383 56	
To pay to F. Houde, M.P., the amount of his sessional indemnity	1,000 00	
Carried forward	200,904 06	1,418,092 02

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		200,904 06	1,418,092 02
LEGISLATION—*Concluded.*			
MISCELLANEOUS.			
Grant to Parliamentary Library		10,000 00	
Library.—To provide for the purchase of twenty copies of Harrington's "Life of Sir William Logan," at $3		60 00	
For purchase of works on America		1,000 00	
Salaries of Officers and Contingencies of Library		20,260 00	
Printing, Binding and Distributing the Laws		12,000 00	
Printing, Printing Paper and Bookbinding		60,000 00	
Salary of the Clerk of the Crown in Chancery		2,100 00	
Contingencies of the Clerk of the Crown in Chancery		1,200 00	
Miscellaneous Printing		2,000 00	
For the purchase of Law Books required by the Supreme Court		1,500 00	
For Binding, Newspapers, &c		1,000 00	
			312,024 06
ARTS, AGRICULTURE AND STATISTICS.			
To meet expenses in procuring, collecting and taking care of Archives		6,000 00	
To meet expenses in connection with Patent Record		8,500 00	
To meet expenses in connection with preparation of Criminal Statistics		4,000 00	
To meet expenses in connection with Census (Revote $20,000)		45,000 00	
To meet expenses in connection with Dominion Exhibition		10,000 00	
To meet expenses in connection with Health Statistics		20,000 00	
For collecting and compiling Agricultural, Industrial and other Statistics in Manitoba and the North-West Territories; and also for collecting and compiling such Statistics elsewhere (Revote)		20,000 00	
			113,500 00
IMMIGRATION AND QUARANTINE.			
Salaries of Immigration Agents and Employees, viz.:			
Agent, Quebec	$1,650 00		
Assistant do	1,050 00		
Clerk do	1,000 00		
Norwegian Interpreter	630 00		
Messenger	200 00		
Agent, Montreal	1,250 00		
do Ottawa	1,250 00		
do Kingston	1,250 00		
do Toronto	1,600 00		
do Hamilton	1,200 00		
do London, Ontario	1,000 00		
do Halifax	1,000 00		
do St. John	1,000 00		
do Manitoba	2,400 00		
do Brandon	1,400 00		
do Qu'Appelle	1,400 00		
do North-West Territory	1,400 00		
do Prince Arthur's Landing	1,000 00		
Salaries in London (England) Office	6,241 00		
do of Agents in Europe	7,200 00		
Contingencies of Canadian and other agencies (not European)	24,000 00		
Travelling expenses of Agents in Europe	7,000 00		
Towards assisting Immigration and Immigration expenses	450,000 00		
Carried forward	516,121 00		1,843,616 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	516,121 00		1,843,616 08
IMMIGRATION AND QUARANTINE—*Continued.*			
For Interpreter's salary, Winnipeg	800 00		
do do Brandon	800 00		
Aid to Montreal Women's Protection Immigration Society.	1,000 00		
Victoria, B.C., Agent	1,000 00		
Contingencies	500 00		
		520,221 00	
Medical Inspection, Quebec	1,600 00		
Quarantine, Grosse Isle	9,566 00		
do St. John, N.B	2,600 00		
do Pictou, N.S	800 00		
do Halifax, N.S	3,400 00		
do Charlottetown, P.E.I	1,000 00		
do Victoria, B.C	2,000 00		
do Vancouver Island, B.C	1,700 00		
Tracadie Lazaretto	3,100 00		
To meet expenses of precautionary measures for Public Health :			
Public Health	5,000 00		
Cattle Quarantine, Lévis	5,000 00		
do West	3,000 00		
do Halifax	5,000 00		
Pictou cattle disease (Revote)	8,000 00		
Sydney, N.S.—Inspecting Physician	1,000 00		
Steward	400 00		
		53,166 00	
			573,387 00
PENSIONS.			
John Bright, Messenger, House of Assembly		80 00	
NEW MILITIA PENSIONS.			
Mrs. Caroline McEachern and two children	184 00		
Janet Anderson	110 00		
Margaret McKenzie	80 00		
Mary Ann Richey and one child	288 00		
Mary Morrison	80 00		
Louise Prud'homme	110 00		
Virginie Charron and one child	120 00		
Paul M. Robins	146 00		
Charles T. Bell	73 00		
Alex. Oliphant	109 50		
Charles Lugsden	91 25		
Thomas Charters	91 25		
Charles T. Robertson	110 00		
Percy G. Routh	400 00		
Richard S. King	400 00		
George A. McKenzie	73 00		
Edwin Hilder	146 00		
Fergus Schofield	73 00		
John Bradley	109 50		
James Bryan	109 50		
Ensign W. Fahey	200 00		
Mary Hodgins and three children	191 00		
John Martin	110 00		
Carried forward	3,405 00	80 00	2,417,003 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	3,405 00	80 00	2,417,003 08
PENSIONS—*Concluded.*			
NEW MILITIA PENSIONS—*Concluded.*			
Mrs. J. Thorburn	150 00		
Mrs. P. T. Worthington and one child	314 00		
Mrs. J. H. Elliott and one child	120 00		
Ellen Kirkpatrick and two children	226 00		
Mrs. George Prentice and three children	352 00		
Mary Hannah Tempest and child	298 00		
T. Robinson	50 00		
		4,915 00	
To meet the probable amount required for Pensions to Veterans of War of 1812		25,000 00	
Compensation to Pensioners in lieu of land		5,120 00	
			35,115 00
MILITIA.			
Salaries, Military Branch and District Staff		19,800 00	
Brigade Majors, salaries, transport expenses, &c		17,500 00	
Ammunition, including Artillery ammunition and manufacture of Small Arms ammunition at the Cartridge Factory at Quebec		25,000 00	
Clothing		60,000 00	
Military stores		50,000 00	
Public Armouries and care of Arms, including pay to Storekeepers, Caretakers, Storemen and Armourers		52,000 00	
Allowances for Drill Instruction		40,000 00	
Drill Pay, and other incidental expenses connected with the Drill and Training of the Militia		250,000 00	
Contingencies and general service not otherwise provided for, including grants to Artillery and Rifle Associations and Bands of efficient Corps		38,000 00	
Government grant to the Dominion of Canada Rifle Association		8,000 00	
Drill Sheds and Rifle Ranges		10,000 00	
Care of Military Properties, transferred from the Ordnance and Imperial Government		10,000 00	
Royal Military College		59,000 00	
Military Schools and Drill Instruction in Colleges		6,000 00	
Pay, Maintenance and Equipment of "A" and "B" Batteries, Garrison Artillery and Schools of Gunnery at Kingston and Quebec		125,700 00	
Government Aid towards sending a Team of the Canadian Militia Artillerymen to Shoeburyness, England		2,000 00	
For purchase of building and property situated on the east side of the Rideau Canal Basin, required for military store purposes at Ottawa		8,000 00	
To purchase Artillery ammunition		20,000 00	
Artillery Battery and Cavalry and Infantry Schools		150,000 00	
Required to provide for the ventilation and sanitary requirements of the Royal Military College of Canada, at Kingston		2,500 00	
			953,500 00
RAILWAYS AND CANALS.			
(*Chargeable to Capital.*)			
RAILWAYS.			
Canadian Pacific Railway.—Canada Central Railway subsidy		16,800 00	
Prince Arthur's Landing to Red River		350,000 00	
British Columbia		3,500,000 00	
Station accommodation		30,000 00	
Carried forward		3,896,800 00	3,405,618 08

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	3,896,800 00	3,405,618 08
RAILWAYS AND CANALS—*Continued.*		
(*Chargeable to Capital.*)		
RAILWAYS—*Concluded.*		
Canadian Pacific Railway—*Concluded.*		
Subsidy, Canadian Pacific Railway Company	5,500,000 00	
Intercolonial Railway.—Increased accommodation at St. John	171,750 00	
Halifax Extension—		
Wharf and elevator		
Bunker coal wharf		
Extension to Halifax	12,500 00	
T. Bentley, for land		
Land and damages, &c		
Rolling stock	268,650 00	
St. Charles Branch and Ferry between Lévis and Quebec	130,000 00	
St. Charles Branch—Shunting and Station Yard, Point Lévis	47,500 00	
To pay Intercolonial Railway Commission, staff and other expenses	20,000 00	
Rivière du Loup, Town Branch	25,000 00	
Dalhousie Branch	60,000 00	
Miscellaneous works, not otherwise provided for	6,000 00	
For a branch of the Intercolonial Railway to Dartmouth, provided the Municipality of Dartmouth undertake the payment to the Government of the amount of $4,000 per annum for twenty years, or so much of that amount as may be required in addition to the net revenue to pay four per cent. per annum on the sum expended	110,000 00	
Prince Edward Island Railway.—Cape Traverse Railway	188,200 00	
General.		
Surveys and Inspection	10,000 00	
Railway statistics	1,200 00	
To recoup Town of Pembroke for change of route	85,250 00	
CANALS.		
Lachine	530,000 00	
Cornwall	230,000 00	
Williamsburg—For the construction of an entrance and lock at head of Rapide Plat Canal	100,000 00	
St. Lawrence River and Canals	150,000 00	
Murray	350,000 00	
Welland	600,000 00	
Welland—Construction of a raceway between the feeder and Chippawa River	24,500 00	
Trent River Navigation—For construction of locks and the improvement of navigation between Lakefield and Balsam Lake	246,000 00	
St. Anne	288,000 00	
Carillon—Canal, dam and slide	260,000 00	
Grenville	241,000 00	
Tay—For construction of works	75,000 00	
Miscellaneous	10,000 00	
St. Peter's Canal	14,000 00	
Williamsburg Canal—Towards the enlargement of the upper entrance, Galops Canal	80,000 00	
Culbute Canal—To remove a shoal above the Locks	2,000 00	
		13,733,350 00
Carried forward		17,138,968 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			17,138,968 08
RAILWAYS AND CANALS.			
(*Chargeable to Income.*)			
CANALS.			
Beauharnois Canal—Construction of a swing bridge at Valleyfield		8,000 00	
Cornwall Canal—Construction of a drain between town and canal		20,000 00	
Welland Canal—Cleaning out back ditches		6,000 00	
Burlington Canal—Renewal of piers		13,000 00	
Trent Valley—Survey of Trent Valley Navigation		8,000 00	
St. Ours Canal—Construction of lock gates, piers above and below the lock, deepening and widening channel		5,000 00	
Chambly Canal—Raising banks, lowering bottom of canal, rebuilding lock-walls, &c		24,100 00	
Rideau Canal—Building new office for Toll Collector, Ottawa		3,000 00	
do Forming approaches to new bridge at Jones' Falls		500 00	
do Construction of a swing bridge at Chaffey's Locks		2,000 00	
Miscellaneous.			
Miscellaneous works not otherwise provided for		5,000 00	
Arbitrations and awards		5,000 00	
Surveys and inspections		10,000 00	
			119,600 00
PUBLIC WORKS.			
(*Chargeable to Capital.*)			
PUBLIC BUILDINGS, OTTAWA.			
Additional Public Building, Wellington street		200,000 00	
Site for additional Public Buildings south side of Wellington street—Additional amount required		7,000 00	
			207,000 00
PUBLIC WORKS.			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS.			
Nova Scotia.			
Sydney Quarantine Hospital	2,000 00		
New Glasgow Public Building	12,000 00		
Halifax Cattle Quarantine Station	5,000 00		
Truro Custom House, Post Office and Savings Bank	21,000 00		
Antigonish Public Buildings	3,500 00		
Windsor Post Office, Custom House, &c	10,000 00		
Halifax Penitentiary	1,400 00		
Pictou Marine Hospital	2,300 00		
Amherst Public Building	10,000 00		
Arichat Post Office, Custom House, &c.—Site	1,200 00		
Yarmouth—Post Office, Custom House, &c	15,000 00		
Pictou Marine Hospital—Proposed extension	2,400 00		
North Sydney—Post Office, Custom House, &c	15,000 00		
Baddeck—Post Office, Custom House, &c	8,000 00		
Carried forward	108,800 00		17,465,568 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ ets.
Brought forward	108,800 00		17,465,568 08
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS—*Continued.*			
Prince Edward Island.			
Summerside Public Buildings	9,000 00		
Montague—Post Office, Custom House, &c	5,000 00		
New Brunswick.			
St. John Marine Hospital—To complete	12,500 00		
Woodstock Post Office, Custom House, &c	15,000 00		
St. Stephen's Post Office, Custom House, &c	5,000 00		
Sussex Post Office, Custom House, &c.—To complete	9,000 00		
Moncton Post Office, Custom House, &c	15,000 00		
Dorchester Penitentiary	30,000 00		
Newcastle Post Office, &c	10,000 00		
Carleton Post Office	10,000 00		
St. John Dominion Buildings, Improvements, &c	700 00		
Bathurst Post Office, Custom House, &c	10,000 00		
Portland Post Office	9,000 00		
Quebec.			
Lévis Fortifications and Military Buildings	3,200 00		
Quebec Fortifications	19,000 00		
Dufferin Terrace—To complete	2,500 00		
Quebec Citadel	22,500 00		
Quebec Examining Warehouse	30,000 00		
Securing cliff under Citadel, &c., Quebec—To complete	4,500 00		
Three Rivers—Conversion of former Custom House into Post Office	5,000 00		
Sherbrooke Post Office, Custom House, &c.	18,500 00		
Hull Post Office and Inland Revenue Offices—To complete	10,000 00		
Grosse Isle Quarantine Station	1,000 00		
Montreal Drill Shed	40,000 00		
Montreal—Dominion Buildings—Improvements, &c.	12,900 00		
Chicoutimi Marine Hospital	5,750 00		
St. Vincent de Paul Penitentiary Buildings..... $18,950 Materials and tools for use of convicts in construction 9,050	28,000 00		
Quebec—Dominion Buildings—Improvements, &c	3,000 00		
Sorel Public Building	10,000 00		
Lévis Immigrant Station	650 00		
Quebec Military Buildings, including Drill Shed	30,000 00		
Hull Post Office and Inland Revenue Offices	4,700 00		
Lévis Immigrant Buildings—Additional amount required	15,000 00		
Montreal Immigrant Buildings	15,000 00		
Montreal Custom House	3,000 00		
Montreal Inland Revenue Building	11,260 00		
Montreal Examining Warehouse	45,000 00		
St. Vincent de Paul Penitentiary	7,000 00		
Carried forward	596 460 00		17,465,568 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	596,460 00		17,465,568 08
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS—*Continued.*			
Ontario.			
Cornwall Post Office, Custom House, &c.	20,000 00		
Brockville do do	10,000 00		
Kingston Fortifications and Military Buildings	12,600 00		
Kingston Penitentiary	15,000 00		
Belleville Post Office, Custom House, &c.—To complete	17,000 00		
Hamilton do do	125,000 00		
Stratford do do To complete	13,000 00		
St. Thomas do	28,000 00		
Chatham do	16,500 00		
London do	3,600 00		
Amherstburg Post Office, Custom House, &c.	10,000 00		
Galt do do	8,000 00		
Cobourg do do To complete	7,000 00		
Clifton Post Office, &c.	12,000 00		
Barrie do	12,000 00		
Port Hope do	12,000 00		
Toronto Dominion Buildings—Alterations, renewals, &c.	7,800 00		
Ottawa Post Office—Improvements, &c.	1,700 00		
Gananoque Custom House and Inland Revenue Offices	5,500 00		
Kingston Post Office—Improvements, &c.	800 00		
Belleville Examining Warehouse	4,000 00		
Hamilton Immigrant Station	500 00		
Orangeville—Post Office, &c.	6,000 00		
Toronto Examining Warehouse	50,000 00		
Belleville—Post Office, Custom House, &c	3,100 00		
Peterborough do do	15,000 00		
Gananoque Custom House and Inland Revenue Offices—Additional amount required to complete	2,500 00		
Berlin Post Office, Custom House, &c. (Revote $4,000)	20,000 00		
St. Catharines Post Office, &c.	17,000 00		
Toronto Drill Shed	8,000 00		
Parliament Buildings, Ottawa—Alterations—Post Office, House of Commons	1,000 00		
London Custom House—Addition for Weights and Measures and Gas Inspection Offices	5,000 00		
Chatham—Post Office, Custom House, &c.	3,600 00		
Disputed Territory.			
Prince Arthur's Landing—Immigrant Station	600 00		
Manitoba.			
Manitoba Penitentiary	40,000 00		
Parliament Buildings, Winnipeg	40,000 00		
Lieutenant-Governor's residence and stables, Winnipeg	33,000 00		
Winnipeg Post Office	50,000 00		
Lieutenant-Governor's residence, stables, &c., Winnipeg—Additional amount required	5,000 00		
Dominion Land Office, Winnipeg—Extension	10,000 00		
Winnipeg powder magazine	5,000 00		
Carried forward	1,253,260 00		17,465,568 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	1,253,260 00		17,465,568 08
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS—*Continued.*			
North-West Territories.			
Public Buildings, North-West Territories, generally	5,000 00		
Dominion Lunatic Asylum or Hospital	20,000 00		
New jails and lock-ups	10,000 00		
New Public Buildings at Regina, Capital of the North-West Territories	20,000 00		
Qu'Appelle Immigrant Shed	3,500 00		
Immigrant Station west of Qu'Appelle	600 00		
do do	12,000 00		
New Public Buildings at Regina, Capital of the North-West Territories—Additional amount required	7,000 00		
Immigrant Station at Qu'Appelle	10,000 00		
British Columbia.			
Vancouver Quarantine Station and outbuildings	7,500 00		
New Westminster Post Office, Custom House, &c.—To complete	11,500 00		
Nanaimo Post Office, Custom House, &c.—To complete	22,750 00		
British Columbia Penitentiary—New Westminster (Revote, $10,000)	40,000 00		
Nanaimo Post Office, Custom House, &c.—Additional amount required to complete	2,000 00		
PUBLIC BUILDINGS GENERALLY.			
Public Buildings generally	15,000 00		
		1,440,110 00	
REPAIRS, FURNITURE, HEATING, &c.			
Repairs, furniture, heating, &c	175,000 00		
Grounds, Public Buildings, Ottawa	7,500 00		
Removal of snow, Public Buildings, Ottawa	1 800 00		
Heating Public Buildings, Ottawa	50,000 00		
Gas, Public Buildings, Ottawa	22,000 00		
Water, Public Buildings, Ottawa	12,100 00		
Allowance for fuel and light, Rideau Hall	8,000 00		
Telephonic service, Public Buildings, Ottawa	4,000 00		
Salaries of Engineers, Firemen and Caretakers, &c., of Dominion Public Buildings (hitherto paid by the respective Departments for which the services were performed)	22,000 00		
Heating Dominion Public Buildings—Fuel, &c., hitherto paid for by the respective Departments by which the buildings are occupied	26,000 00		
		328,400 00	
Carried forward		1,768,510 00	17,465,568 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		1,768,510 00	17,465,568 08
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
HARBOURS AND RIVERS.			
Nova Scotia.			
Cow Bay	12,000 00		
Benacadie Pond—To complete work	7,000 00		
South Ingonish	10,000 00		
Cheverie	7,500 00		
Parrsboro' or Partridge Island River—To complete	2,500 00		
Port Hood—To complete	12,500 00		
Coffin's Island—To complete	2,900 00		
Port Lorne—To complete	500 00		
Three Fathom Harbour	1,000 00		
Little Hope Island	1,250 00		
West Arichat	1,200 00		
L'Ardoise	5,000 00		
Great Village River—Locality furnishing $4,000. Revote.	5,000 00		
Chipman's Brook—Repairs	1,500 00		
Harborville do	1,500 00		
Maitland—Repairs to wharf	750 00		
Yarmouth	4,600 00		
Parker's Cove (Revote, $1,000)	2,000 00		
Grand Narrows, Barra Strait	3,000 00		
Oyster Pond	2,000 00		
White Point	1,000 00		
Militia Point	2,000 00		
Catalogne Gut	1,500 00		
McNair's Cove	5,000 00		
Prince Edward Island.			
Cascumpeque	5,000 00		
South River—Murray Harbour—To complete	3,250 00		
Malpeque	4,000 00		
Victoria Breakwater—Wood Islands	2,000 00		
New Brunswick.			
St. John Harbour—Breakwater at Negro Point, to complete	71,000 00		
River Tobique and River St. John, above Grand Falls	5,000 00		
River St. John—River des Chutes to Bear Island	2,000 00		
Madawaska River	1,000 00		
Rocher Bay—Breakwater	4,000 00		
St. Mary's	1,500 00		
Grand Lake and Jemseg	5,000 00		
Addition to Pier, Anderson's Hollow	4,000 00		
Breakwater—Upper Salmon River	4,000 00		
Mispec Breakwater	4,000 00		
Caraquet—Revote	3,000 00		
Robby's Point	1,500 00		
Hopewell Cape—Ballast wharf, &c	4,000 00		
Grande Anse	2,000 00		
Shippegan	4,000 00		
Carried forward	223,450 00	1,768,510 00	17,465,568 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	223,450 00	1,768,510 00	17,465,568 08
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
HARBOURS AND RIVERS—*Continued.*			
New Brunswick—Concluded,			
Buctouche	3,000 00		
Baie Verte—Ballast pier	500 00		
For extended railway wharf accommodation at Carlton, St. John, N.B.	10,000 00		
Maritime Provinces Generally.			
General repairs and improvements—Harbours and Rivers, Maritime Provinces	10,000 00		
Quebec.			
New Carlisle—Municipality having voted $1,000	6,000 00		
Trois Pistoles	1,500 00		
Rivière du Loup (*en bas*)—To complete	1,000 00		
River Saguenay—Improvement of Channel below Chicoutimi	7,000 00		
River Saguenay—Enlargement of "La Grande Décharge" from Lake St. John	5,000 00		
River Saguenay—Lake St. John Surveys	4,000 00		
Baie St. Paul—Local authorities furnishing $3,000	12,000 00		
River St. Lawrence—Removal of chains, anchors, boulders, &c.	5,000 00		
River Nicolet—Harbour of Refuge	15,000 00		
River Yamaska	18,000 00		
St. Zotique	4,500 00		
River du Liévre	4,000 00		
General repairs and improvements—Harbours and Rivers, Quebec	10,000 00		
Philipsburgh Harbour, Missisquoi Bay, Lake Champlain—Locality furnishing an equal amount	4,000 00		
Etang du Nord—To continue work	9,000 00		
St. François—Island of Orleans	6,000 00		
Quebec—Marine Hospital wharves	2,000 00		
Matane	5,000 00		
Isle aux Coudres—To complete	500 00		
Berthier (*en bas*)	7,500 00		
Rivière Blanche—To complete work	5,000 00		
River St. Louis	10,000 00		
Chicoutimi Pier	1,500 00		
Lanoraie—The locality furnishing $1,500	5,000 00		
Percé	10,000 00		
River Batiscan	2,000 00		
Queen's Wharf, Quebec—Improvement to wharf and building	8,200 00		
Bic Pier	7,500 00		
River St. Francis	1,500 00		
Piers—Lake Megantic	1,500 00		
Carried forward	426,150 00	1,768,510 00	17,465,568 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	426,150 00	1,768,510 00	17,465,568 08
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
HARBOURS AND RIVERS—*Continued.*			
Quebec—Concluded.			
Wharf at bridge, across River Richelieu, on road between Lacolle and Clarenceville	3,000 00		
St. Jean d'Orléans—To protect lighthouse	6,000 00		
Port Daniel	6,000 00		
River Ottawa—Removal of bars at Bristol and Portage du Fort	2,000 00		
Sault aux Cochons	4,000 00		
Pointe aux Orignaux (Rivière-Ouelle)—To complete	4,500 00		
Ile aux Coudres	500 00		
Barachois de Malbaie, $1,000; and Mouth of Newport River, $400; for removal of obstructions	1,400 00		
Rivière du Loup (*en bas*)	10,000 00		
Ile aux Grues	5,000 00		
Chenal du Moine, Piers—Revote, $2,000	3,000 00		
Beacon Lights and the Mouths of the Rivers Yamaska and St. François	500 00		
Ontario.			
Cobourg Harbour, Lake Ontario	20,000 00		
Port Hope Harbour, Lake Ontario	14,000 00		
Toronto Harbour, Lake Ontario	117,500 00		
Rondeau Harbour, Lake Erie	4,000 00		
Kincardine, Lake Huron	7,000 00		
Port Elgin, Lake Huron—To complete	6,100 00		
Goderich, Lake Huron	5,000 00		
Collingwood Harbour, Lake Huron	26,000 00		
Wiarton, Lake Huron	5,000 00		
Meaford—To complete	3,000 00		
Kingston Harbour	12,500 00		
Little Current, Lake Huron—To complete	10,000 00		
General repairs and improvements, Harbours and Rivers, Ontario	8,000 00		
Kingsville, Lake Erie	5,000 00		
River Sydenham	5,000 00		
Newcastle—Harbour improvements—To complete	8,000 00		
Chantry Island, Lake Huron	5,000 00		
River Otonabee	1,200 00		
Little Bear Creek	5,000 00		
Peterborough—To complete dredging	3,000 00		
Morpeth, Lake Erie—The locality having to provide $4,000.	4,000 00		
L'Orignal—Repairs to wharf, the local authorities furnishing $1,000	3,000 00		
Kingsville, Lake Erie	27,500 00		
Belleville Harbour, Lake Ontario—The locality furnishing $4,000	6,000 00		
Southampton—Lake Huron	10,000 00		
Owen Sound, Lake Huron	5,000 00		
Carried forward	797,850 00	1,768,510 00	17,465,568 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts	$ cts.
Brought forward	797,850 00	1,768,510 00	17,465,568 08
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
HARBOURS AND RIVERS—*Continued.*			
Ontario—Concluded.			
Meaford, Lake Huron	2,000 00		
Little Nation River—Removal of obstructions	2,000 00		
River Ottawa—Removal of boulders, &c., at the Narrows—above Pembroke	3,000 00		
Midland Harbour	10,000 00		
Consecon	3,000 00		
Prince Arthur's Landing.			
Harbour improvements	50,000 00		
Manitoba.			
Red River—Mouth of river	12,000 00		
General repairs and improvements, Harbours and Rivers, Manitoba	1,000 00		
North-West Territories.			
River Saskatchewan—Improvement of	10,000 00		
British Columbia.			
General repairs and improvements, Harbours and Rivers, British Columbia	2,000 00		
Upper Fraser River—Improvement of Cottonwood Canyon	10,000 00		
Stickeen River	2,000 00		
Victoria Harbour—Examination	3 000 00		
Improvement of Cowichan and Courtney Rivers	2,000 00		
Lillooet River	500 00		
HARBOURS AND RIVERS GENERALLY.			
Harbours and Rivers generally	6,000 00		
		916,350 00	
DREDGING.			
New dredging plant	64,000 00		
do Manitoba	37,500 00		
Snag-boat, British Columbia	15,000 00		
Dredge vessels—Repairs	25,100 00		
New Brunswick, Nova Scotia, Prince Edward Island	52,000 00		
Ontario	20,000 00		
Carried forward	213,600 00	2,684,860 00	17,465,568 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	213,600 00	2,684,860 00	17,465,568 08
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
DREDGING—*Concluded.*			
Quebec	20,000 00		
British Columbia	15,000 00		
General service	5,000 00		
		253,600 00	
SLIDES AND BOOMS.			
Slides and Booms		15,000 00	
ROADS AND BRIDGES.			
Bridge at Des Joachims Rapids, Ottawa River—To complete	16,000 00		
Trails, bridges, &c., North-West Territories	1,800 00		
Union Suspension Bridge, Ottawa	1,000 00		
Aid to Municipality of Russell, Manitoba, towards the construction of a bridge across the Assiniboine, near the mouth of Shell River	10,000 00		
		22,800 00	
TELEGRAPHS.			
Land and cable telegraph lines for the sea-coasts and islands of the lower Rivers and Gulf of St. Lawrence and Maritime Provinces, viz.:			
Repairing cable between Mainland and Grand Manan	$1,000 00		
To connect Pointe des Monts with the telegraph line constructed and in operation along the north shore of the St. Lawrence by cables and land lines, and towards extension of land lines to River Moisie	28,000 00		
Telegraph line—Chatham to Escuminac	3,000 00		
Telegraph lines—Manitoba and the North-West Territories, viz.:			
Telegraph line—Prince Arthur's Landing, *viâ* Winnipeg and Qu'Appelle Junction to British Columbia	10,000 00		
Telegraph line—Saskatchewan to Prince Albert, the poles being furnished free to the Government	7,000 00		
Telegraph lines—British Columbia, viz.:			
New sub-marine cable route between Vancouver Island and Washington Territory, *viâ* Victoria and Point Angelos, or land route from Victoria to Cape Beale *viâ* San Juan Harbour, with cable thence to Neeah Harbour—Cape Flattery, Washington Territory	18,500 00		
Telegraph line from a point opposite New Westminster to Ladner's Landing	1,500 00		
		69,000 00	
Carried forward		3,045,260 00	17,465,568 08

