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Additional comments /  
Commentaires supplémentaires:

Various pagings.

Page 217 is incorrectly numbered page 221.

# ACT

OF THE

## PARLIAMENT OF THE UNITED KINGDOM

OF

# GREAT BRITAIN AND IRELAND

PASSED IN THE SESSION HELD IN THE

42ND & 43RD YEARS OF THE REIGN OF HER MAJESTY,

## QUEEN VICTORIA,

BEING THE SIXTH SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM.



OTTAWA:

PRINTED BY BROWN CHAMBERLIN,  
LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
ANNO DOMINI, 1880.





## 42-43 VICTORIA.

### CHAP. 29.

An Act to remove doubts as to the validity of certain Marriages of British Subjects on board Her Majesty's Ships.

[21st July, 1879.]

**W**HEREAS officers commanding Her Majesty's ships on foreign stations have permitted marriages to be solemnized according to religious rites or ceremonies, or to be contracted *per verba de presenti* in the presence of such officers, in the belief that marriages were authorized by law to be so solemnized and contracted, and doubts have arisen with respect to the validity of such marriages, and it is expedient to confirm the same :

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

1. This Act may be cited as the "Confirmation of Marriages on Her Majesty's Ships Act, 1879." Short title.

All marriages, both of the parties being British subjects, which before the passing of this Act have been solemnized on board one of Her Majesty's vessels on a foreign station, in the presence of the officer commanding such vessel, whether solemnized according to any religious rite or ceremony, or contracted *per verba de presenti*, shall be valid in like manner as if the same had been solemnized within Her Majesty's dominions with the due observance of all forms required by law.

Confirmation of Marriages of British subjects solemnized on board Her Majesty's ships.

Provided that this enactment shall not render valid any marriage which, before the passing of this Act, has been declared invalid by any court of competent jurisdiction, in any proceeding touching such marriage, or any right dependent on the validity or invalidity thereof, or render valid any marriage where either of the parties has before the passing of this Act, and during the life of the other party, lawfully intermarried with any person.



# TREATIES

BETWEEN

# HER MAJESTY THE QUEEN

AND

# FOREIGN POWERS.



OTTAWA:

PRINTED BY BROWN CHAMBERLIN,

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

ANNO DOMINI, 1890.



# TREATIES.

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## MODIFICATION OF ARTICLE I

Of the "Convention between the Postal Department of the United States of America, and the Postal Department of the Dominion of Canada, signed on the eighth and twenty-third of June, 1875, and approved by the President of the United States on the seventh of July, 1875."

For the purpose of establishing uniformity in the maximum amounts for which Money Orders may be issued in the United States and in the Dominion of Canada, the undersigned duly authorized for that purpose, have agreed upon the following :

1st. Article I of the "Convention between the Postal Department of the United States of America, and the Postal Department of the Dominion of Canada," is replaced by the following new Article :

### ARTICLE I.

There shall be a regular exchange of Money Orders between the two countries for sums received from remitters in one country for payment in the other,

The maximum amount of any Money Order, issued in either country, is fixed at fifty dollars in the lawful money of the country in which the order originates ; but no Money Order shall include the fractional part of a cent.

2nd. The provisions of this new article shall take effect on the first day of June, 1879.

Done in duplicate and signed at Ottawa, Canada, on the thirty-first day of May, in the year of our Lord, one thousand eight hundred and seventy-nine, and at Washington, on the twenty-first day of May, in the year of our Lord, one thousand eight hundred and seventy-nine.

[L.S.]            A. CAMPBELL,  
Postmaster General of the Dominion of Canada.

[L.S.]            D. M. KEY,  
Postmaster General of the United States.

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

By the President,  
R. B. HAYES,

[L.S.]            WM. M. EVARTS,  
Secretary of State.

WASHINGTON, June 14, 1879.



*Extradition Treaty with Swiss Confederation.*

AT THE COURT AT WINDSOR, THE 15<sup>TH</sup> DAY OF DECEMBER, 1879.

*Present :*

THE QUEEN'S MOST EXCELLENT MAJESTY.

Prince Leopold.  
Lord President.  
Earl of Beaconsfield.

Mr. Secretary Cross.  
Mr. W. H. Smith.

**W**HEREAS by the Extradition Acts of 1870 and 1873, it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State: and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the thirty-first day of March, one thousand eight hundred and seventy-four, between Her Majesty and the Swiss Confederation, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Swiss Confederation, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of the crimes hereinafter enumerated and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Alfred Guthrie Graham Bonar, Esquire, Her Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation;

And the Federal Council of the Swiss Confederation, Joseph Martin Knusel, Member of the Swiss Federal Council;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime committed in the territory of the one Party, shall be found within the territory of the other Party under the circumstances and conditions stated in the present Treaty.

ARTICLE II.

The crimes for which the extradition is to be granted are the following:—

*Extradition Treaty with Swiss Confederation.*

- (1.) Murder (including infanticide) and attempt to murder ;
  - (2.) Manslaughter ;
  - (3.) Counterfeiting or altering money, uttering or bringing into circulation counterfeit or altered money ;
  - (4.) Forgery, or counterfeiting, or altering, or uttering what is forged, or counterfeited, or altered ; comprehending the crimes designated in the Penal Codes of either State as counterfeiting or falsification of paper money, bank notes, or other securities, forgery or other falsification of other public or private documents, likewise the uttering or bringing into circulation, or wilfully using such counterfeited, forged, or falsified papers ;
  - (5.) Embezzlement or larceny ;
  - (6.) Obtaining money or goods by false pretences ;
  - (7.) Crimes against bankruptcy laws ;
  - (8.) Fraud committed by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any company made criminal by any law for the time being in force ;
  - (9.) Rape ;
  - (10.) Abduction of minors ;
  - (11.) Child stealing or kidnapping ;
  - (12.) False imprisonment ;
  - (13.) Burglary, or housebreaking, with criminal intent ;
  - (14.) Arson ;
  - (15.) Robbery with violence ;
  - (16.) Threats by letter or otherwise with intent to extort ;
  - (17.) Perjury or subornation of perjury ;
  - (18.) Malicious injury to property, if the offence be indictable :
- The extradition is also to take place for participation in any of the aforesaid crimes, as an accessory before or after the fact.

## ARTICLE III.

No Swiss shall be delivered up by Switzerland to the Government of the United Kingdom ; and no subject of the United Kingdom shall be delivered up by the Government thereof to Switzerland.

## ARTICLE IV.

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Swiss Government, has already been tried and discharged or punished, or is still under trial, in one of the Swiss Cantons or in the United Kingdom respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Swiss Government, should be under examination, or have been condemned for any other crime, in one of the Swiss Cantons or in the United Kingdom respectively, his extradition may be deferred until he shall have been set at liberty in due course of law.

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*Extradition Treaty with Swiss Confederation.*

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In case such individual should be proceeded against or detained in the country in which he has taken refuge, on account of obligations contracted towards private individuals, his extradition shall, nevertheless, take place; the injured party retaining the right to prosecute his claims before a competent authority.

## ARTICLE V.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

## ARTICLE VI.

If the individual claimed by one of the two Contracting Parties in pursuance of the present Treaty, should be also claimed by one or several other Powers, on account of other crimes committed upon their respective territories, his surrender shall be granted to that State whose demand is earliest in date, unless any other arrangement should be made between the Governments which have claimed him, either on account of the gravity of the crimes committed, or for any other reason.

## ARTICLE VII.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or is connected with a crime of that nature, or if he prove that the requisition for his surrender has, in fact, been made with a view to try and punish him for an offence of a political character

## ARTICLE VIII.

A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime, or on account of any other matters than those for which the extradition shall have taken place.

This stipulation does not apply to crimes committed after the extradition.

## ARTICLE IX.

The requisition for extradition must always be made by the way of diplomacy, and to wit, in Switzerland by the British Minister to the President of the Confederation, and in the United Kingdom to the Secretary of State for Foreign Affairs by the Consul-General of Switzerland, who for the purposes of this Treaty, is hereby recognized by Her Majesty as a Diplomatic Representative of Switzerland.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the

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*Extradition Treaty with Swiss Confederation.*

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laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent court of the State that makes the requisition for extradition.

A requisition for extradition cannot be founded on sentences passed *in contumaciam*.

## ARTICLE X.

A fugitive criminal may, however, be apprehended under a warrant issued by any police magistrate, justice of the peace, or other competent authority, in either country, on such information or complaint, together with such evidence, or after such judicial proceedings as would, in the opinion of the officer issuing the warrant, justify its issue, if the crime had been committed in that part of the Dominions of the two Contracting Parties in which he exercises jurisdiction. Provided, however, that in the United Kingdom the accused shall in such case be sent as speedily as possible before a police magistrate in London. Such requisition may be made by means of the post or by telegraph.

The accused shall, however, be discharged if, within such reasonable time as, with reference to the circumstances of the case, the police magistrate may fix, the requisition shall not have been made according to the stipulations contained in Article IX.

## ARTICLE XI.

The extradition shall not take place before the expiration of fifteen days from the apprehension, and then only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial in case the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the courts of the State which makes the requisition.

## ARTICLE XII.

In the examination which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence the sworn depositions or statement of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, provided such documents are signed or certified by a judge, magistrate, or officer of such State, and are authenticated by the oath of some witness, or by being sealed with the official seal of a British Secretary of State, or of the Chancellor of the Swiss Confederation

## ARTICLE XIII.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, he shall be set at liberty.

*Extradition Treaty with Swiss Confederation.*

## ARTICLE XIV.

All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

## ARTICLE XV.

The Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance to the frontiers of the State from which he is required; they reciprocally agree to bear such expenses themselves.

## ARTICLE XVI.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign Possessions of Her Britannic Majesty.

The requisition for the arrest and surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign Possessions shall be made through the Swiss Consul-General in London to the Secretary of State for Foreign Affairs, who shall proceed in conformity with the provisions of the present Treaty and the laws of the land.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign Possessions for the surrender of such individuals as shall have committed in Switzerland any of the crimes hereinbefore mentioned, who may take refuge within such Colonies and foreign Possessions, on the basis as nearly as may be, of the provisions of the present Treaty.

The requisition for the surrender of a fugitive criminal from any Colony or foreign Possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

## ARTICLE XVII.

The present Treaty shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties, but shall remain in force for six months after notice has been given for its termination.

The Treaty shall be ratified, and the ratification shall be exchanged at Berne in four weeks, or sooner if possible.

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

Done at Berne, the thirty-first day of March, in the year of our Lord one thousand eight hundred and seventy-four.

(L.S.) A. G. G. BONAR,  
(L.S.) J. M. KNUSEL.

*Extradition Treaty with Swiss Confederation.*

And whereas a Protocol amending Article XVI of the aforesaid Treaty was signed by the Plenipotentiaries of Her Majesty and of the Swiss Confederation on the twenty-eighth day of November, one thousand eight hundred and seventy-four, which Protocol is in the following terms :—

The undersigned Plenipotentiaries of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Federal Council of the Swiss Confederation, having met in Conference have taken into their consideration the following subject :—

They have directed their attention to the fact that the second paragraph of the XVIth Article of the Treaty, which stipulates that the requisition for the arrest of a fugitive criminal who has taken refuge in any of the Colonies or foreign Possessions of Her Britannic Majesty shall be made through the Swiss Consul-General in London to the Secretary of State for Foreign Affairs, was not in accordance with the law of England, and they have consequently resolved to declare that the second paragraph of that Article, beginning :

“The requisition for the arrest,” and concluding with, “and the laws of the land,” shall be null and void, and in lieu thereof the following words shall be substituted :

“The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign Possessions shall be made to the Governor or to the Supreme Authority of such Colony or Possession through the Swiss Consul, or, in case there should be no Swiss Consul, through the Consular Agent of another State charged for the occasion with the Swiss interests in the Colony or Possession in question.

“The Governor or Supreme Authority above mentioned shall decide with regard to such requisitions as nearly as possible in accordance with the provisions of the present Treaty. He will, however, be at liberty either to consent to the extradition or report the case to his Government.”

The other provisions of Article XVI remain in force as they have been agreed upon in the Treaty.

This Protocol shall be regarded and acted upon as forming part of the Treaty in question.

In witness whereof the undersigned have signed this Protocol, and have hereunto affixed their seals.

Done in duplicate at Berne, the twenty-eighth day of November, in the year of Grace, one thousand eight hundred and seventy-four.

The Plenipotentiary of Great Britain :

(L.S.) EDWIN CORBETT

The Plenipotentiary of Switzerland :

(L.S.) J. M. KNUSEL.

And whereas the ratifications of the said Treaty and Protocol were exchanged at Berne on the thirty-first day of December, one thousand eight hundred and seventy-four :

And whereas under and by virtue of the powers in and by the XVIIth Article of the said Treaty reserved and contained, the Swiss Confederation did on the twenty-second day of December, one thousand eight hundred and

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*Extradition Treaty with Swiss Confederation.*

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seventy-seven, give notice to Her Majesty's Government of the termination of the said Treaty, subject to the provisions in the said Article contained that the same should remain in force for six months after notice should be given for its termination.

And whereas on the nineteenth day of June, one thousand eight hundred and seventy-eight, a Convention was entered into between Great Britain and Switzerland in the terms following :—

The Swiss Federal Council having by a note of the 22nd December, 1877, denounced the Extradition Treaty of the 31st March, 1874, which exists between the United Kingdom of Great Britain and Ireland and the Swiss Confederation, and a new Extradition Treaty not having as yet been concluded, the High Contracting Parties, being desirous of prolonging the duration of the Treaty now in force, have named as their Plenipotentiaries for this purpose :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Horace Rumbold, Baronet, Her Majesty's Minister Resident to the Swiss Confederation ; and

The Federal Council of the Swiss Confederation, M. le Conseiller Fédéral Fridolin Anderwert, Chief of the Federal Department of Justice and Police ;

Who, after having communicated to each other their full powers, found in good and due form, have concluded the following Convention :—

The duration of the Treaty of the 31st March, 1874, between the United Kingdom of Great Britain and Ireland and the Swiss Confederation is prolonged for six months, to date from the 22nd June, 1878.

Done at Berne, this nineteenth day of June, one thousand eight hundred and seventy-eight.

The Plenipotentiary of the United Kingdom of Great Britain and Ireland:

HORACE RUMBOLD.

The Plenipotentiary of Switzerland :

ANDERWERT.

And whereas on the thirteenth day of December, one thousand eight hundred and seventy-eight, a further Convention was entered into between Great Britain and Switzerland in the terms following :—

The Swiss Federal Council having, by a note of the 22nd December, 1877, denounced the Extradition Treaty of the 31st March, 1874, which existed between the United Kingdom of Great Britain and Ireland and the Swiss Confederation, and a new Extradition Treaty not having as yet been concluded, the High Contracting Parties, being desirous of prolonging the duration of the Treaty now in force, have named as their Plenipotentiaries for this purpose :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Horace Rumbold, Baronet, Her Majesty's Minister Resident to the Swiss Confederation ; and

The Federal Council of the Swiss Confederation, M le Conseiller Fédéral Fridolin Anderwert, Chief of the Federal Department of Justice and Police ;

*Extradition Treaty with Swiss Confederation.*

Who, after having communicated to each other their full powers, found in good and due form, have concluded the following Convention :—

The duration of the Treaty of the 31st March, 1874, between the United Kingdom of Great Britain and Ireland and the Swiss Confederation is prolonged for twelve months, to date from the 22nd December, 1878.

Done at Berne, this thirteenth day of December, one thousand eight hundred and seventy-eight.

The Plenipotentiary of the United Kingdom of Great Britain and Ireland :

HORACE RUMBOLD.

The Plenipotentiary of Switzerland :

ANDERWERT.

And whereas on the eighth day of December, one thousand eight hundred and seventy-nine, a further Convention was entered into between Great Britain and Switzerland in the terms following ;—

The Swiss Federal Council having, by a note of the 22nd December, 1877, denounced the Extradition Treaty of the 31st March, 1874, which exists between the United Kingdom of Great Britain and Ireland and the Swiss Confederation, and a new Extradition Treaty not having as yet been concluded, the High Contracting Parties, being desirous of prolonging the duration of the Treaty now in force, have named as their Plenipotentiaries for that purpose :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Horace Rumbold, Baronet, Her Majesty's Minister Resident to the Swiss Confederation ; and

The Federal Council of the Swiss Confederation, M. le Conseiller Fédéral Fridolin Anderwert, Chief of the Federal Department of Justice and Police ;

Who after having communicated to each other their full powers, found in good and due form, have concluded the following Convention :—

The duration of the Treaty of the 31st March, 1874, between the United Kingdom of Great Britain and Ireland and the Swiss Confederation is prolonged for twelve months, to date from the 22nd December, 1879.

Done at Berne, this eighth day of December, one thousand eight hundred and seventy-nine.

The Plenipotentiary of the United Kingdom of Great Britain and Ireland :

HORACE RUMBOLD.

The Plenipotentiary of Switzerland :

ANDERWERT.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that the said Acts shall apply in the case of Switzerland and of the said Treaty and Protocol and Conventions with the Swiss Confederation.

C. L. PEEL.



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*Declaration between Great Britain and France—Commerce and Navigation.*

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**DECLARATION** between the British and French Governments prolonging the Duration of the existing Treaties of Commerce and Navigation between Great Britain and France.

*Signed at Paris, October 10, 1879.*

The Government of Her Britannic Majesty and the Government of the French Republic, foreseeing the case in which the commercial and maritime relations between Great Britain and France should not have been settled by fresh arrangements before the 31st December, 1879, the period at which the existing Commercial Treaties and Conventions are to expire, and wishing to secure for the manufacturers and merchants of both countries a sufficient delay to conclude the operations in course of execution,—

Have agreed to prolong, for a period of six months before their definite termination, the Conventional Acts in force between Great Britain and France.

Considering, besides, that, according to the terms of the law passed in France on the 4th August last, which confers on the Government of the Republic the power of prolonging the Commercial Treaties and Conventions, the duration of their prolongation cannot exceed six months from the promulgation of the new General Customs Tariff submitted to the approbation of the French Chambers,—

The High Contracting Parties agree that the stipulated delay of six months shall commence from the day either anterior or posterior to the 1st January, 1880, on which the new General Customs Tariff shall have been promulgated.

The benefit of the prolongation shall apply to the Conventional Acts enumerated hereafter, that is to say :—

1. Treaty of Commerce of the 23rd January, 1860.
2. Additional Article of the 25th February, 1860.
3. Second Additional Article of the 27th June, 1860.
4. First Supplementary Convention of the 12th October, 1860.
5. Second Supplementary Convention of the 16th November, 1860.
6. Treaty of Commerce and Navigation of the 23rd July, 1873.
7. Supplementary Convention of the 24th January, 1874.
8. Declaration of the 24th January, 1874.

In witness whereof, the undersigned, acting in the name of their respective Governments, have drawn up the present Declaration, and have affixed thereto the seal of their arms.

Done in duplicate, at Paris, the 10th day of October, 1879.

(L.S.) F. O. ADAMS.

(L.S.) WADDINGTON.

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*Agreement between Great Britain and Germany—Seamen Deserters, &c.*

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AGREEMENT between the Governments of Great Britain and Germany relative to Merchant Seamen Deserters.

(Signed at London, November 5, 1879.)

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the German Emperor, King of Prussia, being desirous, for the benefit of the commerce of the two countries, to facilitate the discovery, apprehension, and surrender of seamen who may desert from merchant vessels of either country, on the basis of a full and entire reciprocity, have agreed as follows:—

It is mutually agreed that if any seamen or apprentices, not being slaves, should desert from any ship belonging to a subject of either of the contracting parties, within any port in the territories or in the possessions or colonies of the other contracting party, the authorities of such port and territory, possession or colony, shall be bound to give every assistance in their power for the apprehension and sending on board of such deserters, on application to that effect being made to them by the Consul of the country to which the ship of the deserter may belong, or by the deputy or representative of the Consul.

It is understood that the preceding stipulations shall not apply to subjects of the country where the desertion shall take place.

Each of the two High Contracting Parties reserves to itself the right of terminating this Agreement at any time, on giving to the other a year's notice of its wish to that effect.

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

Done at London, in duplicate, the fifth day of November, in the year of our Lord one thousand eight hundred and seventy-nine.

(L.S.) SALISBURY.

(L.S.) MUNSTER.

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AT THE COURT AT WINDSOR, THE 18TH DAY OF MARCH, 1880.

*Present :*

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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

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*Foreign Deserters.*

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thereof subject to such conditions and qualifications, if any, as may be deemed expedient ;

And whereas it hath been made to appear to Her Majesty that due facilities for recovering and apprehending seamen (not being German subjects) who desert from British merchant ships in the territories belonging to His Imperial Majesty the Emperor of Germany, will be given under an Agreement between the Governments of Great Britain and Germany, signed at London on the 5th November, 1879.

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

And Her Majesty, by virtue of the powers vested in Her by the said "Foreign Deserters Act, 1852," and by and with the advice of Her Privy Council, is further pleased to order and declare that, upon and after the publication hereof in the *London Gazette*, the Order in Council made, by virtue of the said Act, on the 16th day of October, 1852, and published in the *London Gazette* on the 26th day of October, 1852, so far as it relates to seamen who desert from merchant ships belonging to citizens of the Free Hanseatic Cities of Lubeck, Bremen and Hamburg, and the Order in Council relating to seamen who desert from the merchant ships belonging to subjects of the King of Prussia, made by virtue of the said Act, on the 16th day of October, 1852, and published in the *London Gazette* on the 26th day of October, 1852, and the Order in Council relating to seamen who desert from the merchant ships belonging to subjects of the Grand Duke of Oldenburg, made, by virtue of the said Act, on the 13th day of June, 1853, and published in the *London Gazette* on the 14th day of June, 1853, and the Order in Council relating to seamen who desert from the merchant ships belonging to subjects of the Grand Duke of Mecklenburg-Schwerin, made, by virtue of the said Act, on the 9th day of March, 1854, and published in the *London Gazette* on the 10th day of March, 1854, and the Order in Council relating to seamen who desert from the merchant ships belonging to subjects of the King of Hanover, made by virtue of the said Act, on the 8th day of June, 1854, and published in the *London Gazette* on the 13th day of June, 1854, shall be revoked, and the same are hereby revoked accordingly.

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

C. L. PEEL.

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ORDERS IN COUNCIL

PROCLAMATIONS AND REGULATIONS

HAVING FORCE OF LAW

IN THE

DOMINION OF CANADA

ISSUED DURING THE YEARS 1879 AND 1880.



HIS EXCELLENCY

THE RIGHT HONORABLE SIR JOHN DOUGLAS SUTHERLAND CAMPBELL,

*(Commonly called THE MARQUIS OF LORNE,)*

GOVERNOR GENERAL.

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OTTAWA:

PRINTED BY BROWN CHAMBERLIN,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI, 1880.



## IMPERIAL ORDERS-IN-COUNCIL AND DESPATCHES.

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AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, THE  
14TH DAY OF AUGUST, 1879.

*Present :*

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

**W**HEREAS by the "Merchant Shipping Act Amendment Act, 1862," it is enacted that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant ships for the time being in force under the principal Act have been adopted by the Government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty, by Order-in-Council, to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificate of registry or other national papers, and thereupon it shall no longer be necessary for such ships to be re-measured in any port or place in Her Majesty's dominions; but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers in the same manner, to the same extent, and for the same purposes, in, to, and for which the tonnage denoted in the certificate of registry of British ships is to be deemed the tonnage of such ships;

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the Government of His Majesty the King of Greece, with the exception of a difference in the mode, in certain steamers, of estimating the allowance for engine room, and such rules are now in force in that country, having come into operation on the 1st day of July, 1878, Her Majesty is hereby pleased, by and with the advice of Her Privy Council, to direct as follows:—

1. As regards sailing ships, that merchant sailing ships of the said Kingdom of Greece, the measurement whereof after the said 1st day of July, 1878, has been ascertained and denoted in the registers and other national papers of such sailing ships, testified by the date thereof, shall be deemed to be of the tonnage denoted in such registers and other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British sailing ships is deemed to be the tonnage of such ships.

2. As regards steamships, that merchant ships belonging to the said Kingdom of Greece which are propelled by steam or any other power requiring engine room, the measurement whereof shall, after the said 1st day of July, 1878, have been ascertained and denoted in the registers and other national papers of such steamships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of

*Imperial—Merchant Shipping, &c.*

registry of British ships is deemed to be the tonnage of such ships; provided, nevertheless, that if the owner or master of any such Greek steamship desires the deduction for engine room in his ships to be estimated under the rules for engine room measurement and deduction applicable to British ships instead of under the Greek rule, the engine room shall be measured and the deduction calculated according to the British rules.

C. L. PEEL.

*Sir M. E. Hicks-Beach to the Marquis of Lorne.*

DOWNING STREET,  
3rd November, 1879.

MY LORD,—I have received your despatches, Nos. 152 and 153, of the 26th May last, transmitting Reports of the Privy Council expressing the views of your Government respecting the question of precedence of Naval Officers in the Dominion, and on the subject of Salutes, and of the precedence to be given to the Lieutenant-Governors of the Provinces within their respective Provinces, and at the seat of Government of the Dominion.

I have transmitted copies of these Reports to the Lords Commissioners of the Admiralty and I am still in communication with their Lordships on the subject of them, but I will not any longer delay conveying to you my approval of the suggestion made by your Government that the Chief Judges of the several Superior Courts of Common Law and Equity in the different Provinces of the Dominion, should take rank and precedence (in accordance with the dates of their respective Commissions) immediately after the Chief Justice of the Supreme Court of Canada, and that the Puisne Judges of the Supreme Court should take rank and precedence (in accordance with the dates of their respective Commissions) immediately before the Puisne Judges of the several Provincial Courts in lieu of the rank and precedence assigned to the Judges of the Supreme Court by my despatch of the 31st October, 1878.

I have, &c.,

M. E. HICKS-BEACH.

**B**Y a Despatch from the Right Honorable the Secretary of State for the Colonies, bearing date 3rd November, 1879, certain alterations were made in the Table of Precedence, and the following is now the amended

*Table of Precedence.*

1. The Governor General or Officer administering the Government.
2. Senior Officer commanding Her Majesty's Troops within the Dominion, if of the rank of a General, and Officer commanding Her Majesty's Naval Forces on the British North American Station, if of the rank of an Admiral. Their own relative rank to be determined by the Queen's Regulations on this subject.

*Imperial Despatches.*

3. The Lieutenant-Governor of Ontario.
4. " " Quebec.
5. " " Nova Scotia
6. " " New Brunswick.
7. Archbishops and Bishops, according to seniority.
8. Members of the Cabinet, according to seniority.
9. The Speaker of the Senate.
10. The Chief Justice of the Supreme Court of Canada.
11. The Chief Judges of the Courts of Law and Equity, according to seniority.
12. Members of the Privy Council, not of the Cabinet.
13. General Officers of Her Majesty's Army serving in the Dominion, and Officers of the rank of Admiral in the Royal Navy, serving on the British North American Station, not being in the chief command; the relative rank of such officer to be determined by the Queen's Regulations.
14. The Officer commanding Her Majesty's Troops in the Dominion, if of the rank of Colonel or inferior rank, and the Officer commanding Her Majesty's Naval Forces on the British North American Station, if of equivalent rank; their relative rank to be ascertained by the Queen's Regulations.
15. Members of the Senate.
16. Speaker of the House of Commons.
17. Puisne Judges of the Supreme Court of Canada, according to seniority.
18. Puisne Judges of Courts of Law and Equity, according to seniority.
19. Members of the House of Commons.
20. Members of the Executive Council (Provincial) within their Province.
21. Speaker of the Legislative Council within his Province.
22. Members of the Legislative Council within their Province.
23. Speaker of the Legislative Assembly within his Province.
24. Members of the Legislative Assembly within their Province.
25. Retired Judges of whatever Courts to take precedence next after the present Judges of their respective Courts.

By Order,

J. C. AIKINS,  
Secretary of State.

DOWNING STREET,  
19th April, 1880.

SIR,—In consequence of the question referred to in my Circular Despatch of the 28th September last, as having been raised as to the right of a Colonial Governor when absent from his Colony to receive salutes, and to use the Governor's Flag, I have been in further communication with the Lords Commissioners of the Admiralty, and I have now the honour to transmit to you, for your information, a copy of a Circular which their Lord-



*Imperial Despatches.*

ships have issued to the Fleet as to the circumstances in which a Governor's or High Commissioner's Flag may be hoisted when he is embarked on board a vessel of war on business connected with his Government or High Commission.

I have the honour to be, Sir,

Your most obedient humble servant,

M. E. HICKS-BEACH.

The Officer Administering  
The Government of Canada.

Fleet Circular No. 4.  
M.

ADMIRALTY,  
8th March, 1880.

*(Flags of Colonial Governors, &c., afloat.)*

1. My Lords Commissioners of the Admiralty, with the concurrence of the Secretary of State for the Colonies, are pleased to direct that whenever a requisition is received by any Officer in command of one of Her Majesty's Ships for the embarkation or conveyance of a Governor, High Commissioner, Lieutenant-Governor or Officer administering the Government of a Colony, the Senior Officer present may direct the special Flag of such official personage to be hoisted at the foretop-gallant masthead of the ship in which he is embarked; provided that he, after consultation with and on requisition from that official, considers it for the benefit of the service about to be performed that such Flag should be hoisted, and provided that it is only hoisted or carried within the limits of his Government or High Commission in which he would be entitled to be saluted under Article 18, page 4, of the Queen's Regulations and Admiralty Instructions, 1879.

2. If the Senior Officer considers it in any circumstances undesirable to hoist the Flag, he is to inform the Governor, High Commissioner, &c., of his reasons, and at once report the same to the Admiralty.

3. In the event of a Governor, High Commissioner, &c., of a Colony being detached on a Foreign Mission in his official capacity as Governor or High Commissioner, special instructions will be issued in each case as to the Flag which should be carried by a man of war in which he may be embarked; in the absence of which the Senior Officer present is to exercise his discretion in consultation with the Official proceeding on the Mission.

By Command of their Lordships,

ROBERT HALL,

To all Commanders-in-Chiefs, Captains,  
Commanders and Commanding  
Officers of Her Majesty's Ships  
and Vessels.

# ORDERS IN COUNCIL, &c.

## CANADA.

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### *Governor General.*

By an Order in Council of the 22nd day of August, 1879, His Excellency the Governor General was pleased, by and with the advice of his Privy Council, to declare his disallowance of an Act passed by the Lieutenant-Governor of the Province of British Columbia, with the Legislative Assembly of that Province, on the 2nd day of September, 1878, chaptered 25, intituled "An Act relating to the Crown Lands in British Columbia"

*Vide Canada Gazette, Vol. 13, p. 284.*

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By an Order in Council of the 22nd day of August, 1879, His Excellency the Governor General was pleased, by and with the advice of his Privy Council, to declare his disallowance of an Act passed by the Lieutenant-Governor of the Province of British Columbia, with the Legislative Assembly of that Province, on the 2nd day of September, 1878, chaptered 35, intituled "An Act to provide for the better collection of Provincial Taxes from Chinese."

*Vide Canada Gazette, Vol. 13, p. 284.*

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By Order in Council of the 2nd day of October, 1879, His Excellency the Governor General was pleased, by and with the advice of his Privy Council, to declare his disallowance of a Bill passed by the Lieutenant-Governor of the Province of British Columbia, with the Legislative Assembly of that Province, on the 2nd day of September, 1878, entitled as follows, viz: "An Act to amend the 'Cariboo Waggon Road Tolls Act, 1876.'"

*Vide Canada Gazette, Vol. 13, p. 471.*

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By an Order in Council of the 22nd day of March, 1880, His Excellency the Governor General was pleased, by and with the advice of his Privy Council, to declare his disallowance of an Act passed by the Lieutenant-Governor of the Province of Ontario, with the Legislative Assembly of that Province, on the 11th day of March, 1879, chaptered 19, intituled "An Act respecting the Administration of Justice in the Northerly and Westerly parts of Ontario."

*Vide Canada Gazette, Vol. 13, p. 1309.*

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*Agriculture.*


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*Agriculture.*

By an Order in Council of the 4th day of June, 1879, under the provisions of the Act passed in the 42nd year of Her Majesty's Reign, and intituled "An Act to provide against infectious or contagious diseases affecting animals," the importation or introduction of cattle from the United States of America into the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island, was prohibited until the sixth of September then next inclusively.

*Vide Canada Gazette, Vol. 13, p. 329.*

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By an Order in Council of the 4th day of September, 1879, under the provisions of the Act passed in the 42nd year of Her Majesty's Reign, and intituled "An Act to provide against contagious diseases affecting animals," the importation or introduction into the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island, of cattle from the United States of America, was prohibited until the sixth day of October then next inclusively.

*Vide Canada Gazette, Vol. 13, p. 496.*

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By an Order in Council of the 4th day of October, 1879, under the provisions of the Act passed in the 42nd year of Her Majesty's Reign, and intituled "An Act to provide against contagious diseases affecting animals," the importation or introduction into the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island, of cattle from the United States of America, was again prohibited.

*Vide Canada Gazette, Vol. 13, p. 706.*

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By an Order in Council of the 27th day of November, 1879, upon the report of the Minister of Agriculture, that it is the opinion of Veterinary Surgeons of the highest standing that the incubation of certain contagious diseases affecting animals may extend over a period of nearly three months:—that the diseases known as "Cattle plague," "pleuro-pneumonia," and "foot and mouth disease," still exist in Europe; and suggesting the necessity of further precautionary measures being adopted in addition to the measures prescribed by the Order in Council of the 20th day of April, 1876, it was Ordered, that whilst the enactments of the Order in Council herein-before mentioned, regarding European importations, and the Order in Council of the 4th October, 1879, prohibiting importation, are maintained, all neat cattle coming from Europe be subject, on entering the Ports of Quebec, Halifax and St. John, to a probationary quarantine of ninety days before being allowed to come in contact with Canadian cattle or exported to any other country.

*Vide Canada Gazette, Vol. 13 p 1425*

*Agriculture.*

GOVERNMENT HOUSE, OTTAWA,  
Friday, 23rd day of April, 1880.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**W**HEREAS contagious diseases affecting cattle and other animals prevail in many countries, and it is expedient, in order to prevent the introduction of the same into Canada, that the importation, introduction and transit through Canada of neat cattle and swine, be subjected to restriction by judicious regulations,—and whereas it is expedient to provide against the importation, transit and shipment of diseased cattle and swine for exportation,—

On the recommendation of the Honorable the Minister of Agriculture, and under the provisions of the Act passed in the Session of the Parliament of Canada, held in the 42nd year of Her Majesty's Reign, Chapter 23, and intituled "An Act to provide against infectious or contagious diseases affecting animals,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to make the following Regulations and Orders, as follow :—

PRELIMINARY.

1. This Order shall take effect from and immediately after the twenty-third day of April, one thousand eight hundred and eighty.
2. This Order may be cited as the Health of Animals Order, and is divided as follows :—

Part I.—*Prohibition.*

Part II.—*Quarantine.*

Part III.—*Transit of Animals in Bord.*

Part IV.—*Conveyance and Shipment of Animals.*

PART I.

*Prohibition.*

3. It is hereby ordered that the importation or introduction into the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island, of neat cattle and swine from the United States of America, be and the same is hereby prohibited, except in so far and in the manner hereinafter provided by paragraphs 14 to 19 inclusive of this Order; and the importation and introduction of animals from Europe is prohibited, except at the Ports of Halifax, St. John, N.B., and Quebec, as provided and regulated in the following paragraphs of Part II.

PART II.

*Quarantine.*

4. The importation into the Provinces of Nova Scotia, Prince Edward Island, New Brunswick and Quebec, of live cattle, sheep and swine, coming

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from Europe, shall be prohibited, except at the Ports of Halifax, St. John, N.B., and Quebec.

5. All cattle, sheep and swine arriving in Canada through either of the said Ports of Halifax, St. John or Quebec, shall be subject to inspection at those ports by officers who may, from time to time, be appointed for that purpose.

6. All neat cattle coming from Europe shall be subject, on entering the Ports of Quebec, Halifax and St. John to a probatory quarantine of ninety days before being allowed to come in contact with Canadian cattle, or to be exported to any other country, and shall not leave such quarantine until duly discharged therefrom by the Quarantine Officer.

7. All sheep and swine arriving in Canada through the said Ports of Quebec, Halifax and St. John, N.B., may, in the discretion of any Quarantine Officer, either be permitted to enter or be detained in quarantine at such place and in such manner as shall be directed by the Quarantine Officer, until duly discharged therefrom.

8. The Inspecting Officers shall visit the boats, ships, vessels, cars or vans, and the cattle, sheep and swine coming into the said ports, and superintend the landing of such animals, order them to be placed and disposed of according to the requirements of the case, and see that they be conveyed to the grounds assigned for quarantine, and shall also superintend the landing and disposal of fodder, litter, blankets, troughs and other objects which may have been used by or for the said animals in transit to Canada, either on board ships or cars.

The quarantine stations and grounds at the several places above mentioned shall be established by, and be managed under regulations made and established by the Minister of Agriculture.

9. The animals thus subjected to quarantine shall be treated and dealt with under the direction of the Inspecting Officer, and the articles used in connection with the said animals shall be in like manner employed in their care and maintenance, under the same direction and supervision.

10. Should it be found necessary to destroy any of the said animals, or all or any portion of the articles used in the care of the said animals, such destruction shall take place under the orders and supervision of the superintending officer, and in the manner prescribed by him, but not unless permission to that effect has been previously given by the Minister of Agriculture.

11. The officers appointed to carry out the law and the foregoing regulations shall have free access to any boat, ship, vessel, car, van, or to any place where cattle, sheep or swine may be found, in order to inspect the same, and under instructions from the Minister of Agriculture, deal with infected animals and the articles employed in their service, in the manner contemplated by the Act, under the penalties prescribed thereby against any person contravening any of the provisions thereof, or of any regulations made thereunder.

The said Inspector or officers may, if it be deemed necessary, order the cleansing and purifying of any infected place, vehicle or other article so inspected, and direct such precautionary measures to be taken as may by him or them be considered advisable, pending the decision of the Min-

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ister of Agriculture as to the ultimate disposal of such vehicle or other article.

12. The expense of feeding, attending to, and of providing for any cattle, sheep or swine detained in quarantine shall be borne by the owner thereof, with the exception of that for the use of grounds and shelters; and such cost, if incurred by the Inspector of Quarantine, shall be paid before the animals are permitted to leave the quarantine; and in case of refusal or neglect to pay the same, the Inspector shall, on being so ordered by the Minister of Agriculture, cause the said animals to be sold to meet the said cost,—the balance, if any, to be handed over to the owner.

13. The Quarantine shall be under the care and subject to the orders of the officers appointed for that purpose, who shall have the general superintendence of the servants or other persons, and of all other matters connected therewith.

## PART III.

*Transit of Animals in Bond.*

14. American cattle and swine, the importation and introduction of which are prohibited as ordered by Part I., paragraph 3, may nevertheless be permitted to enter Canada in bond, at the Ports of Sarnia, Windsor and Amherstburg, to be conveyed, under surveillance and strict rules of isolation, through Canada and territory to the American frontier, at Rouse's Point, St. Armand Station, Island Pond, the Suspension Bridge (Niagara) and the International Bridge (Fort Erie); but no such transit shall be allowed, unless an agreement between the Minister of Agriculture and the railway company interested in and conducting such transit has been communicated to the Collector of Customs of each of the said ports or stations.

15. The transit of cattle and swine between the points mentioned in the next preceding paragraph, shall be subject to such rules and regulations as the Minister of Agriculture shall prescribe, and in accordance with the arrangements which may be made between the said Minister and the Grand Trunk, the Great Western and the Canada Southern Railway Companies, for the proper carrying out of the present order, and the necessary measures to save the live stock of Canada from the dangers of contagion and infection.

16. Amongst other things, these arrangements of the Minister of Agriculture shall provide,—

(a.) That an inspection of the said cattle and swine shall be made before they are admitted in transit, permission for which transit shall only be given on a certificate or Clean Bill of Health from the Inspector,—he being a veterinary surgeon appointed by the said Minister.

(b.) That each train carrying American cattle or swine, or both, from frontier to frontier in bond, shall be accompanied by one of the staff of guardians also to be appointed by the said Minister.

(c.) That the cars and trucks employed for such traffic be specially and exclusively devoted to such purpose.

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*Agriculture.*

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(d.) That no Canadian animals shall be carried at any time in the same train, in company with, nor in close proximity to American cattle or swine, and that no car or truck employed in the American cattle and swine transport, shall be used to carry, at any time, Canadian animals.

(e.) That no unnecessary delay occur with any train engaged in the said transit passing through Canadian territory.

(f.) That due precautions be taken to retain in the cars or trucks, and disinfect, if need be, the droppings of cattle and swine thus carried in transit.

(g.) That no such cattle or swine, nor their carcasses in case of death occurring (unless immediately buried under directions of the proper guardian), nor parts thereof, nor articles having been employed about them, be permitted to remain in Canada, nor to come in contact with any person or persons other than those engaged on the train or thing whilst thus undergoing the said transit.

17. Inasmuch as it is of absolute necessity, owing to the length of the trip on the Grand Trunk Railway, to provide for a place where American cattle and swine can be fed, watered and rested, it is ordered that the said resting place shall be established at the station of Lyn, in the Province of Ontario, where a double, isolated enclosure shall be provided by the Railway Company, selected, established and fitted to the satisfaction of the Minister of Agriculture, before the said company is permitted to transport American cattle or swine over their line. The said enclosure, besides other requisites, shall be provided with a high board fence and a vacant space around the said board fence, the said outside space to be also fenced, in order to prevent any approach to the inner enclosure; the said inner enclosure shall be provided with a special siding, with two locked doors, for the admission and isolation, under key, of the cars or trucks carrying American cattle or swine in transit.

18. The two fenced enclosures mentioned in the next foregoing section, situated at the Grand Trunk Railway Station at Lyn, in the Province of Ontario, with all appurtenances therein, or things belonging thereto, is hereby declared to be an infected place, in the meaning and for all purposes of the "Act to provide against infectious or contagious diseases affecting animals."

19. The enclosures through which American cattle and swine enter Canada, in transit at Sarnia, on the Grand Trunk Line, must be arranged, fitted and isolated in like manner, to the satisfaction of the Minister of Agriculture, and the said enclosures situated on the Grand Trunk Railway grounds, on the frontier, near the Sarnia Station, in the Province of Ontario, with everything thereto appertaining, are also declared hereby to be an infected place.

## PART IV.

*Conveyance and Shipment of Animals.*

20. To provide against the possibility of diseased animals being carried from place to place, through Canadian territory, or conveyed to and shipped from Canadian ports, it is ordered as follows:—

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*Agriculture.*

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21. An inspection of animals will be made at any place or port in Canada to which such animals are carried in the manner prescribed by the instructions which may be given from time to time by the Minister of Agriculture.

22. Such animals as may be found to have been exposed to contagious or infectious disease, or to be laboring under contagious or infectious disease, shall be either detained or slaughtered in pursuance of the provisions of the said Act, under direction of the Minister of Agriculture.

23. The officers appointed to carry out the law and the present regulations shall have free access to any boat, ship, vessel, car, van, or other vehicle, or to any place where animals may be found, in order to inspect the same, and, under instructions from the Minister of Agriculture, deal with animals having been exposed to disease or with diseased animals, and the articles employed in their service in the manner contemplated by the said Act, under the penalties prescribed thereby against any person contravening any of the provisions thereof or of any regulations made thereunder.

24. The said Inspectors or officers may, if it be deemed necessary, order the cleansing and purifying of any place, vessel, vehicle or other article having been made use of to receive or transport, or being about to receive and transport, animals, and direct such precautionary measures to be taken as may be considered advisable.

25. Proprietors of or dealers in stock having moved, or intending to move, animals towards a port of embarkation in Canada for export, must give notice to the Inspector appointed for such port by telegraph or by letter, at least twelve hours in advance of the time of arrival of the said animals for shipment, and during the progress of inspection shall, with the hands at their disposal, give every required assistance to the Inspector at such port, and move the animals according to the directions given to them by the said Inspector. In case the owner refuses or neglects to furnish the necessary assistance, the Inspector may employ men at the cost of the shipper, which shall be paid to the Inspector before a Clean Bill of Health is given.

26. In order to prevent the danger of contagion or infection resulting from the overcrowding or overlading of animals on board ship in any port in Canada, the Inspector shall not permit cattle or other animals to be laden on board any ship in such port, until he shall be satisfied that suitable space and provision has been made for the number of cattle or other animals to be shipped on board such vessel, and that a greater number of animals shall not be shipped than such ship can safely and properly carry, and such Inspector shall not grant a Clean Bill of Health to such ship until all such provisions as aforesaid shall be made to his satisfaction.

27. The Collector of Customs of any port where such inspection as aforesaid is adopted and required, shall not give a clearance to any ship having cattle or other animals on board for exportation without being shown a Clean Bill, signed by the Inspector, to the effect that the measures provided by the said Act and the present regulations have been obeyed and carried out.



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*Agriculture.*


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*General Disposition.*

28. Collectors of Customs throughout Canada shall see that the various exigencies and requirements of the present order are fulfilled before granting any permit which requires, before it is given, any act to be performed, or any inspection or other proceeding to be made or taken, and they shall see that the prohibitions prescribed and rules established by this order, and the instructions which may be issued by the Minister of Agriculture are obeyed, and in case of any infraction of the provisions of the present Order, or any of them, taking place, they shall report at once to the Minister of Agriculture the nature and extent of such infraction.

Certified,

J. O. COTÉ,

*Clerk, Privy Council.*


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GOVERNMENT HOUSE, OTTAWA,  
Monday, 3rd day of May, 1880.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Agriculture and of the Honorable the Minister of Customs, and under the provisions of the Act passed in the Session of the Parliament of Canada, held in the 42nd year of Her Majesty's Reign, Chapter 23, and intituled "An Act to provide against infectious or contagious diseases affecting animals," and under the authority given and conferred by the 59th Section of the Act 40 Victoria, Chapter 10, intituled "An Act to amend and consolidate the Acts respecting the Customs."

His Excellency the Governor General in Council has been pleased to make and prescribe the following regulations for slaughtering and curing imported swine in bond,—the "Health of Animals Order," passed on the 23rd day of April last, remaining in force, except in so far as the same may be inconsistent with the present Order.

1. Swine may be imported into Canada for the purpose of being slaughtered; the importer shall enter the same for warehouse upon the usual form of such entries, stating upon its face the number, live weight and value of the herd, and the rate and amount of duty as prescribed by the tariff in force at the time of making such entry. Such importer shall then execute a bond to the Queen, with two sufficient sureties to the satisfaction of the Collector of Customs at the port where such carcasses are imported or warehoused, in double the amount of such duty: the condition of such bond shall be that upon due exportation within one year of the products of the swine so imported, slaughtered and cured in the form of

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pork, bacon, hams, shoulders and lard, or payment of the duty secured by the said bond, then the said bond shall be and become null and void, otherwise shall remain in full force and virtue.

2. After the reception of the swine into the bonding warehouse or slaughter-house, it shall not be lawful to remove any of them alive therefrom, under any pretence or for any reason whatever.

3. The product of such swine, after having been slaughtered, shall not be removed for any purpose from the bonding place, without a permit from the Collector or proper officer of Customs, as in the case of all other bonded goods.

4. The bond given by the importer, as before specified, shall be cancelled upon payment of the current rate of duty imposed upon swine imported into Canada, or upon exportation of sixty-five per cent. of the live weight of the swine, weighing two hundred pounds and under, or of exportation of seventy per cent. of the live weight of the swine weighing over two hundred pounds as originally entered, in the form of pork, bacon, hams, shoulders and lard; and if a less quantity than seventy per cent. is exported, then duty shall be paid upon the quantity deficient, at the rate imposed upon the live animal, in proportion to value.

5. Slaughtered swine may be imported to be cured and packed in bond and entered in the usual way for warehouse, and be placed in the premises established as a warehouse of this class for the special purpose of curing and packing. The weight and value of such carcasses shall be stated upon the face of the entry for warehouse, and the importer shall execute a bond to the Queen with two sufficient sureties to the satisfaction of the Collector of Customs at the port where such carcasses are imported or warehoused, in double the amount of duty accruing thereupon, to be calculated according to the highest rate of duty imposed by the tariff upon any part or parts of the said carcasses, conditioned for the due exportation of the same or payment of duty within one year from date of first entry.

6. The meats, being the produce of such carcasses, shall be calculated for exportation or duty, as the case may be, after allowing in respect of meat in pickle a reduction of five per cent. from the original weight, or weight for first entry, and these percentages may be deducted by compensation entries from the warehouse books at the time of each ex-warehouse entry, in proper proportions, and if any less quantity is exported than the original weight, less the allowance above specified, the duty shall be collected upon such deficiency at the rate of duty required at the time by law upon meats of the kinds exported.

7. The live swine imported for slaughter and the swine carcasses introduced for curing and packing shall not be permitted to come in contact with Canadian animals.

8. The cars, trucks and other vehicles employed in such traffic shall not be used for the transport of Canadian animals.

9. The bonding places hereinbefore mentioned are hereby declared to be infected places, subject to such regulations as the Minister of Agriculture may see fit to adopt for the purpose of preventing the introduction of disease among the live stock of the country.

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*Agriculture, &c.*


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10. The transport of the swine imported for slaughter and of the carcasses imported to be cured and packed, and every proceeding in relation to the said traffic shall be subjected to inspection and regulation in pursuance with the meaning of the "Health of Animals Order," under direction of the Minister of Agriculture; and the "General Disposition," being the 28th Section of the said Order, shall apply to the execution of the present Order.

J. O. COTÉ,  
*Clerk, Privy Council.*

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*Customs.*

By Order in Council of Thursday, 10th day July, 1879, Southport, Pelee Island, Province of Ontario, was erected into an Out-Port of Customs, and placed under the survey of the Collector of Customs at the Port of Kingsville.

*Vide Canada Gazette, Vol. 13, p. 37.*

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By Order in Council of Thursday, 10th day of July, 1879, Northport, in the County of Cumberland, Province of Nova Scotia, was erected an Out-Port of Customs and a Warehousing Port, under the survey of the Collector of Customs at the Port of Amherst.

*Vide Canada Gazette, Vol. 13, p. 37.*

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By Order in Council of Friday, 11th day of July, 1879, the Town of Richmond, in the Province of Quebec, was erected into an Out Port of Customs and Warehousing Port under the survey of the Collector of Customs at the Port of Sherbooke.

*Vide Canada Gazette, Vol. 13, p. 69.*

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GOVERNMENT HOUSE, OTTAWA,  
 Thursday, 17th day of July, 1879.

*Present:*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 16th Section of the Act passed in the Session of Parliament of Canada, held in the 31st year of Her Majesty's

*Customs.*

Reign, Chaptered 7, and intituled: "An Act imposing duties of Customs, with the Tariff of Duties payable under it,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following Regulations governing the drawback of Customs duties paid on goods exported to Newfoundland, be, and the same are hereby, approved and adopted :—

There may be paid, under the above named authority and on the following conditions, a drawback of the Customs duties paid on goods imported into Canada and subsequently exported to Newfoundland direct.

The exportation of such goods must have been within two years after the time duty was paid thereon.

The claim for drawback must have been within three months of the exportation.

The claimant for drawback must have been the importer as well as the exporter of such goods and the original value thereof on which duty was paid must have been not less than one hundred dollars.

The claimant upon making claim for such drawback shall deliver to the Collector of Customs at the port where entry outward was made for transmission to and approval of the Customs Department at Ottawa,—

1st. A certified copy of the export entry of such goods, to which shall be attached a certificate signed by the Collector or other proper officer of Customs at the port from whence exported, showing the date of clearance and sailing of the vessel named in the said export entry, in which such goods were shipped and naming the port in Newfoundland for which such vessel cleared with the said goods on board, and further showing that the said goods had been properly examined and identified prior to the said shipment ;

2nd. A certificate, signed by the Collector or other proper officers of Customs in Newfoundland to which such goods were shipped, setting forth and testifying that the said goods, as described and valued in said copy of export entry, have been duly landed and entered at said port of destination ;

3rd. His own declaration, subscribed under oath showing that he was the importer and also the exporter of the goods on which claim for drawback is made, that he has exported them to a port in Newfoundland giving the name thereof and the name of the consignee, that none of them are intended to be reloaded in Canada, that the value assigned to said goods in the certified copy of export entry attached and on which the drawback of duty is claimed was the value on which he paid duty when the same were imported ; that the amount of drawback claimed is the same as the duty paid by him on said goods and no more ; that the said goods were entered inwards for duty within two years of the exportation thereof, and (where possible to do so) he shall give the number or numbers of and date or dates of the entries on which duty was paid, or if, in consequence of the exportation being made of goods taken from a promiscuous lot, and for that reason he is unable to give the numbers and dates of the entries thereof, he shall so declare, and also whether said goods were entered for duty prior or subsequent to the 15th day of March, 1879.

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*Customs.*

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He shall in all cases where the shipment on which drawback is claimed consists of more than one article or class of goods, attach to the claim a schedule (properly classified according to the rates of duty paid) distinctly showing the quantities and original value on which duty was paid and rate and amount of duty paid on each article or class of goods therein named. This schedule shall be so endorsed over the proper signature of the claimant as to identify it with the claim and with the certified copy of export entry attached, and it shall be held to form a part thereof.

The Minister of Customs is hereby empowered to cause to be prepared such form or forms for claims and vouchers, not inconsistent with the foregoing, as he may deem expedient, and to require from claimants such further evidence respecting the claims as circumstances may seem to him to require.

The Regulations respecting drawback on goods exported to Prince Edward Island and Newfoundland, fixed by Order in Council of date the 18th May 1870, are hereby rescinded.

W. A. HIMSWORTH,  
Clerk, Privy Council.

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By Order in Council of Tuesday, 22nd day of July, 1879, it was ordered that the Out Port of North Pembina, in the Province of Manitoba, should be designated and known as the Out-Port of Emerson, the name of the town where the Customs Office is located

*Vide Canada Gazette, Vol. 13, p. 103.*

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By Order in Council of Thursday, 14th day of August, 1879, the Port of Bay Verte, in the Province of New Brunswick, was constituted an Out-Port of Entry, and placed under the survey of the Collector of Customs at the Port of Sackville.

*Vide Canada Gazette, Vol. 13, p. 244.*

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By Order in Council of the 14th August, 1879, Bent Glass for show-cases was admitted to entry free of duty.

*Vide Canada Gazette, Vol. 13, p. 264.*

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By Order in Council of Thursday, 11th day of September, 1879, Leamington, in the Province of Ontario, was erected into an Out-Port of Customs and Warehousing Port, under the survey of the Collector of Customs at the Port of Kingsville, Ontario.

*Vide Canada Gazette, Vol. 13, p. 373.*

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*Customs.*

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By Order in Council of Thursday, 2nd day of October, 1879, it was ordered that the Port of Elgin (Edwardsburg) be reduced to the rank of an Out-Port, to be known as the Out-Port of Edwardsburg, the present name of the place, said Out-Port to be under the survey of the Port of Prescott; to take effect from 1st October, 1879.

*Vide Canada Gazette, Vol. 13, p. 471.*

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By Order in Council of the 29th December, 1879, a drawback of Customs duty equal to one cent per pound was granted on all Malt imported and used in manufactures in Canada.

*Vide Canada Gazette, Vol. 13, p. 876.*

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By Order in Council of the 30th December, 1879, Horn Strips used in making corsets were admitted to entry free of duty.

*Vide Canada Gazette, Vol. 13, p. 877.*

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By Order in Council of the 6th day of January, 1880, St. Catherines, Ont., was constituted a Port at which Raw or Leaf Tobacco might be imported into Canada in bond.

*Vide Canada Gazette, Vol. 13, p. 910.*

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By Order in Council of Tuesday, 6th day of January, 1880, the Out-Port of Simcoe was detached from the Port of Brantford and placed under the charge of the Collector of Port Dover, to take effect from the 1st of February, 1880.

*Vide Canada Gazette, Vol. 13, p. 910.*

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By Order in Council of Tuesday, 6th January, 1880, it was ordered, that a special rate of drawback be allowed of five cents for each bushel of duty-paid corn the product of which in starch is shewn to have been exported.

*Vide Canada Gazette, Vol. 13, p. 910.*

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By Order in Council of Friday 16th day of January, 1880, the Port of West Isles, Province of New Brunswick, was reduced to the rank of an

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*Customs.*


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Out Port to be placed under the survey of the Collector of Customs at the Port of St. Andrews, to take effect from the 1st of February next, the rank of the present Collector to be that of a Sub-Collector from that date.

*Vide Canada Gazette, Vol. 13, p. 947.*

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By Order in Council of Friday, 20th day of February, 1880, the Out Port of South Bar, attached to the Port of Sydney, Cape Breton, was abolished, to take effect from the 1st day of March, 1880.

*Vide Canada Gazette, Vol. 13, p. 1,193.*

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By Order in Council of Wednesday, 25th day of February, 1880, the place called Gaberousse Bay, Cape Breton, Province of Nova Scotia, was erected as an Out Port of Customs under the survey of the Collector of Customs at the Port of Sydney, to take effect from the 1st March, 1880.

*Vide Canada Gazette, Vol. 13, p. 1,193.*

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By Order in Council of Friday, 5th day of March, 1880, the Out Port of New Westminster, British Columbia, was detached from the Port of Victoria, and erected into an independent Port of Entry and Warehousing Port; and the Out Ports of Burrard Inlet, Kootenay and Osoyoos were detached from the Port of Victoria and attached to the Port of New Westminster, the above proposed changes to take effect from the 1st of April, 1880.

*Vide Canada Gazette, Vol. 13, p. 1,224.*

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By Order in Council of Tuesday, 30th day of March, 1880, the name of the Out-Port of Edwardsburg, in the County of Grenville, Ontario, was changed to that of Cardinal, to take effect from and after the 1st of July next.

*Vide Canada Gazette, Vol. 13, p. 1336.*

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**REGULATIONS respecting the Grinding and Packing of Wheat, Maize and other Grain, in bond.**

1. The Collector of Customs at any Port of Entry shall receive entries of wheat, maize or other grain to be ground and packed in bond for exportation or consumption, and such Collector shall deliver or cause to be delivered such wheat, maize, or other grain to be forwarded on to the port

*Customs.*

of destination where may be situated the mill or mills at which the said wheat, maize or other grain is to be ground and packed in bond, as by law permitted.

2. The wheat, maize or other grain shall be so forwarded under bonds to be taken either by the Collector at the port of entry or by the Collector at the port of destination, as may best suit the convenience of the importer, which bonds shall be taken for an amount that will cover the duties chargeable upon the said wheat, maize or other grain, and be conditioned for the due payment of such duties, should such wheat, maize or other grain or the quantity of flour and meal representing such wheat, maize or other grain, go into consumption, or for the due exportation of such wheat, maize or other grain, or the product thereof in flour or meal; and on proof of the payment of such duties or of the due exportation as aforesaid, within one year from the date of the said bond or bonds, the said bonds shall be duly cancelled; and, if such bonds shall be given at the port of destination, a certificate of such payment or exportation, under the hand of the Collector of Customs at such port, shall be forwarded to the Collector at the Port of Entry at which such wheat, maize or other grain shall have been imported or entered for manufacture in bond.

PRIVY COUNCIL OFFICE,  
Ottawa, 22nd April, 1880.

I hereby certify that the foregoing Regulations, made under the authority of the 125th Section, 1st Sub-section, of the Act 40th Vic., Chap. 10, intituled "An Act to amend and consolidate the Act respecting the Customs," have been approved by His Excellency the Governor General in Council on the 21st day of April, 1880, and substituted for the Regulations approved by Order in Council of the 10th July, 1879.

J. O. COTÉ,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,  
Monday, the 3rd day of May, 1880.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Agriculture and of the Honorable the Minister of Customs, and under the provisions of the Act passed in the Session of the Parliament of Canada, held in the 42nd year of Her Majesty's reign, Chapter 23, and intituled "An Act to provide against infectious or contagious diseases affecting animals," and under the authority given and conferred by the 59th Section of the Act 40 Victoria,



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*Customs.*

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Chap. 10, intituled "An Act to amend and consolidate the Acts respecting the Customs,"—

His Excellency the Governor General in Council has been pleased to make and prescribe the following Regulations for slaughtering and curing imported Swine in bond,—The "Health of Animals Order" passed on the 23rd day of April last, remaining in force except in so far as the same may be inconsistent with the present Order.

1. Swine may be imported into Canada, for the purpose of being slaughtered; the importer shall enter the same for warehouse upon the usual form of such entries, stating upon its face the number, live weight and value of the herd, and the rate and amount of duty as prescribed by the tariff in force at the time of making such entry. Such importer shall then execute a bond to the Queen, with two sufficient sureties to the satisfaction of the Collector of Customs at the port where such carcasses are imported or warehoused, in double the amount of such duty; the condition of such bond shall be that upon due exportation within one year of the products of the swine so imported, slaughtered and cured in the form of pork, bacon, hams, shoulders and lard, or payment of the duty secured by the said bond, then the said bond shall be and become null and void; otherwise shall remain in full force and virtue.

2. After the reception of the swine into the bonding warehouse or slaughter house, it shall not be lawful to remove any of them alive therefrom, under any pretence or for any reason whatever.

3. The product of such swine, after having been slaughtered, shall not be removed for any purpose from the bonding place, without a permit from the Collector or proper officer of Customs, as in the case of all other bonded goods.

4. The bond given by the importer, as before specified, shall be cancelled upon payment of the current rate of duty imposed upon swine imported into Canada, or upon exportation of sixty-five per cent. of the live weight of swine, weighing two hundred pounds and under, or upon the exportation of seventy per cent. of the live weight of the swine, weighing over two hundred pounds as originally entered, in the form of pork, bacon, hams, shoulders and lard; and if a less quantity than seventy per cent. is exported, then duty shall be paid upon the quantity deficient, at the rate imposed upon the live animal, in proportion to value.

5. Slaughtered swine may be imported to be cured and packed in bond and entered in the usual way for warehouse, and be placed in the premises established as a warehouse of this class for the special purpose of curing and packing. The weight and value of such carcasses shall be stated upon the face of the entry for warehouse, and the importer shall execute a bond to the Queen with two sufficient sureties to the satisfaction of the Collector of Customs at the port where such carcasses are imported or warehoused, in double the amount of duty accruing thereupon, to be calculated according to the highest rate of duty imposed by the tariff upon any part or parts of the said carcasses, conditioned for the due exportation of the same or payment of duty within one year from date of first entry.

6. The meats, being the produce of such carcasses, shall be calculated for exportation or duty, as the case may be, after allowing in respect of

*Customs.*

meat in pickle a reduction of five per cent. from the original weight, or weight for first entry, and these percentages may be deducted by compensation entries from the warehouse books at the time of each ex-warehouse entry, in proper proportions, and if any less quantity is exported than the original weight, less the allowance above specified; the duty shall be collected upon such deficiency at the rate of duty required at the time by law upon meats of the kinds exported.

7. The live swine imported for slaughter and the swine carcasses introduced for curing and packing shall not be permitted to come in contact with Canadian animals.

8. The cars, trucks and other vehicles employed in such traffic shall not be used for the transport of Canadian animals.

9. The bonding places hereinbefore mentioned are hereby declared to be infected places, subject to such regulations as the Minister of Agriculture may see fit to adopt for the purpose of preventing the introduction of disease among the live stock of the country.

10. The transport of the swine imported for slaughter and of the carcasses imported to be cured and packed, and every proceeding in relation to the said traffic shall be subjected to inspection and regulation, in pursuance with the meaning of "The Health of Animals Order," under direction of the Minister of Agriculture; and the "General Disposition," being the 28th Section of the said Order, shall apply to the execution of the present Order.

J. O. COTÉ.

*Clerk, Privy Council.*

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By an Order in Council bearing date the 3rd May, 1880, "Steel," imported for use in the manufacture of skates, was placed on the list of goods which may be imported into Canada free of duty.

*Vide Canada Gazette, Vol. 13, p. 1520.*

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By an Order in Council bearing date the 13th day of May, 1880, "Oak Extract" was placed on the free list as a raw material.

*Vide Canada Gazette, Vol. 13, p. 1568.*

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By an Order in Council of the 15th day of May, 1880, it was ordered that a drawback on materials actually used in the construction of any ship or vessel built and registered in Canada, or built in and exported from Canada under Governor's pass, for sale and registry in any other country, between the 15th day of March, 1879, and the 1st day of January, 1880, may be granted and paid by the Minister of Customs to the builder of any such ship or vessel under such regulations as to him may appear necessary,

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*Customs, &c.*


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provided that such drawback shall not exceed an amount equal to 40 cents per registered ton of such ship or vessel, when constructed without iron knees, and 50 cents per registered ton when constructed with iron knees.

That a drawback may be granted and paid by the Minister of Customs, as aforesaid, on materials used in the construction of ships or vessels built and registered in Canada, and built and exported from Canada under Governor's pass, for sale and registry in any other country, since the 1st day of January, 1880, at the rate of 75 cents per registered ton on iron kneed ships or vessels classed for 9 years,—at the rate of 65 cents per registered ton on iron kneed ships or vessels classed for 7 years, and at the rate of 55 cents per registered ton on all ships or vessels not iron kneed.

*Vide Canada Gazette, Vol. 13, p. 1600.*

By an Order in Council of the 15th day of May, 1880, the following amendments to the Order in Council passed on the 11th day of June, 1879, respecting the payment of drawback on Sheet Tin or Tin-plates and other materials used in the manufacture of packages for articles exported, were approved.

To the first paragraph of said Order in Council, fixing the rate of drawback payable, by inserting after the words "imported subsequent to said date" the words "and prior to the 1st day of July, 1879, or the sum of fifty cents for each box of said Tin used and imported subsequent to the 1st day of July, 1879."

By inserting after the requirement 3rd respecting bill of lading, the following,—“Or in place thereof a duly certified copy of such bill of lading, on the back of which shall be a declaration, sworn to before a Collector of Customs, showing that the copy as over is a true and correct copy of the original bill of lading issued at the time of the shipment of the goods therein described, and that the said copy is intended to be used for Canadian Customs purposes only, and is the only copy extant for such use.”

*Vide Canada Gazette, Vol. 13, p. 1603.*

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*Inland Revenue.*

GOVERNMENT HOUSE, OTTAWA,

Friday, 11th July, 1879.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Inland Revenue and under the provisions of the 17th and 114th Sections of the Act passed in the Session of the Parliament of Canada held in the

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*Inland Revenue.*

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31st year of Her Majesty's reign, chaptered 8, and intituled "An Act respecting the Inland Revenue,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to make the following additional Regulations for the supervision of Excise Bonded Manufactories:—

*Additional Regulations.*

1. The under side of the flooring joists of all bonded apartments in which spirits or other goods subject to excise duty are stored or placed while under any process of manufacture, shall, if there is any space or other apartment below them, be sheeted or lathed.

2. Vinegar produced in any bonded manufactory shall be in the proportion of 100 gallons of standard vinegar to 24 gallons of proof spirits taken into the manufactory and used for the production of vinegar with such addition to the said standard quantity of vinegar as may, in the opinion of the Department of Inland Revenue, be fairly due to any other article such as sour beer or wine, acetic acid or any like article brought into the manufactory in addition to the alcohol used for its production.

3. Standard vinegar referred to in § 2 shall contain not less than the equivalent of six per cent., by weight, of acetic acid, which percentage shall be determined by such established chemical tests applied by such apparatus as may be, from time to time, directed by Departmental Regulations or instructions made in that behalf

4. The officers of Inland Revenue shall, at any time, take such samples from all or any of the parcels of vinegar or other article made in any bonded manufactory, and from all or any parcels of vinegar or other article brought into such manufactory as may be necessary for determining the strength or quality of the vinegar or other article from which such sample is taken.

5. Every package of spirits and every other article or material brought into any bonded manufactory, whether subject to excise or customs duty or not, shall be immediately placed in an apartment appropriated thereto and secured by a Crown lock, the sole key whereof shall be in the exclusive custody of an officer of Inland Revenue; and no package of spirits or other article shall be removed from such locked apartment except in the presence of the officer who has the key thereof for the time being, and in his presence every article removed from such locked apartment shall be immediately conveyed to the mixing room or other place where it is to be used and applied to the purpose for which it is intended.

6. All spirits shall be kept in some room, compartment or vessel secured by a Crown lock so as to be accessible only in the presence of the proper officer of Inland Revenue so long as such spirits remain in a state in which they can be used for potable purposes.

7. Every Excise mark on every package in which any excisable goods are taken to any bonded manufactory shall be completely erased and removed from such package when it is taken from the locked apartment in which it had been placed, as provided in § 5.

8. No person licensed as a manufacturer in bond shall carry on any trade of buying or selling spirits or spirituous liquors on the premises for

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*Inland Revenue.*


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which such license is granted, nor in any other premises situated within less than five hundred yards of such licensed premises, except in so far as such buying or selling is a necessary consequence of the business for which the license is granted, or permission to carry on such business is specifically granted in the license.

9. No duty-paid spirits or other excisable goods on which excise duty has been paid (except goods on which the difference between Customs and Excise duty has been paid under 31 Vic., Chap. 8, Sec. 31) shall be taken into any bonded manufactory.

10. Spirits to be methylated shall not be of less strength than sixty over proof, and if after they are methylated they are at any time discovered in the market, in transit or in store at a lower strength, they shall be considered and dealt with as ordinary or unmethylated spirits illegally removed from a distillery or bond without payment of duty.

11. Section 4 of the Order in Council of the 5th of December, 1870, as amended by the Order in Council of the 16th January, 1871, is hereby cancelled, and the following substituted:—

“4. With every hundred gallons of spirits of the strength of sixty over proof by Sykes' Hydrometer there shall be mixed twelve gallons of 'wood naphtha of commerce' having a specific gravity of not less than '830 nor more than '838 when at a temperature of 62° of Fahrenheit, and the wood naphtha so used shall not have been passed through more than one process of rectification, nor shall it be of the quality known as 'Wood Alcohol.'”

12. In addition to the samples of wood naphtha sent to the Department, in pursuance of the Order in Council of the 5th December, 1870, other similar samples will be taken and tested as to quality and specific gravity by the Inland Revenue officer appointed for that purpose; and the naphtha from which such samples are taken shall not be used nor taken from the locked apartment in which it is stored except for the purpose of removing it from the manufactory until it has been so tested and approved as suitable for the methylating of spirits by the Collector of Inland Revenue.

13. Samples of methylated spirits may, at any time, be taken by any officer of Inland Revenue from packages of such spirits whether in the bonded manufactory or elsewhere, and if, when such samples are analysed by an analyst appointed by authority of the Act 37 Victoria, Chapter 8, they are found to be in any material degree deficient in the quantity of wood, naphtha or methyl herein prescribed, the spirits from which such samples were taken, shall be deemed to have been illegally removed from a distillery or bonded warehouse without payment of duty, and dealt with accordingly.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

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*Inland Revenue.*

GOVERNMENT HOUSE, OTTAWA,  
Thursday, 17th day of July, 1879.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Inland Revenue. His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the Order in Council bearing date the 30th September, 1875, establishing Inspection Districts of Weights and Measures under 36 Vic., Chap. 47, Sec. 10, as well as the previous Order in Council, passed on the 17th May, 1875, therein referred to, be and the same are hereby cancelled, and that under the authority of Act 42 Vic., Chap. 16, Sec. 36, the Inspection Districts for the Inspection of Weights and Measures, be as follows:—

*Province of Ontario.*

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*Quebec.*

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Sherbrooke.—To comprise the Town of Sherbrooke and Counties of Drummond, Arthabaska, Missisquoi, Shefford, Brome, Richmond, Stanstead, Compton, Wolfe and Iberville.

Three Rivers.—To comprise the City of Three Rivers and Counties of Champlain, St. Maurice, Maskinongé, Berthier, Joliette, Montcalm, L'Assomption, Richelieu, Yamaska and Nicolet.

Quebec.—To comprise the City of Quebec and Counties of Quebec, Lotbinière, Portneuf, Montmorenci, Lévis, Beauce, Megantic, Dorchester, Bellechasse, Charlevoix, Saguenay, Chicoutimi, Montmagny, L'Islet, Kamouraska, Temiscouata, Rimouski, Bonaventure, Gaspé, Labrador and Magdalen Islands.

*New Brunswick.*

Kings.—To comprise the Counties of Kings, Albert, Westmoreland, Kent, Northumberland, Gloucester and Restigouche.

St. John.—To comprise the City of St. John and Counties of St. John, Queen's and Charlotte.

Fredericton.—To comprise the City of Fredericton and Counties of York, Sunbury, Carleton, Victoria and Madawaska.

*Nova Scotia.*

Halifax.—To comprise the City of Halifax and Counties of Halifax, Guysborough, Hants, Kings and Lunenburg.

Yarmouth.—To comprise the Town of Yarmouth and Counties of Yarmouth, Shelburne, Queen's, Digby and Annapolis.

Pictou.—To comprise the Counties of Cumberland, Colchester, Pictou and Antigonish.

Cape Breton.—To comprise the whole Island of Cape Breton.

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*Inland Revenue.*


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*Prince Edward Island.*

Charlottetown.—To comprise the whole Island of Prince Edward.

*Manitoba.*

Winnipeg.—To comprise the whole Province.

*British Columbia.*

Victoria.—To comprise the whole Province.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

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GOVERNMENT HOUSE, OTTAWA,  
Thursday, 24th day of July, 1873.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Inland Revenue, and under and in pursuance of the provisions of the 6th Section of the Act 31st Vic., Chap. 5, His Excellency has been pleased to order, and it is hereby ordered, that the Inland Revenue Districts in the Province of Ontario, be and be composed, as set forth in the following list, and that portion of the Order in Council of the 30th May, 1873, which relates to the Inspection Districts in Ontario, be and the same is hereby cancelled :—

## LIST.

<i>Name of District.</i>	<i>Counties composing the District.</i>
Windsor—	Essex, Kent, Lambton, Bruce, Huron, Perth, Elgin, Middlesex, Waterloo, Norfolk and Oxford.
Toronto—	Wellington, Brant, Haldimand, Lincoln, Welland, Hamilton (City), Wentworth, Halton, Algoma, Grey, Simcoe, with Districts of Muskoka, Parry Sound and Nipissing, and the Manitoulin Islands, Toronto (City), Peel, York, Ontario, Durham, Northumberland, Peterborough and Victoria.
Kingston—	Hastings, Prince Edward, Frontenac, Kingston (City), Lennox and Addington, Lanark, Renfrew, Ottawa (City), Carleton, Russell, Grenville, Leeds, Dundas, Prescott (County), Glengarry and Stormont.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

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*Inland Revenue.*

GOVERNMENT HOUSE, OTTAWA,  
Thursday, 14th day of August, 1879.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**O**N the recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the 49th Section of the Act passed in the Session of the Parliament of Canada, held in the 42nd year of Her Majesty's reign, chaptered 16 and intituled "An Act to amend and consolidate the the laws relating to Weights and Measures,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the accompanying Regulations and Tariff of Fees for the Inspection of Weights and Measures under the said Act be, and the same are hereby approved and adopted.

INLAND REVENUE, CANADA.

STANDARDS' BRANCH.

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

The following balances are to be admitted to verification :—

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

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

1. The beam shows no material difference as regards the form or magnitude of the two arms ;
2. It is provided with a tongue pointing upwards or downwards from its centre, at right angles with a line joining the extreme bearings, or with some equivalent arrangement for indicating the position of equilibrium ;
3. It is in equilibrium when a line joining the extreme bearings is perfectly horizontal, and returns to that position after being put into vibration.
4. Its arms are equal within the specified limit of error ;
5. The balance is sufficiently sensitive to be turned decidedly and promptly by the addition or withdrawal of so much of the load as represents the error tolerated by Regulations in a commercial weight representing the load ;
6. No balanced balls or detached parts, other than the pans and the connections necessary for attaching them to the beam, are used for adjusting the balance ;



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7. The balance, as a whole, is of sufficient strength, and on a sufficiently stable base, to secure it against change of form or position under the maximum load it is to carry ;

8. The beam will carry its maximum load without deflection ;

9. The maximum load for the weighing of which it is to be used is distinctly engraved or marked on the beam ;

10. The knife edges are permanently fixed to the beam :

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

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

2. The beam is sufficiently strong to carry its load without deflection ;

3. The bottom of the notches by which the divisions of the long arm of the lever are indicated, and from which the weight is suspended, are in close approximation to a right line drawn through the knife edges forming the points of suspension, and when such straight line passes near to and a little above the centre of gravity of the whole apparatus ;

4. The divisions on the long arm of the lever are equal among themselves ;

5. The weight used with the lever—if it is changeable or can be readily detached therefrom—is some multiple or sub-multiple of the pound avoirdupois, and has distinctly marked on it its true weight ;

6. The maximum weight intended to be weighed on it is either distinctly marked on the beam or indicated by its construction :

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

1. The foundation or supporting base is sufficiently firm, and capable of carrying without change of level or of form or other disturbance, the maximum load for which it is to be used ;

2. If movable from place to place, some satisfactory arrangement, such as a level or plummet is provided and permanently attached, for indicating whether the machine is perfectly level ;

3. The platform is so arranged that any obstruction to its free movement can be easily detected ;

4. All the beams, levers and other parts are of sufficient strength to carry the maximum load to which they will be respectively subjected without deflection ;

5. The knife edges are firmly and permanently fixed in the levers, have sufficient room to permit free oscillation, and are sufficiently firm ;

6. The knife edges and fulcrums of each set of levers are in the same plane ;

7. The oscillations are sufficiently evident ;

8. The weights used with the instrument are equal to the avoirdupois pound or to multiples or authorized sub-multiples of the avoirdupois pound, or special weights for the barrel of flour or for the bushel of wheat, their actual weight and the weight or special quantity they are intended to indicate on the scale, being plainly marked thereon ;

9. The weights used as above are a decimal sub-multiple, as  $\frac{1}{10}$ ,  $\frac{1}{100}$ ,  $\frac{1}{1000}$  or a binary sub-multiple, as  $\frac{1}{2}$ ,  $\frac{1}{4}$ ,  $\frac{1}{8}$ , etc., of the load indicated by them ;

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10. There are no movable balls or detached parts for the adjustment of the balance accessible, or so placed that they can be used for fraudulent weighing;
11. The apparatus indicates the same weight, whether the load is placed in the centre of the platform, on one side of it, or at either corner;
12. The maximum load which the apparatus is intended to weigh is conspicuously marked on some essential part of it.
- D. Balances with equal arms, and on which the load is carried above the fulcrums will only be admitted to verification when,---
1. There is no material difference as to the magnitude or arrangement of the two arms ;
  2. Its arms are of equal length within a limit of error equivalent to that tolerated in commercial weights ;
  3. There are no balance balls, loose counterpoises or detached parts other than the pans necessary for carrying the load weighed, and the weights used for weighing it ;
  4. Its parallel rods, guides, levers and pivots, by which the adjustment of the scale is effected, are so constructed that they cannot be put out of adjustment without the use of violence, which may be readily detected on inspection ;
  5. The knife edges or fulcrums of each set of levers or guide-rods are in the same plane ;
  6. The balance is sufficiently sensitive to turn decidedly and promptly by the addition and withdrawal of so much of the load as is equivalent to the error tolerated in commercial weights ;
  7. When there is a tongue or pointer, or some equivalent arrangement for showing when the balance is in equilibrium.

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

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**SCHEDULE A.**  
OF WEIGHTS TO BE ADMITTED TO VERIFICATION.

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

*Inland Revenue.*

## SCHEDULE B.

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

## FORMS OF DOMINION WEIGHTS.

## Avoirdupois Weights.

## Troy Weights.

From 50 lbs. down to one pound,—cylindrical, with knob.

The same with ring.

Rectangular block, with ring or handle cast solid.

Truncated square pyramid.

From 5 lbs. down to one-half dram. Any of the above forms ; also flat discs in nests.

A 60 lbs. weight for the bushel of wheat, of some form sufficiently distinct from the form herein described to prevent the one being mistaken for the other.

## GRAIN WEIGHTS.

From 1,000 grains down to ten grains,—cylindrical, with a small rising stem and knob.

Six grains and under, —bent platinum or aluminum wire so bent as to represent the number of grains or decimal parts of a grain.

In every case the denomination of the weights, when of sufficient size, must be cast, engraved, or stamped on them in bold legible numerals, of a size duly proportioned to the size of the weight.

From 500 ounces down to one ounce,—truncated cone with knob.

From 5 ounces down to .001 ounce,—flat square plates.

—  
The denomination to be engraved or stamped on the top of the knob of each weight, in as large numerals as the size of the weight will admit ; and also, on the face of the smaller weights.

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SCHEDULE C.

OF FEES TO BE COLLECTED FOR VERIFICATION OF WEIGHTS.

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

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**SCHEDULE D.**

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

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

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

**SCHEDULE E.**

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

Dominion Measures ..... CYLINDRICAL.

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## SCHEDULE F.

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

## DOMINION MEASURES.

DENOMINATIONS.	MATERIAL.				
	Bronze Cast.	Sheet Brass or Copper.	Sheet Iron or tin plate.	Hard Pewter.	Wood.
	Cts.	Cts.	Cts.	Cts.	Cts.
Bushel .....	30	30	20	...	10
$\frac{1}{2}$ Bushel .....	25	25	15	...	7
Peck .....	20	20	15	...	5
Gallon .....	15	10	10	15	5
$\frac{1}{2}$ Gallon .....	10	10	10	10	5
Quart .....	10	10	5	10	...
Pint .....	5	5	5	5	...
$\frac{1}{2}$ Pint .....	5	5	5	5	...
Gill .....	5	5	5	5	...
$\frac{1}{2}$ Gill .....	5	5	5	5	...
Set from Bushel to Gallon .....	75	75	50	...	20
Set from Gallon to $\frac{1}{2}$ Gill .....	40	40	30	40	...

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SCHEDULE G.

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

—	\$ cts.	—
<i>Balances with equal arms</i> (whether the load is carried above or below the fulcrums):—		
To weigh not more than 5 lbs. in each pan	0 30	
“ “ 50 “	0 50	
“ “ 100 “	0 75	
“ over 100 “	1 00	
<i>Steelyards with divided arm</i> :—		
To weigh not more than 500 lbs.....	0 50	To be verified at the Inspector's Office. If verified elsewhere cost of cartage of weights used for verification to be charged extra.
“ “ 1,000 lbs.....	0 75	
“ “ 2,000 lbs.....	1 00	
“ over 2,000 lbs.....	1 50	
<i>Balances with unequal arms, not divided</i> :—		
To weigh not more than 1,000 lbs.....	0 75	Same as above as to cartage.
“ “ 2,000 lbs.....	1 00	
“ “ 4,000 lbs.....	1 50	
<i>Weigh-Bridges or Platform Scales</i> :—		
To weigh not more than 250 lbs.....	0 50	And in addition to these rates the cost of carting the weights used for verification.
“ “ 500 lbs.....	0 75	
“ “ 2,000 lbs.....	1 00	
“ “ 4,000 lbs.....	1 50	
“ “ 6,000 lbs.....	2 00	
And for each additional ton.....	0 50	



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SCHEDULE H.

OF LINEAL MEASURES THAT MAY BE ADMITTED TO VERIFICATION.

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

SCHEDULE I.

OF FEES TO BE CHARGED FOR VERIFICATION OF LINEAL MEASURES.

Denomination.	Of Metal.	Of Wood	Remarks.
	\$ cts.	\$ cts.	
10 feet.....	0 25	0 20	The fees charged for the verification of any Lineal Measure shall include the charge for the verification of its sub-divisions.
6 " .....	0 25	0 20	
5 " .....	0 25	0 20	
3 " or yard.....	0 08	0 05	
$\frac{1}{2}$ yard.....	0 08	0 05	
2 feet.....	0 02	0 02	
1 foot.....	0 02	0 02	
$\frac{1}{2}$ " .....	0 02	0 02	
Chain or Riband, 100 feet.....	1 50	.....	
" " 50 " .....	1 00	.....	
" " 66 " .....	1 00	.....	
" " 33 " .....	0 75	.....	

NOTE.—If upon a second or any subsequent verification, the Weights, Measures and Weighing Machines submitted are found to be correct within the tolerated error, one-fourth of the fees hereby imposed shall be remitted upon the production of satisfactory evidence of the former verification.

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SCHEDULE K.

WEIGHTS AND MEASURES.—SCHEDULE OF REMEDY OR ALLOWANCE FOR ERROR.

AVOIRDUPOIS WEIGHTS.

STANDARDS.			TRADE WEIGHTS.		
Denomination of Weights.	Actual Allowance in excess.	Actual Allowance in deficiency.	Denomination of Weights.	Actual Allowance in excess.	Actual Allowance in deficiency.
Lbs.	Grains.	Grains.	Lbs.	Grains.	Grains.
50	5·0	2·5	50	50	20
30	5·0	2·5	30	30	10
20	5·0	2·5	20	20	8
10	2·0	1·0	10	10	5
5	2·0	1·0	5	5	3
3	2·0	1·0	3	3	1
2	0·25	0·125	2	2	1
1	0·25	0·125	1	2	1
8 oz.	0·25	0·125	8 oz.	1	1
4 "	0·25	0·125	4 "	1	1
2 "	0·25	0·125	2 "	0·5	0·5
1 "	0·05	0·025	1 "	0·5	0·5
8 drms.	0·05	0·025	8 drms.	0·5	0·5
4 "	0·05	0·025	4 "	0·5	0·5
2 "	0·05	0·025	2 "	0·5	0·5
1 "	0·05	0·025	1 "	0·25	0·25
½ "	0·05	0·025	½ "	0·25	0·25

## Inland Revenue.

## SCHEDULE K.—Continued.

## WEIGHTS AND MEASURES.—SCHEDULE OF REMEDY OR ALLOWANCE FOR ERROR—Continued.

## BULLION WEIGHTS.

STANDARDS.			TRADE WEIGHTS.		
Denomination of Weights.	Actual Allowance in excess.	Actual Allowance in deficiency.	Denomination of Weights.	Actual Allowance in excess.	Actual Allowance in deficiency.
Troy oz.	Grains.	Grains.	Troy oz.	Grains.	Grains.
500	1·0	0·5	500	1·0	0·5
400	1·0	0·5	400	1·0	0·5
300	1·0	0·5	300	1·0	0·5
200	1·0	0·5	200	1·0	0·5
100	0·25	0·125	100	0·25	0·125
50	0·25	0·125	50	0·25	0·125
40	0·25	0·125	40	0·25	0·125
30	0·25	0·125	30	0·25	0·125
20	0·25	0·125	20	0·25	0·125
10	0·025	0·0125	10	0·025	0·0125
5	0·025	0·0125	5	0·025	0·0125
4	0·025	0·0125	4	0·025	0·0125
3	0·025	0·0125	3	0·025	0·0125
2	0·025	0·0125	2	0·025	0·0125
1	0·005	0·0025	1	0·005	0·0025
0·5	0·005	0·0025	0·5	0·005	0·0025
0·3	0·005	0·0025	0·3	0·005	0·0025
0·2	0·005	0·0025	0·2	0·005	0·0025
0·1	0·005	0·0025	0·1	0·005	0·0025
0·05	0·005	0·0025	0·05	0·005	0·0025
0·04	0·005	0·0025	0·04	0·005	0·0025
0·03	0·005	0·0025	0·03	0·005	0·0025
0·02	0·005	0·0025	0·02	0·005	0·0025
0·01	0·005	0·0025	0·01	0·005	0·0025
0·005	0·005	0·0025	0·005	0·005	0·0025
0·004	0·005	0·0025	0·004	0·005	0·0025
0·003	0·005	0·0025	0·003	0·005	0·0025
0·002	0·005	0·0025	0·002	0·005	0·0025
0·001	0·005	0·0025	0·001	0·005	0·0025

*Inland Revenue.*

## DECIMAL GRAIN WEIGHTS.

STANDARDS.			TRADE WEIGHTS.		
Denomination of Weight.	Actual Allowance in excess.	Actual Allowance in deficiency.	Denomination of Weight	Actual Allowance in excess.	Actual Allowance in deficiency.
	Grains.	Grains.		Grains.	Grains.
4000 grains.	0.05	0.025	4000 grains.	0.05	0.025
2000	"	"	2000	"	"
1000	"	"	1000	"	"
500	0.04	0.02	500	0.04	0.02
300	"	"	300	"	"
200	"	"	200	"	"
100	"	"	100	"	"
50	0.02	0.01	50	0.02	0.01
30	"	"	30	"	"
20	"	"	20	"	"
10	"	"	10	"	"
5	0.01	0.005	5	0.01	0.005
3	"	"	3	"	"
2	"	"	2	"	"
1	"	"	1	"	"
0.6	0.005	0.0025	0.6	0.005	0.0025
0.3	"	"	0.3	"	"
0.2	"	"	0.2	"	"
0.1	"	"	0.1	"	"
0.06	0.0025	0.00125	0.06	0.0025	0.00125
0.03	"	"	0.03	"	"
0.02	0.002	0.001	0.02	0.002	0.001
0.01	"	"	0.01	"	"

## Inland Revenue.

## MEASURES OF LENGTH.

STANDARDS.			TRADE MEASURE.		
Denomination of Measure.	Actual Allowance in excess.	Actual Allowance in deficiency.	Denomination of Measure.	Actual Allowance in excess.	Actual Allowance in deficiency.
	Inch.	Inch.		Inch.	Inch.
10 Feet.....	0.05	0.05	10 Feet.....	0.05	0.05
6 " .....	"	"	6 " .....	"	"
3 " .....	0.01	0.05	3 " .....	0.01	0.01
2 " .....	"	"	2 " .....	"	"
1 " .....	0.001	0.005	1 " .....	0.005	0.005
1 Inch.....	"	"	1 Inch.....	"	"

## MEASURES OF CAPACITY.

	Grains weight of water.	Grains weight of water.		
Bushel.....	280	280	Bushel.	In reference to these measures the Inspector will reject them when upon ordinary test the error is obvious to the eye.
$\frac{1}{2}$ Bushel.....	140	140	$\frac{1}{2}$ Bushel.	
Peck.....	70	70	Peck.	
Gallon.....	50	50	Gallon.	
$\frac{1}{2}$ Gallon.....	25	25	$\frac{1}{2}$ Gallon,	
Quart. ....	10	10	Quart.	
Pint.....	10	10	Pint.	
$\frac{1}{2}$ Pint .....	8	8	$\frac{1}{2}$ Pint.	
Gill.....	8	8	Gill.	
$\frac{1}{2}$ Gill.....	4	4	$\frac{1}{2}$ Gill.	
$\frac{1}{4}$ Gill.....	2	2	$\frac{1}{4}$ Gill.	