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		3,045,260 00	17,465,568 08
PUBLIC WORKS—*Concluded.*			
Chargeable to Income.			
MISCELLANEOUS.			
Miscellaneous works not otherwise provided for	10,000 00		
Surveys and inspections	25,000 00		
Arbitrations and awards	5,000 00		
Military works and buildings—Repairs, improvements and construction of	37,500 00		
To provide for the cost of a monument to the memory of the late Sir George Etienne Cartier, Bart	9,000 00		
Arranging in proper order, and transferring to new books all useful matter having reference to works under the control of the new Department of Public Works, which is contained in the old general indices, charging books and journals	1,650 00		
National Art Gallery	1,500 00		
To pay claim of W. L. Macaulay, in connection with barrack buildings erected by him at Fort Garry	5,590 85		
Fort Dufferin, St. John, N.B.	3,000 00		
Monument to Joseph Brant	5,000 00		
		103,240 85	
			3,148,500 85
MAIL SUBSIDIES.			
Steam communication between Halifax and St. John, *viâ* Yarmouth		10,000 00	
Steam communication on Lakes Huron and Superior		10,000 00	
Steam service between San Francisco and Victoria, British Columbia		17,640 00	
Steam communication with the Magdalen Islands		7,800 00	
Steam communication between Grand Manan, N.B., and mainland		4,000 00	
To provide for one year's subsidy, to be granted at the rate of $50,000 per annum, to line of steamers to trade between Canada and the West Indies and Brazil, provided a like amount be paid by the Brazilian Government		50,000 00	
For subsidy to line of steamers to run fortnightly between France and Quebec, provided the French Government appropriate a sum equal to the amount contributed by the Dominion of Canada for the same service		50,000 00	
For subsidy to line of steamers to run between Liverpool or London, or both, and St. John, N.B., and Liverpool or London, or both, and Halifax, N.S.		25,000 00	
Subsidy to steamer between Campbelltown and Gaspé, and intermediate ports		12,500 00	
For steam communication from Port Mulgrave, at the terminus of the Eastern Extension Railway, to East Bay, Cape Breton		6,000 00	
For steam communication between Cape Canso and Port Hood, daily, touching at railway terminus, Port Mulgrave, and such other places within above limits as may be agreed upon		3,000 00	
For steam communication between Halifax and St. Pierre		2,000 00	
To provide for a subsidy of $1,500 a voyage, for five voyages, of steamers from Prince Edward Island to Great Britain or continental ports		7,500 00	
For steam communication from Halifax to Murray Harbor and Charlottetown, alternately		3,000 00	
For steam communication between Canada and Antwerp		24,000 00	
For steam communication between Canada and Germany		24,000 00	
Carried forward		256,440 00	20,614,068 93

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	256,440 00	20,614,068 93
MAIL SUBSIDIES—*Concluded.*		
For steam communication between Port Mulgrave Railway terminus and Cheticamp, touching semi-weekly at Port Hood, Mabou, Broad Cove, Mayane and Cheticamp, the Local Government having granted a similar amount conditionally on a Dominion vote for the same service	2,000 00	
For steam communication between Owen Sound, Sault Ste. Marie and Thunder Bay	2,000 00	
		260,440 00
OCEAN AND RIVER SERVICE.		
Maintenance and repairs of steamers "Napoleon III," "Druid," "Newfield," "Sir James Douglas," "Northern Light," and "La Canadienne"	125,000 00	
For the providing of a steamer to replace "Glendon."	30,000 00	
To provide for the examination of Masters and Mates	5,000 00	
For purchase of life-boats, stations, and life-preservers; maintenance of crews and rewards for saving life	5,000 00	
To provide for investigation into Wrecks and Casualties, and collection of information relating to disasters to shipping	1,500 00	
Expenses in connection with Canadian Registration of Shipping	500 00	
Printing triennial list of shipping	1,500 00	
Montreal and Quebec Water and River Police	38,000 00	
Removal of obstructions in navigable rivers	1,500 00	
Additional amount required for purchase of life-boats, stations and life-preservers; maintenance of crews and rewards for saving life	3,000 00	
		211,000 00
LIGHTHOUSE AND COAST SERVICE.		
Salaries and allowances, &c., of Lighthouse Keepers	164,025 00	
Agencies, Rents and Contingencies	18,000 00	
Maintenance and repairs to Lights, Fog-Whistles, Buoys and Beacons, Humane Establishments and Provision Depots	275,000 00	
Cape Race Light	1,300 00	
Completion and construction of Lighthouses and Fog-Alarms	40,000 00	
To complete construction of a new Lighthouse on Sands Head, entrance to Fraser River, B.C.—(Revote, $5,000)	10,000 00	
Construction of Lighthouse at Colchester Reef, Lake Erie	5,000 00	
Signal Stations	7,500 00	
		520,825 00
FISHERIES.		
SALARIES AND DISBURSEMENTS OF FISHERY OVERSEERS AND WARDENS.		
Ontario	13,500 00	
Quebec	16,000 00	
Nova Scotia	16,500 00	
New Brunswick	13,000 00	
Prince Edward Island	3,500 00	
British Columbia	2,600 00	
Manitoba, Keewatin and North West Territories	4,000 00	
Fish-breeding, Fishways and Oyster Beds	35,000 00	
To provide for legal and incidental expenses connected with the Fisheries	1,000 00	
Advertising	1,000 00	
Fish Hatchery, British Columbia (Revote)	4,000 00	
		110,100 00
Carried forward		21,716,433 93

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			21,716,433 93
SCIENTIFIC INSTITUTIONS.			
Observatory, Toronto	$5,250 00		
do Kingston	500 00		
do Montreal	500 00		
do New Brunswick	1,500 00		
		7,750 00	
Grant for Meteorological Observations, including Instruments and cost of telegraphing weather warnings		48,000 00	
			55,750 00
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.			
MARINE HOSPITALS.			
Marine and Immigrant Hospital, Quebec		20,000 00	
St. Catharines Hospital, Ontario	$500 00		
Kingston do do	500 00		
		1,000 00	
Hospitals, &c., in the Provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia		35,000 00	
DISTRESSED SEAMEN.			
Expenses for Shipwrecked and Disabled Seamen		6,000 00	
			62,000 00
STEAMBOAT INSPECTION.			
To provide for expenses of Steamboat Inspection			22,000 00
SUPERINTENDENCE OF INSURANCE COMPANIES.			
To meet expenses in connection with the Inspection of Insurance Companies			6,000 00
GEOLOGICAL SURVEY.			
Geological Survey			60,000 00
DEPARTMENT OF INDIAN AFFAIRS.			
ONTARIO AND QUEBEC AND THE MARITIME PROVINCES.			
Annual Grant to Supplement the Indian Fund.			
For Indians of Quebec	4,200 00		
For purchase of blankets for aged and infirm Indians of Ontario and Quebec	1,600 00		
For Indian schools in Ontario, Quebec, New Brunswick and Nova Scotia	10,400 00		
For annuities under the Robinson Treaty	15,680 00		
		31,880 00	
Carried forward		31,880 00	21,922,183 93

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		31,880 00	21,922,183 93
DEPARTMENT OF INDIAN AFFAIRS—*Continued.*			
NOVA SCOTIA.			
Annual Grant to Supplement the Indian Fund.			
For Indians of Nova Scotia, generally	4,500 00		
For an amount sufficient to increase the Medical Grant in Nova Scotia from 26 cts. to 50 cts. per head, on an estimated population of 2,219	532 56		
		5,032 56	
NEW BRUNSWICK.			
For Indians of New Brunswick, generally	4,500 00		
For an amount sufficient to increase the Medical Grant in New Brunswick from 23 cts. to 50 cts. per head, on an estimated population of 1,456	393 12		
To provide for the salary of a Missionary at Big Cove, County of Kent, per annum	100 00		
To provide salary for a second Medical Officer for the County of Northumberland, per annum	125 00		
		5,118 12	
PRINCE EDWARD ISLAND.			
For Indians of Prince Edward Island, generally		2,000 00	
QUEBEC.			
Further grant to supplement the Indian Fund.—To open up the roads on the Ouiatchouan Reserve		900 00	
BRITISH COLUMBIA.			
For Indians of British Columbia, generally	23,250 00		
Surveys	7,700 00		
Reserve Commission	11,055 00		
To provide for the salaries of two additional Agents in British Columbia, at $1,200 each	2,400 00		
		44,405 00	
MANITOBA AND THE NORTH-WEST.			
General Estimate.			
Annuities	197,425 00		
Agricultural implements	10,398 22		
Tools	1,925 77		
Cattle	4,375 00		
Seed grain	5,500 00		
Ammunition and twine	5,833 00		
Provisions for use at annuity payments	38,780 85		
Supplies for destitute	355,233 83		
Clothing	5,000 00		
Schools	11,204 00		
Surveys	18,000 00		
Carried forward	653,675 67	89,335 68	21,922,183 93

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	653,675 67	89,335 68	21,922,183 93
DEPARTMENT OF INDIAN AFFAIRS—*Concluded.*			
MANITOBA AND THE NORTH-WEST—*Concluded.*			
General Estimate—Concluded.			
Farm wages	30,861 00		
Farm maintenance	7,825 00		
Sioux	4,000 00		
General expenses	82,700 00		
Commissioner's house and offices	12,000 00		
North-West Territories.			
To provide for the establishment of Indian Industrial Schools	44,000 00		
		835,064 67	
			924,400 35
NORTH-WEST MOUNTED POLICE.			
Pay of Force, including staff and extra pay to Gardeners and Artizans		155,000 00	
Subsistence		51,100 00	
Forage		58,400 00	
Fuel and light		11,500 00	
Clothing		37,000 00	
Repairs, renewals, replacement of horses, arms and ammunition		47,000 00	
Medicine and medical comforts, and hospital expenses		5,000 00	
Books and stationery		2,000 00	
Transport and freight charges, Guides, Teamsters, Laborers and Mail Carriers		45,000 00	
Contingencies		4,000 00	
			416,000 00
MISCELLANEOUS.			
Canada Gazette		4,500 00	
Miscellaneous Printing		12,000 00	
Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament during the first fifteen days of the next Session		50,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy		3,000 00	
For the expenses of Government in the North-West Territories, including roads, bridges, ferries, and aid to Schools		20,000 00	
For the expenses of Government in the District of Keewatin		5,000 00	
To meet expenditure to be required to put into force the Act respecting the traffic in intoxicating liquors		5,000 00	
To meet expenses connected with the Consolidation of the Dominion Statutes		6,000 00	
To cover refunds of Superannuation abatement, when necessary		500 00	
To compensate members of the North-West Mounted Police for injuries received in the discharge of duty		2,000 00	
For erection of Mounted Police Barracks		60,000 00	
To cover expenses in connection with the International Fishery Exhibition, London		15,000 00	
On account of expenditure in connection with surveys of Lakes Superior and Huron		5,000 00	
Carried forward		188,000 00	23,262,584 28

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts
Brought forward		188,000 00	23,262,584 28
MISCELLANEOUS—*Concluded.*			
To purchase Reports and Text-Books for Library, Department of Justice		2,000 00	
To pay one-half the expense of publishing cases decided on the British North America Act, 1867, collected and edited by John R. Cartwright, Esq		1,150 00	
Further amount required for expenses of Government in the North-West Territories		7,000 00	
Consolidation of the Dominion Statutes		10,000 00	
Niagara Falls Commission (Revote)		683 65	
Further amount required to pay expenses in connection with the Canadian Pacific Railway Commission		1,130 41	
To assist in publishing a Grammar of the language of the Abenakis Indians		200 00	
To aid the Geographical Society of Quebec in their explorations of the St. Lawrence, Labrador and James' Bay		300 00	
To provide for an annual allowance to the widow of the late Sir George E. Cartier		1,200 00	
To provide for the purchase of 300 copies of Bourinot's work on the Rules, Usages and Procedure of the Senate and House of Commons (*Vide* Report of Library Committee)		1,500 00	
To refund to the Merchants' Bank in accordance with the decision of the Supreme Court of Canada in the case of Merchants' Bank *vs.* Regina, amount of dues paid by that bank under protest		2,109 21	
To provide for the payment of Mr. Fabre's salary and contingencies of his office		2,500 00	
To provide for the painting of an historical picture commemorative of the establishment of Confederation		4,000 00	
To meet cost of litigated matters		5,000 00	
			226,773 27
COLLECTION OF REVENUES.			
CUSTOMS.			
Salaries and Contingent Expenses of the several Ports—			
In Province of Ontario	237,995 00		
do Quebec	198.620 00		
do New Brunswick	89,765 00		
do Nova Scotia	106,260 00		
do Manitoba	40,650 00		
do North-West Territories	8,000 00		
do British Columbia	26,350 00		
do Prince Edward Island	20,800 00		
To cover any unforeseen changes it may appear necessary to make in staff	5,000 00		
Salaries and travelling expenses of Inspectors of Ports, and travelling expenses of other officers on inspection	18,000 00		
Contingencies of head office, covering printing, stationery, advertising, telegraphing, &c., for the several Ports of Entry	13,000 00		
To meet expenditure in connection with the Board of Customs and Outside Detective Service, including $800 salary of the Commissioner of Customs as Chairman of the Board	15,000 00		
		779,440 00	
Carried forward		779,440 00	23,489,357 55

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		779,440 00	23,489,357 55
COLLECTION OF REVENUES—*Continued.*			
EXCISE.			
Salaries of Officers and Inspectors of Excise, including salaries of those employed on probation	203,680 00		
To provide for improvement of classification under provision of new Civil Service Act, subject to results of Excise examinations	14,100 00		
To provide for increase of pay of Chief Officers at large distilleries and factories	1,600 00		
Travelling expenses, rent, fuel, stationery, &c	44,000 00		
To pay Collectors of Customs allowance on duties collected by them	3,500 00		
Preventive Service	6,500 00		
To provide for the cost of obtaining stamps, and for the stamping of imported and Canadian tobacco, under the provisions of 43 Victoria, chapter 19, and for other expenditure in connection with the securing of the duty on tobacco	12,000 00		
Amount required to provide for the salary of Inspector of Tobacco Manufactories	800 00		
To enable the Department to grant an allowance to Excise officers in Manitoba and British Columbia to compensate for increased cost of living, as compared with the older Provinces—			
For Manitoba $3,000 00			
British Columbia 500 00			
	3,500 00		
To make compensation to Joseph Gilbert, *alias* Dubuc, for loss on tobacco seized from him, the Department, after investigation, being satisfied of his good faith	11 68		
To pay widow of late P. Durnford, formerly Collector at Montreal, from 1st July to 30th November, 1868, he not having received any salary for that period, although he performed the duties of the office	666 67		
To pay R. Bellemare, District Inspector of Montreal District, for same period and for similar reasons	666 67		
Special.			
To enable the Department to purchase wood naphtha and similar articles, for issue to Bonded Manufacturers, under provisions of 43 Victoria, chapter 19, section 21, the cost of which will be recouped by the manufacturers to whom they are supplied	2,000 00		
Commission to sellers of stamps for Canada twist tobacco.	1,000 00		
		294,025 02	
CULLING TIMBER.			
Quebec Office.			
1 Supervisor	2,000 00		
1 Deputy Supervisor and Book-keeper	1,600 00		
1 Cashier	1,400 00		
3 Specification Clerks	1,800 00		
1 Messenger	400 00		
Carried forward	7,200 00	1,073,465 02	23,489,357 55

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	7,200 00	1,073,465 02	23,489,357 55
COLLECTION OF REVENUES—*Continued.*			
CULLING TIMBER—*Continued.*			
Quebec Office—Concluded.			
8 Specification Clerks, &c.—1 at $1,000, 2 at $700, 3 at $600, 2 at $550, (8 months)	5,300 00		
1 Assistant Book-keeper	1,100 00		
Pay of Cullers	45,000 00		
Contingencies	4,000 00		
Montreal Office.			
1 Deputy Supervisor	900 00		
2 Book-keepers and Specification Clerks	1,000 00		
Pay of Cullers	2,500 00		
Contingencies	300 00		
		67,300 00	
WEIGHTS AND MEASURES AND GAS.			
Salaries of Inspectors and Assistant Inspectors of Weights and Measures	43,800 00		
Salaries of Inspectors of Gas	11,300 00		
Rent, fuel, travelling expenses, postage, stationery, &c., Weights and Measures	18,000 00		
Equipment for extending the Gas Inspection service to 18 additional cities and towns	10,000 00		
Contingencies of Gas Inspectors' offices	5,500 00		
To provide for increases to certain Inspectors of Weights and Measures and Assistants	500 00		
To pay ex-Inspectors of Weights and Measures sums deducted for superannuation—			
As voted in 1880 $2,877 27			
Paid during 1879-80 1,987 19			
Lapsed and now re-voted	890 08		
		89,990 08	
INSPECTION OF STAPLES.			
For the purchase and distribution of Standards of Fleur. &c., and other expenditure under the Act		3,000 00	
ADULTERATION OF FOOD.			
To meet expenses under the Act		12,000 00	
MINOR REVENUES.			
Department of Inland Revenue	8,000 00		
do Interior	2,000 00		
		10,000 00	
Carried forward		1,225,755 10	23,489,357 55

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		1,255,755 10	23,489,357 55
COLLECTION OF REVENUES—*Continued.*			
RAILWAYS.			
Repairs and Working Expenses.			
Intercolonial Railway	2,500,000 00		
Prince Edward Island Railway	220,000 00		
Windsor Branch Railway	20,000 00		
		2,740,000 00	
CANALS.			
Maintenance and Repairs.			
Repairs and working expenses	439,584 00		
Salaries and contingencies of Canal Officers	36,320 00		
To compensate Mr. Thomas Munro for performing the duties of Superintendent for 1½ months in 1879	180 00		
		476,084 00	
PUBLIC WORKS.			
Maintenance and Repairs.			
Collection of Slide and Boom Dues	21,210 00		
Repairs and working expenses, harbours and slides	96,250 00		
Telegraph Line between Prince Edward Island and the mainland	2,600 00		
Land and Cable Telegraph Lines of the sea coasts and islands of the Lower River and Gulf of St. Lawrence, and the Maritime Provinces	13,000 00		
Telegraph Lines, Manitoba and the North-West Territories	24,000 00		
Telegraph Lines, British Columbia	37,000 00		
Telegraph Lines and Signal Service generally, including Fishery Bulletins	9,500 00		
Agent and Contingencies, British Columbia	4,0 0 00		
Retaining Boom and Piers—Grandes Piles, River St. Maurice. (Revote)	7,000 00		
Slides and Booms—River Trent and Newcastle Districts—Additional amount required	250 00		
		214,210 00	
POST OFFICE.			
Ontario	$1,007,070 00		
Quebec	548,323 00		
New Brunswick	191,640 00		
Nova Scotia	216,570 00		
Prince Edward Island	49,400 00		
British Columbia	72,187 50		
Manitoba, Keewatin and the North-West	153,120 00		
Carried forward	2,238,310 50	4,686,049 10	23,489,357 55

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	2,238,310 50	4,686,049 10	23,489,357 55
COLLECTION OF REVENUES—*Concluded.*			
POST OFFICE—*Concluded.*			
To provide for statutory increments of salary and changes in classification during 1883-84, in the Outside Service of the Post Office, under authority of the Canada Civil Service Act, 1882—			
For Clerks, &c , Inspector's Offices	2,000 00		
For Railway Mail Clerks	6,000 00		
For Clerks, Letter Carriers, &c., in City Post Offices.	12,000 00		
To provide for additional salary to the Assistant Postmaster of Halifax, N.S., he being entitled thereto under the provisions of the Civil Service Act, 1882	200 00		
		2,358,510 50	
			6,944,559 60
DOMINION LANDS.			
Chargeable to Capital.			
Amount required for Surveys			600,000 00
DOMINION LANDS.			
Chargeable to Income.			
OUTSIDE SERVICE.			
Land Board at Winnipeg.			
Commissioner's salary	$5,000 00		
Secretary's salary	2,000 00		
4 Assistants	3,816 00		
Inspector of Agencies, salary	3,200 00		
do travelling expenses	1,200 00		
Contingencies, fuel, light, postages, telegrams, &c	4,880 00		
Messenger	350 00		
Inspector of Colonization Societies' Townships, salary	3,000 00		
Contingencies, travelling expenses, &c	1,000 00		
Crown Land Agencies.			
Crown Land Agent, Winnipeg	2,400 00		
Assistant do	1,200 00		
12 Local Dominion Lands Agents, at $1,200 each	14,400 00		
11 Assistant Local Dominion Lands Agents, at $1,098	12,078 00		
1 Assistant, at $1,000, 1 at 900, 3 at $700	4,000 00		
1 Messenger	350 00		
Contingencies, including office rent, fuel, &c	12,000 00		
Crown Timber Agencies.			
Crown Timber Agent, Winnipeg, salary	1,600 00		
Book-keeper do	1,200 00		
Crown Timber Agent, Edmonton, salary	1,200 00		
2 Crown Timber Agents, at $1,200 each	2,400 00		
Carried forward	77,274 00		31,033,917 15

SCHEDULE B— *Concluded.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	77,274 00		31,083,917 15
DOMINION LANDS—*Concluded.*			
(*Chargeable to Income.*)			
OUTSIDE SERVICE—*Concluded.*			
Crown Timber Agencies—Concluded.			
Contingencies, including Forest Rangers	6,500 00		
Stationery and printing for outside service	4,000 00		
Board of Examiners of Dominion Land Surveyors	1,000 00		
Contingencies paid at Head Office for outside service	1,000 00		
		89,774 00	
Land Guide Service.			
12 Land Guides, at $4 per day each, covering all expenses of transport and living cost for six months	10,000 00		
Additional amount required for Land Guides, &c	7,500 00		
		17,500 00	
British Columbia.			
Salary of Resident Agent and staff and contingencies		10,645 00	
INSIDE SERVICE.			
Extra Clerks at Head Office, Ottawa, publishing maps, advertising and other similar expenses		30,000 80	
			147,919 00
Total			31,181,836 15

No. 128.

1st Session, 5th Parliament, 46 Vic

BILL

An Act for granting to Her certain sums of money req defraying certain expenses of lic service, for the financ ending respectively the 30 1883, and the 30th June, 188 other purposes relating to th service.

Received and read first, second times, Wednesday, 23rd May,

Sir LEONARD TIL

OTTAWA:

PRINTED BY MACLEAN, ROGER

1883.

No. 129] **BILL.** [1883.

An Act to amend the Act thirty-eighth Victoria, chapter fifty-six, intituled "An Act respecting the Graving Dock in the Harbour of Quebec, and authorizing the raising of a loan in respect thereof."

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 sum authorized by the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered fifty-six, and intituled "*An Act respecting the Graving Dock in the Harbour of Quebec, and authorizing the raising of a loan in respect thereof,*" it shall be lawful for the Governor in Council to advance, from time to time, to the corporation of the Quebec Harbour Commissioners, in order to enable them to complete the Graving Dock now in course of construction in the Harbour of Quebec, such sum or sums of money as may be required for the purpose, the amount of such additional sums so advanced by virtue hereof not, however, to exceed in the whole the sum of one hundred thousand dollars. Additional advance in respect of Graving Dock.

2. Subject to the provision hereinafter contained as to rate of interest, all the provisions of the said cited Act relating to the payment of interest and the application of the net income received from tolls, rates, duties and dues, imposed and received as therein stated, and for the formation of a sinking fund for repayment of sums advanced, shall apply to the sum or sums of money advanced under and by virtue hereof, in like manner and to the same extent as the same apply to any sum or sums advanced under the said cited Act. Provisions of 38 V., c. 56, to apply.

3. The rate of interest payable by the said Quebec Harbour Commissioners to the Government on the additional sum or sums of money advanced to them by the Government under and by virtue of this Act shall be four per centum per annum. Interest on advance 4 per cent.

No. 129.

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

BILL.

An Act to amend the Act thirty-eighth Victoria, chapter fifty-six, intituled "An Act respecting the Graving Dock in the Harbour of Quebec, and authorizing the raising of a loan in respect thereof."

Received and read first time, Tuesday, 15th May, 1883.

Second reading, Wednesday, 16th May, 1883.

Sir LEONARD TILLEY.

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

No. 130] **BILL.** [1882.

An Act to amend the Act thirty-sixth Victoria, chapter sixty-two, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbor Commissioners.

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

1. In order to assist the Quebec Harbor Commissioners in the improvement of the Harbor of Quebec, the Act thirty-sixth Victoria, chapter sixty-two, intituled "*An Act further "to amend the Acts to provide for the management and im- "provement of the Harbor of Quebec,*" and the Act forty-third Victoria, chapter seventeen, intituled "*An Act to "authorize the raising of a further sum to enable the Quebec "Harbor Commissioners to complete their Tidal Dock,*" are hereby so amended that the rate of interest payable by the said Harbor Commissioners to the Receiver General upon the sums raised under the said recited Acts shall be four per centum per annum, instead of five as therein specified.

No. 130.

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

BILL.

An Act to amend the Act thirty-sixth Victoria, chapter sixty-two, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbor Commissioners.

Received and read first time, Tuesday, 15th May, 1883.

Second reading, Wednesday, 16th May, 1883.

Sir LEONARD TILLEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 131.] **BILL.** [1883

An Act to encourage the manufacture of Pig Iron in Canada, from Canadian Ore.

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

Bounty authorized on pig iron made in Canada, from Canadian Ore.

1. It shall be lawful for the Governor in Council to authorize the payment out of the Consolidated Revenue Fund of Canada, of a bounty of one dollar and fifty cents per ton, on all pig iron manufactured in Canada, from Canadian Ore, between the first day of July, one thousand eight hundred and eighty-three, and the thirtieth day of June, one thousand eight hundred and eighty-six, both days inclusive, and of a bounty of one dollar per ton on pig iron so manufactured between the first day of July, one thousand eight hundred and eighty-six, and the thirtieth day of June, one thousand eight hundred and eighty-nine, both days inclusive, under such regulations as may be from time to time made by Order in Council as to the quality of the said iron and such other matters as it may be found expedient to provide for to prevent fraud and ensure the good effect of this Act.

Under Regulations by O.C.

Yearly report to Parliament.

2. The regulations made as aforesaid under this Act, shall be laid before Parliament within the first fifteen days of each Session, with a statement of the moneys expended in payment of the said bounty, and of the parties to whom they have been paid, and the places at which the pig iron in respect of which they have been paid was manufactured, and such other particulars as may tend to show the effect of the said bounty.

No. 131.

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

BILL

An Act to encourage the manufacture of Pig Iron in Canada, from Canadian Ore.

Received and read first time, Wednesday, 16th May, 1883.

Second reading, Thursday 17th May, 1883.

Sir LEONARD TILLEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1883.

No. 132] **BILL.** [1883

An Act respecting the sale of Intoxicating Liquors, and the issue of licenses therefor.

Preamble. WHEREAS it is desirable to regulate the traffic in the sale of intoxicating liquors, and it is expedient that the law respecting the same should be uniform throughout the Dominion, and that provision should be made in regard thereto for the better preservation of peace and order: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short Title. 1. This Act may be cited as "*The Liquor License Act*, 1883."

Definition of terms used. 2. In this Act the words and expressions following shall be construed as follows:—

District. 1. "District" means a License District.

Electors. 2. "Electors" means those who are entitled to vote at an election for a member of the House of Commons.

Inspectors. Board. 3. "Inspector" means an Inspector of licensed premises, and includes every person having the authority of such Inspector; and "Board" means the Board of License Commissioners.

Justice. 4. "Justice" or "Justices" means Justice of the Peace, or Justices of the Peace, as the case may be.

Hotel license. 5. "Hotel License" means a license authorizing the holder thereof to sell and dispose, under the provisions of this Act, of any liquor in quantities not exceeding one quart, which may be drunk on the premises.

License. 6. "Licensee" means a person holding a license under this Act.

Licensed premises. 7. "Licensed premises" mean the premises in respect of which a license under this Act has been granted and is in force, and shall be construed to mean and extend to every room, closet, cellar, yard, stable, outhouse, shed, or any other place whatsoever of, belonging, or in any manner appertaining to, such house or place

Liquor. 8. "Liquors" or "Liquor" shall be construed to mean and comprehend all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating.

Magistrate.

9. "Magistrate" means the Judge of the Sessions of the Peace, Police, Stipendiary or Sitting Magistrate, Recorder, Justice or Justices of the Peace, or Commissioner of a Parish Court who may have jurisdiction to entertain a complaint in respect of a contravention of the provisions of this Act.

Bar.

10. "Public Bar," or "Bar" means and includes any room passage, or lobby in any licensed premises open immediately to any street, highway, public place or public thoroughfare, and into which the public may enter and purchase liquors.

Saloon license

11. "Saloon License" means a license authorizing the holder thereof to sell and dispose of any liquors, not exceeding one quart, on the premises therein specified, and which may be drunk on the premises.

3. Nothing in this Act shall apply:—

Exception as to makers of native wines.

1. To manufacturers of native wines from grapes grown and produced in Canada, and who sell such wines in quantities of not less than one gallon, or two bottles of not less than three half-pints each, at one time, at the place of manufacture.

Auctioneers.

2. To any person who holds a license as auctioneer, selling liquor at public auction in quantities of not less than two gallons at any one time.

Refreshment rooms in Legislative buildings.

3. To any person selling liquor in any refreshment room at the Senate or House of Commons, or the Legislative Council or House of Assembly of any of the Provinces, by the permission and under the control of the Senate, House of Commons, Legislative Council or House of Assembly respectively.

LICENSE DISTRICTS.

Establishment of license districts by O. C.

4. The Governor in Council shall, as soon as conveniently may be after the commencement of this Act, establish districts for the purposes of this Act, to be called "License Districts," and may, from time to time, alter and re-define the same; and the "License Districts," when so established and when altered, shall be announced by proclamation in the *Canada Gazette*.

Boundaries thereof.

Such districts shall, as far as possible and convenient, be identical and co-terminous with existing and future

(1.) Counties,

(2.) or Electoral Districts,

(3.) or Cities.

LICENSE COMMISSIONERS.

Board of Commissioners of

5. There shall be a Board of License Commissioners, to be

called "The Board," composed of three persons for each License District. whom composed.

(*a.*) The first Commissioner shall be, in the Provinces of Ontario, Nova Scotia, New Brunswick, Manitoba and Prince Edward Island, the County Court Judge, or the Junior Judge of the County, as may be selected by the Governor in Council; in the Province of Quebec, the Superior Court Judge of the Judicial District, and in the Judicial Districts of Quebec and Montreal, such one of the Judges as the Governor may appoint, except in the cities of Montreal and Quebec, where he shall be the Judge of the Sessions of the Peace; in the Province of British Columbia, such one of the Judges as the Governor in Council may appoint. First Commissioner in the several Provinces.

(*b*) The second Commissioner shall be the Warden of the county or Mayor of the city. When there is both a Warden and a Mayor, having jurisdiction within the License District, the former shall be second Commissioner. In the cities of Montreal and Quebec, in the Province of Quebec, the Recorder, and in the Province of Prince Edward Island, the Sheriff of the County shall be the second Commissioner. Second Commissioner.

(*c.*) The third Commissioner shall be a person appointed by the Governor in Council, who shall hold office for one year, or for the portion of the year yet unexpired in which he is appointed, but he shall continue to hold office until his successor is appointed. Third Commissioner.

2. In the Counties of Chicoutimi and Saguenay, Gaspé and Bonaventure, in the Province of Quebec, the Governor in Council may appoint two Commissioners, who, with the Warden, shall form the Board; and in any unorganized district, the Governor in Council may appoint three Commissioners. Commissioners in certain counties in Quebec.

3. The Judge shall be chairman of the Board, and two of the said Commissioners shall form a quorum. In the absence of the Judge, the Warden or Mayor, as the case may be, in the cities of Montreal and Quebec the Recorder, in the Province of Prince Edward Island the Sheriff, and in any unorganized district such one of the Commissioners as the Governor in Council shall designate, shall be the Chairman. Chairman and quorum.

4. In the event of a tie the chairman shall have an additional or casting vote. Casting vote.

LICENSE INSPECTORS.

6. An Inspector to be called the Chief Inspector of Licenses, and one or more sub-inspectors, shall be appointed by the Board of License Commissioners from time to time for each district, as the Board may see fit, and each License Inspector shall, before entering upon his duties, give such security as the Board may require for the due performance of his duties, and for the payment over of all sums of money received by him under the provisions of this Act; and the salary of the Inspectors shall be fixed by the Board, subject to the approval of the Governor in Council. Chief Inspector and inspectors for each district. Security and salaries.

Bond.

2. The security required by this section shall be by bond to Her Majesty.

Secretary-Treasurer.

3. The Chief License Inspector shall be the Secretary-Treasurer of the Board and all moneys payable to the Board shall be paid to him.

LICENSES.

Descriptions and forms of license.

7. The Governor in Council may direct the issue of licenses on stamped paper, written or printed, or partly written and partly printed, of the several kinds or descriptions following, that is to say:—

(1.) Hotel licenses.

(2.) Saloon licenses.

(3.) Shop licenses.

(4.) Vessel licenses.

(5.) Wholesale licenses.

How signed and duration, and effect of.

The said licenses shall be signed by the Minister of Inland Revenue, or by some officer appointed by him to sign such licenses, and shall be on such one of the forms in the *first schedule* of this Act, as shall be applicable, and, except when otherwise provided, shall be in force to the thirtieth day of April following the date thereof.

Hotel or saloon license.

(*a.*) An "Hotel License" or "Saloon License" shall authorize the licensee to sell and dispose of any liquors in quantities not exceeding one quart, which may be drunk in the hotel or saloon in which the same is sold.

Shop license.

(*b.*) A "Shop License" shall authorize the licensee to sell and dispose of any liquors not to be drunk in or upon the premises for which the license is granted, provided that not less in quantity than one Imperial pint shall be sold or disposed of at any one time to any one person.

Vessel license.

(*c.*) A "Vessel License" shall authorize the master of the vessel, being a vessel by which passengers are conveyed from one place to another within or beyond the Dominion, to sell or dispose of liquor during the passage of the vessel between such places, to any passenger on board such vessel: Provided always, that it shall not permit the selling, or disposing of any liquor, except at the regular meals served on board such vessel, and then only to actual passengers: and provided further, that it shall not authorize the opening or keeping of a bar or place on board such vessel, where liquors are sold or drunk.

Proviso.

Proviso.

Wholesale license.

(*d.*) A "Wholesale License" shall authorize the licensee to sell and dispose of liquors in his warehouse, store, shop, or place defined in the license, in quantities of not less than two gallons in each cask, or vessel; and in any case when such

selling by wholesale is in respect of bottled ale, porter, beer, wine, or other fermented or spirituous liquor, each such sale shall be in quantities not less than one dozen reputed quart bottles. Liquors sold under a wholesale license are not to be consumed in, or upon, the house or premises in respect of which the license is granted.

As to sale in bottles.

Not to be consumed on the premises.

8. Every license shall be issued by the authority and under the direction of the Board of License Commissioners for the district in which the premises to which the license is to apply are situate, except in the case of licenses for vessels, which may be issued under the authority of the Board for any district to or from any port in which the vessel sails, or at any port in which she calls.

Under authority of what Board license shall issue.

9. The Board of License Commissioners may at any time before the first day of May in each year, pass a resolution or resolutions for regulating and determining the matters following, that is to say:

Regulations by Boards of Commissioners as to.