## PLATFORM SCALES, WEIGH BRIDGES AND BALANCES WITH UNEQUAL ARMS.

All these weighing machines will be rejected.

1st. When, with a full load and truly balanced, the movement of the lever weight, one "notch" or division on the graduated level, in either direction, does not cause the lever to turn decidedly in accordance with such movement.

2nd. When with a full load, or with any less load, and with the balance in equilibrium, the addition or removal of one two-thousandth part of the load, to or from the load, does not turn the lever decidedly in accordance with such addition or removal.

W. A. HIMSWORTH,

Clerk, Privy Council.

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*Inland Revenue.*

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By Order in Council of Monday, 1st day of September, 1879, the County of Brant was detached from the Inspection District of Toronto and attached to the Inspection District of Windsor; the County of Waterloo was detached from the Inspection District of Windsor and attached to the Inspection District of Toronto.

*Vide Canada Gazette*, Vol 13, p. 103.

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By Order in Council of Monday, 1st September, 1879, the Parish of Portage la Prairie, in the Province of Manitoba, was added to the list of places for which licenses to manufacture spirits or other excisable articles may be issued.

*Vide Canada Gazette*, Vol. 13, p. 327.

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By Order in Council of Thursday, 18th day of September, 1879, the Village of Percé, in the Province of Quebec, was constituted a Port of Entry at which Raw or Leaf Tobacco may be imported into Canada.

*Vide Canada Gazette*, Vol. 13, p. 408.

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By Order in Council of Thursday, 9th day of October, 1879, a Board of Arbitration for the purpose set forth in the last sub-section of the 11th Section of "The General Inspection Act, 1874," was appointed; such Board to consist of three members, namely: the Chairman of the Board of Examiners for flour and meal for the Cities of Toronto, Montreal and Quebec respectively, who shall be *ex officio* members of such permanent Board of Arbitration.

*Vide Canada Gazette*, Vol. 13, p. 496.

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## REGULATIONS

Governing the Ferry across the Ottawa River, between Papineauville Wharf, in the Parish of Ste. Angélique, in the County of Ottawa, Province of Quebec, and Brown's Wharf, in the Township of North Plantagenet, County of Prescott, in the Province of Ontario.

*First—Limits.*

The limits of the Ferry shall extend to a distance of one mile above Papineauville Wharf, in the Parish of Ste. Angélique, in the County of Ottawa, in the Province of Quebec, to a similar distance below Brown's Wharf, in the Township of North Plantagenet, in the County of Prescott, in the Province of Ontario.

*Inland Revenue.*

*Second.—Landing Stages.*

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

*Third.—Ferry Boat.*

During the first year after the execution of the lease, the lessee shall provide and maintain a vessel propelled either by steam, horse-power or by oars, suitable for the conveyance of passengers, horses, cattle and all ordinary vehicles with safety and reasonable despatch, and such vessel shall be subject to the approval of the Department of Inland Revenue; and should the lessee decide to employ a steamboat he must obtain therefor and produce when required a certificate of fitness, safety and sufficiency from the Dominion Board of Steamboat Inspectors.

*Fourth.—Number of Trips.*

During the season of navigation the Ferry Boat shall commence running daily (Sundays excepted) at 6 o'clock, a.m., and shall continue to cross, thereafter, as often as may be found necessary for the convenience of the public, the number of such crossings to be determined from time to time by the Department of Inland Revenue. Until otherwise determined the lessee shall provide convenient and sufficient means of signalling, and shall cross from side to side when ever signalled to do so.

*Fifth.—Tariff of Charges.*

The maximum charges for ferrying shall be as follows:—

	Cts.
For a two horse cart or conveyance with driver, each way.....	30
For a one horse cart or conveyance with driver, each way.....	25
One horse, each way .....	20
Each head of horned cattle, each way.....	20
do sheep or swine, do .....	10
A passenger, each way.....	10
Every 100 lbs. of freight, each way.....	5

*Sixth.*

The Ferry Boat shall be placed on the route fully completed and equipped, and the landing stages shall be fully constructed, on or before the first day of May, 1830.

*Seventh.*

The lease will be granted for a period of five years, from the first day of November, 1879.

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*Inland Revenue.*


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*Eighth.*

The lessee will be required to give two sureties satisfactory to the Department of Inland Revenue, who shall be held jointly and severally in the sum of \$100 for the full compliance by the lessee with the terms of the lease.

*Ninth.*

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

*Tenth.*

A notice of the rates of fares and tolls to be charged for ferriage shall be put up in a conspicuous place near the Ferry Landing on both sides, and also on board the Ferry Boat employed.

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PRIVY COUNCIL OFFICE,  
OTTAWA, 3rd November, 1879.

I hereby certify that the foregoing Ferry Regulations have been approved by His Excellency the Governor General in Council on the 27th day of October, 1879.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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GOVERNMENT HOUSE, OTTAWA,  
Wednesday, 12th day of November, 1879.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**O**N the recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the 6th section of the Act passed in the Session of the Parliament of Canada, held in the 41st year of Her Majesty's Reign, chaptered 7, and intituled : " An Act to provide for the better auditing of the Public Accounts,"

His Excellency, by and with the advice of the Queen's Privy Council of Canada, has been pleased to order, and it is hereby ordered, that the



*Inland Revenue.*

Inland Revenue Divisions in the District of Montreal, in the Province of Quebec, be, and be composed, as set forth in the following schedule, viz:—

MONTREAL DISTRICT.

<i>Divisions.</i>	<i>Counties composing Divisions.</i>
Montreal.....	Montreal City, Hochelaga, Jacques Cartier, Laval, Vaudreuil, Soulanges, Laprairie, Chambly, Drummond and Arthabaska.
Joliette .....	Berthier, Joliette, Montcalm, L'Assomption.
Sorel.....	Yamaska, Verchères, Richelieu.
St. Hyacinthe.....	St. Hyacinthe (County and Town), Rouville and Bagot.
Terrebonne.....	Terrebonne, Argenteuil, Two Mountains.
Beauharnois. . . .	Beauharnois, Chateauguay, Huntingdon.
St. John's .....	Napierville, St. John's, Iberville, Shefford, Brome, Missisquoi.
Sherbrooke.....	Richmond with Town of Sherbrooke, Wolfe, Compton, Stanstead.
Three Rivers .....	Maskinongé, St. Maurice, City of Three Rivers, Champlain, Nicolet.
Pontiac .....	Pontiac and Ottawa.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,  
Tuesday, 6th day of January, 1880.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the 48th Section of the Act passed in the Session of the Parliament of Canada, held in the 42nd year of Her Majesty's Reign, Chap. 16, and intituled "An Act to amend and consolidate the Laws relating to Weights and Measures,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following Regulations respecting the Inspection of Weights and Measures, in addition to the Regulations established by the Order in Council of the 14th August, 1879, be and the same are hereby approved and adopted, viz:—

E. Verification and stamping of weights, measures and weighing machines on the premises of the manufacturer and their removal therefrom.

1st. For the first verification and stamping of weights, measures and weighing machines at the place where they are manufactured, the fees may be paid at once or payment may be postponed, at the option of the manufacturer, on the following conditions :

*Inland Revenue.*

(a.) The article shall bear the name of the maker and a consecutive "shop number" or other marks whereby it may be designated for identification with the certificate of verification;

(b.) The verification and stamping may take place before the articles are packed for removal, and at that state of completion at which they are finally adjusted by the manufacturer or at such future time as may be convenient;

(c.) If the manufacturer pays the fees at once, the ordinary black stamp expressing the amount of such fees is to be affixed to the certificate of verification, and such certificate must be packed with, or otherwise attached to the article to which it relates so as to accompany it;

(d.) If the manufacturer elects to postpone the payment of the fees, a special *red stamp* is to be attached to the certificate of verification, upon which the amount of fees will not be stated, but the amount will be stated in the certificate as usual. This certificate must also be packed with or attached to the article to which it relates so as to accompany it;

(e.) When articles verified and stamped as above provided are packed, the packages containing them must bear on the outside:—

(1) A duplicate of the "shop number," or other mark by which the article contained in it is identified.

(2) The words "fees paid" or "fees unpaid" as the case may be.

2nd. Articles verified and stamped as above provided may be taken for use in trade or may pass from the premises of the manufacturer to the premises of dealers in such articles, or from the premises of one dealer in such articles to the premises of another, but,—

3rd. Such articles as are accompanied by a certificate bearing a red stamp, or which are not accompanied by any certificate wherein they are identified, will be subject to re-verification and to the payment of fees on the first occasion on which they are found in use for trade purposes by an Inspector or Inspector's assistant.

4th. When a manufacturer of weights, measures or weighing machines, desires to remove any of the products of his manufactory to the premises of any dealer in such articles, without submitting them for verification, he may do so on the following conditions:—

(a.) They shall bear the name of the maker and a consecutive "shop number" or some other marks by which the articles may be identified;

(b.) If packed, the package shall bear the shop number or other marks by which the articles may be identified, the name of the manufacturer and the word "uninspected";

(c.) The manufacturer shall notify the Inspector of the Division from which the uninspected articles are sent, of such removal, on a form which will be supplied by the Department.

F. Weights, measures and weighing machines imported into Canada are to be dealt with as follows:—

1. The Collector of Customs at the Port where such articles are imported will notify the nearest Inspector or Assistant Inspector of Weights and Measures of the entry for consumption of any weights, measures or weighing machines at his Port,—which notice will state the number and

*Inland Revenue.*

description of such articles as invoiced, and the names and residence of the parties to whom they are delivered :

2. So long as such articles remain in the original packages they may be removed from the Custom House or from a Customs Warehouse to the premises of the importer and from the premises of one dealer in such articles to the premises of another without inspection, on the following conditions :----

(a) When any such goods are about to be removed the owner shall notify the nearest Inspector of Weights and Measures or Assistant, on a form supplied by the Department, of the number and description of such articles to be removed ;

(b) The packages containing the articles removed shall be legibly marked with the words "Weights," "Measures," or "Weighing Machines," as the case may be, and the word "*uninspected* :"

3. When any weights, measures or weighing machines are imported for direct delivery to a person who intends to use them for purposes of trade, they must be sent direct from the Custom House at which they are entered for consumption to the office of the Inspector or Assistant Inspector of Weights and Measures nearest to the Custom House, or nearest to the person to whom they are to be delivered for trade purposes, as may be most convenient, and there verified and stamped before they are delivered to the party by whom they are to be used in trade :

4. If an importer of, or dealer in weights, measures or weighing machines desires to send any such article from his warehouse, before it has been verified, direct to any person who intends to use it for trade, he may do so, provided such arrangements are made as will cause the article to be taken to the office of the Inspector or Assistant Inspector of Weights and Measures nearest to the place where it is to be used, at which office it must be verified before it is delivered for use for trade purposes.

G. Nothing in the supplementary regulations nor in any previous regulations is to be construed as preventing the importation, manufacture or the removal of and setting up, before they are verified, of dormant scales or weigh-bridges of any description coming within the requirements of the law, but which cannot be used nor properly verified until they are placed on a fixed foundation. But the use of such weighing-machines for trade purposes is illegal until they have been verified and stamped.

H. 1st. Iron weights of the denomination of half-a-pound or under may be admitted to verification, provided they are of such substance that a soft metal plug, on which the stamp may be impressed, can be securely fixed therein, and when such soft metal plug is so fixed in them by the parties who present them for verification : But,----

2nd. When any iron weight is presented for verification, or when any such weight is found in use from which a soft metal plug has been lost, it shall not be adjusted or re-stamped until the hole in which the plug was inserted has, in the presence of the Inspector, been enlarged at the bottom so that the expansion of the lead used for adjusting it will prevent its subsequently falling out.

J. O. COTÉ,

*Acting Clerk, Privy Council.*

*Inland Revenue.*

By Order in Council of the 4th day of February, 1880, the clause of the Order in Council of the 8th June, 1860, under which charges on fire-wood on bank of Canal between Lock No. 3 and lock No. 5, and also on wharves of Canal Basin, Lachine, have been payable, was cancelled, such cancellation to take effect on and after the 1st July, 1880.

*Vide Canada Gazette, Vol. 13, p. 1073.*

By Order in Council, passed on the seventh day of February, 1880, authority was given for the enforcement of a rule by which persons using the banks of the Lachine Canal as a site for the repair of their vessels, shall be subject to a charge of four dollars (\$4.00) payable in advance, for each vessel; the period during which such site may be occupied, under any one payment, being limited to six months, and permission for repairing being first obtained from the proper officer, in conformity with the existing Canal Regulations.

It is further declared by the said Order in Council that, in the event of failure to remove vessels so occupying the banks at the expiration of the period named, no fresh permits having been obtained, such vessels may be sold under the 16th clause of the Regulations of the Canal.

*Vide Canada Gazette, Vol. 13, p. 1225*

THE Directors of the Upper Ottawa Improvement Company propose collecting for the year 1880 the following Rates of Toll:

*Through Des Joachims Boom.*

	Per piece.
Saw-logs .....	$\frac{1}{8}$ cent.
Red and white Pine, square or flatted. ....	3 cts.

*Through Fort William Boom.*

Saw-logs .....	$\frac{1}{8}$ ct.
Red and white Pine, square or flatted.....	1 $\frac{1}{2}$ cts.

*Through Allumette Boom.*

Saw-logs .....	$\frac{1}{8}$ ct.
Red and white Pine, square or flatted.....	1 $\frac{1}{2}$ cts.

*Through Melons Chenal Boom.*

Saw-logs .....	$\frac{1}{10}$ ct.
Red and white Pine, square or flatted.....	1 $\frac{1}{2}$ cts.

*Passing La Passe Boom.*

Saw-logs .....	1 $\frac{1}{10}$ cts.
Red and white Pine, square or flatted.....	1 $\frac{1}{2}$ cts.

*Inland Revenue.*

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

Saw-logs .....	½ ct.
Red and white Pine, square or flatted.....	6 cts.

*Through Improvements from Deschênes to Head of Hull Slide, North side.*

Saw-logs .....	1½ cts.
Red and white Pine, square or flatted.....	18 cts.

*Through Improvements in Thomson's Bay.*

Saw-logs .....	¾ ct.
Red and white Pine, square or flatted.....	9 cts.

*Through Improvements in Limekiln Eddy.*

Saw-logs .....	¼ ct.
Red and white Pine, square or flatted.....	3 cts.

*Through Boom below outlet of Hull Slide.*

Saw logs .....	¼ ct.
Red and white Pine, square or flatted.....	3 cts.

**BOOM WORKING EXPENSE RATES.**

*Through Des Joachims Boom.*

Saw-logs not over 16 feet long.....	3 cts.
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*Through Fort William Boom.*

Saw-logs not over 16 feet long.....	1½ cts.
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*Through Allumette Boom.*

Saw-logs not over 16 feet long.....	2 cts.
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*Through Melons Chenal Boom.*

Saw-logs not over 16 feet long.....	1 ct.
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*Through Improvements in Mississippi Chenal, Chats Rapids and Quio Boom, or any of them.*

Saw-logs not over 16 feet long.....	2½ cts.
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*Through Improvements in Thomson's Bay and Limekiln Eddy.*

Saw-logs not over 16 feet long.....	1 ct.
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HIRAM ROBINSON,

*President.*

J. B. BOOTH,

*Secretary.*

PRIVY COUNCIL OFFICE,

OTTAWA, 20th April, 1880.

I hereby certify that the foregoing Tariff of Rates proposed to be levied during the ensuing season by the Upper Ottawa Improvement Company,

*Inland Revenue.*

in connection with the works therein mentioned, has been approved by His Excellency the Governor General in Council, on the 12th day of April instant, in pursuance of the Act 38 Vict., Chap. 77.

J. O. COTÉ,

*Clerk, Privy Council.*

By Order in Council of Monday, 26th day of April, 1880, the County of Northumberland, in the Province of New Brunswick, was constituted an Inspection Division.

*Vide Canada Gazette, Vol. 13, p. 1466.*

By Order in Council of the 10th day of May, 1880, a new Inspection Division for the inspection of Fish and Fish Oils was constituted by setting off from the Division of Richmond, Cape Breton, Nova Scotia, all that portion of the County of Richmond lying to the south of the Lennox Channel; the said new division to be known and designated as the Division of "Île Madame."

*Vide Canada Gazette, Vol. 13, p. 1560.*

By Order in Council of the 13th May, 1880, the Order in Council of the 26th day of June, 1873, authorizing the levying of a charge of one half cent per piece of timber and lumber passing the Government Boom on the Gatineau River, and a proportionate extra amount for Boomage was cancelled—the amounts collected having been applied to and having now effected the settlement of claims for demurrage arising from the obstruction to navigation, caused by the overfilling of the said Boom

*Vide Canada Gazette, Vol. 13, p. 1641.*

By Order in Council of the 27th May, 1880, His Excellency the Governor General was pleased to approve of the following Regulations respecting the disposition of Petroleum and Naphtha seized as directed by sections 13, 15, 24 and any other provision of the Act 43 Vict., Chap. 21, intituled "The Petroleum Inspection Act of 1880":—

1. If the quantity seized exceeds ten barrels, if seized for a first offence, it shall be branded as Naphtha, but it may then be returned to the person from whom seized, on payment of the money penalty mentioned in the Act, and on the further condition that he shall forthwith at his own cost forward it to some Petroleum refinery, where it shall be so treated as to make it conform to the requirements of the law.

*Inland Revenue.*

If seized for a second or for any subsequent offence, it shall be branded as Naphtha, and it shall be confiscated. The officer seizing it may then sell it at a fair value to any person, on condition that it shall be forthwith forwarded to a refinery to be treated as above provided.

2. If the quantity seized is less than ten barrels, it may, if circumstances permit, be dealt with as directed in § 1. But if the quantity is not sufficient to justify a sale for shipment to a refinery, or if there is any difficulty in the way of forwarding it to a refinery, it shall be branded as Naphtha and sold, to be thereafter stored and dealt with as such, subject to the conditions and regulations then in force in that behalf.

Whether the petroleum so seized is forwarded to a refinery or stored as Naphtha, its value may, when seized for a first offence, accrue to the benefit of the person from whom seized, provided he has paid the money penalty imposed by the Act, and conformed to the conditions herein mentioned, but for a second and for any subsequent offence, the Petroleum seized shall be confiscated and sold either to be forwarded to a refinery for treatment, or to be stored and dealt with as Naphtha.

3. Whenever any Petroleum—which has been seized under the Act herein cited and has been released or sold to any person under the conditions herein mentioned—is again offered for sale in contravention of such conditions or any of them, it shall be again seized and dealt with in the same manner as if then first illegally sold or offered for sale.

4. Naphtha when seized for any contravention of the said Act may, when seized for a first offence, be restored to the person from whom seized, on payment of the money penalty mentioned in the said Act, and on the further condition that the requirements of the law, as to its inspection, branding of packages and storage, shall forthwith be complied with.

But when seized for a second or any subsequent offence, it shall be confiscated and shall be sold on condition that the purchaser shall comply with the provisions of the law and with all regulations made thereunder.

*Vide Canada Gazette, Vol. 13, p. 1641.*

By Order in Council of the 27th May, 1880, and under the provisions of the Act 43 Vict., Chap. 21, intituled "The Petroleum Inspection Act, 1880," His Excellency the Governor General was pleased to approve of the following regulations for the possession and storage of Petroleum and Naphtha:—

1st. In cities and towns where there are municipal laws or regulations respecting the storage of Petroleum and the products thereof, Petroleum and Naphtha which have been inspected as required by the said Act and the inspection fees paid, may be stored in any building or place which is in conformity with the municipal regulations in that behalf.

2nd. In cities and towns where there are no such municipal laws or regulations, and in all villages and places other than cities or towns, Petroleum and Naphtha, if in quantities exceeding two barrels of refined Petroleum or ten gallons of Naphtha, shall be stored only in isolated buildings or premises which are at least 100 yards distant from the next nearest building not owned or in the occupation of the person to whom the Petro-

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*Inland Revenue, &c.*


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leum or Naphtha belongs. Provided always, that a license to have in possession and to store Naphtha shall, in each case, have been previously obtained from the Inland Revenue Department; and every such license shall be conditioned that such Naphtha shall only be sold for use or used for the purposes mentioned in the Act above cited, namely:—

1. For use for illuminating purposes.
  - (a.) In street lamps in which only the vapour is burned;
  - (b.) In dwellings, factories and other places of business when vaporized in secure underground tanks outside the building in which the vapour so generated is used for lighting;
2. For use for mechanical or chemical purposes in buildings not inhabited as a residence for family purposes.

*Vide Canada Gazette, Vol. 13, p. 1641.*

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By Order in Council of the 19th day of June, 1880, His Excellency the Governor General, under the authority of the twenty-third section of the Act 42 Vict., Chap. 17, intituled "An Act to amend and consolidate the laws respecting the duties imposed on Promissory Notes and Bills of Exchange," has been pleased to declare, and it is hereby declared that any instrument which is not an order or request addressed to a Bank or Banker by a customer of such Bank or Banker, requiring the payment of a sum of money on demand, is not a cheque and is not therefore exempt as a cheque from payment of duty under the said Act.

*Vide Canada Gazette, Vol. 13, p. 1777.*

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By Order in Council of the 22nd day of June, 1880, the Province of Prince Edward Island was constituted an Inspection District for the purposes of the "Act to amend and consolidate and to extend to the whole Dominion of Canada the laws respecting the Inspection of certain Staple Articles of Canadian produce," to be known and designated as the District of Charlottetown.

*Vide Canada Gazette, Vol. 13, p. 1777.*

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*Interior.*


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By a Proclamation dated 30th September, 1879, His Excellency the Governor General declared the Lot 5 of the Soughees Indian Reserve, in the Province of British Columbia, to be exempted from the operation of clauses or sections from 79 to 85, both inclusive, of "The Indian Act, 1876."

*Vide Canada Gazette, Vol. 13, p. 518.*

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*Interior.*

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## REGULATIONS

*Respecting the Disposal of certain Public Lands for the purposes of the Canadian Pacific Railway.*

DEPARTMENT OF THE INTERIOR.

OTTAWA, 24th Oct., 1879.

**P**UBLIC notice is hereby given that the following provisions, which shall be held to apply to the lands in the Province of Manitoba, and in the Territories to the west and north-west thereof, are substituted for the Regulations, dated the 9th July last, governing the mode of disposing of the Public Lands situate within 110 (one hundred and ten) miles on each side of the line of the Canadian Pacific Railway, which said Regulations are hereby superseded:—

1. "Until further and final survey of the said railway has been made west of the Red River, and for the purposes of these provisions, the line of the said railway shall be assumed to be on the fourth base westerly to the intersection of the said base by the line between ranges 21 and 22 west of the first principal meridian, and thence in a direct line to the confluence of the Shell River with the River Assiniboine.

2. "The country lying on each side of the line of railway shall be respectively divided into belts, as follows:—

"(1) A belt of five miles on either side of the railway, and immediately adjoining the same, to be called Belt A;

"(2) A belt of fifteen miles on either side of the railway, adjoining Belt A, to be called Belt B;

"(3) A belt of twenty miles on either side of the railway, adjoining Belt B, to be called Belt C;

"(4) A belt of twenty miles on either side of the railway, adjoining Belt C, to be called Belt D; and

"(5) A belt of fifty miles on either side of the railway, adjoining Belt D, to be called Belt E.

3. "The even-numbered sections in each township throughout the several belts above described shall be open for entry as homesteads and pre-emptions of 160 acres each respectively.

4. "The odd-numbered sections in each of such townships shall not be open to homestead or pre-emption, but shall be specially reserved and designated as Railway Lands.

5. "The Railway Lands within the several belts shall be sold at the following rates, viz:—In Belt A, \$5 (five dollars) per acre; in Belt B, \$4 (four dollars) per acre; in Belt C, \$3 (three dollars) per acre; Belt D, \$2 (two dollars) per acre; in Belt E, \$1 (one dollar) per acre; and the terms of sale of such lands shall be as follows, viz:—One-tenth in cash at the time of purchase; the balance in nine equal annual instalments, with interest at the rate of six per cent. per annum on the balance of purchase money from time to time remaining unpaid, to be paid with each instalment.

6. "The Pre-emption Lands within the several belts shall be sold for the prices and on the terms respectively, as follows:—In the Belts A, B, and C, at \$2.50 (two dollars and fifty cents) per acre; in Belt D, at \$2 (two

*Interior.*

dollars) per acre; and in Belt E, at \$1 (one dollar) per acre. The terms of payment to be four-tenths of the purchase money, together with interest on the latter at the rate of 6 per cent. per annum, to be paid at the end of three years from the date of entry; the remainder to be paid in six equal instalments annually from and after the said date, with interest at the rate above mentioned on such portions of the purchase money as may remain unpaid, to be paid with each instalment.

7. "All payments for Railway Lands, and also for Pre-emption Lands, within the several belts, shall be in cash, and not in scrip or military or police bounty warrants.

8. "All moneys received in payment of Pre-emption Lands shall inure to and form part of the fund for railway purposes, in a similiar manner to the moneys received in payment of Railway Lands.

9. "These provisions shall be retroactive so far as relates to any and all entries of Homestead and Pre-emption Lands, or sales of Railway Lands obtained or made under the Regulations of the 9th of July, hereby superseded; any payments made in excess of the rate hereby fixed shall be credited on account of sales of such lands.

10. "The Order in Council of the 9th November, 1877, relating to the settlement of the lands in Manitoba, which had been previously withdrawn for Railway purposes, having been cancelled, all claims of persons who settled in good faith on lands under the said Order in Council shall be dealt with under these provisions, as to price of Pre-emptions, according to the belt in which such lands may be situate. Where a person may have taken up two quarter-sections under the said Order in Council, he may retain the quarter-section upon which he had settled, as a Homestead, and the other quarter-section as a Pre-emption, under these provisions, irrespective of whether such Homestead and Pre-emption may be found to be upon an even-numbered section or otherwise. Any moneys psid by such person on account of the lands entered by him under the said Order in Council, will be credited to him on account of his Pre-emption purchase, under these provisions. A person who may have taken up one quarter-section under the Order in Council mentioned will be allowed to retain the same as a Homestead, and will be permitted to enter a second quarter-section as a Pre-emption, the money paid on account of the land previously entered to be credited to him on account of such Pre-emption.

11. "All entries of lands shall be subject to the following provisions respecting the right of way of the Canadian Pacific Railway, or of any Government colonization railway connected therewith, viz. :—

*a* "In the case of the railway crossing land entered as a Homestead, the right of way thereon, and also any land which may be required for station purposes, shall be free to the Government.

*b* "Where the railway crosses Pre-emptions or Railway Lands, entered subsequent to the date hereof, the Government may take possession of such portion thereof as may be required for right of way or for station grounds or ballast pits, and the owner shall only be entitled to claim payment for the land so taken, at the same rate per acre as he may have paid the Government for the same.

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*Interior.*

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c "In case, on the final location of the railway through lands unsurveyed, or surveyed but not entered for at the time, a person is found in occupation of land which it may be desirable in the public interest to retain, the Government reserves the right to take possession of such land, paying the squatter the value of any improvements he may have made thereon.

12. Claims to Public Lands arising from settlement after the date hereof, in territory unsurveyed at the time of such settlement, and which may be embraced within the limits affected by the above policy, or by the extension thereof in the future over additional territory, will be ultimately dealt with in accordance with the terms prescribed above for the lands in the particular belt in which such settlement may be found to be situated, subject to the operation of sub-section c of section 11 of these provisions.

13. "All entries after the date hereof of unoccupied lands in the Saskatchewan Agency, will be considered as provisional until the railway line through that part of the territories has been located, after which the same will be finally disposed of in accordance with these provisions, as the same may apply to the particular belt in which such lands may be found to be situated, subject, as above, to the operation of sub-section c of section 11 of these provisions.

14. "With a view to encouraging settlement by cheapening the cost of building material, the Government reserves the right to grant licenses, renewable yearly, under section 52 of the '*Dominion Lands Act, 1879*,' to cut merchantable timber on any lands situated within the several belts above described; and any settlement upon, or sale of lands within, the territory covered by such licenses, shall for the time being be subject to the operation of such licenses.

15. "The above provisions, it will, of course, be understood will not affect sections 11 and 29, which are Public School Lands, or sections 8 and 26, Hudson's Bay Company's Lands.

*Vide Canada Gazette, Vol. 13, p. 547.*

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GOVERNMENT HOUSE, OTTAWA,  
Monday, 20th day of October, 1879.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**W**HEREAS by an Act passed in May, 1879, by the Parliament of the Dominion of Canada (42 Vict. Chap. 33), intituled "An Act respecting certain Ordnance and Admiralty Lands in the Provinces of New Brunswick and Nova Scotia," it is enacted that the lands comprised in the schedule to the said Act annexed should be divided by the Governor in Council into two classes: Class one (1) to consist of such parts of the said lands as may, from time to time, be placed in that class by order of the Governor in Council; and Class two (2) to consist of such parts of said lands as may not be in Class one (1): the same to be dealt with in accordance with the provisions of the said Act,—

*Interior.*

Now, therefore, His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, and on the recommendation of the Hon. the Acting Minister of the Interior, acting in concurrence with the Hon. the Minister of Militia and Defence, has been pleased, under the authority of the said Act, to approve and confirm the classification set forth in the following schedules marked Class I. and Class II. respectively, and the same is hereby approved and confirmed accordingly.

W. A. HIMSWORTH,  
Clerk, Privy Council.

CLASS ONE.—NEW BRUNSWICK.

CLASSIFICATION of War Department properties, as per schedule, Act 42 Vict., Chap. 33.

Local Name of the Property, &c.	Origin of the Title.	Contents (nearly.)			Remarks.
		A.	R.	P.	
OO. ST. JOHN.					
St. JOHN AND VICINITY.	COMMON LANDS.				
<i>Infantry and Artillery Barracks, with accessories thereto, &amp;c., &amp;c.</i>	By a reservation in the City Charter the Crown had the right to erect barracks, works of defence, &c., commencing about 1794. <i>Vide</i> also agreement with the Corporation of St. John, 16th January, 1858, the original in Common Clerk's office.	11	3	25	The remainder of this property, about 14a. 1r. Op., sold to the Corporation, 27th October, 1875, and 16th April, 1877, per O. C. 26th June, 1875 ( <i>Vide</i> Class II.)
<i>Fort Howe, Portland, and land attached.</i>	Acquired by Deed of Exchange, 9th June, 1789. Place of deposit unknown, <i>vide</i> Registry Office Book B, page 170, No. 317.	16	0	0	(revised)
<i>Carleton Martello Tower and Old Block House, properties, and site of "Old Fort Point."</i>	Acquired partly by purchase in 1827, and partly by undisputed military occupation. Also, by Act of Provincial Legislature, 1st May, 1856.	5	3	37	(per schedule) or revised on plan.
<i>Reserve Z, Carleton, &amp;c., &amp;c.</i>	Reserve Z, as shown on the City Record Plan.	4	2	35	(not given)
<i>Negro Point Battery, Carleton, commands the Harbour. Re-named 'Fort Dufferin.'</i>	Conveyed by the Provincial to the Imperial Government, 15th December, 1864—under certificate of the Solicitor General of New Brunswick.	7	0	28	NOTE—To be known in future as "Fort Dufferin." <i>Vide</i> Canada Gazette, 16th March, 1878.
<i>Red Head [Battery, East side of entrance to the Harbour.</i>	Conveyed by the Provincial to the Imperial Government, 15th December, 1864—under certificate of the Solicitor General of New Brunswick.	8	1	3	
<i>Partridge Island Battery Barracks, Wharves and rights of way to Battery, &amp;c., &amp;c.</i>	Works of defence by virtue of a reservation in the City Charter. The free use of landing places and rights of way were also conceded to the War Department, 19th July, 1859, by the Board of Health.	0	2	8	

*Interior.*CLASS ONE—NEW BRUNSWICK—*Concluded.*

## CLASSIFICATION of War Department properties, as per Schedule to Act 42 Vict., Chap. 33.

Local Name of the Property, &c.	Origin of the Title.	Contents (nearly).			Remarks.
		A.	R.	P.	
<b>CO. YORK.</b>					
<b>FREDERICTON CITY.</b>					
Infantry "Stone Barracks," Officers' Barracks, and various accessories thereto, complete. Lying between Queen Street and River St. John.	Originally a Military Reservation; also by deeds of Exchange in 1866, between the War Department and City Corporation. Together with Provincial Acts 9 Vict., Chap. 73, and 28 Vict., Chap. 61, &c.	8	0	3	The whole of this property, including that transferred to Department of Interior, 8th Oct., 1875 is put in Class I under the provisions of the Act of last Session, except the portion disposed of, viz: 300 feet along Queen Street, from York Street, by the perpendicular depth, containing $2\frac{1}{10}$ acres.
<i>Artillery Park Barracks</i> , and accessories on George and Regent Streets.	There has been no record furnished how this property came into possession of the War Department.	1	2	26	
<b>CO. CHARLOTTE.</b>					
<b>St. Andrews &amp; Vicinity.</b>					
<i>West Batt'y Block House</i> , &c., &c., &c.	Reserved for Military purposes in the Campbell Grant, 11th October, 1823.	2	0	3½	
<i>Joe's Point Block House</i> , near River Ste. Croix.	Reserved for Military purposes in the Campbell Grant, 11th October, 1823.	1	0	0	
<i>Fort Tipperary, Barracks</i> and accessories, &c., on Tompkins' Hill.	Acquired under Legislative enactment, 7th March, 1814, and by deed of exchange and conveyance, dated 11th March, 1815.	9	1	34	

E. SELBY SMYTH,  
*Lieut.-General*

4th September, 1879.

Compiled from Plans and Returns of War }  
Department Properties, dated 9th March and 26th }  
September, 1871, and 20th June, 1872, by }

CHARLES WALKEM, S. & D

15th August, 1879.

Interior.

CLASS TWO.

NEW BRUNSWICK.

CLASSIFICATION of War Department properties, as per Schedule to Act 42 Vict., Chap. 33.

Local Name of the Property, &c.	Origin of the Title.	Contents (nearly).			Remarks.
		A.	R.	P.	
CO. ST. JOHN. St. JOHN.					
Lower Cove grounds, Stores Buildings, Queen's Slip, Batteries, R. E. Workshops, Fuel-yard, Commissariat Buildings and all the water frontage of the Soldiers' Barrack property.	By a reservation in the City Charter the Crown had the right to erect Barracks. Works of Defence, &c. Commencing about 1794. <i>Vide</i> , also, agreement with the Corporation of St. John, 16th January, 1858, the original in Common Clerk's Office.	14	1	0	Sold to the Corporation; deed of sale dated 27th October, 1875, and supplement 16th Ap <sup>l</sup> , 1877. Order in Council, 26th June, 1875.
CO. CHARLOTTE.					
Simpson Reserve, on the River Ste. Croix.	No record of title furnished by the Imperial Government.	22	1	12	
Beaver Harbour, east of l'Etang.	Reserved for Military purposes in 1784.	8	0	0	
Pomeroy Bridge, Magaguadavic River.	Reserved or acquired for Military purposes. Title dated 14th July, 1837. Place of deposit unknown.	6	2	0	
CO. SUNBURY.					
Oromocto, or "Three Mile Creek."	Reserved for Military purposes, but no date furnished by the War Department.	200	0	0	
CO. CARLETON.					
Presqu'île, on the River St. John, or (Presqu'île)	Reserved for Military purposes in the Wakefield Grant, dated 20th June, 1809. Also Lieutenant Governor's Warrant of Survey, dated 22nd October, 1827, in the Provincial Surveyor-General's Office.	676	0	0	
CO. VICTORIA.					
Grand Falls, on the River St. John.	Reserved for Military purposes since 1800, as shown on the plan in the Surveyor-General's Office. Also, Provincial Grant to the Ordnance, dated 23rd April, 1845.	(by schedule) 1548	1	0	
		or 1571	3	0	
CO. VICTORIA (now Madawaska).					
Little Falls, on the Madawaska River, near its junction with the River St. John.	Site of old Block House and land attached. By deed of sale from Joseph Hébert to the Ordnance, dated 22nd August, 1843, No. 9549. Louis Panet, N.P., Quebec.	(by title deed) 24	3	6	In 1852 the plans show accommodation in the Block House for 1 officer and 50 N.C. officers and men. Also a Guard House.
		(by survey) 20	3	23	

*Interior.*CLASS TWO—NEW BRUNSWICK—*Continued.*CLASSIFICATION of War Department properties, as per Schedule to Act 42  
Vict., Chap. 33.

Local name of the Property, &c.	Origin of the Title.	Contents (nearly).			Remarks.
		A.	R.	P.	
<b>CO. RESTIGOUCHE.</b>					
<i>Dalhousie</i> , on the Bay Chaleur or Baie des Chaleurs	Provincial Grant to the Ordnance as a Military Reserve, dated 7th August, 1838.	18	0	0	
<b>CO. WESTMORELAND.</b>					
<i>Fort Cumberland</i> , on the north east shore of the Bay of Fundy.	Site of old Military works captured from the French in June, 1755, known at that time as Fort Beauséjour.	72	0	0	

## NOVA SCOTIA—ADMIRALTY LANDS.

Shelburne Harbour, Navy and Commissary Islands.	Under Order in Council, 26th June, 1874, and by deed of conveyance from the Admiralty, dated 28th November, 1874.	(Approximately) 27	3	0	
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I do not consider that any of these Lands are likely to be required for the Military purposes of the Dominion.

E. SELBY SMYTH,

23rd September, 1879.

*Lt. General.*

Compiled from plans and returns  
of War Department properties,  
dated 9th March, 1871, and 26th  
June, 1872. Also deed of con-  
veyance from the Admiralty,  
28th November, 1874, by

CHARLES WALKEM,

15th August, 1879.

*S. & D.*

By Order in Council of the 19th day of June, 1880, His Excellency the Governor General was pleased to repeal the 7th section of the Order in Council of the 24th October, 1879, regulating the disposal of the lands

*Interior, &c.*

for one hundred and ten miles on each side of the Canadian Pacific Railway; and to order that the Scrip now outstanding, as also that which may yet require to be issued to satisfy claims so far authorized, be accepted at its par value in the purchase of Railway and Pre-emption Lands, as well as in the purchase of Dominion Lands under the provisions of the law.

*Vide Canada Gazette, Vol. 13. p. 1781.*

*Justice.*

By a Proclamation, dated 2nd September, 1879, it was proclaimed, ordered and declared that from and after the fourth day of September, in the year of Our Lord one thousand eight hundred and seventy-nine, the Act passed in the forty-first year of Her Majesty's Reign, chaptered 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" should apply to and be in force in the City of Quebec and County of Quebec.

*Vide Canada Gazette, Vol. 13, p. 324.*

## DOMINION OF CANADA.

## PROVINCE OF ONTARIO.

IN Pursuance of "The Maritime Jurisdiction Act, 1877," and with the approval of the Governor in Council, I, Kenneth Mackenzie, Judge of the Maritime Court of Ontario, do make the following additional General Rules:

274 No order for advertising a notice of the cause and intended Sale in a cause *in rem*, by default, shall be made unless upon the application for such order it is made to appear to the satisfaction of the Judge or Surrogate Judge, as the case may be,—

(a.) That no owner or mortgagee of the property proceeded against resides in Canada, or—

(b.) That the whereabouts of none of the owners or mortgagees in Canada can be ascertained after reasonable efforts in that behalf, or—

(c.) That the institution of the cause has come to the knowledge of the owners or some of them, if in Canada,—or to the knowledge of the agent in Canada of the owners or some of them—and that the institution of the cause has come to the knowledge of at least one of the mortgagees under each mortgage upon the property registered in Canada, or to the knowledge of his agent, if any, in Canada.

275. No order for the sale of the property proceeded against in a cause, *in rem*., whether by default or otherwise, shall be made, unless upon the application for such order it is made to appear to the satisfaction of the Judge or Surrogate Judge, as the case may be,—



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*Justice.*


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(a.) That the institution of the cause has come to the knowledge of at least one of the mortgagees under each mortgage upon the property registered in Canada, or to the knowledge of his agent, if any, in Canada, or—

(b.) That the whereabouts of none of the mortgagees in Canada can be ascertained after reasonable efforts in that behalf.

276. Two or more persons having claims against the same property for wages or for necessaries may join against the same property in one petition, and unless the sum or sums adjudged to the claimant or claimants in a petition in a cause of wages or of necessaries amount to the sum of one hundred dollars at least, no costs shall be allowed to the claimant or claimants, as the case may be, unless under all the circumstances the Judge or Surrogate Judge thinks proper to allow a sum in gross not exceeding ten dollars in lieu of all costs.

This rule does not authorize the joining in one petition a claim for wages and a claim for necessaries.

277. No warrant to arrest a vessel shall be issued in a cause of necessaries or of repairing unless the national character of the vessel proceeded against shall be stated in the affidavit, and that it shall also be stated in the affidavit that no owner or part owner is domiciled within the Province of Ontario at the time of the necessaries being supplied or at the time of the repairs being made.

Dated this tenth day of November, A.D., 1879.

KENNETH MACKENZIE.

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The foregoing is a true copy of the General Rules approved by His Excellency the Governor General in Council on the 21st day of November, 1879.

J. O. COTE,

*Assist. Clerk, P. C.*

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By Order approved by His Excellency the Governor General in Council, on the 11th February, 1880.

ON a Report, dated 7th February, 1880, from the Hon. the Minister of Justice, stating that under the provisions of Chap. 1, 41st Vict (1878), the Judge of the Maritime Court has submitted for the approval of the Governor in Council a form of new Writ or process in the form of the ordinary Writ of *feri facias* (goods and lands), and recommending that the approval of the Governor in Council be given thereto, and that the form and approval be published in the *Canada Gazette* in the usual way.

The Committee submit the above recommendation for Your Excellency's approval.

Certified,

J. O. COTE,

*C. P. C.*

The Honorable  
The Minister of Justice.

*Justice.*

*Form of a new Writ for the Maritime Court of Ontario, under 41 Victoria, Chapter 1.*

Dominion of Canada, }  
Province of Ontario. }

In pursuance of an "Act respecting the Maritime Court of Ontario," 41 Victoria, Chapter 1, and with the approval of the Governor in Council, I, Kenneth Mackenzie, Judge of the Maritime Court of Ontario, do hereby direct that a new Writ or process for giving effect to the provisions of the said Act, may be issued from the Maritime Court of Ontario aforesaid in the form following, that is to say :—

IN THE MARITIME COURT OF ONTARIO.

*(Title of Action.)*

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To the Marshal and each Deputy Marshal of the Maritime Court of Ontario,— GREETING :

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, obtained (a Decree or Order) of this Court against \_\_\_\_\_ for the sum of \_\_\_\_\_ and costs, and it was thereupon ordered by the Court that \_\_\_\_\_ should pay the same to \_\_\_\_\_ (on the \_\_\_\_\_ day of \_\_\_\_\_ or forthwith, *as the case may be.*)

And whereas default has been made in payment according to the said (Decree or Order.)

We therefore hereby command you, that you cause to be made of the goods and chattels of the said \_\_\_\_\_ wheresoever they may be found within the Province of Ontario, the sum of \_\_\_\_\_ being the amount due to \_\_\_\_\_ under the said (Decree or Order) including the costs of this Writ and incidental thereto, or such part or so much thereof as may be sufficient to satisfy this Writ and the costs of executing the same, together with interest at the rate of six per centum per annum on the said sum from the \_\_\_\_\_ day of \_\_\_\_\_ and to pay what you have so made to the *(here designate the proper person entitled thereto, as the case may be)* and make return of what you have done under this Writ, immediately upon the execution thereof, and have there then this Writ.

Given under the Seal of our said Court at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

By the Court

Registrar or Deputy Registrar.

If Writ be for non-payment of costs, or moneys ordered to be paid under a special order, as the case may be, the above form may be varied accordingly.

Issued from the office of the Registrar or Deputy Registrar of the Maritime Court of Ontario, at \_\_\_\_\_, in the County of \_\_\_\_\_, Registrar or Deputy Registrar.

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*Justice.*

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If Writ be against lands, the words "goods and chattels" may be omitted and the words "lands and tenements" inserted.

Dated at Toronto this twenty-seventh day of January, 1880.

KENNETH MACKENZIE,

*J. M. C. O.*

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GOVERNMENT HOUSE, OTTAWA,

Monday, 19th day of April, 1880.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**W**HEREAS the Honorable the Minister of Justice has reported that a building at or near Rat Portage, in the District of Keewatin, has been erected by the contractors for the construction of the Canadian Pacific Railway in that locality intended for a gaol or lock-up,—

His Excellency, on the recommendation of the Honorable the Minister of Justice, and under the authority of chapter twenty-one of the Statutes of Canada 39 Victoria (1876), has been pleased to make the following laws, viz:—

1. The wooden building in or near Rat Portage, in the District of Keewatin, erected by the contractors for the construction of the Canadian Pacific Railway in that locality, and intended for a gaol or lock-up, such building being described as a wooden building about twenty feet by twenty-four, laid on rock foundation, and containing cells for the confinement of prisoners—is hereby established and declared to be a Common Gaol for the District of Keewatin.

2. Mr. F. W. Bent, a Commissioner of Police for the District of Keewatin, is hereby authorized and empowered to appoint a gaoler or keeper of said gaol, and such other officials for the purposes thereof as may be thought necessary.

3. The gaoler or keeper of such gaol shall receive every person lawfully directed to be imprisoned therein, and him safely keep and detain in such gaol under his custody until discharged in due course of law.

J. O. COTÉ,

*Clerk, Privy Council.*

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*Marine.*

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*Marine.*

By Proclamation bearing date the 25th day of June, 1879, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, were declared to apply to the Port of Port Medway, in the County of Queen's, in the Province of Nova Scotia.

*Vide Canada Gazette, Vol. 13, p. 2.*

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## QUEBEC HARBOUR COMMISSION.

At meetings of the Quebec Harbour Commissioners held in their office, in the Lower Town of the City of Quebec, being their usual place of sitting, on Wednesday, the fourth day and the eleventh day of the month of June, in the year of Our Lord one thousand, eight hundred and seventy-nine, the following By-Law was adopted, and was, on the 28th day of June, 1879, approved by His Excellency the Governor General in Council.

## BY-LAW

*Concerning Ships or Vessels loading and unloading opposite Margaret Island.*

All ships or vessels discharging ballast, within the depth of water fixed by law, for the purpose of taking in cargo, at or near to Crane Island, or Crane Island Spit, or between Crane Island Spit and Margaret Island, shall, as soon as their ballast shall have been discharged, at once move to a distance of not less than half a mile from the low water mark on the said Crane Island, or to the westward of Grosse Island Tail, as near to and along Madame Island bank as possible; and any Pilot, Master or other person, in charge of any ship or vessel, who shall contravene this regulation will incur a penalty not exceeding one hundred dollars, to be recoverable from any such Pilot, Master or other person.

*Vide Canada Gazette, Vol. 13, p. 2.*

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## REGULATIONS

*For the government of the Wharf at Digby, in the Province of Nova Scotia, approved by His Excellency the Governor General, on the 25th day of June, 1879.*

1. No vessel or vessels shall be allowed to make fast to any of the fenders on the wharf aforesaid.
2. The following dues shall be charged on each steamboat and sailing vessel for each day or fraction of a day they make use of said wharf, viz:—

*Marine.*

On each steamboat.....				\$1 00
On each sailing vessel under 50 tons.....				0 25
On each sailing vessel of 50 tons and under 100.....				0 30
do	100	do	200.....	0 50
do	200	do	300.....	0 70
do	300	do	500.....	1 00
do	500	do	800.....	1 25
do	800	do	1200.....	1 50
do	1200	do	1600.....	1 75
do	above 1600 tons.....			2 00

The following dues shall be charged on all horses, cattle, sheep and goods landed or shipped from the said wharf:—

Horses, each.....	\$0 15
Carriages, each.....	0 10
Oxen and cows, each.....	0 10
Sheep, each.....	0 02
Barrels, each.....	0 02
Hogsheads, each.....	0 10
Cases, bales and other goods.....	½ ct. p. cub. foot.
Coal, iron, building stone, salt and articles of similar nature.....	5 cents per ton.
Chains and anchors.....	10 " "
Naval stores, paints, oils and articles of a similar nature.....	5 cts. per ton.
Cordwood and bark.....	5 cts. per cord.
Rough plaster from quarry, stone or gravel or earth ballast for shipping.....	2 cts. per ton.
Gravel for use of roads.....	Free.
Dried fish in bulk.....	1 ct. per quintal.

4. No cattle shall be allowed to remain on the wharf after orders have been given by the wharfinger for their removal, under a penalty of twenty cents per head.

*Vide Canada Gazette, Vol. 13, p. 2.*

By a Proclamation, bearing date the 10th day of July, 1879, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, were declared to apply to the Port of Pownal, in the County of Queen's, in the Province of Prince Edward Island.

*Vide Canada Gazette, Vol. 13, p. 64.*

By a Proclamation, bearing date the 11th day of July, 1879, "An Act to provide for the appointment of Harbour Masters for certain Ports in the

*Marine.*

Provinces of Nova Scotia and New Brunswick" and the Acts amending the same, were declared to apply to the Port of Bayfield, in the County of Antigonish, in the Province of Nova Scotia.

*Vide Canada Gazette, Vol. 13, p. 64.*

## RULES AND REGULATIONS

*For the government of the Port of Arichat, including the Harbour of West Arichat, in the County of Richmond, in the Province of Nova Scotia, and for the office of Harbour Master of the said Port, approved by His Excellency the Governor in Council on the 16th day of May, 1879.*

## RULE I.

It shall be the duty of the Harbour Master of the Port of Arichat, including the Harbour of West Arichat, in person, or by deputy, duly authorized, at such times and on such occasions as he shall think it necessary, to go on board every ship or vessel of the burthen of twenty tons (registered tonnage) and upwards which shall arrive within the said Port, including the Harbour aforesaid, to see that she is moored only in such manner or position as shall be assigned to her by the following regulations. And it shall be lawful for such Harbour Master to ask, demand and receive, as a compensation for his services (vessels belonging to, or employed by Her Majesty and the Government of the Dominion of Canada, excepted) according to the following scale, and under the restrictions mentioned in the Act 36 Vict., Chap. 9, intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick;" and the Act 38 Vict., Chap. 30, intituled "An Act to amend the Acts 36 Vict., Chap. 9, and 37 Vict., Chap. 34, respecting the appointment of Harbour Masters."

## SCALE OF FEES.

- For every ship of fifty tons register or under, fifty cents ;
- For every ship over fifty tons and not over one hundred tons register, one dollar ;
- For every ship over one hundred tons and not over two hundred tons register, one dollar and fifty cents ;
- For every ship over two hundred tons and not over three hundred tons register, two dollars ;
- For every ship over three hundred tons and not over four hundred tons register, two dollars and fifty cents ;
- For every ship over four hundred tons and not over five hundred tons register, three dollars ;
- For every ship over five hundred tons and not over seven hundred tons register, four dollars ;
- For every ship over seven hundred tons register, five dollars.

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*Marine.*

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## RULE II.

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

## RULE III.

If any ship or vessel arriving and anchoring or being moored or fastened to any wharf or vessel in the said Port and Harbour shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the said Port and Harbour, or moored or fastened as aforesaid, the Harbour Master or his deputy is hereby authorized and required forthwith to order and direct the situation of such ship or vessel so arriving and anchored, moored or fastened as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the Master, Pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master or his deputy in this respect, under the penalty of Twenty Dollars for each and every offence.

## RULE IV.

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

## RULE V.

Whenever it shall happen that any ship or vessel is short of hands, so that she cannot be moved when ordered, it shall and may be lawful for the Harbour Master to employ a sufficient number of hands to effect such removal, and to remove or assist in removing such vessel as required or as may be necessary—and that at the expense of such vessel.

## RULE VI.

The Harbour Master shall have power to order the removal of any scow, boat or other vessel, loaded or unloaded, or anything calculated to interfere with the moving or mooring of vessels from any part of the said Port and Harbour to any other part thereof; and the owner of such scow, boat, etc., or person in charge thereof, failing to make such removal in one hour after being notified to do so, shall forfeit and pay a sum not exceeding Ten Dollars, nor less than Five Dollars; and after one hour shall have elapsed the Harbour Master shall have power to make the removal and charge the person notified for so doing.

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*Marine.*

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## RULE VII.

Whenever the Harbour Master shall find ships or vessels at the wharves with main jib or spanker booms rigged out so as to incommode other vessels, it shall be the duty of the Harbour Master to direct such to be rigged in; and in the event of non-compliance, all accidents to the same shall be at the risk of the persons so offending.

## RULE VIII.

No vessel shall be left without some person to take care of her, by night and by day, when anchored in the stream or in the said Port or Harbour.

## RULE IX.

All vessels lying at anchor in the said Port and Harbour shall keep a clear and bright light burning at least six feet from the uppermost deck, from sunset until sunrise.

## RULE X.

All ships or vessels loading or discharging in the stream, coals, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the said Port and Harbour, under the penalty of Twenty Dollars for each and every offence, to be paid by the owner, Master or person in charge of such ship or vessel.

## RULE XI.

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

## RULE XII.

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

## RULE XIII.

No ballast, stone, gravel, earth or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid, either from any vessel, boat, scow or other such craft, or in any other manner, or by any person, from any part of the beach or shore into any part of the said Port and Harbour, or upon



*Marine.*

the beach and shore thereof, either below low water mark, or between high and low water mark, under the penalty of Forty Dollars for each and every offence, to be paid by the owner or owners, Master or person having charge of any vessel, boat or scow, or other craft from which such matter as aforesaid shall have been discharged, or by any other person or persons violating this law.

## RULE XIV.

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

## RULE XV.

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

*Vide Canada Gazette, Vol. 13, p. 65.*

## BY-LAWS.

*For the Pilotage District of Yale and New Westminster, made by the Pilotage Authority for that District, under the provisions of Dominion Act 36 Vict., Chap. 54, intituled "An Act respecting Pilotage," and the Acts amending said Act,—which By-laws were approved by Order in Council, dated 26th July, 1879.*

*Licenses.*

1. Every person now holding a license for the Pilotage District of the Province of British Columbia requiring a license as a Pilot for the above district, or any port of the same, must apply in writing to the Pilotage Authority at their office at Burrard Inlet, who will grant the same, if the applicant is entitled by knowledge and experience thereto, on the payment of a fee of Twenty Dollars.

2. Every person not already licensed applying to be licensed as a Pilot for the district of Yale and New Westminster, or any Port of the same, must be a British subject, and produce certificates as to capacity as a seaman, and before being accepted he shall be examined before examiners appointed for that purpose by the Pilotage Authority, touching his qualification and practical knowledge of the management of ships and steamers, and of the navigation of the said Pilotage District, and if found qualified, and of temperate habits, he shall receive a license to act as a Pilot on payment of Ten

*Marine.*

Dollars for the expense of such examination, and a license fee of Twenty Dollars.

8. Pilotage certificates may be issued by the Pilotage Authority for the Yale and New Westminster district to Masters of vessels plying regularly within the waters of said district and British Columbia, or of steamers plying regularly once a week, or oftener, between the ports of the district and any of the various ports on Puget Sound, on application in writing to the Pilotage Authority at their office at Burrard Inlet. Such applicants must be not less than twenty-one years of age; and on payment of Twenty Dollars a certificate to act as Pilot for a term of twelve months will be granted,—such certificate to specify the name of the vessel, and the ports to and from which such vessel shall ply, and such certificate may be renewed from year to year as the Pilotage Authority may think fit, on payment of an annual fee of Twenty Dollars.

*Boats.*

4. All boats to be licensed as Pilot Boats shall be surveyed by or on behalf of the Pilotage Authority, and if satisfactory, shall be licensed for a term of twelve months, on payment of a fee of Five Dollars each; and such boats shall renew their licenses, if found satisfactory, for a term of twelve months, on payment of a fee of Five Dollars.

5. Licensed Pilot Boats shall have one suitable boat on board and one life preserver for each Pilot or person belonging or attached to said licensed Pilot Boat.

6. All licensed Pilot Boats shall have marks and numbers on their sails to be designated by the Pilotage Authority; and all licensed Pilot Boats that are not properly equipped shall have their licenses suspended until they are fitted and equipped to the satisfaction of the Pilotage Authority.

7. It shall be the duty of those in charge of the Pilot Boat to keep a log or record of all ships and vessels spoken, their position at the time of speaking, and at what hour and day, and to send to the Pilotage Authority once per month an account of the movements and employments of the boat, specifying the services in which she has been engaged, the number of ships piloted in and out, and their draught of water, together with the name of the Pilot; and for each and every neglect to comply with this rule, the boat and owner may be fined an amount not exceeding Twenty Dollars. No Pilot Boat shall be otherwise employed than in its legitimate business.

*Ports.*

8. The Ports of the Pilotage District of Yale and New Westminster shall be as follows:—

Port of Burrard Inlet.

Port of New Westminster.

Port of Yale and the several landings on Fraser River.

*Marine.*

*Dues.*

9. For vessels entering into or clearing from the Port of Burrard Inlet the rates of pilotage shall be as follows :—

Vessels under sail.....	\$4 00 per foot.
“ steam or in tow of a steamer	3 00 “

If the services of a Pilot are not required, vessels spoken shall pay Two Dollars per foot. The pilotage from Cape Flattery or Royal Roads to a line drawn from Point Atkinson to Point Gray, and *vice versa*, is not compulsory, but if the services of a Pilot are required, he shall be paid the following rates, viz. :—

For vessels under sail—

From Cape Flattery.....	\$6 00 per foot.
“ Callum Bay.....	5 00 “
“ Beechy Head.....	4 00 “
“ Race Locks or Royal Roads.....	3 00 “

And for vessels under steam or in tow of a steamer, the following rates shall be paid, viz. :—

From Cape Flattery.....	\$3 00 per foot.
“ Callum Bay.....	2 50 “
“ Beechy Head.....	2 00 “
“ Race Rocks or Royal Roads.....	1 00 “

*New Westminster.*

From the Lightship to New Westminster—

For vessels under sail.....	\$4 00 per foot.
“ “ steam or in tow of a steamer.....	3 00 “

From the Lightship to Cape Flattery or Royal Roads, and *vice versa*, the pilotage is not compulsory, but if the services of a Pilot are required, he shall be paid the following rates, viz. :—

For vessels under sail—

From Cape Flattery.....	\$6 00 per foot.
“ Callum Bay.....	5 00 “
“ Beechy Head.....	4 00 “
“ Race Rocks or Royal Roads.....	3 00 “

And for vessels under steam or in tow of a steamer the following rates shall be paid :—

From Cape Flattery.....	\$3 00 per foot.
“ Callum Bay.....	2 50 “
“ Beechy Head.....	2 00 “
“ Race Rocks or Royal Roads.....	1 00 “

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10. Any fraction of a foot not exceeding 6 inches shall be paid for as half a foot, and any fraction of a foot exceeding 6 inches shall be paid for as a foot.

11. Every licensed Pilot who shall pilot any vessel inwards shall, within one day after her arrival, report to the Pilotage Authority the arrival of such vessel, and the amount of pilotage due, and shall likewise report all vessels piloted outwards.

12. Captains of vessels must make application to the Pilotage Authority for outward Pilots, and if possible shall be supplied by any one of the Pilots he may desire, if such Pilot is disengaged.

13. All pilotage dues shall be paid to the Pilotage Authority by the Masters of vessels, or in their default by the agents or consignees thereof. The Secretary shall keep a book wherein entries shall be made of all sums received and all sums paid out to the Pilots or on any other account.

14. Each licensed Pilot shall receive all his earnings, less 10 per cent., to be applied for the necessary expenses the Pilotage Authority may incur. Should 10 per cent. be found insufficient, a further sum shall be collected from the Pilots *pro rata* to cover them; and should 10 per cent. be more than sufficient for working expenses, the balance, if any, at the end of the year, shall be divided amongst the Pilots.

15. The Pilotage Authority shall adjust all accounts, and pay to each Pilot the amount due to him at the expiration of every month.

16. In cases where a vessel shall be in tow of a steamer, the Pilot on board of the vessel being towed shall have the command and direction of both vessels so long as the steamer shall be fast to the vessel towed.

17. No licensed Pilot shall be absent from duty nor be otherwise employed than as a Pilot without leave previously obtained in writing from the Pilotage Authority.

18. Whenever any accident shall occur to or be caused by any vessel while in charge of a Pilot, it shall be the duty of such Pilot forthwith, after he shall have ceased to be in actual charge of such vessel, to repair to the office of the Pilotage Authority and there report in writing the accident that has occurred; and in default of his so doing, such Pilot shall, for each and every default, forfeit and pay a penalty not exceeding twenty-five dollars. And in the meantime the license of such Pilot shall be suspended, and delivered to the Pilotage Authority.

19. Any licensed Pilot not complying with the By-laws or evading the sense, intent or meaning of any or either of them, shall be liable to a penalty not exceeding twenty-five dollars for the breach of such By-law. In case of a continued breach he shall be liable to have his license withdrawn or suspended, at the discretion of the Pilotage Authority.

20. Every licensed Pilot who shall refuse or neglect to appear before the Pilotage Authority after three days' notice when his attendance shall be required by them on any occasion, or who shall give any unnecessary trouble or annoyance or detention to Masters of vessels, shall, for every such offence, be liable to a penalty not exceeding twenty-five dollars, and also suspension or dismissal, at the discretion of the Pilotage Authority.

21. All questions of dispute between Pilots, Masters of vessels and others, respecting pilotage, or for any extra remuneration in cases of any

*Marine.*

extraordinary nature, shall be submitted to the Pilotage Authority, to be adjudicated and decided by them, and the decision of the Pilotage Authority respecting such question and disputes shall be final and binding on all parties.

22. Any Pilot may be deprived of his license before the expiration thereof for the following causes:—

- 1st. For neglecting for 14 days after receipt of any money under or by virtue of these or any other By-laws, to pay the same over to the Pilotage Authority;
- 2nd. For rendering a false account to the Pilotage Authority for pilotage received;
- 3rd. For intoxication, whether the same occurs while in charge of a vessel, when required for duty, or for habitual drunkenness;
- 4th. For incapacity through mental or bodily infirmity.

23. The Yale and New Westminster District Pilotage Authority consists of three Commissioners, appointed at Ottawa, two of whom are a quorum to transact pilotage affairs for that district.

*Vide Canada Gazette*, Vol. 13, p. 143.

At a meeting of the Board of Pilot Commissioners for the County of Charlotte, held at Saint Andrews, on the 11th day of July A.D., 1879.—

*Resolved*, That Rule IX of the Rules and Regulations, passed by the Board the twenty-ninth day of April, A.D. 1874, and approved 16th June, 1874, having been pronounced by the proper authorities illegal, the said rule be and is hereby rescinded.

*Resolved*, That Rule XVI of the Regulations, passed by the Board in April, 1874, be rescinded.

The following additional Rules and Regulations were passed by the Board:—

*Resolved*, That all Pilots, on being licensed by the Commissioners, shall pay for said license a fee of Six Dollars, and all Pilots requiring a new copy of Regulations shall pay for same a fee of One Dollar.

*Resolved*, That Masters and Mates entitled to receive license under the law shall pay, on obtaining the same, a fee of Six Dollars.

*Resolved*, That all fees received by the Commissioners for licenses be applied by them towards payment of necessary expenses of conducting the pilotage business of the district.

Approved by His Excellency the Governor General in Council, on the 1st day of August, 1879.

*Vide Canada Gazette*, Vol. 13, p. 182.

*Murine.*

At a meeting of the Commissioners of Pilotage for the Pilotage District of the Province of British Columbia, held at Victoria in said Province, this twelfth day of July, A.D. 1879, the following amendments to the By-laws, respecting the Pilotage for the said District, approved by His Excellency the Governor General in Council, on the 19th February, 1877, were adopted:—

1. *Resolved*, That the following scale be substituted for Clause B of Section 12:—

Esquimalt Harbour (under sail).....	\$3 00 per foot.
do do (under steam or in tow).	2 00 “
Victoria Harbour (under sail).....	4 00 “
do do (under steam or in tow)...	3 00 “

Vessels spoken by a Pilot in keeping with Act and By-laws and not accepting his services shall only pay \$2 00 per foot into and out of Victoria, and \$1.50 per foot into and out of Esquimalt.

2. *Resolved*, That the following be substituted for Clause E of the same section: “No steamer or sailing vessel in tow of steamer shall pay more than \$6.00 per foot on any one voyage, *i.e.*, \$3.00 on her inward draft and \$3 00 on her outward draft.

Approved by His Excellency the Governor General in Council, on the 1st day of August, 1879.

*Vide Canada Gazette*, Vol. 13, p. 182.

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HARBOUR COMMISSIONERS OF MONTREAL.

By-Laws of the Harbour Commissioners of Montreal, duly made and passed at a meeting of the said Harbour Commissioners, duly called and held at their Board Room, in Montreal, in the Province of Quebec, on the twenty-seventh day of August, one thousand eight hundred and seventy-nine, and approved by His Excellency the Governor General, on the 15th September, 1879.

Whereas authority has been given by an Act of the Dominion Parliament passed at the last Session thereof, to issue second class pilotage licenses to such indentured apprentices as may be found competent to perform a limited or subordinate class of pilotage duties, under a by-law to be duly made and confirmed in that behalf, and also to fix, and from time to time to alter the pilotage dues payable to the holders of such second class licenses: Therefore the Harbour Commissioners of Montreal, under the authority vested in them by the said Act, do hereby make and enact the following By-laws:—

*Marine.*

Article 134 —In the event of any indentured apprentice, upon his examination by the Pilot Committee, being found to be deficient in some of the qualifications requisite to render him competent and qualified to act as a Pilot, but sufficiently competent and qualified to act as a second class Pilot, the Pilot Committee shall report accordingly to the Harbour Commissioners, and thereupon a second class pilotage license shall be issued to such indentured apprentice, to remain in force until the holder thereof shall become qualified to be licensed as a Pilot, unless the same shall have sooner been suspended or withdrawn for cause; and such second class Pilot shall be competent to pilot any vessel that is not required by law to employ a branch Pilot.

Article 135. —The pilotage dues payable to the holder of a second class pilotage license, shall be, in the absence of any arrangement, as follows: —

Between the Harbour of Quebec and the Harbour of Montreal—

	Upwards.	Downwards.
For all vessels over 200 tons burthen.....	\$18 00	\$12 00
do under do .....	12 00	8 00

and for less distances in the same proportion.

*Vide Canada Gazette, Vol. 13, p. 406.*

**RESOLUTIONS** adopted at a meeting of the Pilotage Authority for the Pilotage District of New London, in the Province of Prince Edward Island, upon the 28th July, 1879, and approved by His Excellency the Governor General in Council, on the 11th September, 1879.

1st. That No. 5 of such Pilotage Rules be amended so as to read "Every Pilot licensed shall pay a fee of Five Dollars."

2nd. That No. 6 of such Pilotage Rules be amended so as to read "The number of Pilots for the District of New London shall not exceed Twelve."

*Vide Canada Gazette, Vol. 13, p. 408.*

By an Order in Council of the 30th September, 1879, "An Act respecting the Coasting Trade of Canada," was declared not to apply to the ships or vessels of Belgium, but that such ships shall be admitted to the Coasting Trade of Canada,—it appearing that British subjects and vessels enjoy the same privileges and are treated in all respects on the same footing in Belgium as national subjects and vessels.

*Vide Canada Gazette, Vol. 13, p. 470.*

By an Order in Council of the 2nd day of October, 1879, it was ordered that that portion of the Order in Council of 15th April, 1879, forming a separate Pilotage District for the Port of Nanaimo and other Ports in the

*Marine.*

Island of Vancouver, in British Columbia, excepting Victoria and Esquimalt, which makes the payment of Pilotage Dues non-compulsory within the limits of the said District, be and the same is hereby rescinded.

His Excellency was further pleased to make the payment of Pilotage Dues compulsory within the limits of the said District.

*Vide Canada Gazette, Vol. 13, p. 470.*

At a meeting of the Pilotage Authority held at Crapaud, on the 5th day of October, the following Resolutions were passed, and were approved by His Excellency the Governor General in Council, on the 29th day of October, 1879:—

1st. *Resolved*,—That having received a communication from the Department of Marine and Fisheries that the 8th Section of Crapaud Harbour Pilotage By-laws is illegal, it was moved that said section be rescinded, and the following Resolution be adopted:—

2nd. *Resolved*,—That all vessels under 80 tons engaging the services of a Pilot for said Harbour, shall pay 6 cents per ton, inward and outward,—any and all disputes arising between Pilots and Masters of vessels to be settled by the arbitrament of the Pilotage Authority.

3rd. *Resolved*,—That in place of a fee of Ten Dollars sanctioned to be charged by the 2nd Section of said By-laws, in future a fee of Thirty Dollars shall be charged for license.

*Vide Canada Gazette, Vol. 13, p. 576.*

By a Proclamation bearing date the 29th day of October, 1879, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, were declared to apply to the Port of Arichat, in the County of Richmond, in the Province of Nova Scotia, the boundaries of the said Port being as follows, to wit:—

1st. From an imaginary line drawn from Point Marache Light-house to a point touching the south-eastern part of Jerseyman Island, and to the south of the range beacon erected on the south-east part of the said island.

2nd. From an imaginary line starting from Jerseyman Island Light-house to a point opposite, touching on its way the south-west part of Crid Island, which lies at the entrance of Crid Passage.

*Vide Canada Gazette, Vol. 13, p. 640.*

By a Proclamation, bearing date the 15th day of November, 1879. "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amend-



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ing the same, were declared to apply to the Port of Cow Bay, in the County of Cape Breton, in the Province of Nova Scotia, the boundaries of the said Port being as follows, to wit :—

Within an imaginary straight line drawn from Magazine Point, on the north side of Cow Bay, to a point ten rods north-east of the South Head Shipping Pier, on the south side of Cow Bay.

*Vide Canada Gazette, Vol. 13, p. 672.*

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BY-LAWS

*Of the Pilotage Authority for the District of Nanaimo, B.C., approved by His Excellency the Governor General in Council, on the 4th day of December, 1879.*

1. A Pilotage Authority having been established at Nanaimo, B.C., with jurisdiction extending to all other parts of Vancouver Island, excepting Victoria and Esquimalt Harbours, the following By-laws are made by said Authority, for the government of Pilots of Nanaimo Pilotage District.

*Licenses*

2. Will be granted to a limited number of such persons as the Board shall find to be qualified and eligible. Applications must be in writing to the Secretary.

3. Masters or Mates of Canadian registered steamers on producing proof of qualification to the satisfaction of the Pilotage Authority, shall be entitled to a yearly certificate as Pilot for the vessel in which they may be then employed, on payment of an examination fee of ten dollars; and while a duly pilotage certificated Master or Mate is actually employed as Master or Mate of a steamer registered as aforesaid, the said steamer shall not be liable to pay pilotage fees.

*Qualifications.*

4. Any person applying for a license as Pilot for this Pilotage District must be a British subject, not under twenty-one years of age, and produce evidence that he has served in some licensed Pilot Boat for at least three years, or that he has served in square-rigged vessels, either in the capacity of Master or Mate. No application will be entertained, for such license from any person whose knowledge of the navigation of the waters in the said Pilotage District does not extend over a period of at least two years practical experience.

The applicant will be required to prove to the Board that he is in all respects competent to fulfil the duties of branch or licensed Pilot, and pay the sum of twenty-five dollars examination fee, and a license fee of fifty dollars.

*Marine.**Full Pilotage not compulsory.*

5. Vessels spoken by a duly licensed Pilot shall pay to the said Pilot half the full pilotage if his services are declined, but vessels arriving from sea by way of the Gulf of Georgia without being spoken inwards by a Pilot, shall be exempt from outward pilotage unless a Pilot be employed.

*Port Pilotage Dues.*

6. The rate of pilotage inwards and outwards shall be:—

For vessels under 12 feet draught.....	\$3 00 per foot.
“ over 12 “ .....	4 00 “
“ in tow of a steam-tug, irrespec- tive of draught.....	3 00 “

For steam vessels, other than foreign tugs or tug-boats, or steamers employed as such, whose Master or Mate has not a Pilot license,  $\frac{1}{4}$  less than the above rates if a Pilot is employed.

7. The Pilotage Authority may remit Pilotage Dues to steamers carrying Her Majesty's mails between San Francisco and the Province of British Columbia, in whole, or in part, as to them may appear fit, provided such steamers call at the Port of Nanaimo, for the purpose of coaling, and have on board a duly licensed Pilot of some other Pilotage District within the said Province, capable of piloting in the waters of this district, and do not therefore require the services of a Nanaimo Pilot; but the ten dollars per day, payable for gulf pilotage, shall be due to, and collected by the Pilotage Authority of this district.

8. Any fraction of a foot not exceeding six inches shall be paid for as half a foot, and any fraction of a foot exceeding six inches, shall be paid for as one foot.

*Gulf of Georgia and Straits Navigation.*

9. The pilotage rates for vessels bound to or from Nanaimo, and to or from Royal Roads, shall be ten dollars per day of 24 hours, if assisted by steam, and ten dollars for any fraction of a day, in addition to Port pilotage. The Pilotage rates for vessels proceeding under canvas, shall be six dollars per foot draught, inclusive of Port pilotage.

The pilotage rates for steamships shall be the same as that for vessels in tow, viz. :—ten dollars per day in addition to Port pilotage.

10. The services of a Pilot for the Straits of Juan de Fuca to sea can be obtained by application to the Board, for which a special, but moderate rate will be charged in addition to those specified.

*Regulations.*

11. Any Pilot or other person assuming charge of any vessel bound to Nanaimo shall not be eligible to claim pilotage, unless when no licensed Pilot for this district has offered to pilot such ship, or unless such ship is in distress, and any Pilot belonging to another Pilotage District of British

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Columbia in charge of a vessel shall immediately surrender his charge when spoken within the limits of this district by any of its licensed Pilots, excepting mail steamers, as provided for by Rule Seven.

12. The licensed Pilot piloting a vessel inwards from sea shall be entitled to pilot her outwards, when she leaves Port, unless, on complaint of the Master, owner or agent of the said vessel, the Pilotage Authority shall direct otherwise.

13. It shall be the duty of every Pilot to notify the Commissioners of Pilots of the amount due or to be collected from any ship, whether for full or half rates, and any licensed Pilot first offering his services to any inward bound vessel liable to pay pilotage, on being refused employment, shall be entitled to demand and receive the legal pilotage due.

14. Each branch or licensed Pilot shall, at all times when on service, carry with him and produce, when required so to do, his license from the Pilotage Authority, and a copy of these Rules and Regulations

15. No Pilot shall absent himself from duty without first obtaining leave in writing from the Pilotage Authority, nor shall a Pilot engage in any other employment under a penalty of forfeiting his license.

16. It shall be the duty of Pilots knowing that any buoys or beacons are out of order or out of place, or that any lights are improperly kept, to report the same forthwith to the Pilot Commissioners.

17. Every licensed Pilot taking charge of any vessel shall, in all cases, behave himself correctly and be strictly sober, in the discharge of his duty, and use the utmost care and diligence for the safety of the vessel, under a penalty not exceeding forty dollars for every offence; and on proof on oath, to the satisfaction of the Commissioners, that any Pilot licensed by them has been guilty of any improper conduct, drunkenness or wilful neglect of duty, or that he is incapacitated by age, or mental or bodily infirmity, such Pilot shall be suspended, or deprived of his license, at the discretion of the Commissioners.

18. In all cases when a vessel shall be in tow of a tug, the Pilot in charge on board the towed vessel shall have the command and direction of both vessels whilst in tow, and a code of signals shall be prepared and submitted for the approval of the Pilotage Authority, which, when established, shall govern all Pilots and Masters of tow boats, by day and night, in the Pilotage District of Nanaimo.

19. In the event of any dispute arising between Masters of vessels and Pilots, or between Pilots themselves, the matter shall be referred to the Pilot Board, who shall adjudicate thereon, and whose decision shall be final; and every licensed Pilot who shall act contrary to these Regulations, or shall attempt to evade the sense, intent or meaning of any or either of them, or shall refuse or neglect to appear before the Commissioners after twenty-four hours' notice when his attendance shall be required by them, on any occasion, or shall give any unnecessary trouble, annoyance or detention to Masters of vessels, shall, for every offence, be liable to a penalty not exceeding forty dollars, and also to suspension, or dismissal, at the discretion of the Commissioners.

20. When any accident shall occur, it shall be the duty of the Pilot in charge at the time of said accident to give a full and true account of the

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circumstances in writing, and place the same by the first possible opportunity before the Pilot Commissioners of the district.

21. All accounts shall be adjusted by the Pilotage Authority, who will pay each Pilot the amount due him at the expiration of each month.

*Boats.*

22. All boats to be licensed must be surveyed by the Pilotage Authority, and if approved of will receive an annual license, upon the payment of a fee of twenty dollars; and every licensed Pilot Boat shall have a conspicuous number on the sails, and such number shall be designated by the Pilotage Authority.

23. Each and every licensed Pilot shall be the owner, or part owner, of a good and sufficient boat duly licensed, and shall keep the same in good sea-worthy order and repair; and no Pilot shall be allowed to board or speak any vessel from a boat not licensed by the Pilotage Authority, and not belonging to the Port of Nanaimo, excepting in cases approved by the Pilotage Authority.

*Nanaimo Pilot Ground*

24. Shall be inside a line drawn from the Lighthouse on Entrance Island to the northern extremity of Five Finger Island, on a bearing by compass of W 4° S. and a line drawn from Sharp's Point to the Schooner Patch, on Gabriola Island. Other Ports in this Pilotage District will be defined when necessary.

THE TUG.

*Code of Signals by day or night.*

One short whistle.....Going slow.  
 Two short whistles.....Port.  
 Three short whistles.....Starboard.

*Signals of Vessels towed by day.*

Arms extended.....Go slow shorten tow rope and stand by to let go  
 One arm to Port.....Port.  
 One arm to starboard.....Starboard.

*By Night.*

Two lamps exhibited from forecastle, bell } Go slow, shorten and stand by  
 rung rapidly..... } to let go.  
 One bright light over red light.....Port.  
 One bright light over green light.....Starboard.

*Vide Canada Gazette, Vol. 13, p. 741.*

*Marine.*

At a meeting of the Pilot Commissioners of the Pilotage District of Caraquet, held in Caraquet the 7th day of November, 1879, the following Resolutions were made, and were approved by His Excellency the Governor General in Council on the 10th day of December, 1879 :

*Resolved*, That the Fourth Section of the Pilotage Rules for the government of Pilots in the Pilotage District of Caraquet be rescinded, and the following substituted therefor :—

*Resolved*, 4th. That each and every Pilot on receiving his license shall pay to the Secretary of the Pilotage Authority the sum of Four Dollars as a license fee, and it shall be the duty of every licensed Pilot as soon as possible after the opening of navigation in each and every year to submit the boat used or intended to be used by him as a Pilot boat for the inspection of the said Pilotage Authority, and when approved of he shall receive a license therefor on payment of One Dollar ; and any licensed Pilot when acting in that capacity who shall use a boat not annually approved and licensed shall incur a penalty not exceeding Forty Dollars.

*Vide Canada Gazette*, Vol. 13, p. 774.

By a Proclamation, bearing date the 23rd day of December, 1879, “ An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick,” and the Acts amending the same, were declared to apply to the Port of Sambro, in the County of Halifax, in the Province of Nova Scotia.

*Vide Canada Gazette*, Vol. 13, p. 839.

**A**T a meeting of the Council and Members of the “ British Columbia Board of Trade,” held at the Office of the Council, on Langley Street, in the City of Victoria, Province of British Columbia, Dominion of Canada, on the 2nd day of October, 1879, and confirmed at an adjourned meeting on the 8th day of the month and year aforesaid, the following Resolution was adopted :—

*Resolution*.—“ Whereas by an Order in Council of the 8th March, 1875, the Ports of Victoria and Esquimalt, in British Columbia, are determined as Ports to which the provisions of the Act 37 Vict., Chap. 32, providing for the appointment of Port Wardens, shall apply ; and whereas under the 25th section of the said Act the Governor General in Council did, on the 26th April, 1876, establish a Tariff of Fees to be paid to the Port Warden for service performed by him and his deputies, by the masters and owners of sea-going vessels, and by others in respect of whom the duties of the said Port Warden are required to be performed (*Vide Orders in Council*, 40 Vict., p. LXXVI) ; and whereas the “ British Columbia Board of Trade” has been incorporated in manner prescribed in the Acts 37 and 39 Vict., on the 28th October, 1878, and duly registered as such by the Secretary of State and Registrar General of Canada, said Board of Trade does hereby (subject to the ratification by Governor General in Council) under the authority of the 25th section of the Act firstly mentioned, make the following Tariff of Fees for said Port Warden :—

*Marine.*

*Tariff of Fees collectible.*

1. First survey of hatches, with certificate under seal .....	\$ 5 00
2. Every subsequent survey of cargo, with certificate under seal....	2 00
3. Survey of cargo where hatches have not been previously surveyed, including certificate under seal.....	5 00
4. Every survey of damaged goods on the wharf or in store, value under \$200, and certificate under seal.....	3 00
5. Every survey of damaged goods on wharf or in store, value \$200, and under \$500, with certificate under seal .....	4 00
6. Every survey of damaged goods on the wharf or in store, value \$500, and over, with certificate under seal.....	5 00
7. Survey of vessel damaged or arriving in distress, including certificate under seal.....	10 00
8. Every subsequent survey, with certificate under seal.....	5 00
9. Valuation of a vessel for average, under 200 tons register, including certificate under seal.....	5 00
10. Valuation of a vessel for average of 200 tons and under 500 tons, with certificate under seal.....	7 50
11. Valuation of vessel for average of 500 tons and upwards, with certificate under seal.....	10 00
12. Survey of cargo reported to have shifted, including certificate under seal.....	5 00
13. Extra copy of certificate when required, under seal.....	1 00
14. Hearing and settling disputes between master and consignee of ship and owner of cargo, the Port Warden shall be entitled to demand and receive :—	
Value of cargo under \$ 200.....	2 00
do do \$ 200 to 500.....	3 00
do do 500 to 1,000.....	4 00
do do 1,000 and over.....	5 00
15. Filing papers of Auctioners, &c., each.....	0 25
16. Ascertaining if vessel is seaworthy, with certificate under seal	10 00
17. Survey, that repairs ordered, if not seaworthy, have been made, inclusive of certificate under seal :—	
200 tons and under.....	3 00
Over 500 tons.....	5 00
18. General superintendence of a vessel loading, with certificate under seal.....	5 00

We, the undersigned, Officers (and Members of the Council) of the British Columbia Board of Trade, do hereby certify that the Instrument to which this certificate is appended, contains and embodies the Resolution and matter as herein expressed and passed by said Meeting of the Board and Council.

Dated at Victoria, B.C., 16th December, 1879.

R. P. RITHET, *President.*  
 WM. CHARLES, *Vice-President.*  
 EDGAR CROW BAKER, *Secretary.*

*Marine.*

PRIVY COUNCIL CHAMBER,

OTTAWA, 10th January, 1879.

I hereby certify that the above Resolution passed at a meeting of the British Columbia Board of Trade, on the 2nd October, 1879, establishing a Tariff of Fees to be paid to the Port Warden for the Ports of Victoria and Esquimalt, in British Columbia, was this day approved by His Excellency the Governor General in Council. I further certify that the Order in Council of the 26th April, 1876, establishing a Tariff of Fees to be paid to said Port Warden, has been this day rescinded by His Excellency the Governor General in Council.

J. O. COTÉ,

*Acting Clerk, Privy Council.*

By Order in Council of Friday, 16th day of January, 1880, the following List of Ports of Inspection in the several Steamboat Inspection Divisions of the Dominion were duly approved as the Ports at which steamboats may be inspected :

**LIST OF PORTS OF INSPECTION IN THE SEVERAL STEAMBOAT INSPECTION DIVISIONS OF THE DOMINION.**

*West Ontario, Huron and Superior Division.*

Toronto.	Port Colborne.	Amherstburg.	Waubaushene.
Lindsay.	Port Maitland.	Wallaceburg.	Orillia.
Fenelon Falls.	Dunnville.	Sarnia.	Barrie.
Whitby.	Port Dover.	Goderich.	Gravenhurst.
Hamilton.	Port Stanley.	Southampton.	Little Current.
Port Dalhousie.	London.	Owen Sound.	Sault Ste. Marie.
St. Catharines.	Chatham.	Collingwood.	Prince Arthur's
Port Robinson.	Windsor.	Penetanguishene.	Landing.

*East Ontario Division.*

Kingston.	Mill Point.	Brockville.	Carleton Place.
Picton.	Prescott.	Cornwall.	Smith's Falls.
Belleville.	Morrisburg.		

*Montreal Division.*

Montreal.	L'Original.	Pontiac.	Chapeau.
Lachine.	Buckingham.	Arnprior.	Allumette Lake.
St. Anne's.	Hull.	Sand Point.	Pembroke.
Como.	New Edinburgh.	Mattawan.	Des Joachims.
Carillon.	Ottawa.	Portage du Fort.	Roche Capitaine.
Grenville.	Aylmer.	Bryson.	Deux Rivières.
Hawkesbury.	Quio.		

*Marine.**Quebec Division*

Quebec. Betsiamitis.	Lake St. John. Gaspé.	Chicoutimi.	Paspebiac.
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*Three Rivers Division.*

Sorel. Charlemagne. Maskinongé, Lake Magog.	Three Rivers. Nicolet. Sherbrooke. Sorel.	Ste Geneviève. Rivière du Loup, (en haut).	North Hatley, St. Thomas de Pierreville.
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## MARITIME PROVINCES.

*New Brunswick.*

St. Johns Chatham.	Fredericton. Florenceville.	Newcastle	St. Stephen.
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*Halifax, Nova Scotia.*

Halifax. Windsor.	Pictou.	Wallace.	Yarmouth.
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*Cape Breton.*

Sydney.	Grand'Digue.	Cow Bay.	Glace Bay.
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*Prince Edward Island.*

Charlottetown.	Georgetown.	Summerside.
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*Manitoba Division.*

Winnipeg.	Grand Rapids.	Lake Manitoba.
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*British Columbia.*

Victoria. Soda Creek.	New Westminster. Kamloops.	Nanaimo.	Burrard's Inlet!
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*Vide Canada Gazette, Vol. 13, p. 985.*

By Order in Council of Tuesday, 20th day of January, 1880, the limits of the Harbour or Port of Cow Bay, in the County of Cape Breton, in the Province of Nova Scotia, for the levying and collection, under the provisions of the Act 37 Vict, Chap. 18, of the tonnage dues on vessels entering that Harbour or Port, were defined as within an imaginary straight line drawn from Magazine Point, on the north side of Cow Bay, to a point ten rods north-east of the South Head Shipping Pier, on the south side of Cow Bay.



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*Marine.*

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The Order in Council of the 10th of April, 1875, so far as it relates to the imposing and authorizing to be levied and collected on merchandise landed on the Pier at Cow Bay of the rate of toll of three cents per barrel, and a proportionate rate on all other goods in packages, was rescinded.

And the following Rules and Regulations for the government of the Breakwater at Cow Bay aforesaid, with tariff of tolls and dues leviable on merchandise landed thereat, were approved under the provisions of the said Act 37 Vict., Chap. 18, and the Act 40 Vict., Chap. 17.

**RULE 1.**

That no waggon or other vehicle shall drive along the dock, unless employed in the loading or unloading of vessels, or carting ballast.

**RULE 2.**

That no person shall ride or drive a horse or horses faster than at a walk on the wharf or pier.

**RULE 3.**

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

**RULE 4.**

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

**RULE 5.**

That any master or person in charge of any vessel making a false report of cargo shall be liable to a fine of twenty dollars with or without imprisonment for each and every false report, and the vessel shall be liable to detention, then or at any future time, until such dues are paid and satisfied; and if any master or person in charge of any vessel neglects to report her cargo, such vessel or the owner thereof shall be liable for the tolls on such cargo at any future time, and the master thereof shall be liable to a fine of twenty dollars for each and every offence. The master or person in charge of any vessel shall report and pay the tolls to the Wharfinger at his office.