1. For defining the conditions and qualifications requisite to obtain hotel licenses for the retailing, within the district or any part thereof, of spirituous, fermented or other manufactured liquors, and also shop licenses for the sale, by retail, within the district or any part thereof, of such liquors in shops or places other than hotels, taverns, inns, ale-houses, beer-houses or places of public entertainment, not contrary to, or inconsistent with the provisions of this Act;

Qualifications and conditions for license.

2. For limiting the number of hotel, saloon and shop licenses respectively within the maximum prescribed by this Act, and for defining the respective times and localities within which and the persons to whom such limited number may be issued within the year, from the first day of May of one year till the thirtieth day of April inclusive of the next year;

Number of licenses and times and localities for issuing.

3. For declaring the number of saloon licenses that may be issued in any year;

4. For regulating the hotels, saloons and shops to be licensed;

5. For fixing and defining the duties, powers and privileges of the Inspector of Licenses of their district.

10. The Board shall meet on some day in the month of March, of which notice shall be given as hereinafter mentioned, for the purpose of taking into consideration all applications for certificates for such licenses as by this Act are authorized to be granted.

Meetings of Board.

2. If any cause shall prevent a quorum of the Board being present on the day fixed for the meeting, or at any adjournment of a meeting on the appointed day, the said meeting or adjourned meeting shall stand adjourned from day to day until a quorum shall be present to hold such meeting.

Adjournment for want of a quorum.

Notice of meeting by Chief Inspector.

3. The Chief Inspector of any district in which an annual meeting is to be held shall, one calendar month at least before the holding of such meeting, cause a notice thereof to be fixed to the outer door of the Court House or other building where the meeting of the Board is to be held, and shall also cause an advertisement of the time and place of holding such meeting to be inserted at least thrice, in at least one newspaper published in the district, or if no newspaper be published therein, then in a newspaper published nearest to the said district.

APPLICATIONS FOR LICENSES.

How to be made.

11. Every application for a license to sell spirituous, fermented or other manufactured liquors, by wholesale or retail, shall be by petition of the applicant to the Board of the district in which the license is to have effect, praying for the same.

And when.

12. Every petition for an hotel, saloon or shop license, shall be filed with the Chief Inspector for the district wherein it is to have effect, on or before the first day of March next preceding the day when it is to come into force.

And filed with Chief Inspector.

2. Every petition for any other license authorized to be granted by this Act shall be filed with the Chief Inspector five days, at least, before the day upon which the meeting of the Board is to be held.

Certificate required with application in case applicant is not a licensee.

13. In the case of an application for an hotel, saloon or shop license by a person who is not, at the time of the making of such application, a licensee, or as to premises which are not then licensed, the petition must be accompanied by a certificate signed by one-fourth of the electors entitled to vote in the polling sub-division in which the premises sought to be licensed are situated. Such polling sub-division shall be that established by law for the purposes of an election for the House of Commons, or if none such be established, then, the polling sub-division used for the last election for the House of Commons.

Form and requisites of certificate.

14. Such certificates shall be in the form in the second Schedule hereto, or to the like effect, in respect of the fitness of the applicant to have such license, and the premises in which it is proposed to carry on the business, and the desirability, on the ground of public convenience, of having a license granted therefor.

Notice by Chief Inspector as to applications for licenses.

15. The Chief Inspector shall cause to be published in some newspaper published in the district, or if no newspaper be there published, then in a newspaper published near thereto, the name of each applicant for a license, the description of license applied for, and the place (described with sufficient certainty) where such applicant proposes to sell, at least fourteen days before the meeting of the Board. He shall also cause a notice containing similar information to be fixed to the outer door of the Court House or other building where the meeting of the Board is to be held.

16. The applicant shall, with his application, deposit a fee of ten dollars to cover expenses of inspection and advertising. Deposit by applicant.

17. It shall be the right and privilege of any ten or more electors of the said polling sub-division to object by petition, or in any similar manner, to the granting of any license. The objections which may be taken to the granting of a license may be one or more of the following :— Objections to applications for license.

1. That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited a license, or that the applicant has been convicted of selling liquor without a license within a period of three years ; or As to character of applicant.

2. That the premises in question are out of repair, or have not the accommodation hereby required, or reasonable accommodation if the premises be not subject to the said requirements ; or As to his premises.

3. That the licensing thereof is not required in the neighbourhood, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situate will be disturbed if a license is granted. As to the neighborhood.

18. Every petition having reference to the granting of a license shall have, in addition to each signature thereon, a statement of the approximate distance from the premises to which such petition refers, of the residence or property of each person signing the same. Particulars as to objections.

19. Any petition against the granting of a license shall be lodged with the Chief Inspector, not less than four clear days before the day appointed for the meeting of the Board, Time for filing

20. The Chief Inspector shall keep a list posted in his office for three days previous to the meeting of the Board, of all certificates and petitions lodged with him as aforesaid, and every such petition or memorial shall be open for public inspection without fee. Posting list of petitions, &c.

21. The Board shall, on receiving any petition as aforesaid, erase therefrom all names in respect of which the particulars hereby required to be set forth are not appended. Examination of signatures.

22. Every application for a license, and all objections to every such application, shall be heard and determined at a meeting of the Board for the district wherein the premises in respect of which the license is sought, or to which it relates, are situate. Hearing and determining objections.

2. Every such hearing shall be open to the public, and every applicant for a license shall attend personally at such hearing, unless hindered by sickness or infirmity ; and the Board may summon and examine on oath such witnesses as they may think necessary, and as nearly as may be in the Proceedings at hearings.

manner directed by any Act now or hereafter to be in force relating to the duties of Justices in relation to summary convictions and orders.

Adjourning meetings.

3. Any license meeting may, at the discretion of the Board, be adjourned from time to time to the same or any other Court House or building within the district.

Report of inspector on applications.

23. On every application for a license the Inspector shall report in writing to the Board, and such report shall contain :

As to premises.

(1.) A description of the house, premises and furniture.

Conduct of applicant if previously licensed.

(2.) And if the application be by a person who held a license for the same premises during the preceding year, a statement as to the manner in which the house has been conducted during the existence of the previous license, and the character of persons frequenting the house

As to licensed houses in the neighborhood.

(3.) A statement of the number, position and distance from the house in respect of which a license is applied for, of other licensed houses in the neighborhood.

Fitness of applicant.

(4.) A statement that the applicant is (if, in the opinion of the Inspector, he be so) a fit and proper person to have a license, and is known to be of good character and repute.

Necessity of licensed house.

(5.) A statement that the house or premises sought to be licensed is or are, in his opinion required for public convenience.

Provision as to report of inspector.

24. The Inspector shall not report in favor of any applicant, other than the true owner of the business of the hotel, saloon, or shop proposed to be licensed, and his report shall be for the information, only, of the Board, who shall, nevertheless, exercise their own discretion on each application.

ACCOMMODATION.

Accommodation required in a hotel.

25. Every hotel authorized to be licensed under the provisions of this Act shall contain, and during the continuance of the license shall continue to contain, in addition to what may be needed for the use of the family of the hotelkeeper, in cities and towns not less than six bed-rooms, and in other places not less than three bed-rooms, together with, in every case, a suitable complement of bedding and furniture; and (except in cities and incorporated towns) there shall also be attached to the said hotel, proper stabling for at least six horses.

Not to communicate with a shop.

2. No hotel or saloon shall form a part of, or communicate by any entrance with any shop or store wherein any goods or merchandise are kept for sale.

Hotel or saloon must have sufficient

26. In addition to the accommodation required by the last preceding section, each hotel or saloon shall be shewn,

to the satisfaction of the Board, to be a well-appointed and sufficient eating-house, with the appliances requisite for daily serving meals to travellers ; and the requirements of this section shall apply to all hotels or saloons, save as hereinafter excepted, and continuously for the whole period of the license. eating accommodation.

2. The Board may, by resolution to be passed before the first day of May in any year, dispense, as to a certain number of saloons in any city or town, with the necessity of their having the accommodation in the last preceding section mentioned. Board may dispense with such accommodation in certain cases.

27. The Council of any city or town may, by by-law to be passed before the first day of March in any year, prescribe for the then ensuing license year beginning on the first day of May, any requirements in addition to those in the last two preceding sections mentioned, as to accommodation to be possessed by hotels and saloons, which the Council may see fit ; and the Board, upon receiving a copy of such by-law, shall be bound to observe the provisions thereof ; and such by-law shall continue in full force for such year and any future year until repealed. City or town council may require additional accommodation.

28. Every hotel-keeper whose license is granted in respect of premises to be provided with stabling, shall at all times keep upon his licensed premises a sufficient supply of hay, corn, or other provender, for the accommodation of travellers. Stabling to be provided with hay, etc.

DUTIES OF THE BOARD.

29. The Board shall ascertain that the requirements of this Act as to the petition of the applicant, the certificate of the electors when necessary, and the report of the Inspector have been complied with. To see that requirements are complied with.

2. If the said pre-requisites have been complied with, (but not otherwise) the Board shall entertain the application. Entertaining application or not.

3. Where the applicant for an hotel or shop license resides in a remote part of the district, or where for any other reason the Board see fit, they may dispense with the report of the Inspector, and act upon such information as may satisfy them in the premises. Applicants in remote parts.

4. The Board shall hear and determine all applications, and also all objections which may be made to such applications on such evidence as shall seem to them sufficient, whether the same be strictly legal evidence or not. Hearing and determining applications.

5. Any person who has signed a memorial against the granting of a license, may be heard in opposition thereto. Hearing objectors.

6. The Council of any city, town or incorporated village, or of any municipality or parish, may authorize any person to appear in a similar manner on behalf of the ratepayers of such city, town, incorporated village, municipality or parish And those authorized by municipalities.

as to the granting of a license, and such person so authorized shall have a right to be heard before the Board against the granting of such license.

As to objections to character.

7. No objection in respect of the character of any applicant shall be entertained, unless three days' notice has been given to the applicant.

Objections by Inspectors.

8. No objection from an Inspector shall be entertained, unless the nature of the objection shall have been stated in the report furnished to the Board.

Board may notice matters not mentioned by objectors.

9. Notwithstanding anything in this Act contained, the Board may, of their own motion, take notice of any matter or thing which in their opinion would be an objection to the granting of a license, although no notice or objection has been given or made as by this Act provided. In any such case the Board shall notify the applicant, and shall adjourn their hearing of the application, if requested by him, for any period not exceeding fourteen days and not less than seven days, in order that any person affected by the objection may have an opportunity of answering the same.

Notice to applicant in such case.

Decision of Board final.

10. The decision of the Board, when once announced by the chairman, shall not be questioned or reconsidered.

Applicants refused as unfit disqualified for 3 years.

11. If any applicant for a license has at any time or in any place been refused on the ground that he is not a fit person to hold a license, no application by such applicant shall be entertained by any Board within a period of three years of the last of such refusals.

Certificates to applicants found entitled to license.

30. If it appears that the applicant is the true owner of the business of such hotel, saloon or shop, and has complied with the requirements of the law and with the regulations and requirements of the Board, the Board may grant such applicant a certificate under the hands of any two members of the Board, stating that he is entitled to a license for a certain time, and for a certain hotel, saloon, or shop within the district.

Entrance to hotel.

31. No hotel license shall be granted in respect of any house in any city, town or incorporated village, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold.

Majority of electors may prevent license.

32. No license shall be granted if a majority of the electors in the sub-division petition against it, on the grounds hereinbefore set forth, or any of such grounds.

No license to person disqualified.

33. No license shall be granted to any person declared, in pursuance of this Act, to be a disqualified person, during the continuance of such disqualification. Any license issued to a person so disqualified, shall be void.

Nor to a Commissioner or Inspector.

34. No license shall be granted under the provisions of

this Act to or for the benefit of any person who is a License Commissioner or License Inspector, and any license so issued shall be void.

Nor if Commissioner or Inspector owns the premises.

35. An hotel, saloon or shop license shall not be issued under the provisions of this Act for premises within any district of which any of the License Commissioners or of the Inspectors for such district is the owner; and every License Commissioner who knowingly issues, and every License Inspector who knowingly recommends the issue of a license for any such premises, contrary to the provisions of this section, shall be guilty of a misdemeanor.

Proviso: as to joint stock companies.

2. The provisions of this section shall not extend or apply to premises owned or occupied by a joint-stock company in which a License Commissioner is a shareholder, but in every such case such License Commissioner shall not vote upon any question affecting the granting of a license to such company, or for premises owned or occupied by it.

Licenses for vessels or for wholesale.

36. The Board may also direct to be issued licenses for vessels, or wholesale licenses which have been applied for within the time hereinbefore prescribed.

Condition of wholesale license.

37. No wholesale license shall be granted to any person who does not carry on the business of selling by wholesale or in unbroken packages.

As to partnership.

38. Wholesale licenses may be issued in the name of a co-partnership, when two or more persons are carrying on business as one, but a separate license shall be required in every district wherein the firm carries on its business.

Extension of licenses in certain cases.

39. In any case where the Board of any district do not think fit, or are unable to grant a new license to any applicant who has been licensed during the preceding twelve months, or any part thereof, they may, nevertheless, by resolution, provide for extending the duration of the existing license for any specified period of the year, not exceeding three months, at their discretion, upon payment by the applicant, of a sum not exceeding the proportionate part of the fee payable for such license for the then next ensuing license year; and such license, when a certificate of the extension aforesaid has been endorsed thereon, under the hand of the Chief Inspector for the District, shall remain valid for the period specified in the resolution of the Board, and no longer; but this provision shall not be construed to confer on the Board any authority to exceed the limit prescribed by this Act as to the number of licenses to be granted in any year.

Proviso.

Issue of license and fee.

40. Upon the obtaining by the applicant of the certificate authorizing the issuing of a license, the Chief Inspector shall, on the demand of the applicant so authorized, and upon the payment of a fee of five dollars, and upon his giving security by bond as hereinafter mentioned, when it is an hotel, saloon, or shop license that has been directed to issue, issue to him the license to which he is entitled.

SECURITY TO BE GIVEN.

Form and amount of bond.

41. Before any hotel, saloon or shop license is granted, the person applying for the same shall enter into a bond to Her Majesty in the sum of five hundred dollars, with two good and sufficient sureties (to be approved of by the Chief Inspector), in the sum of one hundred and fifty dollars each, conditioned for the payment of all fines and penalties which such person may be condemned to pay in respect of any offence against any Act, by-law or provision in the nature of law, relative to hotels, taverns, inns or houses of public entertainment then and thereafter to be in force, and to do, perform and observe all the requirements thereof, and to conform to all by-laws and regulations that may be established by competent authority in such behalf; and such bond shall be in the words or to the effect of the third schedule to this Act, and when executed shall be filed in the office of the Chief Inspector, to be by him transmitted to the Secretary of State.

NUMBER OF LICENSES.

Number limited.

42. The number of hotel and saloon licenses to be granted in the respective municipalities or parishes, shall not in each year be in excess of the following limitations:

In municipalities.

1. In cities, towns and incorporated villages respectively, according to the following scale, that is to say, one for each full two hundred and fifty of the first one thousand of the population, and one for each full five hundred over one thousand of the population; Provided, that two hotel licenses may be granted in any town or incorporated village wherein the population is less than five hundred.

Proviso.

In villages being county towns.

2. In incorporated villages, being county towns, the limit shall be five in number; and in the Town of Clifton, in the Province of Ontario, three hotels near the Falls of Niagara, which may be licensed, may be added to the number which would otherwise be the maximum limit under this Act.

In Victoria, B.C.

3. In the City of Victoria, British Columbia, the limit shall be one for each full two hundred of the first seven thousand of the population, and one for each full five hundred over seven thousand of the population

Where there is no municipal organization.

4. In townships or parishes and in places where there is no municipal organization, the Board of the District shall, by resolution to be passed at their first meeting in each year, limit the number of licenses to be issued in each year.

Places of summer resort.

5. The Board may authorize the granting of two additional hotel licenses beyond the number limited by this Act in a locality largely resorted to in summer by visitors, but such licenses shall only be for a period of six months, commencing on the first day of May in each year.

43. The number of shop licenses to be granted in the respective municipalities shall not in each year be in excess of the following scale:— Number of shop licenses.

One for each full four hundred up to twelve hundred of the population, and

One for each full one thousand beyond twelve hundred of the population.

44. The council of any city, town, or village may, by by-law to be passed before the first day of March in any year, reduce, within the limit by this Act provided, the number of hotel, saloon and shop licenses to be issued therein for the then ensuing year, or for any future license year until such by-law is altered or repealed. Municipal council may further limit the number of licenses.

2. The council shall cause a certified copy of such by-law to be sent immediately after the passing thereof to the Chief Inspector of the district in which the municipality is situate. Proviso.

45. The number of the population which is to determine the number of licenses at any time under this Act shall be according to the then last preceding census, except where the Board are at any time of opinion that, owing to a large increase of population since such census, an increased number of licensed hotels is needed for the convenience and accommodation of travellers; and in that case, if the Board so certify, and the Council of the municipality memorialize the Governor for an increase of the number of hotels, the Governor in Council may authorize a new census to be taken at the expense of the municipality, and the limit for the number of licenses shall thereafter, upon each such new census, be one for each full two hundred and fifty of the population under one thousand, and one for each five hundred over one thousand of the population; except in the Province of Quebec, where the number of licenses shall, upon each such new census, thereafter be one for each full two hundred and fifty of the population under five hundred, and one for each five hundred over the first five hundred; How the population shall be computed. New census in certain cases.

2. In case of the alteration or formation of any municipality subsequent to the taking of any census, the population of such municipality, for the purposes of this Act, may be ascertained by the said Board by reference to the enumeration on which such census took place, or by a new census taken under the provisions of this section; Municipalities altered since census.

3. Where, since the general census, a census has been taken in any municipality under the authority of the Council having jurisdiction, the limit may be the same as in the case of a census taken under this section for the purposes of this Act. The same.

If Electors petition against licenses.

46. No license shall be granted by the Board for the sale of liquors within the limits of a municipality or parish if there is deposited in the office of the Chief Inspector a petition signed by the majority of the electors of the said municipality or parish, praying that licenses be not granted for the next ensuing license year;

Effect.

2. Every such petition shall have effect until another shall be presented signed by the majority of the said electors, praying that licenses may issue under this Act;

Conditions respecting petition.

3. Each of the petitions in this section mentioned shall be presented before the first of February in each year, and shall be accompanied by the affidavit of two of the said electors, made before a Justice or Notary Public, and stating that each of the signatures or marks placed at the foot of the petition is that of the elector who is indicated by it, that each such signer is a Parliamentary elector in the said municipality, and that the said signers form the majority of the electors in the said municipality.

License to apply to person and premises.

47. Subject to the provisions of this Act as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named, and for the premises therein described, and shall remain valid only so long as such person continues to be the occupant of the said premises, and the true owner of the business there carried on.

TRANSFER OF LICENSES.

Conditions on which transfer shall be allowed and its effect.

48. In case any person having lawfully obtained a license under this Act dies before the expiration of his license, or sells, or by operation of law or otherwise assigns his business, or removes from the house or place in respect of which the said license applies, his said license shall, *ipso facto*, become forfeited, and be absolutely null and void to all intents and purposes whatsoever, —unless such person, his assigns or legal representatives, within one month after the death, assignment, or removal of, or sale by the original holder of such license, or some other period in the discretion of the Board of the district in which the said license has effect, obtain its written consent or the consent of the chairman, countersigned by the Inspector, either for the continuance of the said business or the transfer of such license to some other person, and thereupon forthwith transfer the same to such other person, who, under such transfer, may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in the house or place for which such license was issued and to which it applies, but in no other house or place.

Report of Inspector.

2. In every such case of transfer of an hotel license, the person in whose favor any such transfer is to be made shall first produce to the Board, or to the chairman thereof, a report of the Inspector similar in effect to that mentioned in section *twenty-three* of this Act.

3. Except in case of the death of the licensee no transfer of any license shall be made, nor shall any application for leave to transfer be entertained until the expiration of three months from the time of the granting of such license. When to be applied for.

49. Where a licensee has been legally ejected from any licensed premises, the Board or the Chairman may, notwithstanding the non-production of the license, on the application in writing of the owner of the premises and the proposed new tenant, grant a special certificate of transfer of such license to such new tenant, in such form as he or they shall think applicable, such certificate to be countersigned by the Chief Inspector. Case of licensee ejected.

50. Any two members of the Board may, by order, authorize any person they may think entitled to the benefit of any license to carry on the business in the licensed premises for the remainder of the term for which the license was granted, in the same manner as if such license had been formally transferred to such person, in any of the following cases, that is to say :— Authorizing business for remainder of term in certain cases.

1. Whenever any person to whom a license has been granted deserts the licensed premises, or refuses or neglects to transfer the license when justly required so to do ; or Desertion of premises.

2. If, during the currency of any such license, the holder thereof ceases to occupy the premises in respect whereof the license is held, or his tenancy of such premises is determined by effluxion of time, or by notice to quit, or by any other means whatsoever. Ceasing occupation.

51. Where any licensed person is convicted of any offence, and in consequence either becomes personally disqualified or has his license forfeited, any two members of the Board, upon the application by, or on behalf of, the owner of the premises in respect of which the license was granted (where the owner is not the occupier), and upon being satisfied that such owner was not privy, nor a consenting party to the act of his tenant, and that he has legal power to eject the tenant of such premises, may by order authorize an agent to carry on the business specified in the license relating to such premises until the end of the period for which such license was granted, in the same manner as if such license had been formally transferred to such agent. Case of licensee convicted of an offence.

52. In case of the marriage of any female being a licensee the license held by her shall confer on her husband the same privileges, and shall impose on him the same duties, obligations and liabilities, as if such license had been granted to him originally ; provided, that the Chairman of the Board, on the application of the husband of the licensed woman, has confirmed to him his wife's license for the remainder of the term of the duration thereof, and granted him a certificate to that effect, which must be countersigned by the Chief Inspector Such confirmation shall be granted if the Chairman is satisfied that no objection can be made Case of marriage of female licensee. Proviso.

to the character of the husband, and that he has not forfeited a license within the next preceding three years.

REMOVAL OF LICENSEE.

Grant of leave to remove.

53. Any Chief Inspector may, after resolution allowing the same by the Board, or permission in writing granted by the chairman thereof, endorse on any hotel, saloon or shop license, permission to the holder thereof to remove from the house to which his said license applies, to another house to be described in the endorsement to be made by the said Inspector on the said license, and situate within the same polling sub-division: Provided always, that the house to which the licensee proposes to remove has all the accommodation required by law.

Proviso.

Effect of leave to remove.

2. Such permission, when the approval of the said Inspector is endorsed on the said license, shall authorize the holder of the said license to sell the like liquors in the house mentioned in the endorsement, during the unexpired portion of the term for which the said license was granted, in the same manner, and upon the same terms and conditions as he might do in the premises to which the license originally applied; but no such permission shall be granted unless and until the person applying therefor has filed in the office of the Chief Inspector, a report of the Inspector containing the information required by law in case of application for a license; and any bond or security which such holder of a license may have given for any purpose in relation to such license shall apply to the house or place to which such removal is authorized; but such permission shall not entitle him to sell at any other than such one place.

Proviso.

Certificate of Electors.

3. An application for the removal of any hotel, saloon, or shop license from the house to which it applies must be accompanied by a certificate, signed by one-fourth of the electors of the polling sub-division in the same manner as is required by section *thirteen* of this Act as to applications for a license.

Fees in cases of removal, &c.

54. For each transfer of a license, for each certificate permitting the continuance of the business, for each certificate of confirmation of a license to the husband of a licensed woman, and for each endorsement of permission to remove to other premises there shall be paid a fee of ten dollars.

LICENSE FUND.

How formed.

55. All sums received on applications for and on the issue of licenses, or received by the Inspector for fines and penalties, shall form the License Fund of the District.

How to be applied.

2. The License Fund shall be applied, under regulations of the Governor in Council, for the payment of the salary and expenses of the Inspectors, and for the expenses of the office of the Board, or otherwise incurred in carrying the provisions of the law into effect; and the residue, on the thirtieth

day of June in each year, and at such other times as may be prescribed by the regulations of the Governor in Council, shall be paid over—one-third to the Minister of Finance to form part of the Consolidated Revenue Fund, and the other two-thirds to the Treasurer of the city, town, village, or township municipality in which the licensed premises are respectively situate for the public uses of the municipality;

Cheques upon the fund.

3. Cheques upon the license fund account shall be drawn by the Inspector, and countersigned by the Chairman, or any two of the License Commissioners, subject to the regulations made by the Governor in Council.

Application of pecuniary penalties.

56. Two-thirds of any penalty in money recovered under this Act, in cases in which an Inspector is the prosecutor or complainant, shall be paid by the convicting Magistrate to the Inspector, and paid in by him to the credit of the "License Fund Account;"

If not all recovered.

2. In case the whole amount of the penalty and costs is not recovered, the amount recovered shall be applied, first, to the payment of the costs, and the balance shall be appropriated as herein provided;

Conviction but no recovery of costs.

3. In any case where the Inspector has prosecuted and obtained a conviction, and has been unable to recover the amount of costs, the same shall be made good out of the License Fund;

Indemnity of Inspector in cases of no conviction

4. In any case where the Inspector has prosecuted and failed to obtain a conviction, he shall be indemnified against all costs out of the License Fund, if the Magistrate before whom the complaint is made certifies that such officer had reasonable and probable cause for instituting such prosecution or preferring such complaint.

REVOCATION OF LICENSES IMPROPERLY OBTAINED.

Proceedings for such revocation and powers Judge.

57. The Judge of the County Court of the county or the Judge of the Superior Court having jurisdiction in the county in which a municipality is situate, in any part of which a license granted is intended to take effect, upon the complaint of any person that such license has been issued contrary to any of the provisions of this Act or of any by-law in force in the said municipality, or that such license has been obtained by any fraud, shall summon the person to whom such license has been issued, to appear before him, and shall proceed to hear and determine the matter of the said complaint in a summary manner; and may upon such hearing, or in default of appearance of the person summoned, determine and adjudge that such license, for any of the causes aforesaid, ought to be revoked, and thereupon shall order and adjudge that such license is and stands revoked and cancelled accordingly, and such license shall then be and become inoperative and of none effect, and the person to whom such license issued shall thereafter, during the full period of three

years, be disqualified from obtaining any further or other license under this Act.

PERMITS TO SELL IN MUNICIPALITIES WHERE NO LICENSE IS GRANTED.

Permits to sell for certain purposes only.

58. In municipalities or parishes where there is no person licensed under an hotel, saloon or shop license to retail liquors, the sale of such liquors is permitted, as hereinafter provided, for medicinal purposes only, or for use in divine worship, on the certificate of a physician or of a clergyman, residing in the municipality or parish, and not otherwise; or for *bonâ fide* use in some art, trade or manufacture, on the certificate of two Justices.

Certificate to whom to be given.

2. Such certificate may be given by a resident physician, but only to a patient under his immediate care, or by a clergyman, but only to a person whose spiritual adviser he *bonâ fide* is, under a penalty of thirty dollars for each contravention of this provision.

Conditions of issue of certificate.

3. Before the two Justices shall grant a certificate to a person authorizing the sale to him of liquor for use in any art, trade or manufacture, they shall cause a declaration to be made before them by the applicant to the effect that the liquor is to be used only for the purpose set forth in the declaration, and they shall attach the said declaration to their certificate.

Limit of quantity to be sold.

4. In any case, not more than one imperial pint shall, at any one time, be sold in virtue of such certificate, and no liquor so sold shall be allowed to be drunk on the premises, under a penalty of forty dollars for each contravention of this provision.

By whom to be sold.

5. The sale of liquor permitted by this section shall be made by such person only as may be appointed for that purpose by a resolution of the Board, and the Board may grant to such person a "permit to sell for medicinal purposes, or for use in divine worship only, or for use in any art, trade or manufacture."

Report by person so selling.

6. The person so permitted to sell shall make a report sworn to before a Justice of the Peace, on the first day of each month, to the Chief Inspector, showing the names of the persons to whom he has sold liquor during the previous month, the quantity sold in each case, and upon whose certificate the sale was made, and such certificates shall accompany the report. Any violation of, or failure to comply with any of the provisions of this section, shall subject the offender to a penalty of twenty dollars, for each contravention.

Penalty for default.

REGISTER OF LICENSES.

Who shall keep.

59. The Chief Inspector of each district shall keep, in such form as may be prescribed by the Board :

(*a.*) A register, to be called "The Register of Licenses," containing the particulars of all licenses granted in the district, the premises in respect of which they are granted, the names of the licensees, and the names of the sureties to any bond given by such licensee in pursuance of the provisions of this Act. There shall also be entered on the register all forfeitures of licenses, disqualifications of licensees, records of convictions and other matters relating to the licenses then on the register.

Particulars required.

Licenses.

Forfeitures, &c.

(*b.*) A record of all applications made to the Board, showing the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the date on which the applications were heard, and the manner in which the same were disposed of, including in cases of refusal, the cause thereof.

Applications to Board.

2. Every Chief Inspector shall, on request, forthwith transmit extracts from any such register of licenses or record of applications, to any other Inspector or to the Clerk of any Court.

Furnishing extracts.

60. The Board shall report annually to the Minister of Inland Revenue, and their report shall contain :

Reports of Boards to Minister of Inland Revenue; and what they must show.

(*a.*) A statement of the number and description of licenses, and of the names of applicants to whom licenses were granted during the year.

(*b.*) The names of those to whom licenses were not granted.

(*c.*) The statements required to be entered in the Register of Licenses.

(*d.*) The prosecutions for infractions of this Act, and the result of the same.

(*e.*) General remarks as to the working of the law within the District.

2. They shall also report as to and account for the moneys received and expended during the year.

REGULATIONS AND PROHIBITIONS.

61. All licenses shall be constantly and conspicuously exposed in the warehouses and shops, in the bar-rooms of hotels, saloons, or other places of public entertainment, and in the saloon or cabin of vessels, to which the licenses respectively relate, under a penalty of five dollars for every day's wilful or negligent omission so to expose them, to be recovered with costs from the licensee, or the master, captain or owner of the vessel so making the default.

Licenses to be kept exposed.

62. Every person who keeps an hotel or saloon or any other licensed place in respect of which an hotel or saloon license has duly issued and is in force, shall exhibit over

Inscription on licensed permises.

the door of such hotel, saloon or other licensed place in large letters, the words: "*Licensed to sell spirituous or fermented liquors*," and in default thereof shall be liable to a penalty of five dollars, besides costs for each on which such default continues.

Lamps over doors.

63. Every hotel-keeper shall keep a lamp affixed over the door of his licensed premises, or within twenty feet thereof, lighted during the whole of every night, from sunset to sunrise, during the time of his holding such license.

Penalty for default.

2. Every person who acts in contravention of, or who fails to comply with any provision of this section, shall forfeit and pay for each such offence a penalty not exceeding dollars.

Exemption by Inspector.

3. The Chief Inspector may, by endorsement on his license, exempt any hotel-keeper from compliance with this provision in cases where he thinks the street or particular place where the licensed premises are situate, is otherwise sufficiently lighted.

One Bar only.

64. Not more than one bar shall be kept in any house or premises licensed under this Act.

Prohibition of sales at certain times and hours.

65. As respects all places where intoxicating liquors are, or may be sold by wholesale or retail, no sale or other disposal of liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever, save as hereinafter provided, from or after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter, nor from or after the hour of eleven o'clock at night until six o'clock the following morning on all the other nights of the week, save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquor, whether sold or not, be permitted or allowed to be drunk in any such places during the time prohibited by this Act for the sale of the same: Provided always, that in hotels liquor may be sold on Sundays to the guests *bonâ fide* residing or boarding in such houses, between the hours of half-past twelve and two, and half-past five and half-past six in the afternoon, respectively, to be drunk or used in their private rooms or at the table, but this provision shall not permit the furnishing of liquor at the bar, or place where liquor is usually sold in such houses during the said hours: Provided further, that nothing herein contained shall preclude the sale of liquors at any time at a railway station to persons arriving at such station by the railway, by any person duly licensed in that respect.

Proviso as to guests in hotels.

And as to Railway stations.

No sales on polling days.

2. And no sale or other disposal of liquor shall take place in any licensed place within the limits of a polling sub-division, on any polling day for or at any Parliamentary Election, or election of a member for a Legislative Assembly, or any municipal election, from or after the time of four

o'clock in the morning of the said day, until the following lawful day at six o'clock in the morning.

Licensed premises not to be used for certain purposes.

66. If any licensed person permits any room or portion of his licensed premises, or the appurtenances thereof, to be used or occupied as a dancing, concert or theatrical saloon, or as a place of common resort to which persons shall be admitted by ticket or otherwise, he shall forfeit his license.

Proviso.

But nothing herein contained shall extend to prevent private societies or assemblies of persons from hiring or using such room or place, independently of or unconnected with the proprietor or keeper of such house.

Penalty for refusing lodging, &c.

67. Every hotel-keeper failing or refusing, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals, or accommodation to travellers, shall, for each offence, be liable, on conviction, to forfeit and pay any sum not exceeding dollars.

As to mode of payment for liquor, &c.

68. If any hotel-keeper receives in payment, or as a pledge, for any liquor or entertainment supplied in or from his licensed premises, anything except current money, or the debtor's own cheque on a bank or banker, he shall for each such offence pay a penalty not exceeding dollars. The person to whom anything given as a pledge, as aforesaid, belongs, shall have the same remedy for recovering such pledge, or the value thereof, as if it had never been pledged. No hotel-keeper shall receive payment in advance for any liquor to be supplied, and any payment so made in advance may be recovered, notwithstanding that any liquor may have been supplied subsequently to such payment.

Recovering of pledges.

Payment in advance forbidden.

Licensee not to purchase certain articles, or receive them in pledge.

69. If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, or furniture, either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any intoxicating liquor or the price thereof, or receives from any person any goods in pawn, any stipendiary or police magistrate, or any two justices of the peace, or any parish court commissioner, on sufficient proof on oath being made before him of the facts, may issue his warrant for the restitution of all such property, and for the payment of costs ; and in default thereof, the warrant shall contain directions for levying by sale of the offender's goods to the value of such property so pawned, sold, or bartered, and costs, and the offender shall also be liable to a penalty not exceeding dollars.

Restitution may be ordered and enforced.

Penalty for permitting drunkenness, &c.

70. If any person licensed under this Act permits drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers intoxicating liquor to any drunken person, or permits and suffers any drunken person to consume any intoxicating liquor on his premises, or permits and suffers persons of notoriously bad character to assemble or meet on his premises, or suffers any gambling or any unlawful game to be

carried on on his premises, he shall be liable to a penalty not exceeding dollars.

Penalty for harbouring constables when on duty.

71. If any licensed person knowingly harbours or knowingly suffers to remain on his premises, any constable during any part of the time appointed for such constable to be on duty, unless for the purpose of keeping or restoring order, or in the execution of his duty, or supplies any liquor or refreshment whatever by way of gift or sale, to any constable on duty, unless by authority of some superior officer of such constable, or bribes, or attempts to bribe, any constable, he shall be liable to a penalty not exceeding dollars.

Power to refuse liquor to or to eject any intoxicated person.

72. Any person licensed under this Act may refuse to admit to the premises in respect of which his license is granted, any person who is intoxicated, and may refuse to admit to and may turn out of the premises any person who is violent or quarrelsome, or disorderly, and any person whose presence on his premises would subject the licensee to a penalty under this Act; and any such person who, upon being requested in pursuance of this section, by such licensed person or his agent, or servant, or any constable, to quit such premises, refuses or fails to do so, shall be liable to a penalty not exceeding twenty dollars; and all constables are required, on demand of such licensed person, his agent or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

Constables to aid.

Penalty for using prohibited internal communications.

73. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty not exceeding dollars for every day during which such communication remains open.

Forfeiture of license.

2. In addition to any penalty imposed by this section, any person convicted of an offence under this section shall, if he be the holder of a license, forfeit such license.

Penalty for allowing liquors to be consumed on the premises by a minor.

74. Any licensed person who allows to be supplied in his licensed premises, by purchase or otherwise, to be consumed on the premises, any description whatever of liquor to any person apparently under the age of sixteen years, of either sex, not being resident on the premises or a *bonâ fide* guest, lodger or traveller, shall, as well as the person who actually gives or supplies the liquor, be liable to pay a penalty not exceeding dollars for every such offence.

Such offence by shop licensee.

75. No person having a shop license to sell by retail, shall allow any liquor sold by him or in his possession, and for the sale of which a license is required, to be consumed within his shop, or within any building of which such shop forms part, or which communicates by any entrance with such shop, either by the purchaser thereof, or by any other person not

usually resident within such building, under a penalty of dollars.

Conditions for obtaining shop license.

2. No shop license shall be granted to any person to sell liquors in any store, shop, place or premises where groceries or other merchandize are sold, or exposed for sale, or in any store, place or premises, connected by any internal communication with such first mentioned store, shop, place or premises: Provided always, that this sub-section shall not apply to any licensee having a license at the time of the passing of this Act, prior to the first day of May in the year one thousand eight hundred and ninety.

Proviso.

Not to treat any person on the premises.

3. If any person having a shop license gives or treats any person to any liquor on the licensed premises, he shall on conviction, incur a penalty of not less than dollars nor more than dollars, and in addition thereto, on conviction for the said offence, his license shall *ipso facto* be forfeited.

Wholesale licensee not to allow liquor to be consumed on his premises.

76. No person having a license to sell by wholesale, shall allow any liquors sold by him or in his possession for sale, and for the sale or disposal of which such license is required, to be consumed within his warehouse or shop, or within any building which forms part of or is appurtenant to, or which communicates by any entrance with any warehouse, shop or other premises wherein any article to be sold or disposed of under such license is sold by retail, or wherein there are kept any broken packages of such articles.

Punishment for allowing liquor to be unlawfully consumed on premises.

77. If any person having a license to sell liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry, any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchaser thereof, on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly, in manner provided by this Act.

Endorsation of convictions on license.

2. A record of every conviction for an offence against this section shall be endorsed on the license of the person convicted.

What proof of offence sufficient.

3. In any proceeding under this section it shall not be necessary to prove that the premises, or place or places to which such liquor is taken to be drunk belonged to or were hired, used or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case, that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license.

Vessel licensee not to sell in port, &c.

78. Where a vessel license is issued under this Act, no sale or other disposal of liquor shall take place thereon or therefrom, to be consumed by any person other than a passenger on the said vessel, whilst such vessel is at any port, pier, wharf, dock, mooring place or station;

Penalty for contravention.

2. In case any such sale or other disposal of liquor takes place, the said license shall *ipso facto* be and become forfeited and absolutely void, and the captain or master in charge of such vessel, and the owner or person navigating the same, as well as the person actually selling or disposing of liquor contrary to this section, shall be severally and respectively liable to a penalty of one hundred dollars; and any person who sells or disposes of any liquor contrary to the provisions of this section shall also be liable to the same penalty and punishment therefor as is hereinafter prescribed in the section of this Act.

ADULTERATION.

Penalty for selling, &c., adulterated liquor.

79. Every person who sells or offers for sale, any liquor with which is mixed any ingredient or material injurious to health, or whereby such liquor is rendered injurious to the health of persons drinking the same, and every person who sells as unadulterated any liquor which is adulterated, shall, on conviction, be liable for every such offence to a penalty not exceeding dollars. The provisions of the three next following shall apply in respect of every offence against this section.

Entry of conviction for such offence.

2. Where a licensed person is convicted of any offence against the provisions of any Act, for the time being in force, relating to the prevention of adulteration, such conviction shall be entered in the proper register of licenses, and may be declared to be an offence against this Act, and when so recorded shall have effect as if it had been a conviction for an offence against this Act. Such licensed person shall

As to subsequent offence.

further, in the case of a second or any subsequent offence, be liable to forfeit his license. In the case of a second or any subsequent offence, until the license is forfeited, a record of the conviction shall be endorsed on the license of the person convicted.

Duty of Inspector in case of conviction when license not forfeited.

3. Where a licensed person is convicted of any offence for adulteration of drink, and his license is not forfeited for such offence, the Inspector or Sub-Inspector, or any constable of the district, shall cause a placard stating such conviction to be affixed to the premises; such placard shall be of such size and form, and shall be printed with such letters, and shall contain such particulars, and shall be affixed to such part of the licensed premises, as the convicting justices may think fit, and such licensed person shall keep the same affixed during two weeks after the same is first affixed;

Notice to be affixed on premises.

and, if he fails to comply with the provisions of this section with respect to keeping such placard affixed, or defaces or allows such placard to be defaced, or if the same is defaced and he fails forthwith to renew the same, he shall be liable

to a penalty not exceeding dollars for every day on which the same remains so defaced and unrenewed; and any Inspector or any constable may affix or re-affix such placard during the said two weeks, or such further time as may be directed by a court of summary jurisdiction.

Obtaining analysis of liquor suspected to be adulterated.

80 In order to obtain an analysis of any *such* liquor, substance or thing, it shall be lawful for any justice, on information on oath made to him that there is reason to believe that any such liquor is adulterated, or contains any deleterious ingredient as aforesaid, or that any such substance, matter or thing of a deleterious character is to be found upon any premises, to authorize the seizure of such suspected liquor, substance, matter or thing, and to cause the same, or a sample thereof, to be analyzed by some competent person, and to order the forfeiture of the whole of the kind of liquor analysed and found to be adulterated or to contain any deleterious ingredient, and also of any substance, matter or thing of a deleterious character found in the possession or on the premises of the person offending; and the expense of such analysis and forfeiture shall be a portion of the costs which such justice shall have power to order to be paid by any person convicted; and in every proceeding under this section, proof of the fact that any liquor was adulterated or contained any deleterious ingredient, or that any substance, matter or thing of a deleterious character was found upon the premises shall be *primâ facie* evidence that the person in whose possession the same was found, did knowingly sell, or offer or expose, or have for sale such liquor, or that such substance, matter or thing of a deleterious character was kept for adulterating or mixing with the liquor sold: Provided always, that any person charged with any offence against this section may give evidence on his own behalf to prove that such liquor was when seized in the same condition as it was when it came into his possession by a *bonâ fide* purchase, and was not adulterated or mixed with any deleterious ingredient by him or any person acting under his authority, and that such substance, matter or thing was not kept for adulterating or mixing with the liquor sold.

Expenses.

What evidence shall be sufficient for conviction of person found in possession.

Proviso.

Power of Inspector to search for and take samples of liquors.

2. Any Inspector may, at all times during business hours, and after such hours for reasonable cause, enter on any licensed premises; he may also examine every room and every part of such premises and take an account of all liquor therein, and may demand, select and obtain any samples of liquor which may be in such house or premises, such samples to be sealed by the Inspector in the presence of the licensee or other person in charge of the house or premises, and, if such licensee or other person so desires, with the seal of such licensee or other person; and, on payment or tender of payment for such samples of liquor, the Inspector may remove the same for the purpose of analysis or otherwise.