**RULE 6.**

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

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*Marine.*

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## RULE 7.

That all goods, chattels, merchandise or material of any kind whatever having been landed, piled or placed on the breakwater property for shipment shall be liable to tolls as per schedule annexed, whether afterwards shipped or not; and shall likewise be liable to all the rules and regulations as to removal and ground rent and sale.

## RULE 8.

All tolls and dues shall become due and payable at once upon the goods, chattels, merchandise or other material being landed, piled or placed on the breakwater property.

## RULE 9.

That no goods, chattels, merchandise or materials of whatsoever nature or kind shall be landed or placed in or upon the wharf or breakwater, unless by permission of the Wharfinger, and then only on such portions of the breakwater property as may be allowed to them for the time being, and shall be so landed, and placed in such a manner as the Wharfinger may direct; and goods, chattels, merchandise or other material landed or placed on the breakwater property shall be shipped or removed within forty-eight hours, and in default of so shipping or removing said goods, chattels, merchandise or other material, it may be removed at the direction of the Wharfinger, and the expense of such removal shall be a lien upon such property so removed; it shall also pay a rental of not more than one dollar for every succeeding forty-eight hours for each and every twelve feet square of the breakwater property so occupied thereby. In case the owner or agent of such goods, chattels, merchandise or other material refuses or neglects to ship or remove the same from the breakwater property after the expiration of twenty-eight days from the time of their being placed there, the proceedings provided for by the statute in that behalf may be taken, and the said goods, chattels, merchandise or other material sold to pay the sums due with costs.

## RULE 10.

That no slaughter-house, fish-stall or other structure shall be erected upon the breakwater property without the permission of the Minister of Marine; and any such structure shall pay ground rent, to be determined by the Minister of Marine,—provision to be made for the removal of structure by direction of the Minister of Marine.

## RULE 11.

That no goods, chattels, merchandise or any other material shall be landed in or on, or shipped from off such slaughter-house, fish-stall or other structure without the permission of the Wharfinger, and all such goods, chattels, merchandise or other material landed in or on, or placed for shipment from off such structure, shall be liable for the tolls and dues as if landed on any other part of the breakwater property.

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*Marine.*

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## RULE 12.

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

## RULE 13.

That the tolls and dues specified in the accompanying schedule shall be and they are hereby imposed and authorized to be levied and collected by the Wharfinger on the several articles enumerated in said schedule, entering the Harbour of Cow Bay aforesaid.

## RULE 14.

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

*Marine.*

SCHEDULE OF RATES to be levied on all Merchandise, Animals and things whatsoever landed on or shipped off Breakwater Pier.

ARTICLES.	Per	Ton weight.			ARTICLES.	Per	Ton weight.		
		Rate.	cts.	cts.			Rate.	cts.	cts.
Animals, undescribed.....	Each	3			Hay			30	
Axes, in boxes.....	Dozen	2			Iron			30	
Apples.....	Barrel	3			Junk			50	
Brooms, corn.....	Dozen	3			Kerosene (four brls. to ton)			26	
Buckets.....	do	3			Laths	1,000	6		
Boats, undescribed.....	Each	6			Lumber (board measure)....	1,000	30		
Bran.....			30		Leather.	100 lbs.	5		
Barrels, empty.....	100	30			Metals of all kinds, in pig, bar, bolts, rods and sheets		30		
Bricks.....	1,000	25			Matches	10 gr.	3		
Butter.....	100 lbs.	2			Molasses.....	30 galls.	3		
Beef.....	Barrel	3			Machinery.....		30	30	
Beer, Ale and Porter.....	do	5			Mattresses.....	Each	4		
do do do.....	do	3			Nails.....		30		
Calves.....	Each	3			Onions.....	Bushel	1½		
Carriages and Waggon of all kinds with springs....	do	20			Oil.....	28 galls.	3		
Carts, without springs.....	do	10			Oakum.....	100 lbs.	2		
Casks, empty.....	do	2			Organs.....		50		
Cattle.....	Head	10			Paints.....		30		
Cement.....	Barrel	3			Potatoes.....	Bushel	1		
Cheese.....	100 lbs.	2			Paper.....		30	30	
Chinaware, in packages, and Glassware.....			20		Pickets.....	1,000	10		
Colts.....	Each	10			Rice.....	Bag.....	4	30	
Corn Meal.....	Barrel	3			Rakes (hand hay), Snaths and Forks.....	Dozen	3		
Cranberries.....	do	4			Riddles (coal).....	do	5		
Crockery, in crates.....	Crate	10			Shovels.....	do	3		
do do in hogsheads.....			15		Salt (in bags).....	Each	2½		
Cordage.....			40		do (in bulk).....	Hhd.	6		
Dry Goods, not otherwise enumerated.....			50	50	Shingles.....	1,000	4		
Fish.....	Barrel	3			Soap.....		50		
do dry.....	112 lbs.	2			Sugar (in hogsheads)....		40		
Flour.....	Barrel	3			Spirits of all kinds, & Wines	Bbls. of			
Furniture.....			40		do per doz. bot.	28 galls.	6		
Grain of all kinds.....	Bushel	½c.			Sheep.....	Each	2		
Gunpowder.....			50		Swine.....	do	2		
Groceries, not otherwise enumerated.....			50	40	Timber.....			10	
Hardware, not otherwise enumerated.....			45	35	Teas.....			50	
Hides.....	Each	1			Tobacco.....			40	
Horses.....	do	15			Vehicles, undescribed....	Each	6		
					Vinegar, per cask or barrel	do	5		
					Wood, Fire.....	Cord	6		

On all goods, wares and merchandise whatsoever, the quality of which by right measurement or other mode of estimate provided for in the Tariff, cannot be conveniently ascertained, it shall be lawful for the Wharfinger to levy a rate of one quarter of one per cent. on the value thereof.

Goods not coming under any class enumerated in the Tariff shall be charged at the same rate as the class to which they are most nearly assimilated.

Each entry to pay not less than five cents.

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*Marine.*


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All property landed on the breakwater for re-shipment shall only pay one wharfage.

The ton weight mentioned in the Tariff shall be two thousand pounds.

*Vide Canada Gazette, Vol. 13, p. 987.*

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By a Proclamation, bearing date the twenty-third day of January, 1880, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, were declared to apply to the Port of New Westminster, in the Province of British Columbia.

*Vide Canada Gazette, Vol. 13, p. 1024.*

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By Order in Council of Saturday, 7th day of February, 1880, the Port of Prescott, in the Province of Ontario, was constituted a Port for the registration of Shipping.

*Vide Canada Gazette, Vol. 13, p. 1122.*

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By Order in Council of Friday, 20th day of February, 1880, so much of the Order in Council passed on the 5th May, 1875, forming a Pilotage District for the Province of British Columbia (as amended by Order in Council of 15th day of April, 1879) as names and designates the said Pilotage District as "The Pilotage District for the Province of British Columbia" was rescinded, and in future such Pilotage District is to be known as the Pilotage District of Victoria and Esquimalt.

Compulsory payment of Pilotage dues shall not be chargeable against Vessels while in Royal Roads unless such Vessels shall enter either or both of the Ports of Victoria and Esquimalt.

*Vide Canada Gazette, Vol. 13, p. 1193.*

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By Order in Council of Friday, 5th day of March, 1880, the Port of New Westminster, in the Province of British Columbia, was constituted and appointed a Port for the registration of Shipping.

*Vide Canada Gazette, Vol. 13, p. 1224.*

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By a Proclamation, bearing date the 5th day of March, 1880, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick" and the Acts amending

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*Marine.*

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the same, were declared to apply to the Port of Greville, in the County of Cumberland, in the Province of Nova Scotia.

*Vide Canada Gazette*, Vol. 13, p. 1249.

## BY-LAWS, RULES AND REGULATIONS

For the government of Pilots in the Pilotage District of Wallace, in the County of Cumberland, and Province of Nova Scotia, passed by the Pilotage Authority of said district and approved by the Governor in Council, 5th March, 1880.

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

2. Every person making application for Pilot license to the said Authority must be not less than twenty-one years of age. If considered competent after being properly examined, he shall be granted a license, on the payment of the examination expenses, if any, and a fee of five dollars; and every such qualified Pilot shall, before receiving his license, if required by the said authority, enter into a bond to the Pilotage Authority for the faithful performance of his duties as Pilot, and his compliance with the Harbour and Pilotage Regulations,—himself in the sum of fifty dollars and two sureties in the sum of twenty-five dollars each. Such bond, if required, to be renewed every year during the Pilot's continuance in office; and he shall pay one dollar for his bond, and one dollar for each renewal thereof.

3. Every Master and Mate shall pay for his license the sum of ten dollars and the same amount for each renewal.

4. Each licensed Pilot on application will receive a copy of these regulations from the Secretary of the Pilotage Authority, and when taking charge of a vessel inward or outward, he shall exhibit them and his branch to the master.

5. Any licensed Pilot in charge of a vessel inward, shall be entitled to pilot her out when she next leaves port, unless on complaint to the Pilotage Authority they direct otherwise.

6. Licensed Pilots shall be entitled to and receive the amounts of pilotage dues earned by them, individually.

7. Every licensed Pilot shall report to the Secretary of the Pilotage Authority any casualty or accident which may have happened to any vessel under his charge, or any matter of note that may come under his observation, and shall also report any lighthouse not lighted at the proper time, or buoy out of its proper position,—which report shall be made as soon as circumstances will permit.

8. Any licensed Pilot whose services are refused by any inward bound vessel shall be entitled to full pilotage if afterwards said vessel employs another Pilot to bring her into port.

9. Licensed Pilots must be provided with suitable boats in good repair and seaworthy, having their number on each bow—in figures not less than fifteen inches in length, and on the mainsail not less than twenty inches,—and carry a red flag at the main peak.

10. All disputes arising between Pilots and masters of vessels and others respecting extra claims for pilotage, mooring vessels or any unneces-

*Marine.*

sary detention of Pilots on board vessels, or when Pilots leave vessels under their charge before they are properly moored at anchor or made fast to some wharf, shall be submitted to the Pilotage Authority, whose decision shall be final and binding on all parties, unless the matter in dispute shall exceed forty dollars: and every Pilot who refuses or neglects to appear before the Pilotage Authority on receiving twenty-four hours' notice, or cause any annoyance or detention to the Master of any vessel by improper conduct, shall be liable to a penalty not exceeding twenty dollars and also to suspension or dismissal at the discretion of the Pilotage Authority.

11. Every licensed Pilot before boarding any vessel shall enquire if any infectious or contagious disease is on board, or if she is from any port or place making her liable to quarantine laws, or if she is an emigrant vessel,—in either case he shall not go on board, but his boat shall be towed astern, and he shall cause the national flag to be hoisted at the vessel's main, and bring her to anchor at the Quarantine Station. No person shall leave the vessel or go on board until she is inspected by the health officer, nor afterwards without his permission under a penalty not exceeding forty dollars for each offence.

12. The rates of pilotage dues for the Port of Wallace shall be as follow:—

		Inw.	Outw.	
Vessels of	80 tons and under	160 tons	\$ 6.00	\$ 4.00
"	160 "	230 "	9.00	6.00
"	230 "	400 "	12.00	8.00
"	400 "	upward	14.00	10.00

On all vessels under 80 tons accepting the services of a Pilot, five cents per ton inward and four cents per ton outward. Steamers rated at net tonnage. The above rates are for pilotage to or near the Wallace Huestis Grey Stone Co Wharf; up Wynn's Channel, to the Plaster Wharf, or up the Fox Harbour Channel. Vessels requiring the services of a Pilot to Wallace Bridge, shall pay twenty-five cents per foot (draft) or if to the Wallace Freestone Quarries or up to the Bay to the Abiteau, then the sum of five cents per foot each way additional.

13. The Pilot limits of the District of Wallace shall extend westerly to the eastern limits of the Pugwash District and easterly to a line drawn from Maligash Point to "Amut" Island, including all the navigable waters within the said limits.

*Vide Canada Gazette, Vol. 13, p. 1253.*

AT a meeting of the Pilotage Authority of Bathurst District, held in the office of D. G. McLaughlan, Esq., on the 6th instant, section 5 of "Rules and Regulations" for government of Pilots was repealed, and in lieu thereof it was ordered, and the same approved by the Governor in Council on the 5th March, 1880:—

1. Any Pilot piloting a vessel from sea shall be entitled to pilot her to sea, unless on request of Masters or owners, the Pilotage Authority decide otherwise.

*Marine.*

2. All outward pilotage dues shall be payable to the Secretary of the Pilotage Authority, who will furnish the Captain a receipt therefor; which receipt shall be exhibited to the Customs Officer before a clearance is granted.

3. If such Pilot shall offer his services to any vessel outward bound after such vessel shall be cleared at the Custom House and before being under weigh (no other Pilot being on board or employed to take out such vessel) and be refused, the Pilotage Authority may, at their discretion, pay over not more than one half of such dues to the said Pilot so offering.

4. Every Pilot for the Pilotage District of Bathurst shall contribute to the Pilotage Authority five per cent. out of every sum of money he may receive for inward and outward pilotage.

*Vide Canada Gazette, Vol. 13, p. 1253.*

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By Order in Council of Thursday, 18th day of March, 1880, it is directed that the terms of the Order in Council of the 1st May, 1877, reducing the rate of tonnage dues payable by each and every vessel entering the Harbour of Cow Bay, shall not apply to vessels entering the Port of Cow Bay which merely seek freight and are obliged to leave the port in ballast, and do not use the breakwater for shelter while in port.

*Vide Canada Gazette, Vol. 13, p. 1280.*

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By Order in Council of Thursday, 18th day of March, 1880, a Shipping Office was established at the Port of Caledonia, in the County of Cape Breton, in the Province of Nova Scotia.

*Vide Canada Gazette, Vol. 13, p. 1280.*

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By a Proclamation bearing date the 22nd day of March, 1880, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, were declared to apply to the Port of Oak Bay, on the River Restigouche, in the County of Bonaventure, in the Province of Quebec,—the limits of the said Port to extend from Cross Point to Garde Point.

*Vide Canada Gazette, Vol. 13, p. 1305.*

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*Marine.*

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**RULES FOR THE GUIDANCE OF INSPECTORS OF STEAMBOATS  
EXAMINING ENGINEERS.**

1st. No person shall be qualified for third or second-class assistant engineer's certificate who has not served an apprenticeship of not less than three years in a marine engine shop, or worked at some mechanical employment in a machine shop not less than four years, or has served as fireman on steamboats not less than five years. And such person so qualified shall be recommended by his employer, or chief engineer, as a sober and reliable man. He shall be capable of taking care of and handling the engine, of taking care of the feed water and pumps and valves in connection therewith. He shall know when the boiler is foaming, the cause of foaming and how it may be stopped, also to find the level of the water in the boiler when foaming. He should also have some knowledge of the comparative strength of boilers in proportion to their dimensions, other things being the same in their construction, the chief cause of injury to them, the mode of keeping them clean and of repairing them. He should also know the use and working of the steam safety valves, the blow-off valves and water and steam gauges.

2nd. No person shall be qualified for first-class assistant engineer's certificate who does not read and write legibly and possess the qualifications of a second or third-class assistant engineer. He shall have had one season's experience as assistant engineer on a steamboat: he must understand perfectly the construction and working of the feed pump, the mode of setting the steam valves and eccentrics, lining the engine and adjusting its connections; the causes of the engine heating and the means usually taken to guard against it. He must understand the construction of the steam piston, how to pack his engine and make any joint in any of its parts, the mode of putting a patch on a boiler, also the mode of laying up an engine for the winter.

3rd. A third-class engineer shall have the qualifications of a first class assistant engineer with not less than two season's experience as engineer on steamboats, he must know the rules of arithmetic and be able to calculate the highest working pressure for a boiler of given dimensions and material according to the limit allowed by law.

4th. A second class engineer shall have the qualifications of a third class engineer, with not less than three years' experience on steamboats, two of which he shall have had charge as chief of steamers of not less than one hundred tons register.

5th. A first-class or chief engineer shall have the qualifications of a second-class engineer with not less than five years' experience on steamboats, three of which he shall have had charge as chief of steamers over three hundred tons register. He must be competent to calculate the thickness of plates required for a boiler of given dimensions to carry a fixed pressure of steam; also dimensions of the boiler and thickness of plates given, the pressure that may be allowed it. He must calculate the strength of the stays and the tensile and crushing strength of the materials used in its construction. He must calculate the capacity of the feed pump, the area of the safety valve for a boiler of given dimensions, and the power of the

*Marine.*

engine from a diagram of its working, and define the position of the crank and eccentrics as indicated by diagram. He must know the relative volumes of steam and water at different temperatures and pressures, the chemical constituents of coal, its heating and mechanical equivalents, and quantity of air required for its combustion. He must be competent to make a working drawing of any part of an engine and explain the operation of the engine or any of its parts in connection with the whole.

6th. The temporary certificate authorized by section 26 of the Act shall not be granted, unless the qualifications of the applicant are such as, in the opinion of the chairman and the inspector making the examination, entitle him to a Board certificate of equal grade.

7th. Temporary endorsed certificates under section 9 of 32 and 33 Vict., Chap. 39, may be granted by the Board or by any inspector with the consent of the chairman, when the above Rules may be departed from if, upon full consideration, the Board or any inspector and the chairman, are satisfied that the character, habits of life, knowledge and experience of the applicant in the duties of the position are such as to entitle him to a certificate.

PRIVY COUNCIL OFFICE,  
OTTAWA, 26th March, 1880.

I hereby certify that the foregoing Rules for the guidance of Inspectors of Steamboats examining Engineers, have been approved by His Excellency the Governor General in Council on this 26th day of March, 1880.

J. O. COTÉ.

*Clerk, Privy Council.*

## RULES AND REGULATIONS PASSED BY THE BOARD OF STEAM-BOAT INSPECTION.

*First.*—In steamboats not exceeding 200 tons requiring only one pump, as prescribed in Sub-Section 2, Section 21, of the Steamboat Inspection Act as amended, such pump shall be placed aft unless the space forward is kept free to admit of ready access to the pump and hose, in which case the pump may be placed forward.

Provision as to where fire pump shall be placed on steamboats under 200 tons.

*Second.*—In determining the standard of strength of boiler flues subjected to external pressure the inspector shall, in conformity with the interpretation of Section 7 of the Act, assume one-third the pressure allowable as a working pressure for a new boiler as prescribed in sub-section 2 of the section referred to; and no flue over 16 inches diameter shall be made of less than  $\frac{1}{4}$ -inch plate. The spaces between the stays in steam chimneys of boilers, measured on the inside of the chimney, shall not exceed twice that of the stays on the flat surface of the boiler.

Boiler flues subjected to external pressure. Rule for determining their strength. Limit allowable as a working pressure. Flues over 16 inches diameter to be not less than quarter-inch thick in the plates. Rules observed in staying steam chimneys.

*Marine.*

Inspectors may order holes to be cut in a boiler if necessary. Inspector may demand information as to the interior structure of a boiler.

*Third.*—That in order to satisfy himself as to the strength and condition of a boiler, as required by section 7 of the Act 31 Vict., Chap. 65, the inspector may, if he deems it necessary, order holes to be cut in it, and may also demand that such information be furnished him as to the interior construction of the boiler as will enable him to judge correctly of its strength.

Maximum working pressure allowable upon boilers as defined by the Act. Maximum working pressure allowable upon the stays and pins.

*Fourth.*—The standard of strength of the shell of a boiler, as prescribed by Sub-Section 2, Section 7, of the Act 31 Vict., Chap. 65, limits the pressure to which it may be subjected to 8,400 pounds to the square inch, but as the braces, stays and pins on the flat surfaces of a boiler are subject to greater loss of strength from waste, and to more unequal and irregular strain than the shell, 6,000 pounds to the square inch shall be the limit allowable upon these parts. This rule shall apply to all boilers of steamboats now in use.

Rule to apply to all boilers.

Cocks and valves connected to boilers to be substantially made. Extra precautions to be observed in the attachment of cocks and valves to boilers.

*Fifth.*—In compliance with Sub-Section 5, Section 7, which refers to the safety of pipes in connection with boilers, cocks and valves attached to the boilers, such cocks and valves shall be substantially made, and in no case shall they be attached to the boiler by screwing into the plate, unless, as an additional security, flanges be provided and bolted to the boiler in addition to such attachment.

No certificate to be granted in case of injury to the plates in a boiler by the use of drift pins.

*Sixth.*—In no case shall a certificate be granted for a boiler when the plates in it have been strained or weakened by the use of drift pins in bringing the holes in the sheets together.

Exceptions to upright tubular boilers.

*Seventh.*—Inspectors of steamboats are in future to condemn, as far as possible, the use of upright tubular boilers in steamboats in which the water level is maintained below the upper ends of the tubes.

The space within the steam dome in the shell of a boiler to be strengthened.

*Eighth.*—The space of the shell of a boiler enclosed by the steam dome shall be strengthened by riveted angle iron or otherwise, to compensate for the unequal pressure to which that portion of the shell is subjected.

Rule 2 of these rules to apply to all flues over 4 ft. in length: flues less than 4 feet long, the working pressure may be increased. Explanation of rule. Example.

*Ninth.*—That Rule second for determining the strength of flues in boilers subjected to external pressure shall apply in all cases, except where such flues are less than four feet in length when the working pressure allowable may be increased inversely as to their length in the proportion of two to one. Thus—a flue four feet long, the working pressure allowable being fifty pounds, a similar flue two feet long, the working pressure would be one hundred pounds.

*Marine.*

*Tenth.*—That in future when bars or angle irons are used for sustaining the crown sheet of the furnace of a boiler, three-fifths of the working pressure allowable upon the crown sheet shall be sustained by hanging stays from the shell of the boiler attached to the crown sheet. This rule may not apply to boilers in which the crown sheet of the furnace is less than thirty-six inches wide.

Rules to be observed in the use of bars or angle iron in staying the crown sheet of furnaces. Ex-ceptions to rule.

The measurement of the crown sheet in applying the above rule is to be taken between the sides and ends of the furnace.

Rule to be observed in the measurement of the crown sheet.

*Eleventh.*—Inspectors are to discourage (except in staying cylindrical furnaces) the use of angle iron in staying the furnaces and crown sheets of furnaces in steamboat boilers.

Inspectors to discourage use of angle iron in staying the crown sheets of furnaces.

*Twelfth.*—That donkey boilers on steamboats be required under the general provisions of the Steamboat Inspection Act to be provided with two safety valves, one of which may be locked up.

Donkey boilers to be tested. Number of safety valves on donkey boilers.

*Thirteenth.*—That the rule of the Board fixing the area of safety valves at one-third the width of the front of the boiler, in inches, the locked valve being two-fifths and the open valve three-fifths, that area shall in future be adhered to for new boilers between five and ten feet width, and in no case shall the area of open and locked valves, together, be less than half a square inch for each square foot of grate surface in the boiler.

Rule of the Board fixing the area of safety valves on boilers.

Rule to apply to new boilers within certain dimensions. Relative area of safety valves.

*Fourteenth.*—Boilers in which the longitudinal seam in the cylindrical shell are single riveted in place of double riveted, shall be subject to a reduction in the working pressure allowable for a boiler made in the best manner as prescribed in Sub-Section 2, Section 9, of the Act 31st Vict., Chap. 65, of twenty per cent,—the limit of pressure in boilers so made not to exceed eighty pounds to the square inch in place of one hundred pounds as named in the section of the Act above referred to. This rule to apply to all boilers made after this date.

Reduction in the working pressure, of boilers with single riveted seams.

Reduction rated at twenty per cent. below the full stand-ard.

Rule to apply from this date.

*Fifteenth.*—It shall not be lawful under the provisions of the Steamboat Inspection Act for any person to keep watch as engineer on a steamboat who does not hold a certificate either from the Board or from the chairman and an inspector, as provided by the Steamboat Inspection Act.

Engineers taking watch on steam-boats must be licensed by the Board or by the chairman.

*Sixteenth.*—It shall not be lawful for any engineer to act in the double capacity of engineer and master on any steam-boat.

Engineers not to act in the double capacity of captain and engineer.

Montreal, 16th October, 1879.

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*Marine.*

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PRIVY COUNCIL OFFICE,  
OTTAWA, 26th March, 1880.

I hereby certify that the foregoing Rules and Regulations have been approved by His Excellency the Governor General in Council on this the 26th day of March, 1880.

J. O. COTE,  
*Clerk, Privy Council.*

By a Proclamation, bearing date the 12th day of April, 1880, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, were declared to apply to the Port of Miminegash, in the Province of Prince Edward Island,—the limits of the said Port to extend from Black Pond, on the north, to Campbelltown on the west.

*Vide Canada Gazette, Vol. 13, p. 1391.*

By Order in Council of Monday, 12th day of April, 1880, a District was established for the purposes of "An Act respecting Wreck and Salvage," for Vancouver Island, in the Province of British Columbia, exclusive of the Ports of Victoria and Esquimalt.

*Vide Canada Gazette, Vol. 13, p. 1392.*

By Order in Council of Monday, 12th day of April, 1880, the definition of the limits of the Pilotage District formed by Order in Council of the 15th April, 1879, for the Ports of Tatamagouche and Brulé, in the County of Colchester, in the Province of Nova Scotia, as given in said Order in Council, were cancelled, owing to its being inaccurate.

*Vide Canada Gazette, Vol. 13, p. 1392.*

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BY-LAWS, RULES AND REGULATIONS,

For the government of Pilots in the Pilotage District formed by the Ports of Tatamagouche and Brulé, in the County of Colchester, in the Province of Nova Scotia, the limits of which Pilotage District extend along a line running from Amet Island, in a southerly direction, until it strikes Rocky Point, in Brulé, to Pictou County line, and from Amet Island until it strikes Malligash Point, in Cumberland County, in a westerly direction, and to include Brulé Harbour and Tatamagouche Harbour.

1st. No person shall be licensed as a Pilot under twenty-one years of age, nor unless he shall reside within the said Pilotage District, and shall,

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*Marine.*

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on examination be found in every respect well qualified to discharge all the duties of a Pilot, and shall be owner or part owner of a good and sufficient boat not less than twelve feet keel, and shall also be provided with flag showing number.

2nd. Every licensed Pilot, at the time of receiving his license, shall pay a fee of four dollars for the same, and shall give a bond to the Pilotage Authority for his compliance with the Harbour and Pilot Regulations and the faithful performance of his duty as a Pilot, for the amount of twenty dollars,—such bond, if required by the Pilotage Authority, to be renewed every year.

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

4th. Every licensed Pilot who shall go on board to take charge of any ship or vessel inward bound, shall bring such ship or vessel to port and remain on board thereof until such ship or vessel is well and sufficiently moored at the ballast berth, or secured alongside one of the wharves within said Port or Harbour, under the penalty of twenty dollars.

5th. Licensed Pilots to be entitled to and receive the amount of pilotage dues earned by each; and any Pilot piloting a vessel from sea shall be entitled to pilot her to sea when she next leaves port, unless, on complaint of the master, owner or agent of said vessel, the Pilotage Authority direct otherwise.

6th. Pilots hailing ships or tendering their services to vessels previous to entering these ports, say for Tatamagouche Bay, outside of a line from Malligash Point running south-eastwardly, and for Brulé Harbour outside of a line from Brulé Point running eastwardly, shall be entitled to half-pay when rejected.

7th. Vessels towed into or out of these ports by steamers shall only pay half pilotage.

8th. Every licensed Pilot, before boarding any vessel, shall inquire if any infectious or contagious disease be on board, and if she be from any port making her liable to Quarantine Laws; in either of such cases he shall not go on board. but his boat shall be towed astern, and he shall cause the national flag to be hoisted at the main, and shall bring her to anchor on quarantine ground, and shall not suffer any person to board or leave until she be visited by the Health Officer, under a penalty of twenty dollars.

9th. Any Pilot incapacitated by mental or bodily infirmity, or by habits of drunkenness, shall forfeit his license and not be at liberty to serve in the capacity of a licensed Pilot; and any Pilot guilty of drunkenness or incapacitated while on duty, shall be suspended for three months.

10th. In case of any dispute arising between Masters of vessels and Pilots respecting pilotage, it shall be referred to one or more members of the Pilotage Authority nearest the place of dispute.

11th. Every licensed Pilot shall receive a copy of these Regulations, and on taking charge of any inward bound vessel, shall exhibit it and his branch to the Master of such vessel.

12th. The rates of pilotage dues at Ports of Tatamagouche and Brulé shall be as follow :—

*Marine.*

		Inward.	Outward.
Vessels from	80 to 150 tons.....	\$6 00	... \$4 00
do	150 to 250 do .....	8 00	... 5 00
do	250 to 400 do .....	10 00	... 7 00
do	400 to 500 do .....	12 00	... 8 00

And upwards  $2\frac{1}{2}$  cts. per ton inwards, and 2 cts. per ton outward.

AND. CAMPBELL,

J. MILLAR,

W. FRASER,

*Commissioners.*

Tatamagouche, March, 1880.

PRIVY COUNCIL OFFICE,  
Ottawa, 15th April, 1880.

I hereby certify that the foregoing By-laws, Rules and Regulations for the government of Pilots in the Pilotage District formed for the Ports of Tatamagouche and Brulé, in the County of Colchester, in the Province of Nova Scotia, have been approved by His Excellency the Governor-General in Council, on the 12th day of April, 1880.

J. O. COTE,

*Clerk, Privy Council.*

By Proclamation, bearing date the 12th day of April, 1880, it was ordered, that,—

Whereas under an Order of the Governor in Council, passed on the seventh day of May, in the year of Our Lord, one thousand eight hundred and seventy-seven, a Proclamation was issued reducing the tonnage duty (imposed by several previous Proclamations, under Orders in Council), from ten cents for every ton of the registered measurement, of each and every vessel entering the Ports therein named, amongst which was the Port of Bathurst, in the Province of New Brunswick, to four cents for every ton of such registered measurement ;

And whereas a further Order of the Governor in Council, was passed on the twelfth day of April, in the year of Our Lord, one thousand eight hundred and eighty, whereby a Proclamation was ordered to be issued excepting the Port of Bathurst, in the Province of New Brunswick, from the provisions of the first mentioned Proclamation, and ordering that the tonnage duty on vessels entering the said Harbour be no longer enforced, as it appears that while the sum of \$6,328.10 has been collected under the said Act, the sum of \$3,878.43 only has been expended in the improvement of the said Harbour, and no further improvements are required at present.—

The tonnage duty on vessels entering the said Port and Harbour of Bathurst, be repealed, and the said duty be no longer enforced.

*Vide Canada Gazette, Vol. 13, p. 1420.*

*Marine.*

By Proclamation, bearing date the 19th day of April, 1880, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, were declared to apply to the Port of Lachine within the Harbour of Montreal, in the Province of Quebec.

*Vide Canada Gazette, Vol. 13, p. 1421.*

TARIFF.

RATES AND DUES to be levied in the Harbour of Montreal, under and by virtue of the Acts 40 Vict., Chap. 53, and 42 Vict., Chap. 28, on and after the first day of April, 1880.

*Dues to be levied on all Vessels in the Harbour.*

- On Steamboats measuring fifty tons and upwards, per ton register, for each day of twenty-four hours they remain in the harbour, reckoned from the hour of their arrival to that of their departure 1½c.
- On all other Vessels measuring fifty tons and upwards, per ton register and per day, as aforesaid..... ¾c.
- On Steamboats measuring under fifty tons register, for each day reckoned as aforesaid, each..... 40c.
- On all other Vessels measuring from twenty-five to fifty tons register, per day, reckoned as aforesaid, each..... 25c.
- On all Vessels of less than twenty-five tons register, each, per day, as aforesaid..... 10c.

RATES to be levied on all Merchandise, Animals and Things whatsoever landed or shipped in the Harbour.

Articles.	Rate.	Per	Articles.	Rate.	Per
	Cts.			Cts.	
Ale, Beer and Porter, in btls..	25	Ton.	Biscuit.....	30	Ton.
Alum.....	25	do	Blue.....	30	do
Anchors.....	25	do	Bread.....	30	do
Anvils.....	25	do	Brimstone.....	30	do
Agricultural Implements.....	30	do	Butter.....	30	do
Axles.....	30	do	Bleaching Powder.....	30	do
Arrowroot.....	30	do	Belting and Hose Duck.....	40	do
Advertising Pamphlets.....	40	do	Books (printed or blank).....	40	do
Apples.....	2	Barrel.	Boots and Shoes.....	40	do
Ashes, Pot or Pearl.....	7	do	Bristles and Hogs' Hair.....	40	do
Axes.....	2	Dozen.	Bulbs.....	40	do
Animals, undescribed.....	2	Each.	Bagatelle Boards.....	50	do
Ballast.....	10	Ton.	Billiard Tables.....	50	do
Bottles, empty.....	15	do	Beef.....	2	Barrel.
Bones.....	25	do	Bark.....	5	Cord.
Bran.....	25	do	Baskets.....	2	Dozen.
Barley, Pot or Pearl.....	30	do	Brooms, Corn.....	2	do
			Buckets.....	2	do



Marine.

RATES to be levied on Merchandise, &c.—Continued.

Articles.	Rate.	Per.	Articles.	Rate.	Per.
	Cts.			Cts.	
Burrstones .....	2	Each.	Fish, in oil .....	30	Ton.
Boats, undescribed .....	4	do	Furniture .....	30	do
Batteaux .....	10	do	Furs (undressed) .....	30	do
Billets .....	15	100	Felt for roofing .....	40	do
Barrels, empty .....	20	100	Firearms .....	40	do
Boxes, empty .....	20	100	Fluids, unenumerated .....	40	do
Bricks .....	10	1,000	Fancy Goods .....	50	do
Bath and Fire Bricks .....	25	1,000	Feathers .....	50	do
			Furs (dressed) .....	50	do
Cinders .....	10	Ton.	Fish .....	2	Barrel.
Coal .....	10	do	Flour .....	2	do
Coke .....	10	do	Fish, shell .....	2	do
Clay, in natural state .....	10	do	Fruit, green .....	1	Bushel.
Corks .....	15	do			
Crockery in crates .....	15	do	Glassware, in packages .....	20	Ton.
China ware in packages .....	20	do	Gear, Sift .....	25	do
Cables, iron chains .....	25	do	Gypsum .....	25	do
Clay Gas Retorts .....	25	do	Grindstones .....	25	do
Cement .....	25	do	Ginger .....	30	do
Chains .....	25	do	Glue .....	30	do
Chalk .....	25	do	Grease .....	30	do
Cider .....	25	do	Groceries, not otherwise enu-		
Copperas .....	25	do	merated .....	30	do
Candles .....	30	do	Gunpowder .....	30	do
Cheese .....	30	do	Gas Fittings .....	40	do
Chocolate .....	30	do	Gutta Percha (natural state) ..	40	do
Cocoa .....	30	do	Game .....	2	Dozen.
Coffee .....	30	do	Glass, Window .....	2	100 feet.
Cordage .....	30	do	Grain (oats excepted) .....	25	100 bushels.
Cork, unmanufactured .....	30	do	Gold or Bullion .....		Free.
Cotton .....	30	do			
Crackers .....	30	do	Hollow Ware .....	20	Ton.
Currants .....	30	do	Hay .....	20	do
Cotton Waste .....	30	do	Horns .....	25	do
Cables, hemp .....	30	do	Hoofs .....	25	do
Confectionery .....	40	do	Hemp .....	30	do
Canvas .....	50	do	Honey .....	30	do
Cigars .....	50	do	Hops .....	30	do
Clocks .....	50	do	Hardware, manufactured .....	40	do
Casks, empty, undescribed .....	1	Each.	Hair or Mohair .....	40	do
Canoes .....	2	Ton.	Harness and Saddlery .....	40	do
Carts .....	2	do	Horn and Ivory .....	40	do
Carriages on wheels .....	10	do	Hats .....	50	do
Cattle, neat .....	4	Head.	Hose and Tubing .....	50	do
Corn, Indian .....	25	100 bushels.	Hides .....	5	Dozen.
			Horses .....	4	Each.
Drain Pipes .....	25	Ton.	Handspikes .....	15	100 pieces.
Drawings .....	40	do			
Dye Stuffs .....	40	do	Iron .....	25	Ton.
Drugs, not otherwise enumer-			Iron Pipe .....	30	do
ated .....	40	do	India Rubber, manufactured ..	50	do
Dry Goods, do do .....	50	do	Instruments (musical) .....	50	do
Dusters, Corn .....	1	Dozen.			
			Junk .....	30	do
Earthenware, in crates .....	15	Ton.	Jewellery and Watches .....	40	do
do loose .....	25	do	Japanned Ware .....	50	do
Earth .....	30	do			
Engravings and Prints .....	40	do	Lime .....	10	do
Eggs .....	4	1,000	Lemons .....	20	do
			Luggage .....	25	do
Fish, dry or green .....	25	Ton.	Lampblack .....	30	do
Flax .....	30	do	Lard .....	30	do
Fruits, dried .....	30	do	Leather .....	30	do

Marine.

RATES to be levied on Merchandise, &c.—Continued.

Articles.	Rate.	Per.	Articles.	Rate.	Per.
	Cts.			Cts.	
Lead (ground), White or Red..	30	Ton.	Pipes, empty.....	2	Each.
Liquorice Paste.....	30	do	Puncheons, empty.....	2	do
Liquors.....	40	do	Poles, Hop.....	5	100
Laths.....	4	1,000	Pulse.....	25	100 bushels.
Lumber (board measure).....	10	1,000 feet.	Rags.....	30	Ton.
Meats, dry salted & preserved.	20	Ton.	Rice.....	30	do
Metals of all kinds, in pig, bar,			Rope.....	30	do
bolts, rods or sheets.....	25	do	Rosin.....	2	Barrel.
Millstones.....	25	do	Sand.....	10	Ton.
Moulds, Plough.....	25	do	Stoneware, in crates.....	15	do
Molasses.....	25	do	Straw.....	20	do
Machinery.....	30	do	Steel Rails.....	25	do
Marble, manufactured, Granite			Shorts.....	25	do
&c.....	30	do	Shot.....	25	do
Meal.....	2	Barrel.	Soda Ash, Caustic Soda, Sal		
Meats.....	2	do	Soda, Silicate Soda.....	25	do
Matches.....	2	12 gross.	Spikes.....	25	do
Malt.....	30	100 bushels.	Stoves.....	25	do
Marble, unmanufactured.....	30	100 cubic ft.	Salt, in jars.....	30	do
Nails.....	25	Ton.	Sago.....	30	do
Nuts of all kinds.....	30	do	Saleratus.....	30	do
Oranges.....	15	T. n.	Sulphur.....	30	do
Ores of all kinds.....	20	do	Saltpetre.....	30	do
Oil.....	30	do	Snuff.....	30	do
Oakum.....	30	do	Soap.....	30	do
Ochres.....	30	do	Spices.....	30	do
Oilcake.....	30	do	Starch.....	30	do
Onions.....	1	Bushel.	Sugar.....	30	do
Oysters.....	1	do	Sewing Machines.....	30	do
Oars.....	15	100	Steel.....	30	do
Oats.....	15	100 bushels.	Stationery.....	40	do
Phosphate of Lime, unmanu-			Skins, untanned and uncured.	40	do
factured.....	10	Ton.	Small Wares.....	50	do
Plaster of Paris, unmanufac-			Soap, Perfumed and Fancy.....	50	do
tured.....	10	do	Shovels.....	2	Dozen.
Pipes (tobacco).....	20	do	Spades.....	2	do
Pipes, Clay.....	20	do	Skins, Buffalo.....	10	do
Petroleum (four barrels to the			Shooks, puncheon.....	12	Each.
ton).....	20	do	Staves, barrel.....	15	Mille.
Plaster of Paris.....	25	do	Staves, puncheon.....	20	do
Paint.....	30	do	Staves, Standard.....	60	do
Paper (Wrapping).....	30	do	Salt.....	25	100 bushels.
Putty.....	30	do	Seed.....	25	do
Pickles and Sauces.....	30	do	Stone (except ballast).....	20	100 cubic ft.
Paper (writing and other).....	40	do	Sleepers, Railroad.....	25	100
Paper Hangings.....	40	do	Shingles.....	4	1,000
Piping and Tubes (Iron).....	40	do	Slates for Roofing.....	10	1,000
Plants and Shrubs.....	40	do	Tallow.....	30	Ton.
Perfumery.....	50	do	Teas.....	30	do
Plated Ware.....	50	do	Tobacco.....	30	do
Paintings (in oil) and Chromos			Tow.....	30	do
Pitch.....	2	Barrel.	Twines.....	40	do
Pork.....	2	do	Tar.....	2	Barrel.
Potatoes.....	2	do	Tiles for Roofing.....	10	1,000
Plates, Canada.....	2	Box.	Timber.....	10	100 cubic ft.
Plates, Tin.....	2	do	Vegetables, preserved.....	25	Ton.
Pails.....	2	Dozen.	Vinegar.....	30	do
Poultry.....	2	do	Vegetables, green.....	1	Bushel.
Puncheon Packs.....	2	Each.	Vehicles, undescribed.....	4	Each.

*Marine.*

RATES to be levied on Merchandise, &c—*Concluded.*

Articles.	Rate	Per.	Articles.	Rate.	Per.
	Cts.			Cts.	
Wood, manufactured.....	20	Ton.	Wire .....	30	Ton.
Waters, Aërated and Mineral..	20	do	Whetstones .....	30	do
Wool .....	25	do	Wood, fire .....	5	Cord.
Whiting .....	25	do	Wood, lath .....	10	do
Wine .....	30	do	Whisks, corn .....	1	Dozen.
Wax .....	30	do			

On all goods, wares, and merchandise whatsoever, the quantity of which by weight, measurement or other mode of estimate provided for in the Tariff, cannot be conveniently ascertained, it shall be lawful for the Harbour Commissioners to levy a rate of  $\frac{1}{4}$  of 1 per cent. on the value thereof.

Goods not coming under any class enumerated in the Tariff, shall be charged the same rate as the class to which they are most nearly assimilated.

Each entry shall pay not less than 5 cents.

All property landed on the wharves for re-shipment, shall only pay one wharfage.

The Ton mentioned in the Tariff shall be 2,000 lbs. weight, or 40 cubic feet measurement, according to Bill of Lading.

Certified,

H. D. WHITNEY,

*Secretary.*

PRIVY COUNCIL OFFICE,

OTTAWA, 27th April, 1880.

I hereby certify that the foregoing Tariff of Rates and Dues, has been approved by His Excellency the Governor General in Council on the 19th day of April, 1880.

J. O. COTÉ,

*Clerk, Privy Council.*

By a Proclamation, bearing date 10th day of May, 1880, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick" and the Acts amending the same, were declared to apply to the Port of Advocate, in the County of Cumberland, in the Province of Nova Scotia.

*Vide Canada Gazette, Vol. 13, p. 1559.*

*Marine.*

By Order in Council, of Monday, 10th day of May, 1880, a Shipping Office was established at the Port of Summerside, in the County of Prince, in the Province of Prince Edward Island.

*Vide Canada Gazette, Vol. 13, p. 1560.*

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 10th May, 1880.

On the recommendation of the Honorable the Minister of Marine and Fisheries, the Committee advise that in accordance with the provisions of Act 40 Vict., Chap. 17, intituled "An Act to transfer the management of certain Harbours, Piers and Breakwaters from the Department of Public Works to the Department of Marine and Fisheries," the rates of toll mentioned in the Report hereto annexed for the use of the public wharf at Delap's Cove, in the County of Annapolis, in the Province of Nova Scotia, be authorized to be levied and collected.

Certified.

J. O. COTE,  
*Clerk, Privy Council.*

Articles.	Rates.	Per.
Flour, meal, apples, lime, calcined plaster, hydraulic cement, salt fish, &c.....	1	Barrel.
Potatoes, carrots and like articles.....	$\frac{1}{2}$	do
All articles contained in casks, hogsheads or puncheons	2	Cask, &c.
Coal, iron, building stone, salt and the like.....	5	Ton.
Chains and anchors.....	10	do
Salt, meal, oats, potatoes, apples, Indian corn, and like articles, in bags.....	$\frac{1}{2}$	Bag.
Dried fish, in bulk.....	1	Quintal.
Rough plaster from quarry.....	2	Ton.
Timber, lumber, boards and deals of all kinds.....	5	Thousand.
Cordwood and bark.....	5	Cord.
Goods in cases, boxes, bales, &c.....	4	Ton of 40 c. ft
Naval stores, paints, oil, &c, and articles of a similar nature.....	5	Ton.
Stone and gravel or earth ballast, for shipping.....	2	do
Unenumerated articles.....	4	do
Gravel for use of roads.....	Free.	
Vessels under 50 tons.....	0 10	Day
do of 50 tons and under 100 tons.....	0 15	do
do 100 do 200 do.....	0 20	do
do 200 do 300 do.....	0 30	do
do 300 do 400 do.....	0 40	do
do 400 do 500 do.....	0 50	do
do 500 do 800 do.....	0 75	do
do 800 do 1200 do.....	1 00	do
do 1200 do 1500 do.....	1 25	do

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*Marine.*


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Special arrangements to be made with the Wharfinger for vessels lying at the wharf during winter.

Vessels lying with moorings attached for shelter and a harbour, to pay  $\frac{1}{2}$  per cent. per registered ton for every 24 hours or portion thereof.

No goods to remain on the wharf for longer than seven days unless by special permission of, and agreement with the Wharfinger.

The ton weight mentioned shall be two thousand pounds.

*Vide Canada Gazette, Vol. 13, p. 1560.*

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The toll hitherto authorized to be collected on Coal at Port Stanley Harbour has been reduced from twenty cents to five cents per ton, by order of His Excellency the Governor General in Council of the 10th day of May, 1880.

*Vide Canada Gazette, Vol. 13, p. 1600.*

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PRIVY COUNCIL OFFICE.

By order of His Excellency the Governor-General in Council, of the 10th May, 1880, the following Resolution, passed by the Pilotage Authority for the District of Miramichi, in the Province of New Brunswick, at a meeting held at Newcastle on the 9th April, 1880, has been added to Rule 3 of the Rules and Regulations made by that Authority and approved by the Governor General in Council on the 10th April, 1875, viz. :—

“And any vessel outward bound employing a steamboat to tow from any of the loading grounds on the Miramichi River to outside of the outer bar, the sum of twenty-five cents per foot shall be deducted from the foregoing rates of Pilotage outward.”

J. O. COTÉ,

*Clerk, Privy Council.*

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By Order in Council, of Thursday, 13th day of May, 1880, a Wreck and Salvage District was established for the purposes of the Act, to extend from County line between King's and Queen's Counties, in the Province of Prince Edward Island, at Little Sands to Trout Point, in Hillsborough Bay, in the County of Kings, including Governor's Island.

*Vide Canada Gazette, Vol. 13, p. 1561.*

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By Order in Council of Thursday, 13th day of May, 1880, all the Ports at present existing or that may hereafter exist in the Province of Prince Edward Island, were established as ports to which the provisions of the

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Act to provide for the appointment of Port Wardens at certain ports of the Dominion shall apply.

*Vide Canada Gazette*, Vol. 13, p. 1561.

By a Proclamation, bearing date 15th May, 1880, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, were declared to apply to the Port of Cove Head, in Queen's County, in the Province of Prince Edward Island.

*Vide Canada Gazette*, Vol. 13, p. 1599.

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PRIVY COUNCIL OFFICE.

The following Resolution, adopted by the Council of the Board of Trade of Montreal on the 20th April last, has been approved by His Excellency the Governor General in Council on the 15th day of May, 1880, viz :

"That the charges now collected on grain by the Port Warden be cancelled from and after the first day of May next—and that the Government be notified accordingly."

J. O. COTÉ,

*Clerk, Privy Council.*

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At a meeting of the Pilotage Authority for the District of Victoria and Esquimalt, held on the 22nd and 23rd April, 1880, at the City of Victoria, B.C., the following By-laws were adopted, viz. :—

*Licenses.*

1. Every person desirous of being examined with a view to obtaining a license as a Pilot for the District of Victoria and Esquimalt must make application (in his own handwriting) to the Pilotage Authority of said District, and enclose the following documents :—

(a.) Certificates from the Masters of vessels in which he has served, as to his ability as a seaman, &c. ;

(b.) Certificates from the Board of Trade or local Marine Board as Master or Mate (if any) ;

(c.) Statement of services from time of first going to sea up to date ;

(d.) Certificate from last employer :

Such applicants as aforesaid must be British subjects of not less than 25 years of age, must have resided not less than two years in the Province, and be of good moral character and temperate habits.

*Marine.*

2. Should the requirements of Clause 1 prove satisfactory to the Pilotage Authority, the applicant will be notified to appear for examination, before examiners appointed for that purpose, touching his qualifications and practical knowledge of the management of square rigged vessels and steamers under all circumstances of wind and weather, but more particularly as to his general knowledge of the navigation and pilotage of the District.

3. If after such examination the candidate shall be deemed qualified, he shall receive a license to that effect on payment of a fee of \$20 for the expense of such examination; and should there be a vacancy, he will be allowed to act as a Pilot on probation for six months; at the expiration of which period should his conduct prove satisfactory, his license will be confirmed upon payment of a license fee of \$25.00

4. The Pilotage Authority shall have power to fix and alter the number of Pilots, from time to time, in their discretion, according to the requirements of the district.

*Certificates.*

5. Pilotage certificates may be issued by the Pilotage Authority to Masters and Mates of steamers (registered in Canada) plying regularly once a week or oftener between Victoria and any of the various Ports on Puget Sound, on application in writing to the Pilotage Authority. Such applicants must be not less than 21 years of age, and if, upon examination they shall be found qualified, and upon payment of \$20 for the expense of their examination, and a yearly fee of \$100, a certificate to act as Pilot for a term of 12 months will be granted, and may be renewed from year to year on payment of an annual fee of \$100, as the Pilotage Authority may think fit.

6. Pilotage certificates may also be issued in like manner, and upon conditions aforesaid, to Masters and Mates of steamers making occasional voyages to Wrangel and Sitka (United States Territory) upon payment of an annual fee of \$50.

7. Pilotage certificates may also be issued to Masters of sailing vessels of 80 tons registered tonnage and upwards, trading from port to port in the Province of British Columbia, upon payment of \$5 per annum.

8. Pilotage certificates of competency may be issued to Masters or Mates of steamers registered in Canada, on application in writing to the Pilotage Authority upon payment of an examination fee of \$20.

*Boats.*

9. All Pilots licensed for the Victoria-Esquimalt District shall maintain at least one pilot sloop or schooner—such vessels shall be surveyed by or on behalf of the said Pilotage Authority, and if satisfactory to the said Authority, shall be licensed for a term of 12 months on payment of the expense of such survey.

10. All pilot-boats shall be surveyed annually and if found satisfactory shall have their licenses renewed for a term of 12 months on payment of a fee of \$10.

11. Every licensed pilot-boat shall have on board or attached to said vessel one suitable boat; and also one life-preserver for each Pilot and crew belonging or attached to said licensed pilot-boat.

*Marine.*

12. All licensed pilot-boats shall have such marks and numbers on their hulls and sails as may be designated by the Pilotage Authority at time of survey.

13. Any licensed pilot-boat that may subsequently be found unfit for service or insufficiently equipped shall have her license suspended and deposited with the Pilotage Authority until she is equipped to the satisfaction of said Authority.

14. Every licensed Pilot shall be the registered owner of not less than three tons of a licensed pilot-boat under pain of the forfeiture of his license, and no Pilot's license shall be valid and effectual until he is so registered.

15. It shall be the duty of the Pilots in charge of any pilot-boat as aforesaid to keep a log or record of all ships or vessels spoken by signal or otherwise, the time and date of speaking, their position at the time of speaking, as also the position of the pilot-boat, and at the end of each month to send to the Pilotage Authority an account of the movements and employment of the boat, specifying the services in which she has been engaged, the number of vessels piloted in and out, their draught of water, by whom piloted, the number of days she has laid in port, the names of vessels arriving in Royal Roads without being spoken, and such information as may be ordered from time to time by the Pilotage Authority; and for each and every neglect to comply with this rule the boat and owners may be fined an amount not exceeding twenty dollars.

16. No. pilot-boat shall be otherwise employed than in its legitimate business, and whenever more than one boat is licensed by the Pilotage Authority the pilots must arrange in such a manner that one is constantly on the cruising ground day and night, stress of weather alone excepted.

*Ports,*

17. The Ports of the Pilotage District of Victoria and Esquimalt shall be as follows:

(1.) Port of Victoria.

(2.) Port of Esquimalt.

(3.) The limits of said ports shall be inside a line drawn from Glover Point to Brotchy Ledge (upon which a red buoy is placed) bearing about W. by S.  $\frac{1}{2}$ -S., and a line drawn from Brotchy Ledge to Fisgard Lighthouse (outside Scroggs' Rocks and Brothers Island), bearing approximately W. by N.

(4.) The limits for speaking vessels bound into either Harbour, shall be at or outside a line drawn from Williams' Head to Trail Island, bearing N.E. and S.W. (All bearings are magnetic.)

(5.) Vessels not spoken at or outside this line shall be exempt from all pilotage dues both inward and outward, unless the services of a Pilot are actually employed.

*Dues.*

18. (a.) For vessels bound to other ports and coming to an anchor in Royal Roads, the pilotage shall be free, except the services of a Pilot are employed when pilotage, according to the following graduated scale, shall be payable



*Marine.*

Inside or North of Race Rocks to Royal Bay.....	\$0 75	per foot.
Beachy Head to Royal Bay.....	1 50	"
Pillar Point do .....	3 00	"
Cape Flattery do .....	6 00	"

(b.) For vessels entering into or clearing from the undermentioned ports, the rates of pilotage shall be as follows:

Esquimalt Harbour (under sail) .....	\$4 00	per foot.
do (under steam or in tow).....	3 00	"
Victoria Harbour (under sail) .....	4 00	"
do (under steam or in tow).....	3 00	"

(c.) Vessels spoken by a Pilot in keeping with the Act and By-Laws and not accepting his services, shall only pay \$2 per foot into and out of Victoria, and \$2 per foot into and out of Esquimalt.

(d.) Vessels proceeding from Victoria to Esquimalt, and *vice versa*, and having discharged or received a portion of their cargo in either harbour, and having paid full pilotage into either harbour, if proceeding with the assistance of steam, shall pay \$1.50 per foot.

(e.) Any fraction of a foot not exceeding six inches shall be paid for as half a foot, and any fraction of a foot exceeding six inches shall be paid for as a foot.

(f.) Pilots shall, when called upon to do so, remove vessels from one part of either harbour to another part of same harbour for the specific charge of \$10 for each and every removal.

(g.) The Pilotage Authority shall have power under this By-law to make such arrangements from time to time concerning the pilotage of vessels making regular trips between Victoria and Puget Sound, as to them may appear necessary or expedient in the interests of trade and commerce.

(h.) Compulsory payment of pilotage dues is not chargeable against vessels while in Royal Roads, unless such vessels shall enter either or both of the ports of Victoria and Esquimalt.

(i.) When a vessel is bound to or from any other port in the Province, either laden or in ballast, and does not discharge or receive any cargo, passengers or mails, but simply enters it as a harbour of refuge, such vessel shall be exempt from pilotage into and out of Esquimalt, excepting in cases where a Pilot is actually engaged by the master for such services.

*Regulations.*

19. Pilots must comply strictly with the Act as regards offering pilotage service to vessels, and must board the nearest vessel signalling or asking for a Pilot, and exhibit their licenses and By-laws whether the Master should demand them or not.

20. The Pilot who speaks or pilots a vessel inwards shall be entitled to pilot her outwards (or if he be otherwise employed then a pilot from the same boat), unless upon complaint of the Master, owner, or agent of the vessel, the Pilotage Authority shall see fit to direct otherwise.

21. Every licensed Pilot who shall pilot or speak any vessel inwards, shall, within one day after her arrival, report to the Pilotage Authority the

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arrival of such vessel and the amount of pilotage due thereon; and every licensed Pilot shall likewise report all vessels piloted outwards, transferred or removed by him.

22. Masters of vessels must make application to the Pilotage Authority for outward Pilots, or for Pilots to remove vessels from one port to another, unless they are previously tendered service by the Pilot whose duty it is to attend to such vessel.

23. Pilots shall anchor or moor vessels in such places and position as may be previously assigned to them by the Harbour Master, and shall also berth vessels at such wharf and in such manner as may be consistent with the wishes of the consignee, conveyed to them by the Harbour Master.

24. It shall be the duty of Pilots to assist the Master in superintending the unmooring of vessels, when engaged to pilot such vessels outward.

25. All pilotage dues shall be paid to the order of the Pilotage Authority by the Masters of vessels, or in their default, by the agents or consignees thereof. A book shall be kept by the Secretary for the entry of all sums received and all sums paid out to the Pilots or any other account.

26. Each licensed Pilot shall be entitled to receive from the Secretary the amount of his earnings, less a deduction of 10 per cent., to be applied in payment of such expenses as the Pilotage Authority may duly incur.—Should 10 per cent. be found insufficient to cover said expenses, a further sum shall be collected from the Pilots *pro rata*, and should 10 per cent. be more than sufficient for working expenses, the balance (if any) shall be divided, at the end of the year, amongst all the Pilots.

27. The Pilotage Authority shall adjust all accounts, and pay to each pilot the amount due him at the expiration of every month.

28. In a case where a vessel shall be in tow of a steamer, the Pilot on board of the vessel being towed shall have the command and direction of both vessels so long as the steamer shall be fast to the other vessel.

29. Every licensed Pilot shall, when in charge of any vessel, exercise the utmost diligence and attention in the prosecution of his duty.

30. No licensed Pilot shall be absent from duty, nor be otherwise employed than as a Pilot, without leave previously obtained in writing from the Pilotage Authority.

31. Whenever any accident shall occur to or be caused by any vessel whilst in charge of a Pilot, it shall be the duty of such Pilot forthwith, after he shall cease to be in actual charge of such vessel, to repair to the office of the Pilotage Authority and there report in writing the accident that has occurred; and in default of his so doing such Pilot shall, for each and every default, forfeit and pay a penalty not exceeding forty dollars, and in the meantime the license of such Pilot shall be suspended and delivered to the Pilotage Authority pending enquiry.

32. Any licensed Pilot not complying with the By-laws, or evading the sense, meaning or intent of any or either of them, shall be liable to a penalty not exceeding forty dollars for the breach of such By-law, with, in case of a continuing breach, a further penalty not exceeding four dollars for every twenty-four hours during which such breach continues, and shall, in addition to such penalty, be liable to have his license withdrawn or suspended at the discretion of the Pilotage Authority.

*Marine.*

33. Every licensed Pilot who shall refuse or neglect to appear before the Pilotage Authority after three clear days' notice has been given him that his attendance is required by them on any occasion, or who shall give any unnecessary trouble or annoyance to the Commissioners or detention to Masters of vessels, shall, for every such offence, be liable to a penalty not exceeding forty dollars, and also to suspension or dismissal, at the discretion of the Pilotage Authority.

34. All questions or disputes arising between Pilots, Masters of vessels and others, respecting pilotage or claims for any extra remuneration in cases of any extraordinary nature, shall be submitted to the Pilotage Authority to be adjudicated upon and decided by them; and such decision shall be final and binding on all parties.

35. Any Pilot may be deprived of his license before the expiration thereof for any of the following causes:—

(1.) For neglecting for twenty days after the receipt of any money under or by virtue of these or any other By-laws to pay the same over to the Pilotage Authority;

(2.) For rendering a false account to the Pilotage Authority of or for pilotage received or earned;

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

(4.) For incapacity through mental or bodily infirmity or lack of practical knowledge and ability in putting into effect the theoretical knowledge apparently possessed at time of examination.

36. Under and by virtue of this By-law the Pilotage Authority is authorized and empowered, upon due investigation, to cancel or suspend the license of any Pilot for any offence against the Pilotage Acts of Canada or for sufficient breach of any or either of the By-laws before mentioned.

37. The whole of the By-laws passed and ratified previous to this date are hereby repealed.

RODK. FINLAYSON,  
*Chairman,*

W. W. CLARKE,  
R. P. RITHET,  
EDGAR CROW BAKER,  
*Secretary.*

Victoria, B.C., 30th April, 1880.

PRIVY COUNCIL OFFICE,  
OTTAWA, 18th May, 1880.

I hereby certify that the foregoing By-laws of the Pilotage Authority for the District of Victoria, B.C., have been approved by His Excellency the Governor General in Council, on this the 18th May, 1880.

J. O. COTÉ,  
*Clerk, Privy Council.*

*Marine.*

By Order in Council of Thursday, 10th day of June, 1880, a Pilotage District was formed for the Harbour of St. Mary's and Liscomb, in the County of Guysboro' in the Province of Nova Scotia, and the payment of pilotage dues made compulsory within the limits of the said District.

*Vide Canada Gazette, Vol. 13, p. 1746.*

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RULES AND REGULATIONS

*For the Government of certain Ports in the Provinces of Nova Scotia, New Brunswick, Quebec, Ontario, British Columbia and Prince Edward Island, to which the Acts 36 Vict., Chap. 9, 37 Vict., Chap. 34, and 38 Vict., Chap. 30 apply and for the Government of the office of Harbour Master for the said Ports.*

Rule I. The following Rules and Regulations shall apply to each and every Port which has been or hereafter may be proclaimed by an Order of the Governor in Council under the provisions of the above-named Acts, intituled respectively, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and "An Act to amend the Acts thirty-sixth Victoria, chapter nine, and thirty-seventh Victoria, chapter thirty-four, respecting the appointment of Harbour Masters," unless and until other Rules and Regulations be authorized in such Order or subsequent Order in Council.

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

SCALE OF FEES.

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

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

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

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

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

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

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

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

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

Rule IV. If any ship or vessel arriving and anchoring, or being moored or fastened to any wharf or vessel in the harbour shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the harbour, or moored or fastened as aforesaid, the Harbour Master or his deputy is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored or fastened as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the Master, Pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master or his deputy in this respect, under the penalty of Twenty dollars for each and every offence.

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

Rule VI. Whenever it shall happen that any ship or vessel is short of hands, so that she cannot be moved when ordered, it shall and may be lawful for the Harbour Master to employ a sufficient number of hands to effect such removal, and to remove or assist in removing such vessel as required or as may be necessary, and that at the expense of such vessel.

Rule VII. The Harbour Master shall have power to order the removal of any scow, boat or other vessel, loaded or unloaded, or anything calculated to interfere with the moving or mooring of vessels from any part of the Harbour to any other part thereof; and the owner of such scow, boat, etc., or person in charge thereof, failing to make such removal in one hour after being notified so to do, shall forfeit and pay a sum not exceeding \$10, and after one hour shall have elapsed the Harbour Master shall have power to make the removal and charge the person notified for so doing.

Rule VIII. Whenever the Harbour Master shall find ships or vessels at the wharves with main jib or spanker booms rigged out so as to incommode other vessels, it shall be the duty of the Harbour Master to direct such to be rigged in, and in the event of non-compliance, all accidents to the same shall be at the risk of the persons so offending.

Rule IX. No vessel shall be left without some person to take care of her, by night and by day, when anchored in the stream or in the Harbour.

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Rule X. All vessels lying at anchor in the Harbour shall keep a clear and bright light burning, at least six feet from the uppermost deck, from sunset until sunrise.

Rule XI. All ships or vessels loading or discharging in the stream, coal, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the Harbour, under the penalty of \$20 for each and every offence, to be paid by the owner, Master or person in charge of such ship or vessel.

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

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

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

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

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

PRIVY COUNCIL CHAMBER,

OTTAWA, 15th June, 1880.

The foregoing Rules and Regulations were submitted to and approved by His Excellency the Governor General in Council, on the 10th June, 1880.

J. O. COTÉ,  
*Clerk, Privy Council.*

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RULES AND REGULATIONS OF THE HARBOUR COMMISSIONERS  
OF NORTH SYDNEY,

Duly made and passed at a meeting of the said Harbour Commissioners, convened at their office in North Sydney, in the Province of Nova Scotia, on the 23rd day of July, A.D., 1879.

Present—W. H. Moore, Acting Chairman.

M. J. Phoran.

George H. Dobson, Acting Secretary.

**W**HEREAS under and by virtue of the provisions of the Act of Parliament of Canada, passed in the forty-second year of Her Majesty's reign, intituled "An Act respecting the Harbour of North Sydney, in Nova Scotia," the superintendence of the Harbour and Harbour Master was vested in the said Commissioners, which render it necessary that Rules and Regulations should be enacted by the said Commissioners for regulating the exercise of their power and duty in conformity with the said Act, and in conformity with the jurisdiction thereby conferred upon them.

Therefore, the said Harbour Commissioners have enacted, made and passed, and do hereby enact, make and pass, the following Rules and Regulations for the management and government of the various matters lying within their jurisdiction, under and by virtue of the said Act.

*Proceedings of the Commissioners.*

**ARTICLE 1.**—The President shall be elected by the Commissioners from among themselves annually on the first Monday in September, or at the earliest convenient period thereafter, and shall hold office until the first Monday in the then ensuing September, or till the election of his successor. A Secretary and a Treasurer shall also be appointed at the first annual meeting of the Commissioners and shall hold office until the next annual meeting or until the election of their successors.

**ARTICLE 2.**—Ordinary meetings of the Commissioners shall be held on the first Thursday of each month at such hours, respectively, as may be fixed for such meetings and business,—at which meetings any business within the jurisdiction of the Commissioners may be dealt with and disposed of; and such monthly meetings may be open to the public.

**ARTICLE 3.**—Special meetings of the Commissioners may be called by the President or any one of the Commissioners, and a notice of every such special meeting shall be sent by the Secretary to each of the Commissioners.

**ARTICLE 4.**—The order of business at all meetings of the Commissioners shall be as follows:—

1st. The reading of the minutes;

2nd. The reception of correspondence and reports;

3rd. The consideration of any business which has been adjourned from a preceding meeting;

4th. The consideration of new business.

**ARTICLE 5.**—The President shall preside at all meetings of the Commissioners.

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ARTICLE 6.—All contracts entered into, accounts and other documents, whatsoever required in connection with the business of the Commissioners shall be signed by the President; and no contract or other document shall be binding on the corporation unless signed and executed in conformity with this rule and regulation, and then only provided they are countersigned or endorsed by the Secretary.

ARTICLE 7.—The Secretary shall keep or cause to be kept a book or books in which shall be entered, from day to day, the name of every vessel arriving in or departing from the Harbour, with description and particulars of cargo entered inwards and outwards, giving ports whence and destination.

ARTICLE 8.—*Arrival of Vessels.*—The Master or person in charge of every vessel arriving in the Harbour, shall, without delay and before he shall break bulk or discharge ballast, make a report to the Harbour Commissioners' Office, of the arrival of such vessel, of her cargo, description and particulars thereof, and of her tonnage,—a description of the rig of such vessel, her name and Captain's name, whence and date of sailing, the name or the names of the Consignee or Consignees of the vessel, the number of men employed on board and the number of passengers, if any.

ARTICLE 9.—The said Harbour shall include and consist of all the water space and beach up to the high water-mark, within a line drawn from the point of the North Bar to Fraser's Wharf, on the south side of the Harbour, and from Fraser's Wharf, on the South Bar, to Point Edward, including the North-West Arm.

ARTICLE 10.—All vessels in said Harbour shall be under the control of the Harbour Master who shall proceed on board all vessels on arrival and report them to the Harbour Commissioners' Office, and shall require and cause all captains on their arrival to report at said office, and shall station all ships and vessels which shall hereafter come to the Harbour of North Sydney, and shall regulate the mooring, fastening, shifting and removal of such ships and vessels, and shall determine how far and in what instances it is the duty of Masters and other persons having charge of such vessels to accommodate each other in their respective situations; and all disputes which may arise touching or concerning the premises or either of them; and any Master or other person having charge of any ship or vessel who shall refuse or neglect to obey the directions of the said Harbour Master, in the premises, or in any or either of them, or any Wharfinger or other person who shall resist or oppose such Harbour Master in the execution of the duties required of him shall be held to have violated this rule or regulation, and be subjected to the penalties hereinafter imposed for impeding such officer.

ARTICLE 11.—In the event of resistance by any person or persons on board of any vessel to the orders of the Harbour Master to remove such vessel under the powers conferred upon him by the last preceding section, whether such resistance be active or passive, it shall be lawful for the Harbour Master to take possession of such vessel and to remove the same, and he shall employ and have the power of employing a sufficient number of men for that purpose at the expense of the Master, owner, owners or persons in charge of such vessel, to aid him in forcing such removal, and he shall have the right to moor, anchor or make fast such vessel at such other place as he shall see fit.



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ARTICLE 12.—The Harbour Master shall, according to his discretion, assign to each vessel, arriving in the said Harbour, the berth it shall occupy, giving precedence, however, when practicable, to a vessel with cargo, over a vessel in ballast or taking in cargo, and shall have power to change such berth from time to time, as he may see fit; and such assignment of a berth may be made by a verbal notice to the Master or other person in charge of such vessel.

ARTICLE 13.—Whenever the Harbour Master shall find ships or vessels at the wharves with flying jib or spanker booms rigged out so as to incommode other vessels, it shall be the duty of the Harbour Master to direct such to be rigged in, and in the event of non-compliance, all accidents caused by the same shall be at the risk and expense of the persons so offending.

ARTICLE 14.—No Master or other person in charge of, or on board of, any vessel within the said Harbour or within the roadstead thereto shall cut or cast off any rope, hawser, or chain to which any other vessel may be made fast, or cause or permit the same to be cut or cast off, without giving ample and distinct notice to the parties on board, or in charge of the vessel so made fast, of the intention so to do.

ARTICLE 15.—No hawser, rope or chain shall be run or fastened across any part of the Harbour or roadstead excepting for the express purpose of hauling a vessel in or out, or for the purpose of securing a vessel in stress of weather or for the purpose of hauling a vessel off the ground,—in which cases the hawser, rope or chain shall be slackened when necessary, in order to give a free and uninterrupted passage to any other vessel that may require to pass.

ARTICLE 16.—The Harbour Master or Commissioners shall have power to assign berths to vessels anchoring in the roadstead, outside of the harbour, and no vessel shall be permitted to anchor in the channel between the North and South Bars, nor in the channel of the roadstead, so as to obstruct navigation leading to the main entrance of the harbour; and the Harbour Master and Commissioners are hereby authorized to enforce the provisions of this section as provided in Article 11 of these Rules and Regulations.

ARTICLE 17.—There shall be a watch consisting of one or more adult persons kept and maintained from sunset to sunrise on board of every vessel lying in said Harbour or roadstead, and such watch shall instantly give an alarm, in the event of any danger, accident or disturbance or fire on board such vessel or on board of any other vessel in the said Harbour or roadstead, as soon as perceived, and shall, at all hours and times during the said period, respond to the call, hail or enquiry of any officer of the Harbour Commissioners or of any of the officers or men of the Harbour Police; or in the absence of other sufficient evidence of the violation of this rule or regulation, if no answer be made by the watch on any vessel to such call, hail or enquiry, after three audible repetitions of the same, such Master or person in charge thereof shall be conclusively held to have violated this rule and regulation.

ARTICLE 18.—No vessel shall be left without some person to take care of her by day and by night, when anchored in the Harbour or roadstead.

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*Marine.*

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ARTICLE 19.—All vessels lying at anchor in the Harbour or roadstead shall keep a clear and bright light burning, at a height of at least six feet from the spar deck, from sunset to sunrise of each day.

ARTICLE 20.—All vessels loading or discharging in the stream, coals, ballast and such like material, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling in the Harbour.

ARTICLE 21. All vessels shall discharge ballast at the place, places, pier or wharves set apart or designated by the Harbour Master, and no ballast, stone, gravel, earth or rubbish of any kind, shall be unladen, discharged, deposited, thrown or laden before sunrise or after sunset.

ARTICLE 22.—No ballast, stone, dirt, filth or rubbish of any kind, shall be unladen or emptied out of vessels or thrown into any of the docks, between the wharves or into the Harbour, or from any ship or vessel whatsoever into the roadstead of the Harbour, within a line drawn from Cranberry Head to Low Point Light House, in the said County of Cape Breton.

ARTICLE 23.—No gunpowder shall be landed until there be on the wharf a suitable vehicle in readiness at the place to convey it away promptly; and such powder shall be passed from the ship or vessel containing it directly into the vehicle prepared for its reception, and no greater quantity shall be landed than what is sufficient to load such vehicle once, until the quantity placed therein shall be taken away, and such vehicle shall depart within five minutes from the time of having received the quantity of powder intended for it at that time.

ARTICLE 24.—No gunpowder shall be conveyed to or from any vessel in an open boat unless it be completely covered over with tarpaulin or other suitable covering; and no person on board such boat or boats shall strike a light, smoke a pipe, kindle a fire in any manner, nor shall permit fire to be passed on board or used therein for any purpose whatever.

ARTICLE 25. - During the prevalence of any epidemic, or when there shall be cause to apprehend the spread of any infectious or contagious disease, the Harbour Master shall have power to designate and set apart some certain anchorage, wharf or place for every steamer or other vessel arriving in the said Harbour; and where there is reasonable apprehension of any infectious or contagious disease on board of any vessel, such steamer or vessel shall remain there until such sanitary precautions shall have been used as shall be appointed in that behalf by a resolution of the Harbour Commissioners: and upon the delivery of a verbal notice of the appointment of such anchorage, wharf or place, with a copy of such resolutions to the master or person in charge of such steamer or vessel, either before or immediately upon its arrival in the said Harbour, such steamer or vessel shall forthwith proceed to such anchorage, wharf or place and there remain until the terms of such resolution shall have been fully complied with.

ARTICLE 26.—No vessel shall leave the Harbour until the Master or person in charge thereof shall have made at the Harbour Commissioners' Office a full and correct report of her outward cargo, with the description thereof in detail and her destination:

And all vessels not required to enter at the Custom House, shall, before their or her departure, pay all dues and arrears and all penalties due or incurred, to the person or persons legally authorized to receive the same.

*Marine.*

ARTICLE 27.—If any floating light, light-house, buoy, beacon or other work placed or to be placed in any part of the said Harbour, or within its limits, or within the limits of the Commissioners' jurisdiction, or any dredge lying or in operation in the Harbour or roadstead shall be removed, carried away, destroyed or injured by any vessel, raft or vehicle, or by any person whomsoever, the same shall be replaced or repaired, as the case may require, by the Master, owner, consignee, or person in charge of such raft, vessel, or vehicle, or by such person or persons forthwith, and within 48 hours from the time of such removal, destruction or injury,—failing which such Master, owner, consignee or person in charge shall incur the penalty hereinafter fixed for the breach of any of these rules and regulations, and a like further penalty for every twenty-four hours during which he shall be in default to conform himself to the provisions hereof, and shall also be bound to pay to the said Harbour Commissioners, the expense of such replacement or reparation as shall be necessary in the premises.

ARTICLE 28.—No person without the consent of the Commissioners shall encroach, enter upon, take possession of or use any part or portion of the immovable property, lands or beach, the control and management whereof are vested in the said Harbour Commissioners, in and by the Act incorporating the said Commissioners and relating to the Harbour and Port of North Sydney; and if, at any time, any person or persons be found encroaching upon or in possession of any part or portion of said Harbour, land, beach or premises, the said Commissioners shall have the right to give one notice in writing to such person or persons under the hand of the Secretary of the said Commissioners notifying and requiring him or them—the trespasser or trespassers—to desist from such encroachment, and to leave such portion of said Harbour, land, beach, or premises within such period of not less than 48 hours thereafter as shall be fixed in such notice; and any person or persons who shall so encroach, enter upon, take possession of, or use any part or portion of such Harbour, land, beach or premises, without the consent of the said Commissioners, shall and each of such person or persons shall incur a penalty not exceeding forty dollars (\$40) currency, for every such violation of this rule and regulation, and a further penalty not exceeding ten dollars (\$10) currency for every period of twelve hours during which such encroachment, entrance upon, possession or use, shall continue to be persisted in; and any person or persons so found encroaching upon, or in possession of, any part or portion of such Harbour, port, land, beach or premises, who shall persist in so encroaching upon or in retaining possession of the same, after the expiration of the delay within which such person or persons is or are required by such notice to desist from such encroachment and to relinquish and abandon such possession of such part or portion of such Harbour, port, land, beach or premises, shall and each of them shall incur a penalty not exceeding ten dollars (\$10) currency, for every period of twelve hours during which such encroachment or possession shall continue after the expiration of such delay.

ARTICLE 29.—No person or persons shall, by act, word or deed, interfere with, obstruct or impede the Harbour Master or any person or persons acting under his orders or supervision, or any officer or person or persons

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*Marine.*

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appointed by or acting under the orders of the Harbour Commissioners, while in the execution of his or their duties respectively, or shall aid, abet, encourage, prompt or order any other person or persons so to do.

ARTICLE 30.—Every person in whatsoever capacity he may be acting who shall violate or infringe any of the rules and regulations of the Corporation of the Harbour Commissioners of North Sydney, or any part or portion of any of them, shall be subject to a penalty not exceeding one hundred dollars.

ARTICLE 31.—Every person in whatsoever capacity he may be acting, who shall fail or neglect to obey any one of the rules and regulations of the Corporation of the Harbour Commissioners of North Sydney, or any part or portion of any of them shall be subject to a penalty not exceeding one hundred dollars.

ARTICLE 32.—The Master, Pilot, owner or person in charge of any vessel which shall violate or infringe or neglect to obey any one of the rules or regulations of the Corporation of the Harbour Commissioners of North Sydney, or any part or portion of any one of them, and the Master or Pilot, owner, or person in charge of any vessel in the conduct and management of which any one of the said rules and regulations, or any part of any one of them, shall be violated, or infringed or disobeyed shall be subject to a penalty not exceeding one hundred dollars.

ARTICLE 33.—Any person or persons who shall or may discharge, unload, deposit or throw over from any vessel, boat, scow or other such craft, or in any other manner, or by any person, from any part of the beach, bar or shore, or from any part of the Harbour or roadstead aforesaid, into any part of the Harbour or roadstead, or upon the beach, bar or shore thereof, either below low water mark or between high and low water mark, shall, upon conviction, forfeit and pay the fine or sum not exceeding one hundred dollars, for each and every of such offence, to be paid by the owner or owners, Master or person having charge of any vessel, boat or scow, or other craft, from which such matter, as aforesaid, shall have been discharged, or by any other person or persons violating this rule or regulation.

ARTICLE 34.—Any person or persons who shall or may by act, word or deed, interfere with, obstruct or impede the Harbour Master or any person or persons acting under his orders or supervision, or any officer, person or persons appointed by or acting under the orders of the Harbour Commissioners, while in the execution of his or their duties respectively, or shall aid or abet, encourage or prompt, or order any other person or persons so to do, shall, on conviction, forfeit and pay a sum not exceeding one hundred dollars (\$100) penalty or fine for each and every such offence.

ARTICLE 35.—The penalty for violation of and not conforming to the provisions of the law and for disobeying the lawful orders and the directions of the Harbour Commissioners aforesaid, or of any person or persons acting under them or either of them in respect to any provisions for which no penalty is hereinbefore prescribed, shall be not exceeding one hundred dollars (\$100), to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirements, or upon the person or persons so violating this law as aforesaid.

*Marine, &c.*

ARTICLE 36.—Any Master or owner of any vessel, or other person in charge thereof, who shall refuse or neglect to pay over to the Collector of Customs at the said Port, the said Harbour dues when demanded by him, his deputy or other person authorized by him to demand and collect the same, shall, on conviction, pay a penalty not exceeding one hundred dollars (\$100) for every such offence,—the same to be paid over to the Commissioners, or to their credit when recovered.

ARTICLE 37.—Any Master or owner of any vessel, or other person in charge of such, or person or persons landing cargo on the Commissioners' wharves, who shall refuse or neglect to pay over to the Commissioners at said Port the ballast dues, dockage, wharfage or storage when demanded by them or other person authorized to demand and collect the same, shall, on conviction, pay a penalty not exceeding one hundred dollars.

At a meeting of the Commissioners, held May 10, 1880,—

It was resolved, that all vessels using the Commissioners' wharf or wharves for the purpose of discharging ballast, shall pay two cents a ton on all ballast discharged, and all vessels or persons using the said wharves for the purpose of discharging or storing cargo, or vessels using the said wharves for docking purposes, shall pay the customary wharfage, storage and dockage.

PRIVY COUNCIL OFFICE,

Ottawa, 25th June, 1880.

I hereby certify that the foregoing Rules and Regulations and Resolution passed by the Harbour Commissioners of North Sydney, in the Province of Nova Scotia, have been approved by His Excellency the Governor General in Council on the 23rd day of June, 1880.

J. O. COTÉ,

*Clerk, Privy Council.*

*Fisheries.*

By Order in Council of Wednesday, 25th day of June, 1879, the waters of Rice Lake and tributaries, together with the River Trent, down to the Bay of Quinté, and also that portion of the Otonabee River, extending from its inlet at the said lake to Lock's Bridge, Peterborough, in the Province of Ontario, were set apart for the natural and artificial propagation of fish during the space of three years from the 1st May, 1879.

*Vide Canada Gazette, Vol. 13, p. 4.*

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*Fisheries, &c.*


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By Order in Council of Wednesday, 25th day of June, 1879, the Order in Council of 25th October, 1876, setting apart the Rivers Magog and Massawippi, in the Province of Quebec, for the natural and artificial propagation of fish, was rescinded, and the following Fishery Regulation, substituted in lieu thereof:—

“The Rivers Magog and Massawippi, in the Counties of Stanstead and Sherbrooke, in the Province of Quebec, are hereby set apart for the natural and artificial propagation of fish.”

*Vide Canada Gazette, Vol. 13, p. 4.*

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By a Proclamation, bearing date the 15th day of September, 1879, it was declared that “An Act for the Regulation of Fishing and protection of Fisheries” should upon, from and after the first day of October, 1879, go into operation and be enforced in the Province of Manitoba.

*Vide Canada Gazette, Vol. 13, p. 403.*

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By Order in Council of Saturday, 4th day of October, 1879, the use of trawls or bottom lines was prohibited in the waters of Chedabucto and St. Peter's Bays, Lennox Passage, and all waters around Isle Madame, in the Counties of Guysborough and Richmond, Province of Nova Scotia.

*Vide Canada Gazette, Vol. 13, p. 496.*

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By Order in Council of Wednesday, 21st day of April, 1889, the Order in Council of 16th May, 1879, establishing a weekly close time for Shad and Gaspereaux, from Friday evening to Monday morning, was amended by exempting from its operation the fisheries within the Harbour of St. John, New Brunswick.

*Vide Canada Gazette, Vol. 13, p. 1424.*

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*Militia.*


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By Order in Council of Monday, 1st September, 1879, under the provisions of the 53rd and 96th clauses of the Act 31 Vict., chap. 40, intituled “An Act respecting the Militia and Defence of the Dominion of Canada.”

If any person wilfully does any damage to any butt or target belonging to or lawfully used by any Militia Corps or Battalion, or without the leave of the officer commanding such corps or battalion, or of the officer in charge of the range upon which such butt or target may be placed, searches for bullets in, or otherwise disturbs the soil forming such butt or target, or

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*Militia.*

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in the immediate vicinity thereof, shall for every such offence be liable on the prosecution of such commanding officer or officer in charge, to a penalty not exceeding twenty dollars, with or without imprisonment for any term not exceeding six months.

*Vide Canada Gazette, Vol. 13, p. 327.*

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By a Proclamation, bearing date the 13th day of December, 1879, it was ordered that the Act passed by the Parliament of Canada in the thirty-first year of Her Majesty's Reign, chaptered forty, and intituled "An Act respecting the Militia and Defence of the Dominion of Canada," and all the Acts of the Parliament of Canada passed in amendment of the same, hereinafter mentioned, to wit:—

An Act passed in the thirty-fourth year of Her Majesty's Reign, chaptered seventeen, and intituled "An Act to extend the Act respecting the "Militia and Defence of the Dominion of Canada;"

An Act passed in the thirty-sixth year of Her Majesty's Reign, chaptered forty-six, and intituled "An Act to amend an Act respecting the Militia and Defence of the Dominion of Canada;"

An Act passed in the thirty-seventh year of Her Majesty's Reign, chaptered thirty-five, and intituled "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;"

An Act passed in the thirty-eighth year of Her Majesty's Reign, chaptered eight, and intituled "An Act to amend the Dominion Militia and "Defence Acts;"

An Act passed in the thirty-ninth year of Her Majesty's Reign, chaptered twelve, and intituled "An Act to amend the Acts therein mentioned, "respecting the Militia and the Defence of Canada;"

An Act passed in the fortieth year of Her Majesty's Reign, chaptered forty, and intituled "An Act to make further provision for the payment of "the Militia when called out in certain cases in aid of the Civil Power;" and,

An Act passed in the forty-second year of Her Majesty's Reign, chaptered thirty-five, and intituled "An Act further to amend the Acts "therein mentioned respecting the Militia and Defence of the Dominion of "Canada,"—shall apply to and be in force in the North-West Territories and District of Keewatin.

*Vide Canada Gazette, Vol. 13, p. 772.*

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*Post Office, &c.*

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*Post Office.*

GOVERNMENT HOUSE, OTTAWA,  
Saturday, 15th November, 1879.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Postmaster General, His Excellency in Council has been pleased to constitute and establish the following Post Office Inspectors' Divisions, viz :

The Post Office Inspectors' Division, now known as the East Toronto Division, to be changed to the Barrie Division, with head-quarters at Barrie.

The Barrie Division to consist of the Counties of Bruce, Grey, Simcoe, Victoria, Muskoka, and the Georgian Bay portion of the Algoma District, together with the Townships of Mono and Adjala, in the County of Cardwell, East and North Gwillimbury and Georgina, in the County of York, and the County of Ontario, except the Townships of Reach, Uxbridge, Pickering and Whitby.

The Division now called the West Toronto Division, to be in future called the Toronto Division, and to comprise the County of Durham, the Townships of Reach, Uxbridge, Pickering and Whitby in the County of Ontario, the County of York, except the Townships of Georgina, North and East Gwillimbury, the City of Toronto, the Townships of Albion and Caledon, in the County of Cardwell, the North Riding of the County of Perth, and the Counties of Peel, Halton, Wellington, Waterloo, Wentworth, Lincoln, Monck and Welland, and the Town of Niagara, together with the Lake Superior portion of the Algoma District.

The London Division to retain its present name and consist of the South Riding of the County of Perth and the Counties of Huron, Lambton, Bothwell, Kent, Essex, Elgin, Middlesex, Oxford, Brant, Norfolk and Haldimand.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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*Public Works.*

By a Proclamation, bearing date the first day of September, 1879, upon and after the eighth day of September, in the year of Our Lord one thousand eight hundred and seventy-nine, all the sections of the Act, passed in the thirty-second and thirty-third years of Her Majesty's Reign, chapter twenty-four, intituled "An Act for the better preservation of the peace in the vicinity of Public Works," except sections two, three, four, five, six, seven, eight, nine and ten, are declared to be in force in the following places, namely : all those portions of the Province of Ontario and the District of Keewatin lying within ten miles on each side of so much of the located line of the Canadian Pacific Railway, including the line itself, as is included within contract



Public Works.

number twenty five, extending from Sunshine Creek to English River, contract number forty-one extending from where contract number twenty-five ends at English River to Eagle River, and contract number forty-two extending from where contract number forty-one ends at Eagle River to Keewatin or Rat Portage.

*Vide Canada Gazette, Vol. 13, p. 372.*

By a Proclamation, bearing date the 16th day of December, 1879, it was ordered that after the first day of January, in the year of Our Lord one thousand eight hundred and eighty, the Ontario and Pacific Junction Railway Company of Canada should have full power to acquire lands for and to commence the construction of that portion of their line of railway from a point near the south-east shore of Lake Nipissing, extending southward, to connect with the railway system of Ontario.

*Vide Canada Gazette, Vol. 13, p. 806.*

TARIFF OF RATES TO BE CHARGED FOR MESSAGES OVER DOMINION TELEGRAPH LINES IN BRITISH COLUMBIA.

	Barksville.	Stanley.	Quesnelle.	Soda Creek.	Stables.	Bridge Creek.	Mount Begbie.	Clinton.	Caché Creek.	Spence's Bridge.	Lytton.	Yale.	Hope.	Vista.	Chillewack.	Matsqui.	Langley.	New Westminster.	Burrard Inlet.	Nootsack.	Scheme.	Samish.	La Conner.	Victoria.	
Barksville.....	0	25	25	25	50	50	50	75	75	75	75	75	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Stanley.....		25	25	25	50	50	50	50	75	75	75	75	75	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Quesnelle.....			25	25	50	50	50	50	50	50	75	75	75	75	75	75	75	75	75	75	75	75	75	75	75
Soda Creek.....				25	25	25	25	50	50	50	50	75	75	75	75	75	75	75	75	75	75	75	75	75	75
Stables.....					25	25	25	25	25	50	50	50	50	50	75	75	75	75	75	75	75	75	75	75	75
Bridge Creek.....						25	25	25	25	25	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Mount Begbie.....							25	25	25	25	25	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Clinton.....								25	25	25	25	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Caché Creek.....									25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25
Spence's Bridge.....										25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25
Lytton.....											25	25	25	25	25	25	25	25	25	25	25	25	25	25	25
Yale.....												25	25	25	25	25	25	25	25	25	25	25	25	25	25
Hope.....													25	25	25	25	25	25	25	25	25	25	25	25	25
Vista.....														25	25	25	25	25	25	25	25	25	25	25	25
Chillewack.....															25	25	25	25	25	25	25	25	25	25	25
Matsqui.....																25	25	25	25	25	25	25	25	25	25
Langley.....																	25	25	25	25	25	25	25	25	25
New Westminster.....																		25	25	25	25	25	25	25	25
Burrard Inlet.....																			25	25	25	25	25	25	25
Nootsack.....																				50	50	50	50	50	50
Scheme.....																					25	25	25	25	25
Samish.....																						25	25	25	25
La Conner.....																							25	25	25
Victoria.....																								W H 0	

The above Tariff is for message of 10 words or under.