POWERS OF INSPECTORS AND OTHER OFFICERS.

Power to enter

81. Any officer, policeman or constable, or Inspector of

and search premises.

Licenses may, for the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part of any hotel, tavern, or other house or place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not, and may make searches in every part thereof, and of the premises connected therewith, as he may think necessary for the purpose aforesaid.

Penalty on persons obstructing search.

2. Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman, or constable, or Inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, policeman, constable, or Inspector, or any such searches as aforesaid, shall be liable to the penalties and punishments prescribed by section of this Act.

Search warrant and powers and proceedings under it.

82. Any Magistrate, if satisfied by information on the oath of any such officer, policeman, constable or Inspector, that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale or disposal contrary to the provisions of this Act in any unlicensed house or place within the jurisdiction of the Magistrate, may, in his discretion, grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant at any time or times within ten days from the date thereof to enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and to examine the same and search for liquor therein; and for such purpose such person may, with such assistance as he deems expedient, break open any door, lock, or fastenings of such premises, or any part thereof, or of any closet, cupboard, box or other article likely to contain any such liquor; and in the event of any liquor being so found unlawfully kept on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of section of this Act

Forcing doors &c.

Presumption if liquor is found.

NO LIQUOR TO BE SOLD WITHOUT LICENSE.

License required.

83. No person shall sell by wholesale or by retail any liquors without having first obtained a license under this Act authorizing him so to do.

As to false signs or notices.

2. No person, unless duly licensed, shall by any sign or notice give the public cause to believe that he is so licensed; and the use of any sign or notice for such purpose is hereby prohibited.

Having liquors in possession without license.

84. No person shall keep or have in any house, building, shop, eating-house, saloon, or house of public entertainment, or in any room or place whatsoever, any liquors for the purpose of selling, bartering, or trading therein, unless duly licensed thereto under the provisions of this Act.

85. Sections and shall not prevent any brewer, distiller or other person duly licensed by the Government of Canada to manufacture fermented, spirituous, or other liquors, from keeping, having or selling any liquor manufactured by him in any building wherein such manufacture is carried on, provided such building forms no part of and does not communicate by any entrance with any shop or premises wherein any article authorized to be manufactured under such license is sold by retail, or wherein any broken package of such article is kept ; Provision as to l censed manufacturers of liquors.

2. Such brewer, distiller or other person shall, however, in addition to any license which he may be required to hold by any other Act, obtain a license to sell by wholesale under this Act the liquor so manufactured by him, when sold for consumption within Canada, under which license the said liquor may be sold by sample, or in original packages, in any municipality, as well as in that in which it is manufactured ; but no such sale shall be in quantities less than those prescribed in section of this Act. Must have license to sell by wholesale for consumption in Canada.

86. The said sections numbered and of this Act shall not prevent any chemist or druggist duly registered as such under and by virtue of "*The Pharmacy Act*" of the Province of Ontario, or any similar Act in force in any of the other Provinces, from keeping, having or selling liquors for strictly medicinal purposes, but no sale shall be made in packages of more than six ounces at any one time, except under certificate from a registered medical practitioner ; and it shall be the duty of any such chemist or druggist to record in a book, to be open to the inspection of the Commissioners or Inspector, every sale or other disposal by him of liquor ; and such record shall show, as to every such sale or disposal, the time when, the person to whom, and the quantity sold, and the certificate of the medical practitioner, if any, and in default of such sale or disposal being so placed on record, every such sale or disposal shall, *prima facie*, be held to be in contravention of the provisions contained in the said and sections of this Act. Proviso as to duly licensed druggists in Ontario. Obligations of such persons.

Provided always, that no person authorized to sell liquors, as provided by this section, shall allow any liquors sold by him or on his premises, to be consumed within his shop or the premises of which such shop forms part. Further condition.

87. It shall be the duty of the Chief, or one of the Inspectors, at least once in every three months, to visit and inspect every hotel, saloon, tavern, store or other building licensed, wherein intoxicating liquors are sold within the district, and to report forthwith to the Board or Chairman of the Board, every case of infraction of the provisions of this Act ; and every Inspector shall at once, and in conformity with the provisions herein contained, prosecute any person so offending, and shall suffer no unnecessary delay to intervene between his obtaining the information and the prosecution. Inspectors to visit and inspect licensed premises.

And prosecute offences.

2. It shall be the duty of the Inspector, to institute prosecutions whenever he has reason to believe that this Act has been violated, and that such prosecutions can be successfully maintained, or that, at all events, the costs can be recovered.

As to costs.

3. Whenever he is called upon to institute a prosecution he may, if he has reason to fear that the costs cannot be recovered from the defendant, exact from the person asking for the institution of such prosecution, the deposit of a reasonable amount to cover the same.

Punishment for offences against section .

88. For punishment of offences against section of this Act, a penalty for the first offence against the provisions thereof, of not less than dollars with costs or fifteen days' imprisonment with hard labour, in case of conviction, shall be recoverable from, and leviable against the goods and chattels of the person or persons who are the proprietors in occupancy, or the tenants or agents in occupancy of the said place or places, who are found by himself, herself, or themselves, or his, her, or their servants or agents, to have contravened the enactment in the said section, or any part thereof; for the second offence, a penalty shall be recoverable and leviable against the offender of not less than forty dollars with costs, or twenty days' imprisonment with hard labour; and for a third or any subsequent offence, a penalty of not less than one hundred dollars with costs, or fifty days' imprisonment with hard labour.

Case of purchaser drinking liquor on premises where bought &c.

89. If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks such liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was with his privity or consent, be subject to the following penalties, that is to say:—

For the first offence he shall be liable to a penalty not exceeding dollars.

For a second and any subsequent offence he shall be liable to a penalty not exceeding dollars.

Interpretation.

For the purpose of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission.

Endorsing conviction.

A record of every conviction for an offence against this section shall be endorsed on the license of the person convicted.

Penalty on purchaser in certain cases.

2. Any purchaser of liquors in a house or premises, to which a shop license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the shop or premises where the same has been purchased, shall be liable to a penalty not exceeding dollars.

Penalty if hotel or saloon licensee keeps a disorderly house.

90. The Mayor or Police Magistrate of a town or city, the Recorder or Judge of the Sessions of the Peace having jurisdiction therein, the Stipendiary Magistrate, or the Reeve of a Township with any one Justice, or any two Justices having jurisdiction in the township or village, or the Commissioner of a parish Court within his jurisdiction with any one Justice of the Peace, or any two Justices of the Peace having jurisdiction in the township, parish, or village, upon information to them, or one of them respectively, that any keeper of any hotel, saloon, or other house of public entertainment, situate within their jurisdiction, sanctions or allows gambling or riotous or disorderly conduct in his house or premises, may summon the keeper of such hotel or saloon to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant or convict the keeper of having an improper or a riotous or disorderly house, as the case may be, and such conviction shall, *ipso facto*, operate as a forfeiture of his license, with or without costs, as in the discretion of the convicting authority may seem just; and in case the keeper of any such hotel, saloon or place of public entertainment is convicted under this section and his license annulled, he shall not be eligible to obtain a license for the period of two years thereafter.

Punishment for selling liquor without a license.

91. Any person who sells or barters liquors of any kind, without the license therefor by law required, or who otherwise violates any other provision of this Act, in respect of which violation no other punishment is prescribed, shall, for the first offence, on conviction thereof, incur a penalty of not less than twenty dollars and costs, and not more than fifty dollars and costs; and for a second or any subsequent offence, on conviction thereof, such person shall be imprisoned in the county gaol of the county in which the offence was committed, to be kept at hard labour for a period not exceeding three calendar months.

Power of Justices to forbid sale of liquor to habitual drunkards.

92. When it shall be made to appear in open court that any person, by excessive drinking of liquor, misspends, wastes, or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the Justices holding such Court shall, by writing under the hands of two of such Justices, forbid any licensed person to sell to him or her any liquor for the space of one year, and such Justices, or any other two Justices, may, at the same or any other time, in like manner forbid the selling of any such liquor to the said drunkard by any such licensed person of any other city, town or district to which the drunkard resorts or may be likely to resort for the same.

Effect of such prohibition.

2. Whenever any Justices shall, in execution of the foregoing provisions, have prohibited the sale of liquor to any such drunkard, if any other person, with a knowledge of such prohibition, gives, sells, purchases or procures for or on behalf of such prohibited person, or for his or her use, any

such liquor, he or she shall, upon conviction, incur for every such offence, a penalty not exceeding dollars.

Certain persons may require Inspector to forbid sale of liquor to habitual d unkards.

93. The husband and wife, and the father, mother, curator, tutor or employer of any person under the age of twenty-one years, who has contracted the habit of drinking intoxicating liquor to excess ;

The manager or person in charge of any asylum or hospital, or other charitable institution, in which any person so addicted resides or is kept ;

The curator or committee of any interdicted person or lunatic ;

The father, mother, brother or sister, of the husband or wife of such person ; or

The tutor or guardian of any child of such person ;

May require the Chief Inspector to give notice in writing, signed by him, to any person licensed to sell liquors, not to sell or deliver the same to the person addicted to such habit, or to such interdicted person or lunatic.

Penalty for selling in such case.

2. If in the course of one year from the date of such notification, the person so notified, either personally or by his clerk, servant or agent, sells or delivers such liquors otherwise than on a certificate, for medicinal purposes, signed by a medical practitioner, to the person addicted to such habit, or to such lunatic or interdicted person, he shall incur upon conviction for any such offence, a penalty not exceeding dollars.

Penalty for offences against certain sections.

94. Upon a conviction for a an offence against sections, the convicted person, if licensed, shall be liable to have his license suspended for six months ; and in case of a second or any subsequent offence, he shall be liable to forfeit his license.

Penalty for obtaining liquor on false pretences.

95. Every person who, by falsely representing himself to be a lodger, buys or obtains, or attempts to buy or obtain, at any premises, any liquor during the period which such premises are closed as to the sale thereof, in pursuance of this Act, shall be liable to a penalty not exceeding dollars.

Penalty for License Commissioners or Inspectors taking bribes.

96. It shall not be lawful for the License Commissioners of any License District, or any of them, nor for any Inspector, either directly or indirectly, to receive, take, or have any money whatsoever, for any certificate, license, report, matter or thing connected with or relating to any grant of any license, other than the sum to be paid therefor as the duty under the provisions of this Act, or to receive, take, or have any note, security or promise for the payment of any such money, or any part thereof, from any person or persons whatsoever ; and any person or persons guilty of, or con-

cerned in, or party to any act, matter or thing contrary to the provisions of this section, or of sections , shall be guilty of a misdemeanor, and upon conviction thereof may be punished by a penalty not exceeding , and by imprisonment not exceeding months.

Penalty for illegally issuing license.

97. Any Inspector, officer or other person who, contrary to the provisions of this Act, knowingly issues, or causes or procures to be issued, an hotel, saloon or shop license, or a certificate therefor, shall, upon conviction thereof, for each offence pay a penalty of not less than forty dollars, nor more than one hundred dollars; and in default of payment of such penalty the offender or offenders may be imprisoned in the common gaol of the county or place in which the conviction takes place for a period not exceeding three calendar months.

Punishment for compounding offences against this Act.

98. Any person who, having violated any of the provisions of this Act, compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or—if a complaint has been made—with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned at hard labour in the common gaol of the County or place in which the offence was committed, for the period of three calendar months.

Punishment of parties to such offence.

99. Every person who is concerned in, or is a party to the compromise, composition or settlement mentioned in the next preceding section, shall be guilty of a misdemeanor and, on conviction thereof, shall be imprisoned in the common gaol of the county or place in which the offence was committed for the period of three calendar months.

Penalty for preventing lawful arrest.

100. Any one knowing, or having reason to believe, that an order to commit to gaol has been issued against any person under this Act, who prevents the arrest of the defendant, or procures or facilitates by any act or counsel, or in any other manner whatsoever, his avoidance of arrest, or who provides the defendant with the means of avoiding arrest, shall incur a penalty of forty dollars.

Penalty for tampering with witnesses.

101. Any person who, on any prosecution under this Act, tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself, or to swear falsely, shall be guilty of a misdemeanor.

PENALTIES NOT TO BE REMITTED.

No power to remit.

102. No Magistrate, License Commissioner or Inspector, or Municipal Council or Municipal officer, shall have any power or authority to remit, suspend or compromise any penalty or punishment inflicted under this Act.

PROSECUTIONS.

Limitation of time for prosecutions.

103. All informations or complaints for the prosecution of any offence against any of the provisions of this Act shall be laid or made, in writing, within thirty days after the commission of the offence.

Prosecutions, how brought.

104. Such prosecution may be brought—

In Quebec.

(*a.*) In the province of Quebec, if the offence was committed in the city of Montreal or in the city of Quebec, then before the Recorder or Judge of the Sessions of the Peace at Montreal or Quebec, as the case may be, or, if the offence was committed in any other part of the Province, then before a Stipendiary Magistrate, or before any two other Justices of the Peace for the district wherein the offence was committed; or, if the district is other than that of Quebec, or that of Montreal, before the Sheriff of such district;

In Ontario.

(*b.*) In the Province of Ontario before any Stipendiary Magistrate or before any two other Justices of the Peace for the county, city or district wherein the offence was committed; or, if the offence was committed in any county, city or town having a Police Magistrate, then before such Police Magistrate, or, in his absence, before the Mayor or any two Justices of the Peace—or if the offence was committed in any city or town not having a Police Magistrate, then before the Mayor thereof, or before any two Justices of the Peace;

In Nova Scotia

(*c.*) In the Province of Nova Scotia before a Stipendiary Magistrate or before any two other Justices of the Peace of the county in which the offence was committed;

In New Brunswick.

(*d.*) In the Province of New Brunswick before any Police, Stipendiary or Sitting Magistrate or Commissioner of a Parish Court, or before any two other Justices of the Peace in and for the county in which the offence was committed;

(*e.*) In the Province of Manitoba before the Police Magistrate within whose territorial jurisdiction the offence was committed, or before any two Justices of the Peace in and for the county in which the offence was committed;

In British Columbia.

(*f.*) In the Province of British Columbia before any Stipendiary Magistrate or before any two other Justices of the Peace for the territorial division or jurisdiction within the limits of which the offence was committed;

In Prince Edward Island.

(*g.*) In the Province of Prince Edward Island before the Stipendiary Magistrate for the city or town, or before any two other Justices of the Peace of or for the county in which the offence was committed.

Who may not sit in such case.

105. If such prosecution is brought before any such Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff, Police Magistrate, Sitting Magistrate,

Commissioner or Mayor, no other Justice shall sit or take part therein.

If prosecution is before Justices.

106. If such prosecution is brought before any two other Justices of the Peace, the summons shall be signed by one of them ; and no other Justice than one of them shall sit or take part therein, unless by reason of their absence, or the absence of one of them, nor yet in the latter case, unless with the assent of the other of them.

Description of the offence; and provision as to exemptions, &c.

107. The description of any offence under this Act in the words of this Act or in words of like effect shall be sufficient in law ; any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information ; but if it be so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Several cases in one complaint.

108. Several cases of contravention of this Act, committed by the same person, may be included in one and the same information or complaint, provided that such information or complaint, and the summons issued thereon, contains specifically the time and place of each contravention.

FORM OF INFORMATIONS AND OTHER PROCEEDINGS.

What shall be sufficient statement in the information, &c.

109. In describing offences respecting the sale or other disposal of liquor, or the keeping, or the consumption of liquor, in any information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale, disposal, keeping, or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold or disposed of, or by whom it was consumed ; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept, or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity, as the case may require.

Amendment of variations.

Adjournment if necessary.

110. In the event of any variance between the information and evidence adduced in support thereof, the Magistrate may amend or alter such information, and may substitute for the offence charged therein, any other offence against the provisions of this Act ; but if it appears that the defendant has been materially misled by such variance, the said Magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

Forms in schedule sufficient.

Or if framed on 32, 33 V. c. 31.

111. The forms set forth in the fourth schedule to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for, and when no forms are prescribed by the said fourth schedule, new ones may be framed in accordance with those appended to the Act intituled "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders.*"

PROCEDURE IN CASES WHERE PREVIOUS CONVICTION IS CHARGED.

Proceedings in case of previous conviction.

112. The proceedings upon any information for committing an offence against any of the provisions of this Act, in a case of a previous conviction or convictions being charged, shall be as follows:

Last offence to be first tried.

1. The Magistrate shall, in the first instance, inquire concerning such subsequent offence only, and if the accused be found guilty thereof, he shall then, and not before, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be sentenced accordingly; but if he denies that he was so previously convicted, or stands mute of malice, or does not answer directly to such question, the Magistrate shall then inquire concerning such previous conviction or convictions.

As to alleged previous convictions.

Proof thereof.

2. The number of such previous convictions shall be provable by the production of a certificate purporting to be under the hand of the convicting Magistrate, or of the Clerk of the Peace, without proof of his signature or official character, or by other satisfactory evidence.

Case of second or subsequent conviction being set aside, provided for.

3. In the event of any conviction for any second or subsequent offence becoming void or defective, after the making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the Justices or other authority by whom such second or subsequent conviction was made, may by warrant under their or his hand summon the person convicted to appear at a time and place to be named in such warrant, and may thereupon, upon proof of the due service of such warrant if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes, as if it had been made in the first instance.

Provision in case of convictions under several sections of this Act.

4. In case any person who has been convicted of a contravention of any provision of any of the sections of this Act, numbered

, or any section for the contravention of which a penalty or punishment is prescribed by section , is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence, within the meaning of section , and may be dealt with and punished accordingly, although the two convictions may have been under different sections; and in case any such person is afterwards again convicted of a contravention of any provision of any of the said sections, whether similar or not to the previous offences, such conviction shall in like manner be deemed a conviction of a third offence, within the meaning of section , and may be dealt with and punished accordingly.

113. A conviction may in any case be had as for a first offence notwithstanding that there may have been a prior conviction or convictions for the same or any other offence. Conviction as for first offence *non obstante.*

114. Convictions for several offences may be made under this Act, although such offences may have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be incurred in the case of offences committed on different days, and after information laid for a first offence. Several offences on one day. Proviso.

115. No conviction or warrant for enforcing the same or any other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information and the conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding, that the same was made for an offence against some provision of this Act, within the jurisdiction of the Justice, Justices, or Magistrate who made or signed the same, and provided there is evidence to prove such offence, and that it can be understood from such conviction, warrant, or process, that the appropriate penalty or punishment for such offence was intended to be thereby adjudged. Convictions &c., not void for defects, in certain cases.

2. Upon any application to quash any such conviction, or warrant for enforcing the same, or other process or proceeding, whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the Court or Judge to which such appeal is made or to which such application has been made upon *habeas corpus* or by way of *certiorari*, or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid; and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process, or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process, or proceeding shall be affirmed, or shall not be quashed (as the case may be); and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded. Proceedings on application to quash conviction on ground of variance, &c.

116. Any person may be prosecutor or complainant under this Act. Who may prosecute.

117. No License Commissioner or Inspector of Licenses who is a Justice, shall try or adjudicate upon any complaint for an infraction of any of the provisions of this Act committed within the limits of the License District for which he is a Commissioner or Inspector; except that this section shall not be construed to apply to a Judge, or Junior Judge or Deputy Judge of a county, a Judge of Sessions or a Recorder. Who shall not try complaint under this Act.

118. All the provisions of the Act intituled "*An Act respecting the duties of Justices of the Peace out of Sessions,* 32, 33 V., c. 31 to apply to

proceedings under this Act.

in relation to Summary Convictions and Orders," and the Acts already passed, or which may be hereafter passed, amending the same, shall apply to all prosecutions and proceedings under this Act, so far as the same are consistent with this Act.

Evidence to be reduced to writing.

2. The Magistrate shall in all cases reduce to writing the evidence of the witnesses examined before him, and shall read the same over to such witnesses, who shall sign the same.

Effect of endorsement of conviction on license.

119. Where it is required by this Act that a record of a conviction shall be endorsed on the license of the person convicted, the following provisions shall have effect, that is to say:—

Production of license.

1. The Magistrate before whom any licensed person is accused, shall require such person to produce and deliver to him the license under which such person carries on business, and the summons shall state that such production will be required.

Conviction; and penalty imposed to be endorsed.

2. If such person is convicted, the Court shall cause the short particulars of such conviction and the penalty imposed, to be endorsed on his license before it is returned to the offender.

Entry in register of licenses.

3. The Chief Inspector shall enter the particulars respecting such conviction, or such of them as the case may require, in the register of licenses kept by him under this Act.

Notice to Inspector.

4. The Magistrate shall send forthwith to the last mentioned Inspector notice of such conviction and of the particulars thereof.

In case of conviction disqualifying licensee.

5. Where the conviction of any such person has the effect of causing the forfeiture of the license or of disqualifying any person for the purposes of this Act, the license shall be retained by the Magistrate, and notice of such forfeiture and disqualification shall be sent to the Chief Inspector of the proper District.

As to cases where the conviction is not required to be endorsed on license.

120. Where any licensed person is convicted of any offence against this Act, in respect of which a conviction is not directed to be endorsed on the license of the offender, the Court before whom the offender is brought, may either pass sentence at once, or postpone the same until the register of licenses in which the license of the offender is entered, or a copy of the entries therein relating to the license of the offender, certified to be a true copy by the Chief Inspector, is produced to the Court, and, after inspecting the entries therein in relation to the license of the offender, or such copy thereof as aforesaid, the Court shall declare, as part of its sentence, whether it will or will not cause a record of the conviction for such offence to be endorsed on the license of the offender; and, if it decide that such record is to be endorsed, the same shall be endorsed accordingly.