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*Public Works, &c.*

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Where the charge for 10 words is 25c.,	each additional word will be 2c.
“ “ 50c.,	“ “ 4c.
“ “ 75c.,	“ “ 5c.
“ “ \$1.00	“ “ 6c.

The word *collect* in collect messages is counted as one word.

H. L. LANGEVIN,

*Minister of Public Works.*

PRIVY COUNCIL OFFICE,

OTTAWA, 20th January, 1880.

I hereby certify that the foregoing revised Tariff of rates to be charged for messages over Dominion Telegraph Lines in British Columbia, has been approved by His Excellency the Governor General in Council on the 22nd day of December last.

J. O. COTÉ,

*Clerk, Privy Council.*

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*Railways and Canals.*

By Order in Council of Thursday, 10th day of July, 1879, and under the provisions of the 65th and 66th sections of the Act 31 Vict., Chap. 12, Mail Steamers navigating the canals or passing through any of the locks of the Dominion have priority of passing, over all other vessels whatsoever; and any violation of this order subjects the offending party to a penalty of not less than four dollars and not exceeding twenty for each offence: and the 19th section of the regulations for the management and protection of the canals of the Dominion of Canada approved by the Governor General in Council, on the 31st May, A D., 1873, was amended accordingly.

*Vide Canada Gazette, Vol. 13, p. 37.*

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By Order in Council, of Thursday, 24th day of July, 1879, the Order in Council of the 13th day of July, 1878, establishing rules respecting the traffic in hiring and working of horses for purposes of boat towing on the Dominion Canals, was cancelled.

And the Order in Council of the 12th day of June last, rescinding said Order in Council of 13th July, 1878, except as regards the Beauharnois Canal, was also cancelled.

*Vide Canada Gazette, Vol. 13, p. 103.*

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*Railways and Canals, &c.*


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GOVERNMENT HOUSE, OTTAWA,  
Friday, 22nd day of August, 1879.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**W**HEREAS the Honourable the Acting Minister of Railways and Canals has represented that by the Act 36 Vict., Chap. 128, a system of measurement and registration of shipping was, for the sake of uniformity, adopted, which, by including portions of a vessel exempted from measurement by the "Merchant Shipping Act," previously in force, has very largely added to the nominal tonnage of vessels, and that it has accordingly become necessary that the rates per ton, formerly charged for wintering vessels in the Lachine Canal, should be altered to meet the new conditions of measurement,—

His Excellency, on the recommendation of the Acting Minister of Railways and Canals, and by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered that the following wintering charges be and the same are hereby substituted in place of the rates at present charged, viz. :—

For each boat, barge, scow or other vessel of ten (10) tons measurement and under, seventy (70) cents per vessel for the entire winter; and for every ten (10) tons above the first ten, an additional rate of eight (8) cents.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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By Order of His Excellency the Governor General in Council of the 12th day of June, 1880, the rates chargeable for the storage of salt at the St. Gabriel's Sheds, Montreal, under the authority of an Order in Council dated July 1st, 1846, whereby such rates were fixed at one cent per bag per week after the expiry of the first forty-eight hours, have been reduced to one half a cent per bag per week after the first forty-eight hours.

*Vide Canada Gazette, Vol. 13, p. 1747.*

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*Secretary of State*

By Order in Council of Saturday, 28th day of June, 1879, the second part of "The Canada Temperance Act, 1878," was declared to be in force and take effect in the County of Albert, in the Province of New Brunswick, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors in force in the said County expired; provided such day were not less than ninety days from the day of the date above, and, if less, then on the like day in the following year.

*Vide Canada Gazette, Vol. 13, p. 5.*

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*Secretary of State.*

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By Order in Council of Saturday, 28th day of June, 1879, the second part of "The Canada Temperance Act, 1878," was declared to be in force and take effect in the County of Carleton, Province of New Brunswick, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in the said County expired; provided such day were not less than ninety days from the day of the date above, and, if less, then on the like day in the following year.

*Vide Canada Gazette, Vol. 13, p. 5.*

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By an Order in Council of Thursday, 24th day of July, 1879, the second part of "The Canada Temperance Act, 1878," was declared to be in force and take effect in the County of Charlotte, New Brunswick, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in the said County would expire; provided such day were not less than ninety days from the day of the date above and if less, then on the like day in the following year.

*Vide Canada Gazette, Vol. 13, p. 103.*

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By Order in Council of Friday, 22nd day of August, 1879, the second part of "The Canada Temperance Act, 1878," was declared to be in force and take effect in King's County, Prince Edward Island, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in the said County expired; provided such day were not less than ninety days from the day of the date above, and, if less, then on the like day in the following year.

*Vide Canada Gazette, Vol. 13, p. 284.*

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By Order in Council of Monday, 1st day of September, 1879, the second part of "The Canada Temperance Act, 1878," was declared to be in force and take effect in King's County, New Brunswick, upon, from and after the day on which the annual licenses for the sale of spirituous liquors then in force in the said County expired; provided such day were not less than ninety days from the day of the date above, and, if less, then on the like day in the following year.

*Vide Canada Gazette, Vol. 13, p. 328; also p. 1741*

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By Order in Council of Thursday, 4th day of September, 1879, the second part of "The Canada Temperance Act, 1878," was declared to be in force and take effect in Queen's County, New Brunswick, upon, from and after the day on which the annual or semi-annual licenses for the sale of

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*Secretary of State.*


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spirituous liquors then in force in the said County expired; provided such day were not less than ninety days from the day of the date above, and, if it were less, then on the like day in the following year.

*Vide Canada Gazette*, Vol. 13, p. 528.

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By Order in Council of Monday, 10th day of May, 1880, the second part of "The Canada Temperance Act, 1878," was declared to be in force and take effect in the County of Westmoreland, New Brunswick, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in the said County expired; provided such day were not less than ninety days from the day of the date above, and, if less, then on the like day in the following year.

*Vide Canada Gazette*, Vol. 13, p. 1561.

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By Order in Council of Monday, 1st day of September, 1879, the second part of "The Canada Temperance Act, 1878," was declared to be in force and take effect in King's County, New Brunswick, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in the said County expired; provided such day were not less than ninety days from the day of the date above, and, if less, then on the like day in the following year.

*Vide Canada Gazette*, Vol. 13, p. 1745.

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By Order in Council of 12th day of June, 1880, the second part of "The Canada Temperance Act, 1878," was declared to be in force and take effect in the County of Lambton upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in the said County expired; provided such day were not less than ninety days from the day of the date above, and, if less, then on the like day in the following year.

*Vide Canada Gazette*, Vol. 13, p. 1745.

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

The Keewatin Lumbering and Manufacturing Company (limited), capital \$60,000; on the 10th day of July, 1879.

The Kingston and Montreal Forwarding Company (limited), capital \$200,000; on the 10th day of July, 1879.

The Thames Navigation Company (limited), capital \$20,000; on the 11th day of July, 1879.

*Secretary of State, &c.*

The North-Western Drainage Company (limited), capital \$10,000; on the 15th day of August, 1879.

The Burland Lithographic Company (limited), capital \$200,000; on the 1st day of October, 1879.

The Stormont Cotton Manufacturing Company (limited), capital \$150,000; on the 4th day of December, 1879.

The Napanee Cement Works (limited), capital \$14,000; on the 13th day of December, 1879.

The North American Chemical Company (limited), capital \$30,000; on the 16th day of February, 1880.

The Montreal Milk Company (limited), capital \$25,000; on the 6th day of April, 1880.

The Canada Pacific Express Company (limited), capital \$50,000; on the 10th day of May, 1880.

The Hart Emery Wheel Company (limited), capital \$10,000; on the 7th day of May, 1880.

The Northern Transportation Company (limited), capital \$25,000; on the 27th of May, 1880.

By Order in Council of the 29th day of October, 1879, under the provisions of the Act 40 Vict, Chap 43, the name of "The Ontario Savings and Investment Society" was changed to that of "The Ontario Loan and Debenture Company.

*Vide Canada Gazette, Vol. 13, p. 581.*

*Addendum—Agriculture.*

By Order in Council of the 27th day of May, 1880, His Excellency the Governor General was pleased to approve of the following form of affidavit, in addition to the settler's oath, to be made by intending settlers when importing Live Stock into Manitoba or the North-West Territories, free of duty, under the Act 43 Vict, Chap. 18:—

I, \_\_\_\_\_ do solemnly swear that I am now moving into Manitoba (or the North-West Territories) with the intention of becoming a settler therein, and that the "Live Stock" enumerated and described in the entry hereunto attached, is intended for my own use on the farm which I am about to occupy (or cultivate) and not for sale or speculative purposes, nor for the use of any other person or persons whomsoever.

*Vide Canada Gazette, Vol. 13, p. 1641.*

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# ACTS

OF THE

# PARLIAMENT

LIBRARY  
SUPREME COURT  
OF CANADA

OF THE

# DOMINION OF CANADA,

PASSED IN THE

FORTY-THIRD YEAR OF THE REIGN OF HER MAJESTY

# QUEEN VICTORIA,

AND IN THE

SECOND SESSION OF THE FOURTH PARLIAMENT,

*Begun and holden at Ottawa, on the twelfth day of February, and closed  
by Prorogation on the seventh day of May, 1880.*

LIBRARY  
SUPREME COURT  
OF CANADA



LIBRARY  
SUPREME COURT  
OF CANADA

HIS EXCELLENCY

THE RIGHT HONORABLE SIR JOHN DOUGLAS SUTHERLAND CAMPBELL,

*(Commonly called THE MARQUIS OF LORNE,)*

GOVERNOR GENERAL.

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VOL. I.

PUBLIC GENERAL ACTS.

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OTTAWA:

PRINTED BY BROWN CHAMBERLIN,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI, 1880.





43 VICTORIA.

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CHAP. I.

An Act to repeal the Acts respecting Insolvency now in force in Canada.

[Assented to 1st April, 1880.]

WHEREAS it is expedient to repeal the Acts hereinafter Preamble. mentioned subject to the provision hereinafter made : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. "*The Insolvent Act of 1875*," and the Acts amending it, Acts 38 V., c. 16, 39 V., c. 30, 40 V., c. 16, repealed. passed in the thirty-ninth and fortieth years of Her Majesty's reign, and intituled, respectively : "*An Act to amend the Insolvent Act of 1875*," and "*An Act to amend the Insolvent Act of 1875, and the Act amending the same*," shall be and are hereby repealed, and no Act repealed by the said Acts, or either of them, shall be revived : Provided, that all proceedings under "*The Insolvent Act of 1875*," and the amending Acts aforesaid, in any case where the estate of an insolvent has been vested in an official assignee before the passing of this Act, may be continued and completed thereunder ; and the provisions of the said Acts hereby repealed shall continue to apply to such proceedings, and to every insolvent affected thereby, and to his estate and effects, and to all assignees and official assignees appointed or acting in respect thereof in the same manner and with the same effect as if this Act had not been passed. Proviso : Proceedings commenced under them to be completed.

## CHAP. 2.

An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.

[Assented to 29th April, 1880.]

Preamble.

**I**N amendment of the Acts respecting the Militia and Defence of Canada: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Part of s. 1 of 42 V., c. 35, repealed.

**1.** The sub-section of the first section of the Act passed in the forty-second year of Her Majesty's reign, and intituled "*An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada,*" is hereby repealed and the following substituted therefor:—

Next enrolment under 31 V., c. 40, to be in 1882; and every fifth year thereafter.

"**2.** The next enrolment of the Militia under the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Militia and Defence of the Dominion of Canada,*" shall be made and completed on or before the twenty-eighth day of February, one thousand eight hundred and eighty-two; and such enrolment shall be made and completed on or before the like day in every fifth year thereafter, in the manner provided by the same Act; and so much of the sixteenth section of the said Act as would require such enrolment to be made at any earlier or other time is hereby repealed: Provided always, that in case of war or other emergency, the enrolment mentioned in the said section may be made at any time, by order of the Governor in Council."

Proviso: in case of war, &c.

Active militia may be called out for certain purposes.

**2.** The active militia or any corps thereof, or any part of a corps, shall be liable to be called out for actual 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 honour, escorts, or as guards and sentries, or to fire salutes in any of the following cases:—

(a). The opening or closing of any session of the Parliament of Canada or of the Legislature of any Province of Canada;

(b). For the purpose of attending the Governor General of Canada, or any member of the Royal family while in Canada;

(c). For the purpose of guarding any armoury or other place where arms, guns, ammunition or other military stores are kept.

2. The Governor in Council may make regulations for calling out for actual 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. Regulations by Governor in Council.

3. Every officer, non-commissioned officer and man of such active militia or portion thereof shall, on every such occasion, obey the orders of his immediate commanding officer; and the officers, non-commissioned 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 issued by their immediate military commanding officer only. Officers and men called out to be special constables.

3. The seventy-ninth section of the Act thirty-one Victoria, chapter forty, is hereby amended by the insertion of the words "or any person whatsoever" after the word "private" in the first line of the said section. 31 V., c. 40, s. 79, amended.

## CHAP. 3.

An Act further to amend "An Act respecting the security to be given by Officers of Canada."

[Assented to 29th April, 1880.]

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

1. The first part of the third section of the Act made and passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, chaptered thirty-seven, and intituled "*An Act respecting the security to be given by Officers of Canada,*" as amended by an Act passed in the thirty-third year of Her Majesty's reign, chaptered five, and intituled "*An Act to amend an Act respecting the security to be given by Officers of Canada,*" is hereby repealed, and the following is enacted in lieu thereof, and shall be taken and read as the first part of the third section of the first above mentioned Act:— Sect. 3 of 31 V., c. 37, amended by 33 V., c. 5, s. 1.

3. Every surety in any such bond shall make the affidavit in the form A, hereunto annexed, or to the effect thereof, before a Justice of the Peace, and every such bond or security shall Repealed and new provision made. Attestation, deposit and record of bonds.

shall be proved as to the due execution and delivery of the same, by an affidavit of the attesting witness made before a Justice of the Peace; and every such bond or security, with the several affidavits thereunto annexed, shall be recorded at full length in the Department of the Secretary of State of Canada, in the manner hereinafter mentioned; and the original bond or security and the affidavits thereunto annexed shall, after such registration, be deposited in the said Department of the Secretary of State of Canada."

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## CHAP. 4.

An Act to provide for the salaries of two additional Judges of the Supreme Court of British Columbia.

[Assented to 29th April, 1880.]

Preamble.

Act of British  
Columbia  
cited.

**W**HEREAS by an Act passed by the Legislature of the Province of British Columbia, in the year one thousand eight hundred and seventy-eight, and known as the "*Better Administration of Justice Act, 1878*," provision is made for the appointment of two Judges of the Supreme Court of British Columbia in addition to the number of judges now authorized to be appointed to that Court, and it is necessary to make provision for the salaries of such additional judges: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Salary of  
each judge.

How pay-  
able.

**1.** The salary of each of the two additional Judges of the Supreme Court of British Columbia, referred to in the preamble to this Act, shall be four thousand dollars per annum, and shall be payable out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

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## CHAP. 5.

An Act further to continue in force for a limited time  
"The better Prevention of Crime Act, 1878."

[Assented to 29th April, 1880.]

Preamble.

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

**1.**



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-second year of Her Majesty's reign, chapter forty-one, 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, continued to end of next Session.

As to any proclamation under it.

## CHAP. 6.

### An Act respecting Dorchester Penitentiary.

[Assented to 29th April, 1880.]

**W**HEREAS buildings and premises at or near Dorchester, in the Province of New Brunswick, have been provided for the purposes of a penitentiary for the Provinces of New Brunswick, Nova Scotia, and Prince Edward Island, and the same will soon be ready for occupation: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. From and after the day the Governor in Council, pursuant to the provisions of the Statute in that behalf, declares by proclamation certain land at or near Dorchester aforesaid to be a penitentiary, the same shall be known as, and may be referred to as Dorchester Penitentiary, and shall be the penitentiary for the Provinces of New Brunswick, Nova Scotia and Prince Edward Island, for the confinement and reformation of persons, male and female, lawfully convicted of crime before any court of criminal jurisdiction in any of said Provinces, and sentenced to confinement for life, or for a term not less than two years; and such persons shall be imprisoned therein accordingly.

After a proclamation, under 38 V., c. 44, s. 15, declaring certain land near Dorchester, to be a penitentiary, shall be used as such.

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

What convicts shall be sentenced to be imprisoned in such penitentiary.

Extension of the provisions of certain Acts to the cases of convicts liable to be imprisoned therein.

3. The provisions of all Acts and laws of Canada respecting the conveyance of convicts from the place of conviction to the penitentiary, and their delivery to and reception by the Warden thereof, shall extend and apply in the case of all persons convicted in any of said Provinces, and liable to imprisonment in the said penitentiary.

## CHAP. 7.

An Act for the final settlement of claims to lands in Manitoba by occupancy, under the Act thirty-third Victoria, chapter three.

[Assented to 29th April, 1880.]

Preamble.  
38 V., c. 52.

37 V., c. 20.

WHEREAS by the section substituted by the Act thirty-eighth Victoria, chapter fifty-two, intituled "*An Act to amend an Act respecting the appropriation of certain lands in Manitoba*," for the third section of the Act thirty-seventh Victoria, chapter twenty, intituled "*An Act respecting the appropriation of certain Dominion lands in Manitoba*," in order to afford further facilities to parties claiming lands in the Province of Manitoba under the third and fourth sub-sections of the thirty-second section of the Act thirty-third Victoria, chapter three, to obtain Letters Patent for the same, it is enacted "that persons satisfactorily establishing undisturbed occupancy of any lands within the Province prior to, and being by themselves or their servants, tenants or agents, or those through whom they claim, in actual peaceable possession thereof, on the fifteenth day of July, one thousand eight hundred and seventy, shall be entitled to receive Letters Patent therefor granting the same absolutely to them respectively in fee simple;" and whereas it is expedient to limit the time within which claims for such Letters Patent shall be made, and to make provision for the removal of persons unlawfully occupying any of the said lands after the time hereinafter limited for making such claims: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Claims under sub-secs. 3 and 4 of sec. 32 of 33 V., c. 3 to be barred if not made before the first day of May, 1882.

1. From and after the first day of May, which will be in the year of our Lord, one thousand eight hundred and eighty-two, all and every the rights and claims given by the said third and fourth sub-sections of the thirty-second section of the said Act thirty-third Victoria, chapter three, or by any Act amending or referring to the same, shall, in so far as respects rights to claims for grants from the

Crown

Crown, with respect to which application shall not have been made to the Department of the Interior before the day last aforesaid, cease and determine.

2. And, except as hereinafter provided, all such claims made before the said first day of May, in the year of our Lord, one thousand eight hundred and eighty-two, but which the claimant or claimants shall not, before the expiration of six months after the said day, have established to the satisfaction of the Minister of the Interior, shall be barred as fully and effectually as if such claims had not been made: Provided always, that nothing in this section shall apply to claims made before the said first day of May, one thousand eight hundred and eighty-two, and which before the expiration of six months thereafter may have been referred to the Commissioner or Commissioners under the Act thirty-eighth Victoria, chapter fifty-three, intituled "*An Act respecting conflicting claims to lands of occupants in Manitoba.*"

Or if made before the said day and not proved before the end of six months thereafter.

Provido as to claims referred under 38 V., c. 53.

3. And to the end and intent that all persons having or intending to prefer any such claims as aforesaid may be fully apprised of the provisions of this Act, the Governor in Council may cause proclamation of this Act to be made.

Proclamation of warning to be issued. ;

## CHAP. 8.

An Act to confirm the purchase, by the Dominion, of a portion of the Grand Trunk Railway, and the agreement made with the Grand Trunk Railway Company of Canada with respect thereto.

[Assented to 29th April, 1880.]

WHEREAS pursuant to the provisions of an Act passed in the forty-second year of Her Majesty's reign, chapter eleven, intituled "*An Act for the acquisition by the Dominion of a certain portion of the Grand Trunk Railway, to be made part of the Intercolonial Railway,*" the Grand Trunk Railway Company of Canada sold and Her Majesty bought that portion of the said Company's line of railway described in the indenture set out in the schedule hereto annexed, marked A, and the parties entered into the agreements contained in the said indenture;

Preamble.

42 V., s. 11.

And whereas, for the avoidance of doubt, it is expedient to confirm the said purchase and sale and the said agreements, and the title of Her Majesty to the line of railway so bought :

Therefore,

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

Agreement as per Schedule A, confirmed, and the railway vested in the Crown, free of all incumbrances.

1. The indenture or agreement set forth in the schedule hereto, marked A, is hereby confirmed and declared to have been and to be valid and binding in all respects, and the line of railway and the property, rights, easements and privileges granted and secured to Her Majesty, Her heirs and successors, by the said indenture, are hereby declared to be vested in Her Majesty, free and clear from all charges, liens or encumbrances (if any) thereon, under or by virtue or in respect of any mortgage, bonds, debentures, preference stocks, or other securities issued by the said Company.

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### SCHEDULE A.

---

THE GRAND TRUNK RAILWAY COMPANY OF CANADA, TO HER MAJESTY QUEEN VICTORIA FOR THE DOMINION OF CANADA.

---

*Agreement for Purchase and Surrender of the Rivière du Loup Line.*

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This Indenture, made this seventeenth day of July, in the year of our Lord one thousand eight hundred and seventy-nine :

By and between Her Majesty Queen Victoria, represented herein by the Honorable the Minister of Railways and Canals of Canada, and hereinafter called or referred to as "the Government," of the first part, and the Grand Trunk Railway Company of Canada, hereinafter called "the Company," of the second part ;

Whereas by an Act of the Parliament of the Dominion of Canada passed in the late Session thereof, and entitled "*An Act for the acquisition by the Dominion of a certain portion of the Grand Trunk Railway, to be made part of the Intercolonial Railway,*" it is provided that the Government may enter into arrangements with the Company for the purchase by the Dominion of that part of the Grand Trunk Railway between Rivière du Loup and Hadlow, with such metes and bounds, and such appurtenances (except certain rails then in use thereon) as may be deemed expedient, and for running powers between the Chaudière Junction and Point Lévis, and other obligations and services by either party to the other on equitable terms, to be agreed upon by the parties, and that Her Majesty may acquire the said property and rights, and the Company may sell and convey the same to

Her

Her Majesty for the Dominion of Canada, according to such agreement, but that the said Act should not take effect unless and until submitted to a special general meeting of the Company, and accepted by a majority, consisting of two-thirds of the votes of the persons present, or represented by proxy, entitled to vote. And it is further provided in and by the said Act, that payment of the purchase money, (which shall not exceed one million five hundred thousand dollars,) shall only be made to cover expenditure for such purpose in connection with the Grand Trunk Railway as the Government shall consider conducive to the public advantage, and that interest at six per cent. per annum shall be allowed on any purchase money remaining unpaid for thirty days after the payment of the same has become due under the agreement, and that interest at six per cent. per annum shall be allowed upon the value of such rails not purchased as part of the line, as may not be taken up and delivered by the Government to the Company according to agreement, so long as the same shall remain upon the line, after the period agreed upon,—the value of such rails to be computed at their then marketable value ;

And whereas, afterwards the said Act was duly submitted to a special general meeting of the said Company, the party thereto of the second part, duly called and held according to the provisions of the Statutes in that behalf, and was unanimously accepted and approved by the votes of the persons present, or represented by proxy, entitled to vote, according to the requirements of the above recited Act ;

Now the said parties hereto agree as follows, that is to say :—

1. That they, the Government, do purchase the line of the Grand Trunk Railway from its junction with the Intercolonial Railway at Rivière du Loup, up to, and including, the first bridge east of the Hadlow Cove station grounds, including the Western Branch at Chaudière Junction ; the switch on this line entering the main track of the Grand Trunk Railway to be under the charge of the said Company.

2. That the transfer shall include all the lands, lands covered with water, ballast pits, roadway with sleepers thereon, all sidings complete, (that is, in the state they now are,) all track laid with steel rails on the Rivière du Loup branch, and all the tracks complete as they now exist between the east switch at Chaudière Junction and the first bridge east of the Hadlow Cove station grounds ; also, station yard, all buildings, sheds and fences ; also the right of the Company in the telegraph lines and appliances, all stationary engines, boilers, machinery, wind-mills, water tanks, water privileges and appliances,—in fact the entire property of the Company on the said section of the road, except the old iron rails and fastenings thereof in the main line track, and ballast-pit sidings between Rivière du Loup and Chaudière Junction, and excepting the cordwood, small stores, station furniture,

ture, section-men's tools, hand-cars and rolling stock ; excepting also the new sleepers and new fencing materials delivered along the line.

3. That the old iron rails and fastenings thereof, excepted, as above mentioned, from the said purchase and sale, shall be delivered by the Government to the Company on cars (to be furnished by the Company) along the line, as the same are taken up, which cars shall be taken by the Government from Chaudière Junction and back thereto, and at that place delivered to the Company, free of charge, within eighteen months from the date of transfer of the road ; and that, failing delivery, as aforesaid, within the time above specified, the Company shall be allowed and paid by the Government, interest at the rate of six per cent. per annum upon the value of the said materials, at the then marketable value, which value is to be mutually agreed upon, or, in default of agreement, settled by arbitration, as hereinafter provided, for such length of time as may elapse between the time specified for delivery and the time that the actual delivery takes place ; the whole, however, to be delivered by the Government to the Company within two years from the date of the transfer of the said road.

4. That the Government shall pay to the Company for the said road and property so sold the sum of one million five hundred thousand dollars, and that such purchase money shall be paid in the terms of the Act above in part recited, and the sum so to be paid, or so much thereof as may remain unpaid, shall bear interest at the rate of six per cent. per annum from the date of the transfer of the road to the Government ; but should the Government at any time notify the Company of their readiness to pay over the said purchase money, or any portion thereof, and the Company not be ready to accept the same, and apply it in accordance with the terms of the said herein partly-recited Act, then and in that case, the amount unpaid shall be placed in the Bank of Montreal, subject to the order of the Government, but for the purposes set forth in this agreement, and the Company shall only be entitled to such interest thereon as the Bank may be willing to allow upon the sum so deposited.

5. That amongst the purposes which the Government consider will promote the interests of the Dominion, is the extension, either by the building or purchase of an independent line, or by such other arrangements of a permanent character with other companies as will secure free access to and from Chicago, in the State of Illinois, for the through traffic of the Company. And the Minister of Railways and Canals, may, by authority of the Governor in Council, make advances to the Company from the sum agreed to be paid for the said line, at such times, and in such amounts, as, in his opinion, may be necessary to enable the Company to complete the arrangements contemplated in this section.

6. That the Government will take over the road immediately upon the same being duly conveyed to the Government.

7. That the Government will take over, at a fair valuation, all such hand-cars, section-men's tools, and office furniture, as they may require for the working of the road; such valuation to be mutually agreed upon, or settled by arbitration, as hereinafter provided.

8. That they, the Government, will take over, at actual cost price, the new sleepers and fencing materials, and such of the small stores as they may consider serviceable.

9. That the Government will indemnify the Company against payments of all claims for taxes, land, land damages, and such like, springing into existence for the first time after the date of the transfer of the road. The Company to indemnify the Government against payment of all similar claims having an existence before the date of transfer.

10. That the Company shall have the right, in perpetuity, to run their trains and engines, separately or combined, and as frequently and at such times as the character and extent of their traffic may require, under the reasonable rules and regulations of the Intercolonial Railway, and under the direction of the officials in charge thereof, between Chaudière Junction and the first bridge east of Hadlow Cove station ground; and to take up and deliver traffic at all places between these points, to and from their line, all free of charge.

11. That the Company are to be allowed, and they shall have the right under the reasonable rules and regulations of the Intercolonial Railway, to stable four engines in the Hadlow engine-house, and to have access for said engines to and from said engine-house, all free of charge; and the Company may require the Intercolonial Railway officials in their shops at Hadlow to make temporary repairs upon such engines, which repairs shall be done on request, with all reasonable despatch, and for these the Company shall pay the Government the actual cost thereof, said cost to include a fair proportion of the salaries and wages paid to those making such repairs.

12. The Company shall keep their railway between the Chaudière Junction and Richmond, in the Province of Quebec, at all times in as good condition as their railway between Richmond and Portland, and the Government are to keep their railway between Chaudière Junction and Hadlow Bridge, aforesaid, in like good condition.

13. That the Government shall have the right, in perpetuity, and free of charge, to run their trains and engines, separately or combined, and as frequently and at such times as the character and extent of their traffic may require, under the reasonable rules and regulations of the Grand Trunk Railway Company, and under the direction of the officials thereof, between Hadlow and Point Lévis Station, to and from places between these points, in the yard at Point Lévis,  
and

and to and from and beyond that station ; also the right in perpetuity and free of charge to use the said Point Lévis station yard, and the tracks, sidings, platforms and appurtenances thereof ; but all shunting and making up of trains in and about Point Lévis Station shall be done by the said Company and under the direction of their servants.

14. That should the Government at any time desire to establish a dépôt at some point between Hadlow and Point Lévis, they shall have the right to connect such tracks as it may be necessary to construct to get to such dépôt with the track or tracks of the Company anywhere between the places named, but such connection will be made without causing any injury to the Company's property, or any injurious obstruction to the working of the line of the said Company, and without entailing upon them any expense, either in construction or future working. And it is further agreed that should the Government establish a dépôt or dépôts at any such point or points, the Company shall be allowed the use of such dépôt or dépôts, and the tracks leading thereto, on the same terms as the Intercolonial Railway is allowed the use of the tracks and dépôt of the Company under this agreement.

15. That the Government are to have the right to have the business of the Intercolonial Railway in freight and passengers done in and about the stations, wharves and premises of the Company, at Point Lévis and Quebec, respectively, including the booking of passengers and way-billing of freight, at such rates as the Superintendent of the Intercolonial Railway may, from time to time, supply, and also the use of the ferry arrangements of the Company ; the whole to be done under the charge and supervision of the Company's servants, and the Government shall pay the Company for these services the actual cost thereof to the Company, such cost to include a fair proportion of the salaries and wages paid to those performing the services ; also to include a fair proportion of the cost to the Company of cartage, and of the other charges connected with the services in respect of which Intercolonial traffic forms part, including also a fair proportion of the rent of premises in Quebec, and the cost of ferriage and of the cost of shunting and making-up of trains, and of the cleaning of carriages, and all other charges proximately incidental to the same, but not to include any proportion of the cost to the Company of insurance, taxes, maintenance, repairs to the tracks, buildings, docks, wharves and other the property and appurtenances of the Company.

16. It is expressly agreed that the Company only undertake to supply accommodation for the business of the Intercolonial Railway in and upon their premises as they at present exist and in conjunction with the work of their own traffic, but the business of the one party is not to have precedence over the business of the other. Should, however, the wharves or buildings of the Company either at  
Point



Point Lévis or Quebec, all or any of them, be at any time destroyed by fire, the Company is not to incur any liability to the Government in respect of accommodation which they may have to secure elsewhere during the reconstruction of such wharves or buildings, but such reconstruction shall be proceeded with with all reasonable despatch.

17. That the Government and the Company, respectively, shall furnish the one to the other standing-room for cars and vehicles of all kinds in their sidings at Hadlow and Point Lévis respectively, to the extent to which they can do so without interruption to their own operations, but all shunting in and about the Hadlow station yard shall be done by the Intercolonial Railway and under the direction of the employees thereof, and the Grand Trunk Company shall pay to the Government for that service the actual cost thereof to the Government, such cost to include a fair proportion of the salaries and wages of those performing the work.

18. That in order to facilitate and to develop the business of the Intercolonial Railway and the Grand Trunk Railway, every effort shall be made to cause close and suitable train connections to be made at Chaudière Junction, but the trains of neither party shall be unnecessarily delayed or impeded in passing over the railway between Chaudière Junction and Point Lévis; and the connecting trains of the Company shall be run with due expedition between the Chaudière Junction and Montreal.

19. That the Company are to be allowed to remove all their rolling-stock, stationery, books and papers, and are to be given free haulage to Chaudière Junction of cordwood or property or material of any kind which may not be taken by the Government. This applies to other property than the iron rails and fastenings which the Government are to deliver as above provided at Chaudière Junction.

20. That the interchange of the traffic between the Company and the Intercolonial Railway, which may be made, shall be made at Chaudière Junction.

21. That through rates and fares shall be agreed upon and made, from time to time, for traffic to and from all points on the Intercolonial Railway, including the Rivière du Loup Road, and all points on the Company's Railway, including all lines leased by them, and such rates and fares shall, as regards traffic to and from all points on the Intercolonial between Moncton and Point Lévis, and to and from all points on the Grand Trunk Railway and leased lines, be divided on the basis of mileage, except where such division would act unfairly by reason of the one line of railway having a largely preponderating mileage, in which case the division of rates and fares shall be settled on a fair and equitable basis, by mutual agreement, and, in default of agreement, by arbitration, as hereinafter provided.

22. That in respect of all traffic to or from points between Moncton and St. John, and Moncton and Halifax, all inclusive,

sive, and places on the Grand Trunk Railway, (and lines leased by the Company) the proportion of such through rates and fares accruing to the Company shall not be more per ton per mile, and per passenger per mile, than the rates and fares respectively simultaneously charged by the Company (*viâ* any route) upon the same descriptions or classes of traffic carried to or from the same places on their lines and St. John and Halifax respectively. In ascertaining such rates of freight, all drawbacks or deductions of every kind allowed are to be taken off before fixing such rates.

23. That as regards traffic shipped to and from Europe and the British Isles through Halifax or St. John, per Intercolonial, the rates of the Company for the carriage of such traffic from or to Chaudière Junction shall not be higher per passenger per mile, or per ton of freight per mile, than the amount per passenger per mile, and per ton of freight per mile, charged by the Company on similar classes or descriptions of traffic carried by them for others to or from the same places, and intended for or coming from the same places in Europe and the British Isles. In ascertaining such rates of freight, all drawbacks or deductions of every kind allowed are to be taken off before fixing said rates.

24. That the rates per passenger and per ton of freight per mile on east-bound traffic are not to govern the rates per passenger and per ton of freight per mile on west-bound traffic, nor the rates between any two or more places the rates between all places to and from which traffic may be carried under the terms of this agreement, but the true intent and meaning of this and the two preceding clauses are that the Company shall not discriminate in the matter of rates against the traffic of the Intercolonial Railway.

25. That the Company shall not be responsible for the acts or defaults of servants of the Government, or for the efficiency or otherwise of the Government's machinery and appliances, and the Government shall not be responsible for the acts or defaults of the servants of the Company or for the efficiency or otherwise of the machinery and appliances of the Company.

26. That the forms of all through bills of lading, also the forms for receipts for goods passing over the whole or parts of the said lines, respectively, shall be such as shall, from time to time, be agreed upon by the officers of the parties hereto; or in default of agreement, settled by arbitration.

27. That in respect of traffic, whether passengers or freight of the Intercolonial Railway, carried across the river by ferry employed to do the business of the Company, the Company shall not incur any liability arising from the dangers of navigation, but will place the traffic of the Intercolonial Railway in every respect on as favorable a footing as their own business, and will be responsible to the Government for the due performance of the obligations and undertakings of the contractor for the ferry service.

28. The Company for, and in consideration of, the said sum of one million and five hundred thousand dollars, to be paid by the Government of Canada to the said Grand Trunk Railway Company of Canada, their successors and assigns, in the manner and at the times in the above-recited agreement mentioned, by these presents do grant, bargain, sell, assign, transfer and surrender to Her Majesty, Her heirs and successors, for the said the Dominion of Canada, the said portion of the said Company's line of Railway extending and as described above, together with all the property, rights, easements and privileges above mentioned, and as herein agreed to be given by the Company to the Government, reserving and stipulating for all the easements and rights in this agreement mentioned as those to be had, held and enjoyed by the Company over and upon, and in connection with, the said property so sold and surrendered as aforesaid:

To have and to hold the same unto and to the use of Her said Majesty, Her heirs and successors, for the said Dominion of Canada for ever.

And the Grand Trunk Railway Company of Canada covenant with Her Majesty, that they have the right to convey the said property and every part thereof above sold and conveyed;

That they shall and will at any and at all times hereafter, make, do and execute any and all such further and other deeds, documents and writings whatsoever, which Her Majesty, Her heirs and successors, may, from time to time, require for the better and further assuring and securing to Her Majesty, Her heirs and successors, the said property so sold, and every part thereof.

And it is also declared and agreed that these presents contain the agreement between Her Majesty and the said Company, made in pursuance of the said above in part recited Act, and show the terms and conditions of said sale and purchase.

29. That should any difference arise between the Government and the Company respecting the carrying out of any clause of this agreement, such difference shall, from time to time, as the same may arise, be referred to the award and determination of three arbitrators, one to be nominated by the Government, one by the Company, and the third by the two so nominated: Provided always, that if either party should, for one month after notice from the other that they have nominated an arbitrator, omit or refuse to nominate an arbitrator, or if the two nominated should omit or refuse to nominate the third, then the Chief Justice of the Supreme Court of Canada (or, in his absence, the senior Puisne Judge present in Ottawa) may, on the application of either party, upon notice to the other, nominate the required arbitrator.

In case of the death, resignation or refusal to act of any arbitrator, or if for any other cause the office of any arbitra-

tor becomes vacant, his successor shall be nominated in the same manner as such arbitrator was nominated, unless the parties otherwise agree; and in case such successor be not, within one month after the happening of the vacancy, nominated by the party entitled to nominate him, then the said Chief Justice, or, in his absence, the said senior Puisne Judge may, on the application of either party, nominate such successor. The arbitrators shall, within one month after the last appointment, proceed to determine the matters referred, and they, or a majority of them, shall make and publish their award in writing within one month after the closing of the hearing of the arbitration: Provided always, that any of the Judges of the Supreme Court of Canada may, on the application of either party, upon notice to the other, either before or after the expiration of such one month, or of any extended time, from time to time, extend the time for making such award. The award of the said arbitrators, or a majority of them, shall be final.

30. Nothing herein contained shall, in any way, merge or affect the claim and rights of the Government as they now exist against the Company and their property other than that which is the subject-matter of this agreement.

In witness whereof these presents (in quadruplicate) have been signed by the Honorable the Acting Minister of Railways and Canals, pursuant to Order in Council, and the seal of the said Department has been hereto affixed, and the Company have hereto fixed their corporate seal, and these presents have been signed by the General Manager, the day and year first above written.

In presence of, witness to the execution by the Grand Trunk Railway Company. (Signed) R. WIGHT.	}	(Signed) The Grand Trunk Railway Company of Canada, By J. HICKSON, General Manager. [Seal.]
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Witness to execution by the Acting Minister of Railways and Canals and by the Acting Secretary. (Signed) H. A. FISSIAULT.	}	(Signed) J. H. POPE, Acting Minister of Railways and Canals. (Signed) F. H. ENNIS, Acting Secretary. [Seal.]
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CHAP. 9.

An Act to amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.

[Assented to 29th April, 1880.]

**WHEREAS** it is expedient to amend the Act being Preamble. chapter sixty-eight of the Consolidated Statutes of the C.S.C., c. 68. late Province of Canada, intituled "*An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.*" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section fifty-nine of the said Act is hereby repealed and the following substituted therefor:— Section 59 repealed; new provision.

"**59.** The tolls to be collected upon different kinds of timber shall bear to each other the following proportions, Proportionate rates of toll. viz:

Red and White Pine, Tamarac, Spruce and Hemlock, square.....	per piece	1	ct.
Oak, Elm and other hard wood, square or flatted.....	"	1½	"
Spars .....	"	3	"
Masts .....	"	5	"
Sawlogs, 17 ft. and under.....	"	¼	"
Red and White Pine, Tamarac, Spruce, and Hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	"	⅓	"
do do 25 to 35 ft. long.....	"	⅕	"
do do 35 ft. and upwards in length.....	"	⅔	"
Sawed lumber, per 1,000 ft. board measure.....		3	"
Staves, per 1,000.....		15	"
Firewood, shingle and other lumber, per cord.....		2	"

## CHAP. 10.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1880, and the 30th June, 1881, and for other purposes relating to the public service.

[Assented to 7th May, 1880.]

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, and the thirtieth day of June, one thousand eight hundred and eighty-one, 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 1879-80,  
\$1,712,346.55.

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole one million seven hundred and twelve thousand three hundred and forty-six dollars and fifty-five cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-nine, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty, 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 1880-1,  
\$23,301,208.76

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole twenty-three million three hundred and one thousand two hundred and eight dollars and seventy-six 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, to the thirtieth day of June, in the year of Our

Lord

Lord one thousand eight hundred and eighty-one, not otherwise provided for, and set forth in Schedule B to this Act, and for other purposes in the said Schedule mentioned.

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. Account to be rendered.

4. And whereas there remained on the thirty-first day of December last unborrowed and negotiable of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each respectively, viz :— Recital as to amounts of authorized loans remaining unbor- rowed on 31st December, 1879.

	\$	cts.
For Intercolonial Railway.....	2,433,333	33
For opening communication and administration of the Government in the North-West Territories.....	1,460,000	00
For improvement of the River St. Lawrence..	1,500,000	00
For the improvement of Quebec Harbour.....	1,200,000	00
For the Pacific Railway and Canadian Canals	7,300,000	00

And whereas there now remain the following, the issue of which for the purposes hereinafter mentioned has been authorized by Parliament :

And after the passing of this Act.

	\$	cts.
For general purposes, balance, 30th June, 1879.....	1,684,462	90
For balance of Imperial Guarantee.....	2,920,000	00
For debentures to be held for note issue, not to exceed	15,000,000	00
For Dominion Stock redeemed, to 31st December, 1879..	3,719,319	68
For sterling bonds do ...	1,913,243	56
For do due 1st July, 1880.....	4,152,569	95
	29,389,596	09

Deduct—

Less issued.

Issued Dominion Loan of 1879....	14,600,000	00
Issued Dominion Stock, to 31st Dec., 1879.....	5,037,815	60
	19,637,815	60
	9,751,780	49
	\$23,645,113	82

Therefore

Such sums  
may be  
raised.

Under 35 V.,  
c. 6.

38 V., c. 4.

How appli-  
cable.

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.



## SCHEDULE A.

SUMS granted to Her Majesty by this Act for the Financial Year ending 30th June, 1880, and the purposes for which they are granted.

SERVICE,	Amount.	Total.
<b>CIVIL GOVERNMENT.</b>		
	\$ cts.	\$ cts.
Department of Justice—To provide for the salaries of one Senior Second-Class Clerk and one Junior Second-Class Clerk from July 1st, 1879, and January 1st, 1880, respectively.....	1,525 00	
Privy Council Office—Additional amount required for contingencies.....	500 00	
Department of the Interior, Indian Branch—To provide for the salaries of two Junior Second-Class Clerks, for 4 and 3 months, respectively, at \$700 per annum.....	408 33	
Auditor-General's Office—Additional amount required for contingencies.....	500 00	
Post Office Department—Additional amount required for salaries.....	1,025 00	
Civil Service Board—Amount required for salaries of the Board.....	600 00	
To provide for the salary of the High Commissioner of Canada in London, from 1st March to 30th June, 1880.....	3,333 33	
Contingencies of the High Commissioner of Canada in London, from 1st March to 30th June, 1880.....	3,000 00	
		10,891 66
<b>ADMINISTRATION OF JUSTICE.</b>		
Amount required to meet the expenses incurred in carrying out the provisions of the Better Prevention of Crimes Act.....		300 00
<b>POLICE.</b>		
Additional amount required for Special Service.....		747 25
<b>PENITENTIARIES.</b>		
British Columbia—Amount required for School Teacher.....	200 00	
St. John, N.B.—Amount required for purchase of broom corn.....	2,200 00	
Manitoba Penitentiary—Additional amount required to complete this service.....	3,101 00	
		5,501 00
<b>LEGISLATION.</b>		
Additional amount required for stationery for the use of Members of Parliament.....	1,546 31	
Amount required for the printing of the Criminal Laws.....	2,500 00	
House of Commons—Additional amount required for witnesses, shorthand writers and postages.....	2,455 00	
To refund the amount expended out of the appropriation for the current year to finish the publication of the Debates of the last Session.....	4,425 00	
Parliamentary Library—Amount required to defray expense of making new catalogues.....	600 00	
		11,426 31
<i>Carried forward</i> .....		28,866 22

**SCHEDULE**

## SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....		28,866 22
<b>IMMIGRATION AND QUARANTINE.</b>		
Amount required to cover cost of repairs to Immigrant Hospital, Partridge Island, St. John, N.B. ....	1,000 00	
Amount required to recoup, in part, the large expenditure for Immigration in 1874-75, made by the Government of New Brunswick....	10,000 00	11,000 00
<b>ARTS, AGRICULTURE AND STATISTICS.</b>		
Paris Exhibition (Revote) .....		25,000 00
<b>MILITIA.</b>		
<b>SPECIAL.</b>		
Amount required for special service in the North-West Territories, in connection with the organization of militia for the protection of settlers .....	4,000 00	
Amount required to provide for the expenditure in converting smooth-bore ordnance into 64-pounder "Palliser" guns, and the manufacture of two 7-inch 8½ ton guns and carriages.....	16,500 00	
Amount required to provide for the expenditure for transportation in the exchange of "A" and "B" Batteries, School of Gunnery, between Quebec and Kingston.....	2,000 00	
<b>ORDINARY.</b>		
Drill Instruction—Supplement to vote under this head for current year.....	2,520 00	25,020 00
<b>RAILWAYS AND CANALS.</b>		
<i>(Chargeable to Capital.)</i>		
<b>RAILWAYS.</b>		
Intercolonial Railway—Amount required for extension into Halifax ..	5,500 00	
Additional amount required on Construction Account .....	29,000 00	
Amount required for rolling stock, Rivière du Loup Branch.....	159,100 00	
Rivière du Loup Branch—Box and flat cars .....	94,400 00	
Prince Edward Island Railway—Additional amount required for Souris Extension .....	18,000 00	
Amount required for extension to Souris Breakwater.....	2,000 00	
Canadian Pacific Railway—Amount required for Pembina Branch...	25,000 00	
Amount required for rolling stock .....	120,000 00	
do do surveys.....	75,000 00	
<b>CANALS.</b>		
Lachine Canal—To pay D. McLanaghan amount due him for board and lodging of workmen on Section 9.....	697 00	
Culbute Canal—Land damages.....	7,000 00	
		535,897 00
<i>Carried forward</i> .....		625,583 22

SCHEDULE

## SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....		625,583 22
<b>RAILWAYS AND CANALS.</b>		
(Chargeable to Income.)		
RAILWAYS.		
Miscellaneous—Amount required for surveys and inspections.....		2,000 00
<b>PUBLIC WORKS AND BUILDINGS.</b>		
(Chargeable to Capital.)		
PUBLIC BUILDINGS.		
Ottawa.		
Terrace Walls—To pay Harrow & Sinclair, contractors, balance due on final estimate.....		2,592 67
<b>PUBLIC WORKS AND BUILDINGS.</b>		
(Chargeable to Income.)		
Parliament Buildings—To cover cost of damage by fire....	12,000 00	
Amount required for improved ventilation .....	4,200 00	
Amount required to cover cost of Telephonic Service, Parliament and Departmental Buildings.....	2,500 00	
	18,700 00	
PUBLIC BUILDINGS.		
New Brunswick.		
Dorchester Penitentiary—Additional amount required.....	31,500 00	
St. John Custom House do do .....	60,000 00	
Fredericton Post Office do do .....	6,000 00	
Quebec.		
Quebec and Lévis Fortifications, including Dufferin Improvements—Additional sum required .....	10,000 00	
Montreal Examining Warehouse—Unexpended balance of appropriation of 1878-79 carried forward by special warrant .....	3,656 64	
St. Vincent de Paul Penitentiary—For additions, alterations and repairs.....	7,700 00	
Ontario.		
Ottawa—Amount required for Geological Museum, including purchase of building .....	30,000 00	
Ottawa Drill Shed—To pay Ottawa Gas Company, and balance due to contractor.....	879 49	
<i>Carried forward</i> .....	149,736 13	630,175 89

SCHEDULE

## SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	149,736 13	\$ 18,700 00
		\$ 630,175 89
<b>PUBLIC WORKS AND BUILDINGS—Concluded.</b>		
<i>(Chargeable to Income.)</i>		
<b>PUBLIC BUILDINGS—Concluded.</b>		
<i>Ontario—Concluded.</i>		
Kingston Penitentiary—Additional amount required, including unexpended balance of appropriation of 1878-79.....	7,700 00	
Kingston Military School—Balance of appropriation for 1878-79, unexpended on 30th September, 1879, and carried forward by special warrant.....	3,107 11	
<i>Manitoba.</i>		
Manitoba Penitentiary—To pay for lumber required to build a temporary fence. ....	2,000 00	
<i>British Columbia.</i>		
Victoria (B.C.) Penitentiary—Amount of award of Official Arbitrators in favor of Kinsman & Styles.....	5,632 00	
<i>Public Buildings Generally.</i>		
Additional amount required for salaries and travelling expenses of Staff, &c .....	5,000 00	
		173,175 24
<b>RENTS, REPAIRS, &amp;c.</b>		
Rents, repairs, furniture, heating, &c.—Additional amount required.....	45,000 00	
Gas, Public Buildings, Ottawa—Additional amount required.....	5,000 00	
Fuel and light, Rideau Hall—Additional amount required .....	3,000 00	
		53,000 00
<b>HARBOURS AND RIVERS.</b>		
<i>Nova Scotia.</i>		
West Arichat, Richmond County—Amount required to pay salary of inspector of Works .....	500 00	
Petidegrat, N.S., Isle Madame—Opening passage from head of Petidegrat Inlet into Rocky Bay.....	2,000 00	
<i>New Brunswick.</i>		
Oromocto River—Amount required to pay G. H. Miles for removal of obstructions .....	100 00	
Richibucto Harbour—Amount required for protection of beach.....	800 00	
		3,400 00
<i>Carried forward</i> .....		248,275 24
		630,175 89

## SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
	\$ cts	\$ cts.
<i>Brought forward</i> .....	248,275 24	630,175 89
<b>PUBLIC WORKS AND BUILDINGS—Concluded.</b>		
<i>(Chargeable to Income.)</i>		
<b>DREDGING.</b>		
Maritime Provinces—Amount required for special repairs to dredge vessels.....	4,000 00	
<b>MISCELLANEOUS.</b>		
Surveys and Inspections—Additional amount required.....	15,000 00	
Amount required for relief of fishermen on the east coast of Labrador .....	437 24	
To pay interest on purchase money of Bunker's Island, N.S.	106 52	
	15,543 76	267,819 00
<b>OCEAN AND RIVER SERVICE.</b>		
Amount required in connection with the removal of the wrecked barque "Emigrant" from Charlottetown, P.E.I., Harbour.....		325 00
<b>LIGHTHOUSE AND COAST SERVICE.</b>		
Amount required for wharf and fog-alarm building, at Head Harbour, New Brunswick.....	5,000 00	
Amount required to provide for unforeseen repairs to lighthouses in the Gulf of St. Lawrence and Miramichi Bay, damaged by the storm in October, 1879.....	3,000 00	
		8,000 00
<b>FISHERIES.</b>		
Amount required to provide for protection of the Fisheries in the Gulf and Lower St. Lawrence.....	3,000 00	
Amount required to cover legal expenses in case <i>McFee vs. Mowat</i> .....	315 52	
		3,315 52
<b>MARINE HOSPITALS.</b>		
Amount required to provide for the purchase of land and building, at Alberton, P.E.I., to be used as a Marine Hospital. ....		1,200 00
<b>INDIANS.</b>		
To provide for the payment of further annuities under Treaties Nos. 1, 2, 4, 5 and 6.....	30,462 00	
To provide for the purchase of seed grain and cattle.....	13,050 00	
Further amount required for provisions for Indians assembled to receive annuities, and also for relief afforded under treaties.....	68,000 00	
To provide for the purchase of 1,000 sacks of flour.....	6,500 00	
To provide against the possibility of famine amongst the Indians of the North-West during the coming spring.....	9,952 00	
	127,964 00	910,835 41
<i>Carried forward</i> .....		

## SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts. 127,964 00	\$ cts. 910,835 41
<b>INDIANS—Concluded.</b>		
Further amount required in connection with the establishment of Government and Indian farms and surveys.....	47,498 00	
Additional amount required for the payment of Instructors in Agriculture and Farm Laborers in the North-West.....	10,000 00	
Additional amount required for contingencies.....	1,000 00	186,462 00
<b>NORTH-WEST MOUNTED POLICE.</b>		
Additional sum required to complete this service.....		25,000 00
<b>MISCELLANEOUS.</b>		
To pay Mr. E. Miall a further sum in recognition of his services in connection with the Halifax Fisheries Commission.....	500 00	
To pay Mr. J. G. Moylan balance of account for removal expenses from Toronto to Ottawa.....	300 00	
To pay Mr. Justice Armour in full for professional services rendered by him in connection with the northern and western boundary of Ontario.....	2,000 00	
To recoup Mr. Blair Botsford, \$105, Warden, and Mr. J. B. Foster, \$66, Deputy Warden of Dorchester Penitentiary; expenses incurred in visiting the Penitentiary at Kingston.....	171 00	
To cover amount of grant for relief of distress in Ireland.....	100,000 00	
To repay the Government of Prince Edward Island the cost of maintenance of prisoners whose sentences were two years and upwards.....	16,589 25	
To pay for 400 copies Todd's "Parliamentary Government in the British Colonies".....	1,600 00	
Amount required to pay for the keep of a criminal lunatic in British Columbia, from 30th September, 1878, to 30th June, 1880.....	455 00	
Amount required to cover cost, freight and packing of Indian curiosities purchased by Superintendent Powell.....	1,235 55	
To provide for the grant in aid of the sufferers by the Hull fire.....	7,000 00	
Sum required to refund to certain Deputy Inspectors of Weights and Measures whose services have been dispensed with, the amount deducted from their salaries on account of superannuation.....	2,877 27	
To pay Sir Alexander Galt for services and expenses, June, July, August and September, whilst continuing trade negotiations with Spain, France, &c.....	6,500 00	139,228 07
<b>COLLECTION OF REVENUES.</b>		
<b>CUSTOMS.</b>		
Additional amount required for various Customs Ports.....	6,000 00	
Amount required for Board of Experts and Outside Detective Service.....	10,000 00	
To pay claims for arrears of salary of officers and ex-officers of the Customs in Prince Edward Island.....	2,233 86	18,233 86
<b>EXCISE.</b>		
Additional amount required for travelling expenses, rent, fuel, stationery, &c., for Outside Service.....	2,500 00	
<i>Carried forward</i> .....	20,733 86	1,261,525 48

SCHEDULE

SCHEDULE A.--*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward.....</i>	20,733 86	1,261,525 48
<b>COLLECTION OF REVENUES—<i>Concluded.</i></b>		
<b>WEIGHTS AND MEASURES.</b>		
To liquidate liabilities incurred under the Weights and Measures Act of 1873, which could not be settled until after the vote for 1878-79 had lapsed.....	3,500 00	
<b>RAILWAYS AND CANALS.</b>		
<i>Railways.</i>		
Canadian Pacific Railway—Amount required to defray the cost of operating line from Emerson to Cross Lake, to 30th June, 1880.....	50,000 00	
Windsor Branch Railway—Maintenance of way.....	10,000 00	
Intercolonial Railway—Compensation to representatives of the late E. C. Ennis, injured by an accident on the Intercolonial Railway, in February, 1878.....	400 00	
<i>Canals.</i>		
Additional amount required for repairs and working expenses, as follows:—		
Cornwall.....	1,700 00	
Welland.....	30,000 00	
Rideau.....	1,800 00	
Chambly.....	3,500 00	
St. Lawrence.....	4,000 00	
Miscellaneous.....	1,000 00	
	102,400 00	
<b>POST OFFICE.</b>		
Additional amount required to complete this service.....	60,000 00	
<b>DOMINION LANDS.</b>		
Surveys—Amount required for balances of outstanding accounts for subdivision and block surveys.....	5,000 00	
Cost of publication of pamphlets advertising Dominion Lands, &c.....	13,690 00	
Additional amount required for contingencies.....	1,000 00	
Manitoba and North-West—For pay, &c, of Land Guides.....	4,414 40	
British Columbia—Additional amount required.....	5,494 61	
	29,509 01	
		216,142 87
<b>UNPROVIDED ITEMS.</b>		
Unprovided items of 1878-79, <i>vide</i> Auditor-General's Report.....		234,678 26
<b>Total</b> .....		1,712,346 55

## SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1881, and the purposes for which they are granted.

SERVICE	Amount.	Total.
<b>CHARGES OF MANAGEMENT.</b>		
	\$ cts.	\$ cts.
Financial Inspector.....	2,600 00	
Office of Assistant Receiver-General, Toronto.....	8,000 00	
do do Montreal.....	5,500 00	
Auditor and do Halifax.....	10,000 00	
do do St. John, N.B.....	11,400 00	
do do Winnipeg.....	5,250 00	
do do Victoria, B.C.....	7,000 00	
do do Charlottetown, P.E.I.....	4,000 00	
Country Savings Banks: New Brunswick, Nova Scotia and British Columbia.....	12,500 00	
		66,250 00
<b>CIVIL GOVERNMENT.</b>		
Governor General's Secretary's Office.....	11,000 00	
Office of the Queen's Privy Council for Canada.....	14,392 50	
Department of Justice.....	13,900 00	
do Penitentiaries Branch.....	5,300 00	
Department of Militia.....	37,010 00	
do Secretary of State.....	35,155 00	
do Interior.....	68,850 00	
do do Indian Branch, to provide for the salaries of two Junior Second Class Clerks.....	1,400 00	
Office of the Auditor-General.....	18,275 00	
Department of Finance.....	53,715 00	
Office of the Treasury Board.....	2,700 00	
Department of Inland Revenue.....	20,312 50	
do Customs.....	31,705 00	
do Postmaster-General.....	104,220 00	
do Agriculture.....	32,450 00	
do do for the salaries of two Model Keepers, heretofore paid out of contingencies.....	900 00	
do Marine and Fisheries.....	28,310 00	
do Public Works.....	30,200 00	
do Railways and Canals.....	39,760 00	
Civil Service Board—Amount required to cover salaries of.....	600 00	
Departmental Contingencies.....	137,750 00	
Amount required to provide for contingent expenses of the High Commissioner of Canada in London.....	4,000 00	
Stationery Office for Stationery.....	5,000 00	
To meet the possible amount required for new appointments by an extension of the Staff or any other change.....	5,000 00	
		703,935 00
<i>Carried forward</i> .....		770,185 00

SCHEDULE



## SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts	\$ cts.
<i>Brought forward</i> .....		770,185 00
<b>ADMINISTRATION OF JUSTICE.</b>		
Miscellaneous Justice, including North-West Territories.....	15,000 00	
Travelling expenses of Stipendiary Magistrates in North-West Territories.....	4,50 00	
Circuit Allowances, British Columbia.....	10,000 00	
do Manitoba.....	1,500 00	
Precis 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 Exchequer Court.....	575 00	
Senior Messenger of the Supreme Court of Canada and the Exchequer Court.....	500 00	
Second Messenger of the Supreme Court of Canada and the Exchequer Court.....	360 00	
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 of Judges.....	5,000 00	
Sundry disbursements connected with the Maritime Court of Ontario, Judge's travelling expenses, &c.....	500 00	
Salary of Registrar of Vice-Admiralty Court, Quebec.....	666 66	
do Marshal do do.....	333 34	
		40,935 00
<b>POLICE.</b>		
Dominion Police.....	13,000 00	
Additional amount required for special service.....	638 75	
		13,638 75
<b>PRISONERS.</b>		
Kingston.....	136,211 50	
St. Vincent de Paul.....	81,800 02	
Dorchester.....	54,300 00	
Manitoba.....	25,573 50	
British Columbia.....	15,826 30	
		313,711 32
<b>LEGISLATION.</b>		
<b>SENATE.</b>		
Salaries and contingent expenses of the Senate.....	55,838 00	
<b>HOUSE OF COMMONS.</b>		
Salaries, per Clerk's estimate.....	58,400 00	
Expenses of Committees, extra Sessional Clerks, &c.....	12,300 00	
Contingencies.....	19,600 00	
Publishing Debates.....	15,000 00	
Salaries and contingencies, per Sergeant-at-Arms' estimate.....	27,775 00	
Contingencies; Additional amount required for stationery and postage.....	2,200 00	
<i>Carried forward</i> .....	191,113 00	1,138,470 07

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts. 191,113 00	\$ cts. 1,138,470 07
<b>LEGISLATION—Concluded.</b>		
<b>MISCELLANEOUS.</b>		
Grant to Parliamentary Library.....	7,000 00	
Library—Amount required for the readjustment of the salaries of five Library Clerks and Chief Messenger.....	500 00	
For purchase of books (this amount to be considered as an advance on account of the usual grant for 1881-82).....	3,500 00	
To defray expenses of extra services in making new catalogues of the historical and general departments.....	850 00	
Salaries of officers (additional) and contingencies of Library.....	5,000 00	
Printing, binding and distributing the laws.....	12,000 00	
Printing, printing paper and bookbinding.....	70,000 00	
Salary of the Clerk of the Crown in Chancery.....	2,000 00	
Contingencies do do.....	1,200 00	
Miscellaneous printing.....	2,000 00	
		295,163 00
<b>ARTS, AGRICULTURE AND STATISTICS.</b>		
To meet expenses in connection with the care, collection and collation of public archives.....	5,000 00	
To meet expenses in connection with Patent Record.....	7,200 00	
To meet expenses in connection with preparation of criminal statistics	5,000 00	
To meet expenses in connection with the census.....	200,000 00	
To provide grant to assist in giving to the forthcoming Quebec Exhibition (to be held at Montreal) a Dominion character; the distribution of the grant, or any part thereof, to be applied and apportioned in such way as to satisfy the Minister of Agriculture.....	5,000 00	
		222,200 00
<b>IMMIGRATION AND QUARANTINE.</b>		
Salaries of Immigration Agents and employés, viz. :		
Agent, Quebec.....	1,500 00	
Assistant, Quebec.....	1,000 00	
Clerk do.....	1,000 00	
Norwegian Interpreter, Quebec.....	450 00	
Messenger, Quebec.....	200 00	
Agent, Montreal.....	1,200 00	
do Ottawa.....	1,200 00	
do Kingston.....	1,100 00	
do Toronto.....	1,400 00	
do Hamilton.....	1,100 00	
do London, Ont.....	800 00	
do Halifax.....	1,000 00	
do St. John.....	1,000 00	
do Manitoba.....	2,400 00	
do North-West.....	1,200 00	
Clerks and Messengers in London (England) office....	7,000 00	
Salaries of special agents in Europe.....	5,200 00	
Contingencies of Canadian and other agencies.....	24,000 00	
Travelling expenses of travelling agents in Europe.....	7,000 00	
Towards assisting immigration and immigration expenses.....	100,000 00	
Towards settling accounts for Immigration Commissions outstanding since 1878.....	8,000 00	
	167,750 00	
<i>Carried forward</i> .....	167,750 00	1,655,833 07

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts	\$ cts.
<i>Brought forward</i> .....	167,750 00	1,655,833 07
<b>IMMIGRATION AND QUARANTINE—Concluded.</b>		
Medical Inspection, Quebec .....	1,300 00	
Quarantine, Grosse Isle .....	9,568 00	
do St. John, N.B. ....	2,400 00	
do Pictou, N.S. ....	800 00	
do Halifax, N.S. ....	3,200 00	
do Charlottetown, P.E.I. ....	1,000 00	
Towards assisting in the maintenance of the Tracadie Lazaretto .....	3,000 00	
To meet expenses of precautionary measures for public health:—		
Public health. ....	5,000 00	
Cattle quarantine .....	10,000 00	
	36,268 00	204,016 00
<b>PENSIONS.</b>		
John Bright, Messenger, House of Assembly .....	80 00	
<b>NEW MILITIA PENSIONS.</b>		
Mrs. Caroline McEachern and four children .....	\$238 00	
Janet Anderson .....	110 00	
Margaret McKenzie .....	80 00	
Mary Ann Richey and one child .....	288 00	
Mary Morrison .....	80 00	
Louise Prudhomme .....	110 00	
Virginie Charron and four children .....	150 00	
Paul M. Robins .....	146 00	
Charles T. Bell .....	73 00	
Alex. Oliphant .....	109 50	
Charles Lugsden .....	91 25	
Thomas Charters .....	91 25	
Charles T. Robertson .....	110 00	
Percy G. Routh .....	400 00	
Richard S. King .....	400 00	
George A. Mackenzie .....	73 00	
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	
A. W. Stevenson .....	110 00	
Mrs. J. Thorburn .....	150 00	
Mrs. P. T. Worthington and three children .....	378 00	
Mrs. J. H. Elliott and children .....	130 00	
Ellen Kirkpatrick and three children .....	226 00	
Mrs. George Prentice and children .....	353 00	
Mary Hannah Tempest, and child .....	298 00	
	5,133 00	
To meet the probable amount required for pensions to veterans of war of 1812 .....	30,000 00	
Compensation to pensioners in lieu of land .....	6,500 00	
Amount required to provide for the retiring allowances of five County Court Judges, British Columbia .....	8,866 66	
	50,579 66	
<i>Carried forward</i> .....		1,910,428 73

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....		1,910,428 73
<b>MILITIA.</b>		
ORDINARY.		
Salaries of Military Branch and District Staff.....	23,800 00	
Salaries of Brigade Majors.....	17,400 00	
Allowances for drill instruction.....	40,000 00	
Ammunition.....	\$25,000 00	
Clothing.....	50,000 00	
Military stores.....	40,000 00	
	115,000 00	
Public armouries and care of arms, including storekeepers and caretakers, storemen, and the rents, fuel and light of public armouries.	52,000 00	
Drill pay and all other incidental expenses connected with the drill and training of the Militia.....	175,000 00	
Contingencies and general service, not otherwise provided for, including assistance to Artillery and Rifle Associations and Bands of efficient corps.....	46,000 00	
Drill sheds and rifle ranges.....	10,000 00	
EXTRAORDINARY.		
Care and maintenance of military properties transferred from the Ordnance and Imperial Government, including rents.....	8,000 00	
Royal Military College.....	59,000 00	
Military schools and drill instructors in colleges.....	14,000 00	
Pay, maintenance and equipment of "A" and "B" Batteries, Garrison Artillery, and Schools of Gunnery at Kingston and Quebec.....	115,000 00	
Pay and maintenance of Guard at Rideau Hall.....	5,000 00	
		680,200 00
<b>RAILWAYS AND CANALS.</b>		
(Chargeable to Capital.)		
RAILWAYS.		
Intercolonial, extension to deep water at St. John.....	30,000 00	
do Repairs and improvements on line between Rivière du Loup and Hadlow.....	116,000 00	
do Legal expenses.....	3,000 00	
Halifax extension—		
Land taken for station purposes.....	1,092 00	
Fees of Arbitrators in Milner land case.....	650 00	
To pay James Wilson for land taken for ballast-pit at Miramichi Bridge.....	1,500 00	
Pacific—Canada Central Extension (subsidized).....	570,000 00	
do Fort William to English River.....	65,000 00	
do English River to Eagle River.....	1,600,000 00	
do Eagle River to Keewatin.....	2,500,000 00	
do Keewatin to Selkirk.....	680,000 00	
do Pembina Branch.....	88,000 00	
do West of Red River, including temporary bridge.....	1,450,000 00	
do British Columbia, Emory's Bar to Savona's Ferry.....	1,000,000 00	
<i>Carried forward</i> .....	7,381,000 00	722,242 00 2,590,828 73

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	7,381,000 00	\$ cts. 722,242 00
		\$ cts. 2,590,628 73
<b>RAILWAYS AND CANALS—Continued.</b>		
<i>(Chargeable to Capital.)</i>		
<b>RAILWAYS—Concluded.</b>		
Pacific:—Telegraph Lines and Roadway.....	60,000 00	
do Station and Terminal Accommodation.....	150,000 00	
do Rolling Stock.....	600,000 00	
	8,191,000 00	
<b>CANALS.</b>		
Lachine.....	800,000 00	
Cornwall.....	80,000 00	
St. Lawrence.....	80,000 00	
Welland.....	800,000 00	
St. Anne's Lock and Canal.....	150,000 00	
Carillon Lock and Canal.....	300,000 00	
Grenville.....	250,000 00	
Gulbute.....	4,000 00	
St Peter.....	17,400 00	
Miscellaneous.....	10,000 00	
		11,404,642 00
<b>RAILWAYS AND CANALS.</b>		
<i>(Chargeable to Income.)</i>		
<b>CANALS.</b>		
<i>Chambly Canal.</i>		
Purchase of a building to be used for the Collector's office, St. John's.....	1,000 00	
<i>Welland Canal.</i>		
Rebuilding superstructure of toll bridge, Dunnville.....	12,000 00	
To rebuild a bridge on the line of Canal street, Dunnville.....	5,500 00	
<i>Burlington Bay Canal.</i>		
Renewal of piers.....	10,000 00	
<i>Miscellaneous.</i>		
Miscellaneous works not otherwise provided for.....	5,000 00	
Arbitrations and awards.....	5,000 00	
Surveys and inspections.....	10,000 00	
		48,500 00
<i>Carried forward</i> .....		14,043,770 73

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts.	\$ cts.
		14,043,770 73
<b>PUBLIC WORKS AND BUILDINGS.</b>		
<i>(Chargeable to Capital.)</i>		
<b>PUBLIC BUILDINGS, OTTAWA.</b>		
<b>Eastern Block, Departmental Buildings, construction of fire and burglar-proof vaults</b> .....	8,000 00	
<b>Western Block, Departmental Buildings, finishing rooms in basement for Dead Letter Branch, Post Office Department</b> .....	2,400 00	
<b>TELEGRAPHS.</b>		
<b>For Land and Cable Telegraph Lines for the Sea Coasts and Islands of the Lower River and Gulf of St. Lawrence, &amp;c., &amp;c.</b> .....	200,000 00	210,400 00
<b>PUBLIC WORKS AND BUILDINGS.</b>		
<i>(Chargeable to Income.)</i>		
<b>PUBLIC BUILDINGS.</b>		
<i>Ontario.</i>		
<b>Ottawa Drill Shed</b> .....	3,000 00	
<b>Ottawa Post Office, balance of purchase of land</b> .....	5,042 06	
<b>Belleville Public Buildings (site)</b> .....	6,000 00	
<b>Kingston Military College</b> .....	10,000 00	
do <b>Fortifications</b> .....	6,000 00	
do <b>Penitentiary</b> .....	11,500 00	
<b>St. Catharines Post Office</b> .....	6,000 00	
<b>Brantford Post Office, Custom House, &amp;c., to complete</b> .....	10,500 00	
<b>Hamilton Post Office</b> .....	1,500 00	
<b>Windsor Post Office and Custom House, to complete</b> .....	12,000 00	
<b>Kingston Military Buildings—Repairs, &amp;c.</b> .....	4,000 00	
<b>Windsor Post Office and Custom House</b> .....	6,000 00	
<i>Quebec.</i>		
<b>Grosse Isle Quarantine Station, New Hospital, Grosse Isle, Shifting Buildings</b> .....	13,000 00	
<b>Quebec and Lévis Fortifications, including Dufferin Improvements, viz: Quebec Fortifications, Dufferin Improvements (under contract), Lévis Fortifications</b> ..	40,000 00	
<b>Durham Terrace Extension</b> .....	5,000 00	
<b>Securing Cliff under Citadel, including purchase of property</b> .....	35,000 00	
<b>Quebec Marine Hospital, repairs and renewals</b> .....	2,000 00	
<b>Quebec Custom House, new heating apparatus, and fitting up attic rooms</b> .....	10,000 00	
<b>Quebec Artillery Barracks</b> .....	2,000 00	
<b>Cartridge Factory for Small Arms</b> .....	2,000 00	
<b>Three Rivers—Fitting up Old Barracks for Public Offices</b> .....	2,500 00	
<b>Sherbrooke—Post Office, Custom House, Inland Revenue, and Weights and Measures Offices</b> .....	12,000 00	
<i>Carried forward</i> .....	203,042 06	14,254,170 73

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	203,042 06	\$ cts. 14,254,170 73
<b>PUBLIC WORKS AND BUILDINGS—Continued.</b>		
<i>(Chargeable to Income.)</i>		
<b>PUBLIC BUILDINGS—Continued.</b>		
<i>Quebec—Concluded.</i>		
Montreal Inland Revenue Offices, addition to present building.....	9,000 00	
St. John's Post Office, Custom House, &c.....	3,000 00	
St. Vincent de Paul Penitentiary, new Dormitory and Dining Hall.....	20,000 00	
Citadel—Repairs to roof.....	4,000 00	
<i>New Brunswick.</i>		
St. John Custom House.....	51,000 00	
St. John Post Office.....	44,500 00	
Fredericton Post Office.....	4,000 00	
General Penitentiary for the Maritime Provinces, at Dorchester, to complete present building.....	27,000 00	
To construct new wing.....	20,000 00	
Dorchester Penitentiary—to pay Mr. Alexander Mackenzie the extra cost of stone.....	22,480 00	
Woodstock Post Office, Custom House, &c., (site).....	2,000 00	
<i>Nova Scotia.</i>		
Sydney Quarantine Hospital.....	2,000 00	
Lunenburg Marine Hospital.....	3,500 00	
Halifax Custom House—Repairs to roof.....	2,000 00	
To pay Mr. H. G. Hill balance due for professional services as Superintending Architect, N.S.....	691 07	
<i>Prince Edward Island.</i>		
Charlottetown Marine Hospital.....	4,000 00	
<i>Manitoba.</i>		
Manitoba Penitentiary.....	5,000 00	
Winnipeg Shed and Immigrant Hospital.....	4,000 00	
Penitentiary—Outbuildings, Guards' Cottages, &c.....	1,500 00	
Heating Apparatus.....	3,000 00	
Winnipeg Immigrant Reception House—Additional amount required.....	4,000 00	
Parliament Buildings, Winnipeg—Amount required.....	12,000 00	
Lieutenant-Governor's Residence—Amount required.....	10,000 00	
<i>North-West Territories.</i>		
Immigration Shed, west of Winnipeg.....	5,000 00	
Public Buildings generally.....	10,000 00	
Dominion Lunatic Asylum or Hospital.....	10,000 00	
<i>Carried forward</i> .....	489,713 13	14,254,170 73

SCHEDULE

SCHEDULE B.—Continued

SERVICE.	Amount.	Total.
	\$ cts	\$ cts.
<i>Brought forward</i> .....	489,713 13	14,254,170 73
<b>PUBLIC WORKS AND BUILDINGS—Continued.</b>		
<i>(Chargeable to Income.)</i>		
<b>PUBLIC BUILDINGS—Concluded.</b>		
<i>British Columbia.</i>		
Custom House, Store House and Wharf, Victoria.....	5,000 00	
Post Office, Victoria.....	10,000 00	
British Columbia Penitentiary—Fence Walls, &c.....	5,000 00	
Public Buildings, repairs, New Westminster Post Office....	2,000 00	
<i>Public Buildings generally.</i>		
Public Buildings generally.....	15,000 00	
	526,713 13	
<b>RENTS, REPAIRS, &amp;C.</b>		
Rents, repairs, furniture, heating, &c.....	175,000 00	
Grounds.....	4,000 00	
Removal of Snow, Public Buildings, Ottawa.....	1,800 00	
Heating Public Buildings, Ottawa.....	40,000 00	
Gas, Public Buildings, Ottawa.....	23,000 00	
Water, Public Buildings, Ottawa, hitherto in rents, repairs, &c.....	9,000 00	
Allowance for fuel and light, Rideau Hall.....	8,000 00	
	260,800 00	
<b>HARBOURS AND RIVERS.</b>		
<i>Ontario.</i>		
River Trent.....	2,000 00	
River Otonabee.....	1,350 00	
Cobourg Harbour.....	12,500 00	
Morpeth Harbour (locality furnishing \$4,000).....	6,000 00	
Rondeau Harbour.....	6,000 00	
Kincardine Harbour.....	4,000 00	
Owen Sound Harbour.....	6,000 00	
Collingwood Harbour.....	6,000 00	
Little Current, Lake Huron, deepening of channel.....	10,000 00	
General repairs and improvements, Harbours and Rivers, Ontario.....	6,000 00	
Toronto Harbour—To continue improvements.....	12,500 00	
Port Albert, Lake Huron—Repairs and dredging.....	1,500 00	
Big Bay, Lake Huron.....	500 00	
Collingwood Harbour—Additional amount required.....	2,000 00	
Bridge at Des Joachims Rapids, Ottawa River (Ontario and Quebec each paying \$4,000).....	8,000 00	
<i>Quebec.</i>		
New Carlisle (municipality having voted \$1,000).....	1,000 00	
Carleton (locality providing \$2,500).....	2,500 00	
Cap à l'Aigle (municipality furnishing same amount).....	3,000 00	
Île aux Coudres (municipality furnishing same amount)....	4,000 00	
St. Thomas.....	3,500 00	
Grosse Isle.....	7,000 00	
	105,350 00	
<i>Carried forward</i> .....	105,350 00	14,254,170 73



## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	105,350 00	787,513 13
<b>PUBLIC WORKS AND BUILDINGS—Continued.</b>		
<i>(Chargeable to Income.)</i>		
<b>HARBOURS AND RIVERS—Continued.</b>		
<i>Quebec—Concluded.</i>		
Anse St. Jean.....	1,500 00	
Berthier ( <i>en haut</i> ) .....	3,000 00	
River St. Lawrence—Removal of chains, anchors, &c .....	10,000 00	
General repairs and improvements, Harbours and rivers, Quebec .....	10,000 00	
Etang du Nord—Magdalen Islands.....	5,000 00	
Escoumains—Removal of boulders .....	1,000 00	
Isle aux Grues—Repairs to pier.....	500 00	
Rivière Ouelle—Repairs to pier .....	1,500 00	
Ste. Famille, Island of Orleans—Breakwater... ..	2,500 00	
Rivière du Loup <i>en haut</i> —Deepening entrance.....	1,000 00	
<i>New Brunswick.</i>		
St. John Harbour.....	6,000 00	
Pointe du Chêne .....	15,000 00	
Sackville Harbour—Protection works.....	750 00	
Shippegan—Repairs to East Gully Dam .....	2,000 00	
River St. John—Improvements above and below Grand Falls .....	2,000 00	
Richibucto—Pier.....	1,200 00	
<i>Nova Scotia.</i>		
Gabus Harbour and Indian Island Beach .....	2,200 00	
Cow Bay .....	11,820 00	
Burying Island, Canso Harbour.....	5,000 00	
Annapolis .....	750 00	
Pictou Island .....	2,000 00	
Main à Dieu—Breakwater .....	4,000 00	
Partridge Island—River.....	2,000 00	
Merigomish—Pier.....	1,000 00	
Metaghan—Breakwater .....	2,250 00	
Oow Bay—To pay Messrs. Archibald & Co. for work executed in 1876 .....	5,974 30	
Port Hood—Repairs to breakwater .....	3,000 00	
Arisaig—Repairs to pier .....	200 00	
<i>Prince Edward Island.</i>		
Souris, Colville Bay.....	8,500 00	
Malpeque, Prince County .....	1,400 00	
St. Peter's Bay—Repairing breakwater.....	2,500 00	
Wood Island—Breakwater .....	2,000 00	
Miminegash do .....	1,000 00	
Tignish do .....	3,000 00	
<i>Carried forward</i> .....	226,894 30	787,513 13
		14,254,170 73

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	226,894 30	\$   cts. 787,513 13
<b>PUBLIC WORKS AND BUILDINGS—Continued.</b>		\$   cts. 14,254,170 73
<i>(Chargeable to Income.)</i>		
<b>HARBOURS AND RIVERS—Concluded.</b>		
<i>Maritime Provinces Generally.</i>		
General repairs and improvements, Harbours and Rivers, Maritime Provinces.....	10,000 00	
<i>Manitoba.</i>		
General repairs and improvements, Harbours and Rivers, Manitoba.....	1,000 00	
<i>British Columbia.</i>		
Nasse River—Removal of snags.....	1,000 00	
General repairs and improvements, Harbours and Rivers, British Columbia.....	2,000 00	
	240,894 30	
<b>DREDGING.</b>		
Purchase of dredging plant.....	16,000 00	
Dredge vessels—Repairs.....	13,000 00	
Nova Scotia.....	} 42,000 00	
Prince Edward Island.....		
New Brunswick.....		
Quebec.....	20,000 00	
Ontario.....	8,000 00	
British Columbia.....	10,000 00	
General service.....	5,000 00	
	114,000 00	
<b>SLIDES AND BOOMS.</b>		
To pay J. B. Normand for services as Acting Superintendent, St. Maurice Works, from October, 1875, to October, 1878, as per account.....		1,095 00
<b>TELEGRAPHS.</b>		
Land and cable telegraph lines for the sea coasts and islands of the Lower Rivers and Gulf of St. Lawrence and the Maritime Provinces, viz.:		
Extension of the coast telegraph system of the Lower Rivers and Gulf of St. Lawrence, from Baie St. Paul to Bersimis and branch to Chi- coutimi.....	10,000 00	
Proposed new submarine cable route between Van- couver's Island and mainland <i>via</i> Nanaimo and Point Grey.....	26,000 00	
Transfer of the Western Union Telegraph Com- pany's lines and cables to the Government of Canada.....	24,000 00	
	60,000 00	
<i>Carried forward</i> .....	1,203,502 43	14,254,170 73

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts. 1,203,502 43	\$ cts. 14,254,170 73
<b>PUBLIC WORKS AND BUILDINGS—Conclude d.</b>		
<i>(Chargeable to Income.)</i>		
<b>MISCELLANEOUS.</b>		
Miscellaneous works not otherwise provided for.....	10,000 00	
Surveys and inspections.....	25,000 00	
Arbitrations and awards.....	5,000 00	
	<u>40,000 00</u>	
		1,243,502 43
<b>OCEAN AND RIVER SERVICE.</b>		
<b>DOMINION STEAMERS.</b>		
Maintenance and repairs of steamers "Napoleon III," "Newfield," "Druid," "Glendon," "Sir James Douglas," and "Northern Light".....	125,000 00	
Amount required for the purchase and maintenance of a steamer to replace the "Lady Head".....	55,000 00	
	<u>180,000 00</u>	
<b>MAIL SUBSIDIES.</b>		
Steam communication between Halifax and St. John <i>via</i> Yarmouth.....	10,000 00	
Steam communication on Lakes Huron and Superior.....	10,000 00	
Steam service between San Francisco and Victoria, British Columbia.....	25 000 00	
Steam communication with the Magdalen Islands.....	7,800 00	
Steam communication between Grand Manan, N.B., and mainland.....	1,500 00	
Subsidy to steamer between Campbellton, N.B., and Gaspé and intermediate ports.....	9,000 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 West Indies and Brazil, provid- ed a like amount be paid by the Brazilian Govern- ment.....	50,000 00	
For steam communication between Halifax, Cape Breton and Prince Edward Island.....	4,000 00	
For steam communication between Nova Scotia and St. Pierre.....	4,000 00	
	<u>121,300 00</u>	
To provide for the examination of Masters and Mates.....	4,250 00	
For purchase of life-boats, life-preservers, and rewards for saving life..	3,000 00	
To provide for investigations into wrecks and casualties, and collec- tion of information relating to disasters to shipping.....	1,500 00	
Expenses in connection with Canadian registration of shipping.....	500 00	
Montreal Water Police and River Police, Quebec.....	35,000 00	
Removal of obstructions in navigable rivers.....	1,500 00	
	<u>317,050 00</u>	
		317,050 00
<b>LIGHTHOUSE AND COAST SERVICE.</b>		
Salaries and allowances of lighthouse keepers... ..	157,456 00	
Agencies, rents and contingencies.. ..	19,600 00	
	<u>177,056 00</u>	
<i>Carried forward</i> .....	177,056 00	15,844,723 16

SCHEDULE

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	177,056 00	15,844,723 16
<b>LIGHTHOUSE AND COAST SERVICE—Concluded.</b>		
Maintenance and repairs to lights, fog-whistles, buoys and beacons, humane establishments and provision depots.....	255,415 00	
Cape Race light.....	800 00	
Completion and construction of lighthouses and fog-alarms.....	40,000 00	
Construction of a new lighthouse on Sands Head entrance to Fraser River, B.C. ....	14,000 00	
		497,271 00
<b>FISHERIES.</b>		
Salaries and disbursements of Fishery Overseers and Wardens:—		
Ontario.....	12,500 00	
Quebec.....	14,500 00	
Nova Scotia.....	15,000 00	
New Brunswick.....	12,000 00	
Prince Edward Island.....	3,000 00	
Manitoba.....	1,000 00	
British Columbia.....	2,000 00	
	60,000 00	
Fish-breeding, fishways and oyster beds.....	22,000 00	
To provide for legal and incidental expenses connected with the fisheries.....	800 00	
Advertising.....	1,000 00	
For legal expenses in connection with suits before Supreme Court for infraction of fishery laws.....	600 00	
		84,400 00
<b>SCIENTIFIC INSTITUTIONS.</b>		
<b>OBSERVATORIES.</b>		
Observatory, Quebec.....	\$3,400 00	
do Toronto.....	4,800 00	
do Kingston.....	500 00	
do Montreal.....	500 00	
do New Brunswick.....	1,200 00	
	9,400 00	
Grant for Meteorological Observatories, including instruments and cost of telegraphing weather warnings.....	37,000 00	
		43,400 00
<b>MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.</b>		
<b>MARINE HOSPITALS.</b>		
Marine and Immigrant Hospital, Quebec.....	20,000 00	
St. Catharines Hospital, Ontario.....	\$500 00	
Kingston Hospital, Ontario.....	500 00	
	1,000 00	
Hospitals in the Provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia.....	35,000 00	
<b>DISTRESSED SEAMEN.</b>		
Expenses of shipwrecked and disabled Seamen.....	8,000 00	
		64,000 00
<b>STEAMBOAT INSPECTION.</b>		
To provide for the expenses of this service.....		15,000 00
<i>Carried forward</i> .....		16,541,794 16

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts	\$ cts.
<i>Brought forward</i> .....		16,541,794 16
<b>INSPECTION OF INSURANCE COMPANIES.</b>		
To meet expenses in connection with the inspection of Insurance Companies.....		6,000 00
<b>GEOLOGICAL SURVEY.</b>		
Geological Survey.....	50,000 00	
To meet probable expenditure in consequence of the transfer of Museum from Montreal to Ottawa.....	5,000 00	
		55,000 00
<b>DOMINION LANDS.</b>		
<i>(Chargeable to Capital.)</i>		
Amount required for surveys .....		300,000 00
<b>INDIANS.</b>		
<i>Ontario and Quebec.</i>		
Annual Grants:—		
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 and Quebec .....	5,000 00	
For annuities under the Robinson Treaty .....	14,000 00	
Amount required for transfer of Indian burying ground at Chicoutimi.....	250 00	
		25,050 00
<i>Nova Scotia.</i>		
Indians of Nova Scotia generally.....		4,500 00
<i>New Brunswick.</i>		
Indians of New Brunswick generally.....		4,500 00
<i>Prince Edward Island.</i>		
Indians of Prince Edward Island generally.....		2,055 00
<i>British Columbia.</i>		
Indians of British Columbia generally.....	26,788 00	
Surveys and Reserve Commission.....	24,140 00	
		50,928 00
<i>Carried forward</i> .....	87,033 00	16,902 794 16

## SCHEDULE B.--Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	87,033 00	16,902,794 16
<i>INDIANS—Concluded.</i>		
<i>Manitoba and the North-West.</i>		
Annuities, Treaty 1 .....	20,875 00	
do do 2 .....	6,005 00	
do do 3 .....	13,005 00	
do do 4 .....	39,024 00	
do do 5 .....	17,460 00	
do do 6 .....	79,822 00	
do do 7 .....	39,000 00	
Commutation of annuities .....	1,000 00	
	216,191 00	
Agricultural implements, cattle, seed-grain, tools, am- munition and twine, &c., furnished under Treaties :		
No. 1 .....	3,271 00	
2 .....	1,504 00	
3 .....	4,145 00	
5 .....	2,573 00	
4, 6 and 7 .....	55,967 00	
	67,460 00	
Grist Mill .....	3,000 00	
Provisions for Indians assembled to receive annuity payments, for destitute Indians, &c. ....	130,686 00	
Triennial supply of clothing for chiefs and headmen, Treaties 4 and 7..	2,806 00	
Salaries of school teachers and cost of school buildings.....	11,000 00	
Surveys of Indian reserves .....	15,000 00	
Wages of farmers and their assistants.....	36,430 00	
Sioux in Manitoba and North-West.....	7,000 00	
Buildings for Commissioner, house, office and storehouse ...	12,000 00	
General expenses, Manitoba Superintendency .....	\$ 25,000 00	
do North-West Superintendency.....	36,430 00	
	61,430 00	
		650,036 00
<i>NORTH-WEST MOUNTED POLICE.</i>		
Pay of Force, including staff, and extra pay to farmers, gardeners and artisans.....	118,000 00	
Rations.....	45,000 00	
Forage.....	40,000 00	
Fuel and light .....	5,000 00	
Clothing .....	22,000 00	
Repairs and renewals, replacement of horses, arms and ammunition....	30,000 00	
Medicines and medical comforts.....	1,500 00	
Books and stationery .....	1,000 00	
Transport and freight charges, guides, teamsters, &c. ....	24,500 00	
Contingencies .....	3,000 00	
		290,000 00
<i>MISCELLANEOUS.</i>		
<i>Canada Gazette</i> .....	4,000 00	
Miscellaneous printing.....	10,000 00	
Unforeseen expenses : expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament during the first 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. ....	4,000 00	
	68,000 00	
<i>Carried forward</i> .....	68,000 00	17,842,830 16

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	68,000 00	17,842,830 16
<b>MISCELLANEOUS—Concluded.</b>		
For the expenses of Government in the North-West Territories.....	17,000 00	
do do District of Keewatin.....	5,000 00	
To meet expenditure estimated to be required to put in force the Act respecting the traffic in intoxicating liquors.....	5,000 00	
Probable amount required to compensate members of North-West Mounted Police for injuries received in discharge of duty ..	2,000 00	
		97,000 00
<b>COLLECTION OF REVENUES.</b>		
<b>CUSTOMS.</b>		
Salaries and Contingent Expenses of the several Ports:—		
In Province of Ontario.....	\$219,735 00	
do Quebec.....	193,890 00	
do New Brunswick.....	92,005 00	
do Nova Scotia.....	107,405 00	
do Manitoba.....	13,000 00	
do North-West Territories.....	4,000 00	
do British Columbia.....	23,600 00	
do Prince Edward Island.....	22,930 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.....	15,000 00	
To meet probable expenditure in connection with the Board of Experts and Outside Detective Service.....	15,000 00	
	724,565 00	
<b>EXCISE.</b>		
Salaries of Officers and Inspectors of Excise.....	180,000 00	
To provide for improvement of classification subject to results of excise examination.....	6,000 00	
Travelling expenses, rent, fuel, stationery, &c.....	40,000 00	
To pay Collectors of Customs allowance on duties collected by them.....	2,000 00	
Preventive service.....	6,500 00	
To repay — Wilson, an officer of excise, for certain disbursements and expenses incurred in protecting the revenue and in defending certain suits in law brought against him in consequence thereof.....	750 00	
Additional amount required to enable the Department to suppress the illicit manufacture of excisable articles...	4,500 00	
	239,750 00	
<b>CULLING TIMBER.</b>		
<i>Quebec Office.</i>		
Supervisor.....	2,000 00	
Deputy Supervisor and Book-keeper.....	1,600 00	
Cashier.....	1,200 00	
Specification Clerks.....	1,800 00	
Messenger.....	400 00	
<i>Carried forward</i> .....	7,000 00	964,315 00
		17,939,830 16

SCHEDULE

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	7,000 00	\$ cts. 964,315 00
<i>COLLECTION OF REVENUES—Continued.</i>		
<i>CULLING TIMBER—Concluded.</i>		
<i>Quebec Office—Concluded.</i>		
Specification Clerks—1 at \$1,000, 1 at \$700, 4 at \$300, and 2 at \$500 (8 months) .....	5,100 00	\$ cts. 17,939,830 16
Assistant Book-keeper .....	1,000 00	
Pay of Cullers .....	45,000 00	
Contingencies.....	4,000 00	
<i>Montreal Office.</i>		
Deputy Supervisor .....	800 00	
Book-keeper and Specification Clerk. ....	1,000 00	
Pay of Cullers .....	2,500 00	
Contingencies.....	300 00	
<i>Sorel.</i>		
Deputy Supervisor.....	200 00	
	<hr/>	66,900 00
<i>WEIGHTS AND MEASURES AND GAS.</i>		
Salaries of Inspectors and Assistant Inspectors of Weights and Measures.....	40,500 00	
Salaries of Inspectors of Gas.....	8,000 00	
Rent, fuel, travelling expenses, postage, stationery, &c....	23,500 00	
	<hr/>	72,300 00
<i>INSPECTION OF STAPLES.</i>		
For the purchase and distribution of standards of flour, &c., and other expenditure under the Act .....		3,000 00
<i>ADULTERATION OF FOOD.</i>		
To meet expenses under the Act .....		10,000 00
<i>MINOR REVENUES.</i>		
Department of Inland Revenue.....	8,000 00	
do the Interior.....	2,000 00	
	<hr/>	10,000 00
<i>RAILWAYS.</i>		
<i>Under Traffic.</i>		
Maintenance and Repairs:—		
Intercolonial Railway .....	1,400,000 00	
Prince Edward Island Railway.....	186,000 00	
	<hr/>	
<i>Carried forward</i> .....	1,586,000 00	1,126,515 00



SCHEDULE B.—*Concluded.*

SERVICE.	Amount.	Total,
<i>Brought forward</i> .....	1,586,000 00	
	\$ cts	\$ cts.
	1,126,515 00	17,939,830 16
COLLECTION OF REVENUES— <i>Concluded.</i>		
RAILWAYS— <i>Concluded.</i>		
<i>Under Traffic—Concluded</i>		
Maintenance and Repairs :—		
Canadian Pacific Railway.....	200,000 00	
Intercolonial Railway—Windsor Branch, maintenance	20,000 00	
Amount of verdict and costs in case <i>King vs. Brydges</i>	612 00	
	<hr/>	1,806,612 00
CANALS.		
Maintenance and Repairs :—		
Repairs and working expenses .....	331,820 00	
Salaries and contingencies of canal officers .....	32,620 00	
Welland Canal—Amount required for repairs at Port Maitland .....	25,000 00	
	<hr/>	389,440 00
PUBLIC WORKS.		
Maintenance and Repairs :—		
Collection of -lide and boom dues.....	20,745 00	
Repairs and working expenses, harbors and slides.....	74,900 00	
Telegraph lines between Prince Edward Island and the mainland .....	2,000 00	
Telegraph lines, British Columbia <i>vid</i> Nanaimo and Point Grey .....	21,300 00	
Agent and contingencies, British Columbia.....	4,000 00	
	<hr/>	122,945 00
POST OFFICE.		
For Ontario .....	842,000 00	
Quebec .....	486,500 00	
New Brunswick.....	168,500 00	
Nova Scotia .....	196,000 00	
Prince Edward Island .....	49,000 00	
British Columbia .....	64,000 00	
North West Territory .....	22,000 00	
Manitoba .....	24,000 00	
	<hr/>	1,852,000 00
DOMINION LANDS.		
Outside service, land agencies in Manitoba and North-West Territories, and timber agencies, 9 officers in all; their salaries, contingent expenses and inspection .....	32,000 00	
Extra clerks at head office, Ottawa, maps and other printing and advertising expenses and other similar charges .....	14,600 00	
Outside service, British Columbia, staff, contingent expenses, inspection, &c .....	10,645 00	
Manitoba—Amount required for pay of land guides, &c....	6,621 60	
	<hr/>	63,866 60
		5,361,378 60
Total.....		<hr/> 23,301,208 76

## CHAP I I.

An Act for the appointment of a Resident Representative Agent for Canada in the United Kingdom.

[Assented to 7th May, 1880.]

Preamble.

**W**HEREAS the growing and varied interests of the Dominion render it expedient that Canada should appoint a representative Agent in the United Kingdom, to watch over those interests, who shall be duly accredited to Her Majesty's Imperial Government: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Appointment of High Commissioner.

**1.** The Governor may, under the Great Seal of Canada, from time to time, appoint an officer to be called "The High Commissioner for Canada," who shall hold office during pleasure.

His duties.

**2.** It shall be the duty of the High Commissioner:—

Under instructions of Governor in Council.

(1.) To act as representative and resident Agent of the Dominion in the United Kingdom, and in that capacity to execute such powers and to perform such duties as may from time to time be conferred upon and assigned to him by the Governor in Council;

Under Minister of Agriculture.

(2.) To take the charge, supervision and control of the Immigration offices and agencies in the United Kingdom, under the Minister of Agriculture;

As to financial and general interests of Canada

(3.) To carry out such instructions as he may from time to time receive from the Governor in Council respecting the commercial, financial and general interests of the Dominion in the United Kingdom and elsewhere.

His salary and how payable.

**3.** The High Commissioner shall receive a salary of not more than ten thousand dollars per annum, and the same shall be payable out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

CHAP. 12.

An Act to authorize making certain investigations under oath.

[Assented to 7th May, 1880.]

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

**1.** It shall be lawful for a Minister presiding over any Department of the Civil Service of Canada, with the authority of the Governor in Council, to appoint at any time a Commissioner or Commissioners, to investigate and report upon the state and management of the business, or any part of the business, of such Department, either in the inside or outside service thereof, and the conduct of any person in such service, so far as the same may relate to his official duties. Such Commissioner or Commissioners, shall have power, for the purposes of the investigation, to enter into and remain within any public office or institution and have access to every part thereof, and to examine all papers, documents, vouchers, records and books of every kind belonging thereto. Such Commissioner or Commissioners shall have power to summon before him or them any party or witness and to require him to give evidence on oath, orally or in writing, or on solemn affirmation, if he be entitled to affirm in civil matters. Any such Commissioner shall have power to administer such oath or affirmation.

Preamble.

Minister may appoint Commissioner to investigate the management of business in his Department.

Powers of Commissioner.

To summon witnesses and examine on oath, &c.

**2.** Any such Commissioner or Commissioners may under his or their hand or hands, issue a subpoena or other request or summons, requiring and commanding any person therein named to appear at the time and place mentioned therein, and then and there to testify to all matters within his knowledge, relative to the subject matter of such investigation, and to bring with him and produce any document, book, paper, or thing which he may have in his possession, or under his control, relative to any such matter as aforesaid; and any such witness may be summoned from any part of Canada by virtue of such subpoena, request or summons. Reasonable travelling expenses shall be paid to any person so summoned at the time of service of the subpoena, request or summons.

May issue summons or subpoena *duces tecum.*

To any part of Canada.

Tender of expenses.

**3.** If, by reason of the distance at which any person, whose evidence is desired, resides from the place where his attendance is required, or for any other cause, the Commissioner or Commissioners deem it advisable, he or they may issue a commission or other authority to any officer or person

May appoint Commissioner under him, to take evidence.

Powers of  
Commissioner so  
appointed.

son therein named, empowering him to take such evidence and report the same to him or them; and such officer or person, being first sworn before some Justice of the Peace faithfully to execute the duty entrusted to him by such commission, shall, with regard to such evidence, have the same powers as the Commissioner or Commissioners would have had if such evidence had been taken before him or them, and may, in like manner, under his hand issue a subpoena or other request or summons for the purpose of compelling the attendance of any person, or the production of any document, book, paper or thing.

Penalty on  
persons sum-  
moned as wit-  
nesses failing  
to attend and  
give evi-  
dence, &c.

4. If any person required to attend in the manner hereinbefore provided, fails, without valid excuse, to attend accordingly, or being commanded to produce any document, book, paper or thing in his possession, or under his control, fails to produce the same, or refuses to be sworn or to affirm, as the case may be, or to answer any proper question put to him by a Commissioner, or other person as aforesaid, such person shall be guilty of an offence against this Act, and shall, upon conviction thereof in a summary way before any police or stipendiary magistrate or judge of a superior or county court having jurisdiction in the county or district in which such person resides, or in which the place is at which he was so required to attend, be liable to a fine not exceeding four hundred dollars.

Proceedings  
for offences  
against this  
Act to be  
governed by  
32, 33 V.,  
c. 31.

5. The provisions of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-one and intituled "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to Summary Convictions and orders,*" shall apply to and govern proceedings against any person for an offence against this Act; and the judge of the superior or county court aforesaid shall, for the purposes of this Act, be a Justice of the Peace.

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## CHAP. 13.

An Act further to amend the Acts respecting Dominion Notes.

[Assented to 7th May, 1880.]

Enacted.

WHEREAS it is expedient to make further provision respecting the issue of Dominion Notes: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

1. So much of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act further to amend the Acts regulating the issue of Dominion Notes,*" or of any other Act now in force, as limits the amount of Dominion Notes to be issued and outstanding at any time to twelve million dollars, or as fixes the amount to be held in specie for the redemption of any such notes, is hereby repealed, and the amount of Dominion Notes issued and outstanding at any time may, by Order in Council, founded on a report of the Treasury Board, be increased to, but shall not exceed twenty million dollars, by amounts not exceeding one million dollars at one time, and not exceeding four million dollars in any one year: Provided that the Minister of Finance shall always hold, for securing the redemption of such notes issued and outstanding, an amount in gold, or in gold and Dominion securities guaranteed by the Government of the United Kingdom, equal to not less than twenty-five per cent. of the amount of such notes,—at least fifteen per cent. of the total amount of such notes being so held in gold; and provided also that the said Minister shall always hold for the redemption of such notes an amount equal to the remaining seventy-five per cent. of the total amount thereof, in Dominion debentures issued by authority of Parliament.

Act 38 V., c. 5 and others limiting amount of Dominion Notes repealed, and amount limited to \$20,000,000.

Proviso: amount in gold and guaranteed Dominion securities to be held for redemption. And in unguaranteed Dominion debentures.

2. Debentures of the Dominion may be issued and delivered to the Minister of Finance, for the general purposes of this Act, and to enable him to comply with its requirements, such debentures being held as aforesaid for securing the redemption of Dominion Notes, and the said Minister having full power to dispose of them, and of the guaranteed debentures aforesaid, either temporarily or absolutely, in order to raise funds for such redemption, and for the purpose of procuring the amounts of gold required to be held by him under this Act; but nothing herein contained shall be construed to authorize the issue of debentures not otherwise authorized by Parliament, or any increase of the debt of the Dominion beyond the amount so authorized.

Debentures may be delivered to Minister of Finance, and disposed of by him for the purposes of this Act.

Proviso.

3. The Minister of Finance shall publish monthly in the *Canada Gazette* a statement of the amount of Dominion Notes outstanding on the last day of the preceding month, and of the gold, guaranteed debentures and unguaranteed debentures then held by him for securing the redemption thereof, distinguishing the amounts of each so held at each of the cities at which Dominion Notes are redeemable; such statements being made up from returns to be made by the branch offices, bank or banks, at which such notes are redeemable, to the said Minister.

Minister of Finance to publish monthly statements under this Act.

4. The Governor may, in his discretion, establish branch offices of the Receiver General's Department at Winnipeg, Charlottetown and Victoria, respectively, or any of them,

Offices for redemption at certain cities.

for the redemption of Dominion Notes, or may make arrangements with any chartered bank or banks for the redemption thereof at the said cities, in like manner as he may now do at the cities of Montreal, Toronto, Halifax and St. John (N.B.) and under like provisions: Provided that any Assistant Receiver General appointed at any of the said cities under the Act of the thirty-fourth Victoria, chapter six, shall be an agent for the issue and redemption of such notes.

Proviso:  
under 34 V.,  
c. 6, s. 19.

Repeal of  
inconsistent  
enactments  
now in force.  
31 V., c. 46.

33 V., c. 10.

Provisions  
not incon-  
sistent with  
this Act to  
apply.

Notes to be a  
legal tender,  
except, &c.

5. So much of the hitherto unrepealed portions of the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty-six, and intituled "*An Act to enable Banks in any part of Canada to use notes of the Dominion instead of issuing notes of their own.*" or of the Act passed in the thirty-third year of Her Majesty's reign, and intituled "*An Act to amend the Act 31 Victoria, chapter 46, and to regulate the issue of Dominion Notes,*" as is inconsistent with the provisions of this Act or makes any provision in any matter provided for by this Act, is hereby repealed; but the provisions of the said Acts not hitherto repealed and not inconsistent with this Act shall remain in force and apply to Dominion Notes issued or re-issued under the authority thereof or of this Act; and such notes shall be a legal tender in every part of the Dominion except at the offices at which they are respectively made payable: the proceeds thereof shall form part of the Consolidated Revenue Fund of Canada, and the expenses lawfully incurred under the said Acts or this Act shall be paid out of the said fund.

## CHAP. 14

An Act to repeal the Act forty-second Victoria, chapter five, for granting an annual subsidy towards certain telegraphic communication.

[Assented to 7th May, 1880.]

Preamble.

WHEREAS it has been found expedient to make other provision for the purposes of the Act hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The Act 42  
V., c. 5  
repealed.

1. The Act passed in the forty-second year of Her Majesty's reign, and intituled "*An Act for granting an annual subsidy towards the construction and maintenance of telegraphic communication to and upon Anticosti and the Magdalen Islands,*" is hereby repealed.

## CHAP. 15.

An Act to confirm a certain Order of the Governor in Council, respecting the Graving Dock at Esquimalt.

[Assented to 7th May, 1880.]

**W**HEREAS by the twelfth section of the terms of Union between the Dominion and the Province of British Columbia, it was agreed that the Dominion Government should guarantee the interest for ten years from the date of the completion of the works at the rate of five per centum per annum, on such sum not exceeding one hundred thousand pounds sterling, as might be required for the construction of a first-class graving dock at Esquimalt; and by an Act passed in the thirty-seventh year of Her Majesty's reign, chaptered seventeen, advances were authorized to be made by the Governor General in Council to the Province of British Columbia out of the Consolidated Revenue Fund, for the construction of such graving dock, upon certificates of the progress of the work, to an extent not to exceed in the whole the sum of two hundred and fifty thousand dollars, in lieu of the aforesaid guarantee of interest; And whereas an Order of His Excellency the Governor General in Council was passed on the thirteenth of November, one thousand eight hundred and seventy-nine, defining the conditions upon which the aforesaid advances should be made, but was not acted upon; and on the twelfth of February, one thousand eight hundred and eighty, an Order of His Excellency the Governor General in Council was passed on a report of the Minister of Finance, dated on the eleventh of February, one thousand eight hundred and eighty, of which Order and report copies are contained in the schedule hereunto attached, and it is expedient that the same be formally approved and confirmed by Parliament: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.  
Terms of  
union with  
British  
Columbia  
cited.

Advances  
made.

Order in  
Council  
founded on.

Report of  
Minister of  
Finance in  
February,  
1880.

1. The Order in Council mentioned in the preamble, and the report of the Minister of Finance therein referred to and approved, and the provisions and conditions respecting the construction of the said graving dock at Esquimalt, set forth in the said report, are hereby declared to be approved, sanctioned and confirmed by the Parliament of Canada.

Order in  
Council  
confirmed.

SCHEDULE

## SCHEDULE.

COPY OF A REPORT OF A COMMITTEE OF THE HONORABLE THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, ON THE 12TH FEBRUARY, 1880.

On a report, dated 11th February, 1880, from the Honorable the Minister of Finance, stating that he has had under consideration despatches received from the Lieutenant-Governor of British Columbia, on the subject of the advances proposed to be made by the Dominion Government, for the construction of a graving dock at Esquimalt, and that in order to arrive at a settlement of the question, he has had several interviews with the Honorable the Attorney-General of the Province, who has been deputed to confer with the Dominion Government in connection with the same subject ;

The Minister states that he has given the subject his most careful consideration, and that, in his opinion, it is desirable to modify the Order in Council of the thirteenth November last, and to substitute one in accordance with certain provisions and conditions set forth in his report, hereto attached ;

The Committee recommend that said report be approved and acted on, and that copies of this Minute be transmitted to the Right Honorable the Secretary of State for the Colonies, and to the Lieutenant-Governor of British Columbia.

Certified.

J. O. COTÉ,  
*Clerk, Privy Council.*

The undersigned has the honour to report that he has had under consideration despatches received from the Lieutenant-Governor of British Columbia, on the subject of advances proposed to be made by the Dominion Government for the construction of a graving dock at Esquimalt, and that in order to arrive at a settlement of the question, he has had several interviews with the Honorable the Attorney-General of the Province, who has been deputed to confer with the Dominion Government in connection with the same subject.

The undersigned has given the subject his most careful consideration, and now begs leave to state that, in his opinion, it is desirable to modify the Order in Council of the thirteenth November last, and to substitute one in accordance with the following provisions and conditions :—

*Firstly.* The Honorable Attorney-General having stated that the plans and specifications of the dock prepared by Messrs. Kinnipple and Morris, of London, England, have been left for inspection with the Department of Public Works, and are those upon which tenders have been invited, the undersigned recommends that advances be made to the Province as the work progresses, to an extent not to exceed in  
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the whole the sum of two hundred and fifty thousand dollars,—such advances not to include the value of any material or plant already obtained by the Provincial Government for the purposes of the graving dock.

*Secondly.* That such advances be made on the certificate of the engineer of the Provincial Government, countersigned by the agent of the Dominion Government in British Columbia.

*Thirdly.* That in case the Government of British Columbia should fail, from any cause, to proceed actively with the construction of the work for a period of three months after the receipt of a written request from the Dominion Government to prosecute the same, then that the latter shall have the right to enter upon and take possession of the works and premises, and complete the same.

*Fourthly.* That in case of such entry, the Canadian Government shall be entitled to claim and receive from the Imperial Government the promised grant in aid of fifty thousand pounds sterling, or any increase of such grant. It is understood that if any balance of such grant in aid should remain unexpended after defraying the outlay made by the Dominion Government in consequence of the failure, as aforesaid, of the Province, such balance shall be paid to the said Province, while, on the other hand, if the said grant in aid should prove insufficient to complete the works, the amount of the deficiency shall be placed to the debit of the debt account of the Province. It is further understood that the right of property in the dock shall, subject to the temporary right of possession, as before mentioned, remain in the Government of British Columbia.

*Fifthly.* That the Imperial Government shall be made a party to this arrangement, and its approval obtained.

*Sixthly.* That the sanction of the Legislature of British Columbia be also obtained to this agreement.

*Seventhly.* That, subject to the foregoing conditions, the advances so made of two hundred and fifty thousand dollars shall not bear interest, and shall be considered as a grant of money in lieu of the twelfth Article of the terms of Union between Canada and British Columbia.

All which is respectfully submitted.

(Signed)

S. L. TILLEY,

*Minister of Finance.*

FINANCE DEPARTMENT,

February 11th, 1880.

## CHAP 16.

An Act to ratify and confirm a certain agreement therein mentioned, between the Government of Canada and the Canada Central Railway Company.

[Assented to 7th May, 1880.]

Preamble.

Order in Council 18th April, 1878, under 37 V., c. 14.

Resolution of House of Commons.

Effect of Order recited.

WHEREAS by an Order of His Excellency the Governor General in Council, dated the eighteenth day of April, one thousand eight hundred and seventy-eight, passed under the authority of the Act thirty-seventh Victoria (1874), chapter fourteen, intituled "*An Act to provide for the construction of the Canadian Pacific Railway,*" and ratified by a resolution of the House of Commons of Canada on the seventh day of May, one thousand eight hundred and seventy-eight, it is in effect provided,—that the Canada Central Railway Company are to be entitled to receive from the Government of Canada a subsidy or bonus of twelve thousand dollars per mile, upon the extension of their line westward to such point as may be selected by the Government as the terminus of the Canadian Pacific Railway, near Lake Nipissing,—such subsidy to be payable upon the terms and in the manner set out in such Order in Council; and by such Order it is further provided that the Company are to have the option of substituting the payment by the Government of the interest, or part of the interest, on bonds of the Company running over such terms of years as might be approved by the Governor in Council in lieu of the mileage subsidy referred to:

Election of option by company.

And whereas the Company elected to avail themselves of this option, and the Government assumed the payment of the interest (but only until the maturity of the principal), on an issue of bonds made by the Company, amounting in all to five hundred thousand pounds sterling, payable in twenty years from the first day of September, in the year of our Lord, one thousand eight hundred and seventy-nine, with interest half-yearly at the rate of five per cent. per annum:

And agreement with Her Majesty.

And whereas the Company, upon the Government so assuming the payment of such interest, entered into the following agreement with Her Majesty, that is to say:—

The agreement.

"This Indenture, made the third day of October, in the year of our Lord one thousand eight hundred and seventy-nine, between the Canada Central Railway Company, hereinafter called "The Company," of the first part, and Her Majesty the Queen, represented herein by the Honorable the Minister of Finance of Canada, of the second part:—

"Whereas, by an Order of His Excellency the Governor General of Canada in Council, dated eighteenth of April, one thousand eight hundred and seventy eight, passed under the authority of the Act thirty-seven Victoria (eighteen hundred and

and seventy-four), chapter fourteen, intituled "*An Act to provide for the construction of the Canadian Pacific Railway*," and ratified by a resolution of the House of Commons of Canada, on the seventh day of May, one thousand eight hundred and seventy-eight, it is in effect provided, that the Company are to be entitled to receive from the Government of Canada, the subsidy, or bonus, of twelve thousand dollars per mile, upon the extension of their line westward, to such point as may be selected by the Government as the terminus of the Canadian Pacific Railway, near Lake Nipissing, such subsidy to be payable upon the terms and in the manner set out in such Order in Council; and by such Order it is further provided that the Company are to have the option of substituting the payment by the Government of the interest, or part of the interest, on bonds of the Company running over such terms of years as might be approved by the Governor in Council, in lieu of the mileage subsidy referred to:

"And whereas the Company have elected to avail themselves of such option, and the Government have agreed to assume the payment of the interest (but only until the maturity of the principal), on an issue of bonds made by the Company amounting in all to five hundred thousand pounds sterling, or thereabouts, payable in twenty years, upon the condition, among other things, that the sum of one million five hundred and twenty-seven thousand and eighty-five dollars and fifty cents in cash, be deposited by the Company with the Government, to be held as security for the due completion of their line, subject to the terms hereinafter contained; and also upon the conditions that the Company comply with the terms and conditions of the said Order in Council of the eighteenth April, one thousand eight hundred and seventy-eight, and enter into the other agreements in these presents:—

"Now this Indenture witnesseth that the Company covenant and agree with Her Majesty, Her successors and assigns, that they will grant running powers, on terms to be approved by the Governor General in Council, to the Quebec, Montreal, Ottawa and Occidental Railway, or any railway in extension thereof, from any point of intersection west of the Town of Renfrew that may be approved of by the Governor General in Council, and also to the Kingston and Pembroke Railway Company, from the point of intersection of their line, provided such point of intersection is at or west of Renfrew, and to such other companies as may have the termini of their systems on or towards Lake Huron, and which may be designated by the Governor General in Council as entitled to such running powers:

"Provided that the terms of such running powers to any of the said Companies or roads may be mutually agreed upon by the Canada Central Railway Company and the Quebec Government and the other Companies named, and in  
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the event of disagreement, the conditions to be settled by arbitration, one arbitrator to be selected by each party, and one by the Governor in Council ;

“ And that the Government of Canada or the lessees or the future owners of the Government line westward of the western terminus of the subsidized line, shall possess running powers on the said Company's railway, on similar terms to the Companies or roads above designated :

“ And the Company further covenant and agree with Her Majesty, Her successors and assigns, that the said sum of one million five hundred and twenty-seven thousand and eighty-five dollars and fifty cents deposited with the Government, is to be held as security for the due completion of the said extension of the Company's line, such sum to be returned to the Company from time to time upon similar terms, and in similar ways to those which are provided in the said Order in Council of the eighteenth April, one thousand eight hundred and seventy-eight, with respect to the payment of the cash mileage bonus, or subsidy, under the first alternative of such Order ; but if default be made in the completion of the said extension, in accordance with the terms of the contract or contracts under which the same is now being built, such sum, or any balance which may remain, to be retained by the Government and used for the purpose of recouping the Government for any moneys which they may be liable to pay for interest accruing upon the said bonds, after the happening of such default, over and above the amount which the Company would have been then entitled to receive, had they availed themselves of the first alternative of the Order in Council of the eighteenth April, one thousand eight hundred and seventy-eight :

“ And the Company further covenant and agree with Her Majesty, Her successors and assigns, that they will, from time to time, as the interest upon the said bonds matures, pay to the bankers, brokers or other persons who may be employed in connection with the payment of such interest, all commissions, costs, charges and expenses connected therewith ; and it is hereby declared that the amount required to remit the said half-yearly coupons for twenty years has been computed at the par of exchange, which rate has been agreed upon as the rate governing all transactions in connection herewith ; also, that they will, from time to time, indemnify and save harmless Her Majesty and the Government of Canada from all losses (if any) which may arise, or be caused by, or by reason of the bankruptcy, dishonesty, misfeasance or malfeasance of those to whom the money to meet such interest may be entrusted, or of their clerks, servants or agents, or by reason of any felony or misdemeanor, or of any accident in respect of such money after the same may have been placed in the hands of those employed to pay such interest, or by reason of any other cause whatever after  
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the money to meet such interest may have been placed in the hands of those employed to pay the same :

"In witness whereof the Company have caused their corporate seal to be hereto affixed, and these presents to be countersigned by their President and Secretary, and the Minister of Finance has hereto set his hand and seal, the day and year first above written (in triplicate).

(Signed) S. L. TILLEY, [Seal.]  
*Minister of Finance of Canada.*

Signed, sealed and delivered in presence of

(Signed) Z. A. LASH,  
*Deputy Minister of Justice, as to execution by Minister of Finance.*

(Countersigned) JOHN G. RICHARDSON, [Seal.]  
*President C. C. Railway Company.*

(Countersigned) ARCHER BAKER, [Seal.]  
*Secretary C. C. Railway Company.*

"And countersigned, sealed, delivered and executed by John Grahame Richardson, the President, and Archer Baker, the Secretary of the Canada Central Railway Company, on behalf of the said Company, and with its corporate seal, in the presence of

(Signed) C. F. FRASER."

And whereas the total interest on the said issue of bonds so assumed by the Government, slightly exceeds the amount of interest which can be provided for out of the said cash subsidy of twelve thousand dollars per mile; and it is expedient to ratify and confirm the assumption by the Government of the payment of the said interest, and to carry out the arrangement contemplated by the parties:—

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

1. If or so soon as the Company have returned to the Government the sums received by them in cash, prior to the date of the indenture above set out, on account of the bonus or subsidy above mentioned, and—

Agreement confirmed, subject to certain conditions.

2. Have deposited with the Government, to be held as security for the due completion of their line, subject to the terms of the said indenture, a sum equal to the amount which remained unpaid of the said loans or subsidy on the date of the said indenture, and—

3. Have deposited with the Government a sum sufficient to provide for the payment of so much of the interest on the said bonds as exceeds the amount of such interest which can be provided for out of the said cash bonus or subsidy of twelve thousand dollars per mile; then the assumption by the

the Government of the payment of the said interest is approved and confirmed.

How certain sums shall be paid, dealt with and credited.

2. The sum firstly mentioned in the preceding section shall be returned to the Consolidated Revenue Fund of Canada and credited to the account out of which it was originally paid; the sum secondly mentioned in the said section shall be held as security and dealt with according to the terms of the indenture above set out, and the sum thirdly mentioned in the said section shall be paid into the Consolidated Revenue Fund of Canada and credited to the account out of which the moneys to meet the interest on the said bonds is to be taken.

Payment of interest of bonds of company.

3. The interest on the said bonds as the same matures may be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada and charged to the Canadian Pacific Railway capital account.

## CHAP. 17.

An Act to authorize the raising of a further sum to enable the Quebec Harbour Commissioners to complete their Tidal Dock.

[Assented to 7th May, 1880.]

Preamble.

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

A further sum of \$250,000 may be raised by Governor in Council, in addition to that raised under 36 V., c. 62.

1. In addition to the sum authorized by the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered sixty-two, and intituled "*An Act further to amend the Acts to provide for the management and improvement of the Harbour of Quebec,*" to be raised in the manner therein mentioned, for the relief of the Quebec Harbour Commissioners and the improvement of the said Harbour, it shall be lawful for the Governor in Council to raise, by the issue of debentures bearing interest payable half-yearly at a rate not exceeding five per cent. per annum, a further sum of two hundred and fifty thousand dollars.

And advanced for completion of tidal dock at Quebec.

2. The sum so raised may be advanced from time to time to the said Commissioners to enable them to complete their tidal dock, now under contract in the said harbour, according to the plan approved by the Minister of Public Works in November, one thousand eight hundred and seventy-five.

Repayment by commissioners of sums advanced.

3. The repayment by the Commissioners of the sums so advanced shall be provided for in the manner prescribed by the Act above cited for the repayment of the sums advanced to the Commissioners under it, and subject to the provisions of the said Act in that behalf.

CHAP. 18.

An Act to amend the Act forty-second Victoria, chapter fifteen, intituled "An Act to alter the Duties of Customs and Excise."

[Assented to 7th May, 1880]

IN amendment of the Act passed in the forty-second year of Her Majesty's reign, chaptered fifteen, and intituled "An Act to alter the Duties of Customs and Excise." Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Schedule A to the said Act, headed "Goods subject to duties," is hereby amended by striking out of it the words, expressions and figures hereinafter mentioned as to be so struck out, and by inserting therein the words, expressions and figures hereinafter mentioned as to be so inserted, with the letters and figures in the outer column having reference to the amount or rates of the duties payable under such amendments respectively, striking out of the said outer column the letters and figures referring to the former duty, and by making in the said schedule the other changes hereinafter mentioned, that is to say:—

In the item concerning "Acids" after the word "Carboys" insert the words and Demijohns, and after the word "acids" insert the words Vinegar or other Liquids.

After the words "Artificial Flowers," insert the words and feathers; strike out the word "thirty" and insert the words twenty-five..... 25 p. cent.

After the item "Artificial Flowers" insert the words Asphaltum, mineral, ten per cent. ad valorem ..... 10 p. cent.

After the item "Babbit Metal" insert the words, Bagatelle Tables or Boards with cues and balls, thirty-five per cent. ad valorem..... 85 p. cent.

In the items concerning "Billiard Tables,"—after the words "nine feet," in the second line, insert the words, or under, and strike out the words "five feet by ten feet," in the fourth line, and insert the words over four feet six inches by nine feet,—and after the words "eleven feet," in the seventh line, insert the words, or under,—and in the eighth line strike out the words "those of six feet by twelve," and insert the words all over five feet six inches by eleven feet,—and in the tenth line strike out the words "ten per cent," and insert the words, fifteen per cent..... 15 p. cent.

After

- After "Billiard Tables" insert the words, *Bird Cages of all kinds, thirty per cent. ad valorem...* 30 p. cent.
- In the item "Blacking, Shoe,"—after the word "shoe" insert the words *and Shoemakers' Ink.*
- Under the heading "Books" strike out the words "bound or in sheets," in the first and second lines, and insert the words *not elsewhere specified,*—and strike out the words "six cents per pound," in the fifth line, and insert the words *fifteen per cent. ad valorem.....* 15 p. cent.
- In the item "British Copyright Works," strike out the words "six cents per pound," and insert the words *fifteen per cent. ad valorem.....* 15 p. cent.
- Strike out the whole of the following paragraph:—
- "Books, Periodicals and Pamphlets, imported through the Post Office, for every two ounces in weight, or fraction thereof, one cent..... 1c. for 2 oz."
- And also the following,—"*Blank Books, bound or in sheets, twenty-five per cent. ad valorem...* 25 p. cent."
- And insert the following,—*Blank Books, viz.: Account Books, Copy Books, or Books to be drawn or written upon, thirty per cent. ad valorem.* 30 p. cent
- After the word "Cards," in the seventeenth line, insert the word *other,*—and after the item "Playing Cards," insert the words *Valentines, Christmas and New Year's Chromo or Embossed Cards, and all others not being business or advertising cards, twenty-five per cent. ad valorem.....* 25 p. cent.
- Before the item headed "Breadstuffs" insert the words *Braces or Suspensers of all kinds, twenty-five per cent. ad valorem.....* 25 p. cent.
- After the items concerning "Candles" insert the words, *Cans, or packages made of tin or other material, containing fish of any kind admitted free of duty under any existing law or treaty, not exceeding one quart in contents, one cent and a half on each can or package; and when exceeding one quart, an additional duty of one cent and a half for each additional quart or fractional part thereof.....* 1½ c. p. qt.
- In the item respecting "Coal," strike out the words "and bituminous," and insert as an item, *Coal, Bituminous, sixty cents per ton of two thousand pounds.....* 60 c. p. ton.
- In the item "China and Porcelain Ware," after the word "twenty," insert the word *five.....* 25 p. cent.
- After the item concerning "Coke" insert the words *Combs for dress and toilet, of all kinds, twenty-five per cent. ad valorem.....* 25 p. cent.
- In the items concerning "Cottons, manufactures of," after the item "Cotton duck, &c.," insert



- the words *Crapes of all kinds, twenty per cent. ad valorem*..... 20 p. cent.
- After the item "Fish, fresh, &c.," insert the words *Fishing Rods, thirty per cent. ad valorem*..... 30 p. cent.
- And also the words *Fire-proof paint, dry, one quarter of a cent per pound* ..... ¼ ct. per lb.
- After the words "Flax seed," insert the words *Flag stones, dressed, one dollar and fifty cents per ton*.....\$1.50 pr.ton
- In the item concerning "Fruit, green," after the word "Grapes," strike out the word "one," and insert the word *two*..... 2 cts. per lb
- In the item concerning "Furniture," after the word "hair," strike out the word "and," and after the word "spring" insert the words *and other*.
- In the items concerning "Glass and Manufactures of," after the word "pressed," insert the words *and cut glass*,—and after the word "bottles," insert the words *and decanters*; after the item "Ornamented, figured," &c., insert the words *Silvered plate, twenty-five per cent. ad valorem* ..... 25 p. cent.
- And in the item "Common and colourless window glass," after the word "Glass," insert the words *imitation porcelain shades*.
- After the item last mentioned, insert the words *Gloves and Mitts, of cotton, leather, silk, woollen or any other material, twenty-five per cent. ad valorem*..... 25 p. cent.
- In the items under the heading "Iron and manufactures of:—
- In the item commencing "Band and hoop," change the position of the words "number seventeen gauge or thinner" so that they shall follow the word "black," and precede the words "and boiler plate,"— and strike out the item "Drawn boiler tubing, ten per cent.," and insert in lieu thereof the words *Wrought iron tubing, plain, not threaded, coupled or otherwise manufactured, fifteen per cent.*..... 15 p. cent.
- In the item "In Slabs, blooms, loops or billets," strike out the words "twelve and one half," and insert the word *ten*..... 10 p. cent.
- In the item concerning "Jewellery, &c.," strike out the words "and watches."
- Before the item, "Lithographic Stones," insert the words, *Liquorice root, and paste extract of, for manufacturing purposes, twenty per cent. ad valorem*..... 20 p. cent.
- Stick extract or confection, one cent per pound and twenty per cent. ad valorem*.....and 20 p. ct.
- After

- After the item, "Malt," insert the words *Malt, extract of, for medicinal purposes, twenty-five per cent. ad valorem*..... 25 p. cent.
- In the item concerning "Meats," after the sub-item "Shoulders, &c.," insert the words, *Poultry and game of all kinds, twenty per cent. ad valorem.* 20 p. cent.
- After the item concerning "Meats," insert the words, *Milk food, manufactured by Henri Nestle, Dr. Gibaut, and others, and all other similar preparations, thirty per cent. ad valorem.* ..... 30 p. cent.
- In the item concerning "Oil Cloth," after the word "printed," insert the words, *Table covers similarly prepared, and oiled or painted window blinds.*
- In the item concerning "Organs, Cabinet," strike out the word "ten" after the words "in addition thereto," and insert the word *fifteen*..... 15 p. cent.
- In the item concerning "Paints and colors," strike out the words "and Bismuth."
- After the item, "Paper calendered," insert the words, *Paper ruled, twenty-five per cent. ad valorem* ..... 25 p. cent.
- In the item, "Paper Collars," &c., strike out the word "Paper," and the words "twenty-five per cent.," and after the word "fronts," insert the words, *of paper, linen or cotton, thirty per cent.* 30 p. cent.
- In the item, "Pianofortes," strike out the word "ten" after the words "in addition thereto," and insert the word *fifteen*..... 15 p. cent.
- After the item, "Quinine," insert the words, *Quicksilver, ten per cent. ad valorem*..... 10 p. cent.
- In the item, "Silk in the Gum," after the word, "organzine," insert the words, *and raw spun silk not colored.*
- In the item "Champagne and all other Sparkling Wines," after the word "bottle" in the last line but two, insert the words, *the quarts and pints in each case being old wine measure.*
- Strike out the whole of the items concerning "Slate for roofing," and "Slate Slabs," and insert the following,—*Slates of all kinds, and manufactures of, not otherwise specified, twenty-five per cent. ad valorem*..... 25 p. cent.
- In the item, "Steel and manufactures of," strike out the figures "1881," and insert "1882."
- In the item concerning "Stone," after the word "Marble" insert the words, *from the quarry, not hammered or chiselled.*
- And strike out the words "Grindstone in the rough, one dollar and fifty cents per ton" and insert *Grindstones, two dollars per ton.* ..... \$2 per ton.
- Under

- Under the heading "Sugars, Syrups and Molasses,"—in the proviso respecting the "fair market value," after the word "thereof," in the third line, insert the words, *including export duty or other Government tax.*
- Under the heading "Tobacco," in the item "Cigars and cigarettes," strike out the word "fifty," and insert the word *sixty*. ..... 60 c. p. lb.
- In the item, "Trunks," &c., strike out the words "twenty-five" and insert the word *thirty*..... 30 p. cent.
- After the word "Twines," strike out the words, "Manufactured of flax and," and insert the words, *of all kinds.*
- Under the heading, "Vegetables," after the item "Tomatoes," insert the words *Tomatoes in cans, two cents per pound*; and after the words, "all other vegetables," insert the words, *including sweet potatoes.*
- In the item concerning "Watches," strike out the words, "Watch movements," and after the word "twenty," insert the word, *five*, and add the item, *Waltch actions or movements, twenty per cent. ad valorem* ..... 20 p. cent.
- Under the heading, "Wood and manufactures of," in the item "hubs, spokes, &c.," strike out the word "twenty," and insert the word *fifteen*..... 15 p. cent.
- Under the heading, "Wool and Woollens," after the item "Felt for glove linings, &c.," insert the following,—*Wool, class one, viz., Leicester, Cotswold, Lincolnshire, South Down Combing Wools, or wools known as Lustre Wools, and other like combing wools such as are grown in Canada, three cents per pound*... ..... 3 c. p. lb.
- And further,—
- After the item "Electro-plated ware," insert the words *Emery Wheels, twenty-five per cent. ad valorem*..... 25 p. cent.
- After the items under the heading "Glass and Manufactures of," insert the item *Gold and Silver Leaf, twenty-five per cent. ad valorem*..... 25 p. cent.
- Under the heading "Gunpowder and other explosives," after the item concerning "Nitro-Glycerine," insert the words *Provided that a drawback of one and a-half cents per pound may be allowed and paid on all blasting powder actually used by miners in the Province of British Columbia, during three years next after the first day of April, 1880.*
- In the item concerning "Malt," strike out the words "two cents per pound," and insert the words *fifteen cents per bushel, upon entry for warehouse, subject to Excise Regulations*..... 15c.pr.bush.

- After the item "Paints and Colors ground in oil,"  
insert the words *Paris Green, dry, ten per cent.*  
*ad valorem* ..... 10 p. cent.
- In the item "Soap, common brown and yellow,"  
after the word "cent," add the words *and*  
*a-half* .... 1½ c. pr. lb.
- Under the heading "Wool and Woollens," in the  
item "Felt for Boots and Shoes," after the word  
"Shoes," insert the words *and Skirts*.

**Schedule of  
Free Goods  
amended.**

- 2.** The Schedule to the said Act headed "Free Goods" is hereby amended by striking out of it the words and expressions hereinafter mentioned as to be so struck out and by inserting therein the words and expressions hereinafter mentioned as to be so inserted; that is to say:—
- After the word "Ammonia," strike out the word "crude," and insert the words, *sulphate of*.
- In the item, "Animals for the Improvement of Stock, &c.," strike out the word "Animals," and insert the words, *Horses, cattle, sheep and swine*.
- After the item, "Berries for dyeing, &c.," insert the item *Bismuth metallic*.
- After the item, "Chloride of Lime," insert the item *Cinnabar*.  
Strike out the item, "Gunny Cloth and Gunny Bags."
- To the item, "Machinery for worsted or cotton mills, &c.," add the words, *until the first day of October, 1880*.
- In the item, "Newspapers," strike out the words, "received by mail," and insert the words, *and quarterly, monthly and semi-monthly magazines, unbound*.
- After the words "Paintings in Oil," insert the words, *or water colors*.
- After the item, "Plaits, straw, &c.," insert the item, *Potash, Muriate of, crude*.
- To the item concerning "Settlers' effects," add the words, *Provided also that, under regulations to be made by the Minister of Customs, live stock, when imported into Manitoba or the North-West Territories by intending settlers, shall be free, until otherwise ordered by the Governor in Council.*
- In the item respecting "Steel" strike out the figures "1881" and insert "1882."
- In the item, "Wool, unmanufactured, &c.," after the word "animals," insert the words, *not elsewhere specified*.

And further,—

- From the item concerning Colours strike out the words "Castile," and "Paris Green."
- After the item "Eggs," insert the item *Embossed books for the blind*.

From what  
time the said  
amendments  
shall be held

- 3.** The foregoing sections of this Act shall be held to have come into force and the alterations thereby made in the schedules aforesaid, and in the duties of customs, and as to the goods

goods subject thereto or free from duty, shall be held to have been made and the said schedules as hereby amended to have been in force, as to the amendments preceding the words "And further," in each of the said sections respectively, on the tenth day of March in the present year of our Lord one thousand eight hundred and eighty; and as to the amendments after the said words in each of the said sections respectively, on the twelfth day of April, in the said year, and to have applied and to apply to all goods imported or taken out of warehouse for consumption, on or after the said days respectively: and the laws now in force respecting the customs shall apply to the duties payable under the said Act and schedules, as hereby amended.

to have been  
in force  
respectively..

Customs laws  
to apply.

## CHAP. 19.

An Act to consolidate and amend the Acts respecting the Inland Revenue,

[Assented to 7th May, 1880.]

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

Preamble..

### INTERPRETATION AND DEFINITION OF TERMS.

#### *Distilleries.*

1. The following terms and expressions whenever 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, that is to say:—

Interpreta-  
tion of certain  
words and  
expressions..

(a.) "*Still*" means and includes any distilling apparatus whatever for the distilling or making of spirits;

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 measurement, and in which the quantity and strength upon which the duty is payable, is ascertained and determined by the officer of excise;

Closed Spirit  
Receiver.

(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;

Rectifier.

(d.) "*Proof Spirits*," or "*Spirits of the strength of Proof*," mean any spirit having the strength of Proof by Sykes' Hydrometer;

Proof spirits..

## 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 redistillation, 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 fit for distilling, or low wines or fainis, 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 ;

(g)

(g.) "*Chemical Still*" means any distilling apparatus which has a capacity of less than five gallons and which is kept and used by a chemist or druggist for the sole purpose of distilling water, or reclaiming spirits or alcohol previously used in the preparation or manufacture of chemicals or pharmaceutical preparations, or which is used for scientific purposes, (of which the Department of Inland Revenue shall be the sole judge), and which is not used for the manufacture or distillation of spirits for sale; Chemical still.

(h.) "*Compounded Spirits*" means and includes all articles containing Canadian or other spirits, which are enumerated in the Schedule B 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; Compounded spirits

(i.) "*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 B to this Act, the duty thereon having been paid, or which may be added to such schedule by order of the Governor in Council. Compounder.

#### *Breweries.*

2. (a.) "*Beer*" means and includes beer, ale, porter, lager beer and all other malt liquor; Beer.

(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, 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; Brewery.

(c.) "*Brewer*" means and includes any person who occupies, carries on, works or conducts any brewery either by himself or his agent. Brewer.

#### *Malting and Malt Houses.*

3. (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 is to be used for the production of beer, or that may be malted for the purpose of distillation; Malt.

(b.)

- 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, 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 seed is 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 is 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 is 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 is dried or roasted in the next process after its removal from the malt-floor.

*Tobacco and Tobacco Manufacturers.*

- Raw tobacco** 4. (a.) "*Raw Tobacco*" means unmanufactured tobacco, or the leaves and stems of the plant before it has passed through any process of manufacture;
- Manufactured tobacco.** (b.) "*Manufactured Tobacco*" means and includes every article made from raw tobacco by any process whatever;
- Standard tobacco.** (c.) "*Standard 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 tobacco shall be computed and charged in all accounts and returns, with reference to such standard;
- Tobacco manufactory.** (d.) "*Tobacco Manufactory*" means and includes any place or premises where tobacco is manufactured or worked up; and every work-shop, office, store-room, warehouse, shop, shed,



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 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 ;

(e.) "*Tobacco Manufacturer*" means and includes any one who, by himself or his agent, carries on any business or process of manufacturing or working up, or in any way preparing raw tobacco for smoking, chewing, for snuff or for any other purpose ; and the manufacturing or preparing of cigars shall be a manufacturing of tobacco within the meaning of this Act. Tobacco  
manu-  
facturer.

#### *Bonded Manufacturers.*

5. (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  
manu-  
facturer.

(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 the 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 appurtenant. Bonded  
manufactory.

#### *Miscellaneous.*

6. (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 ; Stamp.

(b.) The words "*subject to excise,*" whenever they occur in this Act, mean,—“subject to the provisions of this Act, or to any other Act, passed or to be passed respecting duties of excise or the Inland Revenue, or to any Proclamation, Order in Council or departmental regulation published or Subject to  
excise.

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, or manufacturing of tobacco 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* ;”

Superior  
officer of  
Inland  
Revenue.

(c.) The words “ *Superior Officer of Inland Revenue* ” mean and include the Commissioner or Assistant 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  
Regulation.

(d.) The words “ *Departmental Regulation*,” 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.

#### OF LICENSES.

Business  
subject to  
excise not  
to be carried  
on without  
license.

7. 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 cultivator of tobacco for sale, or use any utensil, machinery or apparatus suitable for carrying on any such trade or business, or any business subject to excise ; or import or make any still, rectifier or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification or compounding of spirits :

Notice to be  
given of  
having  
possession of  
apparatus  
used in such  
business.

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 same nature and in the same form as is hereby required in an application for a license to use similar apparatus or machinery :

3. Except that 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 :

Exception as to beer brewed for private use.

4. Nor shall any person growing tobacco on his own lands 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 is grown, and not for sale, require a license for so doing; nor shall the tobacco so manufactured be subject to excise duty: Provided always, that the quantity so grown and manufactured in any one year shall not exceed thirty pounds for each adult male member of the family resident on the farm as aforesaid :

Or tobacco grown for private use.

5. 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—

Intention to import or make apparatus to be reported.

(a.) The name and residence of the person for whom or for whose account he is about to import or make such still, worm, rectifier or other apparatus,—

Details of report.

(b.) The material of which it is to be made,—

(c.) The capacity of any such still, worm, rectifier or other apparatus.

8. Every license shall terminate on the thirtieth day of June, in every year, and except as herein otherwise provided, 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 any 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.

When annual licenses shall expire; and as to licenses for less than a year.

9. 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 Revenue division the business for which such license is required

Application for license.

required is to be carried on ; and every such application shall be made in the form to be prescribed by the Minister of Inland Revenue.

What the application must show.

**10.** 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 contain or have annexed thereto—a full and particular description 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, in any other place than the house or premises mentioned in the application for such license.

License to apply to one place only.

Names of sureties and capacity of utensils to be contained in application.

**11.** Every such application shall also state the names of the parties proposed by such applicant as his sureties 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 half-month.

Description of utensils, &c., to be contained in the application for license for distilling.

**12.** Every application for a license for distilling, compounding or brewing, or for manufacturing in bond shall also contain a list and description of all utensils, stills, worms, boilers, mash-tubs, fermenting-tuns, coolers, underbacks, 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, 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—

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, connection and joint ;

Description of pipes &c.

3. An application for a license to have in possession and use a chemical still, shall contain a full and exact description of such still, of the purposes to which it is to be applied, and of the place wherein it is to be used.

License for chemical still.

13. Every application for a license to carry on business as a maltster shall also 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.

License as a maltster.

14. Every application for a license for the manufacturing of tobacco, shall also 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 or leaf tobacco is to be used in or brought into the factory for which the license is required :

License for manufacturing tobacco.

2. Every application for a license to carry on the business of a cultivator of tobacco for sale, shall describe the locality of the farm on which the tobacco is to be grown, and shall also state the maximum number of plants, and the maximum area of land which the applicant purposes to cultivate during the year for which the license is required.

License for cultivating tobacco.

15. No license shall be granted for carrying on any business or trade under this Act, until after a survey has been made by an officer of Inland Revenue duly authorized for that purpose by departmental regulation or otherwise, of the building or place wherein such business is to be carried on, nor until such officer has reported that all the conditions and provisions of this Act and of any Order in Council or departmental regulation made in virtue thereof, have been complied with as respects such place :

Premises referred to in license to be surveyed by an officer of Inland Revenue.

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

No license if premises are unsatisfactory.

to

to be so constructed or arranged, as to embarrass or endanger the full collection of the revenue :

No license where manufactory communicates with any shop, &c.

3. And 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 by any common entrance 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.

Condition of license and security to be given by a distiller.

16. 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 the Inland Revenue estimates the duties to be paid by the party to whom the license is granted, 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,—the party obtaining the license being bound in the full amount of such estimate, 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 estimate; and such bond shall be taken before the Collector or superior officer of Inland Revenue, who shall cause such sureties to justify 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 and the payment of all dues and penalties which the party to whom the license is to be granted will 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, duties and penalties, as to all other matters and things whatsoever.

Bond.

Conditions of license and security to be given by a Rectifier.

17. 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, 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

Bond.

party to whom the license is to be granted will 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 :

2. 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, 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 will 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 :

Conditions of license, &c., by an importer or manufacturer of apparatus.

Bond.

3. 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, 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 will 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.

Conditions of license by compounder.

Bond.

18. A license to carry on the trade or business of a maltster or tobacco manufacturer may be granted to any party who

Conditions of license, &c., by a maltster who

or tobacco  
manufac-  
turer.

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 not less than two nor 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 be paid by the party to whom the license is granted, during two months of the time it is to remain in force; and such bond shall be taken before the said Collector 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, will 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:

Bond.

Conditions of  
license by  
tobacco  
cultivator.

2. A license to cultivate tobacco for sale to such extent as is stated in the application for a license, may be granted without fee, upon the person in whose favour it is granted undertaking to make true returns of the quantity of tobacco cultivated by him for sale, and of the names and residences of the licensed dealers in tobacco or other parties to whom such tobacco is sold, or how it is otherwise disposed of.

Conditions of  
license, &c.,  
by a brewer.

19. A license to carry on the trade or business of a brewer 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 one thousand dollars; and such bond shall be taken before the Collector 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 will 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.

Bond.

Manufacture  
of goods in

20. The Governor in Council may, in his discretion, authorize the manufacture in bond of such dutiable goods as he



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.

bond from  
dutiable  
articles.

21. 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 and 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 Department of Inland Revenue, nor until he has, jointly and severally, with 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 ten 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 to be paid by such party during any two months 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 and the payment of all duties and penalties which the party to whom the license is granted will 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:

Conditions of  
license so to  
manufac-  
ture.

Bond.

1. 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:

What the ap-  
plication to  
manufacture  
in bond shall  
contain.

2. 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.

Articles to be  
supplied to  
bonded man-  
ufactory by  
Department  
of Inland  
Revenue.

How long bonds shall remain in force.

**22.** Every such bond as aforesaid 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.

New bond if new license.

**23.** But whenever any new license is granted to any party, a new bond shall be likewise entered into with reference to such new license.

New bond if surety dies, &c., license void until new bond given.

**24.** 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 :

Amount of security in certain cases may be determined by Governor in Council.

**2.** 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.

To whom the application for license shall be made, and by whom license shall be issued.

**25.** Every application for a license under this Act shall be forwarded by the Collector of Inland Revenue to the District Inspector, or in the case of an application for a bonded manufacturing license to the Department 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 or of the Department of Inland Revenue, 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.

License may be transferred to other premises.

**26.** 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

Proviso.

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.

**27.** Upon the expiration of every license issued under this Act, the granting of a new license in lieu thereof shall be subject to the same restrictions and conditions as the granting of the original license was subject to. Same conditions for new license.

**28.** 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. Burden of proof of license.

#### DUTIES PAYABLE ON LICENSES.

**29.** The party in whose favour 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 ; Duty on licenses for distilling and rectifying.

2. 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 ; For compounding.

3. The party, in whose favour a license is granted to have and use a chemical still, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of ten dollars ; For using a chemical still.

4. Every person who, not being licensed as a brewer or 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 thirty dollars. For importation or manufacture of apparatus.

**30.** 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. For brewing.

**31.** The party, in whose favour a license for malting is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue,— For malting.

(a.) For a first-class license, which shall entitle him to work a malt house having a capacity to produce two thousand centals and upwards of malt during one month's working, two hundred dollars ; First-class license.

(b.) For a second-class license, which shall entitle him to work a malt house having a capacity to produce one thousand five hundred and not more than two thousand centals Second-class license.

centals of malt during one month's working, one hundred and fifty dollars ;

Third-class  
License.

(c.) For a third-class license, which shall entitle him to work a malt house having a capacity to produce one thousand centals and not more than one thousand five hundred centals of malt during one month's working, one hundred dollars ;

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 thousand centals of malt during one month's malting, 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.

For manufac-  
turing  
tobacco from  
foreign leaf.

**32.** The party, in whose favour a license for manufacturing tobacco in whole or in part from foreign leaf is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of seventy-five dollars ;

From  
Canadian  
leaf.

2. The party, in whose favour a license for manufacturing tobacco 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.

For manu-  
facturing in  
bond for con-  
sumption in  
Canada.

**33.** The party, in whose favour 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 ;

For exporta-  
tion.

2. The party, in whose favour 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 ;

For keeping a  
bonding  
warehouse.

3. The party, in whose favour 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 forty dollars, and for each additional warehouse the sum of twenty dollars.

Duties to be  
paid before  
license issues.

**34.** All license fees shall be due and payable at the time when the license is granted, and in no case shall the certificate of license be granted until all such fees are paid.

#### DUTIES OF EXCISE.

Duties of  
excise  
imposed.

**35.** In lieu and instead of all duties of excise imposed by any Act hereby repealed on any of the articles hereinafter named,

named, there shall be imposed, levied and collected on all spirits distilled, and on all malt, and on fermented beverages made in imitation of malt liquor, and wholly or in part from any other substance than malt, and on tobacco manufactured within the Dominion of Canada, and on goods manufactured in bond therein, the following duties of excise, which shall be paid to the Collector of Inland Revenue, as herein provided, that is to say:—

2. On spirits,—

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; When 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; When made from malted barley.

(c.) When manufactured exclusively from molasses, syrup or sugar, 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; When made from molasses, syrup or sugar.

3. On every pound of malt, one cent,—

On malt.

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; Duty to be remitted on malt manufactured for use in certain distilleries.

4. On every pound of malt imported into Canada and warehoused, when taken out of bond for consumption an excise duty of one cent; On malt taken out of bond for consumption.

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 Malt imported to be immediately bonded. To be under regulations.

Malt not so bonded to be forfeited.

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;

On beer or imitations of beer;

5. 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;

Proviso:  
Drawback on sugar used.

Provided that brewers using sugar in the manufacture of beer, and paying the above-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 in making such beer;

On manufactured tobacco and snuff from foreign leaf.

6. On manufactured tobacco and snuff of all kinds except cigars, made in whole or in part from foreign or imported leaf tobacco and containing not less than ten per cent. by weight of moisture, and so in proportion for any greater or less degree of moisture, on every pound or less quantity than a pound, twenty cents;

On cigars made from foreign leaf.

7. On cigars made in whole or in part from foreign or imported leaf tobacco and containing not less than ten per cent. by weight of moisture, and so in proportion for any greater or less degree of moisture, on every pound or less quantity than a pound, forty cents;

On manufactured tobacco made from Canada leaf.

8. On manufactured tobacco of all kinds (except cigars and common Canada twist), when made solely from tobacco grown in Canada and in a manufactory where no imported or foreign tobacco is used or kept, and containing not less than ten per cent. of moisture, and so in proportion for every greater or less degree of moisture, on every pound or less quantity than a pound, fourteen cents;

On cigars made from Canada leaf.

9. On cigars made solely from tobacco grown in Canada, and made in a manufactory where no foreign or imported tobacco is used or kept, and containing not less than ten per cent. of moisture, and so in proportion for every greater or less degree of moisture, on every pound or less quantity than a pound, thirty cents;

On Canada twist.

10. On common Canada twist, otherwise called "*tabac blanc en torquette*," being the unpressed leaf rolled and twisted, and made wholly from raw tobacco, the growth of Canada, for every pound or less quantity than a pound four cents;

On goods manufactured in bond.

11. 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.

sumption 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 imported and entered for consumption, shall be paid as a duty of excise when it is taken into the bonded manufactory :

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,—

Proviso :  
certain  
articles  
excepted.

Vinegar containing six per cent. of acetic acid, the strength to be determined by such tests as may be established by Orders in Council, and so in proportion for any greater or less strength,—on every gallon or less quantity than a gallon, four cents ;

Vinegar.

¶ 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 :

Methylated  
spirits.

12. Every provision in this Act imposing any new duty of excise, or making any alteration in any duty of excise imposed by the laws now in force, or making any alteration in the mode of calculating any such duty by which the amount thereof may be either increased or diminished, shall come into and be in force upon, from and after the day of the passing of this Act, and shall apply to, and the duties hereby imposed shall be payable on all spirits and tobacco, vinegar or fermented beverages, or methylated spirits, distilled, manufactured or made, or taken out of bond for consumption on or after the said day ; and such alterations as aforesaid shall apply to, and the duties hereby imposed shall be payable on all malt held by any brewer, maltster, distiller, or other person on the said day, or manufactured or made thereafter ; 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 :

Commence-  
ment of  
duties.

13. The said duties shall accrue and be levied on the quantities made or manufactured, which may be ascertained in the manner herein provided or otherwise proved, and shall be in addition to all sums charged as license duties, whether on utensils or otherwise.

On what  
quantities to  
be levied.

To be duties within the Auditing of Public Accounts Act.

**36.** 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.

OBLIGATIONS OF PERSONS HOLDING LICENSES.

Notice to Collector of intention to work at any time.

**37.** No distiller, maltster, tobacco manufacturer or bonded manufacturer shall work his distillery, malt house, tobacco 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 must be given :

What shall be a working of a distillery.

2. 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 :

Working of a tobacco manufactory.

3. The casing, packing, pressing, cutting, grinding, rolling, twisting, drying, or stemming of tobacco, shall be a working of a tobacco manufactory, and an acting as a tobacco manufacturer within the meaning of this Act :

Working of a malt-house.

4. Any use made of any cistern, couch-frame, malt-floor or kiln for the steeping, germinating or drying of any grain, shall be a working of a malt house, and an acting as a maltster within the meaning of this Act :

Penalty for working without notice.

5. And if any distiller, maltster, tobacco manufacturer or bonded manufacturer works his distillery, malt house, tobacco manufactory or bonded manufactory at any time for which he has not given notice of his intention to work the same, he shall for each day on which he so works such distillery, malt house, tobacco manufactory or bonded manufactory, incur the same penalty and forfeiture as if he had worked the same without a license.

Assistance to be afforded to officer of

**38.** 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



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.

Inland Revenue when inspecting, &c.

**39.** If any person or persons, holding a license under this Act, intends to make any alteration or addition to the premises, apparatus, machinery or utensils described as herein provided, or to remove any portion of such utensils, machinery or apparatus, notice in writing shall be served on the Collector of Inland Revenue of the intention to make such alterations, additions or removals, 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 or removals.

Notice of alteration or addition to apparatus, &c., to Collector.

**40.** The 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 such 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.

Inspector may require new list, &c., of apparatus.

**41.** 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:

Business processes, &c., requiring supervision of officer of Inland Revenue restricted to certain days and hours.

1. 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:

2. 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

person in whose premises the business, act, operation or process is carried on or done shall pay 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.

*Designation of Apartments.*

**Inscription over entrance to premises subject to excise.**      **42.** 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 or names 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 Roman characters at least three inches in height, in white letters on a black ground ;

**Inscription over entrance to each separate apartment.**      3. Every separate apartment, room, granary, kiln, vault or storehouse, in every place or premises, subject to excise, or in which any business subject to excise is carried on, or in which is placed any utensil, apparatus or machinery, used in such business, shall have, over the principal entrance thereto, a notice in Roman characters at least two inches in height, stating the name and designation thereof, and the purpose to which it is applied or for which it is used ;

**Notices, &c., subject to approval of officer of Inland Revenue.**      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.

*Books, Accounts and Papers.*

**Books to be kept by a distiller, and what to show.**      **43.** 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 proper 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 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 ;

2nd. The quantity of beer or wash fermented or made by him or in his distillery ;

3rd. The quantity of spirits by him distilled, manufactured or made ;

4th. The hours during which his stills are worked on each day.

44. 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. Books, &c, to be kept by compounder.

45. 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 proper 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,— Books to be kept by maltster and what to show.

1. The quantity by gauge and by weight of dry grain or leguminous seeds placed to steep or wet in any cistern or cisterns ;

2. 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.

46. Every distiller, compounder, maltster, tobacco manufacturer or licensed cultivator, 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 further keep such stock books and other books, in such form and manner as may be prescribed and supplied by the Department of Inland Revenue,—in which stock 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,— Stock-books to be kept in business subject to excise. What such books must show.

(a) A full and particular account of all grain, malt, spirits, raw and manufactured tobacco, and other stock, material, or commodity brought into the distillery, malt house, tobacco manufactory, or bonded manufactory, to which such stock books relate, and also,— Quantities brought in.

(b) Of all grain, spirits, malt, raw or manufactured tobacco or other stock, material, or commodity, sold, removed, or transferred from such distillery, malt house, tobacco manufactory, or bonded manufactory ; together with— Quantities sent out.

(c)

Further  
particulars.

(c) Such further particulars as may be required by any departmental regulation in that behalf; 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, tobacco manufactory, or bonded manufactory, or by which it was carried therefrom; and if any such grain, malt, spirits, manufactured or raw tobacco, or other stock, material or commodity has 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, tobacco manufactory, or bonded manufactory, then such vessel or railway shall be named as the conveyance by which such grain, spirits, malt, tobacco, stock, material or commodity was conveyed as aforesaid.

Books, &c.,  
to be  
produced to  
proper officers  
when  
required  
for inspection.

**47.** 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,—

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  
therefrom.

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:

Books, &c.,  
may be  
removed by  
seizing officer  
of excise.

3. And in case of seizure of any article or thing in any distillery, malt house, tobacco manufactory, or bonded manufactory, 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.

48. Except as herein otherwise provided, every quantity of grain recorded or stated in the stock-books herein mentioned, and in all returns, descriptions 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 :

Quantities of articles, except fluids, to be stated in lbs., avoirdupois.

2. All quantities of fluids shall be stated in the aforesaid books, returns, statements and descriptions 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 :

Fluids in gallons.

3. All beams, scales, weights and measures used in or about any distillery, malt house, tobacco manufactory, or bonded manufactory, 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.

Inspection of weights and measures.

#### CLAUSES HAVING SPECIAL REFERENCES TO DISTILLERIES.

##### *Charge of Duties on Spirits.*

49. 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 ;

5. Upon the quantity of spirits sold or removed from any distillery by the distiller, or by his agent or for his account ;

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 :

Method giving most duty to be used.

Except

Proviso when  
damaged  
grain is used.

Except that when any distiller is about to use damaged grain or mill offal, and shall give the proper officer one week's notice of his intention so to do, such officer 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.

Directions for  
computation.

**50.** 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 in the mashes and recorded in the books kept under the requirements of this Act; except that whenever the Inspector of Inland Revenue shall have cause to doubt the correctness of the quantity so entered on the said books, he may cause an inquiry to be made by an inspecting officer of Inland Revenue, who may swear and examine parties and witnesses under oath, or he may himself in like manner 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, or by the officer of Inland Revenue as the case may be, in a register of fermentation, under such regulations as the Department of Inland Revenue may order; except that whenever the Inspector of Inland Revenue may have cause to doubt the correctness of the quantity entered into the said register of fermentation, he may enquire, or cause an enquiry to be made 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

every fourteen gallons of beer or wash determined by such Inspecting officer, after such enquiry, to have been fermented in the distillery :

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 of Inland Revenue,—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—

Alcoholic value 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 :

Testing strength of beer or wash.

4. The quantity of spirits which passes from the tail of the 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 passing into receivers from the worm.

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 the Inspector of Inland Revenue shall have cause to doubt the correctness of the quantity so recorded, he may enquire, or cause an enquiry 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 enquiry all shipping notes or bills of lading signed by the distiller or by his agent shall be taken as evidence

Quantity of spirits sold or removed from distillery.

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 seventy-seven 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:

Period to which inquiries by officer in cases of doubt may extend: payment of additional duty.

6. The enquiries of the 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 enquiry 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 enquiry, the additional duty then determined shall become due and payable within five days after the distiller has been notified of the result of such enquiry; 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 semi-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.

Capacity of vessels to be ascertained once a year.

51. On or before the tenth day of July in each 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 —

List of vessels —particulars.

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



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:

Provided always, that every such list may at any time be revised by any superior officer of Inland Revenue, and corrected should any errors be found therein: Proviso for correction.

2. 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. Triplicate copies to be kept, and where.

52. The spirit receiver, doubler, low wines receiver, faints receiver, the safe or apparatus enclosing the tail of the worm or still, and— Certain apparatus to be constructed according to departmental 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 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 name or designation of the vessel or utensil and the contents thereof in gallons and in cubic inches: Capacity of certain vessels to be marked thereon.

5. Every pipe, trough or conduit, used for the conveyance of spirits, shall be colored a *light blue*: Pipes and conduits to be of divers colors.

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 colored *red*.

Casks how marked.

**53.** On both heads of every rolling cask 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 colours, the name of the distiller, with the true contents of the cask in gallons.

Tails of worms to be enclosed in locked safes.

**54.** 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 ;

Safe to be approved.

2. Every such safe shall be constructed in such a manner and secured by such means and by such mechanism as may be approved by the Department of Inland Revenue :

As to communication between worm and doubler or receiver.

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.

Certain distilleries to have two receivers of certain capacity.

**55.** 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 quantities produced.

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.

Spirit not to be removed from receiver until gauged, &c.

**56.** 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.

**57.** 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.

Receiver to be a close vessel and locked.

**58.** No vessel shall be used as a closed spirit-receiver for spirits 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, 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.

No perforation allowed in receiver.

**59.** 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 to be left 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 :

Position and connections of 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 any license granted to the distiller so in default, and no further license shall be granted 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.

Penalty for non-compliance with these provisions.

**60.** In every distillery which is not working, all the furnace doors, worms, still heads, and doublers, with all pipes and cocks leading to or connecting with the same, shall be closed

Certain apparatus in distillery not

working\* to be locked up. 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 furnace door, 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.

Proviso for repairs.

**61.** 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, shall 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.

Safes, meters, &c., by whom supplied and paid for.

**62.** 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 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.

Certain apparatus for redistillation to be locked up.

#### CLAUSES HAVING SPECIAL REFERENCE TO COMPOUNDERS.

**63.** 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:

Articles made by a compounder to be subject to restrictions as to removal.

2. Every article made by a compounder shall be designated by some label or brand which shall shew 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:

To be designated by a label or brand.

3. It shall be lawful for the Governor by Order in Council to add to schedule B to this Act, or to remove from the said schedule,

Governor in Council may add or take

schedule, any article or ingredient the addition or removal of away articles in schedule B. 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.

**CLAUSES HAVING SPECIAL REFERENCE TO MALT HOUSES AND MALTING.**

**64.** All grain brought into any malt house shall be weighed and the quantity shall be stated in all books, returns and accounts made under this Act in centals and parts of a cental : Weighing of grain.

2. For the purpose of comparing the several gauges of grain required by this Act, a "malt measure" is hereby established, which shall be a vessel whose capacity is one thousand cubic inches : Malt measure established.

3. The quantity of grain placed in steep in any malt house shall be stated in centals and in malt measures : Grain in steep.

4. All the quantities of grain in process of conversion into malt, as determined by gauging, shall, until the process of malting is completed, be stated in malt measures : Grain to be stated in malt measures.

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 centals. Quantity of malt removed from the kiln.

**65.** 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. Shape of cisterns.

**66.** Every 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. Construction of couch-frames.

**67.** 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. Space around cisterns and couch-frames.

**68.** 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 Grain how to be deposited on the malt-floor.

edges thereof in straight lines convenient for gauging, as may be required by the officer aforesaid.

As to steeping or moving grain.

**69.** No grain 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.

Notice to officer of intent to steep grain.

**70.** Whenever any maltster is about to place any grain or other commodity 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 as aforesaid, stating in every such notice the day and hour at which he will place the grain in the cistern, the quantity of grain which he will then place in such cistern, and describing the cistern, by number or otherwise, in which it is to be placed.

Notice of intent to dry grain or move dry malt.

**71.** Whenever any maltster is about to place any grain or other commodity 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.

Computing duty on malt.

**72.** The charge of duty on malt shall be computed as follows:—

Gauging before wetting.

1. The grain or other commodity when about to be placed in steep, shall, after it is placed in the cistern and before being wetted, be carefully gauged by the proper officer of Inland Revenue; and the quantity so ascertained shall be immediately entered by the person who gauges it, in a book provided for that purpose; and such person shall also attest the correctness of the entry by his signature:

After wetting.

2. The proper officer shall also gauge the grain or other commodity while in the cistern after it has been wetted, and again while in the couch-frame, and again while on the malt-floor, 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 person who gauges the quantities, and shall be used for computing the quantity of malt manufactured, as herein provided:

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 measures by the person who gauges it, who shall attest every such entry by his signature.

Gauging and weighing malt when dried.

**73.** In comparing the results of the gaugings and computations made, as herein provided, the following proportions shall form the basis of calculation:—

Basis of calculation for comparing results of gauging and computations.

1. One hundred measures by gauge of dry barley shall be held to be equivalent to one hundred and seven measures by gauge of dry malt:

2. Eighty-one and a half measures by gauge of dry barley shall be held to be equivalent to one hundred measures (by gauge) of barley properly saturated with water for the purpose of malting:

3. One hundred measures gauged in the cistern, after the saturation is completed, or in the couch-frame, shall be held to be equal to one hundred and sixty-three measures gauged on the floor:

4. One hundred measures gauged in the cistern, after saturation is completed, or in the couch-frame shall be held to be equal to eighty-seven and a quarter similar measures by gauge of malt:

5. One hundred pounds of barley or other grain weighed into the cistern shall 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:

6. 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:

Mode of calculating duty.

If difference exceeds 7 per cent. fraud presumed.

7. Malt shall be weighed when removed from the kiln and placed in the warehouse; but whenever any quantity

Malt to be weighed when removed of

ed from kiln to warehouse. of dry malt stated in measures of capacity, as determined by gauge, by computation as provided in this Act, or by actual measurement, is to be stated by an equivalent in pounds, the computation of the weight thereof shall be made by determining, by weighing, the weight of a measure of such malt, such measure being so taken as to be, as nearly as may be, a fair average thereof; and the weight of the measure so ascertained, multiplied by the number of such measures contained in the quantity of malt from which it was taken, shall be held to be the true weight of that quantity.

Doubts how decided.

**74.** 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.

Removing dried malt.

**75.** 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 locks of the owner thereof, and the locks of the Crown until the duty thereon has been paid.

Storage of malt until duty is paid.

**76.** 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; 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.

Securing malt warehouses.

**77.** 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 by the owner, and all other entrances shall be secured on the inside; and every such malt house 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 stock taken.

The same as to malt houses.

**78.** Whenever any maltster ceases from working his malt house, the doors, windows, and all other means of access thereto, shall be closed and secured to the satisfaction of the proper officer of Inland Revenue, and the principal entrance shall be secured by a Crown's lock, the key whereof shall remain in the possession of the Collector of Inland Revenue; and the malt house shall remain so closed and secured until the maltster gives the required notice of his intention to resume working: Provided always, that the Collector



Collector of Inland Revenue may, in his discretion, remove the locks while repairs are necessarily and actually in progress.

**79.** 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 half month for the half month next preceding that day, but the duty shall be collected whenever any malt is taken from the malt warehouse for consumption or removal; 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.

The final computations of duty.

**80.** 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 regulations made in that behalf.

Account to be kept in any required form.

#### CLAUSES HAVING SPECIAL REFERENCE TO TOBACCO MANUFACTURERS.

**81.** Raw or leaf tobacco shall not be imported into Canada except at the undermentioned ports, namely: Halifax, St. John in New Brunswick, Miramichi, Quebec, Montreal, St. Johns in the District of Iberville, Prescott, Kingston, Toronto, Hamilton, Clifton, Sarnia, Windsor, London, and St. Catherines, and at such other ports of entry as the Governor in Council may authorize.

Raw tobacco to be imported at certain ports only.

**82.** All raw or 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.

All such tobacco to be bonded.

**83.** Every distinct package of raw and manufactured tobacco, snuff or cigars imported into Canada shall be stamped at the port where it is entered:

Packages to be stamped at ports of entry

2. And when several boxes or packages are enclosed in an outer case, each of the packages so enclosed shall be severally stamped in the presence of an officer of customs, who shall see that the labels are affixed to the packages to which they properly belong, that they truly represent the duty to which the contents of the packages to which they are attached are liable,

When several packages are enclosed in an outer case.

liable, and that they are affixed in accordance with the requirements of this Act :

Packages included in return and on which duty has been paid to be stamped by collector.

3. Every distinct package, box, case, jar, canister, or parcel of tobacco, cigars or snuff manufactured in Canada and included in any return made to the Collector of Inland Revenue under the requirements of this Act, and upon which the duty has been paid or secured to the Collector by the party making such return, shall be forthwith stamped by the Collector, in accordance with such regulations as may be, from time to time, adopted by the Minister of Inland Revenue; and it shall be the duty of every Collector of Customs or of Inland Revenue, as the case may be, to stamp or cause to be stamped by a proper officer in the manner required, all packages, boxes or parcels upon which he has received duty, or upon which the duty has been secured :

Empty packages with stamps not allowed in manufactory.

4. No empty or partly filled package, box, jar, canister, barrel or bag of a description such as is used for packing tobacco, cigars or snuff, and having attached to it any stamp or part of a stamp, whether such stamp has been defaced or not, shall be brought into or remain in any tobacco manufactory :

How tobacco shall be packed.

5. All manufactured tobacco, whether imported or made in Canada shall, before it is offered for sale, be packed in packages as follows :—

Cavendish.

(a) Cavendish and all pressed tobacco shall be packed in rectangular boxes, each containing not more than one hundred and ten pounds of tobacco ;

Cut tobacco.

(b) Cut tobacco of all kinds and scrap shall be packed in packages, each containing not more than one pound, but any number of such packages not exceeding together one hundred pounds in weight may be inclosed in an outer case or package, provided each of the lesser packages have been separately stamped ;

Snuff.

(c) Snuff shall be packed in packages each containing not more than ten pounds ;

Canada twist.

(d) Common Canada twist may be put up in rolls or coils each not exceeding two pounds in weight, and every such roll or coil shall be secured by cording or otherwise and enclosed in a paper or other band or casing so that a stamp may be securely attached thereto ;

Cigars.

(e) Cigars shall be packed in rectangular boxes each containing not more than two pounds :

6. When any package of tobacco contains less than a pound it shall be such part of a pound as will be covered by some denomination of stamp then authorized and in use, and if any package contains a quantity of tobacco not represented by a stamp then in use the next higher denomination of stamp shall be used, and the duty levied and collected as if the full quantity of tobacco represented by the stamp were contained in the package :

Packages containing less than a pound.

7. So soon as any box, case or other package containing any tobacco, cigars or snuff, and which has been stamped as herein required, has been emptied or partly emptied, the stamp thereon and every trace of such stamp shall be completely removed from such box, case or package, and it shall be the duty of all officers of customs or excise to destroy every such empty or partly empty box, case, jar or package wherever found, upon which there may remain any revenue stamp or any part of such stamp :

Stamps to be removed when package has been emptied.

8. No licensed tobacco manufacturer, dealer or other person shall retain in his possession any stamped box, case, jar or package, used for putting up or packing tobacco upon which there remains any revenue stamp or any part of such stamp after the contents thereof have been removed or partly removed.

Stamped packages not to be retained after contents have been removed.

84. All tobacco grown in Canada and prepared for sale, shall when it passes out of the possession of the occupant of the farm or premises upon which it was grown, be carried directly to and deposited either in a licensed tobacco manufactory, and entered in the stock book of the manufacturer, or it shall be bonded in a tobacco warehouse in the same manner and under the same conditions as are herein provided with respect to raw tobacco imported from abroad, except such as may be sold to a dealer in tobacco licensed as herein provided, and having a permit to receive such tobacco, and having entered the same in his warehouse books :

Canadian tobacco to be bonded &c., if removed from the place of growth.

Exception.

2. Any licensed cultivator of tobacco who desires to manufacture the tobacco or any portion thereof grown on his farm into common Canada twist for sale, may do so without payment of any license fee, provided he has, in his application for a license, declared his intention to carry on such manufacture, and that the license granted to him contains a permission to that effect ; but—

Manufacture of Canada twist by licensed cultivators.

3. 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 : and—

Must be stamped before removal.

Forfeiture of packages unstamped.

4. Any package of tobacco which shall be exposed or offered for sale or be found in the market without being or having been sealed, stamped, labelled or marked as herein required, shall be deemed to be tobacco unlawfully in the market.

Raw tobacco how to be packed.

How removed from bonded warehouse.

Proviso: as to licensed cultivators.

**85.** All raw or leaf tobacco, whether imported or grown in Canada, shall be in packages which can be conveniently stamped; and it shall not be lawful to remove any tobacco from any bonded warehouse wherein it has been bonded, except in such original stamped packages: Provided always, that a licensed cultivator of tobacco may remove the products of his farm to the bonded warehouse of a licensed dealer where it shall be packed and stamped before being removed therefrom.

Conditions of bond for raw tobacco.

**86.** 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 or leaf tobacco to which it relates, to some one or more tobacco manufacturers duly licensed as such under any Act relating to the Inland Revenue, or—

(b) For the delivery of such tobacco into the licensed bonded warehouse of a dealer in tobacco licensed under this Act, on a proper permit, or—

(c) For its exportation or destruction as herein required :

Evidence of compliance with bond.

And the evidence of its delivery to a licensed tobacco manufacturer or to a licensed dealer, shall be the certificate of a Collector of Inland Revenue, that the tobacco has been delivered into some certain licensed tobacco manufactory or manufactories or into some licensed bonded warehouse therein named, and that an account thereof has been entered in the manufacturer's books or in the dealer's warehouse books, as required by law.

How long to remain bonded.

**87.** 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 either be removed to and entered in some licensed tobacco manufactory or manufactories as herein provided, or entered for exportation, or re-warehoused 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.

**88.** All stems, sweepings, or other waste or refuse tobacco, whether the same be found in a tobacco manufactory or elsewhere, and which are not worked up and charged at some manufactory with duty, shall also be destroyed under regulations as above provided, or entered for exportation.

As to tobacco stems and sweepings,

**89.** The Governor in Council may make such regulations,—

Governor in Council may make regulations for giving effect to this Act.

(a) For warehousing raw or leaf tobacco ;

(b) For destroying such as is not entered for exportation or manufacture ;

(c) For removing raw or leaf tobacco from one warehouse to another ;

(d) For causing accounts to be kept by tobacco manufacturers, or licensed dealers in or cultivators of tobacco, or others, of raw or leaf tobacco received by them or produced on any land cultivated by or for them ;

(e) For determining the quantity of manufactured tobacco, snuff or cigars, which shall, in any case or set of cases, be deemed equivalent to one hundred pounds of raw leaf brought into any manufactory ;

(f) For the granting of licenses to persons to deal in raw or leaf tobacco, or to cultivate tobacco, and permits to such persons to take such tobacco out of bond or from the grower, but without fee for either ;

(g) For determining the manner in which computation of the weights of tobacco with reference to the standard herein established shall be made ; and generally—

(h) For giving effect to the provisions of this Act as to him may seem necessary.

**90.** Every manufacturer of tobacco 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.

Manufacturer to provide means of weighing and stamping, &c.

#### TIME AND FORM OF RETURNS AND PAYMENT OF DUTIES.

**91.** For the purposes of this Act, every month in each year shall be divided into the first and second half of the month :

Month divided into two parts.

2. The first half shall be from the first to the fifteenth day of each month, both inclusive, and—

3. The second half shall be from the sixteenth to the last day of each month, both inclusive.

Return for each half month.

**92.** All returns, unless when otherwise provided by this Act, shall be made distinct and separate for each half of every month.

Time for making returns.

**93.** All returns as to quantities required to be made by this Act, shall be made on the first and sixteenth days of each month for the half month next preceding such days. And the duty exigible on any article made during any half 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 : and no excisable article shall be removed from the place in which it is made until an account of it has been included in the return herein mentioned, unless such removal is permitted by some general regulation made by the Department of Inland Revenue in that behalf.

Computation of duty.

Removal of excisable articles.

Accounts to be presented to Collector and what they must show.

**94.** Every person carrying on any business subject to excise 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 herein provided ;

As to distilleries.

Which accounts as to Distilleries shall exhibit—

1. The quantity of spirits produced according to each gauge and test taken during the preceding half 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 half 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 half month ;

4. The quantity of grain malted ;

5. The quantity of grain, malt or other commodity removed from the distillery, or disposed of otherwise than for distillation during the preceding half month ;

6. The quantity of spirits sold or removed from the distillery during the preceding half month ;

7. The number and denomination of packages, and the quantity in each, of spirits received into the distillery during the preceding half month other than that manufactured therein ;

8. The quantity of beer or wash made and set to ferment on each day of the preceding half month ;

9. The quantity of beer or wash fermented and distilled on each day of the preceding half month ;

10. The quantity of spirits entered for warehouse, or—

11. Entered ex-warehouse during the preceding half month ;

12. 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, imported, made or in process of manufacture in such distillery, or by such distiller, showing with reference to each—

(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 imported or made or in process of being 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 has been or is to be removed from the distillery ;

(e.) The material of which such apparatus is or is to be made :

And as to Malt houses such account shall exhibit —

As to malt houses.

1. The quantity of grain, malt, leguminous seeds or other commodity brought into the malt house during the preceding half month ;

2. The quantity of grain or other commodity placed in steep or wetted or used for malting on each day during the preceding half month ;

3. The quantity of malt in measures and pounds malted or made and removed from the kiln on each day during the preceding half month ;

4. The quantity of grain or other commodity removed from the malt house, or disposed of otherwise than for the production of malt, during the preceding half month ;

5. The quantity of malt removed from the malt house and the name and residence of the person to whom such malt is sold or delivered :

As to  
breweries.

And as to Breweries, such account shall exhibit—

1. The quantity of malt and of each description of vegetable or saccharine matter used in the brewery ;

2. The quantity of beer or other fermented liquor made in the brewery :

As to tobacco  
manufac-  
tories.

And as to tobacco manufactories, such account shall exhibit—

1. The quantity of raw tobacco and of all other material used in the manufacture of tobacco, brought into the manufactory during the preceding half month ;

2. The quantity of all raw tobacco and other material removed from the manufactory or disposed of otherwise than for the production of manufactured tobacco during the preceding half month ;

3. The quantity of raw tobacco and the quantity of all other material used in the manufacture of tobacco during the preceding half month in the manufactory to which such return relates ;

4. The quantity of each description of tobacco, snuff or cigars manufactured in such manufactory during the preceding half month, shewing the number of packages, the description and the weight and quantity of each package, or the weight in bulk ;

5. The quantity of unmanufactured and manufactured tobacco on hand :

As to bonded  
manufac-  
tories.

And as to Bonded Manufactories such account shall exhibit—

1. The quantity of each description of article or commodity brought into the manufactory to which the account relates, on each day during the preceding half month ;

2. The quantity of each description of article or commodity used in the production of the manufactured articles made in the manufactory on each day during the preceding half 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 half month ;

4. The quantity of each description of manufactured article or commodity made or produced on each day during the preceding half month.

**95.** Every such statement shall be made for and relate to the half month next preceding the day on which it is made.

To be made for each half month.

**96.** 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 amount of goods produced, subject to excise, to testify upon oath before him as to the correctness of such account or return.

How to be attested.

Further attestation may be required.

**97.** Every such account or statement shall be attested by the persons signing the same, by the following oath :—

Form of attestation.

“ I , do solemnly swear that the account above written, to which I have also subscribed my name, is true according to its purport : So help me God. ”

**98.** Every such oath shall be made before some Collector of Inland Revenue or other 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 officer 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, malt house, tobacco manufactory, or bonded manufactory 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, tobacco manufactory or bonded manufactory, or in taking or keeping an account of such

Before whom to be attested.