121. The magistrate on any conviction against a licensed person, for an offence against this Act, shall send forthwith to the Chief Inspector of the proper district, a certificate of such conviction. Certificate of conviction to be sent to Inspector.

122. For the additional duties imposed by the two next preceding sections, the Magistrate shall be entitled to charge as costs in the proceedings the following sums :— Allowance to Magistrate.

For making out and forwarding certificate of conviction to the Chief Inspector the sum of

For recording the conviction on the license, the sum of

APPEALS.

In cases under Section

123. In all cases of prosecution for any offence against any of the provisions of this Act, for which any penalty or punishment is prescribed by the section of this Act, the conviction or order of the Justices or Magistrate, as the case may be, shall, except as hereinafter mentioned, be final and conclusive, and, except as hereinafter mentioned there shall be no appeal against such conviction or order to the Court of General Sessions of the Peace, or to any other Court. No appeal allowed in cases under section —.

2. An appeal shall lie from a conviction for any offence for which a penalty or punishment is prescribed by the section of this Act, in Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia and Prince Edward Island, to the Judge of the County Court of the county in which the conviction is had, or to the Judge of a Superior Court, sitting in Chambers without a jury, and in the Province of Quebec, to a Judge of the Superior Court of the Judicial District in which the conviction is had, provided a notice in writing of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction, subject to the following provisions. Appeal under section . In certain Provinces. In Quebec. Conditions.

3. The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said Judge, or (where the penalty of imprisonment with or without hard labour is adjudged) shall enter into a recognizance with two sufficient sureties, in the sum of two hundred dollars each, before the convicting Magistrate, conditioned personally to appear before the said Judge, and to try such appeal and abide his judgment thereupon, and to pay such costs as he may order; and in case the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may, (although the order directs imprisonment in default of payment) instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or may deposit with the Magistrate convicting, the amount of the penalty and costs, and a further sum of twenty-five dollars to answer the respondent's costs of appeal. Offender to remain in custody or give security,

Liberation of prisoner on bail being given.

4. Upon such recognizance being given or deposit made, the Magistrate shall liberate such person if in custody, and shall forthwith deliver or transmit by registered letter, post-paid, the depositions and papers in the case, with the recognizance or deposit as the case may be, to the Clerk of the Court of which the Judge to whom the appeal is made is the Judge or a member.

Procedure on appeal.

124. The practice and procedure upon such appeal, and the proceedings thereon shall, as nearly as possible, be as follows:

Summons for cause to be shown.

1. Within ten days after the date of the conviction, but not afterwards, unless it is made to appear to the Judge that the delay arose wholly from the default of the convicting Magistrate, the Judge, if he is of opinion from the evidence that the conviction may be erroneous, may grant a summons calling upon the County Crown Attorney, in any province in which there is a County Crown Attorney, and the prosecutor, to show cause why the conviction should not be quashed.

Time limited.

2. Such summons shall not be granted in any case after the expiration of one month from the date of the conviction

Proceedings on return of summons.

3. Upon the return of the summons the Judge, upon hearing the parties, may either affirm or quash the conviction, or, if he thinks fit, may hear the evidence of such other witness or witnesses as may be produced before him, or the further evidence of any witness already examined, and may then make an order affirming or amending and affirming or quashing the conviction as he may think just, and may order the payment of costs, and may fix the amount thereof.

Effect of Judge's order.

4. Upon the production of the Judge's order affirming or amending and affirming the conviction, the Magistrate who has made the conviction shall, if the case is one in which a recognizance has not been given, issue his warrant for payment of such further sum for costs as the sum deposited with him is insufficient to pay; if the conviction is quashed the Judge shall order a return of the money deposited, and shall have authority to order payment of such sum for costs, as he may tax and allow; and unless the sum is paid by the complainant, the Magistrate shall issue his warrant to levy the costs

Proceeding when imprisonment is awarded and conviction affirmed.

5. If by the conviction it is adjudged that the person convicted should be imprisoned and the conviction is affirmed, or amended and affirmed, or the person convicted fails duly to prosecute the appeal, the Judge shall issue his warrant for the commitment to the proper gaol or other place of imprisonment of the person convicted, and unless such person, within one week thereafter surrenders himself into the custody of the constable or other officer entrusted with the execution of the warrant, the condition of the recognizance shall be deemed broken and the recognizance forfeited, and upon proof of the default being made, by affidavit of the officer or otherwise, the Judge may certify the default on the

back of the recognizance, and shall thereupon transmit the recognizance to the Clerk of the Peace or to the proper officer in that behalf according to the practice of the Court of which the Judge is a member.

Escheat of recognizance and effect thereof.

6. Such recognizance shall be thereafter proceeded upon at the General Sessions of the Peace in the same manner as a recognizance taken upon an appeal to the Sessions from a summary conviction may be proceeded upon; and the said certificate shall be deemed *prima facie* evidence of the default of the defendant; but such proceedings shall not relieve the person convicted from undergoing the term of imprisonment to which he was sentenced, and the warrant of the Judge issued in that behalf, or any new warrant issued by him, may be executed in any part of the Province in which the conviction was had, in the same manner and subject to the like conditions as a warrant of a Justice for the apprehension of an offender.

Proceeding when money penalty only is imposed.

7. If by the conviction only a money penalty is imposed, the Judge, upon being satisfied by affidavit or otherwise, that default has been made upon a recognizance given on an appeal in such a case, shall certify in like manner as is provided in sub-section *five* of this section, and similar proceedings shall thereupon be had in respect of such recognizance.

Term of imprisonment.

8. In case it is proved to the satisfaction of the Judge that the person convicted had previously served a portion of his term, the Judge shall only issue his warrant for the commitment of the defendant for the residue of the term of imprisonment to which he was sentenced. The Judge may, if he thinks fit, transmit his said warrant to the convicting Magistrate in order that he may place the same in the hands of a constable for execution.

Execution of warrant.

9. Any warrant issued under this section may be directed in the same manner, and executed by the like officers, as a warrant of commitment upon a summary conviction under any Act of the Parliament of Canada heretofore passed.

Appeal to be heard on the merits.

10. In all cases of appeal to a Judge from any conviction under this Act had before a Magistrate, the Judge to whom such appeal is made shall hear and determine the charge or complaint on which such conviction has been had, upon the merits, notwithstanding any defect of form or otherwise in such conviction, and if the person charged or complained against is found to have been guilty, the conviction shall be affirmed and the Judge shall amend the same if necessary.

Disposal of moneys deposited.

11. The Magistrate shall retain any moneys deposited with him as aforesaid for the period of six months, unless judgment is sooner given, and upon the judgment in appeal being given, or upon the expiration of six months from the day of the date of the conviction, the Magistrate shall pay over such moneys to the person or persons entitled thereto,

Effect of delay of judgment.

in accordance with the judgment; and if the judgment in appeal is not delivered within six months from the day of the date of the conviction, the conviction shall stand, but the respondent shall not be entitled to any costs of appeal; and in case imprisonment was adjudged by the conviction, the convicting Magistrate shall, or any other Magistrate may, issue his warrant for the commitment of the person convicted for any portion of the term which he has not served, and no further proceedings shall be taken on the appeal.

No removal by *certiorari*, &c.

12. No conviction affirmed or amended and affirmed on appeal by the Judge shall be quashed for want of form, or be removed by *certiorari* into any of Her Majesty's Superior Courts of Record; and no warrant or commitment shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted and there is a good and valid conviction to sustain the same.

Powers of the Judge.

13. In every process and in all proceedings before a Judge under this section, the Judge shall, with reference to the matters herein contained, have all the powers which belong to or might be exercised by him in the Court of which he is a member, and all necessary process may be issued from the office of the Clerk of the Court.

Forfeiture of license on third conviction.

125. When not otherwise provided, a third conviction of a licensed person under this Act for any violation or contravention of the provisions of this Act shall *ipso facto* operate as a forfeiture of his license, and disqualify the person convicted from obtaining a license for three years thereafter.

Penalties how disposed of.

126. The penalties in money under this Act or any portion of them which may be recovered, shall be paid to the convicting Magistrate, and two-thirds thereof shall by him, in case an Inspector is the prosecutor or complainant, be paid to the Chief Inspector, and in case such Inspector is not the prosecutor or complainant, then two-thirds thereof shall be paid to the Treasurer of the Municipality wherein the offence was committed, and the remaining one-third shall be paid to the prosecutor or complainant.

EVIDENCE, &C.

Inspector's certificate to be evidence.

127. In any prosecution or proceeding under this Act, in which proof is required respecting any license, a certificate purporting to be under the hand of the Chief Inspector of the district shall be *prima facie* proof of the existence of a license, and of the person to whom the same was granted or transferred being the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated and of the authority of the Chief Inspector, without any proof of his appointment or signature.

Resolution of Board to be evidence.

128. Any resolution of a Board passed under the and sections of this Act, shall be sufficiently authenticated by being signed by the Chairman of the Board which

passed the same; and a copy of any such resolution written or printed, and certified to be a true copy by any member of such Board, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original resolution has been forged.

What shall be deemed a place where liquor is sold.

129. Any house, shop, room, or other place in which it is proved that there exist a bar, counter, beer pumps, kegs, jars, decanters, tumblers, glasses, or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which spirituous, fermented or other manufactured liquors are kept or had for the purpose of being sold, bartered or traded in, under the section of this Act, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who has, or keeps therein, such liquors for sale, barter or traffic therein.

What shall be evidence of sale or disposal.

130. In proving the sale or disposal, gratuitous or otherwise, or consumption of liquor, for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the Magistrate hearing the case is satisfied that a transaction in the nature of a sale or other disposal actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises under license, or in respect to which a license is required under this Act, by some person other than the occupier of the premises, shall be evidence that such liquor was sold to the person consuming or being about to consume or carrying away the same, as against the holder of the license or the occupant of the said premises.

Evidence of sale during prohibited hou

131. In cities, towns and incorporated villages, in all cases where any person or persons other than members of the family or household of the keeper of a licensed hotel or saloon, is or are found frequenting or present, or where gas or other light is seen burning in the bar-room of such hotel or saloon where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of this Act, any such fact, when proved, shall be deemed and taken as *prima facie* evidence that a sale or or other disposal of liquors by the keeper of such licensed place has taken place contrary to the provisions of the section of this Act; and such keeper may thereupon be convicted of an offence against the said section, and shall, upon conviction, be subject to the punishment prescribed in and by the section of this Act.

Responsibility of occupant.

132. The occupant of any house, shop, room or other place in which any sale, barter or traffic of spirituous, fermented or

manufactured liquors, or any matter, act or thing in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishment prescribed in the and sections of this Act, as the case may be, notwithstanding such sale, barter or traffic be made by some other person, who cannot be proved to have so acted under or by the directions of such occupant; and proof of the fact of such sale, barter or traffic, or other act, matter or thing, by any person in the employ of such occupant, or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic, or other act, matter or thing, took place with the authority and by the direction of such occupant.

Particulars need not be given in evidence.

133. In any prosecution under this Act for the sale or other disposal of liquor without the license required by law, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal and certain knowledge, but the Justices or Magistrate trying the case, so soon as it appears to them or him that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly.

Proof of license to be given.

134. In any prosecution under this Act, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed, and that he did the said act lawfully.

What shall be deemed evidence of unlawful sale.

135. The fact of any person, not being a licensed person, keeping up any sign, writing, painting, or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *primâ facie* evidence of the unlawful sale of liquor by such person.

Effect of production of license.

136. The production of a license which on its face purports to be duly issued, and which were it duly issued, would be a lawful authority to the defendant for such act or omission, shall be *prima facie* evidence that the defendant is so authorized; and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine.

WITNESSES.

Summoning and attend-

137. In any prosecution under this Act the Magistrate

trying the case may summon any person represented to him or them as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the Magistrate may issue his warrant for the arrest of such person; and he shall thereupon be brought before the Magistrate, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the County or place or to a lock-up, there to remain until he consents to be sworn or to affirm and to answer. ance of witnesses.

138. Any person summoned as a party to, or as a witness in any proceeding under this Act, may, by the summons, be required to produce, at the time and place appointed for his attendance, all books and papers, accounts, deeds and other documents in his possession, custody or control, relating to any matter connected with the said proceeding, saving all just exceptions to such production; and shall be liable to the same penalties for non-production of such books, papers or documents, as he would incur by refusal or neglect to attend, pursuant to such summons, or to be sworn or to answer any question touching the case. Witness may be required to produce books &c.

139. Every person, other than the defendant, summoned or examined as a witness in any prosecution brought under this law, is bound to answer all questions put to him, and which are pertinent to the issue, notwithstanding that his answers may disclose facts tending to subject him to any penalty imposed by this Act; but such evidence shall not be used against him in any prosecution. All questions to be answered.

MUNICIPALITIES UNDER THE TEMPERANCE ACT.

140. Nothing in the foregoing provisions of this Act shall be construed to affect or impair any of the provisions of "*The Canada Temperance Act*, 1878;" and no hotel, saloon or shop license shall be issued or take effect within any county, city, town, incorporated village or township in Canada within which the second part of the said Act has been brought into force as by the said Act provided, or within which any by-law for prohibiting the sale of liquor under the Temperance Act of 1864, is in force. Provisions of 41 V., c. 16, not impaired.

141. A Board of Commissioners may, notwithstanding that any such by-law affects the whole of any county, be nominated therefor; and the said Board and the Inspectors shall have, discharge and exercise all such powers and duties respectively for preventing the sale or disposal of, or traffic in liquor contrary to the said Act or this Act as they respectively have or should exercise or perform under this Act. But Board may be appointed.

142. The Board and the Inspectors shall exercise and discharge all their respective powers and duties for the enforcement of the provisions of "*The Canada Temperance Act*, 1878," as well as of this Act, so far as the same apply, within the limits of any county, city, incorporated village or township or parish, in which any by-law under the said Act is in force. Their duties as to the Temperance Act.

As to wholesale license.

143. A wholesale license to be obtained under and subject to the provisions of this Act, shall be necessary, in order to authorize or make lawful any sale of liquor in the quantities allowed under the provisions of "*The Canada Temperance Act*, 1878."

Sale a contravention of this Act, notwithstanding Temperance Act.

144. The sale of liquor without license in any municipality, where "*The Canada Temperance Act*, 1878," is in force, shall nevertheless be a contravention of sections and of this Act, and the several provisions of this Act shall have full force and effect in every such municipality, except in so far as such provisions relate to granting licenses for the sale of liquor by retail.

As to validity of Provincial Acts.

145. Until the first day of May, in the year one thousand eight hundred and eighty-four, all the laws of Provincial Legislatures of the Dominion passed for regulating or restraining the traffic in liquors shall be and they are hereby made as valid and effective to all intents and purposes as if enacted by the Parliament of Canada.

When Act shall come into force.

146. Subject to the provisions in the next preceding section contained, this Act shall come into force on the first day of January, in the year one thousand eight hundred and eighty-four, but the licenses to be issued thereunder shall not be operative until the first day of May following.

THE FIRST SCHEDULE.

Hotel (or Saloon) License.

Whereas the Board of License Commissioners for the District have, by their certificate dated the day of authorized the issue to of of an Hotel (*or* Saloon) License, for the house to be known as situate ; and whereas the said hath entered into the bond, with sureties, required by "*The Liquor License Act*, 1883," and paid the sum of five dollars as the fee on such license.

Now I do hereby declare that the said is licensed to sell and dispose of liquors in quantities not exceeding one quart, which may be drunk on such premises between the hours of six of the clock in the morning and seven of the clock in the evening, on Saturday; between six of the clock in the morning and eleven of the clock at night, on other week days, (except on days on which polling may be had respecting the polling sub-division in which the said premises are situate, at a Parliamentary Election, or at an election for the House of Assembly, or a Municipal Election); and between 12:30 p.m. and 2 p.m., and 5:30 p.m. and 6:30 p.m., on Sunday, to guests *bona fide* residing or boarding in the said premises, to be drunk only in their private rooms, or at the table.

And this license shall commence upon the day of and continue until midnight on the day of next ensuing.

Given under my hand this day of one thousand eight hundred and

Chief Inspector.

Shop License.

Whereas the Board of License Commissioners for the District of have, by their certificate dated the day of authorized the issue to of a Shop License for the house to be known as situate ; and whereas the said hath entered into the bond, with sureties, required by "*The Liquor License Act*, 1883," and paid the sum of five dollars as the fee on such license.

Now I do hereby declare that the said is licensed to sell and dispose of liquors, not to be drunk in or upon the premises for which the license is granted, in quantities not less than one imperial pint, at any one time to any one person, between the hours of six of the clock in the morning and seven of the clock in the evening on Saturday; between six of the clock in the morning and eleven of the clock at night, on other week days, except on days on which polling may be had, respecting the polling sub-division in which the said premises are situate, at a Parliamentary Election, or at an election for the House of Assembly, or a Municipal election.

This license shall commence on the day of and continue until midnight on the day of next ensuing.

Given under my hand this day of one thousand eight hundred and

Chief Inspector.

Vessel License.

Whereas the Board of License Commissioners for the District have, by their certificate dated the day of , authorized the issue to , Master of the called the , of a Vessel License; and whereas the said hath entered into the bond, with sureties, required by "*The Liquor License Act*, 1883," and paid the sum of five dollars as the fee on such license.

Now I do hereby declare that the said is licensed to sell and dispose of liquor during the passage of the said vessel between and to any passenger at the regular meals served on board the said vessel.

And this license shall commence at noon on the day of and continue until midnight on the day of next ensuing.

Given under my hand this day of one thousand eight hundred and

Chief Inspector.

Wholesale License.

Whereas the Board of License Commissioners for the District, have, by their certificate dated the

day of , authorized the issue to of a Wholesale License for the house or premises to be known as , situate ; and whereas the said hath entered into the bond, with sureties, required by "*The Liquor License Act*, 1883," and paid the sum of five dollars as the fee on such license.

Now I do hereby declare that the said is licensed to sell liquor, not to be consumed in or upon the premises to which this license applies, in quantities not less than two gallons in each cask or vessel at any one time, or, if bottled, in quantities not less than one dozen reputed quart bottles.

And this license shall commence at noon on the of and continue until midnight, on the day of next ensuing.

Given under my hand this day of one thousand eight hundred and .

Chief Inspector.

THE SECOND SCHEDULE.

To the Board of License Commissioners of the License District of

We, the undersigned Electors of polling sub-division number of the wherein are situate the premises in respect of which X.Y., is applying for a license for the ensuing license year, do hereby certify that X. Y., the applicant for the said license, is a fit and proper person to be licensed to sell liquors and to keep a ; and that the premises in which the said X.Y., proposes to carry on the business for which he seeks a license, is, in our opinion, suitable therefor, and that the same are situate in a place where the carrying on of the said business will not be an annoyance to the public generally.

And we have hereunto appended our names, and the distances approximately, at which we respectively reside, or own property, from the said premises for which the license is sought.

Signatures,	Distance of premises respectively from premises sought to be licensed.

THE THIRD SCHEDULE.

FORM OF BOND BY APPLICANT FOR A HOTEL, SALOON OR SHOP LICENSE.

Know all men by these presents, that we, T. U., of , V. W., of , and X. Y., of , are held and firmly bound

unto Her Majesty Queen Victoria, Her Heirs and Successors, in the sum of eight hundred dollars of good and lawful money of Canada—that is to say, the said T. U., in the sum of five hundred dollars, the said V. W., the sum of one hundred and fifty dollars,and the said X. Y., in the sum of one hundred and fifty dollars of like good and lawful money, for payment of which well and truly to be made, we bind ourselves and each of us, our heirs, executors, and administrators firmly by these presents.

Whereas the above bounden T. U. is about to obtain a license to keep an hotel (*or* saloon, *or* shop for the sale of liquor, *as the case may be*) in the of ; the condition of this obligation is such, that if the said T. U. pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law, now or hereafter to be in force, relative to any hotel (*or* saloon, *or* shop for the sale of liquor, *as the case may be*), and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf; then this obligation shall be null and void, otherwise it shall remain in full force, virtue, and effect.

In witness whereof, we have signed these presents with our hands, and sealed them with our seals, this day of , A.D. one thousand eight hundred and

T. U. [L. S.]
V. W. [L. S.]
X. Y. [L. S.]

Signed, sealed, and delivered in the presence of us }

THE FOURTH SCHEDULE.

Forms for Describing Offences.

1. *Neglecting to keep license exposed.*

"That X. Y. having a license for sale by wholesale [*or* a shop, *or* an hotel, *or* a saloon, *or* a vessel license] on at unlawfully and wilfully (*or* negligently) omitted to expose the said license in his warehouse [*or* shop, *or* in the bar-room of his hotel or saloon' *or* in the saloon, *or* cabin of his vessel," *as the case may be*].

2. *Neglecting to exhibit notice of license.*

"That X. Y. being the keeper of an hotel [*or* saloon, *or* shop] in respect of which a license has duly issued and is in force, on at unlawfully failed to exhibit over the door of such hotel, (*or* saloon *or* shop), in large letters the words 'Licensed to sell spirituous or fermented liquors,' as required by '*The Liquor License Act*, 1883.' "

3. *Sale without license.*

"That X. Y. on the day in the year of our Lord one thousand eight hundred and at in the of unlawfully did sell liquor without the license therefor by law required."

4. *Keeping liquor without license.*

"That X. Y. on at unlawfully did keep liquor for the purpose of sale, barter and traffic therein, without the license therefor by law required."