Officers may examine certain persons on oath.

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 same penalty as he would be liable to if no return whatever had been made.

Mode of giving notice, delivering returns, &c.

**99.** All notices, lists, descriptions, returns, 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, statements or return was conveyed to such person or officer; and the onus of proof that all such notices, lists, descriptions, returns, 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.

When duties shall be payable.

**100.** The several duties imposed by this Act shall be due and payable on the sixth and twenty-first of each month, for the quantities of each article or commodity produced or manufactured during the preceding half month respectively, unless another time of payment is herein expressly fixed.

Calculation of duty, and correction of such calculation.

**101.** 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, tobacco manufactory or bonded manufactory, 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.

## BONDING OR WAREHOUSING.

**102.** Spirits, malt, tobacco and other articles subject to duty under this Act, may be deposited in any suitable licensed warehouse without payment of the duty hereby imposed, subject to the following regulations and to such other regulations as the Governor in Council may make.

Goods subject to excise duty may be warehoused under regulations.

**103.** 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.

Warehouse to be provided by owner of goods and approved.

**104.** All goods warehoused shall be at the risk of the owner, and if destroyed or wasted, through the neglect of the owner, the duty shall be payable thereon as if they were entered for consumption.

Goods to be at owners risk.

**105.** Bonds shall be taken for twice the amount of duties accruing on the goods.

Amount of bonds.

**106.** No less quantity of goods shall be entered for warehouse by one entry than one hundred gallons of proof spirits, one thousand pounds of leaf tobacco, two hundred pounds of cavendish or other tobacco except cigars, or one hundred pounds of cigars and :—

Smallest quantity of goods to be warehoused or ex-warehoused by one entry.

2. No less quantity of goods shall be ex-warehoused by one entry than fifty gallons of proof spirits, one thousand pounds of leaf tobacco, one hundred pounds of cavendish or other manufactured tobacco except cigars, or fifty pounds of cigars :

3. No less quantity of goods manufactured in bond shall be ex-warehoused by one entry, than would be liable to a duty of fifty dollars : Provided always, that the restrictions herein contained as to the quantity of tobacco that can be warehoused or ex-warehoused at one time, shall not apply to raw tobacco grown in Canada or Canadian twist warehoused by the cultivator thereof, nor to samples of foreign leaf tobacco made up in accordance with the Departmental regulations made in that behalf.

Goods manufactured in bond. Proviso.

**107.** 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 :

Period of warehousing limited.

Goods in warehouse subject to duties on quantity deficient.

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, after taking an account of the ex-warehouse entries; 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. 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.

Exception.

Molasses may be manufactured into spirit in bond.

**108.** 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 of any kind, subject to regulations to be made by the 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.

Duty to be computed and stated on entering goods for warehouse. Transfer of goods in warehouse.

**109.** At the time of entering the goods for warehouse, the amount of duty shall be computed and ascertained and stated in the entry.

**110.** Except as herein otherwise provided as to malt, goods warehoused under this Act may be transferred in bond from one party to another, 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.

Quantity, value and packages to be described.

**111.** When goods are entered for warehouse, the entry shall state the exact quantity and value of goods in each package or parcel; and each package shall be described in the entry paper, and shall also be designated by a distinguishing number.

Packages to be marked.

**112.** Each package warehoused shall be marked with the entry number, with the date when warehoused, and with the quantity which the package contains.

**113.** 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.

Stowage of casks.

**114.** All boxes, caddies or packages of tobacco shall be arranged and stowed in warehouse so that access may be easily had to each package, and so that the stamps or other marks thereon may be easily read.

Stowage of packages of tobacco.

**115.** 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.

Goods in several entries not to be mixed.

**116.** 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.

To be re-marked and re-stowed in certain cases.

**117.** No goods shall be removed from warehouse for consumption unless upon the payment of the full amount of duty accruing thereon; and the duty so paid on spirits, malt or tobacco so taken out of warehouse for consumption, or which shall have directly gone into consumption shall not be refunded by way of drawback or otherwise upon the exportation of such spirits, malt or tobacco out of Canada.

Duty to be paid on goods taken out.

**118.** 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.

Entries to be refused unless requirements of this Act are complied with.

**119.** All entry papers, either for warehouse, ex-warehouse or for removal, shall be made in such forms, and shall be attested by such affidavits, affirmations or declarations as the Department of Inland Revenue may order.

Forms to be as ordered by Department.

As to malt  
warehoused.

**120.** Malt placed in a malt-warehouse, as herein provided shall be deemed to be warehoused within the meaning of this Act; but no such malt shall be transferred from one party to another in bond, or removed in bond from one warehouse to another, unless it be otherwise provided by regulation.

Drawback on  
beer exported.

**121.** 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:— but,

Provided  
notice of  
intent to  
export has  
been given.

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 :

Drawback  
on spirits  
exported  
made from  
foreign grain.

3. 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 Order in Council in that behalf :

Drawback on  
spirits  
exported  
made from  
malt.

4. 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 Order in Council in that behalf :

Drawback  
on goods  
exported.

5. Any person who manufactures any goods 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

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.

Amount, how determined.

**122.** 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.

Dutiable goods used for manufacture in bond may be received by persons so licensed as in a warehouse.

**123.** The goods so 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 five days of the close of every half 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.

Payment of duties on goods manufactured, &c.

Unless exported or warehoused.

**124.** On the last day of each of the months of September, December, March and June, the Inspector of Inland Revenue shall take an accurate account of the quantity of each of the articles entered for use in the bonded manufactories under his survey, then in stock, and whenever it shall appear to his satisfaction—

Quarterly account of stock in bonding manufactories by Inspector.

(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 used in the process of manufacturing 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 on bond.

The Collector shall certify the quantity of each article so used, and the account with the manufacturer's bond shall be credited with the quantities so certified : but,—

Manufacturer to pay duty for short stock.

2. When the quantity of any article found in stock is less than that which, with the quantity lawfully used 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 is liable, and the duty so collected shall be held to be a duty of excise and collected and accounted for as such.

#### PERMITS.

Conditions on which spirits may be removed from distillery.

**125.** No spirits shall be removed from any distillery, nor from any warehouse in which they have been bonded or stored, until the duty on such spirits has been paid or secured by bond in the manner by law required, nor 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 determine; and any spirits removed from such distillery or warehouse before the duty thereon has been so paid or secured, or 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.

Forfeiture for illegal removal.

Power to examine packages of spirits being removed.

**126.** 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 containing spirits, and may examine such spirits, 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 spirits, if the quantity thereof be greater than five gallons, and such officer has cause to believe that they have been unlawfully removed, may 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.

Forfeiture if no permit.

Hours and conditions of removal.

**127.** Spirits shall not be removed from any distillery between the hours of six o'clock in the afternoon and seven o'clock on the following morning; nor shall any spirits be removed from a distillery at any time in casks or packages containing less than forty gallons each; 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.

Forfeiture for contravention.



## REGULATIONS BY ORDER IN COUNCIL.

**128.** The Governor in Council may make such regulations as to him may seem necessary for the warehousing of spirits, malt or tobacco, or for dispensing with the prohibition to the removal or transfer of malt in bond, under this Act, or 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.

Governor may make regulations for warehousing.

**129.** 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.

And for carrying this Act into effect.

May require bonds, &c.

Regulations may be repealed, &c.

**130.** 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.

Legal effect of regulations.

## OFFICERS OF EXCISE, THEIR POWERS AND DUTIES.

**131.** The Commissioner of Inland Revenue or other person acting as Deputy Head of the Department, and every inspecting Officer of Inland Revenue, or Inspector of Excise, shall have and may exercise in each and every revenue division all the powers and rights conferred by this Act on the Collectors of Inland Revenue.

Powers of officers of Inland Revenue and Excise.

**132.** The Inspector of Inland Revenue, and every person 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 an officer of Inland Revenue.

Who shall be such officers.

**Collectors of Inland Revenue.** **133.** 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."

**Officers of Excise.**

**Not to deal in articles subject to excise.** **134.** No officer of Inland Revenue shall directly or indirectly deal or trade in any goods or commodities subject to excise or customs duties.

**Power to administer oaths.**

**135.** Every superior and inspecting officer, and every Collector of Inland Revenue, with such other officers as may, from time to time, be designated by the Governor in Council are hereby empowered and authorized to administer all oaths and receive all declarations required or authorized by this Act.

**Powers of officers.**

**136.** Every officer of Inland Revenue is hereby empowered and authorized—

**Entry into places where business subject to Excise is carried on.**

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;

**Inspection of apparatus.**

2. 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. to discover hidden apparatus.**

3. 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 worms of stills, &c.**

4. 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 ;

5. 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 and utensils during the period when the said distillery, malt house, tobacco manufactory or bonded manufactory is not at work ;

Gauging  
vessels, &c.

Closing and  
sealing  
vessels, &c.

6. To take at any time that he shall see fit, a sample or samples of any tobacco, snuff or cigars unmanufactured or in process of manufacture, or manufactured, in the stock or possession of any manufacturer of tobacco, paying for the same if demanded, at the current wholesale price of such tobacco, snuff or cigars ;

Taking  
samples of  
tobacco  
at wholesale  
price.

7. To take from any distillery a sample of beer or wash, or to work the distillery as herein provided.

Taking  
samples of  
beer, &c.

**137.** 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, tobacco manufactory or bonded manufactory, or into the premises of a distiller, maltster, tobacco 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, 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, manufactory or other premises, it shall be lawful for such officer 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 through any of the doors, windows or walls of such distillery, malt house, tobacco 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, manufactory or other premises aforesaid.

Power to  
break open  
doors, &c.,  
if necessary  
to enter  
distillery.

By day, or  
with a peace  
officer by  
night.

**138.** The Collector or other proper 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

Power to  
search for  
unlicensed  
apparatus on  
search  
warrant.

tioned in such search warrant, as being one in which, affidavit has been made, of 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 the provisions of this Act otherwise contravened.

License may be suspended or revoked for certain contraventions of this Act.

**139.** The Minister of Inland Revenue may lawfully suspend or revoke the license of a distiller, maltster, tobacco manufacturer or bonded manufacturer, 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, rectifying house, malt house, tobacco manufactory or bonded manufactory, or any house, outhouse, store or other place whatsoever of such distiller, maltster, tobacco manufacturer or bonded manufacturer, or in or from otherwise performing his duty in the execution of any Act relating to the Inland Revenue.

Writ of assistance by whom granted.

**140.** Any Judge of the Court of Queen's Bench or of the Common Pleas in the Province of Ontario, or of the Superior Court, or of the Court of Vice-Admiralty in the Province of Quebec, or of the Supreme Court in Nova Scotia, or in New Brunswick, having jurisdiction in the place where the application is made, shall grant a writ of assistance upon application made to him for that purpose by the 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 :

How long to remain in force.

Powers of officers under writ.

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, windows or gates and any chests or other packages for that purpose :

Entry, search and seizure.

Arrest for misdemeanor or felonies under this Act.

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 :

4. Every person so arrested shall, as soon as possible thereafter, be brought 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.

Trial of person arrested.

**141.** 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.

Justices of Peace and others to assist on being required.

#### PENALTIES.

**142.** 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 subject to Excise 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, partially or completely set up, or ready or partly ready for work in any place or premises owned by him or under his control, without having given notice thereof as required by 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,—

Shall

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 labour, 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 labour for a period of not less than six and not exceeding twelve months: and—

Apparatus  
may be 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:

Penalty for  
doing certain  
things  
without  
license.

2. Any person who, after the passing of this Act, and without having a license under it then in force, shall—

(a.) Make any malt or steep any grain for the purpose of malting, or —

(b.) Brew any beer or any fermented liquor, except for the use of himself or family, or—

(c.) 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—

(d.) 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—

(e.) Who, having obtained a license to manufacture exclusively from raw tobacco grown in Canada, shall use, or bring into, or permit to be used or brought into his manufactory any imported foreign leaf or raw tobacco,—

Penalty.

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.

Additional  
penalty.

**143.** 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.

**144.** All grain, malt, raw tobacco, and all other material in stock, and—

Goods and apparatus forfeited when no license has been taken out ;

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, tobacco, snuff, cigars, and other manufactured articles,—

Which may at any time be found in any distillery, malt house, brewery, tobacco 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 —

If found in certain places ;

5. All horses, vehicles, and other appliances which have been or are being used for the purpose of removing any spirits, malt, tobacco or apparatus used in the production of any article subject to excise in contravention of this Act,—

Horses, vehicles, &c.

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.

Seizure and forfeiture.

**145.** Every person who shall have in his possession any malt-floor, malt-kiln, or any brewing or malting apparatus, or any tobacco press or mill for cutting or grinding tobacco, or any machinery adapted to be used in manufacturing tobacco, without having made a full and particular list, description and return thereof as herein 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.

Penalty on persons having apparatus and not having made a return thereof.

**146.** Every person who shall sell, or offer for sale, or have in his possession, except on a farm or premises whereon it was grown, or in a licensed manufactory, any loose or unpacked raw or manufactured tobacco or any package of tobacco, snuff or cigars upon which no label or stamp has been affixed, in compliance with the requirements of this Act, shall incur and pay for a first offence a penalty of not less than fifty and not more than two hundred dollars, and

Penalty for selling, &c., un-tamped tobacco.

for

for a second or any subsequent offence a penalty of two hundred dollars ; and all tobacco, snuff and cigars so offered or exposed for sale, or so unlawfully had in possession loose or unpacked, or without being stamped or labelled 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.

Tobacco to be imported only at certain ports of entry.

**147.** All raw or leaf tobacco imported or brought into Canada at any port or place other than at the ports of entry herein named, shall be seized by any officer of customs or excise having a knowledge thereof, and shall be and remain forfeited to the Crown.

Imported tobacco not bonded or in stamped packages,—

**148.** All imported raw or leaf tobacco not bonded or not in stamped packages as herein required, and in the possession of any person except a licensed tobacco manufacturer,—

And Canadian in certain cases,—

And all raw or leaf tobacco grown in Canada not bonded or not in stamped packages as herein required, and removed from the farm or premises whereon it was grown, and in the possession of any person other than a licensed tobacco manufacturer, or not in a bonded warehouse of a licensed dealer who has obtained a permit to take such tobacco out of bond or from the farm or premises whereon it was grown, except only for the purpose of carrying it directly to some licensed tobacco manufactory or to a tobacco warehouse,—the proof whereof shall lie upon the person having possession thereof,—

Subject to seizure and forfeiture for contravention.

Shall be seized by any officer of customs or excise having a knowledge thereof, and shall be and remain forfeited to the Crown.

Engines and apparatus on premises in which fraud has been committed against Revenue to be forfeited.

**149.** Every steam-engine, boiler, mill, still, worm, rectifying apparatus, fermenting-tun, mash-tub, cistern, couch-frame, machine, vessel, tub, cask, pipe and cock, with the contents thereof, and all stores or stocks of grain, spirits, malt, tobacco, 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 misdemeanour or felony, shall be and remain forfeited to the Crown, and dealt with accordingly.



**150.** 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.

Seizure and forfeiture of articles on which duty is not paid.

**151.** If any maltster shall add, or cause or willingly permit to be added, any grain to the grain 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 forfeit for every such offence the sum of five hundred dollars; and all the grain so mixed or added, together with all the grain and malt then in the malt house, shall be and remain forfeited to the Crown.

Penalty on maltsters fraudulently putting grain into a cistern.

**152.** If any maltster shall remove, or cause or willingly 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 and knowing the same to have been so removed, the maltster or person so offending shall forfeit the sum of five hundred dollars, and the malt so removed shall be forfeited to the Crown, and shall be seized by any officer having a knowledge thereof.

Penalty for removing malt before account is taken.

**153.** 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 fifty dollars, and for a second or any subsequent offence, a penalty of not less than one hundred dollars and not more than two hundred dollars;—

Penalty for adding materials without making return.

2. And for any such second or subsequent offence all the malt 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.

Seizure of utensils, &c., on second offence.

**154.** Every person who shall put into any bags, packages or casks which have been stamped 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, and every vendor of any package labelled, branded or sealed, as required by this Act, who shall fail to obliterate or deface such label, brand or seal, before removing or allowing it to be removed from the licensed premises in which the article is made, in the manner directed or required by any departmental regulation in that behalf—

Penalty for using stamped packages for goods on which duty has not been paid.

Shall

**Punishment.**

Shall be guilty of a misdemeanour, 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.

**Keeping stamped packages without giving a return to officer.**

**155.** Every person who shall bring or cause to be brought into any place licensed under this Act, or who shall knowingly permit to remain in any licensed place belonging to him, or in which any business subject to excise is carried on under his supervision or control, 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, without first giving an exact return or account, with a description of such packages and of the marks or labels then upon them to the officer of Inland Revenue, under whose survey his premises are, and obtaining a permit thereto,—

**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.

**Penalty for not making proper returns of premises, apparatus, &c.**

**156.** Every person carrying on any business subject to excise, or having in his possession any premises, 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, 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,

tillery, malt house, tobacco manufactory or bonded manufactory, 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—

3. Who shall make any changes therein or additions thereto without duly notifying the Collector of Inland Revenue or other proper officer ; or—

Making changes without notice.

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 entry made thereof ; or—

Using secret communications.

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 proper officer, or other than are permitted to be used by this Act ; or—

Or pipes, &c., 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—

Using apparatus for purpose not notified.

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 and compartment of such premises are respectively applied ; or—

Refusing to designate the 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 or apparatus.

10. Who shall do or cause or permit to be done, any thing in or about the premises where such business is carried on, intended or likely to mislead any officer of Inland Revenue

Deceiving officers.

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,—

**Penalty.** 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—

**Further penalty.** A further penalty of one hundred dollars for each and every day upon which such offence has been committed.

**Apparatus, &c., incurring penalty to be seized and forfeited.** **157.** Every still, worm, rectifying apparatus, fermenting-tun, mash-tub, machinery, 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, workshop, 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.

**Penalty for refusing to assist officers.** **158.** 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 misdemeanour, 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.

**Penalty for—** **159.** 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 books, as required by this Act or any regulation under it;** 2. 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 the Department of Inland Revenue or by any departmental regulation in that behalf; or—

**Not making true entries;** 3. 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;** 4. 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;** 5. 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—

6. Who shall deface or erase, or cause or permit to be defaced or erased any entry made therein; or— Defacing entries;

7. Who shall neglect or refuse to make any return or statement, or to give any information, or to render any account required by this Act; or— Refusing to make returns, &c.;

8. Who shall falsify any such return, statement or account; or who shall knowingly give false information; or— Falsifying returns;

9. Who shall neglect or refuse to produce any books, account, statement or return herein 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,— Refusing to produce returns or books.

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, manufactured tobacco, stock, goods manufactured in bond, or materials for manufacturing them: Amount of penalty.

And every article or commodity, in respect of which any fraudulent, false, incorrect or imperfect information, entry, return, account or statement has been made or given, or in respect of which any entry, return, account, 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, account or statement has been in whole or in part erased, defaced, removed or destroyed,— Forfeiture of articles or goods.

And all spirits, raw and manufactured tobacco, goods or materials, grain, malt, hops, drugs, stock, machinery, utensils, tools, apparatus, articles or commodities, in respect of which any such fraudulent, false or imperfect entry, return, account or information has been made or given, or in respect of which any information, return, entry 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, 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, tobacco manufactory, brewery or bonded manufactory, at the time when such false, fraudulent or imperfect information, entry, return, 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, entry, statement or account has been in whole or in part neglected—or at the And of stock and apparatus, &c., in respect of which false return is made, or information refused. time

time when it shall be discovered that any return, account or statement has been in whole or in part erased, defaced, removed or destroyed,—

Shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown.

Penalty for using weights and measures without inspection.

**160.** Any person who shall use or cause or permit the using of any beams, scales, weights or measures in or about any distillery, malt house or tobacco manufactory, brewery or bonded manufactory,—other than such as have been tested and inspected as herein provided and approved by the proper officer of Inland Revenue—shall forfeit and pay for every such offence a penalty of two 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.

Forfeiture.

Penalty for having unlawful perforations in certain vessels.

**161.** If in any distillery there shall, at any time, be found a closed receiver, high wine tub, low wine tub, or doubler, which has been perforated by any hole or aperture, other than such as is necessary for the lawful use of such closed receiver, or in contravention of this Act, the distiller in whose distillery the closed 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 the penalty of five hundred dollars; and the 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.

Breaking the Crown's lock or seal, or abstracting goods or counterfeiting labels, &c., to be felony.

**162.** 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 or tobacco, 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-receiver 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.

**163.** Every person carrying on any business subject to Penalty for,—  
excise who shall refuse or neglect—

2. To render such accounts, statements and returns as are herein required, and at the time herein prescribed, or — Not rendering accounts ;

3. To pay over at the proper time the duties and license fees imposed by this Act, or — Not paying duties ;

4. To pay over any penalty or forfeiture incurred under this Act, for more than one month after such penalty or forfeiture has been incurred, — Or forfeitures.

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 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. License to be forfeited.  
No new license except on certain conditions.

**164.** 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 misdemeanour, and on conviction shall be punished by imprisonment for any period not less than six months, nor longer than one year. Obstructing officers a misdemeanour.

**165.** 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. Assaulting officers or persons assisting them to be felony.

**166.** 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, Punishment for taking away goods seized or detained.

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 labour for a period of not more than three years.

**Felony.**  
Penalty on persons refusing to give evidence.

**167.** 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.

**Penalty for any contravention of this Act when no other penalty is provided.**

**168.** 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.

#### PROTECTION OF OFFICERS.

**Notice to officer sued for anything done in the exercise of his office and what to contain.**

**169.** 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 process,—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.

**Action to be brought within three months.**

**170.** 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 facts 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



have such remedy for the same as any defendant can have in other cases where costs are given by law.

**171.** 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.

Amends may be tendered after notice: effect of such tender.

**172.** 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.

Nominal damages only if Judge certifies probable cause.

**173.** 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.

No costs to claimant in case of seizure with probable cause certified by Judge, nor more than nominal damages against seizing officer.

#### RECOVERY OF DUTIES AND PENALTIES.

**174.** Any duties of excise or license duties or fees payable under this Act shall be recoverable at any time after the same

Duties recoverable whether

account has  
been rendered  
or not.

same ought to have been accounted for and paid, whether an account of quantity of spirits, malt, tobacco, drugs or other goods or commodities, has or has not been rendered as herein required, or whether a true return of the utensils, tools and apparatus on which such duty or license fees are payable has or has not been made as herein 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.

As a debt to  
Her Majesty  
with full  
costs.

Recovery of  
penalties.

**175.** 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.

If not over  
\$500, in  
County or  
Circuit  
Court.

How perish-  
able articles  
seized  
may be dealt  
with.

**176.** In case of the seizure of any article, the Collector of Inland Revenue for the division in which the seizure has been made, or any superior officer of Inland Revenue may 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 may 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 Collector of Inland Revenue or superior officer of Inland Revenue aforesaid, may 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:

Keeping and  
storage of ar-  
ticles seized.

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

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.

**177.** 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.

Burden of proof that duties have been paid, &c.

**178.** 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.

Forfeited apparatus may be seized and secured until condemned.

**179.** 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 for whom the seizure was made, and another copy, together with the Collector or other officer's report relating to such seizure, shall be transmitted without delay to the Department of Inland Revenue.

Schedule to be made by officer seizing, &c.

Copies may be made.

**180.** 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:

To be seized in Her Majesty's name.

2. And (without any prejudice to the liability of any other property of the debtor or his sureties), the grain, malt, tobacco,

Stock in trade and apparatus of

party owing any duties or penalties to be specially liable.

tobacco, 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 or bonded manufacturer, 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 favour 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 favour 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 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.

Notwithstanding any claim or title.

Provision if the same be forfeited.

Notice of seizure to be posted up.

**181.** 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 secured as aforesaid :

How claims to the property seized shall be determined.

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

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:

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 to the Collector of Inland Revenue or superior officer of Inland Revenue within one month from the seizure as aforesaid.

Claims to be posted up.

**182.** 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, do, within one month from the day of seizure, give 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:

Condemnation if not claimed within a certain time.

2. But any Judge having competent jurisdiction to try and determine the seizure, may, with the consent of the Collector of Inland Revenue at the place where the seized articles are secured, or of any superior officer of Inland Revenue, 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.

Goods seized may be delivered up on security.

**183.** 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.

Payment of penalty not to discharge any duty.

Recovery of pecuniary penalties and forfeitures by distress if not paid.

**184.** The pecuniary penalty or forfeiture incurred for any offence against the provisions of this Act, may be sued for and recovered 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 two credible witnesses; 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 such justice or justices; or the said justices may, in their discretion, commit the offender to the common gaol, until the penalty, with the costs of the prosecution, shall be paid.

Penalties, &c. may be recovered by Attorney-General, &c., in any competent court.

**185** Provided always, that any pecuniary penalty or any forfeiture imposed by this Act, whatever be the amount thereof, may be sued for and recovered with costs, on the oath of any one competent witness in any court having civil jurisdiction to the amount of such penalty or forfeiture, by Her Majesty's Attorney-General, or by any other person or officer thereunto authorized by the proper authority.

Appropriation and division of penalties and forfeitures.

**186.** 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 the Collector of Inland Revenue or superior officer of Inland Revenue, 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 aiding 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.

Excise officers, &c., to be competent witnesses.

**187.** 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 (provided he be not himself the prosecutor or a party to such suit), although he has or believes himself to have some expectation of advantage to himself from the successful termination of such prosecution or suit.

Sums recovered for Her Majesty to form part of Consolidated Revenue Fund.

**188.** 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.

**189.** 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.

As to goods voluntarily abandoned as forfeited, or penalties voluntarily paid.

**190.** 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 Acts and parts of Acts mentioned in the Schedule A hereunto annexed, 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 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 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.

Commencement of Act.

Inconsistent enactments repealed.

Proviso: as to rights acquired and proceeding commenced, &c, under repealed Acts.

References to former Acts.

**191.** 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

Extent and application of Act.

Order

Proviso:  
unsettled  
tracts.

Order in Council as provided in the said Acts; and provided also, 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.

Short title.

**192.** This Act may cited as "*The Inland Revenue Act, 1880.*"

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## SCHEDULE A

*Acts and parts of Acts repealed.*

- 31 Vict., chap. 8—The whole.
- 31 Vict., chap. 51—The whole.
- 33 Vict., chap. 9—Sections 18, 19 and 20.
- 37 Vict., chap. 6—Sections 11 and 12.
- 37 Vict., chap. 8—The first two paragraphs of section 1, and the whole of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.
- 39 Vict., chap. 5—The whole.
- 40 Vict., chap. 11—Sections 1 and 8.
- 40 Vict., chap. 12—The whole.
- 41 Vict., chap. 9—The whole.
- 42 Vict., chap. 15—Sections 13, 14, and 16.

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## SCHEDULE B.

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.

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## CHAP. 20.

An Act to amend "The General Inspection Act, 1874,"  
and the Act amending it.

[Assented to 7th May, 1880.]

**I**N amendment of "*The General Inspection Act, 1874*," and Preamble. the Act amending it, passed in the thirty-ninth year of Acts 37 V., Her Majesty's reign, and chaptered thirty-three: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—  
c. 45 and 59 V., c. 33.

**1.** The sixth section of the Act first above cited is hereby amended by striking out the word "Governor" in the fourth line, and inserting in lieu thereof the words "Minister of Inland Revenue."  
Sect. 6 of 37 V., c. 45 amended.

**2.** The sixty-fifth section of the said Act first above cited is hereby amended by inserting after the word "pickled" in the first line thereof, the words "and smoked."  
Sect. 65 of 37 V., c. 45 amended.

**3.** The sixty-eighth section of the Act first above cited is hereby amended by inserting after sub-section eight the following paragraphs:—  
Sect. 68 of 37 V., c. 45 amended.

"(a) For each box of smoked herrings, two cents ;

(b) For each half box of smoked herrings, one cent ;

(c) For each quarter box of smoked herrings, one half cent."

**4.** The sixty-third section of the Act first above cited, is hereby amended by inserting the following paragraph, following the second paragraph of the said section :  
Sect. 63 of 37 V., c. 45 amended.

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

Sect. 37 of  
27 V., c. 45  
as amended  
by 39 V., c.  
33 amended.

5. The section substituted for the ninety-seventh section of the Act first above cited by the said Act passed in the thirty-ninth year of Her Majesty's reign, chapter thirty-three, is hereby amended by striking out the words "eight pounds" and inserting in lieu thereof the words "six pounds."

## CHAP. 21.

An Act to amend the Act respecting the Inspection of Petroleum.

[Assented to 7th May, 1880.]

Preamble.

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

Interpretation.

1. The following words when used in this Act shall be construed as herein mentioned, that is to say :—

Package.

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

Specific gravity.

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

Petroleum.

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

Naphtha.

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

(e.)

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

(f.) *Fire-test* or *burning* means the ignition and continuous burning of any fluid herein referred to on the application of a light or spark, under conditions to be established by regulations made under this Act : Fire-test, or burning.

(g.) *Inspector* or *Inspecting Officer* means any officer of Inland Revenue or of Customs, and any person who may be appointed by the Governor in Council as Inspector of such articles, who may be directed by the respective Departments to inspect petroleum or naphtha. Inspector or Inspecting Officers.

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

1. If at a lower temperature than one hundred and fifteen degrees, by Fahrenheit's thermometer, it emits a vapour that will flash ; or— Flash.

2. If it weighs more than eight pounds and two hundredths of a pound per gallon ; or— Weight.

3. If it weighs less than seven pounds and seventy-five hundredths of a pound per gallon. Weight.

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

1. If at a lower temperature than one hundred and twenty degrees, by Fahrenheit's thermometer, it emits a vapour that will flash ; or— Flash.

2. If it weighs more than eight pounds and two hundredths of a pound per gallon ; or— Weight.

3. If it weighs less than seven pounds and seventy-five hundredths of a pound per gallon. Weight.

4. Naphtha shall only be sold or offered for sale in Canada,— Of naphtha.

1. For use for illuminating purposes—

For illuminating.

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

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

For other purposes.

2. For use for mechanical or chemical purposes in buildings not inhabited as a residence for family purposes.

Marks on packages.

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

- Flash. 1. The flash-test of the petroleum contained therein ;
- Weight. 2. The weight per gallon in pounds and decimal parts of a pound ;
- Weight. 3. The gross weight in pounds ;
- Tare. 4. The tare (or weight of empty package) in pounds ;
- Oil. 5. The net weight of oil, in pounds ;
- Gallons. 6. The number of gallons contained in the package ;
- Date. 7. The date when the package was filled ;
- Signature of refiner. 8. The signature of the refiner, manufacturer or other person, or of his authorized agent, by whom the petroleum was put into the package so marked.

Inspection.

6. The quantity and quality of imported petroleum or naphtha in each package shall be ascertained by weighing and testing by the Inspector, and the allowance for the tare of the package shall be in accordance with Departmental regulations in that behalf.

Duty of Officer.

2. It shall be the duty of the inspecting officer at the port of entry to cause the following marks to be correctly placed upon the end or side of each package of imported petroleum in the presence of the importer or owner thereof, or of his authorized agent :—

- Flash. (a) The flash-test ;
- Weight. (b) The weight per gallon in pounds and decimal parts of a pound ;
- Weight. (c) The gross weight of the package and its contents ;
- Gallons. (d) The number of gallons computed to be in each package ;
- Date. (e) The word "Inspected" with the date of inspection ;  
(f)

(f) The signature of the Inspector, with the name of his port or district. Signature.

7. Naphtha shall not be inspected for flash test, but only as to its gravity and quantity, but the marks on the packages in which it is contained shall be the same as on packages containing petroleum, except that the word "*Naphtha*" shall be substituted for the flash-test. As to naphtha.

8. No other mark or brand whatever shall be placed upon the end or side of any package of Canadian or imported petroleum upon which any marks or brands have been placed in compliance with the provisions of this Act. No other mark.

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

10. The inspection of petroleum and naphtha under this Act shall be performed by officers of the Inland Revenue, and of the Customs, duly authorized thereto by regulations made by the respective Departments, or— Inspection by Officers.

2. By such other persons as may be appointed for that purpose by the Governor in Council; and— By others.

3. Such instruments shall be used and process adopted in making the inspection as may be directed by regulations made by the Department of Inland Revenue. Instruments.

11. The Governor in Council may, from time to time, make such regulations respecting the storage and possession of petroleum and naphtha as he may deem necessary for the public safety—special regulations being made as to the importation or possession of naphtha; and no person shall have in his possession any such article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as may be made from time to time by the Governor in Council, for the storage and possession of such articles; and such permit must be produced to the proper officer of the Customs before the importation of any such articles above mentioned shall be permitted. Regulations respecting storage; how made.

12. Packages containing petroleum or naphtha which is to be exported out of Canada direct from the refinery in which it is made and packed, shall only be marked and inspected as herein prescribed, at the option of the owner thereof; but if any petroleum or naphtha for which Packages of petroleum or naphtha for export.

exemption from inspection is claimed under this section, is thereafter sold or offered for sale for consumption in Canada, or removed from the refinery otherwise than for exportation, it shall thereupon become liable to seizure and confiscation.

Forfeiture for sale without inspection.

**13.** All petroleum and naphtha liable to inspection, sold or offered for sale for use in Canada without having been inspected, immediately after being manufactured or imported into Canada, shall be subject to seizure by any officer of Customs or Inland Revenue, and shall be dealt with as the Governor in Council may direct.

Responsibility for quality and quantity.

**14.** Every refiner, manufacturer or importer of petroleum or naphtha, and every person who deals in or keeps or offers any petroleum or naphtha for sale, shall be responsible that as to its quality and as to the quantity contained in each package it shall not be inferior to the quality nor less than the quantity designated by the marks and descriptions then on the packages in which it is contained, all of which marks and descriptions the person in whose possession it is shall maintain in a perfectly legible state.

Inspection after being put into packages.

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

Inspection and packages of imported petroleum or naphtha.

**2.** All petroleum and naphtha imported into Canada shall be in packages containing not more than fifty gallons each, and shall be inspected and the packages marked, as herein required, at the port where it enters the Dominion, and before such petroleum or naphtha is entered for consumption; and any petroleum so imported which does not conform to the requirements of this Act shall be branded with the word "rejected," and shall, within ten days after the inspection, be exported out of Canada, and if not so exported within the prescribed time, it and the packages in which it is contained shall be seized and forfeited to Her Majesty, and disposed of as may be directed by regulations in that behalf.

If rejected.

What shall be sufficient inspection of a number of packages.

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

Of certain numbers of packages.

**2.** When there are more than ten packages and less than twenty, not less than three shall be sampled. For any larger number samples shall be drawn from not less than one package

package from every ten. The samples so taken shall represent the whole, but the inspector shall, in every case, make his own selection of the packages from which the samples are taken :

3. The Inspector shall mark or stamp in such manner as may be directed by the Departmental regulations, all the packages containing petroleum or naphtha inspected by him as herein directed, and the contents of such packages, so long as they are declared by the owner thereof to contain the same petroleum as was first inspected, as herein required, shall not be subject to the payment of inspection fees for any subsequent inspection, unless it is ascertained by such subsequent inspection that the article found therein is inferior in quality or quantity to the article designated by the descriptive marks found on the packages at the time of any second or subsequent inspection.

Marking packages by Inspector after first inspection.

17. Any duly authorized inspector may at any time during ordinary business hours, enter the refinery, shop or warehouse of any person who refines or keeps petroleum or naphtha for sale, and may take from any package of petroleum or naphtha found therein such quantity of the contents as may be necessary for testing the quality thereof. He may also take similar samples from any package of petroleum or naphtha found in the possession of any hawker or peddler on the public streets or highways, or that may be offered for sale by any person whatsoever.

Powers of Inspectors to enter refineries, &c.

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

What instrument may be used.

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

In case of dispute as to any test.

Sample to be sent to Ottawa.

20. The following fees shall be levied and collected for the inspection of petroleum ; and such fees shall be paid to the Inspector or the Collector of Customs, or the Collector of Inland

Fees for inspection.

Inland Revenue, as the case may be, at the time the inspection is made, and shall form part of the Consolidated Revenue Fund of Canada :—

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

When payable.

**21.** All fees payable under this Act shall be payable before any certificate or bill of inspection is delivered, and if not so paid shall be recoverable, with costs, before any Justice of the Peace.

Penalty for keeping petroleum or naphtha not in marked packages.

**22.** Any person who keeps or offers for sale for use in Canada any petroleum or naphtha which is not in packages marked as herein required, shall be guilty of an offence against this Act, and for a first offence shall incur a penalty of twenty dollars for every package in his possession not so marked, and for a second and for each subsequent offence a penalty of forty dollars for every package in his possession not so marked; and the petroleum so illegally kept or offered for sale shall be seized by any Revenue officer or Inspector having a knowledge thereof, and forfeited to Her Majesty.

Or not in conformity with the marks on the packages.

**23.** Any person who keeps or offers for sale for use in Canada any petroleum which is not in conformity with this Act, or that is inferior in quality to the quality represented by the marks on the package in which it is contained, or—

Or putting it into packages wrongly marked.

2. Who puts or causes to be put into any package marked as herein required, any petroleum or naphtha which is not of the description or quality represented by the said marks ; or—

Or if the marked quantity be not contained.

3. Who keeps or offers for sale or sells any whole package of petroleum or naphtha in which there is a less quantity than is represented by the marks on the package in which it is contained,—

Shall



Shall be guilty of an offence against this Act, and for a first offence shall incur a penalty of two dollars for every package found in his possession in which such inferior petroleum or naphtha, or such short quantity, is discovered; and for a second and each subsequent offence he shall incur a penalty of four dollars for every package as aforesaid; Provided always,—

Offence;  
penalty for  
first.

And for sub-  
sequent  
offence.

That the pecuniary penalty incurred under this section shall not, for a first offence, exceed fifty dollars, or for a second offence, one hundred dollars.

Limitation.

**24.** The petroleum, in respect of which any such penalty is imposed, for the reason that it will not stand the flash test hereby required, and the packages in which it is contained, shall be seized by any Revenue officer or Inspector having a knowledge thereof, and forfeited to Her Majesty, thereafter to be disposed of as may be determined by any general regulations made by Order in Council in that behalf.

Seizure of  
petroleum not  
standing flash  
test.

**25.** Whosoever, with a fraudulent intention,—

Other offen-  
ces.

1. Alters, effaces, or obliterates, wholly or partially, or causes to be altered, effaced or obliterated, any Inspector's brands or marks on any petroleum having undergone inspection, or on any package containing any petroleum, or—

Altering  
marks.

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

Counterfeit-  
ing marks.

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

Emptying  
packages  
inspected, &c.

4. Who, not being an Inspector of petroleum, brands or marks any package containing it, with the Inspector's marks, or gives any certificate purporting to be a certificate of inspection of any petroleum, and—

Using Inspec-  
tor's brands.

5. Any person who, being in the employ of any Inspector, hires or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid, and—

Having or  
lending such  
brands.

Inspector lending them. 6. Any Inspector who hires out or lends his marking instruments to any person whomsoever, or—

Giving false certificate. 7. Gives any certificate of inspection, without having personally performed the inspection, or gives any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act—shall, for each such offence, incur a penalty of one hundred dollars.

Assuming office of inspector.

26. Any person not thereunto duly authorized under this Act, who in any manner whatever assumes the title or office of Inspector, or issues any bill, certificate or declaration purporting to establish the quality or quantity of any petroleum, shall, for every such offence, incur a penalty not exceeding one hundred dollars.

Recovery of penalties or forfeitures.

27. Every penalty and forfeiture imposed by this Act, or by any regulation made under it, shall be recoverable by any complainant or informant suing for the same in a summary way, before a police or stipendiary magistrate, or two Justices of the Peace, by whom alone and no other or others the complaint shall be dealt with as the law directs; and every such penalty shall, in default of payment, be levied by warrant of distress, to be issued by such magistrate or justices against the goods and chattels of the offender; and one moiety of every such penalty when recovered, shall belong to the complainant or informant, and the other moiety to Her Majesty for the public uses of Canada; and if the penalty, together with any costs awarded, be not paid within thirty days, or be not recovered by seizure as hereinbefore provided, such offender shall be imprisoned in the common gaol of the county or district for a period of not less than two nor more than six months, at the discretion of the court.

Imprisonment if not paid or made.

Limitation of suits for things done under this Act.

28. Any action or suit against any person for anything done in pursuance of this Act, or contrary to its provisions, shall be commenced within six months next after the matter or thing done or omitted to be done, and not afterwards; and the defendant therein may plead the general issue, and give this Act and the special matter in evidence at any trial therein, and that the same was done under this Act; and if it appears so to have been done, then the judgment shall be for the defendant; and if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover his costs and have the like remedy for the same as defendants have in other cases.

Costs if plaintiff fails.

Act 42 Vict. cc. 18 and 19, repealed.

29. The Act passed in the forty-second year of Her Majesty's reign, chaptered eighteen, and intituled "*An Act to provide for the inspection, safe keeping and storage of Petroleum,*

*leum, and the products thereof,"* and the Act chapter nineteen of the same session amending the said Act, are hereby repealed, except only as to the repeal of any other Act by the said Acts, or any offence committed, or penalty incurred, or obligation contracted under the Acts hereby repealed, which may be prosecuted, imposed or enforced as if this Act had not been passed. Saving clause.

**30.** This Act may be cited as "*The Petroleum Inspection Act, 1880.*" Short title.

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## CHAP. 22.

An Act to amend "An Act relating to Banks and Banking," and to continue for a limited time the charters of certain Banks to which the said Act applies.

[Assented to 7th May, 1880.]

**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 to continue for a limited time the charters of the Banks to which it applies, subject to the provisions hereinafter made: 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 shall apply to every Bank to which the Act cited in the preamble applies, and to such Banks and their branches 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. Application of this Act, and 34 V., c. 5 as amended. Interpretation.

**2.** Section twenty-six of the Bank Act is hereby amended by adding the following thereto as a subsection thereof:— Section 26 amended.

(2) No person holding stock in any Bank as executor, administrator, guardian or trustee, or for any person named in the books of the Bank as being so represented by him or her, shall be personally subject to any liabilities as a stockholder, but the estate and funds in his or her hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust-funds would be, if living and competent to hold the stock in his or her own name; and if the trust be for a living person, such person shall also himself or herself be liable as a shareholder: Non-liability of persons holding stock as representing others; if so entered in the bank books.

But not otherwise.

holder : but if such testator, intestate, ward or person so represented is not so named in the books of the Bank, the executor, administrator, guardian or trustee shall be personally liable in respect of such stock, as if he or she held it in his or her own name as owner thereof.

Section 14 amended.

3. Section fourteen of the said Act is hereby amended by substituting the words "forty per cent." for the words "one-third."

New form of monthly returns after end of June, 1880.

4. Instead of the form substituted by the Act thirty-sixth Victoria, chaptered forty-three, for that given in the thirteenth section of the Bank Act as that in which the monthly returns to be made to the Government by any Bank are to be made up, the following form shall be substituted for all such returns to be made upon or after the first day of July in the present year one thousand eight hundred and eighty; and all the provisions of the said thirteenth section and of the Bank Act, shall apply accordingly:—

The form.

Return of the Liabilities and Assets of the  
on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18

Capital authorized.....\$  
Capital subscribed.....\$  
Capital paid up .....\$

LIABILITIES.

1. Notes in circulation.....\$
2. Dominion Government deposits payable on demand.....
3. Dominion Government deposits payable after notice or on a fixed day.....
4. Deposits held as security for the execution of Dominion Government contracts and for Insurance Companies.....
5. Provincial Government deposits payable on demand.....
6. Provincial Government deposits payable after notice or on a fixed day.....
7. Other deposits payable on demand.....
8. Other deposits payable after notice or on a fixed day.....
9. Loans from or deposits made by other Banks in Canada secured.....

- 10. Loans from or deposits made by other Banks in Canada unsecured .....
- 11. Due to other Banks in Canada....
- 12. Due to Agencies of the Bank or to other Banks or Agencies in foreign countries.....
- 13. Due to Agencies of the Bank, or to other Banks or Agencies in the United Kingdom.....
- 14. Liabilities not included under foregoing heads.....

\_\_\_\_\_

\$

\_\_\_\_\_

ASSETS.

- 1. Specie.....\$
- 2. Dominion notes.....
- 3. Notes of and checks on other Banks.....
- 4. Balances due from other Banks in Canada.....
- 5. Balances due from Agencies of the Bank or from other Banks or Agencies in foreign countries..
- 6. Balances due from Agencies of the Bank or from other Banks or Agencies in the United Kingdom.....
- 7. Dominion Government debentures or stock.....
- 8. Provincial, British or Foreign or Colonial public securities other than Canadian.....
- 9. Loans to the Government of the Dominion .....
- 10. Loans to Provincial Governments
- 11. Loans, discounts or advances for which stock, bonds or debentures of municipal or other corporations, or Dominion, Provincial, British or Foreign or Colonial public securities other than Canadian, are held as collateral securities .....
- 12. Loans, discounts or advances on current account to municipal corporations.....
- 13. Loans, discounts, or advances on current account, to other corporations .....



In addition to the returns specified in this section, the Minister of Finance shall also have power to call for special returns from any particular Bank, whenever, in his judgment, the same are necessary in order to a full and complete knowledge of its condition. Minister of Finance may require special returns.

5. The forty-second section of the Bank Act is hereby amended by striking out the words "at the suit of the Bank," in the second line, and inserting instead thereof the words "or in insolvency, or under the order or decree of a Court of Equity, as belonging to any debtor to the Bank." Section 42 amended.

6. The forty-third section of the said Act is hereby amended by adding thereto the words: "Provided always, that no bank shall hold any real or immovable property howsoever acquired, except such as shall be required for its own use, for any period exceeding seven years from the date of the acquisition thereof." Section 43 amended. Limitation as to real property.

7. Sections forty-five, forty-six, forty-seven, forty-eight, forty-nine, and fifty of the Bank Act, are repealed and the following sections inserted in their stead respectively, as part of the said Act:— Sections 45 to 50 repealed and new substituted.

"45. For the purposes of this Act, the words "goods wares and merchandise," when used herein, shall be held to comprise, in addition to the things usually understood thereby, timber, deals, boards, staves, saw logs and other lumber, petroleum, crude oil, and all agricultural produce and other articles of commerce; and the words "warehouse receipt" when used herein shall be held to mean any receipt given by any person, firm or company for any goods, wares or merchandise in his or their actual, visible and continued possession, as bailee or bailees, in good faith, and not as of his or their own property, and shall comprise receipts from any person who is the keeper of any harbour, cove, pond, wharf, yard, warehouse, shed, storehouse, tannery, mill or other place in Canada, for goods, wares or merchandise being in the place or in one or more of the places so kept by him, whether such person is engaged in other business or not, and shall also comprise specifications of timber. The words "bill of lading," when used herein, shall comprise all receipts for goods, wares or merchandise, accompanied by an obligation to transport the same from the place where they were received to some other place, whether by land or water, or partly by land and partly by water, and by any mode of carriage whatever: and the words "ship" or "shipment" shall be held to mean the delivery of any article, for transport as aforesaid. Interpretation of term "goods, &c." "Warehouse receipt." "Bill of lading." "Ship" or "shipment."

Bank may acquire and hold warehouse receipts or bills of lading as collateral security.

If the previous holder thereof was agent of the owner.

Chapter 59  
Con. Stat.  
Canada.

Proviso:  
as to time of  
acquiring  
warehouse  
receipt or  
bill of lading.

Exchange of  
warehouse  
receipt for  
bill of lading  
and *vice versa*.

If the person  
granting  
warehouse  
receipt or bill  
of lading and  
being the  
owner of the  
goods, also  
exercises one  
of certain  
callings.

“46. The bank may acquire and hold any warehouse receipt or bill of lading, as collateral security for the payment of any debt incurred in its favour in the course of its banking business; and the warehouse receipt or bill of lading so acquired shall vest in the bank, from the date of the acquisition thereof, all the right and title of the previous holder or owner thereof, or of the person from whom such goods, wares and merchandise were received or acquired by the bank if the warehouse receipt or bill of lading is made directly in favour of the bank instead of to the previous holder or owner of such goods, wares and merchandise: And if the previous holder of such warehouse receipt or bill of lading be the agent of the owner of the goods, wares and merchandise mentioned therein, within the meaning of the fifty-ninth chapter of the Consolidated Statutes of the late Province of Canada, (which is contained in Schedule “A,” appended to this Act, and which, as respects such meaning, shall apply to all the Provinces of Canada), then the bank shall be vested with all the right and title of the owner thereof, subject to his right to have the same re-transferred to him, if the debt as security for which they are held by the bank, be paid: Provided always that the bank shall not acquire or hold any warehouse receipt or bill of lading to secure the payment of any bill, note or debt, unless such bill, note or debt be negotiated or contracted at the time of the acquisition thereof by the bank, or upon the understanding that such warehouse receipt or bill of lading would be transferred to the bank, but such bill, note or debt may be renewed or the time for the payment thereof extended, without affecting such security. And on shipment of any goods, wares and merchandise for which a bank holds a warehouse receipt, it may surrender such receipt and receive a bill of lading in exchange therefor; or on the reception of any goods, wares and merchandise for which it holds a bill of lading, it may surrender such bill of lading, store such goods, wares and merchandise, and take a warehouse receipt therefor, or ship them or part of them, and take another bill of lading therefor.

“47. If any person granting a warehouse receipt or bill of lading is engaged in the calling, as his ostensible business, of keeper of a yard, cove, wharf or harbour, or of warehouseman, miller, saw-miller, maltster, manufacturer of timber, wharfinger, master of a vessel or other carrier by land or by water, or by both, curer or packer of meat, tanner, dealer in wool, or purchaser of agricultural produce, and is at the same time the owner of the goods, wares and merchandise mentioned in such warehouse receipt or bill of lading, any such warehouse receipt or bill of lading, and the right and title of the bank thereto and to the goods, wares and merchandise mentioned therein, shall be as valid and effectual as if such owner, and  
the



the person making such warehouse receipt or bill of lading, were different persons :

“ 2. In the event of the non-payment at maturity of any debt secured by a warehouse receipt or bill of lading, the bank may sell the goods, wares and merchandise mentioned therein, or so much thereof as will suffice to pay such debt with interest and costs, returning the overplus, if any, to the person from whom such warehouse receipt or bill of lading, or the goods, wares and merchandise mentioned therein, as the case may be, were acquired ; but such power of sale shall be subject to the provisions hereinafter made.

Power of sale in case of non-payment of advances.  
Proviso.

“ 48. If any miller, maltster, or packer or curer of pork grants a warehouse receipt for any cereal grains, or hogs which may be manufactured into flour or malt, pork, bacon or hams, respectively, while held thereunder, such warehouse receipt shall vest in any bank which shall be or become the lawful holder thereof, all the right and title to such manufactured article, which such bank acquired under such warehouse receipt to the article so manufactured and described in such warehouse receipt, and the bank shall continue to hold the same and all such right and title, for the same purposes and upon the same conditions as those upon which it previously held such material.

Lien of bank on certain goods into which articles pledged to it have been converted.

“ 49. All advances made on the security of any bill of lading or warehouse receipt, shall give and be held to give to the bank making such advances a claim for the repayment of such advances on the goods, wares or merchandise therein mentioned, or into which they have been converted, prior to and by preference over the claim of any unpaid vendor,—any law, usage or custom to the contrary notwithstanding.

Lien of bank to be prior to that of unpaid vendor.

“ 50. No sale without the consent in writing of the owner, of any timber, boards, deals, staves, saw logs or other lumber, shall be made under this Act until, nor unless, notice of the time and place of such sale shall have been given by a registered letter, mailed in the Post Office to the last known address of the pledger thereof, at least thirty days prior to the sale thereof ; and no goods, wares or merchandise, other than timber, boards, deals, staves, saw logs or other lumber, shall be sold by the bank under this Act without the consent of the owner, until, or unless, notice of the time and place of sale has been given by a registered letter, mailed in the Post Office to the last known address of the pledger thereof, at least ten days prior to the sale thereof ; and every such sale of any article mentioned in this section, without the consent of the owner, shall be made by public auction after a notice thereof by advertisement, stating the time and place thereof, in at least two newspapers published in or nearest to the place where the sale is to be made ; and

Conditions of sale by bank without the consent of the owner.  
Sale must be by public auction and advertised.

if

if such sale be in the Province of Quebec, then at least one of such newspapers shall be a newspaper published in the English language, and one other such newspaper shall be a newspaper published in the French language."

Section 51 repealed.

8. Section fifty-one of the Bank Act is hereby repealed and the following substituted for it :—

Lien of bank on shares and dividends of its stock-holders for debts or liabilities to it.

Sale of shares after notice.

Transfer of shares so sold.

"51. The Bank shall not make loans or grant discounts on the security of its own stock, but shall have a privileged lien for any debt or liability for any debt to the bank, on the shares and unpaid dividends of the debtor or party so liable, and may decline to allow any transfer of the shares of such debtor or party until such debt is paid, and if such debt is not paid when due the Bank may sell such shares, after notice has been given to the holder thereof, of the intention of the Bank to sell the same, by mailing such notice in the Post Office to the last known address of such holder, at least thirty days prior to such sale; and upon such sale being made, the President, Vice-President, Manager or Cashier shall execute a transfer of such shares to the purchaser thereof in the usual transfer book of the Bank, which transfer shall vest in such purchaser all the rights in or to such shares which were possessed by the holder thereof, with the same obligation of warranty on his part as if he were the vendor thereof, but without any warranty from the Bank or by the officer of the Bank executing such transfer :

What collateral securities the bank may hold for advances, &c.

Sale in case of default.

Provision may be varied by agreement.

"And nothing in this Act contained shall prevent the Bank from acquiring and holding as collateral security for any advance by or debt to the Bank, or for any credit or liability incurred by the Bank to or on behalf of any person (and either at the time of such advance by, or the contracting of such debt to the Bank, or the opening of such credit, or the incurring of such liability, by the Bank), Dominion, Provincial, British, or Foreign public securities, or the stock, bonds, or debentures of municipal or other corporations except Banks; and such stock, bonds, debentures, or securities, may, in case of default to pay the debt for securing which they were so acquired and held, be dealt with, sold and conveyed, in like manner and subject to the same restrictions as are herein provided in respect of stock of the Bank on which it has acquired a lien under this Act: This provision may, however, be departed from or varied by any agreement between the Bank and the owner of such stock, bonds, debentures or securities, made at the time at which such debt was incurred, or if the time of payment of such debt has been extended, then by an agreement made at the time of such extension."

Part of 42 V., c. 45 (numbering of shares) repealed.

9. Sections three, four, five and six of the Act passed in the forty-second year of Her Majesty's reign, chaptered forty-five, and intituled "*An Act to amend the Act relating to*

*Banks*

*Banks and Banking and the Acts amending the same,* and chapter fifty-five of the Consolidated Statutes of the late Province of Canada, intituled "*An Act respecting Banks and freedom of Banking,*" are hereby repealed, except as to rights acquired, offences committed, or liabilities incurred before the passing of this Act.

And chap. 55  
of Con. Stat.  
Canada.  
Exception.

**10.** After the first day of July, one thousand eight hundred and eighty, any person, firm or company assuming or using the title of "Bank" without being authorized so to do by this Act or by the "*Act relating to Banks and Banking,*" or by some other Act in force in that behalf, shall be guilty of a misdemeanor.

Assuming  
title of  
"Bank"  
without  
authority a  
misdemeanor.

**11.** The charters or Acts of incorporation of the several Banks mentioned in the Schedule B. to this Act, to all which the Bank Act applies, are hereby continued and shall remain in force, subject to the provisions of the Bank Act and of this Act, until the first day of July, in the year of our Lord one thousand eight hundred and ninety-one, except in so far as they or any of them may be or become forfeited or void under the terms thereof or of the Bank Act or any other Act passed or to be passed in that behalf, by non-performance of the conditions of such charters respectively, insolvency or otherwise.

Charters of  
certain banks  
continued to  
1st July, 1891.

Except in so  
far as avoided  
by insolvency  
or otherwise.

**12.** After the time when the charters of the said Banks respectively would have expired if they had not been continued by this Act,—

After 1st  
July, 1891.

(1.) The payment of the notes issued by any such Bank and intended for circulation, then outstanding, shall be the first charge upon the assets of the Bank in case of its insolvency:

Notes to be  
first charge  
on assets.

(2.) No bank note for a sum less than five dollars, or for any sum not being a multiple of five dollars, shall be issued or re-issued by any such Bank, and all notes for a less sum than five dollars, or not being such multiple as aforesaid, heretofore issued shall be called in and cancelled as soon as may be practicable:

No note under  
\$5 or other  
than a multi-  
ple of \$5.

(3.) Any such Bank when making any payment, shall, on the request of the person to whom the payment is to be made, pay the same, or such part thereof not exceeding fifty dollars as such person may request, in Dominion Notes for one or for two dollars each, at the option of the receiver:

Payments in  
Dominion  
Notes.

(4.) No appointment of a proxy to vote at any meeting of the shareholders of the Bank shall be valid for that purpose, unless made or renewed in writing within the three years next preceding the time of such meeting:

Renewal of  
proxies.

As to Bank  
of B.N.A.

(5.) The provisions in this section shall, from and after the first day of July, one thousand eight hundred and eighty-one, apply to the Bank of British North America, which, by the terms of its present charter, is to be subject to the general laws of the Dominion with respect to Banks and Banking.

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SCHEDULE A.

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CONSOLIDATED STATUTES OF CANADA, CHAPTER 59.

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An Act respecting the protection of Persons who receive Assignments and enter into Contracts in relation to Goods entrusted to Agents.

Preamble.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

What con-  
tracts with  
agents to be  
valid.

1. Any person may contract for the purchase of goods with any agent entrusted with the possession thereof, or to whom the same may be consigned, and may receive and pay for the same to such agent; and such contract and payment shall be binding upon the owner of the goods notwithstanding the purchaser has notice that he is contracting only with an agent.

When agents  
to be deemed  
owners.

2. Any agent entrusted with the possession of goods or of the documents of title thereto shall be deemed the owner thereof for the following purposes, that is to say,—

And for what  
purposes.

1. To make a sale or contract, as in the first clause mentioned;

2. To entitle the consignee of goods consigned by such agent to a lien thereon for any money or negotiable security advanced or given by him to or for the use of such agent, or received by the agent for the use of the consignee, in like manner as if such agent was the true owner of the goods;

3. To give validity to any contract or agreement by way of pledge (*gage*) lien or security *bonâ fide* made with such agent, as well for an original loan, advance or payment made upon the security of the goods or documents, as for any further or continuing advance in respect thereof; and—

4. To make such contract binding upon the owner of the goods and on all other persons interested therein, notwithstanding the person claiming such pledge or lien had notice that he was contracting only with an agent.

3. In case any person has a valid lien and security on any goods or document of title or negotiable security in respect of a previous advance upon a contract with an agent,—and in case he delivers up the same to such agent upon a contract for the pledge (*gage*), lien or security of other goods or of another document or security by such agent delivered to him in exchange, to be held upon the same lien as the goods, document or security so delivered up,—then such new contract, if *bonâ fide*, shall be deemed a valid contract made in consideration of a present advance of money within this Act, but the lien acquired under such new contract on the goods, document or security deposited in exchange, shall not exceed the value of the goods, document or security so delivered up and exchanged.

What contracts for lien valid.

4. Such contracts only shall be valid as are herein mentioned, and such loans, advances and exchanges only shall be valid as are made *bonâ fide* and without notice that the agent making the same has no authority so to do, or that he is acting *malâ fide* against the owner of the goods.

Must be *bonâ fide*.

5. No antecedent debt owing from any agent entrusted as aforesaid, shall authorize any lien (*gage*) or pledge in respect of such debt, nor shall it authorize such agent to deviate from any express orders or authority received from his principal.

Antecedent debt not to authorize lien.

6. All *bonâ fide* loans, advances and exchanges as aforesaid (though made with notice of the agent not being the owner, but without notice of his acting without authority), shall bind the owner and all other persons interested in the goods, document or security, as the case may be.

*Bonâ fide* transactions with agents to bind owners.

7. Every bill of lading, warehouse keeper's or wharfinger's receipt or order for delivery of goods, every bill of inspection of pot or pearl ashes, and every other document used in the ordinary course of business, as proof of the possession or control of goods, or authorizing or purporting to authorize either by endorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented, shall be deemed a document of title within this Act.

Documents of title defined.

8. Any agent entrusted as aforesaid and possessed of any such document of title, whether derived immediately from the owner of the goods or obtained by reason of the agent having been entrusted with the possession of the goods or of any document of title thereto, shall be deemed to be entrusted

Agents possessed of, to be deemed entrusted, &c.

trusted with the possession of the goods represented by such document of title.

Contracts for  
a lien founded  
thereon valid.

**9.** All contracts pledging or giving a lien upon any such document of title shall be deemed a pledge (*gage*) of and lien upon the goods to which it relates, and the agent shall be deemed the possessor of the goods or documents of title whether the same be in his actual custody or be held by any other person for him or subject to his control.

*Bonâ fide*  
loans or  
advances,  
when deemed  
authorized.

**10.** When any loan or advance is *bonâ fide* made to any agent entrusted with and in possession of goods or documents of title as aforesaid on the faith of any contract in writing to consign, deposit, transfer or deliver such goods or documents of title, and the same are actually received by the person making the loan or advance, either at the time of the contract or at a time subsequent thereto, without notice that the agent is not authorized to make the pledge or security, such loan or advance shall be deemed a loan or advance upon the security of the goods or documents of title within this Act.

What con-  
tracts to be  
so considered.

**11.** Every contract, whether made direct with the agent as aforesaid, or with any clerk or other person on his behalf shall be deemed a contract with such agent.

Payments,  
when deemed  
advances.

**12.** Every payment, whether made by money, bills of exchange or other negotiable security, shall be deemed an advance within this Act.

Possession  
*prima facie*  
evidence of  
ownership.

**13.** Every agent in possession of goods or documents as aforesaid shall, for the purposes of this Act, be taken to be entrusted therewith by the owner, unless the contrary be shewn in evidence.

Other  
liability of  
agents not to  
be affected.

**14.** Nothing herein contained shall lessen, alter or affect the civil responsibility of any agent for the breach of any duty or contract or the non-fulfilment of his orders or authority, in respect of any such contract, agreement, lien or pledge (*gage*) as aforesaid.

Consequences  
of dereliction.

**15.** In case any agent entrusted as aforesaid, contrary to or without the authority of his principal, for his own benefit and in violation of good faith, makes, by way of pledge (*gage*), lien and security, any consignment, deposit, transfer or delivery of any goods or documents of title so entrusted to him, or contrary to or without such authority, for his own benefit and in violation of good faith, accepts any advance on the faith of any contract to consign, deposit, transfer or deliver such goods or documents of title, such agent shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be sentenced to suffer such punishment by fine or imprisonment in the Common Gaol for any term not exceeding two years, or by both, as the Court awards.

Misdemeanor.

**16.** Every clerk or other person who knowingly and wilfully acts and assists in making any such consignment, deposit, transfer or delivery, or in accepting or procuring such advance as aforesaid, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as herein last mentioned. Aiders, &c.

**17.** No such agent shall be liable to any prosecution for consigning, depositing, transferring or delivering any such goods or documents of title, in case the same are not made a security for or subject to the payment of any greater sum of money than at the time was justly due and owing to the agent from his principal, together with the amount of any bills of exchange drawn by or on account of his principal, and accepted by such agent. When agent not criminally liable.

**18.** The conviction of any agent as aforesaid shall not be received in evidence in any action at law or suit in equity against him. Conviction not admissible in evidence, in suits.

**19.** No oath or admission under oath by an agent entrusted as aforesaid, made previously to his being indicted for the offence, in consequence of the compulsory process of a Court of Law, Equity or Admiralty in an action, suit or proceeding *bonâ fide* instituted by a party aggrieved, nor any disclosure made by him in an examination or in a deposition before any Commissioner of Bankrupts, shall be used in evidence in any prosecution against the agent in respect of any act done by him as aforesaid. Admissions under oath not admissible in evidence against the party aggrieved.

**20.** Nothing herein contained shall prevent the owner from redeeming any goods or documents of title pledged as aforesaid, at any time before the same have been sold, upon repayment of the amount of the lien thereon or restoration of the securities in respect of which the lien exists, and upon payment or satisfaction to the agent of any sum of money for or in respect of which such agent is entitled to retain the goods or documents, by way of lien against such owner; or shall prevent the owner from recovering from the person with whom any goods or documents have been pledged, or who has any lien thereon, any balance or sum of money remaining in his hands as the produce of the sale of the goods, after deducting the amount of the lien under the contract. Owners may redeem goods pledged.

**21.** In case of the bankruptcy of any such agent, and in case the owner of the goods redeems the same, he shall, in respect of the sum paid by him on account of the agent for such redemption, be held to have paid the same for the use of such agent before his bankruptcy, or in case the goods have not been so redeemed, the owner shall be deemed a creditor. Remedy of owner against estate of bankrupt agent.

creditor of the agent for the value of the goods so pledged at the time of the pledge, and may in either case prove for or set-off the sum so paid, or the value of such goods, as the case may be.

Interpreta-  
tion clause.

**22.** In construing this Act, the word "person" shall be taken to designate a body corporate or company as well as an individual; and the word "goods" shall be taken to include all personal property of whatever nature or kind soever, and the word "shipped" shall be taken to mean the carriage of goods, whether by land or by water.

Act not  
to affect  
transactions  
prior to 28th  
July, 1847.

**23.** Nothing herein contained shall give validity to, or in any wise affect any contract, agreement, lien, pledge (*gage*), or other act, matter or thing made or done before the twenty-eighth of July, one thousand eight hundred and forty-seven, or destroy or diminish any other right, recourse or remedy not contrary or repugnant to this Act which might be enforced according to the Laws of Upper or Lower Canada.

Act to relate  
to 28th July,  
1847.

**24.** This Act shall relate to, and from the twenty-eighth July, one thousand eight hundred and forty-seven, and as respects all transactions and things since that day within the scope and meaning hereof, shall be construed and applied as if it had been passed on that day.

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## SCHEDULE B.

### BANKS WHOSE CHARTERS ARE CONTINUED BY THIS ACT.

1. The Bank of Montreal.
2. The Quebec Bank.
3. La Banque du Peuple.
4. The Consolidated Bank.
5. Molsons' Bank.
6. The Bank of Toronto.
7. The Ontario Bank.
8. The Eastern Townships Bank.
9. La Banque Nationale.
10. La Banque Jacques Cartier.
11. The Merchants' Bank of Canada.
12. The Union Bank of Lower Canada.
13. The Canadian Bank of Commerce.
14. The Mechanics' Bank.
15. The Dominion Bank.
16. The Merchants' Bank of Halifax.
17. The Bank of Nova Scotia
18. The Bank of Yarmouth.
19. The Bank of Liverpool.
20. The Exchange Bank of Canada.



21. La Banque Ville Marie.
22. The Standard Bank of Canada.
23. The Bank of Hamilton.
24. The Halifax Banking Company:
25. The Maritime Bank of the Dominion of Canada.
26. The Federal Bank of Canada.
27. La Banque d'Hochelaga.
28. The Stadacona Bank.
29. The Imperial Bank of Canada.
30. The Pictou Bank.
31. La Banque de St. Hyacinthe.
32. The Bank of Ottawa.
33. The Bank of New Brunswick.
34. The Exchange Bank of Yarmouth.
35. The Union Bank of Halifax.
36. The People's Bank of Halifax.

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## CHAP. 23.

An Act respecting certain Savings Banks in the Provinces  
of Ontario and Quebec.

[Assented to 7th May, 1880.]

**W**HEREAS it is expedient to provide for the extension of Preamble.  
the charters of certain Savings Banks in Ontario and  
Quebec granted under the Act hereinafter mentioned:  
Therefore Her Majesty, by and with the advice and consent  
of the Senate and House of Commons of Canada, enacts as  
follows:—

1. Upon the petition of the Directors of any Savings Bank which has received a charter under the provisions of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec*," it shall be lawful for the Governor in Council to grant such Bank a charter for a further period not to extend beyond the end of the now next Session of Parliament; and all the provisions of the said cited Act and of all Acts amending it, shall apply to the said Savings Bank and to such new charter, as fully as if the said cited Act had authorized a charter to be granted in the first instance for a period to expire at the end of such Session, and the existing charter had been granted for that period.

Charters granted under 34 V., c. 7, may be renewed upon petition.

## CHAP. 24.

An Act for extending the Consolidated Act of 1879, respecting duties imposed on promissory notes and bills of exchange, to the whole Dominion.

[Assented to 7th May, 1880.]

Preamble.

FOR the avoidance of all doubt as to the application of the Act hereinafter mentioned in and to certain Provinces of Canada: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The Act 42 V., c. 17, extended to the whole Dominion.

1. The Act passed in the forty-second year of Her Majesty's reign, chaptered seventeen, and intituled "*An Act to amend and consolidate the laws respecting duties imposed on promissory notes and bills of exchange,*" shall extend and apply to and in the Provinces of Manitoba, British Columbia and Prince Edward Island, the North-West Territories and the District of Keewatin, as it does to the Provinces of Quebec, Ontario, Nova Scotia and New Brunswick; but this Act shall not be construed as declaring that the said Act was, or was not, in force, in the three Provinces first above mentioned, or the North-West Territories or District of Keewatin, from the time of its passing.

Proviso.

## CHAP. 25.

An Act to amend and consolidate the several Acts relating to the North-West Territories.

[Assented to 7th May, 1880.]

Preamble.

WHEREAS it is expedient to amend and to consolidate as amended the several Acts relating to the North-West Territories of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

## GOVERNMENT AND LEGISLATION.

North-West Territories defined.

1. The Territories formerly known as "Rupert's Land" and the North-West Territory (with the exception of such portion thereof as forms the Province of Manitoba and the District of Keewatin), shall continue to be styled and known as the North-West Territories, and the word "Territories" in this Act means the said Territories.

Lieutenant-Governor.

2. For the North-West Territories there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council, by instrument under the Great Seal of Canada, who shall hold office during the pleasure of the Governor

ernor General ; and the Lieutenant-Governor shall administer the Government under instructions from time to time given him by Order in Council, or by the Secretary of State of Canada.

His instructions.

3. The Governor in Council may, from time to time, appoint an Administrator to execute the office and functions of the Lieutenant-Governor during his absence, illness or other inability.

Administrator may be appointed.

4. Every Lieutenant-Governor or Administrator so appointed shall, before assuming the duties of his office, take and subscribe before the Governor General, or some person duly authorized to administer such oaths, an oath of allegiance and office similar to those prescribed to be taken by a Lieutenant-Governor under "*The British North America Act, 1867.*"

Lieutenant-Governor or Administrator to take oath of office.

5. The Governor General, with the advice of the Queen's Privy Council for Canada, by warrant under his privy seal, may constitute and appoint such and so many persons, from time to time, not exceeding in the whole six persons, of which number the Stipendiary Magistrates hereinafter mentioned shall, *ex officio*, form part, to be a Council to aid the Lieutenant-Governor in the administration of the North-West Territories : before entering upon the duties of their offices the persons so appointed shall take and subscribe before the Lieutenant-Governor such oath of allegiance and such oath of office as the Governor in Council may prescribe ; and the majority of the Council so appointed shall form a quorum.

Appointment of Council.

Oaths of allegiance and office. Quorum.

6. The Governor may appoint a Clerk of the said Council who shall act as, and perform the duties of Secretary to the Lieutenant-Governor, and who shall take before the Lieutenant-Governor such oath of office as the Governor in Council may prescribe.

Duties and Oath of Clerk of Council.

7. The Seat of Government of the North-West Territories shall be fixed, and may from time to time be changed, by the Governor in Council.

Seat of Government.

8. All laws and ordinances now in force in the North West Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Lieutenant-Governor in Council under the authority of this Act.

Existing laws continued until repealed or altered.

9. The Lieutenant-Governor in Council, or the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly, as the case may be, shall have such powers

Powers of Lt-Gov. and Council or Assembly.

Proviso : limitation of powers. powers to make ordinances for the government of the North-West Territories as the Governor in Council may, from time to time, confer upon him : Provided always, that such powers shall not at any time be in excess of those conferred by the ninety-second and ninety-third sections of "*The British North America Act, 1867*," upon the Legislatures of the several Provinces of the Dominion :

Proviso : as to ordinances. 2. Provided also, that no ordinance to be so made shall —(a) be inconsistent with or alter or repeal any provision of any Act of the Parliament of Canada in the Schedule to this Act, or of any Act of the Parliament of Canada, which may now, or at any time hereafter, expressly refer to the said Territories, or which or any part of which may be at any time made by the Governor in Council, applicable to or declared to be in force in the said Territories, or,—(b) impose any fine or penalty exceeding one hundred dollars.

Penalties limited.

Provision as to ordinances respecting education. 10. When, and so soon as any system of taxation shall be adopted in any district or portion of the North-West Territories, the Lieutenant-Governor, by and with the consent of the Council or Assembly, as the case may be, shall pass all necessary ordinances in respect to education ; but it shall therein be always provided, that a majority of the ratepayers of any district or portion of the North-West Territories, or any lesser portion or sub-division thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection of rates therefor ; and, further, that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that in such latter case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they may impose upon themselves in respect thereof.

Majority schools.

Minority schools.

Disallowance of ordinance. 11. An authentic copy of every such ordinance shall be mailed for transmission to the Secretary of State, within thirty days after its passing ; and if the Governor in Council at any time within one year after its receipt by the Secretary of State, thinks fit to disallow the ordinance, such disallowance being signified by the Secretary of State to the Lieutenant-Governor, shall annul the ordinance from and after the date of such signification : and all ordinances so made, and all Orders in Council disallowing any ordinances so made, shall be laid before both Houses of Parliament, as soon as conveniently may be after the making and enactment thereof respectively.

Proviso : to be laid before Parliament.

Lieut.-Governor to preside at Council meetings. 12. The Lieutenant-Governor shall preside at all sittings of the Council ; he shall on all subjects have the same right to vote as Councillors have, with a casting vote in case of a tie ; and

and such ordinances as aforesaid shall be made by the Lieutenant-Governor in Council, and shall be expressed to be so made; but this section shall cease to have effect when the number of members of the Council elected under section fifteen of this Act amounts to twenty-one, and a Legislative Assembly has been formed for the said Territories.

Form of  
enacting  
ordinances.  
Proviso.

**13.** The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts shall be in force in the North-West Territories generally, or any part or parts thereof to be mentioned in the said proclamation for such purpose.

Governor in  
Council may  
apply Acts,  
&c., of  
Canada to  
North-West  
Territories.

**14.** Any copy of any Proclamation or Order made by the Governor in Council, or Ordinance, Proclamation or Order made by the Lieutenant-Governor in Council or the Lieutenant-Governor by and with the advice and consent of the Legislative Assembly, as the case may be, of the North-West Territories, printed in the *Canada Gazette* or purporting to be printed by the Queen's Printer at Ottawa, or Printer to the Government of Manitoba at Winnipeg, or to the Government of the North-West Territories, shall be *prima facie* evidence of such Proclamation or Order, and that it is in force.

Certain  
printed copies  
of laws, &c.,  
to be evi-  
dence.

#### ELECTION OF MEMBERS OF COUNCIL OR ASSEMBLY.

**15.** When and so soon as the Lieutenant-Governor is satisfied by such proof as he may require, that any district or portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, the Lieutenant-Governor shall, by Proclamation, erect such district or portion into an Electoral District, by a name and with boundaries to be respectively declared in the proclamation, and such electoral district shall thenceforth be entitled to elect a member of the Council, or of the Legislative Assembly, as the case may be.

Erection of  
electoral  
districts.

**16.** The Lieutenant-Governor shall thereafter cause a writ to be issued by the Clerk of the Council in such form and addressed to such Returning Officer as he thinks fit, and until the Lieutenant-Governor in Council otherwise provides, he shall by Proclamation prescribe and declare the mode of providing voters' lists, the oaths to be taken by voters, the powers and duties of Returning and Deputy Returning Officers, the proceedings to be observed at such elections, and the period during which such elections may be continued, and such other provisions in respect to such election as he may think fit.

Proceedings  
thereupon for  
election of  
members of  
Council or  
Assembly.

Voting qualification.

**17.** The persons qualified to vote at such election shall be the *bonâ fide* male residents and householders of adult age, not being aliens or unenfranchised Indians, within the electoral district, and shall have respectively resided in such electoral district for at least twelve months immediately preceding the issue of the said writ.

Election qualification.

**18.** Any person entitled to vote may be elected.

Additional member for any district.

**19.** When and so soon as the Lieutenant-Governor is satisfied as aforesaid, that any electoral district contains a population of two thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, he shall issue his writ for the election of a second member for the electoral district.

Powers, &c. of elected members of Council.

**20.** Elected members of the Council shall take the same oaths and have the same powers, rights and privileges as members appointed by the Governor; and so soon as any members have been elected, a majority of those appointed and elected shall form a quorum for the transaction of business.

When Council to be succeeded by Legislative Assembly.

**21.** When the number of elected members amounts to twenty-one, the Council hereinbefore appointed shall cease and be determined; and the members so elected shall be constituted and designated as the Legislative Assembly of the North-West Territories, and all the powers by this Act vested in the Council shall be thenceforth vested in and exercisable by the said Legislative Assembly :

Sittings and powers of Assembly.

**2.** Such Legislative Assembly shall be summoned at least once a year, shall sit separately from the Lieutenant-Governor, and shall present Bills passed to the Lieutenant-Governor for his assent, who may approve or disapprove of the same, or reserve the same for the assent of the Governor.

Number of members and term of service.

**22.** The number of members so to be elected, as hereinbefore mentioned, shall not exceed twenty-one, at which number the representation shall remain; the members so elected shall hold their seats for a period not exceeding two years, when they shall retire and others shall be elected in their stead, unless they are re-elected, as they may be; and another member shall be elected in the stead of any member dying, or resigning his seat.

#### DESCENT OF REAL ESTATE.

Succession to real estate.

**23.** Whenever any person dies seized in fee simple or for the life of another, of any real estate in the North-West Territories, without having lawfully devised the same, such real estate shall descend or pass by way of succession in manner following, that is to say:—

*Firs'tly*

*Firstly.* To his lineal descendants, and those claiming by or under them, *per stirpes* ;

*Secondly.* To his father ;

*Thirdly.* To his mother ; and—

*Fourthly.* To his collateral relatives ;

Subject in all cases to the rules and regulations hereinafter prescribed.

**24.** If the intestate leaves several descendants in the direct line of lineal descent, and all of equal degree of consanguinity to such intestate, the inheritance shall descend to such persons in equal parts, however remote from the intestate the common degree of consanguinity may be.

Descendants in equal degrees of consanguinity.

**25.** If any one or more of the children of such intestate be living, and any one or more be dead, the inheritance shall descend to the children who are living, and to the descendants of such children as have died, so that each child who shall be living shall inherit such share as would have descended to him if all the children of the intestate who have died, leaving issue, had been living ; and so that the descendants of each child who shall be dead shall inherit in equal shares the share which their parent would have received if living.

Division among children and their descendants.

**26.** The rule of descent prescribed in the last preceding section shall apply in every case where the descendants of the intestate, entitled to share in the inheritance, shall be of unequal degrees of consanguinity to the intestate, so that those who are in the nearest degree of consanguinity shall take the shares which would have descended to them, had all the descendants in the same degree of consanguinity who have died, leaving issue, been living, and so that the issue of the descendants who have died, shall respectively take the shares which their parents, if living, would have received.

Rule of descent defined in case of unequal degrees of consanguinity.

**27.** In case the intestate dies without lawful descendants, and leaving a father, then the inheritance shall go to such father, unless the inheritance came to the intestate on the part of his mother, and such mother be living ; and if such mother be dead, the inheritance descending on her part shall go to the father for life, and the reversion to the brothers and sisters of the intestate and their descendants, according to the law of inheritance by collateral relatives, hereinafter provided ; and if there be no such brothers or sisters or their descendants living, such inheritance shall go to the father.

Succession of father or mother where no descendants.

Succession where no descendants and no father capable of inheriting.

**28.** If the intestate dies without descendants and leaving no father, or leaving a father not entitled to take the inheritance under the last preceding section, and leaving a mother and a brother or sister, or the descendant of a brother or sister, then the inheritance shall descend to the mother during her life, and the reversion to such brother or sister of the intestate as may be living, and the descendants of such as may be dead, according to the same law of inheritance hereinafter provided; and if the intestate in such case leaves no brother or sister, nor any descendant of any brother or sister, the inheritance shall descend to the mother.

If no father or mother capable of inheriting.

**29.** If there be no father or mother capable of inheriting the estate, it shall descend, in the cases hereinafter specified, to the collateral relatives of the intestate; and if there be several of such relatives, all of equal degree of consanguinity to the intestate, the inheritance shall descend to them in equal parts, however remote from the intestate the common degree of consanguinity may be.

Succession of brothers and sisters, and their descendants.

**30.** If all the brothers and sisters of the intestate be living, the inheritance shall descend to such brothers and sisters; and if any one or more of them be living, and any one or more be dead, then to the brothers and sisters and every of them who are living, and to the descendants of such brothers and sisters as have died, so that each brother or sister who may be living shall inherit such share as would have descended to him or her, if all the brothers or sisters of the intestate who have died leaving issue had been living, and so that such descendants shall inherit, in equal shares, the share which their parent, if living, would have received.

As to lineal descendants in unequal degree.

**31.** The same law of inheritance as prescribed in the last section shall prevail as to the other direct lineal descendants of every brother and sister of the intestate, to the remotest degree, whenever such descendants are of unequal degree.

If no heir under foregoing provisions.

**32.** If there be no heir entitled to take under any of the preceding nine sections, then the inheritance, if the same came to the intestate on the part of his father, shall descend,—

*Firstly.* To the brothers and sisters of the father of the intestate in equal shares, if all be living;

*Secondly.* If one or more be living, and one or more have died leaving issue, then to such brothers and sisters as are living, and to the descendants of such of the said brothers and sisters as have died, in equal shares;

*Thirdly.* If all such brothers and sisters have died, then to their descendants; and in all such cases the inheritance shall descend in the same manner as if all such brothers and sisters had been the brothers and sisters of the intestate.



**33.** If there be no brothers or sisters, or any of them, of the father of the intestate, and no descendants of such brothers or sisters, then the inheritance shall descend to the brothers and sisters of the mother of the intestate, and to the descendants of such of the said brothers and sisters as have died, or if all have died, then to their descendants, in the same manner as if all such brothers and sisters had been the brothers and sisters of the father.

Further provisions in such case.

**34.** In all cases not herein provided for, where the inheritance came to the intestate on the part of his mother, the same, instead of descending to the brothers and sisters of the intestate's father, and their descendants, as prescribed in the preceding thirty-second section, shall descend to the brothers and sisters of the intestate's mother, and to their descendants, as directed in the last preceding section; and if there be no such brothers and sisters or descendants of them, then such inheritance shall descend to the brothers and sisters, and their descendants, of the intestate's father as before prescribed.

If inheritance came by mother's side.

**35.** In cases where the inheritance has not come to the intestate on the part of either the father or the mother, the inheritance shall descend to the brothers and sisters both of the father and mother of the intestate in equal shares, and to their descendants, in the same manner, as if all such brothers and sisters had been the brothers and sisters of the intestate.

If it came neither from father's or mother's side.

**36.** Relatives of the half-blood shall inherit equally with those of the whole blood in the same degree, and the descendants of such relatives shall inherit in the same manner as the descendants of the whole blood, unless the inheritance came to the intestate by descent, devise or gift of some one of his ancestors; in which case all those who are not of the blood of such ancestors shall be excluded from such inheritance.

Relatives of half-blood.

**37.** On failure of heirs under the preceding rules, the inheritance shall descend to the remaining next of kin of the intestate, according to the rules in the English Statute of distributions of personal estate.

Failure of heirs.

**38.** Whenever there is but one person entitled to inherit according to the provisions hereinbefore contained, he shall take and hold the inheritance solely; and whenever an inheritance, or a share of an inheritance, shall descend to several persons under such provisions, they shall take as tenants in common in proportion to their respective rights.

Co-heirs to be tenants in common.

**39.** Descendants and relatives of the intestate begotten before his death, but born thereafter, shall in all cases inherit in the same manner as if they had been born in the lifetime of the intestate, and had survived him.

Posthumous heirs to inherit

**Illegitimates not to inherit.** **40.** Children and relatives who are illegitimate shall not be entitled to inherit under any of the provisions of this Act.

**Dower.** **41.** The estate of a widow as tenant in dower, shall not be affected by any of the provisions hereinbefore contained.

OTHER PROVISIONS AS TO REAL ESTATE.

**Aliens.** **42.** Aliens may acquire, inherit, grant, lease and devise real estate within the North-West Territories.

**Lands, &c., to lie in grant as well as in livery. Deeds of grant.** **43.** All lands, tenements and hereditaments, and any share or interest therein, shall, as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant as well as in livery. Deeds of grant shall be executed and delivered in duplicate, attested by one witness, and the execution and delivery thereof duly proved on oath, for the purpose of registration.

**Feoffment.** **44.** A feoffment, otherwise than by deed, shall be void at law, and no feoffment shall have any tortious operation.

**How corporations who may hold may convey.** **45.** Any corporation aggregate in the North-West Territories capable of taking and conveying land, shall be deemed to be capable of taking and conveying land by deed of bargain and sale in like manner as any person in his natural capacity.

**Enrolment or registration not necessary to validity of deed.** **46.** No deed of bargain and sale of land in the North-West Territories, shall require enrolment or registration to supply the place of enrolment, for the mere purpose of rendering such bargain and sale a valid and effectual conveyance for passing the land thereby intended to be bargained and sold.

WILLS.

**Wills and intestacy.** **47.** Every person may devise, bequeath, or dispose of by will executed in manner hereinafter mentioned, all real estate and personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which if not so devised, bequeathed, or disposed of, would devolve upon his heir-at-law, or upon his executor or administrator.

**Testator must be of age.** **48.** No will made by any person under the age of twenty-one years shall be valid.

**Execution of wills.** **49.** No will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned; that is to say, it shall be signed at the foot or end thereof by the testator,

tator, or by some other person in his presence, and by his direction ; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses, present at the same time ; and such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary.

**50.** Every will executed in manner hereinbefore required, shall be valid without any other publication thereof. No further publication required.

**51.** If any person who attests the execution of a will shall, at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid. Subsequent incompetency of witness.

**52.** No person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof. Executor may be witness.

**53.** If any person shall attest the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal estate (other than charges for payment of debts) shall be thereby given, such devise or legacy shall so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband, be utterly null and void, and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy. Devise or legacy to witness to be void, but witness may prove execution.

**54.** No will or codicil, or any part thereof, shall be revoked otherwise than by marriage or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same, by the testator, or by some person in his presence and by his direction, with the intention of revoking the same. Revocation of wills or codicils.

**55.** Every will shall be construed with reference to the real and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will. How a will shall be construed.

**56.** Where any real estate is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest, When there is no limitation, fee simple shall pass. which

which the testator had power to dispose of by will, in such real estate, unless a contrary intention shall appear by the will.

MARRIED WOMEN.

Separate rights of married woman in real estate.

**57.** The real estate of any married woman, which is owned by her at the time of her marriage, or acquired in any manner during her coverture, and the rents, issues and profits thereof respectively, shall, without prejudice and subject to the trusts of any settlement affecting the same, be held and enjoyed by her for her separate use, free from any estate or claim of her husband during her lifetime, or as tenant by the courtesy, and her receipt alone shall be a discharge for any rents, issues and profits; and any married woman shall be liable on any contract made by her respecting her real estate, as if she were a *feme sole*.

Her own earnings to be hers absolutely.

**58.** All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits from any occupation or trade which she carries on separately from her husband, or derived from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property, shall hereafter be free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a *feme sole*; and no order for protection shall hereafter become necessary in respect of any such earnings or acquisitions; and the possession, whether actual or constructive, of the husband, of any personal property of any married woman, shall not render the same liable for his debts.

No order necessary.

Deposit in bank.

**59.** A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own check; and any receipt or acquittance of such depositor shall be a sufficient legal discharge to any such bank.

Fraudulent investments by husband, invalid.

**60.** Nothing hereinbefore contained in reference to moneys deposited or investments by any married woman, shall, as against creditors of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditors; and any money so deposited or invested may be followed as if this Act had not been passed.

Debts of wife before and after marriage.

**61.** A husband shall not by reason of any marriage be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried; and a husband shall not be liable for any debts of his wife in respect

respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

**62.** A married woman may maintain an action in her own name for the recovery of any wages, earnings, money and property, declared by this Act or which may be hereafter declared to be her separate property, and shall have in her own name the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman; and any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts as if she were unmarried.

Suits by and against a married woman.

#### REGISTRATION OF DEEDS.

**63.** The Governor may appoint a Registrar of Deeds in and for the North-West Territories, who shall hold office during pleasure and shall reside and keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed for that purpose from time to time by the Governor in Council, and who shall register all deeds and other instruments relating to lands situate in any part of the North-West Territories, and Letters Patent for which have been issued by the Crown. And the Lieutenant-Governor in Council shall fix the fees to be paid for the registration of all such deeds and instruments, which fees shall be collected by the Registrar, and being first verified on oath, shall by him be paid over to the Lieutenant-Governor, at the end of every quarter in each year, on account of the Consolidated Revenue Fund of Canada; and the forms incident to and the effect of such registration shall be governed by laws made under this Act.

Registrar of deeds, his appointment and duties.

Fees collected by Registrar to be paid over.

Form and effects of registration.

**64.** The Governor in Council may, from time to time, by proclamation, set off any part of the said Territories and form the same into a Registration District, and may appoint a Registrar therefor; and from and after the day named in such proclamation no registrations shall be made in such district by the general registrar.

Registration districts.

**65.** Whenever any part of the Territories is set off as a registration district as aforesaid, the registrar of the Territories or district from which such new registration district is detached, shall deliver to the registrar of such new district all books and indexes, and all instruments, maps, plans and documents in his office exclusively relating to lands situate within the limits of the new district.

Transmission of books, &c., to new districts.

Oath of Registrar.

**67.** Every registrar, before he enters upon the duties of his office, shall, before the Lieutenant-Governor or before a Stipendiary Magistrate for the North-West Territories, take the following oath in duplicate,—one duplicate of which oath shall be filed in the registry office, and the other duplicate in the office of the Lieutenant-Governor:—

Form of.

“ I (*name and describe deponent*) having been appointed to the office of \_\_\_\_\_ in and for the North-West Territories, do swear that I will well, truly and faithfully perform and execute all duties required of me by law, pertaining to the said office, so long as I continue therein.”

Registrar removed from office to deliver up books, &c., to person entitled to receive the same.

**67.** In case any registrar is removed from, or resigns his office, he shall forthwith deliver up all books, plans, instruments, and other public property in his possession as such registrar, to the person who is appointed registrar in his stead, or to any other person who may be specially appointed in writing by the Lieutenant-Governor to receive the same; and if such registrar refuses to do so, the Lieutenant-Governor may direct the sheriff, or some other peace officer of the North-West Territories, to seize and to take immediate possession of the same wheresoever found; and the registrar so offending shall be liable, on conviction before a judge or Stipendiary Magistrate, to a fine not exceeding one hundred dollars, or to any term of imprisonment not exceeding six months.

Penalty for refusing to do so.

Security to be given by Registrar.

**68.** The Lieutenant-Governor in Council may, from time to time, fix and determine the nature and amount of the security to be given by each registrar,—which security shall be available to any aggrieved person or persons to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or misconduct of the registrar or his deputy, in the performance of the duties of his office, not exceeding the penalty or amount named therein; but this provision shall not exempt the registrar from any further responsibility beyond the amount of such security to persons sustaining loss or damage as aforesaid.

Not to be exempt from further responsibility.

Deputy Registrar.

**69.** Each registrar may appoint a deputy in his office, who may perform all the duties required under this or any ordinance to be made in that behalf, in the same manner and to the like effect as if done by the registrar; and such appointment shall be in writing, under the hand of the registrar; and in case of the death, resignation, removal or forfeiture of office of the registrar, the deputy registrar shall do and perform all and every act, matter and thing, necessary for the due execution of the said office, until a new appointment of registrar is made.

**70.** Every deputy registrar, before he enters on the execution of his office, shall, before the Lieutenant-Governor, or a Stipendiary Magistrate for the North-West Territories, take an oath to the like effect as that appointed to be taken by the registrar, such oath to be in duplicate, and filed in the same manner as the registrar's oath.

Oath taken by Deputy Registrar.

#### ADMINISTRATION OF JUSTICE.

**71.** The Governor may appoint a Sheriff in and for the North-West Territories, who shall hold office during pleasure, and who shall reside and keep his office in a place to be named for that purpose in his commission; or at such other place as may, from time to time, be named by the Governor in Council, and who shall perform the duties of such office under the laws then in force in the said Territories. The sheriff shall furnish such security for the performance of his official duties, as the Lieutenant-Governor in Council may require.

Sheriff, appointment and duties.

Security to be given by.

**72.** The Lieutenant-Governor shall, but subject to any orders in that behalf from time to time of the Governor, have power to issue orders to the North-West Mounted Police Force, in aid of the administration of civil and criminal justice, and for the general peace, order and good government of the said Territories.

Disposal of N.-W. M. Police Force.

**73.** The Lieutenant-Governor may appoint Justices of the Peace for the North-West Territories, who shall have jurisdiction as such throughout the same.

Justices of the Peace.

**74.** The Governor may, from time to time, appoint, by commission under the Great Seal, one or more fit and proper person or persons, barristers-at-law or advocates of five years' standing in any of the Provinces, not exceeding three, to be and act as a Stipendiary Magistrate or Stipendiary Magistrates within the North-West Territories, who shall hold office during pleasure, and who shall reside at such place or places as may, from time to time, be ordered by the Governor in Council: and the Acts thirty-third Victoria, chapter four, thirty-sixth Victoria, chapter thirty-two, and thirty-eighth Victoria, chapter nine, providing for the superannuation of officers employed in the public service of the Dominion shall apply to all Stipendiary Magistrates appointed under this Act.

Stipendiary Magistrates, appointment and residence.

Superannuation Acts to apply to these officers.

**75.** Each Stipendiary Magistrate, having taken the following oath before the Lieutenant-Governor or any Stipendiary Magistrate in the North-West Territories, that is to say:—

Oath of office and jurisdiction.

"I ———, do swear that I will truly and faithfully execute the several powers, duties and trusts committed to me by or under 'The North-West Territories Act, 1880,' without fear, without favour, and without malice. So help me God,"—

Shall have jurisdiction throughout the North-West Territories, but shall usually exercise the same within such districts or portions thereof as may, from time to time, be designated by the Governor in Council.

Functions and powers to hear and determine certain criminal offences.

**76.** Each Stipendiary Magistrate shall have the magisterial, and other functions appertaining to any Justice of the Peace, or any two Justices of the Peace, under any laws or ordinances which may, from time to time, be in force in the North-West Territories, and shall also have power to hear and determine any charge against any person for any criminal offence alleged to have been committed in the North-West Territories, or in territory eastward of the Rocky Mountains wherein the boundary between the Province of British Columbia and the North-West Territories has not been officially ascertained, as follows:—

Larceny, &c., where property stolen does not exceed \$200.

1. When the accused is charged with having committed or attempted to commit larceny, embezzlement, or obtaining money or property by false pretences, or feloniously receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, embezzled, obtained or received, does not, in the judgment of such Stipendiary Magistrate, exceed two hundred dollars; or—

Assaults.

2. With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously cutting, stabbing, or wounding any other person; or—

On females or children.

3. With having committed an assault upon any female whatever, or upon any male child whose age does not, in the opinion of the magistrate, exceed fourteen years, such assault, if upon a female, not amounting in his opinion, to an assault with intent to commit a rape; or—

Escape, or assault on magistrates.

4. Having escaped from lawful custody, committed prison-breach, assaulted, obstructed, molested or hindered any Stipendiary Magistrate, Justice of the Peace, Commissioned Officer of Police, Constable, Bailiff or other Peace Officer or Officer of Customs, Excise, or other officer, in the lawful performance of his duty, or with intent to prevent the performance thereof:

The



The charge shall be tried in a summary way and without the intervention of a jury. Charge to be tried summarily.

5. In all other criminal cases the Stipendiary Magistrate and a Justice of the Peace, with the intervention of a jury of six, may try any charge against any person or persons for any crime. In other case trial by jury.

6. The courts of the Stipendiary Magistrate or Stipendiary Magistrates and Justices of the Peace, as the case may be, sitting on any such trials, shall be open, public courts. Trial to be in open court.

7. The Stipendiary Magistrate shall, upon every such trial, take or cause to be taken, in writing, full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted after the close of the case for the prosecution to make full answer and defence by counsel, attorney or agent. Notes of evidence.  
Defence by counsel.

8. When any person is convicted of a capital offence and is sentenced to death, the Stipendiary Magistrate shall forward to the Minister of Justice full notes of the evidence with his report upon the case; and the execution shall be postponed from time to time by the Stipendiary Magistrate if found necessary, until such report is received and the pleasure of the Governor thereon is communicated to the Lieutenant-Governor. Death sentence to be reported.  
Stay of execution.

9. Persons required as jurors for a trial shall be summoned by a Stipendiary Magistrate from among such male persons as he may think suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors, and sworn by the Stipendiary Magistrate who presides at the trial. Summoning of jurors.

10. Any person arraigned for treason or felony may challenge peremptorily and without cause not more than six jurors: Peremptory challenges.

11. Every peremptory challenge beyond the number so allowed shall be entirely void: Void beyond six.

The Crown may peremptorily challenge not more than four jurors: By Crown.

Challenges for cause shall be the same as now provided for under the Act, chapter twenty-nine, thirty-second and thirty-third Victoria, intituled "*An Act respecting procedure in criminal cases and other matters relating to criminal law.*" Challenges for cause.  
32, 33 Vic., c. 29.

Provision if the list of jurors is exhausted.

Tales.

Fine on juror summoned and not serving.

Witness failing to attend to be guilty of contempt.

Witness in contempt may be apprehended, detained or released on recognizance.

Penalty for contempt.

Returns of trials to Lieut.-Governor.

Appeal to Queen's Bench Manitoba. Mode of appeal.

12. If, from challenges or otherwise, the jurors summoned for the trial are exhausted, the Stipendiary Magistrate shall direct some constable or other person to summon by word of mouth from among the bystanders or from the neighbourhood, such number of persons as may be necessary to make up a jury, the persons so summoned being subject to challenge as those summoned by the Magistrate in the first instance, and the like proceedings shall be repeated, if necessary, until a jury be formed, competent to try the case; and any person summoned, as hereby provided, to serve as a juror, and making default or refusing to serve as such without lawful excuse to the satisfaction of the Magistrate, may be fined by him in a sum not exceeding ten dollars, and committed to prison until such fine be paid.

13. Any person duly warned, whether on behalf of the prisoner or against him, duly to attend and give evidence on any such trial shall be bound to attend on the day appointed for the same and shall 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.

14. And upon proof to the satisfaction of the Stipendiary Magistrate of the warning of any witness who fails to attend, and such Stipendiary Magistrate being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence and to answer for his disregard of the warning, and such witness may be detained on such warrant with a view to secure his presence as a witness, or, such witness may be released on recognizance with or without sureties conditioned for his appearance to give evidence as therein mentioned, and to answer for his default as for a contempt; or the Stipendiary Magistrate may in a summary manner examine into and dispose of the charge of contempt against the said witness, who if found guilty thereof may be fined or imprisoned, or both,—such fine not to exceed one hundred dollars, and such imprisonment to be in the common gaol, with or without hard labour, and not to exceed the term of ninety days.

15. Returns of all trials and proceedings, civil and criminal, shall be made to the Lieutenant-Governor in such form and at such times as he may direct.

77. A person convicted of any offence punishable by death may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm the conviction or to order a new trial; and the mode of such appeal and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant-Governor in Council.

**78.** If imprisonment for not less than two years be awarded in any case, the convict may be ordered to be imprisoned in any gaol or penitentiary in the North-West Territories or to be conveyed to the penitentiary in the Province of Manitoba on the warrant of the Stipendiary Magistrate; and whenever any convict or accused person is ordered to be conveyed to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, shall have the power to hold and convey him, or to re-take him in case of an escape; and the warden of the penitentiary in Manitoba shall have the same power to detain and deal with him, in the said Province, as if it were within the North-West Territories, or as if the said convict or accused person had been ordered to be conveyed to such gaol or penitentiary by some competent court or authority in the said Province.

Convict may be imprisoned in N.-W. T. or sent to penitentiary in Manitoba.

Conveyance of prisoners.

Duties and powers of warden of penitentiary.

**79.** Where it is impossible or inconvenient, in the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any Justice of the Peace or Stipendiary Magistrate may, according to their several powers and jurisdictions, sentence such person so convicted before him or them, and sentenced, as aforesaid, to such imprisonment, to be placed and kept in the custody of the North-West Mounted Police, with or without hard labour; and any Police guard house or guard room in the said Territories shall be a penitentiary, gaol or place of confinement for the purposes of this Act.

When at a distance from a gaol to be kept in custody of N.-W. M. Police.

**80.** The Governor in Council may cause to be erected in any part or parts of the North-West Territories any building or buildings, or enclosure or enclosures, for the purpose of a penitentiary, gaol or lock-up, for the confinement of prisoners charged with the commission of any offence, or sentenced to any punishment therein; and confinement or imprisonment therein shall be held lawful and valid, whether under sentence of imprisonment in a penitentiary, gaol or other place of confinement.

Erection of penitentiaries, gaols, and lock-ups.

**81.** Whenever in any Act of Parliament of Canada in force in the North-West Territories, any officer is designated for carrying on any duty therein mentioned, and there shall be no such officer in the North-West Territories, the Lieutenant-Governor in Council may order by what other person or officer such duty shall be performed, and anything done by such person or officer, under such order, shall be valid and legal in the premises; or if it be in any such Act ordered that any document or thing shall be transmitted to any officer, court, territorial division or place, and there is then in the said North-West Territories no such officer, court or territorial division or place, then the Lieutenant-Governor in Council may order to what officer, court or place such transmission

Provision when in N.-W. T. there are no such officers as designated in any Act of Parliament.

mission shall be made, or may dispense with the transmission thereof.

**Coroners.**

**82.** The Stipendiary Magistrates under this Act, the Commissioner and Assistant Commissioner of the North-West Mounted Police Force, and such other person or persons as the Governor in Council may, from time to time, approve, shall be coroners in and for the North-West Territories.

**Inquest only in certain cases.**

2. Except as hereinafter provided, no inquest shall be held upon the body of any deceased person by any coroner, unless it has been made to appear to such coroner, that there is reason to believe the deceased died from violence or unfair means, or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation, and not through mere accident or mischance.

**Death in gaol.**

3. Upon the death of any prisoner, the gaoler or officer in charge of the gaol wherein such prisoner dies shall immediately give notice to the nearest resident coroner, and such coroner shall proceed forthwith to hold an inquest upon the body.

**Coroner's jury.**

4. It shall not be necessary in any case that a coroner's jury exceed six persons, but in every instance six must agree in order to render a valid verdict.

**Witnesses.**

5. Coroners shall have the same powers to summon witnesses and to punish them for disobeying a summons to appear or refusing to be sworn or give evidence, as are enjoyed by Justices of the Peace.

**Fees of coroner's jurors and witnesses.**

**83.** The fees of coroners, jurors and witnesses attending criminal trials and inquests may be fixed from time to time by the Governor in Council, and paid in such manner as the Governor in Council may direct.

**Limitation of time for proceedings when no other is fixed by law.**

**84.** In all cases in the North-West Territories, where proceedings before Justices of the Peace are authorized to be summary, and where no time is specially limited for making any complaint or laying any information in the Act or law relating to the particular case, the complaint shall be made and the information shall be laid within twelve months from the time when the matter of the complaint or information arose.

**ADMINISTRATION OF CIVIL JUSTICE.****Jurisdiction of Stipendiary Magistrates.**

**85.** Every Stipendiary Magistrate shall have jurisdiction, power and authority to hold courts, whether established by ordinance of the Lieutenant-Governor or not (which shall be open, public courts) at such times and places as he may think proper,

proper, and at such courts to hear and determine any claim, dispute or demand as hereinafter mentioned, that is to say:—

1. Where the claim, dispute or demand is for a tort, wrong or grievance in which the amount claimed does not exceed five hundred dollars, or if for a debt or on a contract, in which the amount claimed does not exceed one thousand dollars, in a summary way, and without the intervention of a jury ;

Summarily:—  
When claim is for tort not exceeding \$500, or for debt not exceeding \$1,000.

2. In all other claims, disputes or demands than those above mentioned, or for the recovery of the possession of real estate, if neither party demands a jury, in a summary way and without the intervention of a jury ; but if either party demands a jury, then with the intervention of a jury of six in number, summoned in the manner hereinbefore provided as to criminal trials ; and the Stipendiary Magistrate shall give such judgments and make such orders and decrees as shall appear to him just and agreeable to equity and good conscience ; but the Stipendiary Magistrate shall not have cognizance of any action for a gambling debt, or for any intoxicating liquor or intoxicant, or of any action by any person on a note of hand or other document, the consideration or any part of the consideration for which was a gambling debt or any such intoxicating liquor or intoxicant.

In other claims and real estate cases,—jury if demanded.

Rule of decision.

No action for gambling debt or intoxicant.

**86.** Every judgment of the Stipendiary Magistrate shall be openly pronounced in Court as soon as may be after the hearing of the case ; except that in any case where the Stipendiary Magistrate is not prepared to pronounce judgment *instantly*, he may postpone judgment and deliver and enter the same subsequently, and such judgment shall be as effectual as if rendered in Court at the trial.

Judgment, how given.

**87.** Execution of any such judgment shall be carried into effect in the manner prescribed by any ordinance of the Lieutenant-Governor in Council, or if no such ordinance be then in force, then in like manner as a judgment to the same amount in the Province of Manitoba.

Execution of judgment.

**88.** Any person feeling himself aggrieved by the decision of any Stipendiary Magistrate, or presiding judge, or court, in a claim, dispute or demand under the second sub-section of the eighty-fifth section of this Act, may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm the decision or to order a new trial ; and the mode of such appeal, and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant-Governor in Council.

Appeal in certain cases.

New trial.

Salaries and allowances.

89. There shall be payable out of the Consolidated Revenue Fund of Canada, the following sums, annually, that is to say :—

To the Lieutenant-Governor, not exceeding.....	\$7,000
To the Stipendiary Magistrates, each, not exceeding..	3,000
To the Members of Council, each, not exceeding.....	1,000
To the Clerk of the Council, who shall also act as and perform the duties of Secretary to the Lieutenant-Governor, not exceeding.....	1,800
To the Registrar, not exceeding .....	2,000
To District Registrars, not exceeding .....	1,000
To the Sheriff, not exceeding.....	1,200

Travelling allowances.

Together with such sums of money as may, from time to time, be fixed by the Governor in Council in respect of travelling allowances for any of the officers above named.

PROHIBITION OF INTOXICANTS.

Intoxicants not to be manufactured imported or sold without permission.

90. Intoxicating liquors and other intoxicants are prohibited to be manufactured, compounded or made in the said North-West Territories, except by special permission of the Governor in Council, or to be imported or brought into the same from any Province of Canada, or elsewhere, or to be sold, exchanged, traded or bartered, or had in possession, except by special permission in writing of the Lieutenant-Governor of the said Territories :

Annual return of permissions.

(2.) Provided that the Lieutenant-Governor of the said Territories shall make an annual return up to the thirty-first December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicants in each case, to the Minister of the Interior, who shall lay the same before Parliament.

Penalty for manufacturing, &c., without permission.

(3.) Any person who manufactures, makes, compounds imports, sells, exchanges, trades or barthers any intoxicating liquor, or intoxicant, except by special permission as aforesaid, or in whose possession or on whose premises such intoxicating liquor or intoxicant of any kind may be or may have been, shall be liable to a penalty not exceeding two hundred dollars, nor less than fifty dollars, one half of which shall go to the informer.

Search for, seizure and forfeiture of intoxicants, and of stills, packages, &c., used for making or importation.

(4.) And if any such intoxicating liquor or intoxicant is imported, or manufactured or made in the said Territories, or brought into the same, or is sold, exchanged, traded or bartered, in contravention of this Act, it shall be absolutely forfeited, and may be seized by any officer of the Customs or Excise, or by any Constable or other duly qualified person wheresoever found; and on complaint made before him, any Stipendiary Magistrate, or Justice of the Peace,

Peace, may, on the evidence of one credible witness that this Act has been contravened in respect thereof, order the said intoxicating liquor or intoxicant so seized to be forthwith destroyed; or in case of the same not having been seized, then on complaint as aforesaid, such Stipendiary Magistrate, or Justice of the Peace may issue a search warrant, as in cases of stolen goods under the Acts in force respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences, and upon the same being found may cause them to be forthwith destroyed; and the still, machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor or intoxicant has been manufactured, imported or made, sold, exchanged, traded or bartered, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the balance of the contents thereof, if such still, machinery, barrel, keg, case, box, package, receptacle or vessel aforesaid, respectively, can be identified, may be seized by any officer of the Customs or Excise or by any constable or other duly qualified person, wheresoever found within the said Territories; and on complaint before any Stipendiary Magistrate or Justice of the Peace, he may, on the evidence of any credible witness, that this Act has been contravened in respect thereof, declare such intoxicating liquor or intoxicant, still, machinery, vessel or receptacle, forfeited, and cause the same to be forthwith destroyed; and the person in whose possession any of them were found may be condemned to pay a penalty not exceeding two hundred dollars, nor less than fifty dollars and the costs of prosecution; and the half of such penalty shall belong to the informer, and the other half to Her Majesty.

Penalty and costs.

Application of fine.

5. Any person who knowingly has in his possession any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intoxicant, shall forfeit and pay for each offence a penalty not exceeding two hundred dollars, nor less than fifty dollars, one half of which shall go to the informer.

Penalty for having same in possession.

Application.

6. Every article, chattel, commodity or thing, in the purchase, acquisition, exchange, trade or barter of which the consideration either wholly or in part may be any intoxicating liquor or intoxicant, shall be forfeited to Her Majesty, and shall be seized as hereinbefore mentioned, in respect to any receptacle of any intoxicating liquor or intoxicant.

Forfeiture of things accessory to offence.

7. Every person who refuses or neglects to aid any constable, sub-constable, or other duly authorized person in the execution of any act or duty required by this section, or who knowingly refuses to give information, or gives false information

Penalty for refusing to assist constable.

formation in respect to any matter arising therefrom, shall be subject to a penalty not exceeding two hundred dollars nor less than fifty dollars, one half of which shall go to the informer.

"Intoxicating liquor" and "intoxicant" defined.

8. The expression "intoxicating liquor" shall mean and include all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids; and the expression "intoxicant" shall include opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them be liquid or solid.

Recovery of penalties.

9. Any penalty incurred under this section shall be recoverable with costs of prosecution by summary conviction, on the evidence of one credible witness, before any Stipendiary Magistrate, or Justice of the Peace, having jurisdiction in the North-West Territories, who shall, on payment of the same, pay the informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction, the convicting magistrate or justice may in his discretion levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and costs, to any common gaol or house of correction or lock-up house within the North-West Territories, for a period not exceeding six months, unless the said penalty and costs be sooner paid.

Second offence.

10. And upon conviction for a second offence, the offender shall be liable to a penalty not less than two hundred and not exceeding four hundred dollars, and in the discretion of the convicting magistrate or justice, to imprisonment for a period not exceeding six months.

Want of form not to invalidate seizure.

11. No seizure, prosecution, conviction or commitment under this Act shall be invalid on account of want of form, so long as the same is according to the true intent and meaning of this Act.

Customs and Excise laws to apply to N.-W. T.

12. Intoxicating liquors imported or brought from any place out of Canada into the North-West Territories, by special permission, in writing, of the Lieutenant-Governor of the said Territories, shall be subject to the several Customs and Excise laws of Canada.

#### ROAD ALLOWANCES.

Road allowances.

91. And whereas it is expedient to place all road allowances, highways and trails, existing as such previous to official



official surveys, under the control of the Lieutenant-Governor in Council : —

1. All road allowances in Townships now or hereafter to be surveyed and subdivided in the North-West Territories, and all road allowances set out on block lines now or hereafter to be surveyed in the same, the plans of survey whereof have been duly approved, shall be subject to the direction, management and control of the Lieutenant-Governor in Council, or with the advice and consent of the Legislative Assembly, if formed, for the public use of the Territories :

In surveyed townships to be public property of N.-W. T.

2. Whenever the Government of Canada receives notice from the Lieutenant-Governor that it is considered desirable that any particular thoroughfare or public travelled road or trail in the Territories, which existed as such prior to any regular surveys, should be continued as such, the Governor in Council may by order direct the same to be surveyed by a Dominion Land Surveyor, and thereafter may by order transfer the control of each such thoroughfare, public travelled road or trail, according to the plan and description thereof, to the Lieutenant-Governor in Council for the public uses of the Territories.

Roads, &c., existing prior to surveys to be transferred to N.-W. T.

92. Every alien now residing in or who hereafter comes to reside within the Territories, with intent to settle therein, and who, after a continuous residence in Canada for a period of three years or upwards, has taken before a Stipendiary Magistrate the oath of residence and allegiance prescribed by the Act of Parliament passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting Aliens and Naturalization*," shall be entitled to a certificate of naturalization, in the form hereinafter prescribed ; and thereafter such person shall enjoy all the rights and capacities which a natural-born subject of Her Majesty can enjoy :—

Naturalization of alien residents.

31 V., c. 66.

Whereas, A.B., late of \_\_\_\_\_ but now and for three years past residing at \_\_\_\_\_ has this day taken before the undersigned the oath of residence and allegiance prescribed by "*The North-West Territories Act, 1880*," these are therefore to certify that under and by virtue of the said Act the said A.B. has obtained all the rights and capacities of a natural-born subject.

Form of certificate.

Given at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

93. A copy of such certificate may, at the option of the party obtaining the same, be registered in the registry office for deeds in and for the Territories, and a certified copy of such registry shall be sufficient evidence of such naturalization in all courts and places whatever.

Registration of copy of certificate.

## MISCELLANEOUS.

English or French language may be used in Council, Courts, &c.

**94.** Either the English or the French language may be used by any person in the debates of the Council or Legislative Assembly of the North-West Territories and in the proceedings before the courts; and both those languages shall be used in the records and journals of the said Council, or Assembly; and all ordinances made under this Act shall be printed in both those languages.

Repealing and saving clause.

**95.** The several Acts and parts of Acts repealed by the Act thirty-eighth Victoria, chapter forty-nine, shall remain repealed; and the Act last mentioned and the Act fortieth Victoria, chapter seven, are hereby repealed except as to the District of Keewatin, in which they shall remain in force as at present; but such repeal shall not affect any duty accrued, right acquired, or penalty, forfeiture or liability incurred, or appointment made, under the said Acts or any of them, or any offence committed under them or any of them.

Application of Acts in schedule to N.-W. T.

**96.** The several Acts and parts of Acts mentioned and contained in the Schedule to this Act, as limited in the said Schedule, with all now existing amendments thereto, whether such amendments are included in the said schedule or not, and any Acts amending them or substituted for them in the present session, shall apply to and be in force in the North-West Territories. But, except the Acts mentioned and contained in the Schedule to this Act, and except such Acts of the Parliament of Canada or any part or parts thereof as may, under the thirteenth section of this Act or by any enactment in the Act itself, be made applicable to the North-West Territories, no Act of the Parliament of Canada heretofore passed, and no part thereof, shall apply to or be in force in the said Territories; and no Act of Parliament hereafter to be passed, and no part thereof, shall apply to or be in force in the said Territories, unless the same be by any such Act or under the thirteenth section of this Act, made applicable to or of force in the said Territories.

As to other Acts.

Future Acts.

Short title.

**97.** This Act may be known and cited as "*The North-West Territories Act, 1880.*"

## SCHEDULE.

*Acts of the Parliament of Canada extended to the North-West Territories,*

CHAPTER.	TITLE.
<i>31st Victoria, 1867-68.</i>	
1	An Act respecting the Statutes of Canada.
8	An Act respecting the Inland Revenue.
12	An Act respecting the Public Works of Canada.
14	An Act to protect the inhabitants of Canada against lawless aggression from subjects of foreign countries at peace with Her Majesty.
15	An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
36	An Act respecting commissions, and oaths of allegiance and of office.
40	An Act respecting the Militia and Defence of the Dominion of Canada.
69	An Act for the better security of the Crown and of the Government.
70	An Act respecting riots and riotous assemblies.
71	An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
72	An Act respecting Accessories to and Abettors of indictable offences.
73	An Act respecting Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.

## SCHEDULE—Continued.

CHAPTER.	TITLE.
	32, 33 <i>Victoria</i> , 1869.
18	An Act respecting offences relating to the Coin.
19	An Act respecting Forgery.
20	An Act respecting Offences against the Person.
21	An Act respecting Larceny and other similar offences.
22	An Act respecting Malicious Injuries to Property.
23	An Act respecting Perjury.
24	An Act for the better preservation of the peace in the vicinity of Public Works.
27	An Act respecting Cruelty to Animals.
29	An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law. Sections 1 to 9, both inclusive, relating to the apprehension of offenders; sections 58 to 69, both inclusive; sections 81 to 97, both inclusive, and section 99, relating to the punishment of offences; and sections 125 to 138, both inclusive, relating to pardons, undergoing sentence, limitation of actions and prosecutions, and general provisions.
30	An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences.
31	An Act relating to the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. Except section twenty-six, and so much of this Act (or of any Act amending it) as gives any appeal from any conviction adjudged or made under it.

## SCHEDULE—Continued.

CHAPTER.	TITLE.
	<i>33rd Victoria, 1870.</i>
9	An Act to amend the Acts respecting Customs and Inland Revenue; and to make certain provisions respecting vessels navigating the inland waters of Canada above Montreal.
28	An Act to amend An Act for the better preservation of the peace in the vicinity of Public Works.
29	An Act to amend An Act respecting cruelty to animals.
36	An Act respecting the marking of timber.
	<i>34th Victoria, 1871.</i>
4	An Act to establish one uniform currency for the Dominion of Canada.
	<i>35th Victoria, 1872.</i>
1	An Act to amend the Act respecting the Statutes of Canada.
24	An Act to remove doubts under the Act respecting the Public Works of Canada.
26	The Patent Act of 1872.
33	An Act for the avoidance of doubts respecting Larceny of Stamps.
34	An Act to correct a clerical error in the Act respecting malicious injuries to property.
	<i>36th Victoria, 1873.</i>
50	An Act to amend the Act respecting Offences against the Person.

## SCHEDULE—Continued.

CHAPTER.	TITLE.
	<i>37th Victoria, 1874.</i>
13	An Act to amend An Act respecting the Public Works of Canada.
14	An Act to provide for the construction of the Canadian Pacific Railway.
	<i>38th Victoria, 1875.</i>
7	The Post Office Act, 1875.
	<i>40th Victoria, 1877.</i>
10	An Act to amend and consolidate the Acts respecting the Customs.
25	An Act to make provision for the Extradition of Fugitive Criminals.
28	An Act to amend the Act respecting Offences against the Person.
29	An Act to amend the Act respecting Larceny and other similar offences.
43	An Act to amend the Law respecting the Incorporation of Joint-Stock Companies by Letters Patent.
	<i>41st Victoria, 1878.</i>
7	An Act to provide for the better Auditing of the Public Accounts.
18	An Act to provide that persons charged with common assault shall be competent as witnesses.

## SCHEDULE—Continued.

CHAPTER.	TITLE.
	<i>42nd Victoria, 1879.</i>
8	An Act respecting the Official Arbitrators.
9	An Act to amend and consolidate The Railway Act, 1868, and the Acts amending it.
15	An Act to alter the Duties of Customs and Excise.
16	An Act to amend and consolidate the Laws relating to Weights and Measures.
17	An Act to amend and consolidate the Laws respecting Duties imposed on Promissory Notes and Bills of Exchange.
20	An Act to amend The Post Office Act, 1875.
22	The Trade-Mark and Design Act of 1879.
31	The Dominion Lands Act, 1879.
47	An Act to make the first day of July a Public Holiday, by the name of Dominion Day.

## CHAP. 26.

An Act to amend the "Dominion Lands Act, 1879."

[Assented to 7th May, 1880.]

IN amendment of the "*Dominion Lands Act, 1879*": Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section eleven of the said Act is hereby amended by adding thereto the following words: "Provided that such deficiency or surplus, and such north and south error, or either

Preamble.  
42 V., c. 31.  
Section 11 amended.  
Proviso added.  
either

either of them, may, by the Governor in Council, be ordered to be equally distributed among all the quarter sections involved."

Section 14 repealed.

2. Section fourteen of the said Act is hereby repealed and the following substituted therefor :—

Sub-division surveys by contract or tender.

"14. The township sub-division surveys of the Dominion lands, according to the system above described, shall be carried out and shall be performed by contract at a certain rate 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."

Section 23 amended.

3. Section twenty-three of the said Act is hereby amended as follows :—

Sub-section 1.

By inserting immediately after the words " Provided that " in the first line, of sub-section one, the words " except as hereinafter mentioned ;"

And by adding the following as an additional sub-section :

Sub-section added, as to school lands intersected by Government railway.

" 4. Provided further, that should any school lands be intersected by the Canadian Pacific Railway, or by any Government colonization railway, and it should be expedient to secure such lands for a town plot or other public purpose, such lands may, by the Governor in Council, be transferred and dealt with as railway lands, to be laid out and sold by the Minister of the Interior by public auction or otherwise, as he may deem expedient,—the school lands fund being credited from the railway lands fund for any lands so taken, at a rate per acre equal to the highest price at which ordinary railway lands may be sold in the same Township."

New sub-secs. for 2, 3 and 5 of sec. 34.

4. Sub-sections two, three and five of section thirty-four are repealed and the following substituted for them :—

Two or more claimants for a homestead.

" 2. When two or more persons have settled on and seek to obtain a homestead entry for the same land, the homestead right shall belong to him who made the first settlement on such land.

Provision in case of improvements by contending parties on unsurveyed lands.

" 3. Provided that in cases where contending parties have made valuable improvements on Dominion land then unsurveyed, the Minister of the Interior may, on the survey of the township in which such land is situate, order a division of such land, in legal sub-divisions, in such manner as will preserve to the contending parties, as far as practicable, their several improvements, and further may direct that what the  
and



land of each of such parties as so divided may want of a quarter section, shall be made up to them respectively from unoccupied quarter sections adjoining.

“ 5. Every person claiming a homestead right on surveyed land must, previously to settlement on such land, be duly entered therefor with the Local Agent within whose district such land may be situate; but in case of a claim from actual settlement in then unsurveyed lands, the claimant must file such application within three months after due notice has been received at the local office of such land having been surveyed and the survey thereof confirmed; and proof of settlement and improvement shall be made to the Local Agent at the time of filing such application,—whereupon such claimant shall be allowed to enter, to the extent of one hundred and sixty acres, as a homestead, the land, as the same may have been surveyed and laid out, upon which he may be resident, in such manner as to cover his most valuable improvements: Provided that on the survey of a township being made, the Government shall not be bound to protect any person found to have settled on land which may have been set apart as railway land, or for any other special purpose, by the Governor in Council, or which, by law or by allotment duly made, may be claimed by the Hudson's Bay Company.”

Obligation of claimant to homestead on surveyed lands.

In claim by actual settlement on unsurveyed lands.

Proviso, as to railway or H. B. Co. lands.

5. Sub-section fourteen of the said section thirty-four of the said Act is hereby repealed, and the following is substituted therefor:—

Sub-sec. 14 of sec. 34 repealed.

“ 14 In case it is proved to the satisfaction of the Minister of the Interior that the settler has voluntarily relinquished his claim, or has been absent from the land entered by him for more than six months in any one year without leave of absence from the Minister of the Interior, then the right to such land shall be liable to forfeiture, and may be cancelled by the said Minister, and the settler so relinquishing or abandoning his claim shall not, except in special cases in the discretion of the Minister, be permitted to make a second entry.”

Settler relinquishing or forfeiting his claim by absence.

6. Sections thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-four, forty-five and forty-six are hereby repealed, and the following section is substituted for the said sections so repealed:—

Certain sections repealed and new section substituted.

“ 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, 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

Mineral and coal lands to be disposed of under Order in Council.

Proviso.

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."

Provision added to sub-section 7 of section 52.

As to lease of coal or other mineral lands.

7. Section fifty-two of the said Act is hereby amended by adding to sub-section seven thereof, the following words:—

" Provided that such lease shall be subject to the right of the Government to deal with any and all coal and other minerals which may be found in the land described therein, in accordance with the provisions of this Act and the regulations to be made under it by the Governor in Council, respecting lands containing coal or other minerals ;"

Proviso, to be retrospective.

And the said proviso shall operate retrospectively, that is to say, it shall apply to the several leases of timber heretofore granted under the said Act, as if it had been contained in the said Act when it was passed :

Further amendment.

2. The said section is hereby also amended by the further addition to the said sub-section seven of the following words:—

Reservation of power to authorize roads to coal or other minerals.

" Provided further, that 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 limit, paying the lessee of the limit the value of any and all timber necessarily cut in connection with or by reason of such workings or roads ;"

How this amendment shall be construed.

And this amendment shall be construed with reference to the amendment to the said Act made by the next preceding section of this Act, as if the provisions thereby made had been contained in the said Act when it was passed.

Section 78 repealed.

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

Provision in case of patent, &c., issued through fraud, &c.

" 78. 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 to be void ; and upon the registry of such decree in the office of the Registrar-General of the Dominion, such patent shall be void to all intents."

Avoidance on registry of decree.

9. 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 section ninety of the said Act, a person of full age, the form D referred to in the said Act 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 obligations 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.

Alteration of Form D where the pupil is an adult.

## CHAP. 27.

An Act to repeal the Act extending "The Dominion Lands Acts" to British Columbia, and to make other provision with respect to certain Public Lands in that Province.

[Assented to 7th May, 1880.]

WHEREAS it has been ascertained that the conformation of the country upon and in the vicinity of the located line of the Canadian Pacific Railway, through the Province of British Columbia, is such that it is inexpedient to attempt to apply the provisions of the Dominion Lands Acts to the survey, administration and management of the Lands 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 thirty-eighth year of Her Majesty's reign, chaptered fifty-one, and intituled "*An Act to extend to the Province of British Columbia 'the Dominion Lands Acts,'*" is hereby repealed.

Act 38 V., c. 51, repealed.

2. The Governor in Council shall have full power and authority by Orders to be made from time to time, to regulate the manner, terms and conditions in and on which any lands which have been or may be hereafter transferred to the Dominion of Canada under the terms and conditions of the admission of British Columbia into the Dominion, shall be surveyed and laid out, administered, dealt with and disposed of, and from time to time to alter or repeal any such Order

Governor in Council to regulate the management, &c., of lands in B.C. transferred to the Dominion.

Proviso: on what conditions the regulations shall come into force.

Order and the regulations therein made, and make others in their stead: Provided that no regulations respecting the sale, leasing or other disposition of such lands shall come into force until they shall have been published in the *Canada Gazette*, and shall have been laid before both Houses of Parliament for one month, without being disapproved of by either House.

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## CHAP. 28

An Act to amend and consolidate the laws respecting Indians.

[Assented to 7th May, 1880.]

Preamble.

WHEREAS it is expedient to amend and consolidate the laws respecting Indians: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title and extent of Act.

1. This Act shall be known and may be cited as "*The Indian Act, 1880*;" and shall, subject to the exceptions herein contained, apply to all the Provinces, and to the North-West Territories, including the District of Keewatin.

Meanings assigned to terms in this Act.

2 The following terms contained in this Act shall be held to have the meaning hereinafter assigned to them, unless such meaning be repugnant to the subject or inconsistent with the context:—

Band.

1. The term "band" means any tribe, band or body of Indians who own or are interested in a reserve or in Indian lands in common, of which the legal title is vested in the Crown, or who share alike in the distribution of any annuities or interest moneys for which the Government of Canada is responsible; the term "the band" means the band to which the context relates; and the term "band," when action is being taken by the band as such, means the band in council.

Irregular Band.

2. The term "irregular band" means any tribe, band or body of persons of Indian blood who own no interest in any reserve or lands of which the legal title is vested in the Crown, who possess no common fund managed by the Government of Canada, or who have not had any treaty relations with the Crown.

Indian.

3. The term "Indian" means—

*First.*

*First.* Any male person of Indian blood reputed to belong to a particular band ;

*Secondly.* Any child of such person ;

*Thirdly.* Any woman who is or was lawfully married to such person.

4. The term "non-treaty Indian" means any person of Indian blood who is reputed to belong to an irregular band, or who follows the Indian mode of life, even though such person be only a temporary resident in Canada. Non-treaty  
Indian.

5. The term "enfranchised Indian" means any Indian, his wife or minor unmarried child, who has received letters patent granting him in fee simple any portion of the reserve which may have been allotted to him, his wife and minor children, by the band to which he belongs, or any unmarried Indian who may have received letters patent for an allotment of the reserve. Enfranchised  
Indian.

6. The term "reserve" means any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, of which the legal title is in the Crown, but which is unsurrendered, and includes all the trees, wood, timber, soil, stone, minerals, metals and other valuables thereon or therein. Reserve.

7. The term "special reserve" means any tract or tracts of land and everything belonging thereto set apart for the use or benefit of any band or irregular band of Indians, the title of which is vested in a society, corporation or community legally established, and capable of suing and being sued, or in a person or persons of European descent, but which land is held in trust for such band or irregular band of Indians. Special  
Reserve.

8. The term "Indian lands" means any reserve or portion of a reserve which has been surrendered to the Crown. Indian lands.

9. The term "intoxicants" means and includes all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind whatsoever, and any intoxicating liquor or fluid, as also opium and any preparation thereof, whether liquid or solid, and any other intoxicating drug or substance, and tobacco or tea mixed or compounded or impregnated with opium or with other intoxicating drugs, spirits or substances, and whether the same or any of them be liquid or solid. Intoxicants.

10. The term "Superintendent-General" means the Superintendent-General of Indian Affairs. Superinten-  
dent-Genera

- Agent.** 11. The term "agent" includes a commissioner, superintendent, agent, or other officer acting under the instructions of the Superintendent-General.
- Person** 12. The term "person" means an individual other than an Indian, unless the context clearly requires another construction.
- Superintendent-General of Indian Affairs.** 13. The Minister of the Interior shall be the Superintendent-General of Indian Affairs.
- Department of Indian Affairs.** 14. There shall be a Department of the Civil Service of Canada to be called the Department of Indian Affairs, over which the Superintendent-General of Indian Affairs shall preside.
- Deputy Superintendent-General of Indian Affairs, his powers and duties.** 15. The Governor General in Council may, by commission under the Great Seal, appoint a Deputy of the Superintendent-General of Indian Affairs, who shall be charged under the Superintendent-General with the performance of his Departmental duties, and with the control and management of the officers, clerks and servants of the Department, and with such other powers and duties as may be assigned to him by the Governor in Council.
- Schedule A of 31 V., c. 34 amended.** 16. Schedule A of the "*Canada Civil Service Act, 1868*," is hereby amended by adding thereto the words "Deputy of the Superintendent-General of Indian Affairs."
- Division of present business, and of officers and employees of Department of the Interior between it and the Department of Indian Affairs.** 17. Upon the passing of this Act, so much of the business of the Department of the Interior as relates to Indian Affairs, and which has hitherto been conducted in what is usually known as the "Indian Branch" of that Department, shall fall under the management, charge and direction of the Department of Indian Affairs; and the Governor in Council may from time to time assign to the Department of Indian Affairs any of the present officers and employees of the Department of the Interior, or may direct any one or more of the officers and employees of the last-named Department to act as an officer of both Departments.
- Appointment of officers, clerks and servants of the new Department.** 18. The Governor in Council may also appoint, subject to "*The Canada Civil Service Act, 1868*," such officers, clerks and servants as may be requisite for the proper conduct of the business of the Department of Indian Affairs.
- Appointment of an Indian Commissioner and of an Indian Superintendent.** 19. The Governor in Council may appoint an Indian Commissioner for Manitoba, Keewatin and the North-West Territories, or an Indian Commissioner for Manitoba and Keewatin and an Indian Commissioner for the North-West Territories, with such powers and duties as may be provided by Order in Council. The Governor in Council may also

also appoint an Indian Superintendent for the Province of British Columbia, with such powers and duties as may be provided by Order in Council.

**10.** Any illegitimate child, unless having shared with the consent of the band whereof the father or mother of such child is a member in the distribution moneys of such band for a period exceeding two years, may, at any time, be excluded from the membership thereof by the Superintendent-General.

Exclusion of natural children from bands.

**11.** Any Indian having for five years continuously resided in a foreign country without the consent in writing of the Superintendent-General or his agent, shall cease to be a member of the band of which he or she was formerly a member, nor shall he or she become again a member of that band, or become a member of any other band, unless the consent of the band with the approval of the Superintendent-General or his agent, be first had and obtained.

Loss of membership through residence in a foreign country without leave.

**12.** Any Indian woman marrying any other than an Indian or a non-treaty Indian shall cease to be an Indian in any respect within the meaning of this Act, except that she shall be entitled to share equally with the members of the band to which she formerly belonged, in the annual or semi-annual distribution of their annuities, interest moneys and rents; but this income may be commuted to her at any time at ten years' purchase with the consent of the band.

Effect of marriage of an Indian woman with any other than an Indian or a non-treaty Indian.

**13.** Any Indian woman marrying an Indian of any other band, or a non-treaty Indian, shall cease to be a member of the band to which she formerly belonged, and become a member of the band or irregular band of which her husband is a member; but should she marry a non-treaty Indian, while becoming a member of the irregular band of which her husband is a member, she shall be entitled to share equally with the members of the band of which she was formerly a member in the distribution of their moneys; but this income may be commuted to her at any time at ten years' purchase with the consent of the band.

Effect of marriage of an Indian woman with an Indian of any band but her own, or with a non-treaty Indian.

**14.** No half-breed in Manitoba who has shared in the distribution of half-breed lands shall be accounted an Indian; and no half-breed head of a family (except the widow of an Indian or a half-breed who has already been admitted into a treaty) shall, unless under very special circumstances, to be determined by the Superintendent-General or his agent, be accounted an Indian, or entitled to be admitted into any Indian treaty; and any half-breed who may have been admitted into a treaty shall be allowed to withdraw therefrom on refunding all annuity money received by him or her under the said treaty, or suffering a corresponding

As to half-breeds in Manitoba.

Withdrawal from treaty.

corresponding reduction in the quantity of any land, or scrip, which such half-breed, as such, may be entitled to receive from the Government.

Half-breeds of Caughnawaga confirmed in certain rights.

2. The Half-breeds who are by the father's side either wholly or partly of Indian blood now settled in the Seigniory of Caughnawaga, and who have inhabited the said Seigniory for the last twenty years, are hereby confirmed in their possession and right of residence and property, but not beyond the tribal rights and usages which others of the band enjoy.

Reserves to be subject to this Act.

15. All reserves for Indians or for any band of Indians, or held in trust for their benefit, shall be deemed to be reserved and held for the same purposes as before the passing of this Act, but subject to its provisions.

Surveys, plans, reports and sub-division into lots of reserves may be authorized.

16. The Superintendent-General may authorize surveys, plans and reports to be made of any reserve for Indians, shewing and distinguishing the improved lands, the forests and lands fit for settlement, and such other information as may be required; and may authorize that the whole or any portion of a reserve be subdivided into lots.

What Indians only to be deemed lawful possessors of land in reserves.

17. No Indian shall be deemed to be lawfully in possession of any land in a reserve, unless he or she has been or shall be located for the same by the band or council of the band, with the approval of the Superintendent-General: Provided that no Indian shall be dispossessed of any land on which he or she has improvements, without receiving compensation therefor (at a valuation to be approved by the Superintendent-General) from the Indian who obtains the land, or from the funds of the band, as may be determined by the Superintendent-General.

Location ticket in triplicate; and how dealt with.

18. On the Superintendent-General approving of any location as aforesaid, he shall issue in triplicate a ticket granting a location title to such Indian, one triplicate of which he shall retain in a book to be kept for the purpose; the other two he shall forward to the local agent,—one to be delivered to the Indian in whose favor it was issued, the other to be filed by the agent, who shall also cause the same to be copied into a register of the band to be provided for the purpose.

Effect of such ticket limited.

19. The conferring of any such location title as aforesaid shall not have the effect of rendering the land covered thereby subject to seizure under legal process, and such title shall be transferable only to an Indian of the same band, and then only with the consent and approval of the Superintendent-General, whose consent and approval shall be given only by the issue of a ticket in the manner prescribed in the next preceding section.



**20.** Upon the death of any Indian holding under location or other duly recognized title any parcel of land, the right and interest therein of such deceased Indian shall, together with his goods and chattels, devolve one-third upon his widow (if any), and the remainder upon his children in equal shares; and such children shall have a like estate in such land as their father had. During the minority of such children the administration and charge of such land and goods and chattels as they may be entitled to under this clause, shall devolve upon the widow (if any) of such deceased Indian. As each male child attains the age of twenty-one, and as each female child attains that age, or marries before that age with the consent of the said widow, his or her share is to be handed to him or her: Provided always, that the Superintendent-General may, at any time, remove the widow from such administration and charge, and confer the same upon some other person, and in like manner remove such other person and appoint another, and so on as occasion may require. Should such Indian die without issue but leaving a widow, such lot or parcel of land and his goods and chattels shall be vested in her, and if he leaves no widow, then in the Indian nearest akin to the deceased; but if he have no heir nearer than a cousin, then the same shall be vested in the Crown for the benefit of the band; but whatever may be the final disposition of the land, the claimant or claimants shall not be held to be legally in possession until he, she or they obtains or obtain a location ticket from the Superintendent-General in the manner prescribed in the case of new locations: Provided always, that the Superintendent-General may, whenever there are minor children, appoint a fit and proper person to take charge of such children and their property, and remove such person and appoint another, and so on as occasion may require; Provided also, that the Superintendent-General shall have power to decide all questions which may arise respecting the distribution, among those entitled, of the land and goods and chattels of a deceased Indian; also to do whatever he may, under the circumstances, think will best give to each claimant his or her share, according to the true meaning and spirit of this Act, whether such share be a part of the lands or goods and chattels themselves, or be part of the proceeds thereof, in case it be thought best to dispose thereof,—regard always being had in any such disposition to the restrictions upon the disposition of property in a reserve.

Distribution of lands, goods and chattels of deceased Indians provided for.

Minority of children.

Proviso: as to persons in charge of minors.

Widow and no child

Location ticket must be obtained.

Proviso: care of minors.

Proviso: Powers of Superintendent-General.

**21.** Any Indian or non-treaty Indian in the Province of British Columbia, in the Province of Manitoba, in the North-West Territories, or in the District of Keewatin, who has, or shall have, previously to the selection of a reserve, possession of and made permanent improvements on a plot of land which has been or shall be included in or surrounded by a reserve, shall have the same privileges, neither more

Privileges of Indians and non-treaty Indians having improved lands included in reserves in certain Provinces.

nor less, in respect of such plot, as an Indian enjoys who holds under a location title.

Only Indians of the band may settle, reside and hunt upon the reserve of the band. All permissions to the contrary to be void.

**22.** No person, or Indian other than an Indian of the band, shall settle, reside or hunt upon, occupy or use any land or marsh, or shall settle, reside upon or occupy any road, or allowance for roads running through any reserve belonging to or occupied by such band; and all mortgages or hypothecs given or consented to by any Indian, and all leases, contracts and agreements made or purporting to be made by any Indian, whereby persons or Indians other than Indians of the band are permitted to reside or hunt upon such reserve, shall be absolutely void.

Power to remove Indians or other persons unlawfully occupying land, etc., in reserves.

**23.** If any person or Indian other than an Indian of the band, without the license of the Superintendent-General (which license, however, he may at any time revoke), settles, resides or hunts upon or occupies or uses any such land or marsh; or settles, resides upon or occupies any such roads or allowances for roads, on such reserve, or if any Indian is illegally in possession of any land in a reserve, the Superintendent-General, or such officer or person as he may thereunto depute and authorize, shall, on complaint made to him, and on proof of the fact to his satisfaction, issue his warrant signed and sealed, directed to the sheriff of the proper county or district, or if the said reserve be not situated within any county or district, then directed to any literate person willing to act in the premises, commanding him forthwith to remove from the said land or marsh, or roads or allowances for roads, or land, every such person or Indian and his family, so settled, residing or hunting upon or occupying, or being illegally in possession of the same, or to notify such person or Indian to cease using as aforesaid the said lands, marshes, roads or allowances for roads; and such sheriff or other person shall accordingly remove or notify such person or Indian, and for that purpose shall have the same powers as in the execution of criminal process; and the expenses incurred in any such removal or notification shall be borne by the party removed or notified, and may be recovered from him as the costs in any ordinary suit:

Warrant to Sheriff for removal.

Powers for removal; costs.

Proviso: in case of consent of band, &c.

Provided that nothing contained in this Act shall prevent an Indian or non-treaty Indian, if five years a resident in Canada, not a member of the band, with the consent of the band and the approval of the Superintendent-General, from residing on the reserve or receiving a location thereon.

Removal and punishment of persons returning

**24.** If any person or Indian, after having been removed or notified as aforesaid, returns to, settles, resides or hunts upon or occupies, or uses as aforesaid, any of the said land, marsh or lots or parts of lots; or settles or resides upon or occupies

occupies any of the said roads, allowances for roads, or lots or parts of lots, the Superintendent-General, or any officer or person deputed and authorized as aforesaid, upon view, or upon proof on oath made before him, or to his satisfaction, that the said person or Indian has returned to, settled, resided or hunted upon or occupied or used as aforesaid any of the said lands, marshes, lots or parts of lots, or has returned to, settled or resided upon or occupied any of the said roads or allowances for roads, or lots or parts of lots, shall direct and send his warrant signed and sealed to the sheriff of the proper county or district, or to any literate person therein, and if the said reserve be not situated within any county or district, then to any literate person, commanding him forthwith to arrest such person or Indian, and bring him before any Stipendiary Magistrate, Police Magistrate or Justice of the Peace, who may, on conviction, commit him to the common gaol of the said county or district, or if there be no gaol in the said county or district, then to the gaol nearest to the said reserve in the Province or Territory, there to remain for the time ordered by such warrant, but which shall not exceed thirty days for the first offence, and thirty days additional for each subsequent offence.

after having been removed.

Warrant to Sheriff, to arrest and commit to gaol.

Limitation of imprisonment.

**25.** Such sheriff or other person shall accordingly arrest the said party, and deliver him to the gaoler or sheriff of the proper county, district, Province or Territory, who shall receive such person or Indian and imprison him in the said gaol for the term aforesaid.

Arrest and imprisonment.

**26.** The Superintendent-General, or such officer or person aforesaid, shall cause the judgment or order against the offender to be drawn up and filed in his office; and such judgment shall not be removed by *certiorari* or otherwise, or be appealed from, but shall be final.

Judgment to be drawn up and filed, and to be final.

**27.** If any person or Indian, other than an Indian of the band to which the reserve belongs, without the license in writing of the Superintendent-General, or of some officer or person deputed by him for that purpose, trespasses upon any of the said land, roads, or allowances for roads in the said reserve, by cutting, carrying away, or removing therefrom any of the trees, saplings, shrubs, underwood, timber, or hay thereon, or by removing any of the stone, soil, minerals, metals, or other valuables, off the said land, roads, or allowances for roads, the person or Indian so trespassing shall, on conviction thereof before any Stipendiary Magistrate, Police Magistrate or Justice of the Peace, for every tree he cuts, carries away, or removes, forfeit and pay the sum of twenty dollars; and for cutting, carrying away, or removing any of the saplings, shrubs, underwood, timber or hay, if under the value of one dollar, the sum of four dollars; but if over the value of one dollar, then the sum of

Punishment of Indians or other persons trespassing on Indian reserves.

Penalties for removing certain things.

Recovery of penalty if not forthwith paid.

Power to commit to gaol as an alternative in such cases.

Or in default of levy of amount under warrant.

Application of penalties.

Proviso : license by Superintendent-General.

Further proviso.

Punishment of Indians so trespassing.

Or removing certain things.

twenty dollars ; and for removing any of the stone, soil, minerals, metals, or other valuables aforesaid, the sum of twenty dollars, with costs of prosecution in all cases. And in default of immediate payment of the said penalties and costs, the Superintendent-General, or such other person as he may have authorized in that behalf, may issue a warrant, directed to any person or persons by him named therein, to levy the amount of the said penalties and costs by distress and sale of the goods and chattels of the person liable to pay the same ; and similar proceedings may be had upon such warrant as if it had been issued by the Magistrate or Justice of the Peace before whom the person was convicted ; or the Superintendent-General, or such other person as aforesaid, without proceeding by distress or sale, may, upon non-payment of the said penalties and costs, order the person liable therefor to be imprisoned in the common gaol of the county or district in which the said reserve or any part thereof lies, for a period not exceeding thirty days when the penalty does not exceed twenty dollars, or for a period not exceeding three months when the penalty does exceed twenty dollars ; and upon the return of any warrant for distress or sale, if the amount thereof has not been made, or if any part of it remains unpaid, the said Superintendent-General, or such other person as aforesaid, may commit the person in default to the common gaol, as aforesaid, for a period not exceeding thirty days, if the sum claimed upon the said warrant does not exceed twenty dollars, or for a time not exceeding three months if the sum does exceed twenty dollars. All such penalties shall be paid to the Receiver-General to be disposed of for the use and benefit of the band of Indians for whose benefit the reserve is held, in such manner as the Governor in Council may direct.

2. But nothing herein contained shall be construed to prevent the Superintendent-General from issuing a license to any person or Indian to cut and remove trees, wood, timber and hay, or to quarry and remove stone and gravel on and from the reserve. Provided he, or his agent acting by his instructions, first obtain the consent of the band thereto in the ordinary manner as hereinafter provided.

28. If any Indian, without the license in writing of the Superintendent-General, or of some officer or person deputed by him for that purpose, trespasses upon the land of an Indian who holds a location title, or who is otherwise recognized by the Department as the occupant of such land, by cutting, carrying away, or removing therefrom, any of the trees, saplings, shrubs, underwood, timber or hay thereon, or by removing any of the stone, soil, minerals, metals or other valuables off the said land : or if any Indian, without license as aforesaid, cuts, carries away or removes from any portion of the reserve of his band, for sale (and not for the immediate

use of himself and his family), any trees, timber or hay thereon, or removes any of the stone, soil, minerals, metals, or other valuables therefrom for sale as aforesaid, he shall be liable to all the fines and penalties provided in the next preceding section in respect to Indians of other bands and other persons, and similar proceedings may be had for the recovery thereof as are provided for in the next preceding section.

**29.** In all orders, writs, warrants, summonses and proceedings whatsoever made, issued or taken by the Superintendent-General, or any officer or person by him deputed as aforesaid, it shall not be necessary for him or such officer or person to insert or express the name of the person or Indian summoned, arrested, distrained upon, imprisoned, or otherwise proceeded against therein, except when the name of such person or Indian is truly given to or known by the Superintendent-General, or such officer or person; and if the name be not truly given to or known by him, he may name or describe the person or Indian by any part of the name of such person or Indian given to or known by him; and if no part of the name be given to or known by him he may describe the person or Indian proceeded against in any manner by which he may be identified; and all such proceedings containing or purporting to give the name or description of any such person or Indian as aforesaid shall *prima facie* be sufficient.

Name of offender need not be inserted in the warrant in certain cases.

What description shall suffice.

**30.** All sheriffs, gaolers or peace officers to whom any such process is directed by the Superintendent-General, or by any officer or person by him deputed as aforesaid, shall obey the same; and all other officers upon reasonable requisition shall assist in the execution thereof.

Sheriffs, etc., to assist Superintendent-General.

**31.** If any railway, road or public work passes through or causes injury to any reserve belonging to or in possession of any band of Indians, or if any act occasioning damage to any reserve be done under the authority of any Act of Parliament, or of the Legislature of any Province, compensation shall be made to them therefor in the same manner as is provided with respect to the lands or rights of other persons; the Superintendent-General shall, in any case in which an arbitration may be had, name the arbitrator on behalf of the Indians, and shall act for them on any matter relating to the settlement of such compensation; and the amount awarded in any case shall be paid to the Receiver-General for the use of the band of Indians for whose benefit the reserve is held, and for the benefit of any Indian having improvements thereon.

Superintendent-General to name arbitrator on behalf of Indians when property is taken from them for any public improvement.

**32.** In all cases of encroachment upon, or of violation of trust respecting any special reserve, it shall be lawful to proceed

Her Majesty's name may be

used in proceeding in certain cases.

proceed by information in the name of Her Majesty, in the superior courts of law or equity, notwithstanding the legal title may not be vested in the Crown.

Case of lapse of title to reserves held in trust.

**33.** If by the violation of the conditions of any such trust as aforesaid, or by the breaking up of any society, corporation, or community, or if by the death of any person or persons without a legal succession of trusteeship, in whom the title to a special reserve is held in trust, the said title lapses or becomes void in law, then the legal title shall become vested in the Crown in trust, and the property shall be managed for the band or irregular band previously interested therein, as an ordinary reserve. The trustees of any special reserve may at any time surrender the same to Her Majesty in trust, whereupon the property shall be managed for the band or irregular band previously interested therein as an ordinary reserve.

Surrender of Special Reserve to Her Majesty in trust.

Indians liable to labour on public roads in reserves and to what extent.

**34.** Indians residing upon any reserve, and engaged in the pursuit of agriculture as their then principal means of support, shall be liable, if so directed by the Superintendent-General, or any officer or person by him thereunto authorized, to perform labour on the public roads laid out or used in or through, or abutting upon such reserve,—such labour to be performed under the sole control of the said Superintendent-General, officer or person, who may direct when, where and how and in what manner the said labour shall be applied, and to what extent the same shall be imposed upon Indians who may be resident upon any of the said lands; and the said Superintendent-General, officer or person shall have the like power to enforce the performance of all such labour by imprisonment or otherwise, as may be done by any power or authority under any law, rule or regulation in force in the Province or territory in which such reserve lies, for the non-performance of statute labour; but the labour to be so required of any such Indian shall not exceed in amount or extent what may be required of other inhabitants of the same Province, territory, county, or other local division, under the laws requiring and regulating such labour and the performance thereof.

Powers of the Superintendent-General.

Proviso as to the amount of such labour.

Band to cause roads to be put and kept in order.

Power of the Superintendent-General.

**35.** Every band of Indians shall be bound to cause the roads, bridges, ditches and fences within their reserve to be put and maintained in proper order, in accordance with the instructions received from time to time from the Superintendent-General, or from the agent of the Superintendent-General; and whenever in the opinion of the Superintendent-General the same are not so put or maintained in order, he may cause the work to be performed at the cost of such band, or of the particular Indian in default, as the case may be, either out of their or his annual allowances, or otherwise.

**36.** No reserve or portion of a reserve shall be sold, alienated or leased until it has been released or surrendered to the Crown for the purposes of this Act, excepting that in cases of aged, sick and infirm Indians and widows or children left without a guardian, the Superintendent-General shall have the power to lease the lands to which they may be entitled for their support or benefit.

Provisions respecting sale or lease of reserves.

**37.** No release or surrender of a reserve, or portion of a reserve, held for the use of the Indians of any band or of any individual Indian, shall be valid or binding, except on the following conditions:—

Conditions precedent for validity of release or surrender of a reserve.

1. The release or surrender shall be assented to by a majority of the male members of the band of the full age of twenty-one years, at a meeting or council thereof summoned for that purpose according to their rules, and held in the presence of the Superintendent-General, or of an officer duly authorized to attend such council by the Governor in Council or by the Superintendent-General: Provided, that no Indian shall be entitled to vote or be present at such council, unless he habitually resides on or near and is interested in the reserve in question :

Assent of band.

Proviso.

2. The fact that such release or surrender has been assented to by the band at such council or meeting, shall be certified on oath before some judge of a superior, county or district court, or Stipendiary Magistrate, by the Superintendent-General, or by the officer authorized by him to attend such council or meeting, and by some one of the chiefs or principal men present thereat and entitled to vote, and when so certified as aforesaid shall be submitted to the Governor in Council for acceptance or refusal.

Proof of assent.

**38.** It shall not be lawful to introduce, at any council or meeting of Indians held for the purpose of discussing or of assenting to a release or surrender of a reserve or portion thereof, or of assenting to the issuing of a timber or other license, any intoxicant; and any person introducing at such meeting, and any agent or officer employed by the Superintendent-General, or by the Governor in Council, introducing, allowing or countenancing by his presence the use of such intoxicant among such Indians a week before, at, or a week after, any such council or meeting, shall forfeit two hundred dollars, recoverable by action in any of the superior courts of law, one-half of which penalty shall go to the informer.

No intoxicant to be introduced at any council or meeting of Indians held under the next preceding section.

**39.** Nothing in this Act shall confirm any release or surrender which would have been invalid if this Act had not been passed; and no release or surrender of any reserve or portion of a reserve to any party other than the Crown, shall be valid.

Act not to confirm invalid releases or surrenders.

Certain Indian lands to be held by the Crown for the same purposes as heretofore.

**40.** All Indian lands, being reserves or portions of reserves surrendered or to be surrendered to the Crown, shall be deemed to be held for the same purposes as before the passing of this Act; and shall be managed, leased and sold as the Governor in Council may direct, subject to the conditions of surrender and the provisions of this Act.

Agents not to become interested in or owners of Indian lands.

**41.** No agent for the sale of Indian lands shall, within his division, directly or indirectly, unless under an order of the Governor in Council, purchase any land which he is appointed to sell, or become proprietor of or interested in any such land, during the time of his agency; and any such purchase or interest shall be void; and if any such agent offends in the premises, he shall forfeit his office and the sum of four hundred dollars for every such offence, which may be recovered in action of debt by any person who may sue for the same.

Effect of former unre-scinded certificates of sale or receipts.

**42.** Every certificate of sale or receipt for money received on the sale of Indian lands, heretofore granted or made or to be granted or made by the Superintendent-General or any agent of his, so long as the sale to which such receipt or certificate relates is in force and not rescinded, shall entitle the party to whom the same was or shall be made or granted, or his assignee, by instrument registered under this or any former Act providing for registration in such cases, to take possession of and occupy the land therein comprised, subject to the conditions of such sale, and thereunder, unless the same shall have been revoked or cancelled, to maintain suits in law or equity against any wrongdoer or trespasser, as effectually as he could do under a patent from the Crown;— and such receipt or certificate shall be *prima facie* evidence for the purpose of possession by such person, or the assignee under an instrument registered as aforesaid, in any such suit; but the same shall have no force against a license to cut timber existing at the time of the making or granting thereof.

Evidence of possession.

Proviso.

Registers of assignments to be kept.

**43.** The Superintendent-General shall keep a book for registering (at the option of the parties interested) the particulars of any assignment made, as well by the original purchaser or lessee of Indian lands or his heir or legal representative, as by any subsequent assignee of any such lands, or the heir or legal representative of such assignee:—and upon any such assignment being produced to the Superintendent-General, and, (except in cases where such assignment is made under a corporate seal), with an affidavit of due execution thereof, and of the time and place of such execution, and the names, residences and occupations of the witnesses, or, as regards lands in the Province of Quebec, upon the production of such assignment executed in notarial form, or of a notarial copy thereof, the Superintendent-

Entries therein on what proof to be made.

General



General shall cause the material parts of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a certificate of such registration, to be signed by himself or his deputy, or any other officer of the department by him authorized to sign such certificates : And every such assignment so registered shall be valid against any one previously executed, but subsequently registered, or unregistered ; but all the conditions of the sale, grant or location must have been complied with, or dispensed with by the Superintendent-General, before such registration is made. But any assignment to be registered as aforesaid must be unconditional in its terms.

Their effect.

Proviso.

44. If any subscribing witness to any such assignment is deceased, or has left the province, the Superintendent-General may register such assignment upon the production of an affidavit proving the death or absence of such witness and his handwriting, or the handwriting of the party making such assignment.

If subscribing witness be dead, etc.

45. On any application for a patent by the heir, assignee or devisee of the original purchaser from the Crown, the Superintendent-General may receive proof in such manner as he may direct and require in support of any claim for a patent when the original purchaser is dead, and upon being satisfied that the claim has been equitably and justly established, may allow the same, and cause a patent to issue accordingly ; but nothing in this section shall limit the right of a party claiming a patent to land in the Province of Ontario to make application at any time to the Commissioner, under the "*Act respecting the Heir, Devisee and Assignee Commission,*" being chapter twenty-five of the Revised Statutes of Ontario.

Patent to issue to their assignee or devisee after proof of right thereto.

Proviso.

R.S., O., c. 25.

46. If the Superintendent-General is satisfied that any purchaser or lessee of any Indian lands, or any assignee claiming under or through him, has been guilty of any fraud or imposition, or has violated any of the conditions of sale or lease, or if any such sale or lease has been or is made or issued in error or mistake, he may cancel such sale or lease, and resume the land therein mentioned, or dispose of it as if no sale or lease thereof had ever been made ; and all such cancellations heretofore made by the Governor in Council or the Superintendent-General shall continue valid until altered.

Duty of the Superintendent-General in cases of fraud.

Cancellations confirmed.

47. When any purchaser, lessee or other person refuses or neglects to deliver up possession of any land after revocation or cancellation of the sale or lease as aforesaid, or when any person is wrongfully in possession of any Indian lands and refuses to vacate or abandon possession of the same, the Superintendent-

Obtaining possession after such cancellation in case of resistance.

Order in the nature of a writ of possession.

Superintendent-General may apply to the county judge of the county, or to a judge of the Superior Court in the circuit, in which the land lies in Ontario or Quebec, or to any judge of a superior court of law or any county judge of the county in which the land lies in any other province, or to any Stipendiary Magistrate in any territory in which the land lies, for an order in the nature of a writ of *habere facias possessionem* or writ of possession, and the said judge or magistrate, upon proof to his satisfaction that the right or title of the party to hold such land has been revoked or cancelled as aforesaid, or that such person is wrongfully in possession of Indian lands, shall grant an order upon the purchaser, lessee or person in possession, to deliver up the same to the Superintendent-General, or person by him authorized to receive the same; and such order shall have the same force as a writ of *habere facias possessionem*, or writ of possession; and the sheriff, or any bailiff or person to whom it may have been trusted for execution by the Superintendent-General, shall execute the same in like manner as he would execute such writ in an action of ejectment or possessory action.

Execution of such order.

Enforcing payment of rent due to the Crown.

**48.** Whenever any rent payable to the Crown on any lease of Indian lands is in arrear, the Superintendent-General, or any agent or officer appointed under this Act and authorized by the Superintendent-General to act in such cases, may issue a warrant, directed to any person or persons by him named therein, in the shape of a distress warrant as in ordinary cases of landlord and tenant, or as in the case of distress and warrant of a justice of the peace for non-payment of a pecuniary penalty; and the same proceedings may be had thereon for the collection of such arrears as in either of the said last-mentioned cases; or an action of debt as in ordinary cases of rent in arrear may be brought therefor in the name of the Superintendent-General; but demand of rent shall not be necessary in any case.

Action of debt.

Who to act or give notice for the Crown.

**49.** When by law or by any deed, lease or agreement relating to any of the lands herein referred to, any notice is required to be given, or any act to be done, by or on behalf of the Crown, such notice may be given and act done by or by the authority of the Superintendent-General.

Cancellation of erroneous letters patent and issue of corrected ones in their stead.

**50.** Whenever letters patent have been issued to or in the name of the wrong party, through mistake, or contain any clerical error or misnomer, or wrong description of any material fact therein, or of the land thereby intended to be granted, the Superintendent-General (there being no adverse claim) may direct the defective letters patent to be cancelled and a minute of such cancellation to be entered in the margin of the registry of the original letters patent, and correct letters patent to be issued in their stead,—which corrected

corrected letters patent shall relate back to the date of those so cancelled, and have the same effect as if issued at the date of such cancelled letters patent.

**51.** In all cases in which grants or letters patent have issued for the same land inconsistent with each other through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the Superintendent-General may, in cases of sale, cause a repayment of the purchase money, with interest, or when the land has passed from the original purchaser or has been improved before a discovery of the error, he may in substitution assign land or grant a certificate entitling the party to purchase Indian lands, of such value and to such extent as to him, the Superintendent-General, may seem just and equitable under the circumstances; but no such claim shall be entertained unless it be preferred within five years from the discovery of the error.

Lands patented twice over.

Compensation in certain cases.

Limitation of time for claim.

**52.** Whenever by reason of false survey or error in the books or plans in the Department of Indian Affairs, or in the late Indian Branch of the Department of the Interior, any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Superintendent-General may order the purchase money of so much land as is deficient, with the interest thereon from the time of the application therefor, or, if the land has passed from the original purchaser, then the purchase money which the claimant (provided he was ignorant of a deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon from the time of the application therefor, to be paid to him in land or in money, as he, the Superintendent-General, may direct;—But no such claim shall be entertained unless application has been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted.

Cases of deficiency of land provided for.

Compensation.

Limitation of time for claim.

**53.** In all cases wherein patents for Indian lands have issued through fraud or in error or improvidence, the Exchequer Court of Canada, or a superior court of law or equity in any Province may, upon action, bill or plaint, respecting such lands situate within their jurisdiction, and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said courts shall respectively order, decree such patents to be void; and upon a registry of such decree in the office of the Registrar-General of Canada, such patents shall be void to all intents. The practice in court, in such cases, shall be regulated by orders to be, from time to time, made by the said courts respectively; and

Certain courts may avoid patents issued in error, etc.

Practice in such cases.

and any action or proceeding commenced under any former Act may be continued under this section,—which, for the purpose of any such action or proceeding shall be construed as merely continuing the provisions of such former Act.

Punishment of agents giving false information as to lands.

**54.** If any agent appointed or continued in office under this Act knowingly and falsely informs, or causes to be informed, any person applying to him to purchase any land within his division and agency, that the same has already been purchased, or refuses to permit the person so applying to purchase the same according to existing regulations, such agent shall be liable therefor to the person so applying in the sum of five dollars for each acre of land which the person so applying offered to purchase, to be recovered by action of debt in any court having jurisdiction in civil cases to the amount.

Penalty.

Recovery.

Punishment for preventing sale.†

**55.** If any person, before or at the time of the public sale of any Indian lands, by intimidation, combination or unfair management, hinders or prevents, or attempts to hinder or prevent any person from bidding upon or purchasing any lands so offered for sale, every such offender, his, her or their aiders and abettors, shall, for every such offence, be guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding four hundred dollars, or imprisonment for a term not exceeding two years, or both, in the discretion of the court.

Misdemeanor, fine and imprisonment.

Licenses to cut trees; by whom and how to be granted.

**56.** The Superintendent-General, or any officer or agent authorized by him to that effect, may grant licenses to cut trees on reserves and ungranted Indian lands at such rates, and subject to such conditions, regulations and restrictions, as may, from time to time, be established by the Governor in Council,—such conditions, regulations and restrictions to be adapted to the locality in which such reserves or lands are situated.

For what time.

As to error in description, etc.

**57.** No license shall be so granted for a longer period than twelve months from the date thereof: and if, in consequence of any incorrectness of survey or other error, or cause whatsoever, a license is found to comprise land included in a license of a prior date, or land not being reserves or ungranted Indian lands, the license granted shall be void in so far as it comprises such land, and the holder or proprietor of the license so rendered void shall have no claim upon the Government for indemnity or compensation by reason of such avoidance.

License must describe the land and kind of trees to be cut; its effect.

**58.** Every license shall describe the lands upon which the trees may be cut and the kind of trees to be cut, and shall confer for the time being on the nominee, the right to take and keep exclusive possession of the land so described, subject

subject to such regulations and restrictions as may be established; and every license shall vest in the holder thereof all rights of property whatsoever in all trees of the kind specified cut within the limits of the license during the term thereof, whether such trees are cut by authority of the holder of such license or by any other person, with or without his consent; and every license shall entitle the holder thereof to seize in revendication or otherwise, such trees and the logs, timber or other product thereof where the same are found in the possession of any unauthorized person, and also to institute any action or suit at law or in equity against any wrongful possessor or trespasser, and to prosecute all trespassers and other offenders to punishment, and to recover damages, if any; and all proceedings pending at the expiration of any license may be continued to final termination as if the license had not expired.

Further rights of holders of licenses as to trespassers.

Continuing proceedings.

**59.** Every person obtaining a license shall, at the expiration thereof, make to the officer or agent granting the same, or to the Superintendent-General, a return of the number and kinds of trees cut, and of the quantity and description of saw-logs, or of the number and description of sticks of square or other timber, manufactured and carried away under such license; and such statement shall be sworn to by the holder of the license, or his agent, or by his foreman: and any person refusing or neglecting to furnish such statement, or evading or attempting to evade any regulation made by Order in Council, shall be held to have cut without authority, and the timber or other product made shall be dealt with accordingly.

Return to be made by licensee.

Punishment for not making return or for evasion of regulations.

**60.** All trees cut, and the logs, timber or other products thereof, shall be liable for the payment of the dues thereon, so long as and wheresoever the same or any part thereof may be found, whether in the original logs or manufactured into deals, boards or other stuff; and all officers or agents entrusted with the collection of such dues may follow and seize and detain the same wherever it is found, until the dues are paid or secured.

Trees cut and their products to be liable for the payment of dues.

**61.** Any instrument or security taken for the dues, either before or after the cutting of the trees, as collateral security or to facilitate collection, shall not in any way affect the lien, but the lien shall subsist until the said dues are actually discharged.

Security taken for dues not to affect lien.

**62.** If any timber so seized and detained for non-payment of dues remains more than twelve months in the custody of the agent or person appointed to guard the same, without the dues and expenses being paid,—then the Superintendent-General, may order a sale of the said timber to be made after sufficient notice; and the balance of the proceeds of such sale,

Sale of seized timber after a certain delay.

sale, after retaining the amount of dues and costs incurred, shall be handed over to the owner or claimant of such timber, upon his applying therefor and proving his right thereto.

Punishment for unlawfully cutting trees; and forfeiture thereof.

Additional penalty in case of removal of trees.

Proof of right to cut, on whom to lie.

Seizure of trees cut without authority.

Presumption of law in case of mixture of these and other trees.

All to be deemed cut on Indian lands.

**63.** If any person without authority cuts, or employs or induces any other person to cut, or assists in cutting any trees of any kind on Indian lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away, any trees of any kind so cut from Indian lands aforesaid, he shall not acquire any right to the trees so cut, or any claim to any remuneration for cutting, preparing the same for market, or conveying the same to or towards market,—and when the trees or logs or timber, or other products thereof, have been removed, so that the same cannot, in the opinion of the Superintendent-General, conveniently be seized, he shall in addition to the loss of his labour and disbursements, forfeit a sum of three dollars for each tree (rafting stuff excepted), which he is proved to have cut or caused to be cut or carried away; and such sum shall be recoverable with costs, at the suit and in the name of the Superintendent-General or resident agent, in any court having jurisdiction in civil matters to the amount of the penalty: and in all such cases it shall be incumbent on the party charged to prove his authority to cut; 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.

**64.** Whenever satisfactory information, supported by affidavit made before a Justice of the Peace or before any other competent authority, is received by the Superintendent-General, or any other officer or agent acting under him, that any trees have been cut without authority on Indian lands, and describing where the same or the logs, timber or other products thereof can be found, the said Superintendent-General, officer or agent, or any one of them, may seize or cause to be seized the same in Her Majesty's name, wherever found, and place the same under proper custody, until a decision can be had in the matter from competent authority:

2. And where the wood, timber, logs or other products thereof so reported to have been cut without authority on Indian lands, have been made up or intermingled with other wood, timber, logs or other products thereof into a crib, dram or raft, or in any other manner, so that it is difficult to distinguish the timber cut on reserves or Indian land without license, from the other timber with which it is made up or intermingled, the whole of the timber so made up or intermingled shall be held to have been cut without authority on Indian lands, and shall be seized and forfeited and sold by the Superintendent-General, or any other officer or agent acting under him, unless evidence satisfactory to him

is adduced shewing the probable quantity not cut on Indian lands.

**65.** Any officer or person seizing trees, logs, timber or other products thereof, 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 same; and whosoever, under any pretence, either by assault, force or violence, or by threat of such 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, shall, on conviction thereof in a summary manner before a Justice of the Peace or other proper functionary, be liable to a fine not exceeding one hundred dollars, or to imprisonment not exceeding twelve months, or to both, in the discretion of the convicting justice or other functionary.

Seizing officer may command assistance in the name of the Crown.

Punishment for resisting or obstructing him.

**66.** Whosoever, 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 trees, logs, timber or other product thereof, seized and detained as subject to forfeiture under this Act, before the same has been declared by competent authority to have been seized without due cause, shall be deemed to have stolen the same, as being the property of the Crown, and guilty of felony, and is liable to punishment accordingly:

Taking things seized from seizing officer without his leave to be felony.

2. And whenever any trees, logs, timber or other products thereof are seized for non-payment of Crown dues or for any other cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid or whether the same were cut on other than any of the lands aforesaid, the burden of proving payment, or on what land the same were cut, shall lie on the owner or claimant and not on the officer who seizes the same, or the party bringing such prosecution.

Burden of proof in certain cases to lie on claimant, not on prosecutor or seizing officer.

**67.** All trees, logs, timber or other products thereof seized under this Act shall be deemed to be condemned, unless the person from whom the same are seized, or the owner thereof, within one month from the day of the seizure, gives notice to the seizing officer, or nearest officer or agent of the Superintendent-General, that he claims or intends to claim the same; failing such notice, the officer or agent seizing shall report the circumstances to the Superintendent-General, who may order the sale of the same by the said officer or agent:

Sale of trees, etc., seized, may be ordered in default of notice of claim.

2. And any judge of a superior, county or district court, or any Stipendiary Magistrate, may, in a summary way, and

Proceedings for trial of

validity of seizure, etc.

Delivery on security given.

Bond to be given, etc.

and following the procedure on summary trials before Justices of the Peace out of sessions, try and determine such seizures, and may, pending the trial, order the delivery of the trees, logs, timber or other products thereof to the alleged owner, on receiving security by bond with two good and sufficient sureties, to be first approved by the said agent, to pay double the value in case of condemnation,—and such bond shall be taken in the name of the Superintendent-General, to Her Majesty's use, and shall be delivered up to and kept by the Superintendent-General; and if such seized trees, logs, timber or other products thereof are condemned, the value thereof shall be paid forthwith to the Superintendent-General, or agent, and the bond cancelled, otherwise the penalty of such bond shall be enforced and recovered.

Punishment of attempts to evade payment of dues.

**68.** Every person availing himself of any false statement or oath to evade the payment of dues under this Act, shall forfeit the timber on which dues are attempted to be evaded.

Indian moneys to be dealt with as heretofore.

**69.** All moneys or securities of any kind applicable to the support or benefit of Indians, or any band of Indians, and all moneys accrued or hereafter to accrue from the sale of any Indian lands or of any timber on any reserves or Indian lands, shall, subject to the provisions of this Act, be applicable to the same purposes, and be dealt with in the same manner as they might have been applied to or dealt with before the passing of this Act.

Governor in Council may direct how Indian funds shall be invested and managed and payments made therefrom.

**70.** The Governor in Council may, subject to the provisions of this Act, direct how, and in what manner, and by whom the moneys arising from sales of Indian lands, and from the property held or to be held in trust for the Indians, or from any timber on Indian lands or reserves, or from any other source for the benefit of Indians (with the exception of any small sum not exceeding ten per cent. of the proceeds of any lands, timber or property, which may be agreed at the time of the surrender to be paid to the members of the band interested therein), shall be invested from time to time, and how the payments or assistance to which the Indians may be entitled shall be made or given, and may provide for the general management of such moneys, and direct what percentage or proportion thereof shall be set apart from time to time, to cover the cost of and attendant upon the management of reserves, lands, property and moneys under the provisions of this Act, and for the construction or repair of roads passing through such reserves or lands, and by way of contribution to schools frequented by such Indians.

Proceeds of sales to be paid to the Receiver-General.

**71.** The proceeds arising from the sale or lease of any Indian lands, or from the timber, hay, stone, minerals or other valuables thereon, or on a reserve, shall be paid to the Receiver-General to the credit of the Indian fund.



**72.** Whenever the Governor in Council deems it advisable for the good government of a band to introduce the election system of chiefs, he may by Order in Council provide that the chiefs of any band of Indians shall be elected, as hereinafter provided, at such time and place as the Superintendent-General may direct; and they shall, in such case, be elected for a period of three years, unless deposed by the Governor for dishonesty, intemperance, immorality or incompetency; and they may be in the proportion of one head chief and two second chiefs or councillors for every two hundred Indians: Provided, that no band shall have more than six head chiefs and twelve second chiefs, but any band composed of thirty Indians may have one chief: Provided always, that all life chiefs now living shall continue to hold the rank of chief until death or resignation, or until their removal by the Governor for dishonesty, intemperance, immorality or incompetency: Provided also, that in the event of His Excellency ordering that the chiefs of a band shall be elected, then and in such case the life chiefs shall not exercise the powers of chiefs unless elected under such order to the exercise of such powers.

Governor in Council may provide for election of Chiefs.

Proviso: as to number.

Proviso: as to present life chiefs.

Further proviso, as to them.

**73.** At the election of a chief or chiefs, or the granting of any ordinary consent required of a band of Indians under this Act, those entitled to vote at the council or meeting thereof shall be the male members of the band of the full age of twenty-one years; and the vote of a majority of such members at a council or meeting of the band summoned according to their rules, and held in the presence of the Superintendent-General, or an agent acting under his instructions, shall be sufficient to determine such election, or grant such consent:

How and by whom Chiefs may then be elected.

Provided that in the case of any band having a council of chiefs or councillors, any ordinary consent required of the band may be granted by a vote of a majority of such chiefs or councillors at a council summoned according to their rules, and held in the presence of the Superintendent-General or his agent.

Proviso: if the band has a Council.

**74.** The chief or chiefs of any band in council may frame, subject to confirmation by the Governor in Council, rules and regulations for the following subjects, viz.:—

Chiefs to make regulations for certain purposes.

1. As to what religious denomination the teacher of the school established on the reserve shall belong to; provided always, that he shall be of the same denomination as the majority of the band; and provided that the Catholic or Protestant minority may likewise have a separate school with the approval of and under regulations to be made by the Governor in Council;

Religious denomination of school teacher.

2. The care of the public health ;
3. The observance of order and decorum at assemblies of the Indians in general council, or on other occasions ;
4. The repression of intemperance and profligacy ;
5. The prevention of trespass by cattle,—also for the protection of sheep, horses, mules and cattle ;
6. The construction and maintenance of water-courses, roads, bridges, ditches and fences ;
7. The construction and repair of school houses, council houses and other Indian public buildings ;
8. The establishment of pounds and the appointment of pound-keepers ;
9. The locating of the land in their reserves, and the establishment of a register of such locations ;
10. The repression of noxious weeds ;

Punishment  
for infraction  
of rules.

11. The imposition of punishment, by fine or penalty, or by imprisonment, or both, for infraction of any of such rules or regulations; the fine or penalty in no case to exceed thirty dollars, and the imprisonment in no case to exceed thirty days; the proceedings for the imposition of such punishment to be taken in the usual summary way before a Justice of the Peace, following the procedure on summary trials before a justice out of sessions.

Liability of  
Indians or  
non-treaty  
Indians to  
taxation.

**75.** No Indian or non-treaty Indian shall be liable to be taxed for any real or personal property, unless he holds in his individual right real estate under a lease or in fee simple, or personal property, outside of the reserve or special reserve,—in which case he shall be liable to be taxed for such real or personal property at the same rate as other persons in the locality in which it is situate.

Exemptions  
from taxation.

**76.** All land vested in the Crown, or in any person or body corporate, in trust for or for the use of any Indian or non-treaty Indian, or any band or irregular band of Indians or non-treaty Indians, shall be exempt from taxation.

No lien  
or charge  
to be taken  
on exempted  
property.

**77.** No person shall take any security or otherwise obtain any lien or charge, whether by mortgage, judgment or otherwise, upon real or personal property of any Indian or non-treaty Indian within Canada, except on real or personal property subject to taxation under section seventy-five of this Act: Provided always, that any person selling any

Proviso.

article

article to an Indian or non-treaty Indian may, notwithstanding this section, take security on such article for any part of the price thereof which may be unpaid. Proviso.

**78.** Indians and non-treaty Indians shall have the right to sue for debts due to them or in respect of any tort or wrong inflicted upon them, or to compel the performance of obligations contracted with them. As to rights of action by Indians.

**79.** No pawn taken of any Indian or non-treaty Indian for any intoxicant shall be retained by the person to whom such pawn is delivered, but the thing so pawned may be sued for and recovered, with costs of suit, by the Indian or non-treaty Indian who has deposited the same, before any court of competent jurisdiction. Things pawned by Indians for intoxicants not to be retained.

**80.** No presents given to Indians or non-treaty Indians nor any property purchased or acquired with or by means of any annuities granted to Indians or any part thereof, and in the possession of any band of such Indians or of any Indian of any band or irregular band, shall be liable to be taken, seized or distrained for any debt, matter or cause whatsoever. Nor in the Province of British Columbia, the Province of Manitoba, the North-West Territories, or in the District of Keewatin, shall the same be sold, bartered, exchanged or given by any band or irregular band of Indians, or any Indian of any such band, to any person or Indian other than an Indian of such band; and any such sale, barter, exchange or gift shall be absolutely null and void, unless such sale, barter, exchange or gift be made with the written assent of the Superintendent-General or his agent; and whosoever buys or otherwise acquires any presents or property purchased as aforesaid, without the written consent of the Superintendent-General, or his agent, as aforesaid, is guilty of a misdemeanor, and is punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding six months, in any place of confinement other than a penitentiary. If any presents given to Indians or non-treaty Indians, or any property purchased or acquired with or by means of any annuities granted to Indians, be unlawfully in the possession of any person, within the true intent and meaning of this section, any person acting under the authority (either general or special) of the Superintendent-General, may, with such assistance in that behalf as he may think necessary, seize and take possession of the same, and he shall deal therewith as the Superintendent-General may direct. Restrictions on traffic with Indians for presents given to them or things got by means of their annuities. Punishment for contravention. Presents, etc., unlawfully in possession of any person may be seized.