5. *Sale of liquor on licensed premises during prohibited hours.*

"That X. Y. on at in his premises [*or* on, *or* out of, *or* from his premises] being a place where liquor may be sold, unlawfully did sell [*or* dispose of] liquor during the time prohibited by '*The Liquor License Act*, 1883,' for the sale of the same, without any requisition for medical purposes as required by the said Act being produced by the vendee or his agent."

6. *Allowing liquor to be drunk on licensed premises during prohibited hours.*

"That X. Y. on at in his premises, being a place where liquor may be [*or* is] sold, by retail [*or* wholesale] unlawfully did allow [*or* permit] liquor to be drunk in such place during the time prohibited by '*The Liquor License Act*, 1883,' for the sale of the same, by a person other than the licensee, or some member of his family, or a lodger in his house."

7. *Sale of less than one imperial pint under shop license.*

"That X. Y. having a shop license, on at unlawfully did sell liquor in less quantity than one imperial pint."

8. *Sale under wholesale license in less than wholesale quantities.*

"That X. Y. having a license to sell by wholesale, on at unlawfully did sell liquor in less quantity than two gallons (*or*, than one dozen reputed quart bottles.)

9. *Allowing liquor to be consumed in shop.*

"That X. Y. having a shop license, on at unlawfully did allow liquor sold by him (*or* in his possession), and for the sale of which a license is required, to be consumed within his shop [*or* within the building of which his shop forms part, *or* within a building which communicates by an entrance with his shop], by a purchaser of such liquor [*or*, by a person not usually resident within the building of which such shop forms a part]."

10. *Allowing liquor to be consumed on premises under wholesale license.*

"That X. Y. having a license to sell liquor by wholesale, on at unlawfully did allow liquor sold by him [*or* in his possession for sale] and for the sale of which such license is required, to be consumed within his warehouse [*or* shop, *or* within a building which forms part of (*or* is appurtenant to *or* which communicates by an entrance with) a warehouse *or* shop, *or* premises wherein an article to be sold (*or* disposed of) under such license, is sold by retail (*or* wherein there is kept a broken package of an article for sale under such license)]."

11. *Illegal sale by druggists.*

"That X. Y. being a chemist [*or* druggist] on at did unlawfully sell liquor for other than strictly medicinal purposes

[*or* sell liquor in packages of more than six ounces at one time without a certificate from any registered medical practitioner, *or* sell liquor without recording the same], as required by '*The Liquor License Act* 1883.'"

12. *Illegal sale under vessel license.*

"That X. Y. being authorized to sell liquor on board a vesse called the on at unlawfully did sell [*or* dispose of] liquor to be consumed by a person other than a passenger [*or* otherwise than as permitted by '*The Liquor License Act* 1883']."

13. *Keeping a disorderly house.*

"That X. Y. being the keeper of an hotel [*or* saloon, *or* house of public entertainment], situate in the City [*or* Town, *or* Village, *or* Township], of in the County of on in his said hotel [*or* saloon *or* house] unlawfully did sanction [*or* allow] gambling, [*or* riotous, *or* disorderly conduct] in his said hotel [*or* saloon *or* house]."

14. *Harbouring constables on duty.*

"That X. Y. being licensed to sell liquor, at on unlawfully and knowingly did harbour [*or* entertain *or* suffer to abide and remain on his premises] O. P., a constable belonging to a police force, during a part of the time appointed for his being on duty, and not for the purpose of quelling a disturbance or restoring order, or executing his duty."

15. *Compromising or compounding a prosecution.*

"That X. Y., having violated a provision of '*The Liquor License Act* 1883," on at unlawfully did compromise [*or* compound, *or* settle, *or* offer, *or* attempt to compromise, compound *or* settle], the offence with A. B. with the view of preventing any complaint being made in respect thereof [*or* with the view of getting rid of *or* of stopping, *or* of having the complaint made in respect thereof dismissed, *as the case may be*].

16. *Being concerned in compromising a prosecution.*

"That X. Y., on at unlawfully was concerned in [*or* a party to] a compromise [*or* a composition, *or* a settlement] of an offence committed by O. P., against a provision of '*The Liquor License Act* 1883.'"

17. *Tampering with a witness.*

"That X. Y., on a certain prosecution under '*The Liquor License Act*,' on at unlawfully did tamper with O. P., a witness in such prosecution before [*or* after] he was summoned [*or* appeared] as such witness on a trial [*or* proceeding] under the said Act [*or* unlawfully did induce, *or* attempt to induce O. P., a witness in such prosecution, to absent himself, *or* to swear falsely]."

18. *Refusing to admit policeman.*

"That X. Y., on at being in (*or* having charge of) the promises of O. P., being a place where

liquor is sold [*or* reputed to be sold], unlawfully did refuse [*or* fail] to admit [*or* did obstruct *or* attempt to obstruct] E. F., an officer demanding to enter in the execution of his duty [*or* did obstruct *or* attempt to obstruct E. F., an officer making searches in the said premises, and in the premises connected with such place]."

19. *Officer refusing to prosecute.*

"That X. Y., being a police officer [*or* constable, *or* Inspector of Licenses] in and for the Township of , in the County of knowing that O. P. had, on at committed an offence against a provision of '*The Liquor License Act* 1883,' unlawfully and wilfully did and still does neglect to prosecute the said O. P., for his said offence."

20. *Refusing or failing to supply lodging, meals, or accommodation to travellers.*

That F. X., being the keeper of an hotel, in respect of which an hotel license has duly issued, and is in force, on at unlawfully failed or refused personally (*or* through some one acting on his behalf), to supply lodging, meals or accommodation to a traveller as required by "*The Liquor License Act* 1883."

21. *Selling liquor to any one under sixteen years of age.*

That X. Y., on unlawfully did sanction (*or* allow) to be supplied, in his licensed premises, by purchase (*or* otherwise) liquor to a person apparently under the age of sixteen years, not being a resident on the premises, or a *bonâ fide* guest, lodger, or traveller.

22. *Allowing internal communication between licensed and unlicensed premises.*

That X. Y., on unlawfully did sanction (*or* allow) to be made or used, an internal communication between his licensed premises and unlicensed premises which are used for public entertainments and resort (*or* as a refreshment house).

23. *Selling adulterated liquor.*

That X. Y., on unlawfully did sell (*or* offer for sale) liquor with which were mixed ingredients or materials injurious to the health of persons drinking the same.

24. *Obtaining liquor by false representations.*

That X. Y. on unlawfully did, by falsely representing himself to be a lodger, buy or obtain (*or* attempt to buy or obtain) at liquor during the period during which such premises are required to be closed in pursuance of "*The Liquor License Act*, 1883."

CERTIFICATE OF THE BOARD OF LICENSE COMMISSIONERS TO BE GRANTED TO THE APPLICANT FOR A LICENSE.

We, the undersigned, being the License Commissioners (*or* the majority of the Board of License Commissioners) for the License

District of , certify that X. Y. has complied with the requirements of the law, and with the regulations and requirements of the Board, and in the opinion of the undersigned is entitled to a license for the house to be known as situate

Given under our hands this day of one thousand eight hundred and

(*Signatures.*)

No. 132.

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

BILL.

An Act respecting the sale of Intoxicating Liquors, and the issue of licenses therefor.

Received and read first time, Wednesday, 16th May, 1883.

Second reading, Thursday, 17th May, 1883.

Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883.

No. 133.] **BILL.** [1888

An Act to continue for a limited time the Acts therein mentioned.

WHEREAS it is expedient to continue for a limited time the Acts hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Act passed in the forty-first year of Her Majesty's reign, chapter seventeen, and intituled: "*An Act for the better prevention of crimes of violence in certain parts of Canada until the end of the next session of Parliament*," which was continued by the Act passed in the forty-fifth year of Her Majesty's reign, chapter thirty-eight, shall further continue in force until the end of the now next ensuing Session of Parliament; and any proclamation heretofore issued thereunder shall continue in force until such proclamation is revoked by proclamation in the manner provided by the said Act, or until the expiration of the said Act, whichever shall first happen. Act 41 V., c. 17, further continued.

2. The Act passed in the forty-third year of Her Majesty's reign, chapter thirty-six, and intituled: "*An Act respecting the Administration of Criminal Justice in the Territory in dispute between the Governments of the Province of Ontario and the Dominion of Canada*," which was amended and continued by the Act passed in the forty-fifth year of Her Majesty's reign, chapter thirty-one, shall further continue in force, as so amended, until the end of the now next ensuing Session of Parliament. Act 43 V., c. 36 and amendment further continued.

3. Nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, either of the Acts hereinbefore mentioned and continued, nor shall continue any provision or part of either of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session. Saving the effect of any other Act.

No. 133.

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

BILL.

An Act to continue for a limited time the Acts therein mentioned.

Received and read, first time, Saturday, 19th May, 1883.

Second reading, Monday, 21st May, 1883.

Sir JOHN A. MACDONALD.

OTTAWA:
Printed by MACLEAN, ROGER & Co.,

1883

No. 134.] **BILL.** [1883.

An Act to provide for the salaries, and superannuation and travelling allowances of certain Judges of certain Provincial Courts.

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

Salary of additional Judge in Appeal, Ontario.

1. The salary of the additional Judge of the Court of Appeal for Ontario, for whose appointment provision is made by an Act of the Legislature of that Province, forty-sixth Victoria, chapter six, shall be five thousand dollars per annum.

Salary of Chief Justice, if appointed to Court of Appeal.

2. If the Chief Justice of the Queen's Bench, the Chancellor of Ontario, or the Chief Justice of the Common Pleas, is appointed to the Court of Appeal for Ontario, the Governor in Council may direct that he be paid a salary not less than that he previously enjoyed as such Chief Justice or Chancellor.

Application of 31 V., c. 33, s. 3.

3. The third section (respecting retiring allowances to Judges) of the Act thirty-first Victoria, chapter thirty-three, shall extend and apply to the Judges of the Supreme Court of Judicature of Ontario, and of the Supreme Court of Judicature of Prince Edward Island.

Salaries of Judges, Quebec.

4. The salaries of the Judges of the Superior Court for the Province of Quebec, shall be as follows :—

	Per annum.
The Chief Justice of the said Court.....	$6,000
Eleven Puisné Judges of the said Court, whose residences are fixed at Montreal or Quebec, each.....	5,000
Thirteen Puisné Judges of the said Court whose residences are fixed within districts other than Bonaventure and Gaspé, or Saguenay, each.....	4,000
Two Puisné Judges of the said Court, whose residences are fixed within the districts of Bonaventure and Gaspé, or Saguenay, each.....	3,500

Of C. C. Judge Eastern district of Manitoba.

5. The salary of the County Court Judge of the Eastern Judicial District of Manitoba shall be two thousand dollars per annum for his first three years of service, and two thousand four hundred dollars per annum after such three years

service, and he shall be paid such travelling allowances as the Governor in Council may from time to time determine.

Payable out of Consolidated Revenue Fund.

6. The said salaries and allowances shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Travelling allowances.

7. From and after the first day of July, in the year one thousand eight hundred and eighty-four, no travelling or circuit allowances shall be paid to the Judges of the Court of Appeal for Ontario.

No. 134.

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

BILL.

An Act to provide for the salaries and superannuation and travelling allowances of certain Judges of certain Provincial Courts.

Received and read first time, Saturday, 19th May, 1883.

Second reading, Monday, 21st May, 1883.

Sir JOHN A. MACDONALD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

No. 137] **BILL.** [1883.

An Act for authorizing Subsidies for the construction of the lines of Railway therein mentioned.

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

1. It shall be lawful for the Governor in Council to grant the subsidies hereinafter mentioned to the Railway Companies, and towards the construction of the Railways also hereinafter mentioned, that is to say:— Subsidies may be granted in respect of certain railways.

To the Baie des Chaleurs Railway Company for 100 miles of their railway, from Matapediac, on the Intercolonial Railway, to Paspebiac, in the Province of Quebec, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole	$320,000
To the Caraquet Railway Company for 36 miles of their railway, from a point near Bathurst to Caraquet, in the Province of New Brunswick, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole	115,200
To the Gatineau Valley Railway Company for the first 50 mile section of their railway, from Hull Station, in the Province of Quebec, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole	160,000
To the Great American and European Short Line Railway Company, for 80 miles of their railway from Canso to Louisburg or Sydney, in the Province of Nova Scotia, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole	256,000
To the International Railway Company, for 49 miles of their railway from Sherbrooke, in the Province of Quebec, to the International boundary line, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole. In connection with the extension of this road through Maine to connect with New Brunswick, at or near Vanceborough or south of that point.	156,800
To the Northern and Western Railway Company, for 32 miles of their railway,	

from the Intercolonial Railway, near the Miramichi, to Moran's, near Demphy Village, in the Province of New Brunswick, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole ..	102,400
To the Montreal and Western Railway Company, for the first 50 mile section of their railway, out of St. Jerome, in the Province of Quebec, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole.....	160,000
To the Napanee, Tamworth and Quebec Railway Company, for 28 miles of their railway, from Napanee to Tamworth, in the Province of Ontario, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole.....	89,600
To the Quebec and Lake St. John Railway Company, for 25 miles of their railway, from St. Raymond to Lake St. John, in the Province of Quebec, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole.....	80,000
In addition to the subsidy granted by the Act forty-fifth Victoria, chapter fourteen.	
For a railway from the Intercolonial Railway at Petitcodiac to Havelock Corner, in the Province of New Brunswick, 12 miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole...	38,400
For a railway from Gravenhurst to Callander, 110 miles, a subsidy not exceeding $6,000 per mile, nor exceeding in the whole.....	660,000
In addition to the subsidy granted by the Act forty-fifth Victoria, chapter fourteen.	
Total.....	$2,138,400

To what companies and on what conditions.

The nine subsidies first mentioned to be granted to the Companies hereinbefore named respectively; and the two subsidies last mentioned to be granted to such Companies as shall be approved by the Governor in Council as having established to his satisfaction their ability to complete the said railways, respectively; and all the eleven lines above mentioned, and also all the lines of railway in respect of which it is provided by the Act forty-fifth Victoria, chapter fourteen, that subsidies may be granted, shall be constructed within a reasonable time, not to exceed four years from and after the passing of this Act, to be fixed by Order in Council, and according to descriptions and specifications to be approved by the Governor in Council, on the report of the Minister of Railways and Canals, and specified in an agreement to be made by each Company with the Government, and which

the Government is empowered to make; and all the said subsidies authorized by this Act, respectively, to be payable out of the Consolidated Revenue Fund of Canada by instalments, on the completion of each section of not less than ten miles of railway, proportionate to the value of the portion so completed in comparison with the whole work undertaken, to be established by the report of the said Minister: Provided always, that the granting of such subsidies shall be subject to such conditions for securing such running powers or traffic arrangements, and other rights, as will afford all reasonable facilities and equal mileage rates to all railways connecting with those so subsidized, as the Governor in Council may determine.

How payable.

Proviso.

No. 137.

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

BILL.

An Act for authorizing Subsidies for the construction of the lines of Railway therein mentioned.

Received and read first and second time, Saturday, 19th May, 1883.

Sir CHARLES TUPPER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1883.

No. 138. **BILL.** [1883.

An Act to provide for advances to be made by the Government of Canada to "The Saint John Bridge and Railway Extension Company."

WHEREAS "The Saint John Bridge and Railway Extension Company" is a Corporation duly incorporated under an Act passed by the Local Legislature of the Province of New Brunswick for the purpose of constructing and maintaining a line of railway from some point on the line of "The Saint John and Maine Railway Company," at or near Fairville, in the parish of Lancaster, in the city and County of Saint John, in the said Province of New Brunswick, to some point on the Intercolonial Railway at or near its terminus in the city of Saint John, crossing the River Saint John by a railway bridge to be constructed by the said Company, which said works are and are hereby declared to be for the general advantage of Canada; and whereas the said Company have applied to the Government of the Dominion of Canada for an advance of money to aid them in the construction and completion of their said line of railway and bridge, and in consequence of such application an Order in Council, set forth in Schedule to this Act, was passed on the nineteenth day of October, 1882,; and whereas it is desirable that legislative provision should be made accordingly: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Governor in Council may, if he sees fit, make advances of money to the said Company, to the extent, in the manner, for the purpose and upon the terms and conditions mentioned and set forth in the said Order in Council, which is hereby incorporated with and made a part of this Act, and upon the said Company's duly executing a mortgage deed or other instrument, to the satisfaction of the said Governor in Council, in the terms and upon the conditions aforesaid, and creating a first lien and charge upon the property, real and personal, franchises, rights, easements and privileges of the said Company; and such mortgage, deed or instrument shall be valid and binding, and the obligations thereby assumed by the said Company may be enforced according to the tenor thereof. Certain advances may be made by the Governor in Council.

SCHEDULE.

Certified Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Honor the Deputy of His Excellency the Governor General in Council, on the 19th October, 1882:—

On a Report, dated 18th October, 1882, from the Minister of Finance stating that he has had under consideration a letter, dated the 16th October instant, from Mr. Robert Robinson, a Director of the St. John Bridge and Railway Extension Company, asking that amendments be made in the terms of the Order in Council of the 23rd September last, which recommended that Parliament at the next session be asked to legislate in aid of the Company in the direction therein mentioned:—

The Minister reports that he is of opinion that it is proper that the subsidy from the New Brunswick Government and the annuity from the St. John and Maine Railway Company be left to the Company to dispose of as they shall see fit, and that the Government shall have no charge or lien thereon, except as the same may be expended on the works of the Company.

The Minister is also of opinion that the time within which the Government may purchase the Company's works and undertakings may properly be reduced from fifteen to five years from the date on which the first advance is made.

The Minister is further of opinion that certain other amendments should be made in the said Order in Council, and he therefore recommends that the said Order in Council be cancelled and that Parliament be asked at the next session to legislate in the following direction in aid of the Company:

1. The Governor in Council to be authorized to advance to the Company as the work proceeds, such sums of money as will not exceed eighty per centum of the expenditure as made; the advances to be made on the certificate of the Chief Engineer of Government Railways in operation, and the whole of the advances not to exceed in all the sum of five hundred thousand dollars.

2. The Company to have the right of repaying the advances and interest at any time within fifteen years from the date on which the first advance is made.

3. The Government may, if it should be found advisable, take possession of the bridge, railway and appurtenances at any time within five years from the date on which the first advance is made, on payment of the difference between the amounts then due to the Government for advances and interest, and the sum of the total amount expended by the Company and ten per centum on the total amount so expended.

4. In case the Company fail to complete the work within the time specified by their charter, by the 25th March, 1885, the Government to have power to enter and take possession of the Company's works and undertakings and complete the same without making further advances, but paying to the Company the difference between the amount then advanced and eighty per centum of the cost at the date of entry as certified to by the Chief Engineer of Government Railways in operation.

5. The said advances and interest thereon to be a first charge and lien on, and to be secured by a mortgage on all the property, real and personal, of the Company, and on all their rights, franchises, easements and privileges, and in case the Company should make default in payment of the interest on the said advances for the space of one year after the same becomes due, or in case they fail to repay to the Dominion Government the said advances within fifteen years from the date of the advance of the first sum, then and in either case all their property, real and personal, and all their rights, franchises, easements and privileges shall be and become by the act of default, and without any proceedings for condemnation, foreclosure or possession, forfeited to the Crown, and Her Majesty, by Her officers or agents, may thereupon enter and take possession of the same, and the same shall thenceforth be the property, rights, franchises, easements and privileges of Her Majesty as represented by the Dominion Government.

6. Interest to be computed at the rate of four per centum per annum, and to be payable annually on or before the thirtieth day of June in each year.

The Committee submit the above recommendation for Your Excellency's approval.

(Signed) JOHN J. McGEE.

No. 138.

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

BILL.

An Act to provide for advances to be made by the Government of Canada to the St. John Bridge and Railway Extension Company.

Received and read first time, Monday, 21st May, 1883.

Second reading, Tuesday, 22d May, 1883.

SIR LEONARD TILLEY

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1883

No. 142 **BILL.** [1883.

An Act to make further provision for deepening the ship channel of the River St. Lawrence between Montreal and Quebec.

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

Issue of debentures and loan authorised.

1. It shall be lawful for the Governor in Council to raise by the issue of debentures, in the manner prescribed by the Act thirty-sixth Victoria, chapter sixty, (except as to the rate of interest which shall not exceed four per cent. per annum), a further sum not exceeding nine hundred thousand dollars, to be advanced to and applied by the Montreal Harbour Commissioners from time to time, in meeting the expenses to be incurred by them in completing the dredging and deepening of the ship channel of the River St. Lawrence, between Montreal and Quebec, to the depth of twenty-seven feet and a half, at low water ; subject to the payment by the said Commissioners to the Receiver-General, of interest on the sums so raised and advanced, at the rate of four per cent. per annum : Provided, that the said Commissioners shall not commence the said work unless nor until the Governor in Council shall be satisfied by such examination and report as shall be deemed sufficient, that the said work can be completed for a sum not exceeding that above mentioned. Interest.

No. 142.

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

BILL.

An Act to make further provision for deepening the ship channel of the River St. Lawrence, between Montreal and Quebec.

Received and read, first, second and third times, and passed, Monday, 21st May, 1883.

Sir LEONARD TILLEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

An Act to extend to British Columbia the Act relating to fishing by Foreign Vessels.

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

1. The Act thirty-first Victoria, chapter sixty-one, intituled "*An Act respecting fishing by foreign vessels*," is hereby extended to the Province of British Columbia.

Sir LEONARD TILLEY.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,