#### DISABILITIES AND PENALTIES.

**81.** No Indian or non-treaty Indian, resident in the Province of Manitoba, the North-West Territories or the District Indians may not have homesteads in of

Manitoba, the North-West Territories or Keewatin, except as specified.

of Keewatin, shall be held capable of having acquired or acquiring a homestead or pre-emption right to a quarter section, or any portion of land in any surveyed or unsurveyed lands in the said Province of Manitoba, the North-West Territories or the District of Keewatin, or the right to share in the distribution of any lands allotted to half-breeds, subject to the following exceptions :—

(a) He shall not be disturbed in the occupation of any plot on which he has or may have permanent improvements prior to his becoming a party to any treaty with the Crown ;

(b) Nothing in this section shall prevent the Government of Canada, if found desirable, from compensating any Indian for his improvements on such a plot of land without obtaining a formal surrender therefor from the band ;

(c) Nothing in this section shall apply to any person who withdrew from any Indian treaty prior to the first day of October, in the year one thousand eight hundred and seventy-four.

Indian undergoing imprisonment for crime not to receive share of annuity while so imprisoned.

**82.** Any Indian convicted of any crime punishable by imprisonment in any penitentiary or other place of confinement, shall, during such imprisonment, be excluded from participating in the annuities, interest money, or rents payable to the band of which he or she is a member ; and whenever any Indian shall be convicted of any crime punishable by imprisonment in a penitentiary or other place of confinement, the legal costs incurred in procuring such conviction, and in carrying out the various sentences recorded, may be defrayed by the Superintendent-General, and paid out of any annuity or interest coming to such Indian, or to the band, as the case may be.

Payment of annuity may also be stopped in cases of an Indian husband deserting his wife, or an Indian wife deserting her husband.

**83.** The Superintendent-General shall have power to stop the payment of the annuity and interest money of any Indian who may be proved, to the satisfaction of the Superintendent-General, to have been guilty of deserting his or her family, and the said Superintendent-General may apply the same towards the support of any family, woman or child so deserted ; also to stop the payment of the annuity and interest money of any woman having no children, who deserts her husband and lives immorally with another man.

Indians may be relieved out of the funds of the band, when sick, etc.

**84.** The Superintendent-General, in cases where sick or disabled, or aged and destitute persons are not provided for by the band of Indians of which they are members, may furnish sufficient aid from the funds of the band for the relief of such sick, disabled, aged or destitute persons.

**85.** Upon any inquest, or upon any enquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever or by whomsoever committed, it shall be lawful for any court, judge, Stipendiary Magistrate, coroner or justice of the peace to receive the evidence of any Indian or non-treaty Indian, who is destitute of the knowledge of God and of any fixed and clear belief in religion or in a future state of rewards and punishments without administering the usual form of oath to any such Indian, or non-treaty Indian, as aforesaid, upon his solemn affirmation or declaration to tell the truth, the whole truth and nothing but the truth, or in such form as may be approved by such court, judge, Stipendiary Magistrate, coroner or justice of the peace as most binding on the conscience of such Indian or non-treaty Indian.

Evidence of unbelieving Indian may be received on his solemn affirmation.

**86.** Provided that in the case of any inquest, or upon any enquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever, the substance of the evidence or information of any such Indian, or non-treaty Indian, as aforesaid, shall be reduced to writing and signed by the person (by mark if necessary) giving the same, and verified by the signature or mark of the person acting as interpreter (if any) and by the signature of the judge, Stipendiary Magistrate or coroner, or justice of the peace or person before whom such evidence or information has been given.

Substance of evidence of Indian to be reduced to writing and signed by him and by judge, and interpreter.

**87.** The court, judge, Stipendiary Magistrate or justice of the peace shall, before taking any such evidence, information or examination, caution every such Indian, or non-treaty Indian, as aforesaid, that he will be liable to incur punishment if he do not so as aforesaid tell the truth.

Indian to be cautioned to tell the truth.

**88.** The written declaration or examination, made, taken and verified in manner aforesaid, of any such Indian or non-treaty Indian as aforesaid, may be lawfully read and received as evidence upon the trial of any criminal suit or proceedings, when under the like circumstances the written affidavit, examination, deposition or confession of any other person, might be lawfully read and received as evidence.

Written declarations, etc., of Indians may be used as evidence as those of other persons.

**89.** Every solemn affirmation or declaration in whatever form made or taken by any Indian or non-treaty Indian as aforesaid shall be of the same force and effect as if such Indian or non-treaty Indian had taken an oath in the usual form, and he or she shall, in like manner, incur the penalty of perjury in case of falsehood.

Effect of solemn affirmation, etc., of Indian.

Perjury.

**90.** Whoever sells, exchanges with, barter, supplies or gives to any Indian or non-treaty Indian in Canada, any kind of intoxicant, or causes or procures the same to be

Punishment for furnishing intoxicants to Indians.

done, or connives or attempts thereat, or opens or keeps, or causes to be opened or kept on any reserve or special reserve, a tavern, house or building where any intoxicant is sold, bartered, exchanged or given, or is found in possession of any intoxicant in the house, tent, wigwam or place of abode of any Indian or non-treaty Indian, shall, on conviction thereof before any judge, Stipendiary Magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, or in the Province of Manitoba, in the District of Keewatin, in the North-West Territories or in the Province of British Columbia, upon the evidence of the informer alone if he be a credible person, be liable to imprisonment for a period not less than one month nor exceeding six months, with or without hard labour, or be fined not less than fifty nor more than three hundred dollars, with costs of prosecution, - one moiety of the fine to go to the informer or prosecutor, and the other moiety to Her Majesty, to form part of the fund for the benefit of that body of Indians or non-treaty Indians, with respect to one or more members of which the offence was committed, or he shall be liable to both fine and imprisonment in the discretion of the convicting judge, Stipendiary Magistrate or justices of the peace; and the commander or person in charge of any steamer or other vessel, or boat, from or on board of which any intoxicant has been sold, bartered, exchanged, supplied or given to any Indian or non-treaty Indian, shall be liable, on conviction thereof before any judge, Stipendiary Magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, or in the Province of Manitoba, in the District of Keewatin, in the North-West Territories or in the Province of British Columbia, upon the evidence of the informer alone if he be a credible person, to be fined not less than fifty nor exceeding three hundred dollars for each such offence, with costs of prosecution, - the moieties of the fine to be applicable as hereinbefore mentioned; and in default of immediate payment of such fine and costs any person so fined shall be committed to any common gaol, house of correction, lock-up or other place of confinement by the judge, Stipendiary Magistrate or two justices of the peace before whom the conviction has taken place, for a period of not less than one nor more than six months, with or without hard labour, or until such fine and costs are paid; and any Indian or non-treaty Indian who makes or manufactures any intoxicant, or who has in his possession, or concealed, or who sells, exchanges with, barter, supplies or gives to any other Indian or non-treaty Indian in Canada any kind of intoxicant, shall, on conviction thereof, before any judge, Stipendiary Magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, or in the Province of Manitoba, in the District of Keewatin, in the North-West Territories,

Penalties and their application.

Of commanders of vessels on board of which the same are furnished.

Penalties and their application.

Imprisonment in default of payment.

Punishment of Indians making or having intoxicants, or selling the same to other Indians.

Territories or in the Province of British Columbia, upon the evidence of the informer alone if he be a credible person, be liable to imprisonment for a period of not less than one month nor more than six months, with or without hard labour, or a fine of not less than twenty-five or more than one hundred dollars, or to both fine and imprisonment in the discretion of the convicting judge, Stipendiary Magistrate or justices of the peace; and in all cases arising under this section, Indians or non-treaty Indians shall be competent witnesses: but no penalty shall be incurred in case of sickness where the intoxicant is made use of under the sanction of a medical man or under the directions of a minister of religion.

Fine or imprisonment, or both.

Evidence of Indians.

Proviso.

**91.** The keg, barrel, case, box, package or receptacle whence any intoxicant has been sold, exchanged, bartered, supplied or given, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the remainder of the contents thereof, if such barrel, keg, case, box, package, receptacle or vessel aforesaid respectively, can be identified,—and any intoxicant imported or manufactured or brought into and upon any reserve or special reserve, or into the house, tent, wigwam or place of abode, or on the person of any Indian or non-treaty Indian, may be searched for, and if found seized by any Indian superintendent, agent or bailiff, or other officer connected with the Indian Department, or by any constable wheresoever found on such land or in such place or on the person of such Indian or non-treaty Indian: and on complaint before any judge, Stipendiary Magistrate or justice of the peace, he may, on the evidence of any credible witness that this Act has been contravened in respect thereof, declare the same forfeited, and cause the same to be forthwith destroyed; and may condemn the Indian or other person in whose possession they were found to pay a penalty not exceeding one hundred dollars nor less than fifty dollars, and the costs of prosecution; and one-half of such penalty shall belong to the prosecutor and the other half to Her Majesty, for the purposes hereinbefore mentioned; and in default of immediate payment, the offender may be committed to any common gaol, house of correction, lock-up or other place of confinement, with or without hard labour, for any time not exceeding six nor less than two months, unless such fine and costs are sooner paid.

Keg, etc., in which intoxicants are carried to be forfeited.

Intoxicants and vessels containing them may be searched for, seized and destroyed by order of J.P.

Persons in whose possession they are found subject to penalty from \$50 to \$100.

Imprisonment in default of payment.

**92.** When it is proved before any judge, Stipendiary Magistrate or two justices of the peace that any vessel, boat, canoe or conveyance of any description upon the sea or sea coast, or upon any river, lake or stream in Canada, is employed in carrying any intoxicant, to be supplied to Indians or non-treaty Indians, such vessel, boat, canoe or conveyance so employed may be seized and declared forfeited,

Vessels used conveying intoxicants in contravention of this Act subject to seizure and forfeiture.

as in the next preceding section, and sold, and the proceeds thereof paid to Her Majesty for the purposes hereinbefore mentioned.

Articles exchanged for intoxicants may be seized and forfeited.

**93.** Every article, chattel, commodity or thing in the purchase, acquisition, exchange, trade or barter of which, in contravention of this Act, the consideration, either wholly or in part, may be any intoxicant, shall be forfeited to Her Majesty and shall be seized as in the ninety-first section in respect to any receptacle of any intoxicant, and may be sold, and the proceeds thereof paid to Her Majesty for the purposes hereinbefore mentioned.

Intoxicated Indians may be arrested, imprisoned until sober; and fined; and further punished on their refusal to say from whom they got the intoxicants.

**94.** It shall be lawful for any constable, without process of law, to arrest any Indian or non-treaty Indian whom he may find in a state of intoxication, and to convey him to any common gaol, house of correction, lock-up or other place of confinement, there to be kept until he shall have become sober; and such Indian or non-treaty Indian shall, when sober, be brought before any judge, Stipendiary Magistrate or justice of the peace, and if convicted of being so found in a state of intoxication shall be liable to imprisonment in any common gaol, house of correction, lock-up or other place of confinement, for any period not exceeding one month; and if any Indian or non-treaty Indian, having been so convicted as aforesaid, refuses upon examination to state or give information of the person, place and time from whom, where and when, he procured such intoxicant, and if from any other Indian or non-treaty Indian, then, if within his knowledge, from whom, where and when such intoxicant was originally procured or received, he shall be liable to imprisonment as aforesaid for a further period not exceeding fourteen days.

Penalties on keepers of boarding houses committing certain offences.

**95.** If any person, being the keeper of any house, allows or suffers any Indian woman to be or remain in such house, knowing, or having probable cause for believing, that such Indian woman is in or remains in such house with the intention of prostituting herself therein, such person shall be deemed guilty of an offence against this Act, and shall, on conviction thereof, in a summary way, before any Stipendiary Magistrate, police magistrate or justice of the peace, be liable to a fine of not less than ten dollars, or more than one hundred dollars, or to imprisonment in any gaol or place of confinement other than a penitentiary, for a term not exceeding six months.

Who shall be deemed the master or mistress of such house.

**96.** Any person who appears, acts or behaves as master or mistress, or as the person having the care, government or management of any house in which any Indian woman is, or remains for the purpose of prostituting herself therein, shall be deemed and taken to be the keeper thereof, notwithstanding he or she may not in fact be the real keeper thereof.



**97.** No appeal shall lie from any conviction under the seven next preceding sections of this Act, except to a judge of any superior court of law, county, or circuit, or district court, or to the chairman or judge of the court of the sessions of the peace, having jurisdiction where the conviction was had; and such appeal shall be heard, tried, and adjudicated upon by such judge without the intervention of a jury; and no such appeal shall be brought after the expiration of thirty days from the conviction.

To what judges only appeal shall lie from conviction under any of the next preceding seven sections.

**98.** No prosecution, conviction or commitment under this Act shall be invalid on account of want of form, so long as the same is according to the true meaning of this Act.

Want of form not to invalidate conviction.

#### ENFRANCHISEMENT.

**99.** Whenever any Indian man, or unmarried woman, of the full age of twenty-one years, obtains the consent of the band of which he or she is a member to become enfranchised, and whenever such Indian has been assigned by the band a suitable allotment of land for that purpose, the local agent shall report such action of the band, and the name of the applicant to the Superintendent-General; whereupon the Superintendent-General, if satisfied that the proposed allotment of land is equitable, shall authorize some competent person to report whether the applicant is an Indian who, from the degree of civilization to which he or she has attained, and the character for integrity, morality and sobriety which he or she bears, appears to be qualified to become a proprietor of land in fee simple; and upon the favorable report of such person, the Superintendent-General may grant such Indian a location ticket as a probationary Indian, for the land allotted to him or her by the band.

Report of agent when Indian obtains consent of band to be enfranchised.

Inquiry thereupon.

Location ticket on favorable report.

(1.) Any Indian who may be admitted to the degree of Doctor of Medicine, or to any other degree by any University of Learning, or who may be admitted in any Province of the Dominion to practice law either as an Advocate or as a Barrister or Counsellor, or Solicitor or Attorney or to be a Notary Public, or who may enter Holy Orders, or who may be licensed by any denomination of Christians as a Minister of the Gospel, may, upon petition to the Superintendent-General, *ipso facto* become and be enfranchised under this Act, and he shall then be entitled to all the rights and privileges to which any other member of the band to which he belongs would be entitled were he enfranchised under the provisions of this Act; and the Superintendent-General may give him a suitable allotment of land from the lands belonging to the band of which he is a member.

Indians admitted to degrees in Universities, etc., may become enfranchised and receive allotments of land of their band.

**100.** After the expiration of three years (or such longer period as the Superintendent-General may deem necessary in the

Patent after certain period of probation.

the event of such Indian's conduct not being satisfactory), the Governor may, on the report of the Superintendent-General, order the issue of letters patent, granting to such Indian in fee simple the land which had, with this object in view, been allotted to him or her by location ticket. And in such cases compliance with the provisions of sections thirty-six and thirty-seven and the sub-sections thereof shall not be necessary.

Proviso: as to ss. 36, 37.

Enfranchised Indian to declare name chosen; and to be known by it.

**101.** Every such Indian shall, before the issue of the letters patent mentioned in the next preceding section, declare to the Superintendent-General the name and surname by which he or she wishes to be enfranchised and thereafter known, and on his or her receiving such letters patent, in such name and surname, he or she shall be held to be also enfranchised, and he or she shall thereafter be known by such name or surname, and if such Indian be a married man his wife and minor unmarried children also shall be held to be enfranchised; and from the date of such letters patent the provisions of this Act and of any Act or law making any distinction between the legal rights, privileges, disabilities and liabilities of Indians and those of Her Majesty's other subjects shall cease to apply to such Indian, or to the wife or minor unmarried children of such Indian as aforesaid, so declared to be enfranchised, who shall no longer be deemed Indians within the meaning of the laws relating to Indians, except in so far as their right to participate in the annuities and interest moneys, and rents and councils of the band of Indians to which they belonged, is concerned: Provided always, that any children of a probationary Indian, who being minors and unmarried when the probationary ticket was granted to such Indian, arrive at the full age of twenty-one years before the letters patent are issued to such Indian, may, at the discretion of the Governor in Council, receive letters patent in their own names for their respective shares of the land allotted under the said ticket, at the same time that letters patent are granted to their parent; and provided, that if any Indian child having arrived at the full age of twenty-one years, during his or her parents' probationary period, be unqualified for enfranchisement, or if any child of such parent, having been a minor at the commencement of such period, be married during such period, then a quantity of land equal to the share of such child shall be deducted in such manner as may be directed by the Superintendent-General, from the allotment made to such Indian parent on receiving his probationary ticket.

Wife and minor children also enfranchised.

Effect of such enfranchisement.

Proviso as to children attaining their majority before their father's probation expires.

Proviso as to children found unqualified; or being married.

Case of Indian failing to qualify, or dying before expiration of probation.

**102.** If any probationary Indian should fail in qualifying to become enfranchised, or should die before the expiration of the required probation, his or her claim, or the claim of his or her heirs, to the land for which a probationary ticket was granted, or the claim of any unqualified Indian, or of any

any Indian who may marry during his or her parents' probationary period, to the land deducted under the operation of the next preceding section from his or her parents' probationary allotment, shall in all respects be the same as that conferred by an ordinary location ticket, as provided in the seventeenth, eighteenth, nineteenth and twentieth sections of this Act.

As to children of probationary or enfranchised widows.

**103.** The children of any widow who becomes either a probationary or enfranchised Indian shall be entitled to the same privileges as those of a male head of a family in like circumstances.

As to children of a widow enfranchised, etc.

**104.** In allotting land to probationary Indians, the quantity to be located to the head of a family shall be in proportion to the number of such family, compared with the total quantity of land in the reserve, and the whole number of the band; but any band may determine what quantity shall be allotted to each member for enfranchisement purposes, provided each female of any age, and each male member under fourteen years of age, receive not less than one-half the quantity allotted to each male member of fourteen years of age and over.

Rules for allotting lands to probationary Indians.

Proviso as to power of band in this behalf.

**105.** Any Indian, not a member of the band, or any non-treaty Indian, who, with the consent of the band and the approval of the Superintendent-General, has been permitted to reside upon the reserve, or obtain a location thereon, may, on being assigned a suitable allotment of land by the band for enfranchisement, become enfranchised on the same terms and conditions as a member of the band; and such enfranchisement shall confer upon such Indian the same legal rights and privileges, and make such Indian subject to such disabilities and liabilities as affect Her Majesty's other subjects; but such enfranchisement shall not confer upon such Indian any right to participate in the annuities, interest moneys, rents or councils of the band.

As to Indians not members of the band but permitted to reside on their reserve.

Proviso.

**106.** Whenever any band of Indians, at a council summoned for the purpose according to their rules, and held in the presence of the Superintendent-General, or an agent duly authorized by him to attend such council, decides to allow every member of the band who chooses, and who may be found qualified, to become enfranchised, and to receive his or her share of the principal moneys of the band, and sets apart for such member a suitable allotment of land for the purpose, any applicant of such band, after such a decision, may be dealt with as provided in the seven next preceding sections until his or her enfranchisement is attained; and whenever any member of the band, who for the three years immediately succeeding the date on which he or she was granted letters patent, (or for any longer period that the Superintendent-

Provision when band decides that all its members may become enfranchised.

Or when Indian becomes qualified by

exemplary  
conduct.

If such Indian  
be a married  
man or  
widow.

And as to  
unmarried  
children of  
any such  
enfranchised  
and married  
Indians.

Superintendent-General may deem necessary,) by his or her exemplary good conduct and management of property, proves that he or she is qualified to receive his or her share of such moneys, the Governor may, on the report of the Superintendent-General to that effect, order that the said Indian be paid his or her share of the capital funds at the credit of the band, or his or her share of the principal of the annuities of the band, estimated as yielding five per cent., out of such moneys as may be provided for the purpose by Parliament; and if such Indian be a married man then he shall also be paid his wife's and minor unmarried children's share of such funds and other principal moneys, and if such Indian be a widow, she shall also be paid her minor unmarried children's share; and the unmarried children of such married Indians, who become of age during the probationary period either for enfranchisement or for payment of such moneys, if qualified by the character for integrity, morality and sobriety which they bear, shall receive their own share of such moneys when their parents are paid; and if not so qualified before they can become enfranchised or receive payment of such moneys they must themselves pass through the probationary periods; and all such Indians and their unmarried minor children who are paid their share of the principal moneys of their band as aforesaid, shall thenceforward cease in every respect to be Indians of any class within the meaning of this Act, or Indians within the meaning of any other Act or law.

Provision as  
to Indians in  
British Col-  
umbia, Mani-  
toba, the N.  
W. Territories  
or Keewatin.

**107.** Sections ninety-nine to one hundred and six, both inclusive, of this Act, shall not apply to any band of Indians in the Province of British Columbia, the Province of Manitoba, the North-West Territories, or the District of Keewatin, save in so far as the said sections may, by proclamation of the Governor-General, be from time to time extended, as they may be, to any band of Indians in any of the said provinces or territories.

#### MISCELLANEOUS PROVISIONS.

Before whom  
affidavits to  
be used under  
this Act may  
be made.

**108.** All affidavits required under this Act, or intended to be used in reference to any claim, business or transaction in connection with Indian Affairs, 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 in any of the Courts, or the Superintendent-General, or his Deputy, or any Inspector of Indian Agencies, or any Indian Agent, or any Surveyor duly licensed and sworn, appointed by the Superintendent-General to enquire into or take evidence or report in any matter submitted or pending before such Superintendent-General, or if made out of Canada, before the Mayor or Chief Magistrate of, or the British Consul in, any city, town or municipality, or before  
any

any Notary Public ; and any wilfully false swearing in any Perjury. such affidavit shall be perjury.

**109.** Copies of any records, documents, books or papers belonging to or deposited in the Department of Indian Affairs attested under the signature of the Superintendent-General or of his Deputy shall be competent evidence in all cases in which the original records, documents, books or papers, could be evidence.

Certified copies of official papers to be evidence.

**110.** The Governor in Council may, by proclamation from time to time, exempt from the operation of this Act, or from the operation of any one or more of the sections of this Act, Indians or non-treaty Indians, or any of them, or any band or irregular band of them, or the reserves or special reserves, or Indian lands or any portions of them, in any Province, in the North-West Territories, or in the District of Keewatin, or in either of them, and may again, by proclamation from time to time, remove such exemption.

Governor in Council may exempt from operation of this Act ; and remove such exemption.

**111.** The Governor may, from time to time, appoint officers and agents to carry out this Act, and any Orders in Council made under it,—which officers and agents shall be paid in such manner and at such rates as the Governor in Council may direct out of any fund that may be appropriated by law for that purpose.

Governor to appoint officers, etc., to be paid out of moneys appropriated by Parliament.

**112.** The Act passed in the thirty-ninth year of Her Majesty's reign and chaptered eighteen, and the Act passed in the forty-second year of Her Majesty's reign and chaptered thirty-four, are hereby repealed, with so much of any other Act or law as may be inconsistent with this Act, or as makes any provision in any matter provided for by this Act, except only as to things done, rights acquired, obligations contracted, or penalties incurred before the coming into force of this Act ; and this Act shall be construed not as a new law but as a consolidation of those hereby repealed in so far as they make the same provision that is made by this Act in any matter hereby provided for.

Acts and parts of Acts repealed.

Saving clause as to things done, etc.

How this Act shall be construed.

**113.** No Act or enactment repealed by any Act hereby repealed shall revive by reason of such repeal.

Repealed Acts not to revive.

## CHAP. 29.

An Act to make better provision respecting the navigation of Canadian waters.

[Assented to 7th May, 1880.]

Preamble.

WHEREAS the regulations for preventing collisions between vessels navigating Canadian waters, embodied in the Act of the Parliament of Canada hereinafter mentioned, were founded upon those then in force for the like purpose in the United Kingdom; And whereas in the exercise of the power given by the Act of the Parliament of the United Kingdom, known as "*The Merchant Shipping Act Amendment Act, 1862,*" Her Majesty, acting on the joint recommendation of the Admiralty and the Board of Trade, has, by an Order in Council bearing date the fourteenth day of August, 1879, annulled the regulations aforesaid, and has substituted for them others of the tenor and effect of those embodied in this Act (except only as to rafts and the Harbour of Sorel), and has directed that they shall come into force on the first day of September, 1880; And whereas the governments of the several foreign countries mentioned in the Schedule to this Act have already, under the provisions made in the said Act, agreed that the said regulations shall apply to the ships of such countries, respectively, when beyond the limits of British jurisdiction, and it is highly expedient and desirable that they should be extended to and prevail throughout all the waters of 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:—

Imp. Act, 25,  
26 V., c. 63.

Recital;  
agreement of  
certain  
foreign gov-  
ernments.

Commence-  
ment of this  
Act.

Repeal of 31  
V., c. 58 and  
extending  
Acts.

Saving  
clause.

1. This Act shall come into force on the first day of September next after its passing, and on and after the said day the Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the navigation of Canadian waters,*" and the enactments extending it to the Provinces of Manitoba, British Columbia and Prince Edward Island, respectively, shall be repealed, except only as regards offences committed against or liabilities incurred under the said Act before the said day, with respect to which and all proceedings relating to which, the said Act shall remain in force; but the repeal of the said Act shall not revive any Act or provision of law thereby repealed.

## REGULATIONS FOR PREVENTING COLLISIONS.

Extent of  
application of  
the following  
rules.

2. And with respect to lights, fog signals, steering and sailing, and rafts, the following rules shall, on and after the day last aforesaid, apply to all the rivers, lakes, and other navigable waters

waters within the Dominion of Canada, or within the jurisdiction of the Parliament thereof; that is to say:—

*Preliminary.*

Art. 1. In the following rules every steam ship which is under sail and not under steam is to be considered a sailing ship; and every steam ship which is under steam, whether under sail or not, is to be considered a ship under steam.

Steamships  
under sail or  
under steam.

*Rules concerning Lights.*

Art. 2. The lights mentioned in the following Articles, numbered 3, 4, 5, 6, 7, 8, 9, 10, and 11, and no others, shall be carried in all weathers, from sunset to sunrise.

What lights  
shall be  
carried.

Art. 3. A steam ship when under way shall carry—

By steamships  
under way.

- (a.) On or in front of the foremast, at a height above the hull of not less than twenty feet, and if the breadth of the ship exceeds twenty feet then at a height above the hull not less than such breadth, a bright white light, so constructed as to show an uniform and unbroken light over an arc of the horizon of twenty points of the compass; so fixed as to throw the light ten points on each side of the ship, viz, from right ahead to two points abaft the beam on either side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles;
- (b.) On the starboard side, a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles;
- (c.) On the port side, a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles;
- (d.) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

At foremast  
head.

On starboard  
side.

On port side.

How to be  
fitted.

By steamships  
towing.

Art. 4. A steam ship, when towing another ship, a raft or rafts, shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than three feet apart, so as to distinguish her from other steam ships. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light which other steam ships are required to carry.

Lights and  
shapes, by  
steam or sail-  
ing ships  
when not  
under com-  
mand.

Art. 5. A ship, whether a steam ship or a sailing ship, when employed either in laying or in picking up a telegraph cable, or which from any accident is not under command, shall at night carry, in the same position as the white light which steam ships are required to carry, and, if a steam ship, in place of that light, three red lights in globular lanterns, each not less than ten inches in diameter, in a vertical line one over the other, not less than three feet apart: and shall by day carry in a vertical line one over the other, not less than three feet apart, in front of but not lower than her foremast head, three black balls or shapes, each two feet in diameter:

What to  
denote.

(a.) These shapes and lights are to be taken by approaching ships as signals that the ship using them is not under command, and cannot therefore get out of the way:

When to  
carry side  
lights.

(b.) The above ships, when not making any way through the water, shall not carry the side lights, but when making way shall carry them.

By sailing  
ships in  
motion.

Art. 6. A sailing ship under way, or being towed, shall carry the same lights as are provided by Article 3 for a steam ship under way, with the exception of the white light, which she shall never carry.

By small  
vessels in  
bad weather

Art. 7. Whenever, as in the case of small vessels during bad weather, the green and red side lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side:

Lanterns to  
be painted  
outside.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

By ships at  
anchor.

Art. 8. A ship, whether a steam ship or a sailing ship, when at anchor, shall carry, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light  
in



in a globular lantern of not less than eight inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all around the horizon, at a distance of at least one mile.

Art. 9. A pilot vessel, when engaged on her station on pilotage duty, shall not carry the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes : By pilot vessels on duty.

(a) A pilot vessel, when not engaged on her station on pilotage duty, shall carry lights similar to those of other ships. When not on duty.

Art. 10. (a.) Open fishing boats and other open boats when under way shall not be obliged to carry the side lights required for other vessels ; but every such boat shall in lieu thereof have ready at hand a lantern with a green glass on the one side and a red glass on the other side ; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side : Open fishing and other boats.

(b.) A fishing vessel, and an open boat, when at anchor, shall exhibit a bright white light : When at anchor.

(c.) A fishing vessel, when employed in drift net fishing, shall carry on one of her masts two red lights in a vertical line one over the other, not less than three feet apart : Fishing vessels when drift net fishing.

(d.) A trawler at work shall carry on one of her masts two lights in a vertical line one over the other, not less than three feet apart, the upper light red, and the lower green, and shall also either carry the side lights required for other vessels, or, if the side lights cannot be carried, have ready at hand the coloured lights as provided in Article 7, or a lantern with a red and a green glass as described in paragraph (a.) of this Article : Trawlers at work.

(e.) Fishing vessels and open boats shall not be prevented from using a flare-up light in addition, if they desire to do so : Flare-up lights.

(f.) The lights mentioned in this Article are substituted for those mentioned in the 12th, 13th and 14th Articles of the Convention between France and England scheduled to the British Sea Fisheries Act, 1868 : The said lights substituted for those under convention with France.

(g.)

Lanterns for lights.

(g.) All lights required by this Article, except side lights, shall be in globular lanterns so constructed as to show all round the horizon.

Ship overtaken by another.

Art. 11. A ship which is being overtaken by another shall show from her stern to such last-mentioned ship a white light or a flare-up light.

### *Sound Signals for Fog, &c.*

Steamships to have certain sound signals in fogs, etc.

Art. 12. A steam ship shall be provided with a steam whistle or other efficient steam sound signal, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn to be sounded by a bellows or other mechanical means, and also with an efficient bell. A sailing ship shall be provided with a similar fog horn and bell.

in fogs, etc.

In fog, mist, or falling snow, whether by day or night, the signals described in this Article shall be used as follows; that is to say :—

Blasts at intervals by steamships.

(a.) A steam ship under way shall make with her steam whistle, or other steam sound signal, at intervals of not more than two minutes, a prolonged blast :

Signals by fog horn by sailing ships.

(b.) A sailing ship under way shall make with her fog horn, at intervals of not more than two minutes, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession :

By ringing bell.

(c.) A steam ship and a sailing ship, when not under way shall, at intervals of not more than two minutes, ring the bell.

### *Speed of Ships to be moderate in Fog, &c.*

Speed restricted in fog, &c.

Art. 13. Every ship, whether a sailing ship or steam ship, shall, in a fog, mist, or falling snow, go at a moderate speed.

### *Steering and Sailing Rules.*

Sailing ships meeting.

Art. 14. When two sailing ships are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz. :—

(a.) A ship which is running free shall keep out of the way of a ship which is close-hauled :

(b.)

- (b) A ship which is close-hauled on the port tack shall keep out of the way of a ship which is close-hauled on the starboard tack :
- (c) When both are running free with the wind on different sides, the ship which has the wind on the port side shall keep out of the way of the other :
- (d) When both are running free with the wind on the same side, the ship which is to windward shall keep out of the way of the ship which is to leeward :
- (e) A ship which has the wind aft shall keep out of the way of the other ship.

Art. 15. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. Steamships meeting.

- (a) This Article only applies to cases where ships are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two ships which must, if both keep on their respective courses, pass clear of each other : Limitation of Art. 15.
- (b) The only cases to which it does apply are, when each of the two ships is end on, or nearly end on, to the other ; in other words, to cases in which, by day, each ship sees the masts of the other in a line, or nearly in a line, with her own ; and by night, to cases in which each ship is in such a position as to see both the side lights of the other :
- (c) It does not apply by day, to cases in which a ship sees another ahead crossing her own course ; or by night, to cases where the red light of one ship is opposed to the red light of the other, or where the green light of one ship is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Art. 16. If two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other. Steamships crossing.

Art. 17. If two ships, one of which is a sailing ship, and the other a steam ship, are proceeding in such directions as to involve risk of collision, the steam ship shall keep out of the way of the sailing ship. Steamships and sailing ships.

Steamships  
nearing a  
vessel.

Art. 18. Every steam ship, when approaching another ship, so as to involve risk of collision, shall slacken her speed or stop and reverse, if necessary.

How steam-  
ships may  
signal by  
steam.

Art. 19. In taking any course authorized or required by these Regulations, a steam ship under way may indicate that course to any other ship which she has in sight by the following signals on her steam whistle, viz.:—

One short blast to mean "I am directing my course to starboard" :

Two short blasts to mean "I am directing my course to port" :

Three short blasts to mean "I am going full speed astern."

Signalling to  
be optional.

The use of these signals is optional ; but if they are used, the course of the ship must be in accordance with the signal made.

Ship overtaking  
another.

Art. 20. Notwithstanding anything contained in any preceding Article, every ship, whether a sailing ship or a steam ship, overtaking any other, shall keep out of the way of the overtaken ship.

Steamships  
in narrow  
channels.

Art. 21. In narrow channels every steam ship shall, when it is safe and practicable, keep to that side of the fairway or midchannel which lies on the starboard side of such ship.

Ship keeping  
out of the  
way.

Art. 22. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course.

Regard to be  
had to  
dangers of  
navigation.

Art. 23. In obeying and construing these rules due regard shall be had to all dangers of navigation, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

*No ship, under any circumstances, to neglect proper precautions.*

Rules not  
to excuse

Art. 24. Nothing in these rules shall exonerate any ship, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

*Reservation of Rules for Harbours and Inland Navigation.*

Rules by local  
authorities.

Art. 25. Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbour, river or inland navigation.

*Special*

*Special Lights for Squadrons and Convoys.*

Art. 26. Nothing in these rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for two or more ships of war or for ships sailing under convoy.

Squadrons or  
convoys.

## RAFTS AND HARBOUR OF SOREL.

Art. 27. Rafts, while drifting or at anchor on any of the waters of Canada, shall have a bright fire kept burning on them from sunset to sunrise. Whenever any raft is going in the same direction as another which is ahead, the one shall not be so navigated as to come within twenty yards of the other, and every vessel meeting or overtaking a raft shall keep out of the way thereof.

Rules for  
rafts.

(a) Rafts shall be so navigated and anchored as not to cause any unnecessary impediment or obstruction to vessels navigating the same waters.

Not to  
obstruct  
vessels.

Art. 28. Unless it is otherwise ordained by the Harbour Commissioners of Montreal, ships and vessels entering or leaving the Harbour of Sorel shall take the port side, anything in the preceding articles to the contrary notwithstanding.

Harbour of  
Sorel.

Art. 29. The rules of navigation contained in articles 27 and 28, shall be subject to the provisions contained in articles 23 and 24.

As to articles  
27 and 28.

## INTERPRETATION, PENALTIES, &amp;C.

3. In this Act the word "vessel" includes every description of vessel used in navigation; the word "ship" includes every description of vessel not propelled by oars; the expression "steamship" or "steamboat" includes every vessel propelled wholly or in part by steam or by any machinery or power other than sails or oars; and the expression "ordinary practice of seamen," as applied to any case, means and includes the ordinary practice of skilful and careful persons engaged in navigating the waters of the Dominion of Canada in like cases; and the word "owner" includes the lessee or charterer of any vessel having the control of the navigation thereof.

Interpreta-  
tion clause.  
Vessel, &c.

Practice of  
seamen.

Owner.

4. No rule or by-law of the Harbour Commissioners of Montreal or the Trinity House of Quebec, or Quebec Harbour Commissioners, or other local rule or by-law inconsistent with this Act, shall be of any force or effect; but so far as it is not inconsistent with this Act, any such rule or by-law made by the said Harbour Commissioners of Montreal or

Provision as  
to local by-  
laws and  
rules.

Trinity House of Quebec, or Quebec Harbour Commissioners, or other competent local authority shall be of full force and effect within the locality to which it applies.

Penalty for wilful disobedience of this Act.

5. All owners, masters and persons in charge of any ship, vessel, or raft, shall obey the rules prescribed by this Act, and shall not carry and exhibit any other lights nor use any other fog signals than such as are required by the said rules; and in case of wilful default, such master or person in charge, or such owner, if it appears that he was in fault, shall, for each occasion on which any of the said rules is infringed, incur a penalty not exceeding two hundred dollars nor less than twenty dollars.

Collision from non-observance of rules.

6. If in any case of collision it appears to the court before which the case is tried, that such collision was occasioned by the non-observance of any of the rules prescribed by this Act, the vessel or raft by which such rules have been infringed shall be deemed to be in fault; unless it can be shown to the satisfaction of the court that the circumstances of the case rendered a departure from the said rules necessary.

Liability for damage occasioned by non-observance of rules.

7. In case any damage to person or property arises from the non-observance by any vessel or raft of any of the rules prescribed by this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of such raft, or of the deck of such vessel at the time, unless the contrary be proved, or it be shown to the satisfaction of the court that the circumstances of the case rendered a departure from the said rules necessary; and the owner of the vessel or raft, in all civil proceedings, and the master or person in charge as aforesaid, or the owner,—if it appears that he was in fault,—in all proceedings, civil or criminal, shall be subject to the legal consequences of such default.

Case where both vessels are in fault.

8. Provided always, that in any cause or proceeding for damages arising out of a collision between two vessels, or a vessel and a raft, if both vessels or both the vessel and the raft are found to have been in fault, the rules heretofore in force in the Court of Admiralty in England, and now in "Her Majesty's High Court of Justice," under the "Supreme Court of Judicature Act, 1873," so far as they are at variance with the rules in force in the Courts of Common Law, shall prevail, and the damages shall be borne equally by the two vessels, or the vessel and the raft, one-half by each.

Imp. Act 36, 37 V., c. 66.

Recovery of penalties.

9. Unless herein otherwise provided, all penalties incurred under this Act may be recovered in the name of Her Majesty, by any Inspector of Steamboats, or by any party aggrieved by any act, neglect or wilful omission by which the penalty is incurred, before any two Justices of the Peace, on the evidence

evidence of one credible witness ; and in default of payment of such penalty, such Justices may commit the offender to gaol for any period not exceeding three months ; and, except as hereinafter provided, all penalties recovered under this Act shall be paid over to the Receiver General, and shall be by him placed at the credit of and shall form part of "the Steamboat Inspection Fund" ; except always, that all penalties incurred for any offence against this Act shall, if such offence be committed within the jurisdiction of the Quebec Harbour Commissioners, or of the Harbour Commissioners of Montreal, be sued for, recovered, enforced and applied in like manner as penalties imposed for the contravention of the by-laws of the Harbour Commissioners within whose jurisdiction the offence is committed.

If not paid.

Application.

Exception.

**10.** Every Inspector of Steamboats shall, whenever he visits and inspects any steamboat, examine whether such steamboat is properly furnished with lights and with means of making fog-signals in pursuance of the rules prescribed by this Act, and shall for that purpose have all the powers vested in him by the Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the inspection of steamboats, and for the greater safety of passengers by them,*" and the Acts amending it, for obtaining information as to the observance of the requirements of the said Acts, and shall refuse to grant any certificate with respect to any steamboat which he finds to be not so provided, and shall report such steamboat as unsafe to the Governor in Council, who shall, on such report, have all the powers mentioned in section thirty of the said Act ; and any Order in Council made on such report shall have the effect and be enforced in the manner provided by the said section.

Inspector of steamboats to see that steamships have proper lights, &amp;c.

31 V., c. 65.

No certificate in case of non-compliance.

**11.** Whenever foreign ships are within Canadian waters the rules for preventing collision prescribed by this Act, and all provisions of this Act relating to such rules, or otherwise relating to collisions, shall apply to such foreign ships ; and in any case arising in any court of justice in Canada concerning matters happening within Canadian waters foreign ships shall, so far as regards such rules and provisions, be treated as if they were British or Canadian ships.

Foreign ships in Canadian waters.

#### DUTY OF MASTERS ; LIABILITY OF OWNERS AS TO COLLISIONS.

**12.** In every case of collision between two ships, it shall be the duty of the person in charge of each ship, if and so far as he can do so without danger to his own ship and crew, to render to the other ship, her master, crew or passengers, (if any) such assistance as may be practicable, and as may be necessary in order to save them from any danger caused by such collision ; and also to give to the master or other person in charge of the other ship the name of his own ship and

Duties of Masters of vessels in case of collision.

and of her port of registry, or of the port or place to which she belongs, and also the names of the ports and places from which and to which she is bound: in case he fails to do so, and no reasonable excuse for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect or default:

**Penalty for default.** Every master or person in charge of a British or Canadian ship, who fails, without reasonable cause, to render such assistance, or to give such information as aforesaid, shall be deemed guilty of a misdemeanor; and if he is a certificated officer under Canadian authority, an inquiry into his conduct may be held, and his certificate may be cancelled or suspended.

**Liability of owners limited in case of collision without their fault.** **13.** The owners of any ship, whether British, Canadian or foreign, shall not, in cases where all or any of the following events occur without their actual fault or privity, that is to say,—

(1.) Where any loss of life or personal injury is caused to any person being carried in such ship,—

(2.) Where any damage or loss is caused to any goods, merchandise or other things whatsoever on board any such ship,—

(3.) Where any loss of life or personal injury is, by reason of the improper navigation of such ship as aforesaid caused to any person in any other ship or boat,—

(4.) Where any loss or damage is, by reason of the improper navigation of such ship as aforesaid, caused to any other ship or boat, or to any goods, merchandise or other things whatsoever on board any other ship or boat,—

**Extreme amount recoverable.** be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, merchandise or other things, nor in respect of loss or damage to ships, goods, merchandise or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding thirty-eight dollars and ninety-two cents for each ton of the ship's tonnage,—such tonnage to be the registered tonnage in the case of sailing ships; and in the case of steamships the gross tonnage without deduction on account of engine room;

**Tonnage.**

**How calculated.** (a) In the case of any British or Canadian ship, such tonnage shall be the registered or gross tonnage, according to the British or Canadian law, and in the case of a foreign ship which has been or can be measured according to British



British or Canadian law, the tonnage as ascertained by such measurement shall, for the purposes of this section, be deemed to be the tonnage of such ship ;

(b) In the case of any foreign ship which has not been and cannot be measured according to British or Canadian law the Deputy of the Minister of Marine and Fisheries shall, on receiving from or by direction of the court hearing the case, such evidence concerning the dimensions of the ship as it may be found practicable to furnish, give a certificate under his hand, stating what would, in his opinion, have been the tonnage of such ship if she had been duly measured according to Canadian law, and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship.

Tonnage, how calculated in certain cases.

14. Insurances effected against any or all of the events enumerated in the section last preceding, and occurring without such actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk.

As to insurances in such cases.

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#### SCHEDULE.

Austria-Hungary.	Netherlands.
Belgium.	Norway.
Chili.	Portugal.
Denmark.	Russia.
France.	Spain
Germany.	Sweden.
Great Britain.	United States of
Greece.	America.
Italy.	

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#### CHAP. 30.

An Act to amend the law respecting the removal of obstructions in navigable waters, by wrecks.

[Assented to 7th May, 1880.]

**I**N amendment of the Act passed in the thirty-seventh year of Her Majesty's reign and intituled "*An Act for the removal of obstructions, by wreck and like causes, in navigable waters of Canada, and other purposes relative to wrecks.*" 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. 29.

Cost or balance of cost of removal or destruction may be recovered from owner of wreck, if the amount for which the wreck is sold does not cover it.

1. Whenever, under the provisions of the Act cited in the preamble, the Minister of Marine and Fisheries has, under the authority of an Order of the Governor in Council, caused any obstruction or impediment to the navigation of any navigable water by the wreck, sinking or lying ashore or grounding of any vessel, craft or part thereof, or other thing to be removed or destroyed, and the cost of removing or destroying the same has been defrayed out of the public moneys of the Dominion,—then, if the net proceeds of the sale under the said Act of such vessel, craft or its cargo, or the material or thing which caused or formed part of such obstruction, are not sufficient to make good the expenses incurred for the purposes aforesaid and the costs of sale, the amount by which such proceeds fall short of the expenses so defrayed as aforesaid, and costs of sale, or the whole amount of such expenses, if there is nothing which can be sold as aforesaid, shall be recoverable with costs by the Crown from the owner or owners of the vessel, craft or other thing which caused such obstruction or impediment; and the sum so recovered shall form part of the Consolidated Revenue Fund of Canada.

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## CHAP. 31.

An Act to amend the Acts respecting the Trinity House and Harbour Commissioners of Montreal.

[Assented to 7th May, 1880.]

Preamble.

WHEREAS it is expedient to make further provision in respect of the powers of the Harbour Commissioners of Montreal, as the Pilotage Authority of the Pilotage District of Montreal: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Quorum reduced.

1. The quorum of the Harbour Commissioners of Montreal, when sitting in their capacity of Pilotage Authority, is hereby reduced to three of the said Commissioners.

## CHAP. 32.

An Act to enable the Harbour Commissioners of Montreal to pay a life annuity to the Widow of the late Honorable John Young.

[Assented to 7th May, 1880.]

**W**HEREAS in consideration of the services of the late Preamble.  
 Honorable John Young, as Chairman and Member of the Corporation of the Harbour Commissioners of Montreal, for a period of nearly twelve years, in the course of which improvements in the navigation of the River St. Lawrence of the greatest importance to the commerce of the Dominion were effected under his superintendence and by his unwearied exertions, made gratuitously during more than nine years, it is expedient to give effect to the unanimous wish expressed by the present Commissioners to mark their high esteem of Mr. Young's worth and services 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:—

**1.** The Harbour Commissioners of Montreal shall pay out Annuity to Mrs. Young to be paid out of Harbour funds, &c.  
 of the funds of the corporation to Mrs. Young, widow of the said late Honorable John Young, during her life, an annuity equal to the yearly interest at six per cent. per annum of the sum of ten thousand dollars, to be reckoned and paid as from the time of Mr. Young's decease, the arrears thereof being payable on and up to the first day of July next, and the annuity to be paid thereafter by quarterly payments of one hundred and fifty dollars each, on the first day of October, January, April and July in each year.

**2.** The due application of moneys paid by the said Commissioners under this Act, shall be accounted for in the Accounting clause.  
 manner provided by law with respect to other moneys expended by them.

## CHAP. 33.

An Act further to amend "An Act respecting the Harbour of Pictou, in Nova Scotia,"

[Assented to 7th May, 1880.]

Preamble.  
36 V., c. 63.

**I**N further amendment of 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:*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 3  
repealed.

**I.** Upon, from and after the first day of July next after the passing of this Act, the third section of the said Act shall be repealed, and on or after the said day the Commissioners, appointed under the second section of the said Act to have the superintendence of the Harbour and Harbour Master of the said Port, may, from time to time, appoint a fit and proper person to be Harbour Master of the said Port of Pictou under the said Act,—all the provisions of which respecting the Harbour Master shall apply to the Harbour Master so appointed: Provided that the Harbour Master appointed under the repealed section shall continue to hold office, unless removed by the Commissioners, as he may be if they see fit.

Harbour commissioners to appoint the Harbour Master.

Proviso: as to present incumbent.

## CHAP. 34.

An Act further to amend "The Supreme and Exchequer Court Act."

[Assented to 7th May, 1880.]

Preamble.

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

Necessary amendments may be made pending appeal.

**I.** At any time during the pending of any appeal before the Supreme Court, the Court may, upon the application of any of the parties, or without any such application, make all such amendments as may be necessary for the purpose of determining the existing appeals, or the real question or controversy between the parties as disclosed by the pleadings, evidence or proceedings.

2. Any such amendment may be made whether the necessity for the same is or is not occasioned by the defect, error, act, default or neglect of the party applying to amend. At whose instance amendment may be made.

3. All such amendments shall be made upon such terms as to payment of costs, postponing the hearing and otherwise, as to the Court may seem just. As to costs, &c.

4. Section twenty-two of the "*The Supreme and Exchequer Court Act*" is hereby repealed, and the following section is substituted therefor:— Sect. 22 of 38 V., c. 11, repealed.

"22. In all cases of appeal the Court may, in its discretion, order a new trial, if the ends of justice may seem to require it, although such new trial may be deemed necessary upon the ground that the verdict is against the weight of evidence." New trial may be ordered.

5. This Act may be cited as "*The Supreme and Exchequer Court Amendment Act, 1880.*" Short title.

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## CHAP. 35.

An Act to amend the law of evidence in Criminal Cases, as respects the taking and use of depositions of persons who may be unable to attend at the trial.

[Assented to 7th May, 1880.]

**W**HEREAS it may happen that a person dangerously ill and unable to travel may be able to give material and important information relating to an indictable offence, or to a person accused thereof; and it is desirable in the interests of truth and justice that means should be provided for perpetuating such testimony, and for rendering the same available in the event of the death of the person giving the same: 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 it is made to appear at the instance of the Crown or of the prisoner or defendant to the satisfaction of a judge of any court of competent criminal jurisdiction in Canada, that any person dangerously ill, and in the opinion of some licensed medical practitioner not likely to recover from such illness, is able and willing to give material information relating to any indictable offence, or relating to any person accused of any such offence, it shall be lawful for the said judge by order under his hand to appoint a commissioner Commissioner appointed to take statement of persons dangerously ill.

Deposition to be transmitted to officer of court if relating to an offence for trial.

And to Clerk of the Peace of place, &c., where taken.

Statement may be read in evidence if deponent be dead or not able to attend.

Proviso: for notice of intention to take such statement.

How prisoner may be present at taking of statement.

What judges may make orders under this Act.

sioner to take in writing the statement on oath or affirmation of such person so being ill; and such commissioner shall take such statement and shall subscribe the same and add thereto the names of the persons (if any) present at the taking thereof, and if the deposition relates to any indictable offence for which any accused person is already committed or bailed to appear for trial, shall transmit the same with the said addition to the proper officer of the court for trial at which such accused person shall have been so committed or bailed; and in all cases he shall transmit the same to the Clerk of the Peace of the county, division or city in which he shall have taken the same, who is hereby required to preserve the same and file it of record; and upon order of the court or of a Judge to transmit the same to the proper officer of the court where the same shall be required to be used as evidence; and if afterwards upon the trial of any offender or offence to which the same relates, the person who made the statement shall be proved to be dead, or if it be proved that there is no reasonable probability that such person will ever be able to attend at the trial to give evidence, it shall be lawful to read such statement in evidence either for or against the accused, without further proof thereof if the same purports to be signed by the commissioner by or before whom it purports to have been taken, and upon the production of the judge's order appointing such commissioner; and provided it be proved to the satisfaction of the court that reasonable notice of the intention to take such statement has been served upon the person (whether prosecutor or accused) against whom it is proposed to be read in evidence, and that such person or his counsel or attorney had, or might have had if he had chosen to be present, full opportunity of cross-examining the person who made the same.

**2.** Whenever a prisoner in actual custody shall have served or shall have received notice of an intention to take such statement as hereinbefore mentioned, the judge who has appointed the commissioner as in the preceding section mentioned, may, by an order in writing, direct the gaoler having the custody of the prisoner, to convey him to the place mentioned in the said notice for the purpose of being present at the taking of the statement; and such gaoler shall convey the prisoner accordingly, and the expenses of such conveyance shall be paid out of the funds applicable to the other expenses of the prison from which the prisoner shall have been conveyed.

**3.** Any judge of any of the superior courts of law and the judges of county courts exercising criminal jurisdiction shall have power to make any order under the foregoing sections of this Act.

## CHAP 36.

An Act respecting the administration of criminal justice in the territory in dispute between the Governments of the Province of Ontario and of the Dominion of Canada.

[Assented to 7th May, 1880.]

**W**HEREAS certain territory on the western and northern boundary of Ontario is claimed by the Government of Ontario as being within the said Province, and whereas such claim is disputed ; Preamble.

And whereas the Parliament of Canada is desirous of making suitable provision for the administration of criminal justice within the said territory until the dispute is determined :

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

**1.** Every crime or offence committed in any part of the said territory may be enquired of, tried and punished within any county or district in the Province of Ontario or the Province of Manitoba, or in the District of Keewatin, and such crime or offence shall be within the jurisdiction of any court, judge, magistrate or magistrates, or justice or justices of the peace, or other functionary having jurisdiction over crimes or offences of the like nature committed within the limits of the county or district in which such crime or offence is prosecuted ; and such court, judge, magistrate or magistrates, justice or justices or other functionary, shall proceed thereon by way of preliminary investigation, and to trial, judgment and execution, or other punishment, for such crime or offence, in the same manner as if such crime or offence had been committed within the county or district where such trial is had. Where crimes and offences committed in the disputed territory may be prosecuted and tried.

**2.** Such crime or offence shall be sufficiently laid and charged, whether it is laid and charged to have been committed in Ontario or in the District of Keewatin, and any sentence which might have been imposed upon the offender had the offence been committed either in an undisputed part of Ontario or in an undisputed part of Keewatin, may be imposed upon an offender convicted under this Act. Where such crime or offence may be laid.

**3.** The next preceding two sections shall apply to any crime or offence heretofore committed, as well as to every crime or offence hereafter committed, in the said territory. Retroactive effect of ss. 1 and 2.

Order of Court or Judge where the offender is in custody in one Province and it is intended to try him in another or elsewhere in the same Province.

4. Where any person charged with the commission of any crime or offence within the territory above described is in custody in any gaol within the Province of Ontario, or within the Province of Manitoba, charged with the said crime or offence, and it is intended that such person shall be tried in a province other than the province in a gaol of which he is confined, or in a different part of the same province, then any judge of any superior court of the province in a gaol of which such prisoner is confined, having criminal jurisdiction, or any such court, on application by or on behalf of the Minister of Justice of Canada, or of the Attorney General of Ontario, or in case the prisoner is in custody at Prince Arthur's Landing and it is intended to try him at Sault St. Marie, then the judge of the District of Algoma, on application as aforesaid, may make an order upon the keeper of such gaol to deliver the said prisoner to the person named in such order to receive him; and such person shall, at the time prescribed in such order, convey such prisoner to the place at which he is to be tried, there to remain in custody subject to the order of the court by which it is intended he shall be tried, or of any other court which may have jurisdiction to try him. In case the prisoner is confined in any gaol or lock-up in the said disputed territory, any judge of a superior court of Ontario or Manitoba having criminal jurisdiction may make the like order.

If in gaol in the disputed territory.

Judge or Court may by such order limit time of trial, &c.

5. The judge or court, on granting the said order, may, if the judge or court thinks fit, direct that unless the prisoner is tried within a time limited in the said order, he shall be either discharged from custody on his own recognizance or on bail, or returned forthwith to the gaol from which he was taken, as the said judge or court may consider proper, and the terms of the said order shall be duly obeyed; provided that the judge or any other judge of the same court or the court may, at any time, upon application made in that behalf, vary the terms of the said order.

Act cumulative.

6. The provisions of this Act are merely cumulative to the law as it now stands.

Provision for case of conviction in N. W. T., or Keewatin, and no proper place of confinement in the locality.

7. Whenever, under any law of Canada, any judge, Stipendiary Magistrate, justice of the peace or other functionary is authorized to commit to a common gaol, house of correction or lock-up house, or to the custody of the North-West Mounted Police, any person convicted before him of an offence committed in any part of the North-West Territories, or of the District of Keewatin, or in any part of the said disputed territory, then if there be no proper place of confinement for or within the locality in which the conviction is had or the offence was committed, or if for any reason, it would, in his opinion, be more convenient or less expensive so to do, the said judge, Stipendiary Magistrate, justice



justice of the peace or other functionary may commit such person to the gaol at Winnipeg, or to the gaol at Prince Arthur's Landing, whichever may, in his opinion, be nearest to, or most conveniently accessible from the place of conviction.

8. Whenever any person is committed to gaol under the preceding section, any constable or other person, in whose charge such person is to be conveyed to the place of imprisonment, shall have the same power to hold and convey such person and to re-take him in case of an escape, and otherwise deal with such person as if he had been committed to such gaol by some court or authority competent (independently of the said section) to so commit him.

Power to convey a prisoner sent to gaol under sect. 7.

9. It shall not be necessary in any warrant of commitment under this Act, or in any conviction or sentence upon which such warrant is issued, that any reason should be stated which renders it more convenient or less expensive, or that it should be stated that, in the opinion of the convicting judge, Stipendiary Magistrate, justice of the peace or other functionary, it is more convenient or less expensive that the offender should be committed to the gaol mentioned in the warrant, or that such gaol is in his opinion nearer to or more conveniently accessible from the place of conviction.

Certain statements not required in conviction or commitment.

10. The Governor in Council may, from time to time, make arrangements with the Governments of Ontario and Manitoba, respectively, for the payment of such sums as may be agreed upon for the confinement in the said gaols at Prince Arthur's Landing and Winnipeg, respectively, of such persons as may have been committed to either of such gaols for offences not committed within the Province in which such gaol is situate.

Arrangements may be made as to expenses under this Act.

11. This Act shall remain in force until the end of the next Session of Parliament and no longer.

Duration of Act.

## CHAP. 37.

An Act to amend the Act intituled "An Act respecting offences against the person," and to repeal the Act intituled "An Act to provide that persons charged with common assault shall be competent as witnesses."

[Assented to 7th May, 1880.]

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

Act 41 V.,  
c. 18, re-  
pealed.

1. The Act forty-first Victoria, chapter eighteen, intituled "*An Act to provide that persons charged with common assault shall be competent as witnesses,*" is hereby repealed.

Act 32, 33  
V., c. 20,  
amended.

2. The Act thirty-second and thirty-third Victoria, chapter twenty, intituled "*An Act respecting offences against the person,*" is hereby amended by adding at the end thereof the following sections:—

Defendant  
competent as  
witness.

"82. On the summary or other trial of any person upon any complaint, information or indictment for common assault, or for assault and battery, the defendant shall be a competent witness for the prosecution or on his own behalf.

Or the wife  
or husband  
of the  
defendant.  
If another  
crime is  
charged but  
not proved.

"83. On any such trial the wife or husband of the defendant shall be a competent witness on behalf of the defendant.

"84. Where another crime is charged, and the Court having power to try the same is of opinion, at the close of the evidence for the prosecution, that the only case apparently made out is one for common assault, or for assault and battery, the defendant shall be a competent witness for the prosecution or on his own behalf, and his wife, or her husband if the defendant be a woman, shall be a competent witness on behalf of the defendant, in respect of the charge of common assault, or assault and battery.

Application  
of this Act.

"85. Except as in the next preceding section mentioned, the next preceding three sections of this Act shall not apply to any prosecution where any other crime than common assault, or assault and battery, is charged in the information or indictment."

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## CHAP. 38.

An Act further to amend the Act respecting Cruelty to Animals.

[Assented to 7th May, 1880.]

Preamble.

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

Act 33 V., c.  
29, repealed.

1. The Act made and passed in the thirty-third year of Her Majesty's reign, chaptered twenty-nine, and intituled "*An Act to amend an Act respecting cruelty to animals*" is hereby repealed, except only as respects offences committed before the passing of this Act, as to which it shall remain in force.

Exception.

2. The first section of the Act made and passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered twenty-seven, and intituled "*An Act respecting cruelty to animals,*" is hereby repealed, and the following section substituted therefor :—

Sect. 1 of 22,  
33 V., c. 2V,  
repealed.

"1. Whosoever wantonly, cruelly or unnecessarily, beats binds, illtreats, abuses, overdrives or tortures any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, pig, or other cattle, or any poultry, or any dog or domestic animal, or bird, or whosoever driving any cattle or other animal is, by negligence or ill usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal, and any person, who in any manner encourages, aids or assists at the fighting or baiting of any bull, bear, badger, dog, cock or other kind of animal, whether of domestic or wild nature, shall, upon being convicted, on summary conviction of any or either of the said offences, 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 labour, 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."

New section  
substituted.  
Offences  
under this  
Act.

How such  
offences shall  
be punish-  
able.

3. The second section of the Act last above cited is hereby repealed, and the following section substituted therefor :—

Section 2,  
repealed.

"2. Whosoever builds, makes, maintains or keeps a cock-pit on premises belonging to or occupied by him, or allows a cock-pit to be built, made, maintained, or kept on premises belonging to or occupied by him, shall, upon being convicted thereof, on summary conviction before a Stipendiary Magistrate or Police Magistrate or any two justices having jurisdiction in the district, county or place where the offence has been committed, 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 labour, 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 ; and all cocks found in any such cock-pit, or on the premises wherein such cock-pit may be, shall be confiscated and sold for the benefit of the municipality in which such cock-pit is situated."

New section  
substituted.

Punishment  
for cock-  
fighting or  
having cock-  
pit.

Forfeiture.

4. The provisions of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-one, and intituled "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation*"

Act 32, 33 V.,  
c 31, to  
govern pro-  
ceedings  
under this  
Act.

to summary convictions and orders," shall apply to and govern proceedings against any person for any offence against this Act, and the magistrate or magistrates before whom the proceedings are taken shall, for the purposes of the said proceedings, have all the powers of a Justice of the Peace.

## CHAP. 39.

An Act respecting the Ontario Reformatory for Boys.

[Assented to 7th May, 1880.]

Preamble.

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

After the proclamation declaring the Reformatory open, boys apparently under 16, and sentenced to imprisonment may be detained in it for their term of imprisonment; and afterwards for the purpose of their reform.

Proviso: total term limited.

Proviso: if sentenced for five years or more.

What magistrate may act in such cases.

When a boy under 16 is sentenced to gaol for 14 days or more, a judge may, after inquiry,

**1.** Where any boy, who, at the time of his trial, appears to the court to be under the age of sixteen years, is convicted, in the Province of Ontario, of any offence for which a sentence of imprisonment for a period of three months or longer, but less than five years, may be imposed upon an adult convicted of the like offence, and the court before which such boy is convicted is satisfied that a due regard for the material and moral welfare of the boy manifestly requires that he should be committed to the Ontario Reformatory for Boys, then such court may sentence the boy to be imprisoned in the Reformatory for such term as the court may think fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence; and may further sentence such boy to be kept in the said Reformatory for an indefinite time after the expiration of such fixed term: Provided that the whole period of confinement in the said Reformatory shall not exceed five years from the commencement of his imprisonment: Provided also, that in every case where the term of imprisonment for the offence is fixed by law to be five years or longer, such imprisonment shall be in the penitentiary.

**2.** The powers conferred by the next preceding section shall not be exercised by a Justice of the Peace or several Justices of the Peace sitting in Petty Sessions; but this limitation does not apply to a Police Magistrate or Stipendiary Magistrate.

**3.** Where any boy, apparently under the age of sixteen years, is convicted of any offence punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a period of fourteen days at the least, any judge of any one of the superior courts

courts of Ontario, or any Judge of a County Court in that Province (in any case occurring within his county), may examine and enquire into the circumstances of such case and conviction, and when he considers the material and moral welfare of the boy requires such sentence, he may, as an additional sentence for such offence, sentence such boy to be sent either forthwith or at the expiration of his imprisonment in such gaol, to the said Reformatory, to be there detained for the purpose of his industrial and moral education, for an indefinite period not exceeding in the whole five years from the commencement of his imprisonment in the common gaol.

send him for detention in the Reformatory.

4. Every boy sentenced under the first or third section of this Act shall be detained in the said Reformatory until the expiration (if any) of the fixed term of his sentence, unless sooner discharged by lawful authority, and thereafter shall, subject to the provisions hereinafter made and to any regulations made under section ten of this Act, be detained in the said Reformatory for a period not to exceed five years from the commencement of his imprisonment, for the purpose of his industrial and moral education.

Boys sentenced to Reformatory may be detained after end of sentence for purposes of reform.

5. Any sheriff or other person having the custody of an offender sentenced to imprisonment in the said Reformatory, may detain the offender in the common gaol of the county in which he is sentenced, or other place of confinement in which he may be, until a provincial bailiff or other person lawfully authorized in that behalf requires his delivery for the purpose of being conveyed to the said Reformatory.

Boys sentenced to imprisonment may be detained in gaol until taken to Reformatory.

6. In case any boy is sentenced to confinement in the Reformatory, a copy of the sentence of the court, duly certified by the proper officer, or the warrant or order of the judge or other magistrate by whom the boy is sentenced, shall be a sufficient authority to the sheriff, constable or other officer who may be directed so to do (which direction may be verbal), to convey such boy to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain the said boy until the provincial bailiff, or other person lawfully authorized, shall require the delivery of such boy for removal to the Reformatory.

What shall be sufficient warrant for taking the boy to gaol until conveyed to Reformatory.

7. In case any boy sentenced to be confined in the Reformatory is in such a weak state of health that he cannot safely or conveniently be removed to the Reformatory, he may be detained in the common gaol or other place of confinement in which he may be, until he is sufficiently recovered to be safely and conveniently removed to the Reformatory.

Provision in case of ill health of the boy.

Provision for  
apprenticing  
a boy to a  
trade or bind-  
ing him to  
service for  
remainder of  
his term in  
the Reform-  
atory.

**8.** In case any respectable and trustworthy person is willing to undertake the charge of any boy committed to the said Reformatory, when such boy is over the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy is confined in the Reformatory by virtue of a sentence or order pronounced under the authority of this Act or of any other Act of the Parliament of Canada, the Superintendent of the Reformatory may, with the consent and in the name of the Inspector of Prisons and Public Charities of Ontario, bind the said boy to such person for any term not to extend, without his consent, beyond a period of five years from the commencement of his imprisonment, and the Inspector shall thereupon order that such boy shall be discharged from the said Reformatory on probation, to remain so discharged provided his conduct during the residue of the term of five years from the commencement of his imprisonment, continues good; and he shall be discharged accordingly: Provided that any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said boy, or to some other person for his benefit.

Proviso: his  
wages to be  
for his use.

Discharge by  
Governor  
General.

**9.** No boy shall be discharged under the next preceding section until after the fixed term of his sentence has elapsed, unless by the authority of the Governor General.

Governor in  
Council may  
make regula-  
tions as to  
such dis-  
charge.

**10.** The Governor General in Council may make such regulations as he may consider advisable for the discharge, after the expiration of the fixed term of sentence, of prisoners confined in the said Reformatory under this Act or any other Act of the Parliament of Canada; and such discharge may be either absolute or upon probation, subject to such conditions as may be imposed under the authority of the said regulations.

Boy violating  
conditions of  
discharge on  
probation  
may be re-  
committed to  
Reformatory.

**11.** The Judge of any County Court or any Police Magistrate may, upon satisfactory proof that any boy who was sentenced under the provisions of this Act or of any other Act of the Parliament of Canada, and who has been discharged on probation, has violated the conditions of his discharge, order such boy to be re-committed to the said Reformatory, and thereupon he shall be detained therein under his original sentence as if he had never been discharged.

If a boy's  
term expires  
on a Sunday.

**12.** Whenever the time of any boy's sentence in the said Reformatory, under any law within the legislative jurisdiction of the Parliament of Canada, expires on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following.

If he is dan-  
gerously ill  
when it  
expires.

**13.** No boy shall be discharged from the said Reformatory at the termination of his term of confinement, if then labouring

ing under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in such Reformatory until he recovers from such disease or illness: Provided that any boy remaining in the said reformatory for any such cause shall be under the same discipline and control as if his term were still unexpired. Proviso.

14. Every person subjected to imprisonment or detention in the Reformatory shall be liable to perform such labour as may be required of him, and shall be subject to the discipline and regulations of the said Reformatory prescribed or made by lawful authority. To be liable to labour and discipline.

15. The one hundred and seventh chapter of the Consolidated Statutes of the late Province of Canada is hereby repealed, except as to matters within the exclusive jurisdiction of the Legislatures of Ontario and Quebec respectively: chapter forty-three of the Statutes of the Parliament of Canada passed in the thirty-eighth year of Her Majesty's reign, is also hereby repealed, but such repeal shall not revive section ninety-eight of the Act intituled "*An Act respecting procedure in criminal cases, and other matters relating to criminal law.*" so much of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act respecting the trial and punishment of juvenile offenders,*" as authorizes two or more Justices of the Peace sitting in Petty Sessions to sentence offenders to imprisonment in a Reformatory in Ontario, is also hereby repealed. Repeal of certain Acts as to Ontario only. Chap. 107, of Con. Stat. Can. 38 V., c. 43.

16. This Act shall apply to the Province of Ontario only, and the Acts and parts of Acts mentioned as repealed in the fifteenth section of this Act, are so repealed as to Ontario only, and shall remain in force elsewhere as if this Act had not been passed. Act to apply to Ontario only.

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## CHAP. 40.

An Act respecting "The Industrial Refuge for Girls," of Ontario.

[Assented to 7th May, 1880.]

**WHEREAS** an Act has been passed by the Legislature of the Province of Ontario, for the establishment of an Industrial Refuge for Girls, and it is expedient that an Act should be passed by the Parliament of Canada authorizing the confinement therein of juvenile female offenders: Preamble.

Therefore

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

After the proclamation declaring the Refuge open, girls apparently under 14, and sentenced to imprisonment may be detained in it for their term of imprisonment, and afterwards for the purpose of their reform.

1. After a proclamation has been issued by the Lieutenant-Governor of Ontario declaring "The Industrial Refuge for Girls," of Ontario, open for the reception of girls under the age of fourteen years, where any girl who at the time of her trial appears to the court to be under the age of fourteen years, is convicted of any offence for which a sentence of imprisonment for a period of one month or longer but less than five years, may be imposed upon an adult convicted of the like offence, and the court before which the girl is convicted is satisfied that a due regard for her material and moral welfare manifestly requires that she should be committed to the Industrial Refuge for Girls, then such court may sentence such girl to be imprisoned in the Andrew Mercer Ontario Reformatory for Females, for such fixed term as the court may think fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence, and may further sentence the said girl to be kept in the said Industrial Refuge for Girls for an indefinite time after the expiration of such fixed term: Provided that the whole period of confinement in such Reformatory and Industrial Refuge shall not exceed five years from the commencement of her imprisonment: Provided also, that in every case where the imprisonment for the offence committed is fixed by law to be five years, or longer, then such imprisonment shall be in the penitentiary.

Proviso: total term limited.

Proviso: if sentenced for five years or more.

What magistrate may act in such cases.

2. The powers conferred by the preceding section shall not be exercised by a Justice of the Peace or several Justices of the Peace sitting in Petty Sessions, but this limitation does not apply to a Police Magistrate or Stipendiary Magistrate.

When a girl under 14 is sentenced to gaol for 14 days or more, a judge may, after inquiry, send her for detention in the Refuge.

3. Where any girl apparently under the age of fourteen years is convicted of any offence punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a period of fourteen days at the least, then any judge of one of the superior courts of Ontario (or any Judge of a County Court in that Province, in any case occurring within his county), may examine and enquire into the circumstances of such case and conviction, and where he considers the material and moral welfare of the girl requires it, he may, as an additional sentence for such offence, sentence such girl to be sent either forthwith, or at the expiration of her imprisonment in such gaol, to the said Industrial Refuge, to be there detained for the purpose of her industrial and moral education for an indefinite period not exceeding in the whole five years from the commencement of her imprisonment in the common gaol.



4. Every girl sentenced under the first section of this Act shall be detained in the said Reformatory until the expiration of the fixed term of her sentence, unless sooner discharged by lawful authority; and such girl thereafter shall, and every girl sentenced under the third section of this Act shall, subject in both cases to the provisions hereinafter made and to any regulations made under section seven of this Act, be detained in the said Industrial Refuge for a period not to exceed five years from the commencement of her imprisonment for the purpose of her industrial and moral education.

Girls sentenced under s. 1, may be detained in Reformatory until the end of sentence, and thereafter, for purpose of reform.

5. In case any respectable and trustworthy person is willing to undertake the charge of any girl committed to the said Refuge, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such girl is confined in the said Refuge by virtue of a sentence or order pronounced under the authority of this Act or of any other Act of the Parliament of Canada, the Superintendent of the Refuge may, with the consent and in the name of the Inspector of Prisons and Public Charities of Ontario, bind the said girl to such person for any term not to extend, without her consent, beyond a period of five years from the commencement of her imprisonment; and the Inspector shall thereupon order that such girl shall be discharged from the said Refuge on probation, to remain so discharged provided her conduct during the residue of the term of five years from the commencement of her imprisonment continues good; and she shall be discharged accordingly: Provided that any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said girl or to some other person for her benefit.

Provision for apprenticing a girl to a trade or binding her to service for remainder of her term in the Refuge.

Proviso: her wages to be for her use.

6. No girl shall be discharged under the next preceding section until after the fixed term of her sentence has elapsed, unless by the authority of the Governor General.

Discharge by Governor General.

7. The Governor General in Council may make such regulations as he may consider advisable for the discharge, after the expiration of the fixed term of sentence, of prisoners confined in the said Industrial Refuge for Girls, under this Act or any other Act of the Parliament of Canada; and such discharge may be either absolute or upon probation, subject to such conditions as may be imposed under the authority of the said regulations.

Governor in Council may make regulations as to such discharges.

8. The Judge of any County Court or any Police Magistrate may, upon satisfactory proof that any girl who was sentenced under the provisions of this Act or of any other Act of the Parliament of Canada, and who has been discharged on probation, has violated the conditions of her discharge, order such girl to be recommitted to the said Refuge, and thereupon

Girl violating terms of discharge on probation may be recommitted to Refuge.

upon she shall be detained therein under her original sentence as if she had never been discharged.

Girls in Reformatory or Refuge to be subject to discipline.

9. Every person subjected to imprisonment or detention in the said "Andrew Mercer Ontario Reformatory for Females" or in the said "Industrial Refuge for Girls" shall be liable to perform such labour as may be required of her, and shall be subject to the discipline and regulations of the said Reformatory or Refuge, prescribed or made by lawful authority.

When and where this Act shall apply.

10. This Act shall apply to the Province of Ontario only, and shall not take effect until a proclamation has been issued declaring the said Industrial Refuge for Girls open for the purposes of this Act.

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## CHAP. 41.

### An Act respecting the Reformatory for Juvenile Offenders in Prince Edward Island.

[Assented to 7th May, 1880.]

Preamble.

WHEREAS the Legislature of the Province of Prince Edward Island purposes establishing a Reformatory for Juvenile Offenders:—Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

After proclamation declaring the Reformatory ready, offenders under sixteen liable to imprisonment may be confined and detained in it.

1. So soon as a Proclamation has been issued by the Lieutenant-Governor of the said Province, declaring that such Reformatory has been established and made ready for the confinement of prisoners, then when any person apparently under the age of sixteen is convicted before the Supreme Court or Stipendiary Magistrate of any offence for which by law he is liable to imprisonment, the said court or Stipendiary Magistrate may sentence such person to be detained in the said Reformatory for any term not exceeding five years nor less than two years, as to the said court or magistrate shall appear proper.

And also such offenders while awaiting trial.

2. Any person apparently under the age of sixteen years, arrested on a charge of having committed any offence within the said Province, not capital, shall not, while awaiting trial for such offence, be detained in any common gaol, but shall be detained in such Reformatory.

3. If any offender detained in such Reformatory wilfully neglects to conform to the rules thereof, he may, upon summary conviction, be imprisoned in the common gaol with hard labour for any term not exceeding three months; and at the expiration of his term of imprisonment he shall be brought back to the Reformatory, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to the prison.

Offenders wilfully contravening rules of Reformatory may be sent to jail at hard labour.

4. If any offender escapes from such Reformatory he may, at any time before the expiration of his period of detention, be apprehended without warrant and brought before the Supreme Court or Stipendiary Magistrate, and on proof of his identity, the said court or magistrate shall, if it is the first time he has so escaped, remand him to the said Reformatory there to serve the remainder of his original sentence with such additional term, not exceeding one year, as to the said court or magistrate may appear proper; and if it is his second or any subsequent escape, may commit him to the common gaol, there to remain until the expiration of the period for which he was remanded to the said Reformatory, with such additional term not exceeding three months, as to said court or magistrate may appear proper.

Arrest and punishment of offenders escaping from Reformatory.

## CHAP. 42.

An Act relating to Interest on moneys secured by Mortgage of Real Estate.

[Assented to 7th May, 1880.]

**W**HEREAS it is expedient to make certain provisions concerning interest on moneys secured by mortgage of real estate: 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 any principal money or interest secured by mortgage of real estate is by the same made payable on the sinking fund plan, or on any plan under which the payments of principal money and interest are blended, or on any plan which involves an allowance of interest on stipulated repayments, no interest whatever shall be chargeable, payable or recoverable, on any part of the principal money advanced, unless the mortgage contains a statement showing the amount of such principal money and the rate of interest chargeable thereon, calculated yearly or half-yearly, not in advance.

No interest recoverable in certain cases, unless the mortgage contains a certain statement as to principal and interest.

No rate recoverable beyond that shewn in such statement.

**2.** Whenever the rate of interest shewn in the statement referred to in the next preceding section is less than the rate of interest which would be chargeable by virtue of any other provision, calculation or stipulation in the mortgage, no greater rate of interest shall be chargeable, payable or recoverable on the principal money advanced than the rate shewn in the said statement.

No fine allowed on payments in arrear.

**3.** No fine or penalty or rate of interest shall be stipulated for, taken, reserved or exacted on any arrear of principal or interest which shall have the effect of increasing the charge on any such arrear beyond the rate of interest payable on principal money not in arrear: Provided always, that nothing in this section contained shall have the effect of prohibiting a contract for the payment of interest on arrears of interest or principal at any rate not greater than the rate payable on principal money not in arrear.

Proviso: for interest on arrears of interest.

Overcharge of fine or interest may be recovered back.

**4.** In case any sum is paid on account of any interest, fine or penalty not chargeable, payable or recoverable under the foregoing sections, such sums may be recovered back or deducted from any other interest, fine or penalty chargeable, payable or recoverable on the principal.

Mortgage may be discharged after five years on certain conditions.

**5.** Whenever any principal money or interest secured by mortgage of real estate is not, under the terms of the mortgage, payable till a time more than five years after the date of the mortgage then in case at any time after the expiration of such five years, any person liable to pay or entitled to redeem the mortgage, tenders or pays to the person entitled to receive the money, the amount due for principal money, and interest to the time of payment as calculated under the foregoing sections, together with three months' further interest in lieu of notice, no further interest shall be chargeable, payable or recoverable at any time thereafter on the principal money or interest due under the mortgage.

Act to apply to mortgages made after 1st July, 1880.

**6.** This Act shall apply to all moneys secured by mortgage on real estate executed after the first day of July, in the year of our Lord one thousand eight hundred and eighty.

## CHAP. 43.

An Act for the relief of Permanent Building Societies  
and Loan Companies.

[Assented to 7th May, 1880 ]

**W**HEREAS, acting under the authority of the Act passed Preamble,  
in the thirty-seventh year of Her Majesty's reign, 37 V., c. 50.  
chapter fifty, intituled "*An Act to make further provision  
for the management of Permanent Building Societies carry-  
ing on business in the Province of Ontario,*" the Minister of  
Finance has, from time to time, furnished to building, loan  
or savings societies or companies in Ontario, on their appli-  
cation, printed forms purporting to be forms of statement in  
accordance with the provisions of the said Act in that behalf;  
and whereas, on account of some difference in the language  
used in the said forms as compared with the language of the  
said Act, and by reason of affidavits not having been made  
verifying such statements, doubts have arisen as to whether  
returns made upon the said forms are a compliance with the  
said Act, and it is desirable to remove such doubts and to  
relieve societies whose officers have made their returns upon  
the said forms from being harassed by suits for penalties  
under the said Act, and also to further amend the said Act  
above cited: Therefore Her Majesty, by and with the advice  
and consent of the Senate and House of Commons of Canada,  
enacts as follows:—

**1.** Every statement transmitted to the Minister of Finance, Certain  
at any time previous to the passing of this Act, by any statements  
Building, Loan or Savings Society or Company incorporated transmitted  
under chapter fifty-three of the Consolidated Statutes of to Minister  
Upper Canada, or any Act thereby consolidated, or otherwise of Finance  
incorporated, which statement purports to have been filled to be deemed  
up according to the said printed forms, or otherwise in sufficient  
substantial compliance with the provisions hereinafter under sec. 19  
mentioned, whether the same has or has not been attested of 37 V., c.  
by oath or affirmation, shall be deemed and taken to be, and 50, as amend  
to have been, a sufficient statement, and in compliance in all ed by 40 V.,  
respects with the provisions of the nineteenth section of the c. 49.  
said Act, intituled "*An Act to make further provision for the  
management of Permanent Building Societies carrying on  
business in the Province of Ontario,*" or of the said section  
as amended by the third section of the Act passed in the  
fortieth year of Her Majesty's reign, chapter forty-nine, as  
the case may be, and to have been properly made, filled up  
and attested according to the provisions of the said Acts,  
whether such statements were attested or not, or whether or  
not the said statement or the affidavit verifying the same  
was transmitted in due time to the said Finance Minister;  
and

Societies which transmitted them indemnified.

and every society or company incorporated as aforesaid, the officers of which shall have transmitted such statement, shall be and is hereby indemnified, exonerated, freed and discharged of and from all pecuniary penalties and forfeitures whatsoever (if any) which may have been incurred by such company or society by reason of its having neglected to transmit any other, or further, or differently attested statement, or to perform the obligations imposed on it by the said Acts or any of them in that behalf.

As to actions for penalties commenced after or before the passing of this Act.

**2.** In case any action, suit or proceedings shall, after the passing of this Act, be brought, carried on or prosecuted against any society or company for or on account of any pecuniary penalty or forfeiture whatever incurred or to be incurred by any such neglect, as is intended to be relieved against by this Act, such society or company may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any trial to be had thereupon; and in any action or suit commenced before the passing of this Act or now pending against any society or company for or on account of any such neglect, the court or judge thereof shall, on the application of the defendant, order all proceedings in such action or suit to be stayed on payment of the costs thereof to the plaintiff therein, but in default of such application the plaintiff may prosecute such action or suit to judgment.

Stay of proceedings in suits commenced.

Effect on such actions of subsequent receipt by the Minister of a sufficient statement.

**3.** No action brought after the passing of this Act against any society or company incorporated as aforesaid for any past or future failure to comply with the provisions of the said Act, or of the said Act as amended as aforesaid, as the case may be, shall be maintained, if such action was or is commenced at any time subsequent to the receipt by the Minister of Finance of the statement required by the said Act, or of the statement, whether attested as aforesaid or not, declared valid by this Act, unless such action is brought by the Crown, or by the Minister of Justice suing on behalf of the Crown.

Exception.

Statement not required in case society has ceased to do business or has never done any.

**4.** The provisions of the said nineteenth section of the said Act, intituled "*An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario,*" shall not, nor shall those of the said section as amended as aforesaid, be held to apply, or to have applied, to any society or company which has ceased or shall have ceased, to carry on business prior to the year for which the return is or was required, nor to any society or company which, though incorporated, never carried on business; and upon its being proved that any society or company incorporated as aforesaid did not lend any money, or receive any deposit, or issue any debenture during the year for which it is alleged a return in accordance

Proof of having done no business.

ance with such section, or with such section as amended as aforesaid, has not been made, such society or company shall be deemed to have ceased to carry on business within the meaning of this section.

5. The nineteenth section of the said Act passed in the thirty-seventh year of Her Majesty's reign, chaptered fifty, as amended by the third section of the said Act, passed in the fortieth year of Her Majesty's reign, chaptered forty-nine, and the said last mentioned section, are hereby repealed, and the following substituted therefor :—

Section 19 of 37 V., c. 50, as amended by sec. 3 of 40 V., c. 49, repealed, and a new section substituted.

“ 19. Such society shall, on or before the first day of March in each year, transmit to the Minister of Finance a full and clear statement of the society's assets and liabilities on some day to be stated therein ; and such day shall not be more than twelve months prior to the said first day of March, or earlier than the end of the last preceding financial year of such society ; and such statement shall contain, in addition to such other particulars as the Minister of Finance may require, the following :—

Annual statement to be transmitted to Minister of Finance.

What such statement must contain.

“(a) The amount of stock subscribed ;

“(b) The amount paid in upon such stock ;

“(c) The amount borrowed for the purposes of investment and the securities given therefor ;

“(d) The amount invested and secured by mortgage deeds ;

“(e) Amount of mortgages payable by instalments ;

“(f) The number and aggregate amount of mortgages upon which compulsory proceedings have been taken during the past year ; and also the value of mortgaged property held for sale, and the amount chargeable against it ;

Particulars as to mortgages.

“(g) The present cash value of the society's investments on mortgages and other securities, and the rate or rates per cent. at which the future repayments are discounted in ascertaining such present cash value ; which rate or rates shall be at least equal to the rate or rates which such mortgages or other securities respectively bear, or were originally calculated to yield.

Cash value of investments and how calculated.

“ 2. Such statement shall be attested by the oath (taken before some Justice of the Peace, or commissioner for taking affidavits in the superior courts) of two persons, one being the president, vice-president, manager or secretary, and the other

To be attested on oath and by what officers.

And to be published by the Minister of Finance.  
Penalty for non-transmission.

“ other the manager, secretary or auditor of such society, each  
“ of whom shall swear distinctly that he holds such office as  
“ aforesaid, that the statement has been prepared by the pro-  
“ per officers of the company, that the deponent believes that  
“ it has been prepared with due care, and that he believes it  
“ to be true in every particular ; and such statement shall be  
“ published by the Minister of Finance in such manner as he  
“ thinks most conducive to the public good : and for any  
“ neglect to transmit such statement in due course of post,  
“ within five days after the day upon which the same should  
“ be transmitted, such society shall incur a penalty of fifty  
“ dollars per diem, but not exceeding in the whole one  
“ thousand dollars.

Proceedings by Minister of Finance under Order in Council in certain cases of default to transmit statement.

“ 3. If such statement is not transmitted within a month  
“ after the said first day of March, or if it appears by the state-  
“ ment that such society is not in a condition to justify its con-  
“ tinuance in business with the powers theretofore possessed  
“ by such society, the Minister of Finance may, under the  
“ authority of, or by order of the Governor General in Coun-  
“ cil, by a notice in the *Canada Gazette*, declare the business  
“ of such society to have ceased, so far as regards borrowing  
“ money, and any other matters mentioned in the Order in  
“ Council and notice aforesaid.”

Certain statements made in conformity with this Act or under the sections it repeals to be deemed sufficient.

6. Any statement heretofore made, or which may be here-  
after made by any society or company with reference to a  
financial year of such society or company ending prior to the  
passing of this Act, shall be deemed sufficient if such return  
is made, either in accordance with the provisions of the said  
section nineteen hereinbefore repealed, or of the said sec-  
tion as amended as aforesaid, as the case may be, or in  
accordance with the provisions of this Act.

Extension of time for making statement, for want of sufficient time to examine it.

7. If any officer of a society or company shall, when called  
upon to attest the statement required under this Act, find  
himself unable to make the required affidavit of attestation  
on account of his having doubts as to the correctness of the  
statement presented to him for attestation, and further time  
is needed in order to permit of an examination of the items  
making up such statement, then, upon application of such  
officer, or of any one on his behalf, or on behalf of the society  
or company, made at any time before the sixth day of March  
of the proper year, the Minister of Finance may enlarge the  
time for transmitting such statement to a day not later than  
the first day of May of such year,—and the day so fixed by  
the said Minister of Finance shall thereupon become the day  
within five days of which the said statement, attested as re-  
quired by this Act, shall be transmitted by such society or  
company to the Minister of Finance, under the like penal-  
ties, in case of omission to make the same within such time,  
as if such day had been inserted in the nineteenth section of  
the



the said Act as amended by this Act, in lieu of the first day of March: Provided that the said enlargement of time shall not prevent proceedings being taken under the nineteenth section of the said Act as amended hereby, if the Governor General in Council shall so order. Proviso.

2. It shall be sufficient, if the statement required to be furnished on or before the first day of March, one thousand eight hundred and eighty, is transmitted to the Minister of Finance on or before the first day of May next following, with power to the said Minister of Finance, under the like circumstances, to enlarge such time to a day not later than the first day of June of such year. As to statements due on 1st March, 1880.

8. The provisions contained in section five of this Act, from the figure 19 to the end thereof, and in section seven of this Act, shall apply to every Investment, Loan or Savings Society or Company incorporated by Act of Parliament of Canada, and to every institution or corporation incorporated without the Dominion of Canada and lending and investing money in Canada, and to the officers in Canada of every such society or company, institution or corporation, and to the Minister of Finance with relation to every such society or company, institution or corporation; and for that purpose the word "society" in the said sections shall mean also and include company, institution or corporation, as the case may require. Application of provisions of sections 5 and 7 of this Act.  
Interpretation.

9. The compliance by or on the part of any such society or company, institution or corporation and its officers with the said provisions, shall be deemed and taken to be a compliance with the provisions of any section of any Act requiring such society or company, institution or corporation to transmit to the Minister of Finance any annual statement or return of its affairs or of its assets and liabilities. Compliance with this Act by officers to be deemed compliance by company, &c.

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